UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
FIRST SESSION

VOLUME 143—PART 16

OCTOBER 23, 1997 TO OCTOBER 30, 1997
(PAGES 22623 TO 24014)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

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SENATE—*Thursday, October 23, 1997*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we are accountable to You. You have given us life, loved and guided us, and entrusted to us responsibilities to be assumed and done for Your glory. In all our ways, we will acknowledge You and You shall direct our paths.

Today, as we continue these "Character Counts" prayers and thank You for the pillar of character called responsibility, we praise You that You have given us minds to know Your thoughts, goodness to strengthen our emotions, and resoluteness to motivate our wills. The central purpose of our lives is to listen for Your commands and to obey with passion. Help us to do the best we can with all that we have, so that we may serve You with excellence.

Lord, You have given each of us a realm of responsibility. We are stewards of the blessings You have given us. All that we have and are is a gift from You to be used for the relationships You have given us. Help us to be generous and kind as we assume responsibility for loved ones, friends, people for whom we work or those who work for us.

Lord, help us never forget that we must account for how responsible we were to You in carrying out our responsibilities. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. KEMPTHORNE. Thank you, Mr. President.

SCHEDULE

Mr. KEMPTHORNE. Mr. President, this morning the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. At 11 a.m., under the previous order, the Senate will conduct a cloture vote on the modified committee amendment to Senate bill 1173, the ISTEA reauthorization bill. Following that vote, the Senate will vote on passage of House Joint Resolution 97, the continuing resolution. Therefore, Members can anticipate two consecutive rollcall votes beginning at approximately 11 a.m. today. If cloture is not invoked at 11:00 a.m., a second cloture vote is expected to occur later in the afternoon. Hopefully, the Senate can make good progress on the highway legislation during today's session.

As a reminder to all Members, a third cloture motion was filed last evening in the event that cloture is not invoked during today's session. If needed, that vote will occur on Friday at a time to be determined later. In addition, if any appropriations conference reports become available, the Senate is expected to consider those reports in short order. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANN'S CAMPAIGN FOR A SAFER AMERICA

Mr. KEMPTHORNE. Mr. President, my children attend a high school in Fairfax County. It is a high school that has great diversity, great hope, great potential. It is a school that you might say is in some transition. The school has seen a great deal of improvement, has a great deal of camaraderie, a great spirit at this public high school. It is Mount Vernon High School. The teachers care, the parents care, the administrators care. My kids have made terrific friends at this school, friends that indeed will last a lifetime.

One student, Ann Harris, became one of my daughter's absolute best friends. They had morning period together. They had one book that they would share, they would make notes and they would pass it each day with the thoughts that they had in their heart and they would share it back and forth.

Ann Harris's father, Coleman, has been PTA president for 3 years. His wife, Jean, you could not ask for a better booster for that high school. They want to make sure that that high school is a safe place for kids, and they have done a terrific job.

March 29 of this year my wife and I were driving when the cell phone rang. I answered, and it was my daughter. I could tell that something was very wrong because of the anguish in her voice. She said, "Dad, when will you and Mom be home?" And I said we will be home very soon. Then my daughter started crying and she said, "Ann Harris is dead." And I said, "What?" And she said, "Ann is dead," and she continued to cry. I tried to ask her what in the world had happened, and she said she has been shot.

We later learned that she had been shot in a drive-by. So here is Coleman and Jean Harris, doing all they can as parents, all that teachers and administrators can do to make sure that you have a safe school, a safe environment, and a safe neighborhood.

But here is the irony. That shooting did not take place in our neighborhood. It took place 3,000 miles away over spring break because of something going on in that community where some guy, for whatever reason, got offended and fired into the back of that automobile, ending the lovely life of a 17-year-old girl.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Ann Harris was a model student and a model citizen. She was an A student. She was an outstanding athlete, a great tennis player. She had been accepted to Purdue University. She is gone because somebody—somebody—just undertook a senseless and pointless act that extinguished the life of so much potential.

I can tell you that not just my daughter cried but a whole community has cried in mourning the loss of Ann Harris. I don't think there is a sweeter smile that I have seen on anybody than on the face of Ann Harris.

We talk about this today on the floor of the U.S. Senate because how many times throughout the United States in any of our communities do we pick up newspapers and find out that a young life has been extinguished because of some senseless, violent act? We read about it all the time.

In 1994, more than 2,600 juveniles between the ages of 10 and 17 were murdered. That is a rate of seven per day. One in five of these victims was killed by another juvenile. The number of juveniles arrested for violent crimes has increased 60 percent in the last 10 years. During that same time, murder arrests rose 125 percent. Our young people are the most frequent victims of violent crime. They are raped, robbed or assaulted at a rate five times higher than adults. The homicide rate for youths in the United States is 10 times higher than in Canada, 15 times higher than in Australia, 28 times higher than in France and Germany. This increase in juvenile crime has been linked to the increase in youth gang activity. Gangs are now present in all 50 States, in large cities, small cities, and in rural communities.

I think it is appropriate for the U.S. Senate to salute the life of Ann Harris and all of these young Americans that we have lost who have been senselessly killed for no reason.

At graduation this past June, they still called Ann's name, and her brother and sisters came across the stage to accept her diploma. Waiting on stage to meet each graduate were Coleman and Jean Harris. They hugged every student, just as they hoped that they would be hugging Ann on receiving her diploma.

May this tragic event somehow cause all of us to look around our own communities. With us today are Coleman and Jean Harris; Ann's high school principal, Calanthia Tucker; Fairfax County school board member, Kris Amundson; members of the church, the pastor.

All of us today salute and celebrate the life of Ann Harris and the life of the young people that aren't with us. Let us, as parents and as adults, redouble our efforts. What have we done lately for our children and for our community? Have we gotten involved in our children's schools to make sure they are safe, that they are drug free? Have we demonstrated with organizations like Parents and Youth Against Drug Abuse that that is the right thing to be doing? Have you worked with local law enforcement agencies to develop safer neighborhoods and a support system?

Ann's parents have continued their efforts to promote safer schools in safer neighborhoods. They have started with what is called Ann's Campaign, "Ann's Campaign For A Safer America." The focus of the campaign is to help youth and adults live the kind of life exemplified by Ann, a life that radiated kindness, warmth and compassion for others. That describes Ann Harris.

In just a few months, Ann's Campaign has grown from a simple concept born of love to a national organization with a web site that offers encouragement, support, and information to interested persons. Ann's Campaign provides links to other support groups such as Mothers Against Violence in America and Students Against Violence Everywhere. Through this type of networking, the Harris's hope to promote a positive message to young people that together we really can build a better America and a safer America.

I send my sincere thoughts and prayers to the Harris family on their loss, my admiration and support for their effort to make our world a little bit better place to live. As the model of Ann's Campaign advocates, we need to encourage each other to smile more, to care more, to love more, and to be more understanding. If we save just one life, we have paid the finest tribute in the world to Ann Harris, and we can do so. This senseless loss of life of our young people must come to an end.

So while my heart is sad, it also celebrates. My family knew Ann Harris. All the kids at Mount Vernon High School knew Ann Harris, and for the rest of their lives they will know the joy that she brought to them, and through Ann's Campaign it can bring to others throughout the United States.

Mr. President, I referenced Ann's Campaign and the fact that they have a Web site. Anybody who wishes to access that, if they simply access "annscampaign.org," they would have access to that Web site. I acknowledge that Senator CHUCK ROBB of Virginia, whose alma mater is Mount Vernon High School, intends to be speaking on this issue today, too, as well as Senator SAM BROWNBACK of Kansas, who will be coming down and speaking on this issue.

I mentioned about the parents and all of us getting involved. I am very proud of my wife, who is now the President of the PTA of Mount Vernon High School. Now, it is with pleasure that I turn to my colleague from Idaho, the senior Senator from Idaho, Senator CRAIG, who has comments with regard to Ann Harris.

Mr. CRAIG. Mr. President, I thank my colleague, Senator KEMPTHORNE, for taking out this time to reference what tragically has become all too common in America today—the loss of a beautiful person and the repercussion of that loss on the family of Coleman and Jean Harris. I must tell you, I did not know Ann, but I do know Coleman and Jean, the parents of Ann. I watched as the community around where Senator KEMPTHORNE and I live mourned the loss of this beautiful young girl and felt the tragedy of it all.

I don't know what we do about crime in America today. The statistics this morning were, as I drove in from the Mount Vernon area to our Nation's Capital, that the number of violent crimes is down in America. That is always positive and it is always good. When Ann left home here in northern Virginia to go to Tacoma, WA, with her friends to see friends, she did not expect to be treated violently or to become involved in a violent episode, because the perpetrator of the incident that killed Ann Harris broke the law.

So is the answer today adding more laws to the books? It really doesn't seem to be. What Coleman and Jean Harris are doing today may well be a piece of an answer that allows citizens of this country not only to express themselves, but to recognize that this is a people problem that we are dealing with today, that it is a societal problem in our country, that stacking laws upon laws that people refuse to live by, if they decide to constantly be a breaker of the law, doesn't solve the problem.

Now, when I came to work yesterday morning, I was involved in the standard traffic gridlock that oftentimes we become involved in in this immediate metropolitan area. There were times when my temper flared and I thought, why should this happen? Yet, I calmed myself and relaxed as much as I could to cope, so that I would not misjudge or cause a bad action. Certainly that kind of reaction, or whatever may have caused a reaction that caused the death of Ann Harris, is something that I think we all need to deal with. Thank goodness, the parents of this beautiful girl have said, "We are going to do something about it. In the name of Ann Harris, Ann's Campaign, we are going to do something about it."

They have not approached Senator KEMPTHORNE and me and said we want more laws. What they have said is, "We want a campaign nationwide that recognizes that if you smile more and care more and you love more and you have more understanding and you bring back to the culture of this society some of those underpinnings that kept us whole and kept a human relationship going for so long that seems to have broken down, that may have caused the death of Ann Harris, and certainly does cause deaths around the country in drive-by shootings and those kinds of things that just seem to be baseless types of crimes, that our society can, by these actions and by this action of the Harrises, become a better and a safer place to live. That is what we must all dedicate a part of our time to.

DIRK KEMPTHORNE and I are lawmakers, and we could probably pass another law. Certainly, in the passion and emotion of these kinds of incidents happening, all of us want to reach out and do something about it and do it quickly. Well, this Senate and this Congress, for the last decade, has passed a lot of laws that deals with violent actions of our citizens. Yet, somehow we are told by sociologists today that we must prepare ourselves for a very violent generation of juveniles. While adult crime goes down, as I referenced, juvenile crime seems to go up. I suspect that when society as a whole does what Coleman and Jean Harris are now doing on behalf of the beautiful daughter they lost, and more and more citizens speak up and become involved, and our communities and our churches and all of the institutions of our society bind together in intolerance of this kind of activity, that we will once again become a safer place to live.

So let me thank my colleague again for this time and this recognition. We must continue to use any pulpit we can to speak out, and certainly the Harrises have. They have every reason to. I applaud them for their action and want to be a part of it where I can be as I ask other citizens to in the name of Ann and Ann's Campaign so that we can all smile a little more in a less violent society.

Thank you, Mr. President.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from Idaho for his very thoughtful comments that he made this morning and for the sincerity by which I know he has delivered them.

I now, with a great deal of honor, yield to the Senator from Washington, Senator MURRAY, for her comments as well.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I stand with my colleagues from Idaho today out of anger, sadness, and commitment. A beautiful young woman, Ann Harris, was murdered in my State of Washington. She was murdered by a young man in a random act of violence as she rode in a car with her friends through a Tacoma neighborhood.

Her death is an outrage. We all should be furious. But the saddest comment is that to so many young people, Ann is simply another statistic. To too many she's just "another homicide." A 17-year-old girl is murdered by a young college football player. Our eyes just glaze at the headline and move on.

This time, her parents, her friends, my colleagues and I, and many individuals and organizations across America are not going to let her murder be only a small blip on the television screen. We will not forget her—or any of the other hundreds of children and young people murdered each year.

Her parents, Coleman and Jean, have organized "Ann's Campaign for a Safer America." Even in their tragic loss and profound grief, they pledged to themselves and their lost daughter that they would work to stop violence and stop our national indifference to it. Ann's Campaign's focus will be to encourage, motivate, educate, and help youth and adults alike to live the life Ann radiated—a life that said every day and in every way: smile more, care more, love more, and be more understanding. They will help us all focus on the good and learn to stop violence.

Mr. President, this is not about guns. This is about an attitude among too many young people "on the street" that violence is an acceptable alternative. We adults, we Members of Congress, must send the message to our kids and young adults that when someone is killed it will not pass by unnoticed. As adults we must let them know killing and maiming is appalling—and totally unacceptable.

To too many of them it is a quick news piece and it's gone. To too many of them it is "just another funeral." But to parents and family and friends it is a light gone out, a hope not realized, a life not fulfilled.

Mr. President, there is hope that we can make a change in the apathy of our young people. In addition to Ann's parents, a friend of mine from Mercer Island, Pam Eakes, formed an organization called Mothers Against Violence in America.

After hearing about one too many children who lost their lives to violence, she resolved to make a difference, to make kids think about their actions, to teach them empathy, to teach them nonviolence.

Mothers Against Violence also supports families of victims. There is nothing worse than a parent's loss of a child. They feel helpless, and often guilty, like they somehow are to blame for not giving their child full protection from all danger. They are innocent victims, too, and desperately need the support that only others who have suffered their loss can give.

I want to again offer my sincere condolences to Ann's parents. They are so brave to wage this war against apathy and indifference and for love and caring and understanding. Every time they discuss these issues, their own wounds are opened. I thank them and I thank Pam Eakes and a member of my staff, Mary Glenn, and all of the mothers and fathers who have taken their grief and have woven it into a mission to change the world.

Mr. President, they cannot fight alone. We all must get involved and teach our children—and each other—that violence is unacceptable. We can make a difference by joining organizations like Mothers Against Violence or Ann's Campaign and working with them to teach and support. And we can start organizations across America to save our children from violence.

Young people can no longer believe that an angry action of one moment is only that. It is not just an action. It is murder. It is wrong and it will be punished. It is time to stop the violence.

I know that I will continue my personal fight against violence in America. And I urge all of our colleagues to join us in this campaign.

Thank you, Mr. President.

Mr. KEMPTHORNE. Mr. President, in listening to the Senator from Washington, we hear not only an effective Senator speak but we also hear a mother speak. I know of the beautiful children she has.

I commend all of the Senators who have spoken on this issue this morning.

Carved in granite behind me are words "In God We Trust."

Today, I just say thank God for Ann Harris. I can think of no finer tribute than for us here on the floor of the U.S. Senate to officially acknowledge Ann's Campaign as it goes nationwide because this lovely lady's life is going to continue to do wonderful things for this country.

Mr. President, I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise today to pay tribute to Ann Harris and her memory.

The Harris family, who I have known for over 20 years, recently suffered the loss of their 17-year-old daughter, Ann. She was the innocent victim of a drive-by shooting.

It is a gross understatement to say that that moment changed their lives forever, but it certainly did exactly that. Confronted with such an atrocity, many people would have used the occasion to question the existence of evil in our society and to ask why such a horrible event could have happened to such an innocent person, and to simply ask the question of "Why? Why? Why? Why has our society become so crime-ridden? Why was such an innocent girl's life taken? Why Ann's life?"

Members have a picture of Ann at their desk. This is Ann's Campaign which they have launched.

When their daughter was shot, the Harris family had an occasion to ask just those same questions that I asked, but they did not ask just those questions. They went further and asked the deeper questions.

They realized that by turning this extraordinary incident, extraordinarily terrible incident—and also by us changing our ordinary incidents—events in our lives into true occasions of loving and of serving God, our communities, and one another, that we begin to change society, not to mention ourselves, for the better. And more importantly, we change them in a way that mitigates against the evil influences that have come to dominate many aspects of this culture.

The Harris family could have used the horrors of this world as an excuse to turn away from God, but, you know, they didn't. Instead, they turned to God and asked quietly, asked humbly, not why—but what? "What do you want us to do? What can we do to make the world a better place? What can we do to keep the memory of our daughter alive?"

Out of that question came a wonderful foundation dedicated to preserving the memory of the daughter the Harris family lost and to fighting the spread of violent crime in our society.

Ann's Campaign for a Safer America—that is what this card is—was established by Jean and Coleman Harris following the brutal death of their daughter. Ann's Campaign for a Safer America seeks to encourage, motivate, educate, and help youth and adults alike to live the life radiated like their daughter did—a life that said every day and in every way: smile more, care more, love more and be more understanding.

The Harris family is combating violence by combating the problems that often lead to violence. And I believe Ann's Campaign is a unique opportunity to help contribute to the restoration of our culture by directly combating the influences that denigrate and ultimately compromise our moral worth as a nation.

The Harris family has turned a horrible event into an occasion of enriching the community and the country. We too can turn the events of our lives, the extraordinary, the terrible, and the good, along with the ordinary, into occasions of remembering to help others, to serve and to love, and to ask the question: Not why, but what? What? What should I be doing? How should I serve?

So I am joined by my colleague, Senator KEMPTHORNE, and several others, in this privilege of highlighting Ann's Campaign that we note here today.

I have a tie on as well that has smiling faces of children from around the world. That was the Ann Harris who I knew. I even knew her while her mother was pregnant with her. She had just a delightful smile and was a joy of life that was taken brutally.

I applaud what the Harris family has done, taking that incident and turning it into something of: What can we say to our culture? How can we change? Not "Why?" But "What?" I applaud what they are doing. I ask and hope and encourage my colleagues to look at this as a campaign that they can help in as well as other people from around this Nation.

Mr. President, I yield the floor.

Mr. ROBB. Mr. President, last spring, a bright young Fairfax County high school senior was murdered while visiting friends in Washington State.

Ann Harris was an honor student, a student leader, a gifted athlete, and a member of the Virginia All-State Chorus. Although she didn't live to graduate from Mount Vernon High School—where I graduated over 40 years ago—she carried a 3.4-grade point average and had been accepted, early admissions, to Purdue University. Last spring, Ann had a future filled with unlimited possibilities.

This fall, as I know her family continued to struggle with their loss, many of her friends in Mount Vernon's Class of 1997 left home to attend the college of their own choice. But they left home with a chilling loss of innocence—the innocence of those who don't know what it's like to lose someone you care about to a senseless act of violence.

We want our young people to be safe. Safe in our schools. Safe in our homes. Safe on our streets. We want them to live and learn and contribute to our country.

Ann's family joins us in the gallery today. Let us take this time to recommit ourselves to working for a safer America for all our children. Ann Harris deserved a future limited only by the borders of her dreams. And her friends deserved the innocence of not knowing someone—when you're 17 years old—who loses their future to a senseless act of violence.

I will conclude by commending Ann's family for creating Ann's Campaign for a Safer America. This campaign encourages all of us to live life as their daughter would have lived—to "smile more, care more, love more and understand more." As the father of three daughters whose smiles have brightened many rooms, I thank you for your efforts.

Mr. INHOFE. Mr. President, I ask unanimous consent I be recognized as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, today we will be having some conversation on the floor concerning the global warming treaty. I will make a few comments concerning that in that I am the chairman of the Clean Air Committee of the Environment and Public Works Committee. We have had extensive hearings on this. I will review just very briefly what we have learned from the hearing that we held in our subcommittee in the Environment and Public Works Committee insofar as global warming is concerned.

In July, the Environmental Committee had a hearing on the global climate change treaty and we heard from five top scientists.

The conclusions I found were very interesting, particularly since last night when I watched Administrator Carol Browner talk about the scientific evidence that is conclusive concerning global climate change. That is not at all what we found in our hearing. We had five of the top scientists around. While there is a large body of scientific research, there is much controversy and disagreement in scientific facts being misrepresented by the administration and the press.

Four things that we came to a conclusion on were, No. 1, we don't know how much human activity has influenced the climate. One scientist before our committee said it could be as much as 6 percent.

Second, if you look at satellite data, we are not sure if there has been any global warming. We had a very interesting session that lasted more than an hour with viewing the satellites and what conclusions could come, and there was no conclusive evidence that there has actually been any global warming.

Three, even if we eliminate all manmade emissions, it may not have a noticeable impact on the environment, and the treaty may only eliminate emissions here in the United States and not in the entire world.

Four, when asked, all five scientists stated that we would not have the uncertainties understood by this December, when the administration plans on making a decision regarding the treaty.

Now, we found out yesterday that the President came and made his announcement. It is kind of interesting, Mr. President, because we passed a resolution on the floor of the Senate, by 95 to 0, that said we would reject any type of a treaty that came from Kyoto that didn't treat the developing nations the same as the developed nations. So the President came out with something where he is calling for a binding 30 percent reduction in emission levels by the year 2012. He calls this an important first step, with more reductions to follow.

As chairman of the Armed Services Readiness Subcommittee, I can tell you that this is going to have a profound negative affect on our ability to defend America, as the President stated yesterday that the military accounts for 43 percent of the Federal energy use. The Federal Government cannot reduce by 30 percent or more without significant cuts in the military. I think this equates to something like a 3 to 7 times greater cut than the Btu tax of 1993.

One of the things that bothered me more than anything else is the moving target that we are dealing with. In March of 1995 in a House Commerce Committee hearing, Congressmen DINGELL and SCHAEFER raised concerns that the new targets may not apply to all countries equally, and on behalf of the administration, Mr. Rafe Pomerance, a Deputy Assistant Secretary of the State Department said, "Our goal, Mr. Chairman, is that all parties participate in this next round of negotiations. We want to see that all governments participate and help define the post-2000 regime."

One month later, the administration signed on to the Berlin Mandate to review the commitments made to reduce the greenhouse gases and adopt targets for further reductions. The conference differentiated between developed and developing nations. They signed on to this, totally at odds and contradicting the commitment made to the Congressmen.

In June 1996, Mr. Pomerance stated, "Are we going to agree to legally binding instrument in Geneva? No way." One month later, Under Secretary Wirth announced that the United States supported a legally binding emissions target.

I want to also say that this has not changed since September 1996. It is before the same Commerce Committee. Assistant Secretary of State Eileen Claussen told Congressman DINGELL and the committee that the United States would not be bound before we have completed the economic analysis and assessments. We have just learned that the administration's efforts to analyze the economic effects has failed. The models they used did not work, and we will not understand the effect on our nations's economy certainly before December.

The reason I am concerned about this is, there is a very interesting parallel between what they are trying to do in the absence of any scientific evidence in global climate change, which has a dramatic deteriorating effect on our ability to be competitive on a global basis and on the ambient air changes promulgated by this administration. We all know that, just about a year ago, Carol Browner came out and unilaterally suggested—and now has promulgated—the rule change to lower the ambient air standards in both particulate matter and in ozone. We find that during the various hearings that we have had that Mary Nichols, who is immediately under Carol Browner, said that the cost would be $9 billion to put these standards in—the cost to the American people. At the same time, the President's Economic Advisory Committee said it was $60 billion a year. The Reason Foundation estimated the costs between $90 billion and $150 billion. This would cost the average family of four some $1,700 a year.

They talk about the deaths, and Carol Browner reused this yesterday. There would be 60,000 premature deaths. Those deaths were lowered by the EPA last November to 40,000; then in December to 20,000, and in April to 15,000. Then the scientist who discovered the mathematic mistake now says it's less than 1,000. In our committee, Mary Nichols admitted these regulations would not save any lives over the next 5 years.

I have watched how Carol Browner goes around and makes promises. She says to the mayors of America, "This isn't going to affect you." She says to the farmers, "This isn't going to affect you." She says to small businesses, "This won't affect you." To some of the parishes in Louisiana that were found to be out of attainment, she said, "This isn't going to make you do anything because the problem is for the neighboring State of Texas to the west; they are going to have to do this."

So, Mr. President, I only ask the question, why is this obsession taking place in the administration if there is no scientific justification on either global warming or ambient air standards? Why are they trying to do this in eroding our personal freedoms? I think probably the best way to answer that is to read an article in Forbes magazine, called "Watch Out For This Woman; The EPA's Carol Browner is exploiting health and the environment to build a power base."

If you read this article, Mr. President, it says:

> If science isn't Browner's strong point, political tactics are. Her enemies can only envy the way the EPA uses the courts.
>
> . . . For her part, Browner often dismisses as simple male chauvinism any criticism of her hardball tactics.
>
> . . . She learned politics working on Gore's Senate staff, where she rose to be his legislative director before heading back to Florida to head the State environmental commission.
>
> . . . She is an environmentalist zealot.

Mr. President, I know my time has expired. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Forbes magazine, Oct. 20, 1997]

CAROL BROWNER, MASTER OF MISSION CREEP

(By Pranay Gupte and Bonner R. Cohen)

As the center of that enormous rent-seeking organization known as the federal government, Washington, D.C. has evolved its own vocabulary. There is, in bureaucratese, an innocent-sounding but insidious phrase: mission creep. Mark it well: Mission creep explains a lot about how big government grows and grows and grows.

Mission creep is to a taxpayer-supported organization what new markets are to a business organization. It involves a gradual, sometimes authorized, sometimes not, broadening of a bureaucracy's original mission. It is a way to accrete money and power beyond what Congress originally approved when it funded an agency.

Playing mission creep is an old game in Washington. But no one has ever played the game with more skill than Carol M. Browner, Bill Clinton's choice to head the Environmental Protection Agency.

From a modest beginning a quarter-century ago, the agency has grown to employ nearly 20,000 people and control an annual budget of $7 billion. But these numbers are a poor measure of the agency's power: Because its regulations have the force of law, the agency can jail people, close factories and override the judgments of local authorities.

In its quest for power and money, the agency has imposed many unnecessary costs on American industry, and ultimately on the American people—costs that do more to satisfy bureaucratic zeal than to clean the air or the water.

The EPA was established in 1970 by an executive order issued by President Richard M. Nixon. Rachel Carson, a patron saint of the environmental movement, had made a huge impact with her emotional tract, Silent Spring, a few years earlier.

The public was right to be alarmed. Industrialization has imposed hidden costs in the form of polluted air, despoiled streams, unsightly dumps and a general degradation of the landscape. Concerns about pollution could, of course, have been dealt with by existing agencies, but that is not the nature of American politics. Politicians must be seen to be doing something dramatic. Creating new agencies makes favorable waves in the media.

Nixon created a new agency. Pulled together from a hodgepodge of existing federal programs, the EPA never had a congressional charter that would have defined its regulatory activities. It was simply given the task of carrying out the provisions of what, over time, became 13 environmental statutes, each with its own peculiarities and constituencies.

Without perhaps fully comprehending the issues, Nixon made the new EPA the instrument for a tremendous power grab by the federal government. Most environmental problems—chemical spills, groundwater contamination, abandoned dump sites—are purely local in nature. But suddenly they were federal matters. In the name of a greener, cleaner Earth, Washington mightily increased its power to intervene in the daily lives of its citizens. It was a goal so worthy that few people saw the dangers inherent in to. Mission creep had begun.

In 1978 then-EPA administrator Douglas Costle cleverly shifted the focus of the agency. Henceforth the EPA would protect not just the environment but your health. "Costle became determined to convince the public that [the] EPA was first and foremost a public health agency, not a guardian of bugs and bunnies," wrote Mark K. Landry, Marc J. Roberts and Stephen R. Thomas in their book, *The Environmental Protection Agency: Asking the Wrong Questions from Nixon to Clinton.*

People do care about forests and wildlife, but they care much more about themselves and their families. There is a strong strain of hypochondria in the American people, and nothing grabs our attention faster than an alleged threat to our health. If the alleged threat involves cancer, it is almost guaranteed to make the six o'clock news. Costle shrewdly exploited cancerphobia to expand his agency's reach and to wring money from Congress. He launched the EPA on a cancer hunt, looking for carcinogens in foods and air and water, even in the showers we take.

Carcinogens, of course, abound in nature, ordinary sunlight being one of the most prevalent. So it is with many man-made substances. The exposure to background levels of these carcinogens is so minimal in most cases as to pose no serious threat in the over whelming majority of cases. Never mind: EPA scientists, following the agency's cancer-risk guidelines, were soon ignoring the age-old admonition that the "dose makes the poison." If it was man-made and carried carcinogens, the EPA would root it out. As one EPA scientist explained it to FORBES: "At EPA, we're not paid not to find risks."

Under the mantra of "one fiber can kill," the EPA in the 1980s mounted a costly and probably self-defeating nationwide effort to rip asbestos out of schools. Simply sealing the substance would have kept the fibers away from kids at a fraction of the cost. But it would not have yielded the same harvest in headlines.

Even more than her predecessors—and possessing much greater resources—Carol Browner presents herself as the great family physician. "There isn't a decision I make on any given day that's not related to the health of the American people." she tells FORBES. Browner, it's worth noting, is a lawyer with no medical training.

After all, she reminds us, she's the mom of a young boy. Attendees of Capitol Hill hearings snicker at her constant references to her son, Zachary, when she testifies on environmental issues. But she never misses a chance to repeat the message. "If we can focus on protecting the children . . . we will be protecting the population at large, which is obviously our job," she tells FORBES.

Who said that was her job? Nobody, but that's what mission creep is all about.

Last September Browner announced the release of a new EPA report setting forth a broad national agenda to protect children from environmental risks. She followed up the report with the creation earlier this year of the Office of Children's Health Protection at EPA.

There was no congressional mandate, but Congress meekly went along by failing to challenge the agency's justification of the program. Who would want to face reelection accused of being callous toward children? Especially when the EPA's kept researchers stand by ready to produce scare studies on EPA money *(see box, p. 172)*.

Where most agency chiefs tremble at criticism from Congress, Browner has a platform from which she can counterattack. An EPA-funded newsletter was recently distributed by the National Parents Teachers Association. At the time an internal EPA memo noted: "The PTA could become a major ally for the Agency in preventing Congress from slashing our budget." Thus does Browner's EPA use taxpayer money to fight efforts to trim the federal budget.

On Mar. 15, 1995 David Lewis, an EPA scientist attached to the agency's laboratory in Athens, Ga., was told by his supervisor that EPA employees with connections to members of Congress should use their influence to sway lawmakers against a bill proposed by Representative Clifford Stearns (R-Fla.)—if it could be done "without getting into trouble." Stearns' bill would have reduced funding for EPA. The scientist later said in a deposition: "We were being asked to do this during government business hours, and the purpose was to protect EPA funding levels." This request on the part of high-level EPA officials to lobby Congress on government time is under investigation by the House Government Reform and Oversight Committee.

Had this been a Republican administration and had the department involved been other than the EPA, one can imagine the outcry in the media.

Asked about the growing criticism of her tactics, Browner blatantly ducks the question with: "This isn't about me. It never has been about me. It's about the air being cleaner. Is the water going to be safer? It's about business going to be able to find a better solution to our environmental problems."

It's really about politics. When supportive lawmakers ask to borrow EPA experts for their staffs, the EPA hastens to comply. Requests from liberal Democrats almost always are filled, those from Republicans rarely. A request by Representative Richard Pombo (R-Calif.) for an EPA detailee was rejected on Jan. 2, 1997 on the grounds that "new procedures" were being written. Less than four weeks later (Jan. 28), a similar request from liberal Democrat Representative Charles Rangel of New York was approved, without reference to any "new procedures."

Since 1995 her office has approved all requests for employee details to four Democratic lawmakers—Senator Frank Lautenberg (D-N.J.), Senator John Kerry (D-Mass.), Senator Daniel Patrick Moynihan (D-N.Y.) and Rangel. Of the four GOP requests, three were rejected.

Browner was at her politically impressive best in this summer's debate over the EPA's tougher clean air standards. Because air quality levels have improved markedly since passage of the Clean Air Act amendments of 1990, it was widely hoped—especially in areas that badly need new jobs—that the standards would not be further tightened. The EPA's own data showed that levels of the particulates have dropped dramatically over the past decade. Many local governments, anxious for jobs and economic development, were looking forward to being removed from the list of so-called nonattainment areas for ozone and particulate matter, or PM.

In July the EPA finalized new tighter standards for ozone and PM. For communities that had made expensive efforts to comply with the current law, the higher standards were like a baseball player, having rounded third base and heading toward home, being told he had to circle the bases again to score.

A good many congresspeople were outraged. Browner's insistence on imposing the new standards in the face of nothing more than scanty scientific evidence unleashed howls of protest from elected officials in the affected communities.

Legally, Browner was probably in the right. In its haste to seem to be attending to the environment, Congress failed to exert control over EPA standards and regulations.

There was nonetheless quite a donnybrook, with veteran Democrat John Dingell of Michigan leading the charge against Browner. A lot of jobs were at stake in Michigan, still headquarters of the U.S. auto industry. Congress, he insisted, should be consulted. Dingell was not alone.

With lots of support from Vice President Al Gore's office, Browner went to work putting down the congressional revolt. Her testimony before Congress was, by general agreement, brilliant, though her facts were often shaky.

Until then, Bill Clinton had remained on the sidelines. But Browner maneuvered the President into a corner, where he faced the politically embarrassing choice of supporting her controversial initiatives or disavowing his outspoken EPA administrator. Clinton then got to the head of the parade by declaring his support for Browner. The game was over. Browner 1, Congress 0.

If EPA's new standards survive congressional and legal challenges, state and local governments will have to devise elaborate State Implementation Plans, or SIPs, detailing their strategies for complying with the agency's latest regulatory diktat. And in accordance with the Clean Air Act, it will be up to the EPA to approve or disapprove the SIPs. The estimated cost of compliance with the new standards for the Chicago area alone is projected to be between $3 billion and $7 billion.

"I wish we never had that fight with Congress," she tells Forbes. "I wish it could have been avoided. I think it came at great expense to the country. I think it was very unfortunate." Note the implication: The way it could have been avoided was for Congress to avoid challenging her.

You can admire Browner's skill and still be appalled by what she is doing. "This is by far the most politicized EPA I've seen in my three decades of working in state governments," says Russell J. Harding, director of Michigan's Depatment of Environmental Quality. "It is an agency driven more by sound bites than by sound science."

Says Barry McBee, chairman of the Texas Natural Resource Conservation Commission: "EPA continues to embody an outdated attitude that Washington knows best, that only Washington has the capability to protect our environment. States are closer to the people they protect and closer to the resources and can do a better job today."

As a weapon to humble the state regulatory bodies, Carol Browner's EPA has embraced the politically correct concept of "environmental justice." This broadens EPA's mandates even beyond protection of everyone's health.

In early 1993 Browner set up the Office of Environmental Justice within EPA which, among other things, passes out taxpayer-funded grants for studying the effects of industrial pollutants on poorer, mostly black, communities. In 1994 the White House supported this initiative by ordering federal agencies to consider the health and environmental effects of their decisions on minority and low-income communities.

That's the rhetoric. The reality is that the federal agencies have a new weapon for overruling state agencies. Browner's EPA recently delayed the approval of a $700 million polyvinyl chloride plant to be built by Japanese-owned Shintech in the predominantly black southern Louisiana town of Convent. Louisiana's Department of Environmental Quality had already given the go-ahead; the plant would have created good-paying jobs and opportunities in an area suffering from 60% unemployment and low incomes. But the EPA argued that blacks would suffer disproportionately from potentially cancer-causing emissions of the plant in an area already lined with chemical factories of all descriptions.

Louisiana Economic Development Director Kevin Reilly was enraged. "It is demeaning and despicable for these people to play the race card," he says, pointing out that poor people and blacks would have gained economically and were at little health risk. The scientific evidence bears Reilly out: A recent article in the Journal of the Louisiana Medical Society found that cancer incidence in the area is in most cases no higher than nationally.

But never mind the facts: This kind of decision has less to do with science than with power politics. It delivers the message: Don't mess with the EPA. "Carol Browner is the best hardball player in the Clinton Administration," says Steven J. Milloy, executive director of The Advancement of Sound Science Coalition in Washington, a longtime critic of EPA who acknowledges receiving funding from industry. "She has the 105th Congress completely intimated by her debating skills and her sheer grasp of facts, however questionable. She eats their lunch."

Like many Clintonites, Browner takes her own good time about responding to congressional requests for EPA documents. When word got out that EPA was developing a series of proposals for reducing U.S. emissions of man-made greenhouse gases, the House Commerce Committee asked for a copy. The EPA ignored the request for two years.

When the proposals were leaked to the committee late last week, it was immediately clear why EPA had stiffed Congress. The document was loaded with proposals for raising taxes to pay for new EPA initiatives. Produced in the agency's Office of Policy, Planning & Evaluation and dated May 31, 1994, EPA's "Climate Change Action" recommends a new 50-cent-per-gallon gasoline tax, with an estimated cost to motorists of $47 billion in the year 2000 alone. Seven other tax increases were recommended: a "greenhouse gas tax," a "carbon tax," a "btu tax," an "at-the-source ad-volorem tax" on the value of the fuel at the source of extraction, an "end-use ad valorem tax" on the value of the fuel at the point of sale, a "motor fuels tax" on the retail price of gasoline and diesel, an "oil import fee." Also recommended: A new federal fee on vehicle emissions tests of $40 per person to "shift the cost of vehicle inspection from the state to the vehicle owner."

How could they hope to get so many new taxes through a tax-shy Congress? The "Climate Change Action Plan" contains repeated references to how each of the above taxes and fees can be imposed under existing laws. Talk about taxation without representation.

It's not entirely surprising that Browner and her crew think in terms of government-by-edict. Browner's extraordinary power is in many ways a consequences of Congress' delegation of its lawmaking power to the EPA. It has let the agency micromanage environmental activities throughout the nation with little regard for either local wishes or the cost. This negligence has permitted the agency to ignore scientific data that conflict with agency orthodoxy. The EPA is in many ways becoming a state within the state.

"This is Washington at its worst—out-of-touch bureaucrats churning out red tape with reckless abandon. The EPA hasn't taken into account an ounce of reality," says Representative Fred Upton (R–Mich.), a frequent critic, referring to the new clean air rules.

If science isn't Browner's strong point, political tactics are. Her enemies can only envy the way the EPA uses the courts. An organization such as the Natural Resources Defense Council will go into federal court and sue to force the EPA to do something. The EPA will wink and, after the courts expand its mandate, see to it that big legal fees go to the NRDC.

Mission creep, in short, takes many forms and its practitioners have many ways to plunder the public purse.

For her part, Browner often dismisses as simple male chauvinism any criticism of her hardball tactics. "I think sometimes that it's an issue of men and women," she says, coyly.

Such cute demagoguery aside, there is no doubting Browner's sincerity. She is an environmentalist zealot. She was clearly behind the decision to tighten the clean air standards to what many people regard as unreasonable levels. If not a tree-hugger she is philosophically close to Al Gore and his quasi-religious environmentalism.

After graduating from University of Florida law school, Browner (both of whose parents were college teachers) went to work for a Ralph Nader-affiliated consumer advocate group. There she met her husband, Michael Podhorzer, who still works there.

She learned politics working on Gore's Senate staff, where she rose to be his legislative director before heading back to Florida to head the state environmental commission.

After the EPA, what's next for this tough and aggressive politician? If Al Gore's presidential hopes aren't dashed by the fund-raising scandals, there's vice presidential slot on the Democratic ticket up for grabs in 2000. A female environmentalist and mother of a young boy would do a lot to bolster Gore's otherwise soggy appeal.

In a statement to Forbes, Gore went so far as to try to claim for Browner some of the credit for the current economic prosperity. "She has helped prove," he declares, "that a healthy environmental and a strong economy are inextricably linked."

If not a vice presidential run, what? Could Browner be nominated by the Clinton Administration to be the next head of the United Nations' environment program? Or would the Administration nominate her as the new U.N. Deputy Secretary General? Either position would give Browner instant international visibility, which couldn't hurt her political prospects in Washington.

One way or another, you are going to be hearing a lot more about Carol M. Browner; whenever you do, it's unlikely to be good news for business—and it may not even be good news for the environmental.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I believe that we have 30 minutes.

The PRESIDING OFFICER. There are 30 minutes under the control of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, the Senator from North Carolina is here. So with your permission, we will proceed.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD and Mr. FAIRCLOTH pertaining to the introduction of S. 1310 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Nebraska is recognized. There will now be 35 minutes under control of the Senator from Idaho [Mr. CRAIG] and the Senator from Nebraska [Mr. HAGEL].

THE GLOBAL CLIMATE TREATY

Mr. HAGEL. Mr. President, yesterday the President of the United States announced the United States negotiating position on the U.N. global climate treaty. Some have called the President's position a compromise. I would say that is the case only if you define compromise as an action that would have devastating consequences for the United States without any meaningful progress toward the overall goal.

This is how an editorial in Investors Business Daily defined the President's proposal yesterday morning. This doesn't make any sense. "Signing a treaty that hobbles U.S. growth getting no environmental payoff in return." Now, here is what does make sense. "Listening to science rather than overheated rhetoric and acting on the basis of real events, not computer models."

The President's announcement follows along the same lines of what this administration has been pushing in international circles for years. No matter how he wraps his package, the President is still talking about making the United States, our businesses, our people, subject to legally binding international mandates while letting more than 130 nations off the hook. Most important for this body, the U.S. Senate, is how does the administration's position stack up against the Byrd-Hagel resolution which passed this body in July by a vote of 95 to zero? The Clinton administration's position announced yesterday falls woefully short on all counts.

The President obviously realizes this since he stated yesterday that America cannot wait for the U.S. Senate on this issue. The President said:

> I want to emphasize that we cannot wait until the treaty is negotiated and ratified to act.

This flies in the face of the Constitution and the powers it gives to the U.S. Senate to give approval for the ratification of treaties. Why does the President's proposal fall short? Regarding participation by the developing nations, the Byrd-Hagel resolution states very clearly that no treaty will get the support of the U.S. Senate unless, and I read from the Byrd-Hagel resolution, "* * * unless the protocol or agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties within the same compliance period."

That is very clear. I noted some of my colleagues yesterday, and others, have said what the President proposed yesterday is in full compliance with Byrd-Hagel. I strongly recommend to those colleagues who actually believe that, that they go back and read the Byrd-Hagel resolution. It is only five pages long. It is not legal. It is very clearly understood by everyone.

What this means also is that support of the U.S. Senate is contingent upon China, Mexico, India, Brazil and the other 130 developing nations committing to specific limitations on greenhouse gas emissions within the same time period as the United States and the other industrialized nations. Anything less, anything less than this, what is clearly defined in the Byrd-Hagel resolution put forward by the U.S. Senate, is not in compliance and it is the U.S. Senate that will have the final say on any treaty signed by the administration in Kyoto, Japan, in December.

At the same time President Clinton was calling for "meaningful participation"—those were his words—meaningful participation by the developing countries, at the same time he was saying that, this is what his negotiator in Bonn, Germany, Ambassador Mark Hambley, was saying in a prepared release. "In our view," said Ambassador Hambley, the President's negotiator in Bonn Germany this week—"In our view, this proposal is fully consistent with the Berlin mandate—it imposes no new substantive commitments on developing countries now. Instead, it calls for such obligations to be developed following the third conference of the parties" in Kyoto in December.

I think that is rather clear, what Ambassador Hambley said: That the Third World, the developing nations, would not be called upon for any commitments, any obligations in this treaty. It is obvious that this administration has no intention of ensuring that the developing countries have to meet the same obligations as the United States.

What about the second condition of the Byrd-Hagel resolution, which stated the Senate would not ratify a treaty that would cause serious economic harm to the United States? Most of the economic impact studies are based exactly on what the President proposed yesterday, in terms of timetables, targets, reducing emissions to 1990 levels by the year 2010, and excluding the developing nations from any binding limitations of greenhouse gases. The President's own analysis shows that this will require a 30-percent cut in projected energy use by the year 2010.

So, we are going to cut our energy use, between now and the year 2010, by 30 percent; at the same time the administration says we don't have an economic analysis to really understand what economic impact this might have on our economy, on jobs. After a year and a half of the administration promising to me and others in both the House and the Senate that they would come forward with an economic model and economic analysis showing that there would be no harm to our economy, they have now said: Well, economic models don't mean anything. But we are going to surge forward and sign that treaty having no understanding whatsoever of what it might do to our economy, to jobs.

I have seen studies, I have seen economic models and analyses done by the AFL–CIO, done by independent economists, done by business, done by industry, done by the agriculture industry, farmers, ranchers. The results are not good. Here is what these studies have shown: Job losses in the millions for this country, lower economic growth in this country meaning a lower standard of living and less opportunities for all Americans, energy rationing. What the Clinton administration is talking about is the rationing of energy use in the United States.

Remember the gas lines the last time this country rationed energy use in the 1970's? I remember them very well. Energy taxes—I know the administration has said we don't think this is going to require any taxes. We are not sure, but we will kind of get going, sign that treaty and bind the United States to these commitments, and allow an international body to enforce and police and administer it. Maybe we will need more taxes, who knows, they say.

In an October 4 article in the Washington Times an unnamed Clinton administration official said that the President's proposal would raise energy taxes up to five times greater than the Btu tax the Clinton administration proposed back in 1993. That is devastating. That is devastating. Much of the State that I represent, Nebraska, is agricultural. Agriculture is an energy-intensive industry. When you start talking about raising taxes on energy five times greater than what President Clinton proposed in 1993, that will put literally thousands of farmers and ranchers and agricultural interests out of business. What I find incredible about this is at the same time the President is asking for fast-track legislation because we are trying to do something about our deficit of payments, deficit in the balance of payments to China, to Japan, all the other areas of trade we are trying to pursue, what this would do is go the other way, make our products less competitive because they would cost more. Higher prices for all goods because of higher energy costs mean American goods cost more worldwide, making American products and services less competitive in the world market. And when you are allowing China and Mexico and Brazil and India, South Korea, and 130 other nations not to legally bind themselves to this, what do you think happens in the world marketplace? Our products cost more, our services cost more, and these other nations' economies will thrive as their products cost less. Does that put us in a stronger competitive position worldwide? I don't think so.

The real question is, for what? Why are we doing this? Why are we doing this? The nations that would be excluded, the over 130 nations that would be excluded from this treaty are the nations that will be responsible for 60 percent of the world's greenhouse gas emissions within the next 20 years. Not the United States, the nations that we are not asking to bind themselves to this treaty.

China, which has said very forcefully that it will never agree to legally binding emission limits, will be the largest emitter of greenhouse gases by the year 2015. By 2025, China will surpass the United States, Japan and Canada combined, as the greatest emitter of greenhouse gases in the world. Yet we are not asking them to sign up to any legally binding mandate to do something about their greenhouse gas emissions. So how can any treaty that exempts these 134 nations be at all effective in reducing global greenhouse gas emissions? It will not. This is folly. This is feel-good folly. It makes great press, but it is insane that we would bind our Nation to this kind of folly and allow these other nations to go untouched.

What President Clinton proposed yesterday is for the American people to bear the cost and suffer the pain of a treaty that will not work. That is the legacy, or more appropriately the lunacy he would leave to the children of America. I have always said that this debate is not about who is for or against the environment. That is not the debate. We are all concerned about the environment. We are concerned about the environment we leave to our children and our grandchildren, our future generations. But let's use some common sense here. Let's use some American common sense.

Mr. President, in its present form, this treaty will not win Senate approval. We can do better. We must do better. Our future generations are counting on us to do better. Let's bring some balance, some perspective and some common sense to this issue and do it right.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my colleague, the Senator from Nebraska, this morning to speak out against the proposal that our President yesterday announced to the Nation and to the world as it relates to this country's concept of how the world ought to be when it comes to the issue of global warming.

But first let me thank the Senator from Nebraska for the leadership role he is taking on behalf of a very large bipartisan coalition of Senators in bringing clarity to this issue and demonstrating what is a clear opposing point of view, an opposing point of view based on science, an opposing point of view based on economics and an opposing point of view based on one of the largest coalition-building efforts I have witnessed, at least in my public life, between labor and business and public officials in this country.

The Senator spoke out very clearly this morning on the discrepancy as it relates to what our President announced yesterday compared to what the Hagel-Byrd resolution that was adopted by the Senate some months ago spoke to. That was, if we are to enter an agreement, that agreement must be, by its definition, a world agreement, that all parties involved, that is, all nations of the world, must come together in recognition of what may or may not be an environmental problem.

I am disappointed that the President of the United States, clearly recognizing the constitutional obligation of this body, chose largely, yesterday, in his proposal, to ignore us. While he gave us lip service and while his spokespeople have given us lip service over the last several months since the almost unanimous adoption of the Hagel-Byrd resolution, I must tell you that what our President laid down for his negotiators in Bonn yesterday is not reflective of what he has been saying or what his people have been saying.

To the parliamentarians of the world, it is important that you understand that we are not a parliament and the President is not a prime minister. He does not speak for the majority of the U.S. Congress. He speaks for himself and for what I believe to be a narrow interest of people whose agendas take them well beyond just the concept of a better environment, but to a desire to do some industrial or economic planning nationwide, if not universally, all without any reliance whatsoever on the good judgment of the American consumer and/or the free market that this country has relied on since its very beginning.

"Serious harm," those are important words. Those are words that the Hagel-Byrd resolution spoke to, "serious harm to the U.S. economy." Important words, simple words, easy to understand, a relatively small measurement and threshold to be understood by anyone negotiating a treaty that, in the long term, might bind this country in an international obligation.

We will not, nor should we, seriously harm our citizens, the economy in which they live, and the opportunities for which they strive. And yet, the President, we believe, ignored that and talked about the need for catastrophic emissions reductions by the year 2012. Mr. President, 2012. A long time off? No, not really; clearly within my lifetime, clearly within everybody's reasonable imagination, and something that if you are to accomplish a 30-percent reduction of fossil fuel emissions off from the current path, then you must start now in significant ways to change that and alter it. It is something that you do not wait until you get out to 2008 and then you say, "Oh, my goodness." Because if we are to be responsible in relation to a negotiated treaty, a "binding" relationship by that point would draw us into a situation that we could not meet, or, if we chose to meet it, we would truly handicap the economy of this country.

This Senator will not vote to make our country and its citizens second class to the rest of the world. I cannot nor will I do that nor do I believe any Senator in this body will knowingly vote in that way. Yet, the President is proposing that we allow 130 economies, 130 nations of the world, be exempt, to be able to do anything they choose while we would choose to restrict and control ourselves.

Mr. President, we are a nation today that is proud of its environmental legacy. We have moved faster and more directly in the last two decades to improve the environment in which our citizens live than any other nation of the world, and we have paid a big price for it. But we have been willing to pay it. We have been willing to pay it and able to pay it because we are a rich nation. Rich nations move to do things to clean up their environment. Poor nations simply cannot afford to. They are too busy trying to feed themselves, clothe themselves and put shelters over the heads of their citizens. All of those items in this country are secondary considerations because we take them for granted, because we are rich, and we are rich because of a free-market system unfettered by Government rule and regulation and, in my opinion, by the silly politics that this administration perpetrates today on faulty science or certainly a lack of science or a knowledge of what all of this means.

I have to say, in all fairness, the President gave some reasonable suggestions for conservation, and there is no question we ought to create the kind of incentives within our economy that move our citizens, and the economy that drives us, toward conservation. That is fair and that is reasonable, and we could assume a better world with all of that in mind.

But the thing that frustrates me most is that there is emerging out of all of the current negotiations a reminder that the developing world is saying something to us that is most significant, and I am not sure that our President is listening at this moment. They are, in essence, saying, and when they laid down their position on the table in Bonn on October 22, that developing countries are demanding reductions of 35 percent below 1990 levels of emissions and that fines be assessed against the United States and the other developed nations if those targets are missed. They want global warming gas reductions, but guess who is supposed to pay for it? Not the consumers of the developing world, but us rich Americans. Rich Americans are supposed to pay for any economic inconvenience the developing world would encounter because we are foolish enough to agree to impose these kinds of reduction targets on ourselves.

I am sorry, Mr. President, I don't buy that, the American consumer is not about to buy it, nor do I believe the U.S. Senate will.

So in 10 to 14 years, at about the time that the baby boomers are retiring and our Social Security system is challenged, at about the time when we are once again going to have to make tough decisions in this country about our social character and the economics that drive our social well-being, the President yesterday said we are going to lay yet a bigger burden on the economy; we are going to say that you are going to have to be at a certain level of emissions reductions and, if not, we are going to take drastic measures to drive up the cost of energy, to drive down the amount of consumption, and that's what we are prepared to do based on faulty science and interesting politics.

I suggest, Mr. President, that what you have proposed to the world and to the Nation and to this Congress is unacceptable. It certainly appears to be unacceptable at this moment to the U.S. Senate and to all who have spent any time studying the critical issue of global warming.

While this Nation will continue to strive for a cleaner world—and it should—and a cleaner nation and will be reasonable and responsible players, we expect the rest of the world to do the same. But we can also understand that where a nation tries to feed itself and clothe itself and cause its citizens, by the economy in which they live, to rise to a higher standard of living, we understand that we have had that privilege and opportunity over the years and we should not restrict nor should we cause them to achieve anything less.

Our technology can assist, and we need to be there to help. But I suggest, Mr. President, that binding obligations, no matter how far out you push them to allegedly conform with what our country believes ought to be done, simply do not work. This proposal won't work. I agree with my colleague from Nebraska, this Senate, in my opinion, will not concur in this, will not agree to the kind of treaty that our President and his associates are attempting to cause the rest of the world to agree to.

So, Mr. President, I hope that you understand and I hope the world understands that this Senate, the Senate responsible for the ratification of these kinds of agreements, will, at this time, not ratify what you are proposing.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I join my colleagues for just a few moments with respect to the question that we are addressing this morning, that question of global warming, but more particularly the specifics with respect to it.

I am sure you already heard, but let me say again, there was a measure adopted by this Senate 95-0 that expressed two main points: One, the United States should not be signatory to any treaty that would "result in serious harm to the U.S. economy." And, No. 2, that mandates developing countries to have specific scheduled commitments to limit or reduce greenhouse gas emissions within the same compliance period.

So we have been working at this for some time. We have had several hearings in our Committee on the Environment and Public Works and also in Energy. We have had representatives of the administration there. This goes clear back to Rio, I think, in 1992. It goes back more specifically now to Geneva about a year ago, in which promises were apparently made at that meeting with respect to what the United States would do. We called the Assistant Secretary to our committee to talk about that. He indicated, no, that wasn't true, there were no commitments made. In fact, I think there were.

Now we move on to the meeting in Bonn, which will go on almost immediately, and then the Kyoto meeting to take place something over a month from now.

So this is the result of a good long time in planning and a good long time in difficulty in trying to bring together the issues as they relate to developed countries, as they relate to developing countries.

The President has finally made somewhat of an understandable statement. We have not had that before.

Just 2 weeks ago we had another hearing in our committee, brought the Assistant Secretary on Global Affairs to talk to us, asked specific questions about what they had in mind without any specific answers. There was no response from the administration's witness.

So now the President has come forth with statements. That is good. We should have had them some time before, statements which he indicates—and I quote—"Would be painless and even economically beneficial." Of course that is what he would say. Many people disagree with that, including myself. I cannot imagine that whatever we do that is meaningful is going to "be painless and economically beneficial." But specifically, of course we have not had time to analyze the full thing.

It talks about reaching 1990 levels by the year 2010, emission levels that occurred in 1990, reaching back to those by 2010, with some cap by 2008. And then to move below the 1990 levels by 2020. He calls that a fairly modest proposal.

Interesting how often these things are set out. I think if you go back, you find that the air quality statutes were given a great deal of time before implementation, so the argument was, "Don't worry, don't worry about some regulation. Don't worry about the cost because it's way out in the future." I do not think that is a good recommendation.

We should worry about what the impacts are on the economy, what the impacts are on costs, what the impacts are on our ability to compete in the world and worry about them regardless of the fact that they are out there.

China, on the other hand, and some of the other countries that are developing countries, ask for a 15 percent reduction from the 1990 levels by 2010, a 7.5 percent reduction by 2025, 7.5 below 1990. Remember, the President said we will not reach 1990 until 2010. The Chinese and their group also want a 35 percent reduction from 1990 levels by the year 2020.

The problem, of course, is, as we go into this negotiation—and those who are involved say, "Well, they've set the parameters, somehow the results will be between these two." That is kind of scary. The President is saying, this is where we are. They are saying, we want to be way up here. And probably they will end up somewhere in between.

I go back to the action of the Senate which 95 to nothing said we will not accept a treaty that does the kinds of things that we have already talked about.

So, Mr. President, I know this is a difficult problem. But I agree with my friend, the Senator from Idaho. We have done a good job of emissions.

I have been to China several times, and I can tell you, if you want to look forward to where the emissions problems are going to be, it is going to be there in those developing countries.

I think we need to make the changes that we want to have happen in our country, encourage others. But I am very concerned about us going to this meeting in Kyoto and coming out seeking to agree to the kinds of things that have been set forth by the developing countries who wish not to have any containment put on theirs.

So we are looking for a fair agreement. We are looking for some kind of an arrangement that will allow us to continue to do what we have done and we are proud of doing.

I think, Mr. President, that you need to be more specific than you have been with this idea that we want you to do some things, and then we will decide later what the reimbursement is going to be, we will decide later what the incentives are going to be, which I understand is what the President said yesterday.

So I think we need to continue. And I want to say to my friend from Nebraska that he has done an excellent job of holding hearings, taking positions, following this issue, which is one of the most important issues to the future of the country. And I commend him for that and join with him.

I yield the floor.

Mr. MURKOWSKI. Mr. President, the old adage says everybody likes to talk about the weather, but nobody can do anything about it. A particularly strong El Nino has meteorologists predicting strange weather this year, so expect lots of people to be talking about the weather in the months ahead. But in a new twist, many will claim that there is something we can do about the weather as well.

I'm talking about efforts to curb global warming. And if you'll pardon the pun, this is one of the hottest debates we are likely to see over the next year.

Is human activity the cause of this particularly strong El Nino, or the warming that some say is underway? Or is this just natural climate variation? Scientists are divided. The prestigious journal Science, in its issue of May 16, says that climate experts are a long way from proclaiming that human activities are heating up the earth. Indeed, the search for the human fingerprint in observed warming is far from over with many scientists saying that a clear resolution is at least a decade away. We continue to spend over $2 billion each year on the U.S. Global Climate Change Research Program for the simple reason that the science is not settled.

One thing that scientists can agree on is that the Earth's climate has always changed—the ice core and fossil records bear that out. Hippos once grazed in European rivers. Sea levels were low enough during periodic ice ages to allow humans to walk from Asia to North America. The climate changes. It always has. And it will continue to change regardless of what we do or don't do.

Yesterday, the President revealed his negotiating position on a new climate treaty. He has proposed reducing our carbon emissions to 1990 levels between 2008 and 2012. The Department of Energy estimates that we will have to engage in a crash course of research and development, plus impose a $50 per ton carbon permit price—or tax—to achieve this target.

Talks are underway at this moment in Bonn, and everyone is preparing for December negotiations in Kyoto, Japan. It is almost certain that legally binding targets and timetables will be a central feature of the new climate treaty expected to emerge in Kyoto—and that these targets and timetables will not apply to developing nations. Even if you are a proponent of strong action to address increasing concentrations of atmospheric carbon dioxide and other greenhouse gases thought to warm the Earth's climate, there are plenty of good reasons to oppose selectively applied, legally binding targets and timetables for greenhouse gas reductions as the President has proposed.

First, these are really just emissions controls targeted at just a few of the 168 nations that are parties to this treaty. Aside from being just plain unfair, these new emissions controls will be devastating to large sectors of our economy. They will raise energy prices in the United States, Canada, Australia, and Europe—while China, South Korea, and Mexico are specifically exempted from them.

As a consequence, energy-intensive industrial production, capital, jobs, and emissions will shift from the U.S. to developing nations not subjected to the new controls. What will result from that? According to a study by the Department of Energy: 20 to 30 percent of the U.S. chemical industry could move to developing countries over 15 to 30 years, with 200,000 jobs lost; U.S. steel production could fall 30 percent with accompanying job losses of 100,000; All primary aluminum plants in the United States could close by 2010; many petroleum refiners in the Northeast and gulf coast could close, and imports would displace more domestic production.

Needless to say, China, South Korea, Mexico, and some of our other most competitive trading partners salivate at the prospect of this monumental shift in capital, production, and jobs.

Putting economic and competitive aspects aside for a moment, it's important to ask the questions: Will these emissions controls applied only to a few nations work? Can they decrease emissions and stabilize atmospheric greenhouse gas concentrations?

The answer is no. Actual global emissions won't decrease—only their point of origin will change. In fact, because our industrial processes are more energy efficient than those found in most developing nations, global carbon emissions per unit of production would actually increase under the administration's approach.

In other words, the United States and a few leading industrial nations would suffer domestic economic pain, without realizing any global environmental gain.

The U.S. Senate has passed a resolution by a vote of 95 to 0 urging that the new climate treaty avoid legally binding targets and timetables on developed nations unless there are "new, specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period."

Thus, we have the makings of a train wreck: The developing nations will not participate in a climate treaty that contains legally binding targets and timetables that apply to them. Yet, the U.S. Senate is unwilling to ratify a treaty that does not contain new commitments for developing countries.

There are other practical problems as well. Legally binding targets and timetables would be impossible to verify and enforce. For example, how does one measure the methane being produced by a rice paddy or landfill? How do you calculate the carbon dioxide being sequestered by a forest? While good scientific estimates can be offered, the legally binding nature of the controls might require greater precision. What kind of new strict and intrusive international regulatory regime would be needed for enforcement?

These are all questions that have not been answered in the rush toward Kyoto. Practically speaking, legally binding targets and timetables won't reduce global emissions. In addition, they present potentially insurmountable implementation problems, and would even kill the treaty. Thus, they endanger well meaning efforts to address the global climate issue.

If we want to keep the new treaty from becoming an international embarrassment as an environmental initiative, we should reconsider the rush to Kyoto and hammer out solutions that can really work.

So, you may ask—what can really work? How does one generate large amounts of carbon-free electricity for a growing economy here at home and a developing world abroad? There are two ways in the short term—hydropower and nuclear.

So what is our official U.S. policy toward hydropower? Domestically, we are studying tearing down a few dams out west. Environmental interests want to tear down, for example, the Glen Canyon Dam on the Colorado River in Northern Arizona in hopes of "restoring the natural wonder of the once wild Glen Canyon." In so doing, we would: Drain Lake Powell—a 252 square mile lake which guarantees water supplies for Los Angeles, Phoenix, and Las Vegas; Eliminate the source of carbon-free electricity for four million consumers in the Southwest; Scuttle a $500 million tourist industry and the water recreation area frequented by 2.5 million visitors each year.

On the international front, we have refused to participate in efforts such as China's "Three Gorges Dam," a project that will produce electricity equivalent to thirty-six 500 megawatt coal plants.

Of course, all this makes no sense if you claim that carbon emissions are your preeminent environmental concern.

Let's turn to nuclear, which produces 22% of our electricity and about 17% of global electricity. The President says he will veto our nuclear waste bill, and that could cause some of our nuclear plants to close prematurely as they run out of space for spent fuel. And we can't sell nuclear technology to China, something we hope to change in the very near future.

Well, you can't be anti-nuclear, anti-hydropower, and anti-carbon. Let's do the math: Coal produces 55% of our electricity, and our coal use is likely to decrease in the face of: A new climate treaty; the EPA's new air quality standards on ozone and particulate matter; the EPA's tightened air quality standards on oxides of sulphur and nitrogen; the EPA's proposed regional haze rule; and the possibility of a new EPA mercury emissions rule.

So if you knock coal out of the picture, what's next? Nuclear is in second place with 22% of our electrical generation. But as I mentioned, the President has threatened to veto our nuclear waste bill, and we haven't ordered a new nuclear plant since 1975. Moreover, if we can't recover "stranded costs" of nuclear power plants in the electricity restructuring effort, you can say goodbye to nuclear.

What's next? Hydropower produces 10%. But all of our large hydropower potential outside Alaska has been tapped, and as I mentioned earlier, the administration is entertaining notions of tearing down some dams.

What's next? Natural Gas produces 10% of electricity generation. Gas also emits carbon, although not as much as coal. So expect gas generation to increase, demand to rise, prices to increase and shortages to result from time to time. Does that sound like a solid strategy on which to gamble our economy?

No coal, no nukes, no hydro; that leaves us with 13% of our generation capacity. What's left? Wind power? I like wind and solar, but you can't count on them all the time. And recently, the Sierra Club came out against wind farms in California, calling them "cuisinarts for birds."

So the choices are tough, and a dose of realism is badly needed down at EPA and the White House. To sum things up, we are negotiating a treaty in Kyoto that is unrealistic, can't be verified, and can't achieve the advertised results. If this were an arms control treaty, we'd be guilty of unilateral disarmament if we were to agree to it.

We should reconsider this rush to Kyoto and a new treaty. There is no reason to join the lemmings in their rush over the cliff. The carbon problem didn't appear overnight. It won't be addressed overnight. We have time to devise and consider balanced approaches that can work. Time will allow new energy and efficiency technologies to mature. Time will provide for global solutions that include the developing nations. Time will allow us to sharpen our science and better understand the true threat of climate change, if it is indeed a dangerous threat.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

THE CENTRAL INTELLIGENCE AGENCY

Mr. TORRICELLI. Mr. President, since the founding of our Republic, we have faced a dilemma as old perhaps as the concept of democracy itself. That is how the Nation is governed: With an informed electorate, but at the same time we can protect the national security by containing information which might be used against ourselves.

This debate has largely, though not exclusively, been settled by the judgment that we are best served by informing the people so they can make the proper judgments about choosing the leadership of our country.

Indeed, this is the philosophy that gave rise to the first amendment to the Constitution, but perhaps more exactly also to article I, section 9, which reads, "a regular Statement and Account of the Receipts and Expenditures of all public money shall be published from time to time."

There has, however, in spite of this general judgment of the need to govern the Nation based on the best possible information to the electorate, and in spite of this rather specific constitutional provision, been a notable and exceptional exception in the Nation's accounting.

I speak obviously of the Central Intelligence Agency in its half-century determination to keep its accounting, its expenditures, private from the people of the United States. And, indeed, during both times of national conflict and in the broad period of the cold war it was a policy with a considerable rationale.

The United States faced, in the Soviet Union, an adversary which if in possession of our expenditures of the intelligence community would learn a great deal about our national intentions and our capabilities. But now some 7 years after the end of the cold war, there is no longer a rationale for not sharing with the American people at least the aggregate amount of spending of the American intelligence community.

I do not speak, obviously, of specific requirements for expenditures in individual programs or even broad categories of expenditures but whether or not the American people should be informed of the total aggregate spending since the United States no longer faces an adversary which, if in possession of that amount of expenditures, could make real use of it.

Last Wednesday, George Tenet, the new Director of the Central Intelligence Agency, perhaps because of this changed situation, took a very important step. In response to a Freedom of Information Act request filed by the Federation of American Scientists, Director Tenet ended 50 years of what may have been unconstitutional secrecy and finally disclosed the aggregate budget numbers of the U.S. intelligence community.

I take the floor today, Mr. President, to applaud President Clinton and Director Tenet for taking this first step, but note with some considerable regret that this judgment was made in response to a lawsuit filed against the administration not with the support of this Congress and, indeed, in spite of a vote taken in response to an amendment that I offered on the floor of this Senate.

While I applaud Director Tenet, I also speak with regret that while the budget numbers were offered this year, they specifically were not made as a change in permanent policy, therefore, raising the specter that the American people are being provided this information in 1997, with the possibility they may never be given this information again.

That perhaps leads to the most cynical interpretation of all, that what is really feared by the intelligence community is not the sharing of this aggregate amount of spending with foreign adversaries, but if the American people have this number they would be able to gauge this year to next, to next, and into the future whether or not the intelligence budget of this country is rising or falling, whether it is too large or too small.

What is feared is that the American people will be as engaged in this debate as they are about Social Security spending or health care or education spending or even defense spending, which routinely is a part of the American political debate.

A 1-year number provides precious little information for public debate about the adequacy or the excessive nature of our spending. What, of course, is peculiar about this inability to inform the public is that defense spending, equally or arguably far more important to national security, is so routinely debated. Perhaps that is the reason why defense spending in the Nation today, excluding intelligence, is now 4 percent lower than defense spending in 1980, why in real dollar terms there has been in the last 7 years such a dramatic reduction in defense expenditures, while according to the Brown report, intelligence spending since 1980 in the United States has risen by 80 percent, an increase in spending almost without parallel.

It is worth noting as well, Mr. President, that in the bipartisan Brown Commission report, the commission could find no systematic basis upon which the intelligence budget is even created. In the commission's words, "Most intelligence agencies seemed to lack a resource strategy apart from what is reflected in the President's 6-year budget projection. Indeed, until the intelligence community reforms its budget process, it is poorly positioned to implement these strategies."

Mr. President, other countries in the democratic family of nations have long recognized the need to include defense and intelligence priorities in their national debate over budgetary matters. Indeed, Australia, Britain, and Canada long ago lifted this veil of secrecy. I think, indeed, even the State of Israel, which today faces potentially more serious adversaries at the very heart of their democracy with a daily terrorist threat, long ago decided that its democracy was better served by sharing this information then continuing with the veil of secrecy.

So, Mr. President, in this notable year when for the first time the American people are given access to this information about intelligence spending, the burden now passes to this Congress whether or not we will allow this to be a single exception, or indeed we will now take the challenge and make this a permanent change in how we govern the national intelligence community.

I close, therefore, Mr. President, with the words of Justice Douglas, who in 1974 wrote in making a judgment about whether or not the budget should be revealed, "If taxpayers may not ask that rudimentary question, their sovereignty becomes an empty symbol and a secret bureaucracy is allowed to run our affairs."

More than 20 years later, Mr. President, this Senate still faces the same judgment. Director Tenet has met his responsibilities. I am proud that President Clinton allowed him to proceed. Now the question rests with us.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, we are preparing to cast a vote on a cloture motion in another 10 minutes or so, and I thought it would be useful to take the floor of the Senate and describe not only for our colleagues but for those who watch the proceedings of this body what exactly is happening.

We are nearing the end of a legislative session. We expect from what the leaders have indicated that the Senate will continue for perhaps another 2½ weeks at the most. We have on the floor of the Senate a piece of legislation that we should consider and we should pass. It is called the ISTEA or the highway reauthorization bill. It is a very important piece of legislation.

Just prior to having this legislation on the floor of the Senate, we had a piece of legislation called campaign finance reform. That is a piece of legislation we should pass as well. It is interesting that both pieces of legislation were brought to the floor and tied up with ropes procedurally so that no one could do anything with either piece of legislation.

Why? One underlying reason: Because there are some in this Chamber who do not want to allow an up-or-down vote on campaign finance reform. They want to crow about campaign finance reform and how much they support it. They want to go out and talk about their desire to have campaign finance reform, but they don't want to allow this Chamber an opportunity to vote on campaign finance reform.

The fact is the American people know better. The American people know this system is broken and ought to be fixed. They know we need campaign finance reform, and they know that the votes exist in the Senate to pass a campaign finance reform bill. In fact, we have demonstrated on procedural votes there are at least 52, 54, perhaps 55 Senators who will vote for campaign finance reform. But can we get to the vote? No. Why? Because procedurally those who control this Senate have tied ropes around both campaign finance reform and now the highway bill in a manner designed to prevent having an uncomfortable vote on campaign finance reform.

When I talk about using ropes, I am talking about procedures called "filling the tree." It is probably a foreign language to people who don't know what happens in the Senate, but it is a rarely used approach, filling the tree, which means establishing through parliamentary devices a series of amendments, first degree and second degree, that offset each other sufficient so when you are finished filling the tree, no one can move and no one can do anything.

The highway reauthorization, which is on the floor now, was brought to the floor and the tree was filled immediately. As I said, it is a rarely used device and almost always used to prevent something from passing.

Mr. TORRICELLI. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. TORRICELLI. I think the Senator from North Dakota makes an important point to the Senate, and that is that many of the American people are asking why, with all that we now know about campaign finance abuse and with the continued erosion of confidence in our electoral system, why a majority of this Senate is not prepared to vote for campaign finance reform.

The simple truth is, a majority of the U.S. Senate would vote today for campaign finance reform, for the most meaningful change in how money is raised and spent and we govern our elections in a generation. But a majority of this Senate is being prohibited from casting votes for this fundamental change, first by the Republican leadership, which is so intent on preventing a vote of the McCain-Feingold bill that it will filibuster, and second, as the Senator from North Dakota has pointed out, by prohibiting procedurally the offering of any amendments to other legislation that will allow us to make campaign finance reform part of other legislation enacted on this Senate floor.

It is cynical. It is a deliberate, partisan tactic to keep an advantage in the financing of campaigns in this country. The cost is enormous. The cost is enormous, not simply in delaying other legislation, in stopping the work of this Congress, but in continuing and even fueling the erosion of confidence in the American people in the ability of this Senate to solve a real and legitimate problem.

Mr. DORGAN. The Senator from New Jersey is absolutely correct.

The Senator from Wisconsin, Senator FEINGOLD, who is on the floor, has, along with the Senator from Arizona, Senator MCCAIN, brought to us a bipartisan proposal to say, "Let's fix this issue. Let's do something meaningful about campaign finance reform."

Every day you look in the paper and there is something new, some new revelation about what has happened in campaign finances, and it is not good. It has been Democrats a good number of times, and I understand that, and I am uncomfortable with that. Today it happens to be Republicans in the Washington Post—$1 million-plus passed from big donors to other groups, then out to campaigns. So what you have is big money being moved into campaigns with an inability to trace any portion of the funds. Yesterday, the same thing, in a little race going on up in New York. Right now, $800,000 put into that race in issue advertising which is unfortunately, under today's system, a legal form of cheating.

I think it would be in the best interest of the American people that we brought to the floor of the U.S. Senate an opportunity to vote yes or no, up or down, on campaign finance reform and stop the silly dance going on.

Mr. TORRICELLI. If the Senator would yield—and I am interested in hearing Senator FEINGOLD on this issue—I think it is important that the American people now understand this is not a choice between a current campaign finance system in the country being governed under existing statutes or an alternative offered by Mr. MCCAIN and Mr. FEINGOLD. The simple fact is there is no governing law of American political campaigns today.

The legal system, which for more than 20 years has governed the financing of our campaign system, has collapsed. Corporate money is flowing into this system. Independent organizations are beginning to dominate the system. Even the political parties risk becoming side voices in a larger chorus. The system in this country of governing our campaigns has ended. The only issue is whether this Senate is now going to allow the majority to govern by passing a new system which will install some new integrity into our system of government. That is, indeed, the issue.

Mr. DORGAN. One of the reasons we are told they don't want to have a vote on this is because money is speech, they say. If that is the case, there are a lot of folks in this country who are voiceless in American politics.

There is too much money ricocheting off the walls in politics. We need to do something about it. Campaign finance reform of the type offered by Senator FEINGOLD and Senator MCCAIN is a step in the right direction. All we need to do is be allowed to have a vote on campaign finance reform.

Mr. FEINGOLD. Mr. President, on that point, let me agree strongly with the Senator from New Jersey and the Senator from North Dakota and highlight what will happen in a couple of minutes.

We will have a cloture vote that is purportedly on the issue of highway spending, but it is not about highway spending. It is not about transportation. It is not about investing in infrastructure. Those votes will come later. The vote we are going to have in a few minutes is about whether the first session of the 105th Congress is going to adjourn for the year without one single substantive vote on the issue of campaign finance reform and all the scandals that we have seen here in Washington. That is what is going on here. That is exactly what the American people have to be told in a straightforward manner.

The discussion that we just had here indicated what really happened a couple of weeks ago on the campaign finance reform bill. We thought we were going to have a serious debate on that issue. We thought there was going to be an opportunity not only to debate the overall bill but to offer Senators what Senators come here to do—the opportunity to offer amendments and modifications.

I was ready for that debate. These Senators were ready for that debate.

The Senator from Arizona was ready for that debate. Even the junior Senator from Kentucky, the leading opponent of campaign finance reform, said he was ready for that debate.

Well, we were wrong, Mr. President. We never had such a debate. We never had such amendments voted on. We had a sham, a con game played on the American people. We had a process that was purposely rigged so that one way or the other the Republicans and Democrats would have to filibuster, or better yet, if possible, make both of them filibuster.

So my point is this: Let's have that debate. Let's have serious, substantive votes on this issue. Let's let Senators amend and modify and give their good ideas to the bill and then let the chips fall where they may.

Mr. President, I yield the floor.

FIVE IMPRESSIVE WINNERS OF IMMIGRATION ESSAY CONTEST

Mr. KENNEDY. Mr. President, a few months ago, the American Immigration Lawyers Association held an essay contest entitled "Celebrate America" for children in grades four through seven. The children were asked to write on the subject, "Why I Am Glad America Is a Nation of Immigrants." Hundreds of children entered the contest, and I congratulate all the participants.

The winner of the contest was Veronica Curran, a fifth grader in St. Mark's School in Shoreline, WA, who wrote about her family's extraordinary immigrant history—she and each of her brothers and sister were adopted from different countries. Eric Eves of Goulds, FL, Crystal Kohistani of Plymouth, MN, and Joseph Opromollo of Morris Plains, NJ, wrote other top essays. All of the essays reflect pride in America's immigrant heritage, and emphasize the benefits of immigration for the United States.

I congratulate each of these young writers, and I ask unanimous consent that the five winning essays from the "Celebrate America" essay contest be printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

Coming From Afar

(By Veronica Curran)

Most immigrants are not famous people. They are just regular, ordinary people, like my family and me.

In America, people have opportunities. They have a chance to use their talents to improve America. My family is a good example of why immigrants are good for this country.

My father's family immigrated from Ireland. They lived on a very poor farm which was too small to support everyone. They came to Montana and worked long hours in a dangerous copper mine. They saved their money for their children to get a good education. My father is now a teacher. America helped their family and they helped America.

My mother's family were printers who moved from Switzerland, then to America. They were in trouble for printing books against the government. They were looking for freedom to express themselves. They helped America by being good thinkers.

Many students have immigrant stories like these. But my family's story is different because my brothers, sister and I were adopted from different countries. We all have our own stories. My oldest brother immigrated from Colombia. My sister's ancestors immigrated from Portugal. My other brother and I immigrated from India.

If America was not a nation of immigrants, my family would not have been created. Because America welcomes people from all over the world, our family members have come together to become American citizens. I hope we will grow up to help America.

Like a Tree

(by Eric Eves)

Like a tree, America is supported by many roots. Long ago Vikings used to tell tales of an enormous tree that supported the entire universe. The roots of this mighty tree grew down into the underworld. Its trunk held the earth and its evergreen boughs reached beyond the sky. When I think of the United States, I can't help but think of the United States as that tree. We are one of the most powerful nations on earth today, much thanks to our many roots that have come from all corners of the world. Our evergreen boughs reach beyond the earth to space itself. It has taken many different people and many different kinds of people to make the United States what it is today.

Like a tree, America had to start from a seed—this seed being the natives, the Indians. It is believed that the Indians migrated from northeastern Asia, thousands of years ago, when there was a land bridge that linked North American to Asia. As we know, after the voyage of Christopher Columbus, Europeans started to immigrate to North America. This was the birth of our nation.

Like a tree, America started with a seed, was born, then it started to grow its roots—immigration. These immigrants have come and made the nation strong with their many strengths. Immigrants to the United States are people who have left their homeland for many reasons: war, social upheaval, economic calamities, political and religious persecution, but the greatest reason for people to come to America has been the desire to find greater opportunities. The United States has been known for a nation of immigrants. Since its birth it has taken in more than 55 million people, from every corner of the world. These people are welcomed and many have made enormous contributions to the culture and to the economy of the United States.

Like a tree, America has become a mighty nation with its roots grown from immigrants. Roots, anchor a tree in the ground, holding it firmly in place, so, that it doesn't blow over when storm winds blow. The roots of America, like a tree, has thousands of different people branching from it, spreading out in every direction. It is the roots of a tree that have more growth than its trunk or leaves, and, this we see here in America. Immigration has fed our country and made it what it is today—A Mighty Nation.

The Long Journey To America

(By Crystal Kohistani)

My story begins in 1983 when I was born. I was my parents first child. Both my parents were born and raised in Afghanistan, where I also was born. The religion in Afghanistan is Islam. The language is Farsi.

I was one year old and my brother, who was also born in Afghanistan, was eleven months old, when a war broke out between the Russian and Afghan communists against Muslim Afghans. The Russian communists wanted to overpower the Afghan country. Many people died. Innocent people. They bombed homes and shot people who would not side with them. One of those people was my grandfather. He was a highly respected, wealthy man. The communists wanted him to side with them, but when he refused they shot him to death. They thought since he was a leader to people, that the people would do whatever he did. When my parents heard of this they became scared and decided to leave the country. We started our Journey in 1984. My father had to leave a day earlier than us. He got on a bus that would transfer workers from and to the University of Afghanistan. My father was good friends with the driver so he agreed to drive him one hour out of town to a village. The next day a jeep came for us at 12:00 A.M. We had to leave at dark so no one would see us leaving. The communists would not let anyone leave the country. If you were caught, they either arrested you or shot you. We had sold our belongs and took our clothing and some food with us. The jeep took us to the village and we met with my father. From there, four armed men with horses and donkeys met us. We had to pay these men for the donkeys and horses. We also had to pay ten thousand dollars for each one of us to be transferred. These men were to take us to Pakistan. They took us from village to village. My mother held me on her horse and my father held my brother on foot. We had some family with us so there wasn't enough horses or donkeys for my father. Then early in the morning we reached another home. This home contained many people; a tiny room for two people were given to us. We had about ten people with us. We spent the night there. The next day we all got sick. Luckily my mother had medication with her. Then we set out again. We came to a bombed out house and spent another night there. We were all wet from the rain storm that had hit. We were so tired and hungry. Most of the places we stayed in were very dirty and smelly. They had rats, lizards and bugs. We had to sleep on the bare floor. We changed our clothes and got our rest. Later we headed towards a desert with little food and water. We saw many snakes. When we came out of the desert we were greeted by a wet and muddy path. Because of this we had to pass through the mountains. On the way a man tried to kidnap by brother from my mother, but when they saw the armed men they ran away. After the mountains we reached a dangerous valley, where many had died. After seven days we had reached the border of Pakistan. The officers at the border asked us some questions and then let us through. We thanked the men that helped us. The men returned to Afghanistan, perhaps to help another family. We got in touch with our relatives in Pakistan. They came, picked us up from the border and helped us look for a house. We lived in Pakistan for two years. After two years, my uncle, who lived in Minnesota sponsored us. We went from Pakistan, to Japan, to California, to Colorado, and finally to Minneapolis, Minnesota. I was three and half years old when I came here. I did not know any English. I am thirteen years old today. I am glad that I am here today, safe with my family. It was very hard for me to have two cultures. It confused me. But now I have learned to maintain two cultures. Some day I do hope I can go back to my country to visit. Although America will always be my country, for I was raised here. Right now there is war in Afghanistan still, but this time it's with the Tallibans. They are taking the religion Islam too far. They make it seem like a horrible religion, but it's not. What the Talliban are requiring of the religion is not what the Holy Quran is requiring. I am glad I am here today to tell the story of my dangerous migration. So that my grand children and so on can tell the story of their ancestor's migration. And some day I hope that the world can live in peace.

Why I Am Glad America is a Nation of Immigrants

(By Joseph Opromollo)

Red, yellow, olive,
Black, brown, white.
Splashes of color from God's own brush.
Splashes of color upon
Blue, green, brown,
Grey, red, beige.
Splashes of color which form an
Endless rainbow,
Which bleed together and blend into one.

The above symbolizes the diversity that is found in the United States of America. I am glad that the United States is a nation of immigrants. God has created all different nationalities of people to live on this world. For what reasons? For war? To fight each other because of our differences? No. I believe it was to live together in harmony and peace. This is why America is considered a melting pot.

In school I have learned many interesting facts about America's past. Although life was often hard for the immigrants, their fight for freedom allowed all to live peacefully together. I know if my great-grandparents did not dream of the freedom they would find in the U.S. and had not immigrated, I would not be here today.

Where else in the world can you find friends of every race, color and nationality? Like the colors of nature, the colors found in America add variety to our lives. Like the colors of an artist's palette, they can exist side by side and can also blend to form new colors. I am proud to live in America.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

> Senators Trent Lott, John H. Chafee, Paul Coverdell, Christopher Bond, Jesse Helms, Michael B. Enzi, John Ashcroft, Don Nickles, Craig Thomas, Mike DeWine, Richard Lugar, Pat Roberts, Ted Stevens, Wayne Allard, Dirk Kempthorne, and Larry Craig.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, a bill to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 48, nays 52, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER (Mr. BURNS). On this vote, the yeas are 48, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of House Joint Resolution 97 with the joint resolution to be considered read for the third time.

The question is now on the passage of House Joint Resolution 97.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the passage of the joint resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The joint resolution (H.J. Res. 97) was passed.

The PRESIDING OFFICER. Who seeks recognition? The majority leader.

THE SENATE SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, under the provisions of rule XXII, the second cloture vote will occur immediately, unless changed by unanimous consent. We had the first cloture vote, which was not agreed to. Then we had the vote on the continuing resolution. I am glad we got that done now.

My intent had been to have the second cloture vote later on in the day to give Members time to assess where we were on the ISTEA, and see if they would like to have an ISTEA bill and see if there is a way to sort of get things that are wrapped around the axle moved in such a way that we could go forward with this very important transportation infrastructure bill. But I understand our Democratic colleagues will not grant consent for the cloture vote to occur at 3 o'clock today. They want the cloture vote right now. I don't think that is wise. I think we need 3 hours here to sort of assess where we are, have some discussions, and then have a vote.

So, with that in mind, I will shortly move to recess the Senate, then, until 3 o'clock today. Therefore, Senators can expect the next vote to occur at 3 p.m., on the second cloture motion with regard to the ISTEA highway infrastructure extension bill, and hopefully we will have some greater success there.

If we don't get cloture— and I had hoped we would on the second cloture vote—we have a cloture motion filed and we will have another cloture vote on Friday. I know some Senators have things they need to do. I know there will be some Senators absent and therefore it would be even more difficult to get the cloture vote to pass on Friday.

If we don't get cloture then, as majority leader I have to make a call, after consultation with Members on both sides of this very important ISTEA transportation bill, as to whether we just pull it down and then next week try to move to other issues. We may have to have debate and votes on the Federal Reserve nominees. We have two Federal Reserve nominees that there is a hold on. It would be my intent to call those up because I don't think we ought to delay Federal Reserve nominees for any of our maneuverings around here. That could possibly be done on Monday.

We also have a judge on the calendar that we have cleared, except a vote is going to be required. So we probably would have that vote on Monday at 5 o'clock. And again, I am not locking all these in. I am just trying to advise Members where we are.

Then we could very well move to a variety of bills that are pending—they are very serious—that we would like to get done before we adjourn for the end of the year. That would include, of course, Amtrak reform, which we need very badly. A lot of good work has been done on it. We have, of course, a threatened Amtrak strike that we may have to act on. We have the juvenile justice bill. We have the adoption and foster care bill. I thought we had bipartisan agreement on that, but there seem to be some problems with it. But we will begin to look at bringing up other bills. Also, then, next week we hope to begin the fast-track legislation, with the intent of completing action one way or the other on fast track early the first week in November.

So that is kind of where it is. I think my inclination now is, if we don't get cloture this afternoon and we don't get cloture tomorrow, then we would have to just say, well, campaign finance reform took down the very important ISTEA infrastructure bill. That is kind of where we are, and I am prepared now to move that the Senate stand in recess until 3 p.m. today.

Mr. DORGAN. Will the Senator yield for a question?

Mr. LOTT. I will yield to the Senator for a question.

Mr. DORGAN. The Senator mentioned fast track. I would not expect us to have fast consideration of fast track. I would expect that piece of legislation would take some significant time. But that wasn't the reason I asked the Senator to yield.

There clearly is a wrench in the crankcase here and we are not moving. I suspect the Senator from Mississippi, the majority leader, feels the wrench is he's not able to get cloture on the highway bill and others feel that the wrench is that we are not able to get a vote on the McCain-Feingold legislation. I wonder whether we wouldn't, in the coming days, be able to accomplish both purposes. Are there circumstances under which we might be able to expect that we can proceed on the highway bill and proceed to find a way to have a vote in some fashion on the McCain-Feingold campaign finance reform bill?

Mr. LOTT. We have already had votes on the McCain-Feingold issue. It may not have been the way that some Senators would have liked to have had it, but we have had votes on it. There is not a consensus on what to do on campaign finance reform at this time that could get the approval of the Senate, which requires 60 votes. I mean, that is what the Senator from North Dakota has indicated he is going to force on the fast track. He's probably going to have a filibuster and we'll have to get 60 votes on cloture to move on fast track. He may be successful in blocking fast track, which the President is very anxious to get and, in a meeting earlier this week, requested that I schedule it before we go out, and I want to do that. But he understands full well what the rules of the Senate are, and he's going to take full advantage of them, and that's his right.

So, the same is applicable here. There is no consensus yet on how we can come together on campaign finance reform. This issue will come up again. I don't think it makes good sense for it to come up again this year. It will come up again in the future. I assume it will come up in a very different form in the future. Maybe not. Maybe in many different forms. I realize Senators are going to try to have it considered again at a later time and, as the majority leader, the floor leader of the Senate, it would be my intent to try to schedule it in some orderly way, where Senators will know when it is coming. I have already indicated, and Senator DASCHLE has indicated, that we would like to see some action take place on it by the first week in March, either during that week or earlier perhaps. But we would need to look at the calendar for the year and look at the President's Day recess and work around that.

I don't see right now an agreement on how that would come up, because I just think the atmosphere, again, is not such that we can get an agreement worked out. Some people said, "Oh, well, let's just have it freewheeling and let everybody offer whatever amendment they want to and see what happens." I'm not sure that's going to do us any good or the country any good, where we have a bunch of amendments where we try to pin each other's ears back and at the end of the day we have a filibuster and get nothing and we start off the year in a cranky mood and had a great roar and accomplish nothing.

I am prepared to continue to work with Senators on both sides of the aisle on both sides of the issue and look to how that is going to be handled next year. I am prepared to say now that I realize it is going to come up and I will schedule it. But I have not been able to get an agreement as to how that would be done, and I don't think we are going to get that done at this time.

Mr. DORGAN. Will the Senator from Mississippi yield?

Mr. LOTT. I will yield further.

Mr. DORGAN. One additional comment. I understand the points the Senator from Mississippi makes. He indicates he would bring it to the floor, that is campaign finance reform. He did that. But when the Senator from Mississippi announces, "I don't understand how it would come up," it would come up in the regular order, offered as an amendment. The dilemma we have at the moment is the regular order is not allowed because we have a procedure on the highway reauthorization bill to fill the tree, which prevents a second-degree amendment at some point to get back into consideration of it.

I understand and accept all the points the Senator from Mississippi made about cloture and all those issues. I would just say this, that I think you only have to pick up the paper every single day to see the problems that exist all around in campaign finance reform. I think the Senator from Wisconsin and the Senator from Arizona have crafted an approach that we at least ought to be able to express ourselves on in some detail.

Bringing the campaign finance reform bill to the floor did not include the opportunity to actually get to those votes. We hope very much to have that kind of opportunity one way or the other in the future. That was the reason I inquired of the Senator from Mississippi to see whether we might not get to that point at some early point in the consideration of the Senate in the final days.

Mr. LOTT. Mr. President, again I want to emphasize that on this campaign finance issue, the idea of adding more laws on the books on top of the laws that are already there that are already impossible to comply with in many respects, and certainly not without lawyers and accountants and advisers to make sure that you are complying with the already convoluted, difficult campaign law requirements, we had three cloture votes recently on the campaign finance bill and we had two other cloture votes on the paycheck equity. We have had five votes. Cloture was not achieved, and cloture is very important. Just like what are we trying to do on ISTEA? Get cloture. What am I going to have to do on fast track? I am going to have to try to get cloture to cut off an extended debate so we can get to the substance of the issue and bring it to a head. We have had five votes. It's not as if we have not voted on this. Consensus is not there.

As far as picking up the paper and seeing the problems, yes, you can pick up the paper and see how the existing laws are being violated or maneuvered. Without saying who did it, which side, the fact of the matter is, what we need to do is to see if we can find ways to encourage people and get people to comply with existing laws before we start trying to add a whole bunch more on top of it that would limit free speech, that would limit people's abilities to have a fair shot at getting elected. That is what is at stake here. That is what I would like to be able to do, is maintain the ability to get my message across.

In my State, if I cannot raise the money to get my message across, there are those who are going to try to get it across for me, some of those same newspapers you are talking about. Yes, if I had to depend on them, I wouldn't be here. So what you are talking about is trying to find a way where a guy like Trent Lott can't get an opportunity to get his message across to the constituents. I don't want to give that up. I think I have a right to be able to raise the funds to try to make my case to the constituents of my State. I don't think—we cannot limit advocacy. We can't do that. This is still America.

But, again, to put it back in the calmer voice, we know it's going to come back up. Maybe someday we will quit trying to trump each other and try to see if there is some way maybe there might be some things that need to be done that we can agree on. I don't think we are there yet.

I would be glad to yield to Senator McCain.

Mr. McCAIN. I have just one comment. I understand the position the majority leader is in and the majority on this side of the aisle. I think we would all agree that the way we are going to move forward on this issue is if we all sit down together and try to work out something that is agreeable and fair, not only in our minds but in the minds of objective observers. I would, again, urge—the Senator from Kentucky is here on the floor—if we could just agree that we will take up this legislation sometime next year, with a certain amount of amendments and a cloture vote, leaving on both sides the right to filibuster if it is not agreeable to either side. But to not allow a single amendment that addresses this issue is what is frustrating, I think, clearly to the Senator from Wisconsin and me.

So, I urge all of my colleagues on both sides of this issue, if we could just sit down and say, "OK, we will take up this issue at a date certain and we will give it a certain amount of consideration." It doesn't have to be unlimited amendments. It doesn't have to be even a large number of amendments. But, then, if at the end of that debate and voting and having Senators on record on the issue, we could then either filibuster or, which I think is the most likely result, is we could agree on a campaign finance reform that would be agreeable to all sides, we could move forward to the benefit of the American people. I want to thank the Senator, the distinguished majority leader. I thank the Democrat leader. I think that good effort has been made.

But all of us need to sit down and agree on this so we can address this issue, and the reality is, as the distinguished majority leader knows, we are going to address it sooner or later. I hate to see it hold up ISTEA. I don't like to see it hold up fast track. Clearly, it is in all of our interests not to have to impede the progress of the Senate.

I thank the majority leader for yielding to me, and I thank him for his continued courtesy to me on this issue which, obviously, he just displayed he feels very, very strongly about.

(Mr. GREGG assumed the chair.)

Mr. LOTT. I yield to Senator McConnell.

Mr. McCONNELL. Let me say, I agree with Senator McCain. I think the issue at this point is really whether we are going to finish the highway bill and some other important legislation pending in the Senate. We had 7 to 9 days of debate on campaign finance reform. The majority leader is absolutely correct, there is no way he can or any of us can prevent further debate on this issue. As a matter of fact, we have been debating it for 10 years. It comes back almost every year.

I don't object to that. As someone who has not been in sympathy with McCain-Feingold, I certainly don't object to the debate. I enjoy it. We had 27 speakers on my side of the issue when we debated it a few weeks ago, and I don't mind debating it again.

Mr. McCAIN. Will the Senator yield for a question?

Mr. McCONNELL. Yes.

Mr. McCAIN. Will he allow votes on amendments? That is the key to this. It is fun to debate. I enjoyed it, but at sometime or another, the Senate has to be on record on this issue.

So I respectfully request that he agree to some kind of format that we could agree on where there are votes, and if the Senator still does not agree, then he can filibuster or the majority on either side can filibuster depending on the result. That is the question I ask.

Mr. McCONNELL. I say to my friend from Arizona, I am open to discussion about having lots of amendments on both sides and lots of debates, lots of votes. But it seems to me the issue here, 3 weeks before we get out, is whether we are going to finish other important legislation the majority leader would like to advance and I am sure the minority leader would, too.

We will have that debate next year. I am more than happy to discuss the context of the debate, the timing of the debate. I am confident that an issue this controversial will always be determined in a 60-vote context, as much as the Senator from North Dakota will assure that is what will happen on fast track. I am open to that discussion.

What I would like to see us to do is go on and pass some of the much-needed legislation ·the majority leader would like to push forward in the remaining weeks of the session.

Mr. KERRY. Will the majority leader yield?

Mr. LOTT. Yes, and after that, it will be my intention to yield the floor so Senator Daschle can make some comments and then after that, I will move the Senate stand in recess until 3 o'clock. I would like for Senator Daschle to have some time first.

Mr. KERRY. I say to the majority leader, obviously the leader takes precedence.

Mr. LOTT. Did you want to ask a question? I can yield the floor so he can have some time.

Mr. KERRY. Mr. President, it was my intention, before the leader came to the floor, and also in response to the Senator from Kentucky, to point out that the issue is not really simply whether or not we can finish the so-called important business of the Senate if that business is limited to the definition of the Senator from Kentucky, which is ISTEA and a few other matters.

Mr. LOTT. If you will yield, it is ISTEA, it is fast track, it is Amtrak, it is juvenile justice, it is foster care and adoption, even maybe the Endangered Species Act—I have not had a chance to meet with the interested parties there—product liability. We have a lot of stuff we can do here in the next 2 weeks if we can get a process to achieve that.

Mr. KERRY. And I think every Senator on this side agrees with that, but the question is larger than just that. The question is whether the entire caucus on the Democratic side and a portion of the Republican caucus is going to be permitted to know with certainty that an issue of equal and, in many people's judgment, greater importance, campaign finance reform, is going to receive its proper hearing on the floor of the Senate.

I think what the Senator from Arizona was asking the Senator from Kentucky didn't really get an answer. It is one thing to say we are willing to sit down and discuss this. That discussion has to come to cloture before we are able to proceed, because we are determined to know that we are going to have adequate capacity to be able to bring up amendments and have that kind of a thorough vetting of this issue.

Now, I agree with the Senator from Kentucky. This will take 60 votes. I think everybody over here understands that. And clearly we are going to have to come together in this process to arrive at those 60 votes. That is going to require us to do precisely what the leader said, which is not to be jockeying for advantage one over the other, and to find an evenhanded way to approach this. Right now we are not even having that discussion. So we are operating in a vacuum where we are being asked to accede to going forward on certain legislation without the understanding that we will be able to vote and to have these amendments come to the floor.

This can be resolved in 1 hour. It can be resolved in half an hour if the majority leader were permitted to simply say to us, we will have a date certain when we return in the winter, and with that date certain, we will have *x* number of amendments with a period of time to vote, and we will be able to take up campaign finance reform.

Mr. LOTT. Mr. President, I have said I know this issue will come up again, rightly or wrongly, and I would like to schedule it in a way for everybody to know when it is coming up. I think Senator DASCHLE and I can agree on that. What I can't guarantee the Senator from Massachusetts is a process that would match or fit his word "proper" or "adequate." It is in the eye of the beholder. What you think might be proper may not be what some other Senator thinks is proper as to how it should be considered. And also, if you are talking about setting up a process where at the end you win on the McCain-Feingold version, whether it is the first or second one, we don't think that is proper.

So if the idea is you have to have a process where we can have a great big fight, after which nothing happens, or whereby you can be relatively assured you are going to be able to win the issue, we can't agree to that.

Mr. KERRY. But, if the majority leader will yield for a minute, I think we just agreed it is going to take 60 votes. The question is, we are never going to get to the point of understanding whether we can muster the 60 votes if we can't even have one vote on one of the major amendments that begins to sort out where people are and where you can find the common ground.

Mr. LOTT. We tried to get the vote on the paycheck equity amendment, and cloture was defeated twice on that. The situation may be different 3 or 4 months from now. I think the atmosphere is charged now in a way that makes it difficult for us to define now what the process will be. By the end of February, the first of March, something that might appear impossible now we might be able to work out. We can continue to talk about how we would do that.

Now, in the meantime, time marches on. The calendar is moving on. We are struggling to have committees meet that, by the way, need to meet so they can confirm Foreign Service or Ambassador nominations and judges. We are having trouble with that. We are trying to see if we can continue to move some of these people on the Executive Calendar. We have Members who are working on the highway transportation bill. Senator CHAFEE has been here now for a week and nothing has happened. Senator BYRD is very interested in this bill and has an amendment on which he has been working with Senator GRAMM and others. Senator BAUCUS is very anxious to see if we can't get going forward.

It is the usual process around here. Sometimes you get just completely bollixed. The only way you change that is you start moving—you move a little here, you move a little there. Senator DASCHLE and I have been trying to do that a little bit this week. We made a little progress here, a little progress there. If we can get these wheels creaking and moving forward, then who knows what will happen.

As long as we are hunkered down, saying, "We've got to get this agreed to before we do that; if we don't get that, you don't get this," and we wind up getting nothing. I hope that is not what we will do. We can see. I hope we can get cloture on ISTEA. If we got cloture this afternoon, we would still be performing a miracle if we finish this bill by next Thursday, and if we don't get it done next week, how do we get fast track where we have been assured we are going to have extended debate on that, and maybe other games being played with that one?

I think we need to move the ball forward, get cloture, get on this bill, get some of these amendments offered that are very important and very critical to various States, the entire country. There are some other issues that will be hotly debated on this bill. We will still be here, and we will still have time to have meetings and talk about what we are going to do.

I think I just saw probably the greatest exchange between my two great friends of Scottish descent, McCAIN and McCONNELL, a moment ago. Who knows what great things might happen once we start moving things forward?

Mr. FORD. Don't bet on that.

Mr. LOTT. Don't bet on that? The Senator from Kentucky will make sure that doesn't happen. I yield the floor so Senator DASCHLE can comment on his own time, and then I will move to stand in recess after that.

Mr. DASCHLE. Mr. President, I thank the distinguished majority leader for his comments and applaud him for making the effort that he has over the last several days in working with us to see if we can't find a way with which to resolve this impasse.

I want to clarify a couple of matters that I think ought to be understood as we work our way through the impasse. The first is that a cloture vote, a victory on cloture on the Chafee amendment may move the ball ahead slightly, but there are scores of Chafee amendments, all of which will be subject to the same cloture vote process, each taking 30 hours. So if you multiply 30 hours times 30 amendments, that is a lot of time, and we don't have a lot of time.

It is not only the amendments, but it is the titles themselves, the banking, the finance, the commerce titles that have to be added to the trunk of the bill. They, too, will be subject to cloture and will require a substantial amount of time.

So unless we get an agreement, even if the caucus, even if our Democratic caucus would vote for cloture, there are Senators who would oppose moving the ISTEA bill forward without an agreement, which brings us to the need to vote for cloture in any case.

So it is with unanimity the Democrats are hoping that we can work with our friends in the majority to see if we can't reach that agreement.

As to the agreement, the clarification I wish to make goes along the lines of what the distinguished Senator from Massachusetts has just noted, and others. What do we want? Well, we want a date certain. We would like the assurance that the so-called parliamentary tree is not filled; that we have an opportunity, as Senator McCAIN noted, to offer amendments. We would like to take the bills in sequence—the McCain-Feingold and then perhaps the Lott bill having to do with the labor unions. That would be the desirable approach, a sequence of consideration, first of McCain-Feingold and then of the Lott bill.

We recognize that every amendment and the bill itself would be subject to the rules of the Senate which means you have to have 60 votes. It would seem to me that if you don't get 60 votes, you pull the amendment and would move on to another one. If we filed cloture on an amendment or required a 60-vote threshold, you could get through these amendments pretty quickly. If you don't get it, it falls, and we just keep going. Ultimately, if we don't get 60 votes on McCain-Feingold, it falls; it is over.

I do not think it would take that long. I think we could work through a procedure that would bring us to some closure on this bill. That is all we can ask. We cannot do anything more than make our best effort to persuade and come up with a parliamentary process that will allow us the right to protect Senators as Members of the minority, whatever the minority may be, on a given issue. And I believe a process like that would work.

Senator LOTT has been, I think, fair in his willingness to consider almost anything. We have Senators who are unable to agree at this point. But like others before me, I am hopeful that we can get an agreement, that cloture votes will not be necessary, that we can then finish ISTEA, that we can then move on to nominations and another array of issues next week. That is within our grasp, but it will take an agreement.

I think it is fair to say that it will not matter how many cloture votes we take, I do not think the votes will be different. A majority of the Senate voted against cloture this morning—a majority. Forty-five Democrats and seven Republicans voted against cloture. A majority, it seems to me, now want to resolve this matter.

So I am hopeful, Mr. President, we can do that. I think we can do it. I will stand ready to meet with anybody to come to some conclusion on how we might proceed. But I hope we do not give up.

Under the rules, as I understand them, we will go into a recess until 3 o'clock?

RECESS

Mr. LOTT. Mr. President, I move now that the Senate stand in recess until 3 p.m. today.

The motion was agreed to, and at 12:16 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KEMPTHORNE).

APPOINTMENT OF CONFEREES—S. 830

The PRESIDING OFFICER. Pursuant to the order of October 9, 1997, the Chair appoints the following conferees on Senate bill 830.

The Presiding Officer appointed Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, and Ms. MIKULSKI conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Idaho, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John Chafee, Paul Coverdell, Christopher Bond, Jesse Helms, Mike Enzi, John Ashcroft, Don Nickles, Craig Thomas, Mike DeWine, Richard Lugar, Pat Roberts, Ted Stevens, Wayne Allard, Dirk Kempthorne, and Larry Craig.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to Senate bill 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NAYS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mack
McCain
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NOT VOTING—2

Mikulski
Sarbanes

The PRESIDING OFFICER. On this vote the yeas are 48, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might proceed for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senate will please come to order. The unanimous-consent request has been made.

The Senator from Massachusetts.

Mr. KERRY. I simply ask unanimous consent that I be permitted to follow for up to 5 minutes.

Mr. SHELBY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thought there was some kind of order here. Am I misinformed?

How much time does the Senator from Massachusetts want?

Mr. KERRY. Five minutes.

Mr. SHELBY. I have no objection to that because I am looking for about 20 or 30 minutes.

The PRESIDING OFFICER. If there is no objection, the Senator from New York is recognized for up to 5 minutes, followed by the Senator from Massachusetts for 5 minutes.

The Senator from New York is recognized.

HONG KONG STOCK MARKET DECLINE

Mr. D'AMATO. Mr. President, last night, the Hong Kong stock market lost 10 percent of its value. In the past week it has dropped 25 percent of its value. Panic stock selling has taken over the Hong Kong market. All stock markets around the world are declining very heavily. And as of 2:30 this afternoon the Dow Jones industrial average was down 215 points.

This is no coincidence. This is not just the normal fluctuation of the stock market. This is a warning sign of what could be yet to come in Hong Kong now that the Communist Chinese have taken over.

I have spoken out before on this floor about the dangers of the Communist takeover in Hong Kong and, regrettably, my fears appear to be coming true. There is a simple but profound lesson here for Americans and for all freedom-loving people around the world. Until recently, Hong Kong was an oasis of economic vibrance and freedom surrounded by the Communist dictatorship on the Chinese mainland. Hong Kong was economically strong because Hong Kong was free.

Freedom knows no boundaries. Whether it is in America or Europe or Africa or Latin America or Asia, freedom is what creates the opportunity for people and ideas to prosper, but wherever the Communists have ruled freedom dies.

Mr. President, the collapse of communism in Russia and Eastern Europe is one of the epic stories of our time, a true triumph of the human spirit against the forces of oppression. Unfortunately, the brave people of Hong Kong are suffering a reversal. It is tragic to see a free people come under the yoke of Communist rule.

There is still freedom of Hong Kong today, but the warning signs are ominous. We Americans, as the world's foremost champions of freedom, must remain vigilant in our efforts to prevent the Chinese Communists from imposing the full force of their dictatorship on the people of Hong Kong. I pledge to do that, and I encourage all of my colleagues to join me in this noble effort to be vigilant and not to permit the compromise of freedom on the altar of greed and profits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 5 minutes.

THE CLIMATE CHANGE TREATY

Mr. KERRY. Mr. President, the United States is currently engaged in negotiating a climate change treaty. This is a negotiation that we have literally only just really engaged in, in the sense that we have only now made clear to the world what our negotiating position will be, the critical elements from which we will proceed. I was somewhat troubled this morning to hear a number of our colleagues come to the floor of the Senate and, frankly, either considerably misstate or considerably misrepresent the very straightforward words of the President yesterday with respect to this subject. The following is the position that the President articulated yesterday.

No. 1, it is the goal of the United States to find a binding treaty which includes not just developed nations but developing nations as well.

No. 2, the U.S. goal is a binding treaty that seeks to bring greenhouse gases to 1990 levels between 2008 and 2012, so as to minimize economic costs to the United States.

And, finally, No. 3, the United States now will undertake policies to fully leverage market mechanisms, innovation, technology, and American ingenuity to make achieving emissions reductions less costly.

I remind my colleagues that all of these positions are completely within the framework of the resolution that the Senate passed, the Byrd-Hagel resolution. That resolution specifically said it must "mandate new commitments to limit or reduce greenhouse gas emissions for the annex I parties, unless the protocol or other agreement"—and I want to emphasize here, "other agreement." The President in his proposal has made allowance for the very "other agreement" potential that was contemplated in the resolution we passed. It specifically requires that other agreement, or the principal agreement, mandate new and specific scheduled reductions for the developing countries within the same compliance period.

The second requirement that the Senate passed was that whatever agreement we reached would not result in serious harm to the economy of the United States. Let me emphasize, the term is "serious harm to the economy of the United States." Any fair reading of the President's remarks outlining our position would find that the President is completely within the framework of the Senate resolution. And yet, today, we really heard Senators completely misrepresenting that position and asserting that it is somehow outside of the Byrd-Hagel resolution.

I ask unanimous consent the full text of the President's comments be printed in the RECORD so people can judge for themselves the degree with which we are in compliance.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT ON GLOBAL CLIMATE CHANGE BEFORE THE NATIONAL GEOGRAPHIC SOCIETY

The PRESIDENT. Thank you very much. Mr. Murphy, Mr. Vice President, to all of you who are here. I thank especially the members of Congress who are here, the leaders of labor and business who are here, all the members of the administration, and especially the White House staff members that the Vice President mentioned and the Secretary of Energy, the Administrator of the EPA, and the others who have helped us to come to this moment.

On the way in here we were met by the leaders of the National Geographic, and I complimented them on their recent two-part series on the Roman Empire. It's a fascinating story of how the Empire rose, how it sustained itself for hundreds of years, why it fell, and speculations on what, if any, relevance it might have to the United States and, indeed, the West.

And one of the gentlemen said, well, you know, we got a lot of interesting comments on that, including a letter referencing a statue we had of the bust of Emperor Vespasian. And one of our readers said, why in the world did you put a statue of Gene Hackman in a piece on the Roman Empire? (Laughter.) And I say that basically to say, in some senses, the more things change, the more they remain the same. (Laughter.)

For what sustains any civilization, and now what will sustain all of our civilizations, is the constant effort at renewal, the ability to avoid denial and to proceed into the future in a way that is realistic and humane, but resolute. Six years ago tomorrow, not long after I started running for President, I went back to my alma mater at Georgetown and began a series of three speeches outlining my vision for America in the 21st century—how we could keep the American Dream alive for all of our people, how we could maintain America's leadership for peace and freedom and prosperity, and how we could come together across the lines that divide us as one America.

And together, we've made a lot of progress in the last nearly five years now that the Vice President and I have been privileged to work at this task. At the threshold of a new century, our economy is thriving, our social fabric is mending, we've helped to lead the world toward greater peace and cooperation.

I think this has happened, in no small measure, in part because we had a different philosophy about the role of government. Today, it is smaller and more focused and more oriented toward giving people the tools and the conditions they need to solve their own problems and toward working in partnership with our citizens. More important, I believe it's happened because we made tough choices but not false choices.

On the economy, we made the choice to balance the budget and to invest in our people and our future. On crime, we made the choice to be tough and smart about prevention and changing the conditions in which crime occurs. On welfare, we made the choice to require work, but also to support the children of people who have been on welfare. On families, we made the choice to help parents find more and better jobs and to have the necessary time and resources for their children. And on the environment, we made the choice to clean our air, water, and land, to improve our food supply, and to grow the economy.

This kind of commonsense approach, rooted in our most basic values and our enduring optimism about the capacity of free people to meet the challenges of every age must be brought to bear on the work that remains to pave the way for our people and for the world toward a new century and a new millenium.

Today we have a clear responsibility and a golden opportunity to conquer one of the most important challenges of the 21st century—the challenge of climate change—with an environmentally sound and economically strong strategy, to achieve meaningful reductions in greenhouse gases in the United States and throughout the industralized and the developing world. It is a strategy that, if properly implemented, will create a wealth of new opportunities for entrepreneurs at home, uphold our leadership abroad, and harness the power of free markets to free our planet from an unacceptable risk; a strategy as consistent with our commitment to reject false choices.

America can stand up for our national interest and stand up for the common interest of the international community. America can build on prosperity today and ensure a healthy planet for our children tomorrow.

In so many ways the problem of climate change reflects the new realities of the new century. Many previous threats could be met within our own borders, but global warming requires an international solution. Many previous threats came from single enemies, but global warming derives from millions of sources. Many previous threats posed clear and present danger; global warming is far more subtle, warning us not with roaring tanks or burning rivers but with invisible gases, slow changes in our surroundings, increasingly severe climatic disruptions that, thank God, have not yet hit home for most Americans. But make no mistake, the problem is real. And if we do not change our course now, the consequences sooner or later will be destructive for America and for the world.

The vast majority of the world's climate scientists have concluded that if the countries of the world do not work together to cut the emission of greenhouse gases, then temperatures will rise and will disrupt the climate. In fact, most scientists say the process has already begun. Disruptive weather events are increasing. Disease-bearing insects are moving to areas that used to be too cold for them. Average temperatures are rising. Glacial formations are receding.

Scientists don't yet know what the precise consequences will be. But we do know enough now to know that the Industrial Age has dramatically increased greenhouse gases in the atmosphere, where they take a century or more to dissipate; and that the process must be slowed, then stopped, then reduced if we want to continue our economic progress and preserve the quality of life in the United States and throughout our planet. We know what we have to do.

Greenhouse gas emissions are caused mostly by the inefficient burning of coal or oil for energy. Roughly a third of these emissions come from industry, a third from transportation, a third from residential and commercial buildings. In each case, the conversion of fuel to energy use is extremely inefficient and could be made much cleaner with existing technologies or those already on the horizon, in ways that will not weaken the economy but in fact will add to our strength in new businesses and new jobs. If we do this properly, we will not jeopardize our prosperity—we will increase it.

With that principle in mind, I'm announcing the instruction I'm giving to our negotiators as they pursue a realistic and effective international climate change treaty. And I'm announcing a far-reaching proposal that provides flexible market-based and cost-effective ways to achieve meaningful reductions here in America. I want to emphasize that we cannot wait until the treaty is negotiated and ratified to act. The United States has less than 5 percent of the world's people, enjoys 22 percent of the world's wealth, but emits more than 25 percent of the world's greenhouse gases. We must begin now to take out our insurance policy on the future.

In the international climate negotiations, the United States will pursue a comprehensive framework that includes three elements, which, taken together, will enable us to build a strong and robust global agreement. First, the United States proposes at Kyoto that we commit to the binding and realistic target of returning to emissions of 1990 levels between 2008 and 2012. And we should not stop there. We should commit to reduce emissions below 1990 levels in the five-year period thereafter, and we must work toward further reductions in the years ahead.

The industrialized nations tried to reduce emissions to 1990 levels once before with a voluntary approach, but regrettably, most of us—including especially the United States—fell short. We must find new resolve to achieve these reductions, and to do that we simply must commit to binding limits.

Second, we will embrace flexible mechanisms for meeting these limits. We propose an innovative, joint implementation system that allows a firm in one country to invest in a project that reduces emissions in another country and receive credit for those reductions at home. And we propose an international system of emissions trading. These innovations will cut worldwide pollution, keep costs low, and help developing countries protect their environment, too, without sacrificing their economic growth.

Third, both industrialized and developing countries must participate in meeting the challenge of climate change. The industrialized world must lead, but developing countries also must be engaged. The United States will not assume binding obligations unless key developing nations meaningfully participate in this effort.

As President Carlos Menem stated forcefully last week when I visited him in Argentina, a global problem such as climate change requires a global answer. If the entire industrialized world reduces emissions over the next several decades, but emissions from the developing world continue to grow at their current pace, concentrations of greenhouse gasses in the atmosphere will continue to climb. Developing countries have an opportunity to chart a different energy future consistent with their growth potential and their legitimate economic aspirations.

What Argentina, with dramatic projected economic growth, recognizes is true for other countries as well: We can and we must work together on this problem in a way that benefits us all. Here at home, we must move forward by unleashing the full power of free markets an technological innovations to meet the challenge of climate change. I propose a sweeping plan to provide incentives and lift road blocks to help our companies and our citizens find new and creative ways of reducing greenhouse gas emissions.

First, we must enact tax cuts and make research and development investments worth up to $5 billion over the next five years—targeted incentives to encourage energy efficiency and the use of cleaner energy sources.

Second, we must urge companies to take early actions to reduce emissions by ensuring that they receive appropriate credit for showing the way.

Third, we must create a market system for reducing emissions wherever they can be achieved most inexpensively, here or abroad; a system that will draw on our successful experience with acid rain permit trading.

Fourth, we must reinvent how the federal government, the nation's largest energy consumer, buys and uses energy. Through new technology, renewable energy resources, innovative partnerships with private firms and assessments of greenhouse gas emissions from major federal projects, the federal government will play an important role in helping our nation to meet its goal. Today, as a down payment on our mission solar roof initiative, I commit the federal government to have 20,000 systems on federal buildings by 2010.

Fifth, we must unleash competition in the electricity industry, to remove outdated regulations and save Americans billions of dollars. We must do it in a way that leads to even greater progress in cleaning our air and delivers a significant down payment in reducing greenhouse gas emissions. Today, two-thirds of the energy used to provide electricity is squandered in waste heat. We can do much, much better.

Sixth, we must continue to encourage key industry sectors to prepare their own greenhouse gas reduction plans, and we must, along with state and local government, remove the barriers to the most energy efficient usage possible. There are ways the federal government can help industry to achieve meaningful reductions voluntarily, and we will redouble our efforts to do so.

This plan is sensible and sound. Since it's a long-term problem requiring a long-term solution, it will be phased in over time. But we want to get moving now. We will start with our package of strong market incentives, tax cuts, and cooperative efforts with industry. We want to stimulate early action and encourage leadership. And as we reduce our emissions over the next decade with these efforts, we will perform regular reviews to see what works best for the environment, the economy, and our national security.

After we have accumulated a decade of experience, a decade of data, a decade of technological innovation, we will launch a broad emissions trading initiative to ensure that we hit our binding targets. At that time, if there are dislocations caused by the changing patterns of energy use in America, we have a moral obligation to respond to those to help the workers and the enterprises affected—no less than we do today by any change in our economy which affects people through no fault of their own.

This plan plays to our strengths—innovation, creativity, entrepreneurship. Our companies already are showing the way by developing tremendous environmental technologies and implementing commonsense conservation solutions.

Just yesterday, Secretary Pena announced a dramatic breakthrough in fuel cell technology, funded by the Department of Energy research—a breakthrough that will clear the way toward developing cars that are twice as efficient as today's models and reduce pollution by 90 percent. The breakthrough was made possible by our path-breaking partnership with the auto industry to create a new generation of vehicles. A different design, producing similar results, has been developed by a project funded by the Defense Advanced Research Products Agency and the Commerce Department's National Institute of Science and Technology.

The Energy Department discovery is amazing in what it does. Today, gasoline is used very inefficiently in internal combustion engines—about 80 percent of its energy capacity is lost. The DOE project announced yesterday by A.D. Little and Company uses 84 percent of the gasoline directly going into the fuel cell. That's increased efficiency of more than four times traditional engine usage.

And I might add, from the point of view of all the people that are involved in the present system, continuing to use gasoline means that you don't have to change any of the distribution systems that are out there. It's a very important, but by no means the only, discovery that's been made that points the way toward the future we have to embrace.

I also want to emphasize, however, that most of the technologies available for meeting this goal through market mechanisms are already out there—we simply have to take advantage of them. For example, in the town of West Branch, Iowa, a science teacher named Hector Ibarra challenged his 6th graders to apply their classroom experiments to making their school more energy efficient. The class got a $14,000 loan from a local bank and put in place easily available solutions. The students cut the energy use in their school by 70 percent. Their savings were so impressive that the bank decided to upgrade its own energy efficiency. (Laughter.)

Following the lead of these 6th graders—(laughter)—other major companies in America have shown similar results. You have only to look at the proven results achieved by companies like Southwire, Dow Chemical, Dupont, Kraft, Interface Carpetmakers, and any number of others in every sector of our economy to see what can be done.

Our industries have produced a large group of efficient new refrigerators, computers, washer/dryers, and other appliances that use far less energy, save money, and cut pollution. The revolution in lighting alone is truly amazing. One compact fluorescent lamp, used by one person over its lifetime, can save nearly a ton of carbon dioxide emissions from the atmosphere, and save the consumer money.

If over the next 15 years everyone were to buy only those energy-efficient products marked in stores with EPA's distinctive "Energy Star" label, we could shrink our energy bills by a total of about $100 billion, over the next 15 years and dramatically cut greenhouse gas emissions.

Despite these win-win innovations and commitments that are emerging literally every day, I know full well that some will criticize our targets and timetables as too ambitious. And, of course, others will say we haven't gone far enough. But before the debate begins in earnest, let's remember that over the past generation, we've produced tremendous environmental progress, including in the area of energy efficiency, at far less expenses than anyone could have imagined. And in the process, whole new industries have been built.

In the past three decades, while our economy has grown, we have raised, not lowered, the standards for the water our children drink. While our factories have been expanding, we have required them to clean up their toxic waste. While we've had record numbers of new homes, our refrigerators save more energy and more money for our consumers.

In 1970, when smog was choking our cities, the federal government proposed new standards for tailpipe emissions. Many environmental leaders claim the standards would do little to head off catastrophe. Industry experts predicted the cost of compliance would devastate the industry. It turned out both sides were wrong. Both underestimated the ingenuity of the American people. Auto makers comply with today's much stricter emissions standards for far less than half the cost predicted, and new cars emit on average only 5 percent of the pollutants of the cars built in 1970.

We've seen this pattern over and over and over again. We saw it when we joined together in the '70s to restrict the use of the carcinogen, vinyl chloride. Some in the plastics industry predicted massive bankruptcies, but chemists discovered more cost-effective substitutes and the industries thrived. We saw this when we phased out lead and gasoline. And we see it in our acid rain trading program—now 40 percent ahead of schedule—at costs less than 50 percent of even the most optimistic cost projections. We see it as the chlorofluorocarbons are being taken out of the atmosphere at virtually no cost in ways that apparently are beginning finally to show some thickening of the ozone layer again.

The lesson here is simple: Environmental initiatives, if sensibly designed, flexibly implemented, cost less than expected and provide unforeseen economic opportunities. So while we recognize that the challenge we take on today is larger than any environmental mission we have accepted in the past, climate change can bring us together around what America does best—we innovate, we compete, we find solutions to problems, and we do it in a way that promotes entrepreneurship and strengthens the American economy.

If we do it right, protecting the climate will yield not costs, but profits, not burdens, but benefits; not sacrifice, but a higher standard of living. There is a huge body of business evidence now showing that energy savings give better service at lower cost with higher profit. We have to tear down barriers to successful markets and we have to create incentives to enter them. I call on American business to lead the way, but I call upon government at every level—federal, state, and local—to give business the tools they need to get the job done, and also to set an example in all our operations.

And let us remember that the challenge we face today is not simply about targets and timetables. It's about our most fundamental values and our deepest obligations.

Later today, I'm going to have the honor of meeting with Ecumenical Patriarch Batholomew I, the spiritual leader of 300,000,000 Orthodox Christians—a man who has always stressed the deep obligations inherent in God's gift to the natural world. He reminds us that the first part of the word "ecology" derives from the Greek word for house. In his words, in order to change the behavior toward the house we all share, we must rediscover spiritual linkages that may have been lost and reassert human values. Of course, he is right. It is our solemn obligation to move forward with courage and foresight to pass our home on to our children and future generations.

I hope you believe with me that his is just another challenge in America's long history, one that we can meet in the way we have met all past challenges. I hope that you believe with me that the evidence is clear that we can do it in a way that grows the economy, not with denial, but with a firm and glad embrace of yet another challenge of renewal. We should be glad that we are alive today to embrace this challenge, and we should do it secure in the knowledge that our children and grandchildren will thank us for the endeavor.

Thank you very much.

Mr. KERRY. Mr. President, I also point out it is true that yesterday the group of 77 and China proposed a 15 percent reduction in greenhouse gases by the year 2010 under a framework that would exempt developing nations. That is a proposal that would do serious harm to the U.S. economy. It does completely ignore the growing contributions of developing nations to the problem. It anticipates a command-and-control model that would undermine all of the opportunities for cost savings inherent in the market-based solutions that the President has proposed. I believe that is a proposal that U.S. Senators ought to oppose, and I am confident we would. But that is not what the President will agree to. That is not what the President has proposed. That is not, clearly, the negotiating framework within which the United States will attempt to approach this treaty.

I urge my colleagues to read the remarks of the President so they will understand how fully it is within the framework of the resolution that the Senate passed. I hope my colleagues will stand back and really make judgments based on a fair appraisal of our negotiating position and ultimately what we hope to achieve in Kyoto.

Mr. President, before I yield, I would just say it is my hope, obviously, we are about to be able to talk about the framework in which we are going to proceed on campaign finance reform. I would like to thank all of those parties who have worked together to try to come to what I think is a reasonable agreement on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed as in morning business for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object—of course, I will not object—I wonder if I could get consent to be recognized after the majority leader and the minority leader, who are going be recognized a little later? Following their recognition, I would like to be recognized.

Mr. CHAFEE. Mr. President, I would object to that. I only can assume that the Senator wants to speak first. The business before us will be the ISTEA legislation.

Mr. BYRD. Yes.

Mr. CHAFEE. As manager, normally I would be the first, the one who would be recognized first, under that. I don't want to waive that.

Mr. BYRD. I ask unanimous consent that after Mr. CHAFEE is recognized, in that order, after the two leaders, then Mr. CHAFEE, if I could be recognized?

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Alabama? Without objection, it is so ordered. The Senator from Alabama is recognized for up to 20 minutes.

Is there objection to the unanimous consent request by the Senator from West Virginia, that he would follow the Senator from Rhode Island? If not, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Alabama for his characteristic courtesy.

Mr. SHELBY. Mr. President, at this point I yield 2 minutes of my time to the distinguished Senator from Idaho.

NUCLEAR WASTE

Mr. CRAIG. Mr. President, today Richard Wilson, who is the Assistant Administrator for the Environmental Protection Agency's Office of Air and Radiation, has announced that they have given preliminary certification to the waste isolation pilot plant in Carlsbad, NM. To Idaho and to the Nation, this is good news, because for the first time in decades we are on the threshold of beginning to move radioactive waste to a permanent repository, and the waste isolation pilot plant in Carlsbad will handle the transuranic waste, a majority of which is stored in my State of Idaho. This is consistent with an agreement that DOE struck with the State of Idaho over a year ago. EPA's action today is also consistent with a request by Congress that EPA review the facility in Carlsbad, NM, to make sure that it met the standards that we had asked for human safety, environmental protection, and of course dealing with any potential radiation. They believe it does not. Now they must go to the public process.

We hope they will move as quickly as possible in that, because Idaho and the rest of the country deserves to know that by 1998 we will begin to see nuclear waste moving to a safe, permanent repository that this Government and this Senate has asked for well over a decade ago.

I thank my colleague from Alabama for yielding.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield 1 minute to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

LET LIVAN BE SEEN

Mr. MACK. Mr. President, tonight millions of Americans will settle into their easy chairs to watch game 5 of the World Series. They will see 22-year-old Cuban-born pitching sensation Livan Hernandez take the mound in his second World Series start for the Florida Marlins.

And for the first time in this Series, the people of Cuba may have the opportunity to join the millions around the world to cheer Livan. Thanks to the graciousness of Major League Baseball and interim Commissioner Bud Selig—Radio and TV Marti will broadcast tonight's game to the people of Cuba.

Now it is up to Fidel Castro to allow his people to watch their hero pitch. Cuba has consistently jammed Marti's broadcast signal. But tonight should be different. Tonight should be special because it is Livan's night.

Mr. Castro, I have a message for you from the American people and baseball fans everywhere: Stop the jamming. Let Livan be seen in Cuba.

For the good of your people and for the good of the game we all love so dearly, please, let Livan be seen.

The PRESIDING OFFICER. The Senator from Alabama.

UNITED STATES-CHINA SUMMIT

Mr. SHELBY. Mr. President, this weekend, Chinese President Jiang Zemin arrives in the United States for the first state visit by a Chinese official since 1985. As you know, China has been described by many experts as the No. 1 foreign policy challenge that the United States will face in the 21st century. Next week's summit will help set our course as we respond to that challenge.

I have traveled to China six times since I first visited in 1983. Most recently, I traveled to Beijing, Shanghai and Hong Kong during the August recess where I met with numerous senior Chinese leaders, including the Chinese Foreign Minister.

In my many visits and contacts, I have witnessed the enormous, and overall positive, changes that have taken place in China since the death of Mao. Yet, while China today is clearly not the China of the cultural revolution, neither is it a "former Communist country," as President Clinton has suggested.

As chairman of the Senate Select Committee on Intelligence, I am especially interested in Chinese foreign and military policies and Chinese intelligence activities, particularly those that pose potential threats to vital American interests. Last month, I convened in the Intelligence Committee exhaustive hearings into Chinese threats to United States national security, including the reported Chinese plan to influence United States elections.

I am well aware that there is no country that poses such risks, such opportunities, and such dilemmas for United States foreign and security policy. It is clear that China today, as an emerging economic and military power in the post-cold war, has the option, and increasingly the will, to challenge vital United States interests around the globe.

It is equally clear that despite the demise of communism virtually everywhere around the globe, and despite China's extensive and impressive economic liberalization, the Chinese regime remains determined to maintain its repressive domestic political system.

I will shortly address these issues in greater detail, but, first, I would like to make just a few general points.

When President Clinton meets with President Jiang, he will have the opportunity to define the United States-China relationship in a way that defends vital United States interests and promotes the values upon which our country was founded, while recognizing at the same time legitimate Chinese interests and aspirations.

But President Clinton, I believe, must make it clear that if China wishes to be accepted as a responsible world power, it must act as a responsible world power. If China wishes to work together to promote peace and stability in the region and the world at large, as President Jiang suggested in a press interview last weekend, it must not undermine peace and stability in Asia and around the world by reckless and aggressive actions. And President Jiang, I believe, is wrong when he invokes, for example, Einstein and the theory of relativity to justify China's refusal to comply with norms and ideals which, while not yet universal, are on the march worldwide.

Relativity, as most of you know, is an immutable law of physics. Relativism is something altogether different, and it is not a concept to which we as Americans subscribe.

President Clinton, I believe, must respectfully make it clear that the President of China is wrong when he says that "democracy and human rights are relative concepts and not absolute and general."

Our Founding Fathers did not speak in relative terms when they wrote:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

The courageous demonstrators in Tiananmen Square echoed these ideals when they tried to peacefully exercise their right of consent. They adopted our Statue of Liberty as their symbol, and we saw it brutally destroyed by Chinese tanks on TV.

In one final general point, we sometimes hear the refrain from the Chinese that they do not wish to be bound by sets of rules and norms that they had no say in creating.

There are certain truths that are not limited by time and geography, and the "inalienable Rights" spoken of by the Founding Fathers, I believe, are among them.

Proliferation and security issues are very important. With the end of the cold war, and the end of the Soviet massive military threat that had provided the glue for the United States-China relationship since its beginning, China has increasingly been willing to challenge core United States interests, by the destabilizing proliferation of weapons technology, and by direct and indirect threats against United States friends and allies.

In June of this year, the CIA's nonproliferation center reported that China was "the most significant supplier of [weapons of mass destruction]-related goods and technology to foreign countries" in the second half of 1996.

China's sales of antiship cruise missiles, ballistic missile technology, chemical weapons, materials and nuclear technology to Iran, a hostile country whose military forces threaten United States interests in an area of vital national concern, directly endanger the lives of American soldiers, sailors and airmen, and, as we know, threaten our ability to defend our interests in the region.

Further, these same weapons serve to intimidate our friends and our allies in the Persian Gulf region. The last time the United States was compelled to defend its interest in the region in Operation Desert Storm, we were able to create a coalition of friendly states, many of which were willing to accept the deployment of United States forces on their soil. Who can say, though, in the future that our allies would respond in the same way in a future conflict if they were faced by a credible threat of Iranian missiles bearing nuclear, chemical or biological warheads?

The threat from Chinese technology sales is not limited, Mr. President, to weapons of mass destruction. Accurate, conventionally armed missiles, especially antiship cruise missiles like the C–802's that China has sold to Iran, pose a serious danger to United States forces. Remember the U.S.S. Stark. Bear in mind that the single greatest American loss of life in the Persian Gulf war occurred when an Iraqi Scud missile with a conventional payload struck a barracks in Dhahran, Saudi Arabia.

It is difficult to speak of "working together to promote peace and stability" when, for example, China has reportedly supplied Iran with hundreds of missile guidance systems, and in the second half of 1996 contributed "a tremendous variety of assistance" to Iran's missile program, according to the CIA.

The transfer of nuclear and missile technology to Pakistan, despite repeated United States objections, jeopardizes the stability of South Asia and flies in the face of United States nonproliferation goals, even though it is less of a direct threat to United States forces. But by increasing the likelihood of a nuclear war that could kill millions of innocent people, China jeopardizes its claim to be seen as a responsible world power.

It is in this context that we consider the administration's reported plans to announce the implementation of the 1985 United States-China Agreement for Nuclear Cooperation. This agreement cannot, by law, be implemented until the President certifies to Congress that China has met a number of conditions, notably, one, that effective measures are in place to ensure that any United States assistance is used for the intended peaceful activities; and, two, China has provided additional information on its nuclear nonproliferation policies, and that based on this and all other information, including intelligence information, China is not in violation of paragraph 2 of section 129 of the Atomic Energy Act which, among other things, bars United States nuclear assistance to any country that has assisted any other country to acquire nuclear capabilities and has failed to take sufficient steps to terminate such assistance.

According to press reports, Mr. President, China has made or is willing to make a number of commitments in order to obtain this certification. United States diplomats are now in Beijing trying to nail down an agreement on these issues. And at this stage, after years of hair splitting and denying with respect to similar commitments in the past—hair splitting and denial, I might add, on the part of both Governments—these commitments must be, I believe, unambiguous and in writing if they are to convince the United States Congress.

Just last week, China joined the Zangger Committee, which imposes some modest controls on nuclear exports. The administration also reportedly believes that China has complied with its May 1996 commitment not to provide assistance to any unsafeguarded nuclear facility.

In addition, China has reportedly agreed to cease selling antiship cruise missiles to Iran. While agreement on nuclear cooperation is not conditioned on such transfers of advanced conventional weapons, it would certainly be difficult for the administration to argue for nuclear cooperation while China was continuing to sell advanced munitions that could be targeted on U.S. naval vessels protecting freedom of navigation in the Persian Gulf.

As a result of these actions, and other actions, administration officials believe they can make the statutorily required certification, if not at the summit, then in the foreseeable future. If and when such a certification is made, the Congress will have the opportunity to review and, if necessary, overturn this certification.

As chairman of the Intelligence Committee, I am asking the Director of Central Intelligence to provide the Intelligence Committee with the information upon which the administration would base its determination. The committee will also closely scrutinize this intelligence to ensure that it does support the administration's determination, whatever it is.

But, Mr. President, without prejudging my decision, should the matter come before the Senate, I have the following concerns about early implementation of a nuclear agreement. It seems likely today, Mr. President, and for the immediate future that China lacks the military forces to seriously challenge the U.S. military power in the region.

However, Mr. President, as the only great power whose defense spending has increased in recent years, China is acquiring advanced missile, naval, air, amphibious, and other forces capable of projecting power in East Asia and the Pacific region.

In addition, Mr. President, the Chinese military apparently has learned the lessons of the American victory in the Persian Gulf war, which demonstrated the superiority of modern technology.

Second, in its commitments to date, China has, in effect, agreed only to control sales to unsafeguarded nuclear facilities. This commitment sounds useful on its face, but it is potentially meaningless in countries like Iran and Pakistan that are reportedly pursuing a clandestine military program, because equipment, materiel, and know-how from safeguarded facilities can be transferred to other unsafeguarded facilities, as we all know.

Third, Mr. President, the Congress will want to closely scrutinize the text of any commitments by the Chinese Government.

In particular, I believe we must ascertain whether these recent promises are limited to halting any future cooperation or trade in strategic technology or, Mr. President, whether they also apply to ending existing contracts and transactions that have been ongoing.

If they are only to apply to future activities, then I would be concerned that a whole host of ongoing and dangerous cooperative ventures between China and Iran and other countries would in effect be "grandfathered" and thus not prohibited.

Fourth, China must recognize that mere grudging compliance with the letter of its international agreements does not make China a responsible member of the world community. I believe, Mr. President, that China must go beyond a narrow reading of its obligations to demonstrate by actions as well as words that it accepts, as it has not done in the past, that the spread of dangerous and destabilizing military technologies is not in anyone's interest, including China's.

China, I believe, should, therefore, cease its cooperation with all Iranian nuclear, missile, and other military programs, even if a particular transaction may be permissible under the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, or other international legal agreements.

I would like to know, Mr. President, how the Chinese foreign and military policy in Asia will work in the future.

In the wake of the cold war, China, which for years viewed the U.S. presence in East Asia and the Western Pacific as a stabilizing force, now resents a security structure that is increasingly viewed as intended—to quote some of them—to "contain" China. Most troublesome, China has shown a willingness to pursue its goals in the region by the threat or use of force.

Mr. President, as we were reminded in last year's Taiwan Straits crisis, Beijing has never renounced the use of force to reunify Taiwan with the mainland.

President Clinton, I believe, will have an opportunity to have a serious discussion with the Chinese President about how bracketing Taiwan with missiles, followed by a thinly veiled threat against the United States, comports with his stated goals of "maintaining peace and stability in the region and the world at large."

Our President also must make clear, I believe, our determination that the

Taiwan issue be resolved peacefully so that China will never be tempted to resolve it by force.

In addition, Mr. President, to tension over Taiwan, China has used and threatened force to enforce its other claims in the South China Sea. This undermines a lot of allies and friends.

It seems likely that today and for the immediate future, Mr. President, China lacks the military forces to seriously challenge U.S. military power in the region. However, as the only great power whose defense spending has increased in recent years, China is certainly acquiring advanced missile, naval, air, amphibious and other forces capable of projecting power, as I reminded my colleagues just a few minutes ago.

Mr. President, to speak of human rights in the area there, in 1996, in a damning and exhaustive report on Chinese human rights practices, the State Department concluded that "almost all public dissent against the central authorities was silenced by intimidation, exile, or imposition of prison terms or administrative detention."

In addition to its suppression of political dissent, China continues to maintain a cruel and massive network of forced labor camps. They continue also an inhumane one-child policy, including forced abortion, repression of religious groups, use of forced labor, and ongoing repression in Tibet.

President Clinton, I believe, must place President Jiang on notice that Americans are offended by the notion that human rights are "relative" and that their practices fit within an acceptable definition of human dignity.

I believe, Mr. President, we must ask ourselves, how much real progress can we make in our relationship with China as long as the regime feels compelled to stamp out every ounce of political dissent and believes that it cannot survive without the "laogai" labor camp system?

Mr. President, on a somewhat more positive note, economic developments, both within China and between China and the United States, continue to generally move in the right direction. However, we encourage China to continue to take the painful but necessary steps to qualify China for membership in the World Trade Organization, notably in the area of opening China's markets. The sooner they do, I believe, the better off they will be.

We are also encouraged to see some meaningful progress on the protection of intellectual property rights.

Americans support China in its search for prosperity for its people. But we do not, Mr. President, support, and will not tolerate, attempts to build prosperity by ignoring the rules of international trade. Nor will Americans support prosperity built, even in part, on the backs of forced laborers or prosperity that is the result of a Faustian pact in which the Chinese people are forced to effectively surrender their political and human rights in return for economic growth.

Mr. President, let me sum up and be clear on where I stand. I support, as most of us do, a strong United States-China relationship, and I have always done so. President Clinton can work with President Jiang to raise Sino-United States relations to a new high level, as the Chinese President has requested.

But to truly protect American interests and reflect American values, this relationship cannot be based on ceremony alone. We cannot gloss over problems or sweep them under the rug or keep them unfulfilled—and unenforced—as promises.

I believe, Mr. President, it must be based on responsible international behavior with respect to nonproliferation and on refraining from the threat or use of force. Our relationship must be based on steady and consistent progress toward political as well as economic freedom in China.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate majority leader is to be recognized.

In his absence, the Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I had wanted to take the floor to speak on the highway bill, but Mr. CHAFEE was here and he indicated he wanted to get the floor first. As he is the manager of the bill, I have no quarrel with that, so I will not speak on that subject at the moment. I also indicated I would expect to follow both leaders. Inasmuch as none of these aforementioned Senators is seeking recognition at this time, I have sought recognition and will speak briefly but not talk at the moment on the highway bill.

LINE-ITEM VETO

Mr. BYRD. Mr. President, I will speak with reference to the so-called line-item veto of the fiscal year 1998 Military Construction Appropriations Act.

I received a letter today from Mr. Franklin D. Raines, Director of the Executive Office of the President, Office of Management and Budget, which I shall read into the RECORD. The letter is dated October 23, 1997. It is addressed to me. It reads as follows:

> I am writing to provide the Administration's views on S. 1292, the bill Disapproving the Cancellations Transmitted by the President on October 6, 1997.
>
> We understand that S. 1292 would disapprove 36 of the 38 projects that the President canceled for the FY 1998 Military Construction Appropriations Act. The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.
>
> The President carefully reviewed the 145 projects that Congress funded that were not included in the FY 1998 Budget. The President used his authority responsibly to cancel projects that were not requested in the budget, that would not substantially improve the quality of life of military service members and their families, and that would not begin construction in 1998 because the Defense Department reported that no design work had been done on it. The President's action saves $287 million in budget authority in 1998.
>
> While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.
>
> Sincerely, Franklin D. Raines, Director.

The letter indicates that an identical letter was sent to the Honorable TED STEVENS.

Mr. President, we have all heard that the devil is in the details and that it is advisable always to read the fine print. I take the floor at this time, as I have indicated already, just mainly because nobody else is seeking recognition and I am waiting an opportunity to talk further with respect to the highway bill.

Now, as I look at this letter more closely, it says—I have already read it in its entirety—it says in part, "The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill."

Now, early today, Senator STEVENS, the chairman of the Appropriations Committee, met with the Appropriations Committee and discussed a measure of disapproval of the President's cancellation of 36 of the 38 projects from the fiscal year 1998 Military Construction Appropriations Act. The committee met and reported out the disapproval measure by a very wide margin. I think that only two votes were cast against reporting the measure. So that has been done.

With reference to the letter from Mr. Raines, let me say at the beginning, I have great respect for Mr. Raines, the Director of the Office of Management and Budget. He is a very able director and a very honorable man, as far as I know. He has always treated me as I hope to be treated. And as I expect to treat others. I respect the President and the Presidency, so what I say has nothing to do with the individuals personally.

That being said, let me more particularly call attention to this sentence: "The administration strongly opposes this disapproval bill," Mr. Raines says. "If the resolution were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill."

My response would be, so what? Go ahead, veto the bill.

Now, more particularly I call attention to the second sentence in the third paragraph, which reads as follows:

"The President used his authority responsibly to cancel projects that were not requested in the budget."

Now, Mr. President, the word that intrigues me in this sentence is the word "authority." "The President used his authority responsibly to cancel projects that were not requested in the budget." Now, where does one go, may I ask, to find the President's "authority" to cancel projects that were not requested in the budget? From what act does he derive his authority to cancel projects solely on the basis that they were not requested in the budget? Does one go to the Constitution?

Well, let's see if we can find it in the Constitution. Therein, in article II, section 3, I note these words:

> He [meaning the President of the United States] shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient. . ."

That is what the Constitution says with respect to the President's making recommendations to Congress. So, he submits his State of the Union message, he submits his budget, and so on, but "He shall. . .recommend to their Consideration such Measures as he shall judge necessary and expedient."

But does that language give him authority to "cancel projects that were not requested in the budget?" That language doesn't do it.

Well, let's turn to the language that speaks specifically of the President's veto authority. That is in section 7 of article I.

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.

It doesn't say there in that section that he shall not sign a bill if it contains any items not requested in the budget. It says, "if he approves [the bill] he shall sign it, but if not [meaning if he doesn't approve it] he shall return it, with his Objections to that House in which it shall have originated."

So I find no authority in the Constitution for the President to cancel projects solely for the reason that they were not requested in the budget.

Now, let's take a look at the Line-Item Veto Act, Public Law 104-130. Let's see what it says. This is the act under which the President has acted. This is the deformed, malformed, illegitimate end-run that Congress made around the Constitution when it passed that bill. This is the act that we, in one of our weakest moments in the history of the country, passed and gave the President this so-called "authority." But let's see if even in that monstrosity there is authority to cancel projects solely on the basis that they were not requested in the budget. Let's see. Let's read:

> Section. In general—notwithstanding the provisions of parts A and B, and subject to the provisions of this part, the President may, with respect to any bill or joint resolution that has been signed into law pursuant to Article I, Section 7 of the Constitution of the United States, cancel in whole (1) any dollar amount of discretionary budget authority; (2) any item of new direct spending; or (3) any limited tax benefit, if the President, A, determines that such cancellation will (1) reduce the Federal budget deficit; (2) not impair any essential government functions; and (3) not harm the national interest.

It doesn't say that the President has authority to cancel projects because they were not requested in the budget. It doesn't say that at all. It doesn't say that the President may cancel items that were not included in the budget. It doesn't say that at all. It says that if he determines that such cancellation will reduce the Federal budget deficit, or not impair any essential Government functions, not harm the national interest"—all three.

So I simply wanted to bring to the Members' attention this letter, in which the very distinguished and highly respected Franklin D. Raines, Director of the Office of Management and Budget states:

> The President used his authority responsibly to cancel projects that were not requested in the budget.

I don't find anywhere in the Constitution, or in the ill-advised act itself, any authority for the President to cancel a project simply because it was not requested in the budget.

Well, so much for that. I think we can expect this administration, or any other administration, as long as this act is on the statute books, to expand upon it, to read into it whatever they want to see, read into it whatever they want to read into it. Here is a good example of it. We have now found that they are interpreting the act to give the President the authority to cancel projects on the basis that they were not requested in the budget.

Additionally, in the last paragraph, Mr. Raines says.

> . . . we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.

So the President, in this letter, through his Director of OMB—I would have appreciated it if the President had written the letter himself and signed it himself. But we are told here by the President through his Director of OMB that, indeed, projects were canceled as a result of inaccuracies in the data provided to the Department of Defense.

Now he says they are committed to working with Congress to restore funding. How are they going to do that? The President can't go back now that he has unilaterally amended that law—the fiscal year 1998 Military Construction Appropriations Act. Now that he has unilaterally amended that law, he cannot go back and put those items into law. He has unilaterally amended it after he signed it into law, so he can't go back and put those items in. The heads have been severed from those items. They are dead, dead, dead. So he cannot go back and breathe new life into those items. How is he going to restore funding? He says he is going to veto this disapproval resolution. That is not going to help if he vetoes that act.

But we are told that if the resolution reported out of committee disapproving 36 of the projects is presented to the President in its current form, the President's senior advisers would recommend he veto that bill. That is not going to help restore the projects that were vetoed by mistake. So we have to start all over again, unless we can override that veto. It takes two-thirds of both Houses to do it. The old chickens are coming home to roost.

So my advice to Members is that they go back—and my office will be very happy to assist any Member who wishes to have assistance in the matter—go back and read all of my speeches against the line-item veto. If they will assure me they will do that, I will quit talking. I will quit making speeches on this subject. But all Members who voted for this pernicious piece of legislation will have to assure me and have to show me that they are going back and reading every speech that I have made over the years in opposition to a so-called "line-item veto." If they will do that, then I will quit talking on it. But I think that those Members who voted for that abominable piece of legislation and who are now bellyaching about it should be required to go back and read every one of those speeches all over again. Read them again.

Then I would suggest that they read the Constitution, because it is he who has read it lately that counts. I guess that should be the way of thinking of it, how lately have we read it?

Let me just read one section, the very first sentence of the Constitution. I am reading it so it will not only sound authentic but it will look to be authentic because I am reading it. I am not repeating it from memory. I am reading it. Here it is from the Constitution:

> All legislative powers herein granted—

If legislative powers are not "herein granted," they don't exist, do they?

> All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

That is it. That is the whole kit and caboodle. That is where the authority rests to legislate. The authority to legislate rests right there. And it doesn't include the President of the United States. Only the Congress can legislate.

Point No. 2: To amend a bill or resolution is to legislate.

Am I correct? Yes.

To amend a bill is to legislate. To amend a bill is to act within—is to act pursuant to that first section of the first article, which I have just read.

Point No. 3: To move to strike an item is a motion and is a legislative act.

To move to strike. That is a legislative act. And it is vested only in the Congress of the United States by virtue of that one sentence that I have just read.

Right? Correct.

Now, the act that Senators are griping about says that the President—any President—after having signed a bill into law may within the next 10 seconds, may within the next 10 minutes, may within the next day, may within the next 5 days go back and take a new look at that law, and he may move to strike. He may not only move to strike; he may strike items from that law.

If the distinguished Senator from Indiana [Mr. COATS], let us say, who is presiding over this Chamber at this moment, moves in this Chamber to strike an item from a bill, that is a legislative act.

So, if he moves to strike an item, or if he is moving to amend a bill, he has to have a majority of this body to support his motion to strike or cancel. And, if he gets a majority, if all Members are here and voting, he will have to have 51 Members—51 votes, including his own—to succeed in striking or cancelling that item from the bill. But he has not finished yet. If he accomplishes that, a majority of the other body also has to agree to his motion to strike, and a majority of the other body, if everyone is present and voting over there, would be 218.

So he has to have 218 votes in that other body to support his motion to strike or cancel this item from an appropriations bill—218 in the other body, 51 in this body. If all Members are present, he has to have 269 Members of both bodies supporting his motion to cancel.

That is a legislative act. Does anyone disagree with that? No. Nobody disagrees with that. That is all accurately and correctly stated.

But the Congress passed an act. We in the Senate voted for it on March 23, 1995, and it went to conference. And it lay dormant in conference for about a year. Finally, I think it was Mr. Dole who got behind it and urged the leadership in both Houses to pass that act because he anticipated being the first to wield the line-item veto pen.

So it was brought back as a conference report. And, on March 27, 1996, the Senate stabbed itself in the back and adopted that conference report giving the President of the United States—any President; not just this one; any President of the United States—the authority to unilaterally cancel or amend a law. He may do it all by himself. He doesn't have to have 218 Members of the other body. He doesn't have to have 51 in this body. He can simply call Mr. Raines and others in the executive branch together and say, "What do you find in this bill, this appropriations act, that Congress has just sent me here? I have signed it into law. I didn't have to wait. I just went ahead and signed it. Now it is a law and no longer a bill. It is a law. But I have the authority now to singlehandedly amend that law."

Senator COATS didn't have that kind of authority. Only a majority of both Houses could amend a bill.

I cannot for the life of me understand how grown men and women who have sworn to support and defend the Constitution of the United States right there at that desk with their hands on the Bible—most of them had their hands on the Bible or swore an oath by it—I cannot for the life of me understand how grown men and women who are supposed to have read that Constitution, who are willing to stand up there and before God and men swear to support and defend that Constitution, how they would then turn right around and pass legislation that flies directly in the face of the first sentence of the Constitution, which says that "All legislative Powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives." Were they using the Constitution as their guide? No. Were they using the polls as their guide? In all likelihood, I suppose they were, because the overwhelming majority of the American people favor a line-item veto.

I am going to quit very quickly.

Well, I wrestle with my imagination. I ponder over this question. And I try to come to some logical conclusion as to why Congress did what it did. Oh, I know there are some folks who will say, "Well, you can expect Senator BYRD to be against the line-item veto because he likes pork." He likes pork. Let me tell Senators one thing. This Senator will not, will not, will not negotiate with this President or any other President over an item from West Virginia that he wishes to line-item veto. I will not negotiate with him. They may call and say, look, if you will do this or that, we will not line-item veto that item. My answer will be, "Go to it. Veto it."

You mean that Senator BYRD would not negotiate with the White House over a piece of pork for his State? You try me and see. No. I am not for negotiating. When it has reached that point, the subcommittees and committees have acted and have conducted hearings and earmarked the legislation and it has come before the Senate and the House—there may have been efforts to strike it out along the way, there may not have been, but once it reaches that point and comes back in the conference report, no, I am not negotiating with any President. If he wants to veto, go to it. I think there is a principle that is far more important here than pork for West Virginia or any other State.

So there it is. "Lay on, Macduff; and damn'd be him that first cries out 'hold, enough.'"

I guess there is a song which says, "I'll still be wondering why." And so I am still going to be wondering why. Whatever got into the heads and minds and hearts and livers of the Members of these two bodies that they would be so gullible as to hand to this President or any other President part of the people's power over the purse, which, according to the Constitution of the United States, is vested right here in the hands of the directly elected representatives of the people.

Well, think about it because you are going to hear more about it. You are going to see more line-item vetoes. And if they want to line-item veto pork for West Virginia, "Lay on, Macduff." I am not negotiating.

But I hope Members will think about it and will conclude that it was a mistake and that come the appropriate time they will vote to repeal that nefarious act. And I hope that Members will not bow down and scrape and negotiate with the White House about it. Let the President veto it. He has the right to veto under the Constitution any bill he wants to veto. He has that right according to the Constitution. He has that right.

I am not willing to negotiate to keep him from doing it. If he vetoes it, I know what our rights are. The Congress may uphold his veto or it may reject it. So let's go by this Constitution, and if Members are worth their salt, having made this mistake, they will not make the additional mistake of negotiating with any administration to keep their little items from being vetoed. Because if we do that, we merely legitimize the wrongful act that Congress has already committed. I do not believe in legitimizing it. Let the President veto it. Go to it.

Mr. President, I thank all Senators for listening. Those who didn't listen, they will have further opportunity to listen. And I hope that at least those who read the RECORD 50 years from now will find that somebody up here had read the Constitution lately.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I see the distinguished senior Senator from West Virginia still here. Previously, I had said that I wanted to go ahead of the Senator on some discussion in connection with the bill that is before us, the ISTEA bill. Does the Senator want to go ahead now on that to discuss something? I understand he is not going to present any motions or anything but discuss it.

Mr. BYRD. Not at the moment. I may come back shortly. But I do thank the Senator from Rhode Island for his kind offer.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CARE

Mr. COATS. Mr. President, today the White House is sponsoring an all-day conference on child care. I believe the President and First Lady have correctly identified this as an important issue to families, and particularly to working families in America. A number of experts have been invited to testify and to participate in panel discussions throughout the day.

This is an important but yet also a very complex issue. The complexity of the issue is that there is one segment of our population that seriously needs high-quality day care in order to work—work that for many has been required through welfare reform. Others work out of economic necessity; both mother and father need to be employed. And again for others, who are single parents raising their children, they need to provide the financial wherewithal to do that. The focus on the child care conference at the White House correctly focuses on this segment of our population.

The conference will focus on three questions: how to increase access for child care; how to make it more affordable; and how to guarantee the quality of child care so that children will be safe.

But, what the conference did not focus on was another segment of the population, in fact a majority segment of the population, the nearly 50 percent who do not have both parents working and another 25 percent who do not work out of the home full time. One of the questions, unfortunately, that will not be discussed at the White House today is how we can ensure that we are not discouraging or sending the wrong signals to the second segment, those parents, those mothers who stay home and do not work and those parents who keep one parent at home raising the child while the other works or they take separate shifts or they have worked out arrangements to raise their own children.

There is a legitimate need, I believe, to address the first question, how we provide child care for working families, for single mothers, for welfare mothers and others. But there is also a legitimate and essential question that needs to be discussed along with that, and that is what can we do to help those who have made the decision to stay at home?

We have recently had some exciting developments concerning infant brain development, about the much earlier than originally thought development, the connection of synapses that occur, the billions of these connections that occur at very, very early ages and how important it is to recognize that and to make sure that children receive the correct upbringing, stimulation and so forth to foster that development.

Again, unfortunately, there has been little discussion along with that about the critical nature of the emotional development of the infant, because, after all, as many experts have told us, it is the emotional development of the infant that is the fuel that drives the automobile, to use a metaphor. Unfortunately, there has been little discussion about this in the recent child care debate that focuses on those early years and the need for correct and effective childhood development. Recently, as chairman of the Subcommittee on Children and Families, I held a hearing in which we heard testimony from Dr. Diane Fisher, who is a practicing clinical psychologist. I want to quote from her:

> Imagine a brilliant, stimulated, optimally educated child who is lacking in self-esteem, self-control, identity or discipline. This in fact is what we are hearing about in our schools today—privileged, indulged children who are wired to the Internet but without a moral compass or a sense of connection to the adults who are supposed to be present in their lives.

Our committee heard about how mothers are biologically hard wired to form a close emotional tie with their children; that this bonding experience is not a quick experience, something to be accomplished in a matter of weeks or even months, but something that is a gradual process that proceeds slowly and over time. Anybody who is a parent knows that. We don't need studies or experts to come and testify as to the kind of bonding that takes place between parents and children, particularly mother and child, in those first critical early months and years and then throughout their growing experience for the next 15 or 20 years or so.

For the last 15 years I have been involved, first, as the ranking Republican on the Early Childhood, Youth and Families Committee in the House of Representatives during my service there and in the last 9 years as chairman or ranking member of the Children and Families Subcommittee here in the Senate. Over that time I have listened to and read and personally visited experts in the field—sociologists, psychologists, child development experts, and so forth—who have impressed upon me the absolutely critical element of the emotional attachment, the emotional connection, the bonding process between mother and child with infants, and mothers and fathers with their children, and how absolutely essential this correct attachment is for successful childhood development.

Most of this is not accomplished through a complex formula. It is not accomplished through a lot of educational training, academic training, or how-to books. It is accomplished intuitively by a mother motivated by love and enjoyment of that child. It takes an enormous amount of love and motivation to want to pay attention to the subtle cues that an infant or a young child sends on a moment-by-moment, hour-by-hour, daily basis. Frankly, it is very rare to find a caregiver who is either able or motivated by that same degree of love and attention and motivation to pay that kind of attention to a child. Often they have a number of children to look out for, and it is just keeping some semblance of order in the child-care facility that becomes the paramount challenge for the child-care provider.

We talk a lot about and they are talking today at the White House a lot about the term quality. Often that is used by the experts, or those who are discussing this, as a code word, "quality" meaning we need more control, we need more regulation, we need more oversight of child care facilities.

The quality of child care, for those children, especially children 0 to 3, is more than just having developmentally appropriate materials or an effective well-located site staffed by trained individuals that is important in child care, although it is only one form of child care, but quality is, I believe, more clearly related, and according to the experts we had testify before our committee, more clearly related to love and nurture and, as such, I believe, we have to recognize that it is a child's mother, a child's father that are in the best position to offer that love and nurture to their children.

As one mother told me, and this is someone who holds an advanced degree in family therapy, an expert in the field of raising children, she said a baby, a young child, needs to be adored. There isn't a child care provider in the world that can adore my child like I can adore my child. Only a mother can truly adore a child, provide the kind of nurturing that children need when they are growing up. We know that and most American people know this.

A recent Gallup poll for the Los Angeles Times said 73 percent of the American public believes too many children are being raised in day care and not nearly enough are being raised by their mother at home, and children fare best when raised by their mother at home. That figure was up from 68 percent who responded that way in 1987.

If we truly believe in quality child care, then I believe we should focus much of our attention, not just on ways in which we can provide improved quality care for children in day care settings, for those mothers who have no choice, for those families that have no choice, for those welfare mothers who have no choice but to move into the workplace, but we should also provide equal attention to those initiatives that can make it easier for families to have at least one parent remain at home, those families that can juggle their work schedules so that the primary care for their child is from parent to child rather than from paid provider to child.

The White House is going to be issuing a number of initiatives, according to reports, about how we as a society, both the private sector and the public sector, can provide assistance for child care facilities to improve the quality and access to child care. But shouldn't we also be discussing the positive family friendly policies that can provide assistance to those who have the ability or make the choice to stay at home with their children, like extended job protected leave?

As a Republican conservative, I broke with many of my fellow colleagues on the issue of family leave. I believe it is an important provision to guarantee that mothers have the choice of taking at least 12 weeks after the child is born to be with that child, but beyond that, the initiatives of part-time work, flextime, comptime, job sharing, telecommuting, and other corporate policies which a majority of families would prefer if they had the option, because many parents are willing to work less and provide more care for their own children if it is possible for them to do so and still maintain economic viability.

According to a 1991 survey sponsored by the Hilton Hotel Corp., two-thirds of Americans said they would take salary reductions in order to get more time off from work. There is another way we can focus Federal attention appropriately on making it easier for families to provide care for children at home: Tax fairness.

In my time in the Congress, I haven't agreed on too many issues with former Representative Pat Schroeder, but one thing she said that I did identify with and I have always remembered is she said you can get a bigger tax break for breeding racehorses than you can for raising children, and she was right. The Tax Code over the years has penalized parents for spending time with their children by narrowly linking tax benefits to day care expenses and provisions on the other side of the equation. The dependent care tax credit, for example, is constructed in such a way that the more time a child spends in day care and the higher, therefore, the family's day care expenses, the greater the tax benefits.

Mr. President, I don't want to ignore the reality that growing economic and cultural pressures make it difficult for parents to spend as much time with their children as they would like. We all face that problem. Tying tax benefits to day care expenses makes matters worse, not better. It penalizes parents for caring for their own children by redistributing income by those who make extensive use of out-of-home professional day care services. Tax benefits which favor day care over parental care should be replaced, I suggest, by increasing benefits for all families with young children.

While I fully expect that the White House Conference on Child Care will emerge with new policy recommendations, such as model standards for quality care or the expansion of the military model of child care in the private sector, I would caution that we need to pay equal attention to the facts that we have learned about the critical importance, especially in early years, about the need of strong attachment between mother, father and child.

We also must ask the question: Are there policies which we can support and provide leadership on that will, in fact, make that attachment a true priority? Because if we have learned anything over the past couple of decades, it is how critical that attachment between child and family, mother and child, father and child is and the uncomfortable fact that for many, quality child care, though important, can never be an effective substitute for parental attachment.

I hope, Mr. President, that in this day of focus on provision of child care, we can also focus our attention on what true quality care is and look for ways in which we can initiate and implement policies in the Congress and in the workplace that can provide mothers and families with this very, very important and essential element to successful child raising.

Mr. President, I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President. I also thank the Presiding Officer for giving this Senator the opportunity to speak at this point as opposed to presiding. I appreciate his consideration.

UNITED STATES-CHINA RELATIONS

Mr. ABRAHAM. Mr. President, I rise today to address the direction of our country's relationship with the People's Republic of China. As we speak, the Clinton administration is busily preparing for next week's state visit of Chinese President Jiang Zemin. A state visit is the most formal and ceremonial diplomatic event hosted by the United States. It involves champagne receptions and flattering toasts.

While United States-Chinese relations are crucial and important for both countries, I believe it would be inappropriate for President Clinton to welcome the Chinese leader in a state visit at this time.

The United States, the world's leading free nation, should not give a red carpet welcome to China's Communist leadership until we see greater strides on human rights, religious freedom and other issues in that country. Rather than a ceremonial visit, we should be holding a working visit with the Chinese leadership, concentrating on the very real issues which exist between our two nations.

In my view, the President should put specific demands on the Chinese leadership, calling for improved human rights policies and an end to weapons proliferation.

Mr. President, China's record of human rights abuses and repression of religious faith is long and disturbing.

Peaceful advocates of democracy and political reforms have been sentenced to long terms in prisons where they have been beaten, tortured, and denied needed medical care.

Women pregnant with their second or third child have been coerced into abortions.

Religious meeting places have been forcibly closed.

Tibetan monks refusing to condemn their religious leader, the Dalai Lama, have been forced from their monasteries; some of their leaders have disappeared.

The President's own State Department Report on Human Rights confirms these allegations.

And recent claims by the Chinese Government that Catholics in particular are few in number and not mistreated have been directly contradicted by the Vatican.

According to the Vatican news agency, Chinese reports simply ignore the existence of 8 million Catholics loyal to the Pope, as well as China's violent actions in closing down secret churches and arresting religious leaders.

China also has engaged in weapons proliferation that endangers our national security.

Although China signed the Nuclear Non-Proliferation Treaty and agreed to abide by the terms of the Missile Technology Control Regime in 1992, violations of both agreements continue. Especially worrisome are Chinese sales of weapons technologies to countries which are trying to develop weapons of mass destruction, countries which America regards as rogue nations.

Chinese weapons exports also have more directly threatened Americans here on United States soil. Companies associated with China's Communist People's Liberation Army the PLA, have been caught attempting to sell smuggled assault weapons to street gangs in Los Angeles.

The Clinton administration's response to these dangerous actions, in my judgment, has been inadequate to say the least.

Last December, the administration welcomed China's Defense Minister, Gen. Chi Haotian, to Washington. Mr. Chi was one of the People's Liberation Army officers who led the military assault against the citizens of the Chinese capital on June 4, 1989—the massacre in Tiananmen Square.

Now the administration wants to welcome President Jiang with pomp and circumstance. These actions indicate that, where China is concerned, what we have is not a policy of constructive engagement, but one of unconditional engagement.

By agreeing to this state visit without receiving any significant concession on human rights, religious freedom and weapons proliferation, the administration may be squandering its strongest source of leverage with Beijing.

None of this is to recommend cutting off all dialog between the United States and China. Again, I would not object to having a visit for working-level purposes. But I feel the symbolism of a state visit is inappropriate given the current situation in China and our fundamental disagreements.

For this reason, I have cosponsored a resolution, with Senators FEINGOLD and HELMS, to downgrade the upcoming event from a state visit to a working visit. And I urge my colleagues to cosponsor this resolution as well.

We must work, Mr. President, to put United States-China relations on a more substantive basis. And that requires hard work and tough negotiations.

The President must call for specific actions on the part of the Chinese leadership that will improve that country's treatment of its own people and stop its destabilizing activities in the world at large.

According to the Wall Street Journal, "[China] doesn't plan to discuss issues such as human rights" at this upcoming conference. A Chinese Embassy spokesman even said "we do not welcome" advice on such matters.

But, welcome or not, President Clinton must insist that China's leaders address crucial issues like human rights. Indeed, in my view, the administration has a moral duty to press a whole host of issues on the Chinese Government that it may not welcome, but that are of great importance to the people of China, to the United States, and to the world.

Specifically, I believe President Clinton should demand:

First, that the Chinese Government dismantle nonreciprocal tariff and nontariff barriers to American exports to China, and stop the continued export to the United States of products made with prison labor;

Second, that the Chinese Government cease persecuting Chinese Christians, as well as members of other religious faiths, and release all persons incarcerated for their religious or other human rights related activities;

Third, that China end its coercive family planning practices, including its practice of forced abortion, forced sterilization and infanticide;

Fourth, that the Chinese Government stop its activities leading to proliferation of weapons of mass destruction and advanced ballistic missile technology; and

Fifth, that the Chinese Government stop its evasion of United States export control and other laws.

Mr. President, by making these demands on the Chinese Government, the President would put in place the structure needed for a coherent China policy; a policy aimed at protecting our national interests and improving human rights conditions in China.

In addition, I believe it is crucial that the President express his determination to uphold and fully implement the Taiwan Relations Act. This act provides the framework for strong economic and security relations between the United States and the democratic government of Taiwan. Full implementation will show our commitment to freedom in the Asian-Pacific region.

If no progress is made through these means, Mr. President, Congress must act. If the Chinese leadership is not willing to make significant reforms on its own, we must pass legislation targeting its improper activities.

In preparation for that contingency, I have joined with a bipartisan group of colleagues to introduce the China Policy Act of 1997.

This legislation will set in motion a policy that will encourage the Chinese Government to reform its human rights policies, and end its sales of arms and weapons technology to renegade regimes like Iran.

To begin with, Mr. President, the bill contains targeted sanctions aimed directly at Chinese companies that engage in weapons and weapons technology proliferation.

The bill would institute targeted sanctions against PLA companies found to have engaged in weapons proliferation, illegal importation of weapons to the United States or military or political espionage in the United States. The U.S. Government also would publish a list of other PLA-controlled companies.

This would allow American companies and consumers to decide whether they wish to purchase products manufactured in whole or in part by the Communist Chinese Army.

As important, the bill includes provisions to encourage internal liberalization and cultural exchanges between our two countries. It would increase funding for international broadcasting to China, including Radio Free Asia and the Voice of America.

It also would increase funding for National Endowment for Democracy and the United States Information Agency student, cultural, and legislative exchange programs in China.

The bill would contain a variety of other provisions likewise aimed at trying to address the concerns on a targeted basis, Mr. President, as opposed to the approach which has been taken, in my judgment, for too long, an approach which has focused exclusively on the issue of most-favored-nation treaty status with respect to the relationship between the United States and China.

I think the proper way to address the concerns that many of us have is to focus on the specific concerns themselves and to impose, if appropriate, sanctions with regard to those concerns on a targeted basis.

I firmly believe that it is America's duty as well as our interest to make the extra effort required to promote freedom and democracy in China and to integrate her into the community of nations.

I urge my colleagues to support this resolution and I call on the President to demand that the Government of the People's Republic of China bring itself into compliance with international standards on human rights and religious freedom.

Mr. President, I yield the floor and suggest the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

ISTEA

Mr. BOND. Mr. President, I have been waiting all week to talk about some very, very important things in the highway and transportation reauthorization bill, also known as ISTEA or NEXTEA. I am disappointed we have been unable to move to that bill because I think everyone here can agree we have journeyed far in the transportation area not only over the last 6 years under the just-expired ISTEA bill but over the last century. We are ready to embark upon the next leg of that journey. I am very distressed and saddened that our colleagues are not willing to move forward on it.

I think everyone in this body and certainly most of our constituents around the country know the importance and the role that transportation plays in our everyday lives and especially in our economy. Our economic stability and progress is tied directly to transportation.

In my opinion, what really worked, what really got us moving on transportation infrastructure in this Nation was President Dwight Eisenhower's vision of an interstate system. That succeeded in building the first network of modern high-speed roads linking our States with each other and with markets around the world.

As my dear friend and colleague from Virginia, Senator WARNER, often says, this is one world market. Our country's transportation infrastructure makes it so.

Mr. President, my home State of Missouri has always been a leader in the area of transportation. As one example, the first construction contract awarded under the interstate system was awarded for part of Interstate 70 near St. Charles, MO. In fact, the first three contracts awarded under this system were Missouri contracts. I think this demonstrates one more time Missouri's fundamental commitment to and belief in essential infrastructure.

Even though my friend and colleague from New York, Senator MOYNIHAN, and I had some differences of opinion during the 1991 debate, I do agree with many of my colleagues when they give Senator MOYNIHAN and the 1997 ISTEA bill credit for moving our transportation policy forward. The 1991 bill was landmark legislation that enabled us to craft a new generation of highway and transit programs.

Now, let us all recognize that transportation in this country includes everything from transit systems, rail, waterways, air, pipelines, et cetera. However, as we move forward, we must build our new policy solidly on our commitment to the concrete and asphalt reality that roads and bridges are, and will continue to be the foundation of our transportation system. The new policy will be only as good as the foundation on which it is built.

This country has an inadequate highway infrastructure that contributes to 114 deaths on our Nation's highways each day. This is the equivalent of a major airline disaster each and every day of the year. And, tragically, many of these fatalities are our Nation's children. As a matter of fact, motor vehicle accidents are the No. 1 cause of death of American children of all ages. That is truly a remarkable and distressing and tragic fact.

I have to share with you, Mr. President, the fact that Missouri's highway fatality rate is above the national average. I was reminded of these highway tragedies just this past week during the Columbus Day work period in the State, as I have been on every opportunity I have had to travel around the State of Missouri. As I went back and forth across the State, I saw along the roads the little white crosses that had been marked for deaths of motorists and their passengers on Missouri's highways. Some of the highways have very, very frequent intervals of white crosses. And at every stop where I talked with people and listened to them talk about transportation, they told me of friends, neighbors, and loved ones who had been lost in highway accidents. Almost everyone of us in Missouri have experienced or know somebody who has experienced the loss of a loved one or a dear friend. Earlier this year, my good friend Gary Dickenson of Chillicothe, MO, was driving from Chillicothe toward Kansas City where he had business interests, where he traveled frequently on Highway 36, a highway that, because of the traffic, should have been a four-lane, divided highway. It was, in fact, a two-way, two-lane highway. He met a car driven by a stranger to that part of the road who had crossed over the center line and he was killed.

We have had hearings in Missouri where families who have come to testify for the needs of highways have told us about the tragedy that their families have felt, like the Winkler family in Moberly, and many others, who lost a loved one because someone not familiar with that highway, not realizing that that heavily traveled road was a two-way road rather than a divided highway, crossed the center line and was in the wrong lane and crashed head-on into a fatal traffic accident.

Now, some fatalities on our roads are as a result of drunken driving and improper child safety restraints. But it is clear to me that the major role in these fatalities is the unsafe condition and inadequate capacity of our highways, and we really can't allow this to continue. It is totally unacceptable and we have to do something about it. We must improve upon our existing infrastructure and we have to determine better ways to manage our transportation needs, not only to address the tremendous safety needs, but for our economic competitiveness.

We must not forget that Americans depend upon our transportation infrastructure, mainly our roads and bridges, each day, to get to and from work, school, the shopping center, doctor appointments, ball games, to see friends, and to go to church. But we also know that those highways and byways, those roads and those bridges are vitally important to maintaining economic prosperity. They take workers to and from jobs, and bring goods and supplies into the workplace, and they bring the finished products out. And only if they do so in an efficient and effective manner can we make sure that our products are competitive against the products of other nations in the world.

Well, the condition of our roads and bridges, once the envy of the world, should embarrass all of us. I have listened over the years, and just recently on the Senate floor, to my colleagues from Northeastern States talking about their transportation needs and how they think they are somehow more deserving of additional highway funds than are the Southern and Midwestern and the Western States. On this floor, before the Columbus Day State work period, a Senator from the Northeast alluded to that part of the country as "the crux of our economic mix."

Well, Mr. President, I have to disagree and, like my colleagues who make those statements, be a little parochial because I argue that the crux is the middle part of the country. It is Michigan, it is Missouri, it is Iowa, it is Arkansas, it is Illinois, it is Kansas, it is Oklahoma, it is Louisiana, it is Minnesota, it is Wisconsin, it is Louisiana, it is Mississippi, and Texas. Why, Mr. President? Because not only is this the heartland of the country, but in my opinion this is where the country's current and future growth will be.

Now, my State of Missouri is "geographically privileged" to be located not only near the geographic center of the United States, and it not only has the demographic or population center of the United States, but it is at the center or at the confluence of our Nation's two greatest waterways, the Mississippi and Missouri Rivers. Not only has Missouri proven itself to be the gateway to the West, but today it is the gateway to the North, South, East and West. Like spokes from a bicycle wheel, Missouri's roads and bridges are fast becoming the arteries that feed not only our country's heartland, but the whole of North America.

Already, according to the Federal Highway Administration, Missouri has the country's sixth largest highway system. According to the Road Information Program, vehicle travel in Missouri grew by 51 percent between 1985 and 1995, compared to a national average of 37 percent. It is the home of the second and third largest rail hubs, the second fastest-growing airport in the world, and the second largest inland port in the United States.

A further example of the dynamic growth in Missouri is Branson, MO, population 4,725. I hope my colleagues—and not just those of us who enjoy country music—know about Branson, because in 1996 alone, Branson was visited by 5.8 million guests. That requires a lot of transportation to bring that many people into a community of less than 5,000 residents.

In addition, we look at our two largest trading partners, Canada and Mexico. One of the main north-south highway routes in this country is Interstate

35 from Loredo, TX, through Oklahoma, Kansas, Missouri, Iowa, and Duluth, MN.

Unfortunately, many coastal States forget about inland States when it comes to the global economy. But for our State of Missouri, and many other "inland" States, our highway infrastructure, coupled with rail, air and waterways, makes us strong players in "our one-world market."

Missouri alone serves over 100 different countries around the world with our exports. In 1995, our exports exceeded $5.5 billion.

Not only does Missouri export electronics, machinery, and chemicals, but Missouri is one of the largest exporters in the country of agricultural products. In overall agricultural exports, Missouri is ranked 15th among all 50 States in the value of its agricultural exports. Missouri is the sixth largest soybean producer and eighth largest feed corn producer in the country. Missouri ranks 6th in rice production and 13th in wheat production.

If we in Missouri are going to continue to compete globally for foreign trade opportunities of the next century, not only do Missourians need "fair" trade to compete, but we need a "fair" return of our transportation dollars so Missourians have "fair" access to global markets which coastal States now dominate because they already enjoy such access. A fair return to Missouri is imperative because Missouri's highways and bridges are in tremendous need of more dollars—more of our dollars that we have been sending to Washington, more of our dollars that we have shared in large measure with other States. It used to be, prior to the 1991 act, that we were getting about 75 cents back on every dollar we sent to Washington. We got it up to 80 cents after 1991. And we are hoping—hoping against hope—that maybe we can pass a measure which will get us up to 92 cents, still sharing 8 cents of every dollar that we send to Washington with other States for their transportation needs.

Permit me to quote from testimony provided by Tom Boland, a good friend and chair of the Missouri Highway and Transportation Commission, at a field hearing we held in which the chairman of the committee, the distinguished Senator from Rhode Island, Senator CHAFEE, and the Senator from Virginia, Senator WARNER, were kind enough to participate. Mr. Boland said:

> In Missouri, we can demonstrate the need for increased Federal funding to improve the safety of our highways and bridges all too well. Let me take you on a short tour down the Missouri and Mississippi Rivers. The Missouri River enters the State at our far northwest corner, flows southward to Kansas City, then crosses the entire State and joins the Mississippi River at St. Louis. The Mississippi River forms the entire eastern boundary of Missouri.

More than 40 bridges on the State and Federal highway system cross these two rivers in Missouri. More than half of these bridges are structurally deficient or functionally obsolete when evaluated by Federal criteria. They are too narrow or have severe weight restrictions, or both, that prevent commercial vehicle use and obstruct the economic vitality of many of our communities.

Using the Federal Highway Administration rating system, Missouri has approximately 11,000 centerline miles of highways rating fair or worse, or a lower rate. This is nearly one-third of the total State highway system. According to the Surface Transportation Policy Project Report, 81 percent of Missouri's urban highways alone are not in good condition. Over 42 percent of Missouri's 23,000 bridges are substandard.

Missouri has transportation needs that need to be met.

Ever since my arrival in the U.S. Senate, I have worked on transportation issues, mainly on getting my State of Missouri a fair return on its highway dollars. I will be honest; it has been an uphill battle. Even under the bill as reported from the Environment and Public Works Committee, Missouri, and several others, are still donor States. As a member of the committee, I worked with my colleagues, Senators CHAFEE, WARNER, and BAUCUS, to come up with a formula that was fair. Again, let me be honest; it is not everything I would like. If I got what I wanted, Missouri would be getting a return of $1.72 or $2.15 on every dollar they sent in. That is the return that some of the Northeastern States are receiving. But Missouri is not receiving that much.

Yet, I am the sponsor of this bill because it has moved the formula by leaps and bounds in the right direction, and I believe it is a reasonable compromise. It is a compromise that recognizes both the political realities of this place and, I think, the legitimate concerns of all the States involved.

The bill which I am proud to have sponsored with a number of my colleagues addresses three of the top priorities I have.

The bill, No. 1, increases the overall amount of transportation dollars that we invest in our infrastructure.

Two, it gives a fairer return of transportation dollars to the State of Missouri.

And, three, it provides additional flexibility to State and local planners, decisionmakers, and officials to address their specific transportation needs.

I hope that we can move forward on this vitally important legislation so we can address the numerous issues pending, such as transit, safety, and the Finance Committee title, which includes another critically important issue to Missouri and the rest of the country—that is ethanol.

The Finance Committee amendment includes an extension to 2007 of ethanol's tax incentives. This exemption promotes energy security by lowering our dependence on foreign oil. It is cleaner burning. It is a cleaner burning fuel, so it is good for the environment. And it is a renewable resource that really benefits our rural economy. The Senate voted overwhelmingly this summer to support this extension in the Taxpayers' Relief Act, and we defeated those who attempted to end the exemption in 1998. Senator GRASSLEY and others have done an outstanding job of leading our bipartisan coalition. I am proud to be part of that coalition, and I expect us to prevail if and when we are challenged again on this issue.

Another amendment that is important will reauthorize the act providing assistance to States for fish restoration, wetlands restoration and boat safety, commonly known as "Wallop-Breaux." I am particularly interested in a new provision to authorize a new "National Outreach and Communications Program" designed to introduce additional segments of the public—especially America's youth—to the healthy fun of fishing and boating, to increase awareness of boating and fishing opportunities, and to promote safe and environmentally sound boating and fishing practices. Fishing is very important, in my State, to the recreational industry, and it is a favorite pastime of thousands and thousands of enthusiasts. I was out there, I confess. Most people with good judgment wouldn't be out on a wind-blown lake in 35 degree temperature getting their feet wet, getting cold to the bone but going after the mighty sport fish, a tremendously important part of our heritage, and I am going to keep doing it until one of these days I quit being outsmarted by the fish.

Mr. President, moving our transportation policy into the 21st century will be a challenge. There is no denying that. I hope we can move forward and move forward soon on this vitally important legislation so that these amendments that I have mentioned and other important amendments can be debated and voted on.

It is important to realize that maintaining our Nation's roads and bridges is not a glamorous undertaking, but as with the debate raging in education circles about improving our Nation's crumbling schools, so goes the equally important debate about improving public infrastructure.

Mr. President, as we prepare and plan our transportation policy for the 21st century, I hope all of us remember four basic principles that our new policy must ensure. First and foremost is safety, but also fairness, efficiency, and economic competitiveness.

Mr. President, when we do move to the consideration of this bill—as I said, I hope that will be soon—I intend to offer an amendment with Senator BREAUX, an amendment that has been cleared on both sides of the aisle, because it makes good sense. This is an amendment that affects both the EPA and the Corps of Engineers. They reviewed the amendment. They have no objection to it. It is consistent with administration policy and its Federal guidance issued November 1995. It is supported by the Association of State Highway and Transportation Officials. And, beyond that, it is good for wetlands protection. It promotes private-sector efforts to protect wetlands. And it saves money that can be used on highways or other authorized uses under this act. Truly a win-win-win amendment.

Now that I have your rapt attention, let me tell you what this amendment would do.

This amendment provides that when highway projects result in impacts to wetlands that require compensation mitigation under current law, preference should be given, to the extent practicable, to private-sector mitigation banks. The amendment mandates that the banks be approved in accordance with the administration's Federal guidance on mitigation banking issued in 1995, and it requires that the bank be within the service area of the impacted wetlands.

The administration's definition of mitigation banking is

> . . . the restoration, creation, enhancement and, in exceptional circumstances, preservation of wetlands and/or aquatic resources expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Mitigation is usually accomplished by restoring or creating other wetlands. Isolated, on-site mitigation projects, however, are expensive and costly to maintain. Wetlands mitigation banks are typically large tracts of land that have been restored as wetlands.

A State department of transportation building a highway project which impacts wetlands merely buys credits generated in the bank based on the acreage and quality of the restored wetlands in order to satisfy its obligation to mitigate the harm to the impacted wetlands by the construction of the highway. The bank sponsor assumes full responsibility for maintaining the restored wetlands site, and the State department of transportation has thus fulfilled its mitigation requirement.

The amendment does not change in any way the mitigation required. It provides simply that mitigation banking will be the preferred alternative once mitigation requirements are determined.

Last year, the Committee on Environment and Public Works held a hearing where witnesses from the administration, the private sector, the environmental community, and the scientific community spoke to the promise of mitigation banking as being an important instrument to protect wetlands and to do so with less red tape and, most importantly, at less expense to our highway and transportation programs.

Now, this proposal is strongly supported by the Missouri and the Ohio Departments of Transportation and by the nationwide association AASHTO. A September letter from the Ohio Director of Transportation notes that "the Ohio department's costs for on-site mitigation have ranged as high as $150,000 an acre when the cost of design, real estate, construction and mitigation monitoring were combined. These costs are not out of line with the high end costs experienced by many other departments of transportation around the country. Our lowest costs for on-site mitigation have generally exceeded $35,000 per acre. The cost of banking, in our experience, has ranged from around $10,000 to $12,000 per acre and includes all of the above-cited cost factors. This equates to about one-quarter the cost of our average on-site mitigation."

In Florida, the department of transportation pays its department of environmental protection $75,000 for every acre it impacts for mitigation. By contrast, the Florida wetlands bank acres in Broward County are sold for a reported $50,000 to $55,000. The State of Illinois in the Chicago area has had a similar experience.

The savings can be significant and they can be achieved because of specialization and economies of scale. As a result, less Federal highway money is spent on mitigating impacts to wetlands. More Federal highway money is made available for highway construction. And the wetlands, wildlife and conservation benefits are achieved in the most efficient manner possible. The Vice President and others have said we should pursue ways in which we can make environmental protection a profitable enterprise while actually reducing the permit process times for citizens weaving their way through the burdensome wetlands permitting process.

This does just that. Many agree that mitigation banks, which must be approved, will have a greater long-term rate of success in protecting wetlands because, one, the people who sell the credits are in the business of wetlands protection; two, the banks are easy to regulate and be held accountable; three, there is more time and flexibility for a bank to procure and identify high-quality wetlands.

Again, this is a good amendment. It is good for the environment. It is good for the efficiencies. It will save highway dollars and make sure we deliver the wetlands protection with the wildlife, environmental and conservation benefits that go along with it in the most efficient use possible of our precious highway dollars.

I hope that all of my colleagues will support the bipartisan amendment when we are enabled to present it in the Chamber in the consideration of the highway transportation reauthorization bill, ISTEA.

Mr. President, I see others in the Chamber so I will yield the floor at this time. I thank the Chair.

MITIGATION BANKING

Mr. BREAUX. Mr. President, I'm pleased to cosponsor with Senator BOND the mitigation banking amendment to the highway bill. I thank Senator BOND for his leadership and am pleased to continue working with him on wetlands-related issues.

The Bond-Breaux amendment is direct and straightforward. It simply says that mitigation banking shall be the preferred means, to the maximum extent practicable, to mitigate for wetlands or natural habitat which are affected as part of a Federal-aid highway project and whose mitigation is paid for with Federal-aid funds.

In addition, the amendment identifies three factors that are to be met in order to use a mitigation bank: first, the affected wetlands or natural habitat are to be in a bank's service area; second, the bank has to have enough credits available to offset the impact; and third, the bank has to meet federally approved standards.

So, Senator BOND and I, through this amendment, are simply trying to establish a reasonable, responsible wetlands and natural habitat mitigation policy as part of the Federal-aid highway program.

Our proposal has two key components: First, we say give mitigation banking a preference, to the maximum extent practicable, which is reasonable. Second, we say a bank should meet certain conditions to ensure its effectiveness and viability, which is being responsible.

Let me emphasize that our amendment does not mandate the use of mitigation banks. Nor does the amendment require their use nor does it say they shall be the sole means or the only method used to mitigate affected wetlands or natural habitat.

The Bond-Breaux amendment simply says mitigation banks shall be the preferred means, to the maximum extent practicable, and they must meet certain responsible conditions before they can be used.

Louisiana's transportation department officials have said that the State already uses mitigation banks and areas as an option for some of its highway projects.

Mitigation banks can offer several advantages when constructed and operated responsibly. They can achieve economies of scale. They can provide larger, higher quality and diverse habitat and they can make mitigation costs less expensive when compared to costs for some isolated mitigation sites which are not part of a bank.

The Bond-Breaux amendment certainly is in line with the environmental provisions and direction of the proposed highway bill we have before the Senate, S. 1173.

For these reasons, I urge the Senate's adoption of the amendment when it comes up for consideration.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes until the hour of 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 22, 1997, the Federal debt stood at $5,421,844,508,272.92. (Five trillion, four hundred twenty-one billion, eight hundred forty-four million, five hundred eight thousand, two hundred seventy-two dollars and ninety-two cents)

One year ago, October 22, 1996, the Federal debt stood at $5,228,756,000,000. (Five trillion, two hundred twenty-eight billion, seven hundred fifty-six million)

Five years ago, October 22, 1992, the Federal debt stood at $4,062,097,000,000. (Four trillion, sixty-two billion, ninety-seven million)

Ten years ago, October 22, 1987, the Federal debt stood at $2,384,316,000,000. (Two trillion, three hundred eighty-four billion, three hundred sixteen million)

Fifteen years ago, October 22, 1982, the Federal debt stood at $1,140,017,000,000 (One trillion, one hundred forty billion, seventeen million) which reflects a debt increase of more than $4 trillion—$4,281,827,508,272.92 (Four trillion, two hundred eighty-one billion, eight hundred twenty-seven million, five hundred eight thousand, two hundred seventy-two dollars and ninety-two cents) during the past 15 years.

IMMIGRATION EXTENSION IN THE CONTINUING RESOLUTION

Mr. FAIRCLOTH. Mr. President, I would like to make several comments on the extension of the provision of section 245(I) which is in the continuing resolution we passed today.

This provision of the Immigration and Nationality Act allowed foreign nationals to adjust their status while remaining in this country after either entering the United States illegally or remaining in this country after their visa expired and they became illegal.

Either way, these individuals have entered this country without having respect for our laws or have remained here because of little or no respect for our laws.

On August 22, 1996, this body passed legislation to attempt to enforce stricter penalties against those foreign nationals that arrive in the United States illegally or remain hidden in the workforce illegally after their visas expire. The law we passed required illegal aliens to leave this country and go through the proper channels of immigration from their homeland or remain here and be subject to a 3- or 10-year bar from reentry into our country.

The Illegal Immigration Act of 1996 calls for a mandatory 3-year bar against that illegal alien from entering this country if he or she has remained illegally in this country for 180 days after April 1, 1997.

If he or she remains here for 1 year after April 1, 1997, that bar is 10 years.

It appears in just over 1 year from passing this legislation and just at the time the 180 day timeframe kicks in—now this body is attempting to provide a loophole for illegal aliens to remain in this country with little or no consequence.

I am opposed to this extension. And I will not vote for any legislation that permanently extends the cut off period. What we are doing is rewarding illegal behavior.

I sometimes wonder why we have immigration laws that we do not enforce?

Our immigration policy in this country is a mess. We don't have a policy, because if we make one we make exceptions to it almost immediately. Here we are 1 year later and we are providing extensions already. When is this kind of legislating going to stop?

For as little as $1,000, someone can remain in this country illegally. This is a small price to pay to enable someone with little regard for our laws to remain in this great country.

Mr. President, what kind of signal does it send to hardworking, law-abiding Americans—that you can come to this country illegally and stay here illegally, for as little as $1,000.

I think we send the signal that anybody can come to the United States at anytime and stay here for as long as they want.

Maybe I have the answer to the respect for our laws that some noncitizens have. I have also received information from the Bureau of Prisons that in the Federal prison system approximately 26.6 percent of the Federal inmates are not U.S. citizens as of June 1997. To take care of these prisoners is costing U.S. taxpayers $687 million a year.

By the U.S. Congress extending the ability to adjust status to persons that have little regard for our laws with such little consequence, we are only condoning illegal actions and opening the door to further crime.

Illegal immigrants have put a burden on our Federal system which we cannot sustain and remain solvent. This is wrong. We as a country cannot continue to fix the errors of illegal immigrants. They should be held accountable for their actions.

Mr. President, it is a privilege to be in this great country. We must request all residents, whether citizens or noncitizens, of the United States adhere to our laws. And our message should be consistent.

For these reasons, I am strongly opposed to the extension of 245(I) that is in the continuing resolution. I am further opposed to any effort to make permanent changes to this law that would weaken our immigration policy.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 56. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1534. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising

Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

The message further announced that the House insists upon its amendments to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BLILY, Mr. BILIRAKIS, Mr. BARTON, Mr. GREENWOOD, Mr. BURR, Mr. WHITFIELD, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, and Mr. KLINK, as the managers of the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 97. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, with an amendment:

S. 1292. A bill disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Charles Vincent Serio, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

Joaquin L. G. Salas, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands for the term of four years.

Jose Gerardo Troncoso, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Kenneth Ray McFerran, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. CLELAND, Mr. HOLLINGS, and Mr. THURMOND):

S. 1310. A bill to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT (for himself, Mr. LIEBERMAN, Mr. MCCONNELL, Mr. REID, Mr. D'AMATO, Mrs. BOXER, Mr. COVERDELL, Mr. HELMS, Mr. DURBIN, Mr. MCCAIN, Mr. BROWNBACK, Mr. BENNETT, Mr. CAMPBELL, Mr. FEINGOLD, Mr. MACK, Mr. SHELBY, Mr. WYDEN, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. HOLLINGS, Ms. MIKULSKI, Mr. NICKLES, Mr. CLELAND, Mr. INOUYE, Mr. DORGAN, Mr. BRYAN, Mr. ABRAHAM, and Mr. REED):

S. 1311. A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; to the Committee on Foreign Relations.

By Mr. ABRAHAM:

S. 1312. A bill to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 138. A resolution authorizing expenditures for consultants by the Committee on Rules and Administration; considered and agreed to.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. DODD, Mr. JOHNSON, Mr. DEWINE, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. LEVIN, and Mr. INOUYE):

S. Res. 139. A resolution to designate April 24, 1998, as "National Child Care Professional's Day", and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. CLELAND, Mr. HOLLINGS AND Mr. THURMOND):

S. 1310. A bill to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities; to the Committee on Agriculture, Nutrition, and Forestry.

THE LONG-TERM ECONOMIC ASSISTANCE FOR FARMERS ACT

Mr. FORD. Mr. President, on June 20, the attorneys general of several States emerged from a Washington hotel conference room to announce a proposed national tobacco settlement. The announcement sent Washington spin doctors to work, pronouncing the defeat of public enemy number one—the tobacco industry. Press release after press release painted a picture of fat cat tobacco executives, rich at the expense of public health, finally being called to account.

But this picture of tobacco is not what I see when I go home to Kentucky. There I see hard-working farmers trying to make an honest living off a crop that has helped hundreds of communities in my State thrive for centuries.

Maybe you've forgotten about the farmer. That wouldn't surprise me. They weren't in the room during the tobacco negotiations. They were not included in the final settlement, and to date, the only plan that mentions them would put them out of business.

Mr. President, it is as if the thousands of men and women who have been the bedrock of hundreds of communities simply no longer have any value.

Sixty thousand farm families produce tobacco in 119 of 120 counties in my State. While tobacco uses only 1 to 2 percent of their acreage, it produces 20 to 25 percent of their farm income. Along with these farm families are tens of thousands of workers who warehouse, process and manufacture tobacco. They all live in communities where every tobacco dollar has a multiplier effect on the local economy, rolling over three to four times.

And they're the reason I am here today.

Mr. President, I am pleased to join several of my colleagues in introducing legislation which addresses the needs of tobacco farmers, tobacco workers, and their communities and should provide the framework for taking care of them in any comprehensive legislation.

First and foremost, "taking care of them" means protecting the tobacco program.

Opponents of the program claim they're not attacking farmers, but with the program goes stability, with the program goes the small family farmer, and with the program goes hundreds of small rural communities.

Mr. President, the program is the key to preventing fence row to fence row production.

It is the key to keeping tobacco prices high.

And it is the key to keeping tobacco production in the hands of small family farms and keeping rural communities alive.

Without the program, look for cheap cigarettes, look for the size of farms—at the very least—to triple in size. Look for family farms to go out of business, and look for the rural communities they sustain, to shut down.

What are the benefits of killing the program? For hard-working family farmers there simply are none.

That is why killing the program is a nonstarter. And even though criticisms are based either on misconceptions or misrepresentations of the program, we're willing to address them by covering all these costs with our legislation. But make no mistake, we're not willing to eliminate the program.

The legislation we're introducing today follows the principles every one of my colleagues went on record supporting in a September 9 Sense of the Senate amendment. We all agreed that tobacco growers should be fairly compensated as part of any Federal legislation to implement the tobacco settlement. We all agreed tobacco growing communities should be provided sufficient resources to adjust to the economic impact of any settlement legislation. We all agreed compensation to farmers and their communities should come from funds provided within the parameters of the national settlement, as paid by tobacco manufacturers. And we all agreed the tobacco program should be maintained and operated at no net cost to the taxpayer.

These four simple principles will mean the difference between a productive future for tobacco farmers and a "for sale" sign up at the end of the driveway—the difference between communities where a farmer's children stay to raise their children and a ghost town.

At the core of the legislation is the establishment of a Tobacco Community Revitalization Trust Fund. The trust fund will provide compensation for farmers, investment funds for communities, and education and retraining funds, all within the parameters of the tobacco program and the national tobacco settlement dollar figure.

First, the fund will provide tobacco quota holders with "Payments for Lost Tobacco Quota" based on the drop in the amount of tobacco they can grow. The national tobacco settlement could cause consumption to drop substantially, which would translate into deep cuts in each farm's tobacco quota and each farmer's income. Under our bill, quota holders will receive $4 per pound per year for every pound by which the quota drops below their base quota. A maximum lifetime limit on payments will be set for quota holders at $8 times the number of pounds in their base quota. Those who lease quota or grow tobacco as a tenant farmer will receive $2 per pound, with a life time cap of $4 per pound.

Second, the trust fund will make payments to cover all administrative costs associated with the production of tobacco. This will include salaries at USDA to administer the tobacco program, and any shortfall in the provision of crop insurance for tobacco farmers. This should finally put a stop to false claims that tobacco growers receive subsidies from the Federal Government.

Third, the trust fund will provide Farmer Opportunity grants for higher education. Tobacco farmers and their dependents will be eligible for higher education grants of up to $1,700 per year—which is the current average size of a Pell grant—to attend a university, community college, vocational school, or other recognized institution. Academic eligibility standards will be modeled after Pell grants, including requirements that students maintain satisfactory progress toward the completion of their degree, and maintain at least a C average. Funding will be provided to cover up to 25,000 individuals from tobacco farm families.

Mr. President, the tobacco program has long meant the difference between whether a family can afford to send their children to college or whether their education stops after grade 12. We need to do everything we can to preserve a farm family's ability to provide their children with access to higher education opportunities.

Fourth, the fund will provide benefits to displaced workers from tobacco warehousing, processing, and manufacturing operations. This program is modeled after the NAFTA Trade Adjustment Assistance Program for Displaced Workers. Under these provisions, workers who lose their jobs can receive tobacco readjustment allowances, employment services, job training, job search allowances, and relocation allowances, all of which are modeled after the NAFTA benefits and services.

And fifth, the fund will provide economic development assistance to tobacco growing communities hit hard by the national tobacco settlement.

The economic development fund will begin at $400 million per year minus the amount used for administrative costs of the tobacco program, distributed through block grants to tobacco growing States.

States can use the funding to provide several types of assistance including rural business enterprise grants, farm ownership loans, activities which create farm and off-farm employment, activities which expand infrastructure facilities, and services which help diversify local economies, long-term business technical assistance, grants to agricultural organizations to help tobacco growers find supplemental agricultural activities, and activities which create or expand locally owned value-added agricultural processing and marketing operations.

Providing stability, preserving traditions, keeping farms in the hands of families, protecting hundreds of communities, Mr. President, I believe this legislation will give tobacco farmers, tobacco industry workers and tobacco growing communities the resources to deal with the national tobacco settlement likely to impact them.

With the tobacco program completely funded by tobacco growers or the industry itself, antitobacco advocates can no longer take aim at the farmer under the pretense of fiscal responsibility. And with a sense of stability and predictability, farmers can begin to prepare for the future in a responsible and thoughtful way.

I plan on sharing this proposal with my colleagues involved in writing comprehensive legislative proposals to implement the national tobacco settlement, but I hope all my colleagues interested in this issue and interested in preserving a farming tradition will take a close look at this program so that we can move forward in helping tobacco farm families and their communities.

Mr. President, we have not just singled out the farmer. We have included the total community, from education to job opportunity, whatever it might be, so we have taken in the whole community. I am very pleased with the hard work and support that has been given to me by Senator McCONNELL, Senator FAIRCLOTH, Senator HELMS, and others to make this introduction so important today.

Mr. FAIRCLOTH. Mr. President, I rise as an original cosponsor of this bill, the LEAF Act. I want to thank Senator FORD for the hard work and the leadership role he has taken over his years in the Senate on this bill and in support of the tobacco industry as a whole and, especially, the farmers involved in it.

There has been a lot of talk on this floor about farmers. Everyone is against tobacco, but they are for farmers. Everyone pledges to help the farmers. This bill is a blueprint for that help. This plan offers assistance to the tobacco community across North Carolina, Kentucky, and the entire producing area, including Virginia, South Carolina, Georgia, and Tennessee. These people are the men and women in tobacco fields and cigarette factories and their communities.

There are 18,000 tobacco farmers in North Carolina and thousands more throughout the Southeast. The farmers of my State collect more than $1 billion in receipts each year from tobacco alone. That is a big number, but it is spread over many small farms. Everyone in Washington talks about the small farmer, the family farm, but North Carolina is the State of small farms. The average farm size in North Carolina is just 159 acres, one-third of the national average, which is 469 acres. It is difficult at best to make a living on a small farm. Tobacco kept these people alive on small farming operations over the last 60 years. Tobacco produces roughly $1,200 an acre in net profit. There isn't anything else they can plant that comes close to this, even remotely close. Tobacco keeps the family farm together, and, Mr. President, it keeps the family on the farm. That is why we are here with this bill and the reason I am here this morning.

The impact of this proposed tobacco settlement would throw thousands of small farmers off their land and immediately into bankruptcy. It is up to us to step up and to help them through this transition.

I have talked about farmers so far and only farmers, but the economic impact of tobacco and this proposed settlement is not limited to farmers. There are 20,000 working people in factories across North Carolina manufacturing tobacco products. They pay mortgages, buy groceries and struggle to meet tuition bills. They are simply middle-class American people. However, tobacco is their livelihood, and Congress has set its sights on destroying their livelihood. That is simply what has happened here.

The entire tobacco sector employs 100,000 people in North Carolina. That is $7 billion in business in the State. It is 8 percent of the work force and represents a lot of families. I am here to attempt to stand up for these people.

Next year the Congress will take up an agreement that deals a real blow to the livelihood of these thousands of people. Tobacco production is expected to drop significantly under the proposed agreement. The farmers and factory workers are in the cross hairs of the tobacco settlement, and whether the antitobacco crowd is aiming at them or not, they are the ones who are going to be hit. This bill tells them that Congress will try to lessen the effects on the innocent parties, the hardworking men and women in the tobacco fields and on the factory floor.

Senator FORD explained these transition payments to farmers. The Freedom to Farm Act moved farmers to an unregulated market and included substantial transition payments to assist them through this change. However, there was nothing in that bill designed to cut production of corn, wheat or any other crop. This proposed tobacco settlement takes aim at this crop, however, so the transition payments are a necessity.

The amount of money in this bill for the farmers and factory workers is modest compared to the amount of money that others seeking from the settlement. Somewhere in the neighborhood of $28 billion would be involved in Senator FORD's bill. Now, it might interest you to know that the hundreds of trial lawyers involved in this potential settlement expect to receive up to $45 billion, almost two times as much as we are asking for the more than 150,000 people effected by this settlement.

The farmers face a situation where the Government will target their crop and cut its production. We need the transition money. How many people, farmers or not, could stand a quick reduction of 30 percent of their income due to the intended actions of the Federal Government? That is simply what we are talking about here—reducing the tobacco farmer's income by 30 percent. This bill is about the future of communities and literally big sections of our State. The bill includes farm opportunity scholarships to allow the farmers and their children additional educational opportunities. It also provides for rural development to enable these communities to survive the transition. This bill tells farmers that Congress is not leaving them without any options for the future. It tells them the rhetoric against tobacco is not really against them. At this moment they believe that it is and have every reason to think so.

This bill is a chance to back up all the rhetoric about being against tobacco but for farmers. If we are for farmers, we will pass this bill. I hope my colleagues will join me, Senator FORD, Senator MCCONNELL, and Senator HELMS in support of this bill.

Mr. MCCONNELL. Mr. President, I thank Senator FORD for his important work and his leadership on this issue. It is so vital to the State we jointly represent.

I am pleased to be on the floor of the Senate today to talk about an industry that has played an integral role in our country's history and continues to shape the cultural and economic landscape of the Commonwealth of Kentucky. The industry, of course, is tobacco. And for the next few minutes I want to discuss tobacco and the shifting political terrain that will affect the 136,000 farmers who produce this agricultural commodity.

This summer a group of States attorneys general, representatives of the major tobacco companies, and public health officials negotiated an agreement that would limit the companies' legal liability in exchange for their promise to help reduce smoking and compensate States for past damages caused by use of their product. This agreement obviously must be passed by the Congress and signed by the President to have the force of law, and that process is now what best could be described as in its initial stages.

To my deep disappointment, tobacco farmers were not included in these negotiations. They had no seat at the table. Not surprisingly, there is not a single penny in this $368 billion pool of money for tobacco farmers, even though they will be the ones most directly impacted by the agreement. On the other hand, the agreement allows for the compensation of well-heeled sporting enterprises such as auto racing and rodeos in the event they lose sponsorship dollars but not a penny goes to the hard-working tobacco farmers who may well be driven off their family farms because of an agreement to which they were not a party.

Today, along with Senator FORD, the principal craftsman of this bill, Senator HELMS and Senator FAIRCLOTH, I propose to right that wrong by supporting a package that will provide for these farmers' well-being. Today, my colleagues and I are introducing the Long-term Economic Assistance for Farmers Act, what we call the LEAF Act, which creates an umbrella "Tobacco Community Revitalization Fund." The fund, to be paid for from moneys within the existing $368-billion settlement, will stabilize the incomes of tobacco farmers by providing payments for lost tobacco quota to tobacco quota holders, tenants and those who lease quota. Quota holders who produce their own tobacco will be paid $4 a pound in any given year for every pound their quota falls behind their average 1994–1966 quota level. In the case of leased tobacco and tenant farmers, payments will be $2 a pound.

A portion of the fund will also be used for Tobacco Community Economic Development Grants which will help transition tobacco dependent communities to a more diversified economic base. The economic development grants will be used for costs incidental to the tobacco program, economic development grants to States, farmer opportunity grants for education and training, and assistance for displaced tobacco industry workers.

Mr. President, most agree that tobacco farmers and their communities should not bear the brunt of the agreement's dislocating effects. For instance, Minority Leader DASCHLE has said that "We need to address some of the concerns that were not addressed in the agreement * * * especially those dealing with small farmers." The President himself has said, "Any tobacco legislation must protect tobacco farmers and their communities." Even tobacco's most committed foes such as former FDA Commissioner David Kessler recognize that, as he put it, "farmers should not be left out" of the agreement. The LEAF Act does provide for farmers. It provides compensation for reduced quota to owners and those who produce the tobacco. It provides opportunities for tobacco farmers to diversify their crops. It provides economic stability for small tobacco farmers and their tobacco communities. It provides education and training opportunities for tobacco farmers and their dependents. It keeps farmers like mine in Kentucky in the business of producing this legal agricultural commodity.

So, Mr. President, I rise in support of the LEAF Act. I thank Senator FORD for his leadership and tireless efforts to protect our tobacco growers and their communities. I believe Senator FORD's bill provides the best alternative for our growers.

Having said that, I realize we face an uphill battle. Today's political environment for tobacco interests is darkened mightily. In today's Senate, outrageously unfair amendments that deny basic crop insurance to tobacco farmers are only narrowly defeated. The ceaseless assault on tobacco has left the tobacco grower imperiled. In this context it may be difficult to sustain the political support necessary to enact all of the bill's provisions. I personally will fight for the Ford package, but I also will be cognizant of political reality. It is my fervent hope that we can incorporate the LEAF Act into any settlement legislation.

If that is not achievable, I will not be discouraged from pursuing alternative ways to best provide tobacco farmers' needs.

Finally, Mr. President, as Congress discusses the proposed tobacco settlement, I urge my colleagues to remember that our decisions will not affect some nameless, faceless machine. Rather, our actions here will bear directly on thousands of hard-working tobacco farmers, men and women who pay their taxes, go to church, raise their families, and do their best to provide for future generations. We owe it to them to ensure that today's changes in the tobacco culture leave them with a stable future as well.

Mr. President, I yield the floor.

Mr. FORD. Let me thank my colleagues for their remarks. One of the things that we have to take into consideration is that this bill is a bill that looks not only to the farmer but to his family, his children for education, and economic development in the community. I hope people understand, I hope my colleagues understand, that this bill incorporates payment for everything, even the shortfall in the crop insurance. So there should not be these so-called cheap shots, as my colleague from Kentucky explained, as it relates to the tobacco farmer, under this proposal. If you take a look, I would hope Senators will understand that. We have worked very hard putting this package together and hopefully it will be accepted within the parameters of any agreement.

Mr. HELMS. Mr. President, I too am pleased to be an original cosponsor of Senator FORD's bill, titled the Long-term Economic Assistance for Farmers Act (S. 1310). The able senior Senator from Kentucky is to be commended for offering this legislation.

Mr. President, as farmers and rural communities in tobacco-growing States come to terms with the national tobacco settlement, this bill will address some of the needs sure to arise during this critical economic adjustment period. I believe this legislation is a good starting point for helping these farmers, their families, and their communities.

Obviously, it is too much to hope that everybody affected by the settlement will be satisfied with every provision in this bill, but it is important that we begin to take steps to ensure farmers the same stability and predictability that the tobacco companies sought when they negotiated the national tobacco settlement.

Mr. President, let me make it clear that—and I believe Senator FORD and all other supporters of this legislation agree—that this is only a starting point. It may be—after consultation with growers, companies and other affected parties—that only minor changes in this legislation need to be made. Or, it may be—that a significant overhaul in our approach to this issue is needed.

Whatever the future holds, of this tobacco growers may be assured: I will do everything proper in my power to protect their interests. I have often been criticized for standing up for the livelihoods of tobacco farmers—and I suppose I will be criticized many times more in the future. Let the critics proceed, but I shall never retreat from my convictions that the hard-working families deserve to be recognized for the good citizens and splendid families that they are.

So, Mr. President, again I commend my friend from Kentucky, Mr. FORD, for his tireless effort to protect tobacco farmers, and I am honored to stand with him once again.

By Mr. LOTT (for himself, Mr. LIEBERMAN, Mr. MCCONNELL, Mr. REID, Mr. D'AMATO, Mrs. BOXER, Mr. COVERDELL, Mr. HELMS, Mr. DURBIN, Mr. MCCAIN, Mr. BROWNBACK, Mr. BENNETT, Mr. CAMPBELL, Mr. FEINGOLD, Mr. MACK, Mr. SHELBY, Mr. WYDEN, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. HOLLINGS, Ms. MIKULSKI, Mr. NICKLES, Mr. CLELAND, Mr. INOUYE, Mr. DORGAN, Mr. BRYAN, Mr. ABRAHAM, and Mr. REED):

S. 1311. A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; to the Committee on Foreign Relations.

THE IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. LOTT. Mr. President, I rise today to introduce the Iran Missile Proliferation Sanctions Act of 1997. I am pleased to be joined in this bipartisan effort by Senator LIEBERMAN, as well as Senators MCCONNELL, REID, D'AMATO, BOXER, COVERDELL, HELMS, DURBIN, MCCAIN, BROWNBACK, BENNETT, CAMPBELL, FEINGOLD, MACK, SHELBY, WYDEN, HUTCHINSON, FEINSTEIN, HOLLINGS, MIKULSKI, NICKLES, CLELAND, INOUYE, DORGAN, and BRYAN.

This is very important legislation which addresses a serious threat, in my opinion, to American security: Iran's relentless efforts to acquire ballistic missile technology. There is no doubt that Iran is the major proliferation danger in the world today. Iran is committed to developing nuclear, chemical and biological weapons and the means to deliver them.

The consequences of Iran's ballistic missile development would be disastrous. Iran actively supports terrorist groups around the world. Earlier this year, a German court found Iran's intelligence services responsible for assassinations on German soil. There is a very real possibility that Iran was behind the murder of 19 Americans in the Khobar Towers bombing on June 25, 1996.

News reports now indicate that Iran is developing two missiles with ranges of 800 or more than 1,200 miles. Such missiles would be able to reach American forces stationed in the Persian Gulf. They would be able to reach Israel. They would be able to reach our NATO ally, Turkey. They would be able to reach all the way into Central Europe, as a matter of fact.

The terrorist regime in Iran has already demonstrated its willingness and ability to use bombings and hit squads to support its radical agenda in the Middle East and in Europe. We cannot sit back and allow Tehran to acquire ballistic missile capability that could hit even more targets with the push of a button, possibly even with nuclear warheads.

This administration's track record on dealing with Iran is not encouraging. We are always anxious to work with the administration in these important foreign policy issues. In 1995, with great fanfare, the administration announced it was strongly opposed to the sale of Russian nuclear reactors to Iran and the issue would be handled in the commission headed by Vice President GORE and Russian Prime Minister Chernomyrdin. In the intervening 2 years there has been no progress in halting that sale, or sales of this type.

In 1995 the administration gave a green light to Iranian extremists who gained a foothold in Europe by arming the Bosnian Government. The residue of that green light still affects the situation in Bosnia today. So, there are problems, obviously, in this area.

When the news reports in the Washington Times over the last month indicated that there were very serious concerns about Russian support for Iran's missile technology programs, many of us on Capitol Hill looked for action. Vice President GORE, we were told, would raise the issue with the Prime Minister when he was in Russia, but the response that he received apparently was to call the news report "stupid" and "not worthy of comment."

I think, after consultation with the administration, that this legislation is necessary because not enough has been done to address this Iranian missile development. I believe it is clear that existing United States law has been broken by Russian entities. Emissaries have gone to Moscow, information has been shared. Yet, no sanctions action has been taken by the administration.

This legislation is necessary because it is time to act. Many have recently expressed concern about Congress imposing "unilateral" sanctions. My response is that Congress will step into a vacuum and take unilateral action when inadequate action is being taken in other areas.

The legislation is quite simple. It requires the President to report in 30 days, and every 180 days thereafter, on entities that have transferred or attempted to transfer goods, technology, technical assistance or facilities that contribute to Iran's efforts to acquire, develop or produce ballistic missiles.

The legislation requires three sanctions on any such entities: No export of American arms, no export of restricted dual-use items, and no American Government assistance. So it is a targeted sanction, aimed at the entities involved in these actions.

Congress has established with successive administrations, special criteria in existing law for each of these three things. Our legislation simply says if you help Iran acquire ballistic missile capability, you will not get arms, controlled exports, or taxpayer-financed aid.

Similar bipartisan legislation is being introduced in the House today. I refer back to my opening remarks. There are already, I believe some 26 Senators who are cosponsoring on both sides of the aisle, from all regions of the country and all philosophical spectrums.

I hope the Senate will take action on this legislation before the end of the session. Certainly, it will provide, hopefully, some additional impetus for the administration to aggressively address this issue. A number of changes have been made in the legislation to meet policy and legal concerns of the administration, and I hope the administration will see the merits of imposing these serious and rapid sanctions on entities which aid Iran's efforts to threaten American forces and American allies.

We cannot stand mute. We cannot ignore this very serious matter. We will continue to work with the administration and support any aggressive efforts that they care to use. But after serious consideration, and after consultation particularly with Senator LIEBERMAN, I thought it was important that we go ahead and introduce this legislation today, and explain why we are doing it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Missile Proliferation Sanctions Act of 1997".

SEC. 2. REPORTS ON MISSILE PROLIFERATION TO IRAN.

(a) REPORTS.—Except as provided in subsection (c), at the times specified in subsection (b), the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible evidence indicating that that person, on or after August 8, 1995—

(1) transferred goods or technology, or provided technical assistance or facilities, that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles; or

(2) attempted to transfer goods or technology, or attempted to provide technical assistance or facilities, that would have contributed to Iran's efforts to acquire, develop, or produce ballistic missiles.

(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 30 days after the date of the enactment of this Act, not later than 180 days after such date of enactment, not later than 360 days after such date of enactment, and annually thereafter.

(c) EXCEPTION FOR PERSONS PREVIOUSLY IDENTIFIED OR SANCTIONED OR SUBJECT TO WAIVER.—Any person who—

(1) was identified in a previous report submitted pursuant to subsection (a);

(2) has engaged in a transfer or transaction that was the basis for the imposition of sanctions with respect to that person pursuant to section 73 of the Arms Export Control Act or section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992; or

(3) may have engaged in a transfer or transaction, or made an attempt, that was the subject of a waiver pursuant to section 4, is not required to be identified on account of that same transfer, transaction, or attempt, in any report thereafter submitted pursuant to this section.

SEC. 3. IMPOSITION OF SANCTIONS.

(a) REQUIREMENT TO IMPOSE SANCTIONS.—

(1) REQUIREMENT TO IMPOSE SANCTIONS.—The sanctions described in subsection (b) shall be imposed on—

(A) any foreign person identified under subsection (a)(1) of section 2 in a report submitted pursuant to that section; and

(B) any foreign person identified under subsection (a)(2) of section 2 in a report submitted pursuant to that section, if that person has been identified in that report or a previous report as having made at least 1 other attempt described in subsection (a)(2) of that section.

(2) EFFECTIVE DATE OF SANCTIONS.—The sanctions shall be effective—

(A) 30 days after the date on which the report triggering the sanction is submitted, if the report is submitted on or before the date required by section 2(b);

(B) 30 days after the date required by section 2(b) for submitting the report, if the report triggering the sanction is submitted within 30 days after that date; and

(C) immediately after the report triggering the sanction is submitted, if that report is submitted more than 30 days after the date required by section 2(b).

(b) DESCRIPTION OF SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person described in that subsection are the following:

(1) ARMS EXPORT SANCTION.—For a period of not less than 2 years, the United States Government shall not sell to that person any item on the United States Munitions List as of August 8, 1995, and shall terminate sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(2) DUAL USE SANCTION.—For a period of not less than 2 years, the authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to that person.

(3) UNITED STATES ASSISTANCE.—For a period of not less than 2 years, the United States Government shall not provide any assistance in the form of grants, loans, credits, guarantees, or otherwise, to that person.

SEC. 4. WAIVER.

The President may waive the imposition of any sanction that otherwise would be required to be imposed pursuant to section 3 on any foreign person 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that, on the basis of information provided by the person, or otherwise obtained by the President, the President is persuaded that the person did not, on or after August 8, 1995—

(1) transfer goods or technology, or provide technical assistance or facilities, that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles; or

(2) attempt on more than one occasion to transfer goods or technology, or to provide technical assistance or facilities, that would have contributed to Iran's efforts to acquire, develop, or produce ballistic missiles.

SEC. 5. ADDITIONAL INFORMATION REGARDING ACTIONS BY GOVERNMENT OF PRIMARY JURISDICTION.

As part of each report submitted pursuant to section 2, the President shall include the following information with respect to each person identified in that report:

(1) A statement regarding whether the government of primary jurisdiction over that person was aware of the activities that were the basis for the identification of that individual in the report.

(2) If the government of primary jurisdiction was not aware of the activities that were the basis for the identification of that individual in the report, an explanation of the reasons why the United States Government did not inform that government of those activities.

(3) If the government of primary jurisdiction was aware of the activities that were the basis for the identification of that individual in the report, a description of the efforts, if any, undertaken by that government to prevent those activities, and an assessment of the effectiveness of those efforts, including an explanation of why those efforts failed.

(4) If the government of primary jurisdiction was aware of the activities that were the basis for the identification of that individual in the report and failed to undertake effective efforts to prevent those activities, a description of any sanctions that have been imposed on that government by the United States Government because of such failure.

SEC. 6. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF PRIMARY JURISDICTION.—The term "government of primary jurisdiction" means the government under whose laws a foreign person is organized, or the government of the place where a foreign person is headquartered or habitually resides.

(2) FOREIGN PERSON.—The term "foreign person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor or subsidiary of any such entity that is organized, headquartered, or habitually resides outside the United States.

Mr. LIEBERMAN. Mr. President, I am pleased to join my friend and colleague Senator LOTT, and the other cosponsors, in offering this bill which addresses what I believe is one of the most serious and urgent national security threats facing this country. Ballistic missiles in the hands of a nation that has been our most implacable foe in the recent past and that has been the single most intransigent supporter of terrorism against this Nation and our allies should fill any right thinking person anywhere with the most profound fear and concern. Indeed, we here in this body have often expressed our concern. We have given the administration the tools to address this problem, specifically in the Arms Export Control Act and in the Iran-Iraq Sanctions Act. Regrettably, our concern and these tools have not yet resolved this threat. In fact, it is widely and reliably reported that persons in Russia continue to provide both technology and assistance to Iran such that Iran may be now only 8 months from acquiring ballistic missiles that could be combined with weapons of mass destruction to threaten United States forces and our allies and friends in the Middle East. And soon after that, our forces and allies throughout Europe.

This would be a profound change in the balance of power in the region, and strike a serious, perhaps fatal blow to our ability to contain Iran until it becomes a responsible member of the community of nations. It would allow Iran to threaten friendly Arab states, making it harder for them to cooperate with the United States. It would raise the risks to U.S. military forces in the region. And it would threaten the free flow of oil in this critical region, which could create crises in places far from the Persian Gulf.

We must act to try to prevent this from happening. We must tell Russia in no uncertain terms that we are serious, and that the time for slow progress in shutting off Russian assistance is past.

Many of us are aware that the degree of government control over dangerous technology in the former Soviet Union has eroded considerably. While trying to remedy this potentially frightful situation, the Russian Government must contend with other pressing internal issues. The results are that persons or groups within Russia have had the latitude to transfer technology to rouge states such as Iran.

We have the opportunity as well as the obligation to stand up, be counted, and take reasonable steps to deter this type of potentially cataclysmic activity. While we cannot expect to prevent all such technology transfers to rogue states, we do have the ability to check the flow of it through sanctions aimed at persons engaged in such activity. We also are able and must take appropriate action against those governments that condone such activity, whether they are organizing and abetting such transfer or merely looking the other way when their citizens engage in these activities.

For many years, the United States and the few other members of the missile club of nations could be reasonably assured that these missiles armed with nuclear weapons would not be used. That was because the leaders of these nations were generally reasoned individuals who shared many of the same goals. As this technology has spread to other countries—and continues to expand at an alarming rate—some of the leaders share very different views on methods to solve confrontation. We have to actively guard against these weapons becoming available to what most of the world considers to be unstable states governed by leaders whose thinking is outside the mainstream.

We have been engaged in dialogue across a wide spectrum with our friends and allies in trying to prevent this from happening. As I mentioned earlier, the prospect of a nuclear capable, militarily powerful Iran armed with ballistic missiles, is clearly not in our national interests. Our efforts at putting controls on the flow of technology to rogue states have been laudable, but the sieve has been leaking.

The sanctions we are proposing will further stop the diffusion of technology and lead toward a more stable Middle East. I fully support this effort because it will help prevent further technology transfer into an area that has seen several major wars in the last thirty years and that remains a region of vital national interest not only to us but to most of the industrial world.

In closing, I want to take this opportunity to express my thanks to Senator LOTT for his leadership in this matter. This is an important step toward a safer world.

Mr. McCAIN. Mr. President, the subject of the transfer of sensitive missile, weapons of mass destruction, and advanced conventional weapons technology to Iran is far more complicated than most of us would like to admit. As neighbors in a volatile region, Russia and Iran have a long history of mutual antipathy alternating with periods of intense cooperation. The official atheism of the former Soviet Union was anathema to the Islamic tenets of revolutionary Iran. The former enjoyed the benefits of a sizable buffer between Russia proper and the Persian kingdom-turned-fundamentalist regime.

With the disintegration of the U.S.S.R. and the emergence of independent Islamic governments along its southern frontier, Russia no longer enjoys the security it once maintained. Certainly, the absence of the kind of domestic and foreign security apparatus characteristic of its totalitarian past has exacerbated the problem of stemming Islamic influence, and Russia has sought to maintain an active military role in the region to prevent the spread of such influence, as well as of the kind of fighting that ravaged Tajikistan for years. The state of its economy, combined with its desire to maintain the best possible relations with Iran, have led Russia to pursue policies thoroughly inimical to vital United States interests in the Middle East.

Herein lies the problem. It is in the interests of the United States for Russia to develop economically, obviously through free market mechanisms. It is in Russia's interest to have access to Iranian oil, to the revenue generated by sales to Teheran of whatever the latter will buy, and to be able to maintain cordial relations with a regime that possesses, albeit less so since its presidential election, the wherewithal to destabilize the region. Consequently, any decision to impose sanctions on Russia for its sale of missile and other advanced weapons technologies to Iran understandably should come only after an extraordinarily cautious appraisal of the potential ramifications of doing so.

I stand before the Senate today to state as emphatically as I can that such sanctions must be imposed. While news reports of missile technology sales, in violation of both the 1987 Missile Technology Control Regime and the 1992 Iran-Iraq Arms Non-Proliferation Act, have appeared in great numbers over the past several months, the problem clearly has history going back years that the administration continues to ignore at our and our allies peril. Were the problem not one of such duration, the Iran-Iraq Arms Non-Proliferation Act, of which I was a principal sponsor along with then-Senator AL GORE, would not have been necessary 5 years ago. Were the problem a recent manifestation of Iranian ambitions and Russian inability or unwillingness to control the flow of militarily sensitive technologies, I would be willing to respect the administration's prerogative in the conduct of United States foreign policy.

Such, however, is not the case. Developments involving Russia and Iran—and I am not intending to ignore China, simply focusing on a more immediate and larger scale problem of the moment—are indicative of a more systemic problem not conducive to quiet diplomacy and seemingly endless patience. The Teheran Times boasted in November 1995 of Russia's intransigence in the face of United States efforts at dissuading it from providing Iran with nuclear technology. Earlier that year, Russia's Minister for Atomic Energy, Viktor Mikhailov, spoke of his Government's intention to sell Iran a centrifuge for the enrichment of used nuclear fuel. More recently, reports of contracts being signed between Russian companies and research institutes—organizations with which the Government maintains an integral relationship—for the provision of missile components, including guidance systems, laser equipment, wind tunnels for the testing of warheads and missiles, and militarily sensitive materials like tungsten-coated graphite, all illuminate a problem of enormous magnitude that, Moscow's protestations notwithstanding, nevertheless reflect minimal effort on that government's part to impede the flow of such technology to Iran.

Russia sees its economic interests as lying very much in closer relations with Iran. Pipelines transporting Caspian Sea oil and natural gas present Russia with potential revenue in the hundreds of millions of dollars, should it prevail in dictating future pipeline routes. Iran's announcement last year of a joint shipping venture with Russia similarly illuminated the depth of the growing economic relationship between the two countries. The economic importance of Iran to Russia and Russia's lack of viable exports other than the very weapon systems that threaten United States interests in the Middle East have created a dilemma, but one with which we must come to grips.

Moscow, similarly, must confront the implications of its actions or inactions with respect to the transfer of militarily sensitive technology. It clearly places enormous economic importance on its relationship with Iran, but it needs to be reminded that it fails within the range of the very missiles it is helping Iran to develop. Russia may, in the end, find itself selling Teheran the rope with which to hang itself.

The administration must comply with existing United States laws. It must take Russia to task, in the form of economic sanctions, for the continuing problem of missile technology transfer to Iran. Russia must be made to see that its economic well-being does not lie with transactions that threaten United States interests. Russia desperately wants recognition as a major global player despite its inability to influence events militarily or economically far beyond its borders. When the United States, Germany, or Japan coughs, much of the industrialized world catches cold. When Russia coughs, Moscow catches cold. If Russia wants to see the Group of Seven be permanently enlarged by one, it must accept that its economic future lies with the democracies of North America, Europe, and Asia—not with rogue regimes that seek to threaten the interests of those nations.

The Iran-Iraq Arms Non-Proliferation Act mandates sanctions against both foreign companies and governments for the transfer of missile, chemical, biological and nuclear weapon technologies as well as advanced conventional systems. It further provides for discretionary sanctions. Russia has thoroughly violated the act, as well as the MTCR. Not only has it transferred to Iran missile and nuclear technology, it has sold to Teheran advanced surface-to-air missile systems, three Kilo-class attack submarines with which Iran fully intends to asserts its control over the vital Strait of Hormuz, modern T–72 main battle tanks, and MiG–29 fighter and Su–24 strike aircraft. If the cumulative effect of these weapon sales does not violate both the MTCR and the Iran-Iraq Act, then nothing does. And, Mr. President, as a principal sponsor of the latter legislation, I can personally attest that, irrespective of administration determinations constructed to suit its policy preferences, these transfers from Russia do violate both the letter and the intent of the law.

The administration must act on this issue of utmost importance to United States national security interests. The Middle East lies at the center of our National Security Strategy and the force structure exercises that repeatedly postulate the likelihood of future conflict in that strife-torn region. The administration has not presented to Congress any reason, compelling or otherwise, for its refusal to abide by Public Law 102–484 and the MTCR. Congress must demand that it do so, or impose sanctions accordingly. Its failure to do so is inexcusable. The ramifications of that failure will be serious indeed, and the costs will inevitably be paid in American blood.

That is why we are introducing legislation to toughen existing statutes by making the imposition of sanctions more certain and requiring that the administration report to Congress information on weapons sales that will better enable the legislative branch of Government to determine for itself whether past failures to impose sanctions have been warranted. Governments must be held accountable when entities within their borders act dangerously irresponsible.

The administration must comply with the law, or sacrifice its role in the formulation of U.S. foreign policy in one of the most important regions of the world.

Mr. WYDEN. Mr. President, I rise today in support of the Iran Missile Proliferation Act of 1997, introduced by Senators LIEBERMAN and LOTT. This legislation is critically needed because of dangerous recent developments in the Middle East, namely disturbing reports that indicate Iran is acquiring terrifying weapons of mass destruction at an alarming pace.

Iran has become the most serious threat to stability in the Middle East and is rapidly developing the means to strike Israel. Very recently, Israeli and American intelligence have discovered that, due largely to technology obtained from Russia, Iran may soon have the capability to begin assembling and testing ballistic missiles capable of reaching Israel and other vital targets in the Middle East.

Russian companies are providing Iran with crucial technologies, including wind tunnels for the design of missiles, lasers, and special materials for missile construction. There are even reports of over 9,000 Russian advisers working in Iran on a variety of military projects, and Iran earlier this year tested a Soviet-designed rocket engine.

Iran, one of America's foremost self-proclaimed enemies, has been linked to numerous anti-Israel terrorist attacks ranging from taking hostages and hijacking airlines to carrying out assassinations and bombings. These incidents include the taking of more than 30 Western hostages in Lebanon from 1984 through 1992, the bombings of the United States Embassy and the French-United States Marine barracks in Beirut in 1983 and the Buenos Aires terrorist attacks on the Israeli Embassy in 1992 and on the Argentine Jewish communal building in 1994. An Iranian ballistic missile capability would have enormous strategic repercussions for the Persian Gulf and the Middle East. Iran possesses chemical weapons, and quite possibly could be only a few years away from acquiring nuclear weapons.

Clearly, the United States must adopt a stronger approach toward Russia. To its credit, the administration has tried every diplomatic effort with Russia. Vice President GORE and other senior officials have addressed this issue at the most senior levels of the Russian Government, including with President Yeltsin and Prime Minister Chernomydrin, but these efforts have met with little success. Further discussions are set for November, however, and I believe Congress must act now to enact a more forceful policy which will ensure Russian cooperation.

The Lott-Lieberman legislation requires the President to submit a report to Congress 30 days after enactment, providing a list of the entities that have been implicated in the transfer or attempted transfer of goods, technology, or technical assistance that has contributed to Iran's efforts to acquire, develop, or produce ballistic missiles. Highly targeted sanctions will be imposed on these entities 30 days after the submission of the report, unless the President waives them under limited circumstances.

I urge my colleagues to support this vital measure which takes concrete steps to halt the spread of ballistic missile technology to Iran and to preserve peace and stability in the Middle East.

Mr. BENNETT. I am pleased to join with the Distinguished Majority Leader in sponsoring S. 1311 regarding arms sales to Iran. This is very critical legislation. If the relevant governments cannot regain control over their weapons sellers, Iran will have a ballistic missile capability within months instead of years.

Mr. President, on Tuesday, Secretary of State Madeleine Albright told me, "Dealing with proliferation is the highest priority item of this administration." In the national security field, she has the right sense of priority. And certainly, Iran is the leading problem country.

The legislation we are introducing today calls on the administration to report on which foreign entities are contributing to Iran's missile ambitions. For example, the Washington Times has recently reported on a number of important Russian organizations involved in this trade. Special metals and associated technology are said to be involved. If necessary, sanctions against the named entities will be imposed.

I hope sanctions will not be necessary. I have some confidence that foreign government leaders will fulfill their commitments. But it may become necessary. We already know Iran has a chemical warfare capability and we suspect it has nuclear and germ warfare ambitions. We cannot allow a sponsor of state terrorism like Iran to obtain a ballistic missile delivery system.

Mr. President, I ask unanimous consent that an article from the October 20, 1997, issue of the Washington Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RUSSIA SELLS IRAN MISSILE METALS

(By Bill Gertz)

A secret Russian production center completed a deal with Iran late last month to supply high-strength steel and special foil for Iran's long-range missile program, The Washington-Times has learned.

According to a classified United States intelligence report, the Russian Scientific and Production Center Inor concluded an agreement in late September to provide an Iranian factory with four special metal alloys used in long-range missiles.

The report contradicts assurances made by Russian officials only days before the report that Russia had no involvement with the Iranian missile program.

The report, labeled "secret," says a two-month effort by Inor to market four alloys to Iran's Instrumentation Factories Plan, part of the Iranian Defense Industries Organization, has "borne fruit" with the Iranian agreement to buy the material.

"With an eye to establishing a long-term business relationship, the Russian firm offered to give the Iranian firm a discount on the total value of the invoice," the report states.

The deal, worked out between Inor Director L.P. Chromova and the Iranian factory director identified as A. Asgharzadeh, amounted to $48,000 for 620 kilograms of alloy, plus several hundred dollars in shipping and packaging costs.

Efforts to locate and contact Inor were unsuccessful, and a U.S. official said details about the facility are known only to the CIA.

A CIA spokesman declined to comment.

The deal includes Inor's offer to provide "thermal treatment" for the alloys "so that the Iranians could process the material themselves," the report said.

The Iranians have bought 240 kilograms of the high-strength steel alloy known as "21HKMT" for $24,000, the report said. The steel will be sent in bars that U.S. officials say the Iranians will shape for missile-casing material.

The remaining materials are alloy foil designated by Inor as "49K2F," "CUBE2" and "5ON" that are being sold in sheets 0.2 millimeter and 0.4 millimeter thick.

The special foil is used to shield guidance equipment in missiles—material that is needed only for longer-range missiles.

"This gets into the whole business of the longer-range ballistic missiles that they are seeking to develop," said one Clinton administration official familiar with the issue. "There are a number of countries that are very, very concerned about these Shahab-3 and Shahab-4 missiles."

During meetings with Vice President Al Gore in Moscow Sept. 19 and 20, senior Russian officials, including Russian President Borris Yeltsin and Prime Minister Victor Chernomyrdin, provided the administration with "commitments" that Russia is not assisting Iran's missile program, according to a senior White House official.

Asked if the administration believes those commitments have halted the missile trade, the senior officials said: "The answer is, we are not satisfied. We're still concerned about ongoing activities."

The official declined to comment on the Inor case, but said, "to the extent that we see activities going on that we think are contrary to the assurances we've gotten from the Russians, we are making an effort to bring that to their attention and asking them to follow up."

One official said "21HKMT" is a specialty steel that Iran does not produce. The steel is a key material used by North Korea and Iran for missiles, but it is not controlled under the 31-nation Missile Technology Control Regime (MTCR).

The Clinton administration has sought to add the alloy to the MTCR control list, but those efforts have been blocked by Russia and France, the official said.

Inor is one of several Russian scientific and production centers identified by U.S. intelligence agencies as being involved in Iran's development of a liquid-fuel missile similar in design to North Korea's Nodong missile.

In 1996, Inor prepared several contracts with Iran's Shahid Hemmat Industrial Group, which is in charge of Iran's liquid-fuel missile program. Inor brokered deals to supply the Iranians with laser equipment, special mirrors used in missile testing, maraging steel used in missile casings and composite graphite-tungsten material.

Russia's Central Aerohydrodynamic Institute has been helping Iran build a wind tunnel.

The Times disclosed last month that several Russian entities were involved in Iran's program to build two derivatives of the Nodong missile, the Shahab-3 and Shahab-4, that will be fielded within three years.

According to an Israeli military intelligence report provided to the CIA and the Pentagon in January, the Iranians have worked closely with the Russian Space Agency; Rosvoorouzhenie, the Russian government arms-export agency; the Bauman Institute; the missile manufacturer NPO Trud; a firm called Polyus and other institutes.

The Israeli intelligence report identified Yuri Koptev, head of the Russian Space Agency, as being connected to the project. Mr. Koptev is Mr. Yeltsin's representative in talks with the United States on the issue.

Asked about Mr. Koptev's role in the Iranian program, the senior White House official said Mr. Koptev was "irate" during the meetings in Moscow and felt disclosure of his role was "an unfair slam."

The official said Mr. Koptev has been helpful in seeking to resolve U.S. concerns.

Mr. Koptev told U.S. officials attending the Moscow meeting that he did not want U.S. aid to the Russian space program to "collapse" because of U.S. opposition to the Russia-Iran cooperation, which Mr. Koptev described as "important in my world, but a secondary issue," the official said.

The official said he believes the Shahab-3 is "within Iran's basic technical capabilities." For the Shahab-4, "I think the Iranians are more heavily dependent on external, and in particular, Russian, assistance" to field the system.

By Mr. ABRAHAM.

S. 1312. A bill to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program; to the Committee on Commerce, Science, and Transportation.

THE CHILD PASSENGER PROTECTION ACT

Mr. ABRAHAM. Mr. President, today I rise to introduce legislation designed to increase the awareness and education of parents and public safety professionals with respect to the proper use and installation of child safety seats.

This legislation, the Child Passenger Protection Act of 1997, is nearly identical to legislation introduced in the other Chamber earlier this year by the gentlewoman from Maryland, Representative MORELLA. It would make $7.5 million [i.e., seven point five million] dollars available to the Secretary of Transportation in each of the next two fiscal years—FY'98 and '99—for the purpose of assisting State highway agencies, police departments, and child passenger safety organizations in setting up and promoting such programs.

To receive funding under this bill, a program must focus on preventing death and injury to children under the age of 5 years old. The program must educate the public about all aspects of the proper installation of child restraints using seat belt hardware and other supplemental hardware or modification devices. The program must also educate the public with respect to the appropriate child restraint design selection and placement as well as harness threading and harness adjustment. Finally, the program must train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

As the parents of three children under the age of 5, all of whom still ride in child car safety seats, my wife and I can attest to the fact that these considerations require a great deal of attention. My wife Jane serves as Honorary Chairperson of the Detroit SAFE KIDS Coalition and has been deeply involved in the issue of car seat safety for some time, along with a number of other child protection advocacy issues. This past Labor Day, I was the sponsor of a Senate resolution that provided permission to the National SAFE KIDS Coalition to use the Capitol Building grounds for the kickoff event of the National SAFE KIDS Buckle Up Campaign. The entire Abraham family participated in this event. Our family has filmed Public Service Announcements on this issue for the National SAFE KIDS Campaign and we are planning to sponsor and to participate in car seat safety check events in the coming months back in Michigan.

Based on our shared experience, I can assure my colleagues that there is often tremendous confusion among both parents and public safety personnel when it comes to the proper selection, installation and use of child restraint devices in motor vehicles. Results from regional child restraint clinics demonstrated between 70 and 90 percent of child restraints are incorrectly installed or otherwise misused, which is often caused by the complication and wide variety in seat belt and child restraint designs. And while there are several public-private partnership programs which exist that focus on the dangers of air bags and the proper placement of children in cars equipped with air bags, many of these programs fall short of specifically educating parents and public safety officials on the proper methods for installing and using child safety seats.

It is my hope that we can focus the country's attention on this serious problem and, in the process, prevent needless death and injury among young children. While this legislation alone will by no means solve the problem, I believe it is a positive step towards better educating parents and public safety officials on this important public safety issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Passenger Protection Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The annual losses in the United States from motor vehicle collisions are estimated to exceed 800 deaths and 80,000 injuries to children under the age of 5.

(2) It is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a motor vehicle collision—

(A) by a factor of 69 percent with respect to infants; and

(B) by a factor of 47 percent with respect to children under the age of 5.

(3) Some of the most common seating position designs that have emerged in motor vehicles during the last decade make secure installation of child restraints difficult and, in some circumstances, impossible.

(4) Results from regional child restraint clinics demonstrated that 70 to 90 percent of child restraints are improperly installed or otherwise misused and the improper installation or other misuse is largely attributable to the complication and wide variations in seat belt and child restraint designs.

(5) There is an immediate need to expand the availability of national, State, and local child restraint education programs and supporting resources and materials to assist agencies and associated organizations in carrying out effective public education concerning child restraints.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD RESTRAINT EDUCATION PROGRAM.—The term "child restraint education program" includes a publication, audiovisual presentation, demonstration, or computerized child restraint education program.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 4. CHILD PASSENGER EDUCATION.

(a) AWARDS.—The Secretary may enter into contracts or cooperative agreements with, and may make grants to, State highway agencies and child passenger safety organizations that are recognized for their experience to obtain and distribute national, State, and local child restraint education programs and supporting educational materials.

(b) USE OF FUNDS.—Funds provided to an agency or organization under a contract, cooperative agreement, or grant under subsection (a) shall be used to implement child restraint programs that—

(1) are designed to prevent deaths and injuries to children under the age of 5; and

(2) educate the public concerning—

(A) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware and modification devices (if needed), including special installation techniques; and

(B) appropriate child restraint design selection and placement and in harness threading and harness adjustment; and

(3) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

(c) DISTRIBUTION OF FUNDS.—An agency or organization that receives funds made available to the agency or organization under a contract, cooperative agreement, or grant under subsection (a) shall, in carrying out subsection (b)—

(1) use not more than 25 percent of those funds to support nationwide child restraint education programs that are in operation at the time that the funds are made available;

(2) use not more than 25 percent of those funds to support State child restraint education programs that are in operation at the time that the funds are made available; and

(3) use at least 50 percent of those funds to implement national, State, and local child restraint education programs that are not in operation at the time that the funds are made available.

SEC. 5. APPLICATIONS AND REPORTS.

(a) APPLICATIONS.—To enter into a contract, cooperative agreement, or grant agreement under section 4(a), the appropriate official of an agency or organization described in that section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) REPORTS.—

(1) IN GENERAL.—The appropriate official of each agency or organization that enters into a contract, cooperative agreement, or grant agreement under section 4(a) shall prepare and submit to the Secretary, an annual report for the period covered by the contract, cooperative agreement, or grant agreement.

(2) REPORTS.—A report described in paragraph (1) shall—

(A) contain such information as the Secretary may require; and

(B) at a minimum, describe the program activities undertaken with the funds made available under the contract, cooperative agreement, or grant agreement, including—

(i) any child restraint education program that has been developed directly or indirectly by the agency or organization and the target population of that program;

(ii) support materials for such a program that have been obtained by that agency or organization and the method by which the agency or organization distributed those materials; and

(iii) any initiatives undertaken by the agency or organization to develop public-private partnerships to secure non-Federal support for the development and distribution of child restraint education programs and materials.

SEC. 6. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this Act that includes a description of the programs undertaken and materials developed and distributed by the agencies and organizations that receive funds under section 4(a).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out section 4, there are authorized to be appropriated to the Department of Transportation $7,500,000 for each of fiscal years 1998 and 1999, of which not more than $350,000 may be spent in any fiscal year for administrative costs.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 173

At the request of Mr. DEWINE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 412, A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 766

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 927

At the request of Ms. SNOWE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 927, a bill to reauthorize the Sea Grant Program.

S. 943

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 990

At the request of Mr. FAIRCLOTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 990, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1096

At the request of Mr. KERREY, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Texas [Mrs. HUTCHISON], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1124

At the request of Mr. KERRY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1124, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1212

At the request of Mr. DORGAN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1212, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card.

S. 1225

At the request of Mr. HUTCHINSON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1225, a bill to terminate the Internal Revenue Code of 1986.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Michigan [Mr. ABRAHAM], the Senator from Virginia [Mr. ROBB], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

AMENDMENT NO. 1397

At the request of Mr. GRAMM the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of Amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

At the request of Mr. BYRD the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of amendment No. 1397 intended to be proposed to S. 1173, supra.

At the request of Mr. BYRD the name of the Senator from Indiana [Mr. COATS] was withdrawn as a cosponsor of amendment No. 1397 intended to be proposed to S. 1173, supra.

SENATE RESOLUTION 138—AUTHORIZING EXPENDITURES FOR CONSULTANTS

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 138

Resolved, That section 16(b) of Senate Resolution 54, 105th Congress, agreed to February 13, 1997, is amended by striking "$300,000" and inserting "$400,000".

SENATE RESOLUTION 139—TO DESIGNATE NATIONAL CHILD CARE PROFESSIONAL'S DAY

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. DODD, Mr. JOHNSON, Mr. DEWINE, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. LEVIN, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 139

Whereas more than 12,000,000 children under age 5, including half of all infants under age 1, in the United States, spend at least part of their day in the care of someone other than their parents;

Whereas there are millions of additional children under the age of 12 in the United States who are in some form of child care at the beginning and end of the school day as well as during school holidays and vacations;

Whereas for parents who must work, child care services that are dependable and of high quality make it easier to find and keep a job;

Whereas good child care helps parents reach and maintain economic self-sufficiency;

Whereas a solid partnership between parents and loving, trained child care professionals is essential to ensure the quality of child care, whether that care is provided in the home of the child, in a family child care setting, with relatives, or in a child care center;

Whereas the availability of child care that is reliable, convenient, and affordable is essential to maintaining and expanding the workforce of the United States and is vital for a parent making a successful transition from welfare to work;

Whereas for the millions of children in the care of someone other than their parents, child care provides the foundation upon which their future education will be built, and such care provides the basis on which the future workforce of the United States will be formed;

Whereas poor compensation and limited opportunities for professional training and education contribute to high staff turnover among child care providers, which disrupts the creation of the strong provider-child relationships that are critical to the healthy development of children;

Whereas the quality of child care has decisive and long-lasting effects on how children develop socially, emotionally, and academically, and how the children cope with stress;

Whereas studies indicate that children who require child care services do better in child care settings with trained, licensed, and accredited child care professionals; and

Whereas a national day of recognition for child care professionals will help people in the United States understand and appreciate the role of child care for working families, will highlight the importance of the parent-provider partnership, will provide opportunities to showcase skilled, nurturing providers and quality child care settings, and will energize more capable people to become child care professionals: Now, therefore, be it

Resolved, That the Senate designates April 24, 1998, as "National Child Care Professional's Day". The Senate requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. JEFFORDS. Mr. President, I rise today to submit a Senate resolution to designate the fourth Friday in April, April 24, 1998, as National Child Care Professional's Day.

For the more than 12 million children under the age of five—including half of all infants under 1 year of age—who spend at least part of their day being cared for by someone other than their parents—it is important that we recognize the skills and dedication of the child care providers who take care of them. Child care professionals take care of our Nation's children in homes and centers throughout the country. They assume this responsibility for little pay, long hours, and few, if any benefits beyond the hugs and smiles of the children for which they care.

As the public dialog on child care moves to the forefront, we must keep in mind the people who are caring for our children, while their mothers and fathers work. If we want to move child care from babysitting to early childhood education we have to concentrate much of our efforts on professional development for child care providers. And we have to support efforts to make child care a valued profession—one that attracts the best and brightest and pays enough to keep them caring for our children.

Since 1990, the costs of child care have risen about 6 percent annually. This is almost triple the annual increase in the cost of living. At the same time, there are strong indicators that the quality of child care has significantly decreased during the same period of time. Parents are paying more bet getting less.

The quality of child care in America is very troubling. A recent nationwide study found that 40-percent of the child care provided to infants in child care centers was potentially injurious. Fifteen percent of center-based child care providers for all pre-schoolers are so bad that a child's health and safety are threatened; 70-percent are mediocre—not hurting or helping children; and 15-percent actively promote a child's development. Center-based child care, the object of this study, is the most heavily regulated and frequently monitored type of child care. There are strong indications that care for children in less regulated settings, such as family-based child care and in-home care, is far worse.

Unless we are willing to provide the support and assistance that is needed to help child care providers improve the services they provide to our children, there is little real hope for enhancing the quality of child care.

Since the 1970's there has been a decline in child care teacher salaries. In 1990, teachers in child care centers earned an average of $11,500 a year. Assistant teachers, the largest growing segment of child care professionals, were paid 10- to 20-percent less than child care teachers. The 1990 annual income of regulated family child care providers was $10,944 which translates to about $4 an hour. Nonregulated family child care, generally comprised of providers taking care of a smaller number of children, earned an average of $4,275 a year—substantially less than minimum wage.

With these wages, it is easy to understand why more child care providers do not participate in professional training or attend college classes to improve their skills. The costs of applying for and receiving certification as a qualified child care professional are minimal, but understandably out of reach for many child care providers.

Think about it. At the most important time in the development of a child's brain, more than 12 million children are being cared for by people who are paid less than the person who picks up your garbage each week, are required to have less training than the person who cuts your hair, and less skill-based testing than the person delivering packages to your house. Child care providers play an important role in a child's development, for they help fine-tune the child's capacity to think and process information, social skills, emotional health, and acquisition of language.

That is why this resolution is so important. Good child care enables parents to work and maintain economic self-sufficiency—the goal of last year's welfare reform legislation. This resolution is a small step to increase the public's awareness of the need to support and recognize the vital work provided by child care professionals.

On April 24, 1998, I hope each of us will visit a child care center or family-based child care provider in our State. Lead efforts to celebrate the contributions that child care professionals make to our society, our economy, our families, and most of all—our children.

Mr. KENNEDY. I'd like to join Senator JEFFORDS in submitting the Senate resolution declaring the last Friday in April National Child Care Professional's Day.

Child care is a vital part of the fabric of the daily lives of millions of America families. The majority of children today have working parents who must find some way of ensuring that their children are safe and well-cared for during working hours.

Millions of children of all income levels are cared for by someone other than their parents. Each day, approximately 13 million children spend some or all of their day in some type of child care.

Research demonstrates that the quality of these settings makes a significant difference in children's health, safety and early learning. Yet far too many children are being cared for in poor quality settings that jeopardize their safety and development.

We know how to do it better, and it is long past time to start doing it. A sensible action plan includes better staff training, requiring basic health and safety protections, monitoring programs, informing parents, and improving staff salaries.

Today, Senator JEFFORDS, Senator DODD, Senator ROBERTS, and I are submitting a bipartisan Senate resolution to designate the last Friday in April every year as National Child Care Professional's Day, starting next April—April 24, 1998.

Child Care professionals are indispensable to the future of the Nation's children. Children deserve the best we can provide. Parents deserve the peace of mind that comes with knowledge that their children are in safe, healthy surroundings that encourage, not undermine their development.

Quality child care is essential for healthy child growth and healthy child development. By honoring child care providers and the child care profession in this way, Congress will be taking a significant step toward giving them the stronger support and the greater encouragement and the higher priority they deserve.

AMENDMENTS SUBMITTED

THE INTERMODAL TRANSPORTATION ACT OF 1997

HUTCHINSON AMENDMENT NO. 1398

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

Beginning on page 91, strike line 21 and all that follows through page 103, line 10, and insert the following:

SEC. 1116. INTERNATIONAL TRADE CORRIDOR AND BORDER CROSSING PLANNING AND DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(2) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(3) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(4) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(5) INTERNATIONAL TRADE CORRIDOR.—

(A) IN GENERAL.—The term "international trade corridor" means a north-south corridor identified by the Secretary that—

(i) is of international trade significance and provides national economic benefits;

(ii) connects Mexico, the United States, and Canada;

(iii) provides intermodal connections;

(iv) accounts for a high percentage of truck-borne commodities moving interstate and internationally;

(v) directly benefits impoverished areas; and

(vi) connects military installations.

(B) DISCRETION.—To maintain flexibility and permit a targeted national approach, the Secretary may exercise discretion in the application of the criteria under subparagraph (A).

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to pay the costs of feasibility studies, planning, location and routing studies, preliminary engineering and design, environmental reviews, final engineering, acquisition of rights-of-way, and construction as a supplement to funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) INTERNATIONAL TRADE CORRIDOR GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international trade corridors or interstate trade corridors of national importance and to pay the costs of feasibility studies, planning, location and routing studies, preliminary engineering and design, environmental reviews, final engineering, acquisition of rights-of-way, and construction.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) Use of grants.—

(A) In general.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) Type of plans and programs.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) Construction of transportation infrastructure for law enforcement purposes.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(e) Coordination of Planning.—

(1) Planning and development of border stations.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) Cooperative activities.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) Cost Sharing.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) Use of Unallocated Funds.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 1998 through 2003.

SANTORUM AMENDMENT NO. 1399

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

At the end add the following:

SEC. ___. GRANT-BACKED TRANSPORTATION FINANCE.

(a) Short Title.—This section may be cited as the "Grant-Backed Transportation Finance Act of 1997".

(b) Findings.—Congress finds the following:

(1) The economic vitality of the Nation and the quality of life of its citizens depend on increased investment in transportation infrastructure for the movement of people and goods, including highways, roads, and bridges and transit and airport equipment and facilities.

(2) Improving mobility will increase productivity and competitiveness, strengthen the Nation's capacity for noninflationary economic growth, and contribute to environmental quality.

(3) The Nation's need to build, maintain, and reconstruct transportation facilities, and to provide additional transportation infrastructure investment in both rural and urban areas, exceeds available resources under traditional funding programs.

(4) User fees can finance transportation facilities efficiently and equitably over the useful lives of these capital assets.

(5) Recent Federal initiatives are helping States innovatively finance capital investment in transportation facilities.

(6) Grant-backed financing is an innovative way to finance transportation infrastructure that uses future Federal transportation payments to pay debt service or to credit enhance State transportation financings, prudently leveraging limited Federal, State, local, and public-private partnership resources to meet critical transportation investment needs.

(7) Bonds with grant-backed financing could be issued or credit enhanced by a limited-purpose State entity and secured with the State's assignment of its formula grant payments from the Highway or Mass Transit Accounts of the Highway Trust Fund or the Airport and Airway Trust Fund to the limited-purpose entity which shall first apply such funds to pay principal and interest on grant financed bonds issued by the limited-purpose entity, or to fund credit enhancements for bonds secured with other State, local, or public-private revenues, and, then, transfer the remaining funds to the State.

(8) Grant-backed financing enables State and local governments and their transportation agencies, authorities, and infrastructure banks to benefit immediately from the State's future authorized Federal transportation grants.

(9) With grant-backed financing State and local governments could—

(A) start and complete transportation infrastructure projects years sooner than using traditional programs, putting new and rehabilitated transportation facilities in use more quickly;

(B) avoid project inflation costs;

(C) reduce the interest and credit enhancement costs of borrowing; and

(D) accelerate project-generated economic activity.

(c) State Election To Provide Grant-Backed Transportation Financing.—

(1) In general.—If a State makes an election described in paragraph (2) with respect to any portion of the amounts payable to the State from the Highway or Mass Transit Accounts of the Highway Trust Fund or the Airport and Airway Trust Fund as authorized by title 23 or 49, United States Code, the Secretary of the Treasury shall deposit such portion in a designated account in the name of the limited-purpose entity designated in such election for the fiscal year with respect to which such election is made and for each succeeding fiscal year until such limited-purpose entity's bonds, together with the interest thereon, or credit enhancements provided by such limited-purpose entity on other State, local, or public-private bonds have been fully met and discharged.

(2) Election described.—

(A) In general.—An election described in this paragraph is an irrevocable election made by a State (in such form and manner as determined by the Secretary of the Treasury) by which the State, in its sole discretion and at its sole liability, designates a portion of amounts described in paragraph (1) for deposit in a designated account to be used by a limited-purpose entity described in subparagraph (B) only for purposes described in subparagraph (C).

(B) Limited-purpose entity described.—A limited-purpose entity described in this subparagraph is an entity designated in the election and enabled by the State only—

(i) to receive funds from the Highway or Mass Transit Accounts of the Highway Trust Fund or the Airport and Airway Trust Fund;

(ii) to issue up to a specified amount of bonds secured by those funds or to fund up to a specified amount of credit enhancements for bonds secured with other State, local, or public-private revenues, or both; and

(iii) to enter into agreements with the State governing the disbursement of the proceeds of bonds issued by such limited-purpose entity.

(C) Purposes described.—Purposes described in this subparagraph for funds received under an election under this subsection are—

(i) to pay any principal and interest due on prior outstanding bonds secured in whole or in part with Federal formula grant payments;

(ii) to pay any principal and interest due on such bonds issued by the limited-purpose entity, and to fund any reserves or other credit enhancements established in connection with limited-purpose entity bonds or other State, local, or public-private bonds; and

(iii) thereafter to be used by such State as it determines.

(d) No Federal Guarantee of Bonds.—Bond issues supported in whole or in part by Federal payments subject to an election described in subsection (c)(2) shall not be considered subject to either a direct or indirect Federal guarantee for the purposes of section 149(b) of the Internal Revenue Code of 1986. Nor shall the exercise of State discretion irrevocably designating a specific State account in the name of a limited-purpose entity for receipt of Federal transportation payments under an election described in subsection (c)(2) be considered either a direct or indirect Federal guarantee for the purposes of such section 149(b).

(e) No Federal Remedy for Bondholders.—No bondholder of a bond described in subsection (d) shall have any right or remedy against the Federal Government. Neither a State pledge, the pledge of a State entity, nor the exercise of State discretion irrevocably designating a specific State account in the name of a limited-purpose entity for receipt of Federal transportation payments shall shift liability for any grant, bond principal, interest, premium, or other payment to the Federal Government.

(f) RESEARCH AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall—

(A) complete an analysis and make a report of such analysis to Congress and the States of the availability and potential impact of grant-backed financing based on revenue dedicated to the Mass Transit Account of the Highway Trust Fund and the Airport and Airway Trust Fund; and

(B) select at least 6 State, local, or public-private partnership highway, road, bridge, transit, or airport bond financings, including at least 1 financing by a State infrastructure bank established under section 350 of the National Highway System Designation Act of 1995 (Public Law 104-59), to receive technical assistance and to encourage elections under subsection (c) with respect to such financings.

(2) REPORTS.—The Secretary of Transportation shall provide a biennial report on the use of grant-backed financing to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Environment and Public Works in the Senate. Such report shall describe the pilot projects selected under paragraph (1)(B), the elections made under subsection (c), and specify any actions Congress or the Secretary of Transportation can take to facilitate the use of grant-backed financing.

BOND AMENDMENTS NOS. 1400–1401

(Ordered to lie on the table.)

Mr. BOND submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1400

At the appropriate place in subtitle D of title I, insert the following:

SEC. 14 . SENSE OF SENATE CONCERNING LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(C) the difficulty in making lane changes; and

(D) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term "longer combination vehicle" has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

AMENDMENT NO. 1401

On page 95, strike lines 9 through 14 and insert the following:

along and within international or interstate trade corridors of national importance (including the international trade corridor designated under subparagraph (C)).

(B) IDENTIFICATION OF CORRIDORS.—Subject to subparagraph (C), each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(C) DESIGNATION OF CORRIDOR.—For purposes of subparagraph (A), the Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota is designated as an international trade corridor of national importance.

BOND (AND BREAUX) AMENDMENT NO. 1402

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1173, surpa; as follows:

Beginning on page 181, strike line 20 and all that follows through page 183, line 23, and insert the following:

processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code, (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastruture highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has and impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

JEFFORDS AMENDMENTS NOS. 1403–1410

(Ordered to lie on the table.)

Mr. JEFFORDS submitted eight amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1403

On page 247, strike line 3 and insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131(d) of title 23, United States Code, is amended—

(1) by striking "(d) In" and inserting the following:

"(d) INDUSTRIAL AND COMMERCIAL AREAS.—

"(1) IN GENERAL.—In"; and

(2) by adding at the end the following:

"(2) LIMITATION ON NEW SIGNS.—

"(A) IN GENERAL.—Subject to this paragraph, no new sign, display, or device may be erected under paragraph (1) after the date of enactment of this paragraph.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Subject to clause (ii), a State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.

"(ii) STATEWIDE LIMITATION.—The total number of signs, displays, and devices erected and maintained under this subsection in a State shall not exceed the total number of signs, displays, and devices lawfully erected before the date of enactment of this paragraph under this subsection in the State and in existence on that date.".

Subtitle F—Planning

Amendment No. 1404

On page 247, between lines 2 and 3, insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131(d) of title 23, United States Code, is amended in the first sentence by striking ", or in unzoned" and all that follows through "Secretary".

Amendment No. 1405

On page 247, between lines 2 and 3, insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131 of title 23, United States Code, is amended—

(1) by redesignating subsection (t) as subsection (u); and

(2) by inserting after subsection (s) the following:

"(t) Limitation on Vegetation Removal.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State carries out or permits the removal of vegetation in, or other alteration of, a right-of-way referred to in subsection (b) for the purpose of improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way.".

Amendment No. 1406

On page 247, between lines 2 and 3, insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "(d) In" and inserting the following:

"(d) Industrial and Commercial Areas.—

"(1) In general.—In"; and

(B) by adding at the end the following:

"(2) Applicability of just compensation requirements.—

"(A) In general.—Except as provided in subparagraph (B), just compensation under subsection (g) shall not be paid on the removal of any sign, display, or device lawfully erected under State law after the date of enactment of this paragraph.

"(B) Exception.—A State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) on removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.";

(2) in the first sentence of subsection (g), by striking "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section" and inserting "and removed under this section"; and

(3) in subsection (k), by striking "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting "Nothing".

Amendment No. 1407

On page 247, between lines 2 and 3, insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131 of title 23, United States Code, is amended—

(1) by redesignating subsection (t) as subsection (u); and

(2) by inserting after subsection (s) the following:

"(t) State Inventory of Outdoor Advertising Signs, Displays, and Devices.—

"(1) Requirement.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices unless the State maintains, and annually submits to the Secretary, an inventory of all outdoor advertising signs, displays, and devices in the State for which the effective control is required under this section, including a specification of whether each sign, display, or device is illegal, non-conforming, or conforming under State law.

"(2) State scenic byways.—The State inventory required by paragraph (1) shall identify each sign, display, or device described in paragraph (1) that is located along a highway on the Interstate System or Federal-aid primary system designated as a scenic byway under a program of the State described in subsection (s).

"(3) Use of state inventories.—The Secretary shall use the State inventories submitted under this subsection to carry out this section.".

Amendment No. 1408

On page 247, between lines 2 and 3, insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "(d) In" and inserting the following:

"(d) Industrial and Commercial Areas.—

"(1) In general.—In";

(B) in the first sentence of paragraph (1) (as so designated), by striking ", or in unzoned" and all that follows through "Secretary"; and

(C) by adding at the end the following:

"(2) Limitation on new signs.—

"(A) In general.—Subject to this paragraph, no new sign, display, or device may be erected under paragraph (1) after the date of enactment of this paragraph.

"(B) Applicability of just compensation requirements.—Except as provided in subparagraph (C), just compensation under subsection (g) shall not be paid upon the removal of any sign, display, or device lawfully erected under State law after the date of enactment of this paragraph.

"(C) Exception.—

"(i) In general.—Subject to clause (ii), a State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.

"(ii) Statewide limitation.—The total number of signs, displays, and devices erected and maintained under this subsection in a State shall not exceed the total number of signs, displays, and devices lawfully erected before the date of enactment of this paragraph under this subsection in the State and in existence on that date.";

(2) in the first sentence of subsection (g), by striking "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section" and inserting "and removed under this section";

(3) in subsection (k), by striking "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting "Nothing";

(4) by redesignating subsection (t) as subsection (v); and

(5) by inserting after subsection (s) the following:

"(t) State Inventory of Outdoor Advertising Signs, Displays, and Devices.—

"(1) Requirement.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices unless the State maintains, and annually submits to the Secretary, an inventory of all outdoor advertising signs, displays, and devices in the State for which the effective control is required under this section, including a specification of whether each sign, display, or device is illegal, or nonconforming, or conforming under State law.

"(2) State scenic byways.—The State inventory required by paragraph (1) shall identify each sign, display, or device described in paragraph (1) that is located along a highway on the Interstate System or Federal-aid primary system designated as a scenic byway under a program of the State described in subsection (s).

"(3) Use of state inventories.—The Secretary shall use the State inventories submitted under this subsection to ensure compliance with subsection (d)(2)(C)(ii) and to carry out this section.

"(u) Limitation on Vegetation Removal.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State carries out or permits the removal of vegetation in, or other alteration of, a right-of-way referred to in subsection (b) for the purpose of improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way.".

Amendment No. 1409

On page 247, between lines 2 and 3, insert the following:

SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.

Section 131 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "(d) In" and inserting the following:

"(d) Industrial and Commercial Areas.—

"(1) In general.—In"; and

(B) by adding at the end the following:

"(2) Applicability of just compensation requirements.—

"(A) In general.—Except as provided in subparagraph (B), just compensation under subsection (g) shall not be paid on the removal of any sign, display, or device lawfully erected under State law after the date of enactment of this paragraph.

"(B) Exception.—A State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) on removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.";

(2) in the first sentence of subsection (g), by striking "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section" and inserting "and removed under this section";

(3) in subsection (k), by striking "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting "Nothing"

(4) by redesignating subsection (t) as subsection (v); and

(5) by inserting after subsection (s) the following:

"(t) State Inventory of Outdoor Advertising Signs, Displays, and Devices.—

"(1) Requirement.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices unless the State maintains, and annually submits to the Secretary, an inventory of all outdoor advertising signs, displays, and devices in the State for which the effective control is required under this section, including a specification of whether each sign, display, or device is illegal, nonconforming, or conforming under State law.

"(2) State scenic byways.—The State inventory required by paragraph (1) shall identify each sign, display, or device described in paragraph (1) that is located along a highway on the Interstate System or Federal-aid primary system designated as a scenic byway under a program of the State described in subsection (s).

"(3) Use of state inventories.—The Secretary shall use the State inventories submitted under this subsection to carry out this section.

"(u) Limitation on Vegetation Removal.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State carries out or permits the removal of vegetation in, or other alteration of, a right-of-way referred to in subsection (b) for the purpose of improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way.".

Amendment No. 1410

On page 414, strike line 22 and insert the following:

U.S.C. 307 note; 105 Stat. 2189).

SEC. 2105. RAIL AND PORT ACCESS MODERNIZATION.

(a) Findings.—Congress finds that—

(1) the growth of commerce in northern New England is hampered by a decaying rail infrastructure;

(2) during the 5-year period beginning on the date of enactment of this Act, international trade shipping is projected to increase by more than 20 percent;

(3) in the shipping industry, there is a widespread international trend for shippers to use only ports with double-stack rail access;

(4) aging rail lines and constricted passage in older industrial States are—

(A) limiting the movement of cargo and individuals throughout that area; and

(B) restricting access to deepwater ports; and

(5) improving rail lines and double-stack freight rail passage to allow rail connections to and through other States and provinces will enable the economy of the older industrial region to grow and prosper by bringing new industry into the region that will result in growth in high wage jobs.

(b) Definitions.—In this section:

(1) Fund.—The term "Fund" means the Older Industrial Rail Modernization and Port Access Fund established by subsection (c)(7).

(2) Older industrial region.—The term "older industrial region" means the northeastern area of the United States.

(3) Older industrial state.—The term "older industrial State" means—

(A) Vermont;

(B) Maine; and

(C) New Hampshire.

(4) Rail project.—The term "rail project" means a project for the acquisition, rehabilitation, or improvement of railroad facilities or equipment, as described in section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(5) Secretary.—The term "Secretary" means the Secretary of Transportation.

(c) Direct Federal Assistance.—

(1) In general.—

(A) Grants.—Subject to the availability of appropriations, the Secretary shall make a grant under this subsection to each older industrial State that submits an application to the Secretary that demonstrates, to the satisfaction of the Secretary, a need for assistance under this subsection in carrying out 1 or more transportation projects described in paragraph (2), (3), (4), or (5) that are necessary to improve rail transport in that State.

(B) Grant agreement.—The Secretary shall enter into a grant agreement with each older industrial State that receives a grant under this subsection. At a minimum, the agreement shall specify that the grant recipient will meet the applicable requirements of this section, including the cost-sharing requirement under paragraph (6)(B).

(2) Grants for port access.—The Secretary shall make grants under this subsection for the purposes of connecting all railroads to ports and ensuring that double-stack rail cars can travel freely throughout older industrial States.

(3) Grants for bridge and tunnel obstruction repair and replacement.—The Secretary shall make grants under this subsection for the purpose of enlarging tunnels and embankments, removing, repairing, or replacing bridges or other obstructions that inhibit the free movement of freight or passenger rail cars and the use of double-stack rail cars.

(4) Grants for repair of railroad beds.—The Secretary shall make grants under this subsection for the purposes of repairing, upgrading, and purchasing railbeds and tracks, including improving safety of all railroad tracks.

(5) Grants for development of intermodal facilities.—The Secretary shall make grants under this subsection for the purposes of constructing, operating, and maintaining train maintenance facilities and facilities for the transfer of goods and individuals between other transportation modes, including—

(A) intermodal truck-train transfer facilities;

(B) passenger rail stations; and

(C) bulk fuel transfer facilities.

(6) Funding limitations on expenditures of funds.—

(A) Funding.—The grants made under this subsection shall be made with funds transferred from the Fund.

(B) Cost-sharing.—

(i) In general.—A grant made under this subsection shall be used to pay the Federal share of the cost of a project conducted under a grant agreement.

(ii) Federal share.—The Federal share of the cost of a project referred to in clause (i) shall be 80 percent of the cost of the project.

(C) Allocation among states.—

(i) In general.—For each of fiscal years 1998 through 2001, the Secretary shall, in making grants under this subsection, allocate available amounts in the Fund among older industrial States in accordance with a formula established by the Secretary in accordance with clause (ii).

(ii) Allocation formula.—In making grants under this subsection, for each of the fiscal years specified in clause (i), the Secretary shall allocate an equal amount of the amounts available from the Fund to each of the older industrial States that submits 1 or more grant applications that meet the requirements of this subsection.

(7) Older industrial rail modernization and port access fund.—

(A) Establishment.—There is established in the Treasury of the United States a trust fund, to be known as the "Older Industrial Rail Modernization and Port Access Fund". The Fund shall consist of—

(i) such amounts as are appropriated to the Fund; and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (B).

(B) Investment of fund.—

(i) In general.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet then current withdrawals. Those investments may be made only in interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States. For that purpose, those obligations may be acquired—

(I) on original issue at the issue price, or

(II) by purchase of outstanding obligations at the market price.

(ii) Sale of obligation.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price. The special obligations may be redeemed at par plus accrued interest.

(iii) Credits to fund.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(C) Transfers from fund.—The Secretary of the Treasury shall, on the request of the Secretary of Transportation, transfer from the Fund to the Secretary of Transportation, any amounts that the Secretary of Transportation determines to be necessary to carry out the grant program under this subsection.

(D) Administrative expenses.—Not more than 1 percent of the amounts in the Fund may be used by the Secretary of Transportation to cover administrative expenses for carrying out the grant program under this subsection.

(8) Applicability of title 23.—Except as otherwise provided in this subsection, funds made available to an older industrial State under this subsection shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code.

(9) Authorization of appropriations.—

(A) In general.—There are authorized to be appropriated to the Fund to carry out this subsection $65,000,000 for each of fiscal years 1998 through 2001.

(B) Availability of funds.—The amounts appropriated pursuant to this paragraph shall remain available for obligation until the end of the third fiscal year following the fiscal year for which the amounts are appropriated.

(d) Railroad Loan and Assistance Program.—

(1) Purpose.—The purpose of this subsection is to provide assistance for rail projects in older industrial States.

(2) Issuance of obligations.—The Secretary shall issue to the Secretary of the

Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 832), in such amounts, and at such times, as may be necessary, during the period that the guaranteed obligation is outstanding, to—

(A) pay any amounts required pursuant to the guarantee of the principal amount of an obligation under section 511 of that Act (45 U.S.C. 831) for any eligible rail project described in paragraph (3); and

(B) meet the applicable requirements of this subsection and sections 511 and 513 of that Act (45 U.S.C. 832 and 833).

(3) ELIGIBILITY.—A rail project that is eligible for assistance under this subsection is a rail project—

(A) for a railroad that is located in an older industrial State; and

(B) that promotes the mobility of goods and individuals.

(4) LIMITATION.—Notwithstanding any other provision of law, the aggregate unpaid principal amounts of obligations that may be guaranteed by the Secretary under this subsection may not exceed $50,000,000 during any of fiscal years 1998 through 2001.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation, to be used by the Secretary to make guarantees under this subsection, $5,000,000 for each of fiscal years 1998 through 2001.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and the Governor of each older industrial State a report concerning the rehabilitation of the rail infrastructure of older industrial States.

GRAHAM AMENDMENT NO. 1411

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 30, line 1, strike "and".

On page 30, line 13, strike the period at the end and insert "; and".

On page 30, between lines 13 and 14, insert the following:

"(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.".

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of this amendment.

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) EFFECT OF INCREASED AVAILABLE AMOUNTS.—The increased funding levels provided by this amendment shall not take effect unless the amounts made available under subsection (a) are increased above the levels of those amounts in the modified Committee amendment filed in the Senate on October 8, 1997.

LAUTENBERG (AND DEWINE) AMENDMENT NO. 1412

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the end of subtitle D of title I, add the following:

SEC. 14___. NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

"(A) while intoxicated; or

"(B) under the influence of alcohol.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

LAUTENBERG AMENDMENT NO. 1413

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

Strike pages 257 through 263 and insert the following:

"implemented, indicates total resources from public and private sources that are reasonably expected to be available to carry out the plan and recommends any additional financing strategies for needed projects and programs.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to commit on the long-range transportation plan.

"(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

"(A) published or otherwise made readily available for public review; and

"(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

"(A) a list, in order of priority, of proposed federally supported projects and strategies to be carried out within each 3-year-period after the initial adoption of the transportation improvement program; and

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program; and

"(iii) identifies innovates financing techniques to finance projects, programs, and strategies.

"(3) INCLUDED PROJECTS.—

"(A) Chapter 1 and chapter 53 projects.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of this title that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under chapter 1, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program, except where either such project is relevant to a determination of conformity with the Clean Air Act, nor shall any such action be required to change the indicated source of funding for any project.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and any affected public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and exist".

HOLLINGS AMENDMENTS NOS. 1414–1415

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1414

On page 235, beginning with line 18, strike through line 16 on page 236.

AMENDMENT NO. 1415

On page 229, beginning with line 8, strike through line 17 on page 235.

HOLLINGS (AND McCAIN) AMENDMENT NO. 1416

(Ordered to lie on the table.)

Mr. HOLLINGS (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the end of the amendment, insert the following:

SECTION 1. SHORT TITLE; APPLICATION WITH PRECEDING PROVISIONS AND AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intermodal Transportation Safety Act of 1997".

(b) APPLICATION.—The provisions of this Act appearing after this section, including any amendment made by any such provision, supersede any provision appearing before this section to the extent that the provisions or amendments appearing after this section conflict with and cannot be reconciled with the provisions (including amendments) appearing before this section. For purposes of this subsection, conflicts of enumeration or lettering of subdivisions of any provision of law amended by this Act, and conflicts of captions of any provision of law amended by this Act, shall be ignored.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; application with preceding provisions and amendments.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

Title I—Highway Safety

Sec. 101. Highway safety programs.
Sec. 102. National driver register.
Sec. 103. Authorizations of appropriations.

Title II—Hazardous materials transportation reauthorization

Sec. 201. Findings and purposes; definitions.
Sec. 202. Handling criteria repeal.
Sec. 203. Hazmat employee training requirements.
Sec. 204. Registration.
Sec. 205. Shipping paper retention.
Sec. 206. Unsatisfactory safety rating.
Sec. 207. Public sector training curriculum.
Sec. 208. Planning and training grants.
Sec. 209. Special permits and exclusions.
Sec. 210. Administration.
Sec. 211. Cooperative agreements.
Sec. 212. Enforcement.
Sec. 213. Penalties.
Sec. 214. Preemption.
Sec. 215. Judicial review.
Sec. 216. Hazardous material transportation reauthorization.
Sec. 217. Authorization of appropriations.

Title III—Comprehensive One-call Notification

Sec. 301. Findings.
Sec. 302. Establishment of one-call notification programs.

Title IV—Motor Carrier Safety

Sec. 401. Statement of purpose.
Sec. 402. Grants to States.
Sec. 403. Federal share.
Sec. 404. Authorization of appropriations.
Sec. 405. Information systems and strategic safety initiatives.
Sec. 406. Improved flow of driver history pilot program.
Sec. 407. Motor carrier and driver safety research.
Sec. 408. Authorization of appropriations.
Sec. 409. Conforming amendments.
Sec. 410. Automobile transporter defined.
Sec. 411. Repeal of review panel; review procedure.

Sec. 412. Commercial motor vehicle operators.
Sec. 413. Penalties.
Sec. 414. International registration plan and international fuel tax agreement.
Sec. 415. Study of adequacy of parking facilities.
Sec. 416. National minimum drinking age—technical corrections.
Sec. 417. Application of regulations.
Sec. 418. Authority over charter bus transportation.
Sec. 419. Federal motor carrier safety investigations.
Sec. 420. Foreign motor carrier safety fitness.
Sec. 421. Commercial motor vehicle safety advisory committee.
Sec. 422. Waivers; exemptions; pilot programs.
Sec. 423. Commercial motor vehicle safety studies.
Sec. 424. Increased MCSAP participation impact study.

Title V—Rail and Mass Transportation Anti-terrorism; Safety

Sec. 501. Purpose.
Sec. 502. Amendments to the "wrecking trains" statute.
Sec. 503. Terrorist attacks against mass transportation.
Sec. 504. Investigative jurisdiction.
Sec. 505. Safety considerations in grants or loans to commuter railroads.
Sec. 506. Railroad accident and incident reporting.
Sec. 507. Vehicle weight limitations—mass transportation buses.

Title—VI Sportfishing and Boating Safety.

Sec. 601. Amendment of 1950 Act.
Sec. 602. Outreach and communications programs.
Sec. 603. Clean Vessel Act funding.
Sec. 604. Boating infrastructure.
Sec. 605. Boat safety funds.

TITLE I—HIGHWAY SAFETY

SEC. 101. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by striking "section 4007" and inserting "section 4004".

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

(2) by inserting ", including Indian tribes," after "subdivisions of such State" in paragraph (1)(C);

(3) by striking the period at the end of paragraph (1)(C) and inserting a semicolon and "and"; and

(5) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS—Section 402(c) of such title is amended by—

(1) by inserting "the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and" after "except that" in the sixth sentence; and

(2) by striking the seventh sentence.

(d) APPLICATION IN INDIAN COUNTRY—Section 402(i) of such title is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subparagraph (b)(1)(C) of this section, 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) of this section shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCESS.—Section 402(j) of such title is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

(f) SAFETY INCENTIVE GRANTS.—Section 402 of such title is amended by striking subsection (k) and inserting the following:

"(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (l) of this section. A State may qualify for more than one grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (l) or (m) of this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—Each grant under subsection (l) or (m) of this section shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (l) or (m) shall not exceed—

"(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(l) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for one or more of three basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 7 of the following:

"(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

"(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

"(D) STOPPING MOTOR VEHICLES.—Either—

"(i) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol, or

"(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

"(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; and dedicated detention facilities.

“(F) Graduated Licensing System.—A three-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

“(G) Drivers with high BAC's.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

“(H) Young adult drinking programs.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

“(I) Testing for BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

“(2) Basic Grant B.—Either of the following:

“(A) Administrative License Revocation.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

“(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

“(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

“(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

“(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; or

“(B) .08 BAC Per Se Law.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

“(3) Basic Grant C.—Both of the following:

“(A) Fatal Impaired Driver Percentage Reduction.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

“(B) Fatal Impaired Driver Percentage Comparison.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

“(4) Basic Grant Amount.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

“(5) Alcohol-Impaired Driving Countermeasures: Supplemental Grants.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

“(A) Open Container Laws.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

“(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

“(ii) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

“(B) Mandatory Blood Alcohol Concentration Testing Programs.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

“(C) Video Equipment for Detection of Drunk Drivers.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

“(D) Blood Alcohol Concentration for Persons Under Age 21.—The State enacts and enforces a law providing that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

“(E) Self-Sustaining Drunk Driving Prevention Program.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

“(F) Reducing Driving With A Suspended License.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a ‘zebra’ stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

“(G) Effective DWI Tracking System.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

“(H) Assessment of Persons Convicted of Abuse of Controlled Substances; Assignment of Treatment for All DWI/DUI Offenders.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

“(I) Use of Passive Alcohol Sensors.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol. and to train police officers in the use of that equipment.

“(J) Effective Penalties for Provision or Sale of Alcohol to Persons Under 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 years of age. The Secretary shall determine what penalties are effective.

“(6) Definitions.—For the purposes of this subsection, the following definitions apply:

“(A) ‘Alcoholic beverage’ has the meaning such term has under section 158(c) of this title.

“(B) ‘Controlled substances’ has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(C) ‘Motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

“(D) ‘Open alcoholic beverage container’ means any bottle, can, or other receptacle—

“(i) which contains any amount of an alcoholic beverage; and

“(ii)(I) which is open or has a broken seal, or

“(II) the contents of which are partially removed.

“(m) State Highway Safety Data Improvements.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

“(1) First-Year Grant Eligibility.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

“(A) Demonstrates, to the satisfaction of the Secretary, that it has—

“(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

“(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

“(iii) initiated the development of a multi-year highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes its highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) Provides, to the satisfaction of the Secretary—

"(i) certification that it has met the provisions outlined in clauses (A)(i) and (A)(ii) of subparagraph (A) of this paragraph;

"(ii) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records' needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multi-year plan described in clause (B)(ii) of this subparagraph.

"(2) First-Year grant amount.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under subparagraph (1)(A) of paragraph (A) of this subsection shall equal $1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under subparagraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than $250,000, subject to the availability of appropriations. The Secretary may award a grant of up to $25,000 for one year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

"(3) State highway safety data and traffic records improvements; succeeding-year grants.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

"(A) Submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined;

"(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and

"(C) Reports annually on its progress in implementing the multi-year plan.

"(4) Succeeding-Year Grant Amounts.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than $225,000, subject to the availability of appropriations.".

(g) Occupant Protection Program.—

(1) In general.—Section 410 of title 23, United States Code, is amended to read as follows:

"§ 410. Safety belts and occupant protection program

"The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for one or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) Basic Grant A.—At least 4 of the following:

"(A) Safety Belt Use Law for All Front Seat Occupants.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) Primary safety belt use law.—The State provides for primary enforcement of its safety belt use law.

"(C) Child passenger protection law.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

"(D) Child occupant protection education program.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems. The States are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least three years after receipt of the grant.

"(E) Minimum fines.—The State requires a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

"(F) Special Traffic Enforcement Program.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

"(2) Basic grant B.—Both of the following:

"(A) State Safety Belt Use Rate.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) Survey Method.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(3) Basic Grant Amount.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(4) Occupant Protection Program: Supplemental Grants.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) Penalty Points Against a Driver's License for Violations of Child Passenger Protection Requirements.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) Elimination of Non-Medical Exemptions to Safety Belt and Child Passenger Protection Laws.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) Safety Belt Use in Rear Seats.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) Definitions.—As used in this subsection—

"(A) 'Child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 50 pounds or less.

"(B) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(C) 'Multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(D) 'Passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(E) 'Passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(F) 'Safety belt' means—

"(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.".

(2) Conforming amendment.—The chapter analysis for chapter 4 of that chapter is amended by striking the item relating to section 410 and inserting the following:

"410. Safety belts and occupant protection program".

(h) Drugged Driver Research and Demonstration Program.—Section 403(b) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "In addition";

(2) by striking "is authorized to" and inserting "shall";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

"(C) Measures that may deter drugged driving.".

SEC. 102. NATIONAL DRIVER REGISTER.

(a) Transfer of Selected Functions to Non-Federal Management.—Section 30302 is amended by adding at the end thereof the following:

"(e) Transfer of Selected Functions to Non-Federal Management.—(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

"(5) Nothing in this subsection shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—Section 30305(b) is amended—

(1) by striking "request." in paragraph (2) and inserting the following: "request, unless the information is about a revocation or suspension still in effect on the date of the request";

(2) by inserting after paragraph (6) the following:

"(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in subsection 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in subsection 30304(b).

"(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.";

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10); and

(4) by striking "paragraph (2)" in paragraph (10), as redesignated, and inserting "subsection (a) of this section".

SEC. 103. AUTHORIZATIONS OF APPROPRIATIONS.

(a) HIGHWAY SAFETY PROGRAMS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsection (l) of that section—

(i) $117,858,000 for fiscal year 1998;
(ii) $123,492,000 for fiscal year 1999;
(iii) $126,877,000 for fiscal year 2000;
(iv) $130,355,000 for fiscal year 2001;
(v) $133,759,000 for fiscal year 2002; and
(vi) $141,803,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $30,570,000 for fiscal year 1998;
(ii) $28,500,000 for fiscal year 1999;
(iii) $29,273,000 for fiscal year 2000;
(iv) $30,065,000 for fiscal year 2001;
(v) $38,743,000 for fiscal year 2002; and
(vi) $39,815,000 for fiscal year 2003.

Amounts made available to carry out subsection (l) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (l) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $13,950,000 for fiscal year 1998;
(ii) $14,618,000 for fiscal year 1999;
(iii) $15,012,000 for fiscal year 2000;
(iv) $15,418,000 for fiscal year 2001;
(v) $17,640,000 for fiscal year 2002; and
(vi) $17,706,000 for fiscal year 2003.

Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (m) to subsections (l), (n), and (o) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of subsection 402(n) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $8,370,000 for fiscal year 1998;
(ii) $8,770,000 for fiscal year 1999;
(iii) $9,007,000 for fiscal year 2000; and
(iv) $9,250,000 for fiscal year 2001.

Amounts made available to carry out subsection (n) are authorized to remain available until expended.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

Amounts made available to carry out subsection (o) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (o) to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) SECTION 403 HIGHWAY SAFETY AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety under section 403 of title 23, United States Code, there are authorized to be appropriated $60,100,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $61,700,000 for fiscal year 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(i) $1,605,000 for fiscal year 1998;
(ii) $1,680,000 for fiscal year 1999;
(iii) $1,726,000 for fiscal year 2000;
(iv) $1,772,000 for fiscal year 2001;
(v) $1,817,000 for fiscal year 2002; and
(vi) $1,872,000 for fiscal year 2003.

TITLE II—HAZARDOUS MATERIALS TRANSPORTATION REAUTHORIZATION

SEC. 201. FINDINGS AND PURPOSES; DEFINITIONS.

(a) FINDINGS AND PURPOSES.—Section 5101 is amended to read as follows:

"§ 5101. Findings and purposes

"(a) FINDINGS.—The Congress finds with respect to hazardous materials transportation that—

"(1) approximately 4 billion tons of regulated hazardous materials are transported each year and that approximately 500,000 movements of hazardous materials occur each day, according to the Department of Transportation estimates;

"(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

"(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

"(4) because of the potential risks to life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

"(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

"(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately trained State and local emergency response personnel is required;

"(7) the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner;

"(8) primary authority for the regulation of such transportation should be consolidated in the Department of Transportation to ensure the safe and efficient movement of hazardous materials in commerce; and

"(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small businesses have a continuing need for training on compliance with hazardous materials regulations.

"(b) PURPOSES.—The purposes of this chapter are—

"(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

"(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

"(3) to provide adequate training for public sector emergency response teams to ensure safe responses to hazardous material transportation accidents and incidents.".

(b) DEFINITIONS.—Section 5102 is amended by—

(1) by striking paragraph (1) and inserting the following:

"(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

"(A) between a place in a State and a place outside of the State;

"(B) that affects trade or transportation between a place in a State and a place outside of the State; or

"(C) on a United States-registered aircraft.";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) 'hazmat employee' means an individual who—

"(A) is—

"(i) employed by a hazmat employer,

"(ii) self-employed, or

"(iii) an owner-operator of a motor vehicle; and

"(B) during the course of employment—

"(i) loads, unloads, or handles hazardous material;

"(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

"(iii) performs any function pertaining to the offering of hazardous material for transportation;

"(iv) is responsible for the safety of transporting hazardous material; or

"(v) operates a vehicle used to transport hazardous material.

"(4) 'hazmat employer' means a person who—

"(A) either—

"(i) is self-employed,

"(ii) is an owner-operator of a motor vehicle, or

"(iii) has at least one employee; and

"(B) performs a function, or uses at least one employee, in connection with—

"(i) transporting hazardous material in commerce;

"(ii) causing hazardous material to be transported in commerce, or

"(iii) manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material.";

(3) by striking "title. " in paragraph (7) and inserting "title, except that a freight forwarder is included only if performing a function related to highway transportation";

(4) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16);

(5) by inserting after paragraph (8) the following:

"(9) 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

"(10) 'package' or 'outside package' means a packaging plus its contents.

"(11) 'packaging' means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation."; and

(6) by striking "or transporting hazardous material to further a commercial enterprise;" in paragraph 12(A), as redesignated by paragraph (4) of this subsection, and inserting a comma and "transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material".

(c) CLERICAL AMENDMENT.—The chapter analysis of chapter 51 is amended by striking the item relating to section 5101 and inserting the following:

"5101. Findings and purposes".

SEC. 202. HANDLING CRITERIA REPEAL.

Section 5106 is repealed and the chapter analysis of chapter 51 is amended by striking the item relating to that section.

SEC. 203. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking "and sections 5106, 5108(a)–(g)(1) and (h), and".

SEC. 204. REGISTRATION.

Section 5108 is amended by—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

(2) by striking subsection (c) and inserting the following:

"(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement annually in accordance with regulations issued by the Secretary.";

(3) by striking "552(f)" in subsection (f) and inserting "552(b)";

(4) by striking "may" in subsection (g)(1) and inserting "shall"; and

(5) by inserting "or an Indian tribe," in subsection (i)(2)(B) after "State,".

SEC. 205. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting "After expiration of the requirement in subsection (c) of this section, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) of this section shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.".

SEC. 206. UNSATISFACTORY SAFETY RATING.

Section 5113(d) is amended by striking "Secretary, in consultation with the Interstate Commerce Commission," and inserting "Secretary".

SEC. 207. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended by—

(1) by striking "DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in" in subsection (a) and inserting "UPDATING.—In";

(2) by striking "develop and" in the first sentence of subsection (a);

(3) by striking the second sentence of subsection (a);

(4) by striking "developed" in the first sentence of subsection (b);

(5) by inserting "or involving an alternative fuel vehicle" after "material" in subparagraphs (A) and (B) of subsection (b)(1); and

(6) by striking subsection (d) and inserting the following:

"(d) DISTRIBUTION AND PUBLICATION.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.".

SEC. 208. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking "of" in the second sentence of subsection (e) and inserting "received by";

(2) by striking subsection (f) and inserting the following:

"(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team for Oil and Hazardous Substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee."; and

(3) by adding at the end thereof the following:

"(l) SMALL BUSINESSES.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter.".

SEC. 209. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended by—

(1) by striking the section caption and inserting the following:

"§ 5117. Special permits and exclusions";

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorizing variances" after "special permit" the first place it appears; and

(4) by striking "2" and inserting "4" in subsection (a)(2).

(b) Section 5119(c) is amended by adding at the end thereof the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b)."

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits and exclusions".

SEC. 210. ADMINISTRATION.

(a) Section 5121 is amended by striking subsections (a), (b), and (c) and redesignating subsections (d) and (e) as subsections (a) and (b).

(b) Section 5122 is amended by redesignating subsections (a), (b), and (c) as subsections (d), (e), and (f), and by inserting before subsection (d), as redesignated, the following:

"(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, make reports, issue subpenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. After notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed under this chapter.

"(b) RECORDS, REPORTS, AND INFORMATION.—A person subject to this chapter shall—

"(1) maintain records, make reports, and provide information the Secretary by regulation or order requires; and

"(2) make the records, reports, and information available when the Secretary requests.

"(c) INSPECTION.—

"(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

"(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce; or

"(B) the transportation of hazardous material in commerce.

"(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.".

SEC. 211. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 310(a), is further amended by adding at the end thereof the following:

"(c) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.".

SEC. 212. ENFORCEMENT.

Section 5122, as amended by section 310(b), is further amended by—

(1) by inserting "inspect," after "may" in the first sentence of subsection (a);

(2) by striking the last sentence of subsection (a) and inserting: "Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.";

(2) by redesignating subsections (d), (e) and (f) as subsections (f), (g) and (h), and inserting after subsection (c) the following:

"(d) OTHER AUTHORITY.—

"(1) INSPECTION.—During inspections and investigations, officers, employees, or agents of the Secretary may—

"(A) open and examine the contents of a package offered for, or in, transportation when—

"(i) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

"(ii) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(B) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be a hazardous material, and analyze that material;

"(C) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

"(D) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

"(2) NOTIFICATION.—No package opened pursuant to this subsection shall continue its transportation until the officer, employee, or agent of the Secretary—

"(A) affixes a label to the package indicating that the package was inspected pursuant to this subsection; and

"(B) notifies the shipper that the package was opened for examination.

"(e) EMERGENCY ORDERS.—

"(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

"(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

"(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.

"(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.".

SEC. 213. PENALTIES.

(a) Section 5123(a)(1) is amended by striking the first sentence and inserting the following: "A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than $27,500 for each violation.".

(b) Section 5123(c)(2) is amended to read as follows:

"(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and".

(c) Section 5124 is amended to read as follows:

"§ 5124. Criminal penalty

"(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

"(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.".

SEC. 214. PREEMPTION.

(a) REQUIREMENTS CONTRARY TO PURPOSES OF CHAPTER.—Section 5125(a)(2) is amended by inserting a comma and "the purposes of this chapter," after "this chapter" the first place it appears.

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking "prescribes after November 16, 1990." and inserting "prescribes.".

(c) INDEPENDENT APPLICATION OF PREEMPTION STANDARDS.—Section 5125 is amended by adding at the end thereof the following:

"(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (a), (b)(1), (c), and (g) of this section and section 5119(c)(2) is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.".

SEC. 215. JUDICIAL REVIEW.

(a) Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

"§ 5127. Judicial review

"(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123 of this title, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard ('modal Administrator'), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

"(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

"(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

"(d) Requirement for Prior Objection.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding.

"(e) Supreme Court Review.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.".

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

"5127. Judicial review.".
"5128. Authorization of appropriations.".

SEC. 216. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) In General.—Chapter 51, as amended by section 215 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§ 5128. High risk hazardous material; motor carrier safety study

"(a) Study.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material carriers and shippers;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material carriers' compliance with motor carrier safety regulations.

"(b) Timeframe.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997 and complete it within 30 months.

"(c) Report.—The Secretary shall report the findings of the study, required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of that Act.".

(b) Section 5109 Regulations to Reflect Study Findings.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) Conforming Amendment.—The chapter analysis for chapter 51, as amended by section 315, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material; motor carrier safety study
"5129. Authorization of appropriations".

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) General.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, and 5116) not more than—

"(1) $15,492,000 for fiscal year 1998;
"(2) $16,000,000 for fiscal year 1999;
"(3) $16,500,000 for fiscal year 2000;
"(4) $17,000,000 for fiscal year 2001;
"(5) $17,500,000 for fiscal year 2002; and
"(6) $18,000,000 for fiscal year 2003."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Training Curriculum.—Not more than $200,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1999–2003, to carry out section 5115 of this title.

"(d) Planning and Training.—

(1) Not more than $2,444,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(a) of this title.

"(2) Not more than $3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b) of this title.

"(3) Not more than $600,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f) of this title.".

TITLE III—COMPREHENSIVE ONE-CALL NOTIFICATION

SEC. 301. FINDINGS.

The Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 302. ESTABLISHMENT OF ONE-CALL NOTIFICATION PROGRAMS.

(a) In General.—Subtitle III is amended by adding at the end thereof the following:

"Chapter 61. ONE-CALL NOTIFICATION PROGRAMS

"Sec.
"6101. Purposes
"6102. Definitions
"6103. Minimum standards for State one-call notification programs
"6104. Compliance with minimum standards
"6105. Review of one-call system best practices
"6106. Grants to States
"6107. Authorization of appropriations

"§ 6101. Purposes

"The purposes of this chapter are—

"(1) to enhance public safety;

"(2) to protect the environment;

"(3) to minimize risks to excavators; and

"(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

"§ 6102. Definitions

"For purposes of this chapter—

"(1) One-call notification system.—The term "one-call notification system" means a system operated by an organization that has as one of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

"(2) State one-call notification program.—The term "State one-call notification program" means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

"(3) State.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

"(4) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"§ 6103. Minimum standards for State one-call notification programs

"(a) Minimum Standards.—A State one-call notification program shall, at a minimum, provide for—

"(1) appropriate participation by all underground facility operators;

"(2) appropriate participation by all excavators; and

"(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(b) Appropriate Participation.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

"(1) damage to types of underground facilities; and

"(2) activities of types of excavators.

"(c) Implementation.—A State one-call notification program also shall, at a minimum, provide for—

"(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

"(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

"(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a *de minimis* risk to public safety or the environment.

"(d) Penalties.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

"(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

"(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

"(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

"(4) equitable relief; and

"(5) citation of violations.

"§ 6104. Compliance with minimum standards

"(a) Requirement.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, submit to the Secretary a grant application under subsection (b).

"(b) Application.—

"(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for implementation of the program and the record of compliance and enforcement under the program.

"(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

"(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

"(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

"(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

"(c) Alternative Program—A State may maintain an alternative one-call notification program if that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

"(d) Report—Within 3 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of the State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one-call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§ 6105. Review of one-call system best practices

"(a) Study of Existing One-call Systems.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) Purpose of Study of Damage Prevention Practices.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) Report—Within 1 year after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

"(d) Secretarial Discretion—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

"§ 6106. Grants to States

"(a) In General.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) State Action Taken into Account.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Intermodal Transportation Safety Act of 1997.

"(c) Funding for One-Call Notification Systems.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§ 6107. Authorization of appropriations

"(a) For Grants to States.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

"(b) For Administration.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

"(c) General Revenue Funding.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.".

(b) Conforming Amendments.—

(1) The analysis of chapters for subtitle III is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM".

(2) Chapter 601 of title 49, United States Code, is amended—

(A) by striking "sections 60114 and" in section 60105(a) of that chapter and inserting "section";

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking "60114(c), 60118(a)," in section 60122(a)(1) of that chapter and inserting "60118(a),";

(D) by striking "60114(c) or" in section 60123(a) of that chapter;

(E) by striking "sections 60107 and 60114(b)" in subsections (a) and (b) of section 60125 and inserting "section 60107" in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e).

TITLE IV—MOTOR CARRIER SAFETY

SEC. 401. STATEMENT OF PURPOSE.

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

"§ 31100. Purpose

"The purposes of this subchapter are—

"(1) to improve commercial motor vehicle and driver safety;

"(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

"(3) to increase administrative flexibility;

"(4) to strengthen enforcement activities;

"(5) to invest in activities related to areas of the greatest crash reduction;

"(6) to identify high risk carriers and drivers; and

"(7) to improve information and analysis systems."; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

"§ 31100. Purposes".

SEC. 402. GRANTS TO STATES.

(a) PERFORMANCE-BASED GRANTS.—Section 31102 is amended—

(1) by inserting "improving motor carrier safety and" in subsection (a) after "programs for"; and

(2) by striking "adopt and assume responsibility for enforcing" in the first sentence of paragraph (b)(1) and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce".

(b) HAZARDOUS MATERIALS.—Section 31102 is amended—

(1) by inserting a comma and "hazardous materials transportation safety," after "commercial motor vehicle safety" in subsection (a); and

(2) by inserting a comma and "hazardous materials transportation safety," in the first sentence of subsection (b) after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

"(A) implements performance-based activities by fiscal year 2000;"

(3) by inserting "(1)" in subparagraph (K), as redesignated, after "(c)"; and

(4) by striking subparagraphs (L), (M), and (N) as redesignated, and inserting the following:

"(L) ensures consistent, effective, and reasonable sanctions;

"(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

"(N) ensures participation in SAFETYNET by all jurisdictions receiving funding;";

(6) by striking "activities—" in subparagraph (P), as redesignated, and inserting "activities in support of national priorities and performance goals including—";

(7) by striking "to remove" in clause (i) of subparagraph (P), as redesignated, and inserting "activities aimed at removing"; and

(8) by striking "to provide" in clause (ii) of subparagraph (P), as redesignated, and inserting "activities aimed at providing".

SEC. 403. FEDERAL SHARE.

Section 31103 is amended—

(1) by inserting before "The Secretary of Transportation" the following:

"(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—";

(2) by inserting "improve commercial motor vehicle safety and" in the first sentence before "enforce"; and

(3) by adding at the end the following:

"(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).".

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 31104(a) is amended to read as follows:

"(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than—

"(1) $80,000,000 for the fiscal year ending September 30, 1998;

"(2) $82,000,000 for the fiscal year ending September 30, 1999;

"(3) $84,000,000 for the fiscal year ending September 30, 2000;

"(4) $86,000,000 for the fiscal year ending September 30, 2001;

"(5) $88,000,000 for the fiscal year ending September 30, 2002; and

"(6) $90,000,000 for the fiscal year ending September 30, 2003.".

(b) AVAILABILITY AND REALLOCATION.—Section 31104(b)(2) is amended to read as follows:

"(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1) of this subsection.".

(c) ALLOCATION CRITERIA.—Section 31104(f) is amended to read as follows:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate, under criteria the Secretary prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

"(2) The Secretary may designate—

"(A) no less than 5 percent of such amounts for activities and projects of national priority for the improvement of commercial motor vehicle safety; and

"(B) no less than 5 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement activities and projects. These amounts shall be allocated by the Secretary to State agencies and local governments that use trained and qualified officers and employees in coordination with State motor vehicle safety agencies.".

(d) OTHER AMENDMENTS.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

SEC. 405. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.

Section 31106 is amended to read as follows:

"§ 31106. Information Systems and Strategic Safety Initiatives.

"(a) INFORMATION SYSTEMS.—

"(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of State and Federal safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

"(2) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT—

"(A) The Secretary shall include, as part of the motor carrier safety information network system of the Department of Transportation, an information system, to be called the Performance and Registration Information Systems Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

"(B) The Secretary shall prescribe technical and operational standards to ensure—

"(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

"(ii) uniform State and Federal procedures and policies necessary to operate the Commercial Vehicle Information System; and

"(iii) the availability and reliability of the information to the States and the Secretary from the information system.

"(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

"(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

"(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

"(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

"(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(D) Of the amounts available for expenditure under this section, up to 50 percent in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out paragraph (a)(2) of this section. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consultation with the States, a third party that represents the interests of the States. Of the amounts made available to carry out subsection (a)(2) of this section, the Secretary is encouraged to direct no less than 80 percent to States that have not previously received financial assistance to develop or implement the Performance and Registration Information Systems Management system.

"(b) Commercial Motor Vehicle Driver Safety Program.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

"(3) evaluating any aspect of driver performance and safety as deemed appropriate by the Secretary.

"(c) Cooperative Agreements, Grants, and Contracts.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons.".

SEC. 406. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

The Secretary of Transportation shall carry out a pilot program in cooperation with one or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall—

(1) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

SEC. 407. MOTOR CARRIER AND DRIVER SAFETY RESEARCH.

Of the funds made available to carry out programs established by the amendments made by title II of the Intermodal Surface Transportation Efficiency Act of 1997, no less than $10,000,000 shall be made available for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for activities designed to advance commercial motor vehicle and driver safety. Any obligation, contract, cooperative agreement, or support granted under this section in excess of $250,000 shall be awarded on a competitive basis. The Secretary shall submit annually a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the research activities carried out under this section, including the amount, purpose, recipient and nature of each contract, cooperative agreement or award and results of such research activities carried out under this section, including benefits to motor carrier safety.".

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

Section 31107 is amended to read as follows:

"§ 31107. Authorization of appropriations for information systems and strategic safety initiatives.

"There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106 of this title the sum of $10,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The amounts made available under this subsection shall remain available until expended.".

SEC. 409. CONFORMING AMENDMENTS.

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I. STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS.";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems and strategic safety initiatives

"31107. Authorization of appropriations for information systems and strategic safety initiatives".

SEC. 410. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.".

SEC. 411. REPEAL OF REVIEW PANEL; REVIEW PROCEDURE.

(a) Repeal.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

(2) by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.

(b) Review Procedure.—

(1) In general.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much of subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

"(b) Review and Decisions by the Secretary.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation; or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

"(5) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of all similar laws and regulations of other States.";

(D) by striking subsections (d) and (e), as redesignated, and inserting the following:

"(d) Written Notice of Decisions.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

(E) by redesignating subsections (f) and (g), as redesignated, as subsections (e) and (f), respectively.

(2) Conforming changes.—

(A) The caption of section 31141 of such title is amended to read as follows:

"§ 31141. Preemption of State laws and regulations".

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations".

(d) Inspection of Vehicles.—

(1) Section 31142 is amended—

(A) by striking "part 393 of title 49, Code of Federal Regulations" in subsection (a) and inserting "regulations issued pursuant to section 31135 of this title"; and

(B) by striking subsection (c)(1)(C) and inserting the following:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1) is amended—

(A) by striking "and" at the end of subparagraph (P);

(B) by striking "thereunder." in subparagraph (Q) and inserting "thereunder; and"; and

(C) by adding at the end thereof the following:

"(R) provides that the State will establish a program (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner.".

(e) Safety Fitness of Owners and Operators.—Section 31144 is amended to read as follows:

"§ 31142. Safety fitness of owners and operators

"(a) Procedure.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

"(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

"(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1) of this subsection; and

"(3) specific time deadlines for action by the Secretary in making fitness decisions.

"(b) Prohibited Transportation.—Except as provided in sections 521(b)(5)(A) and 5113 of this title, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) of this section may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

"(c) Rating Review.—The Secretary shall review the factors that resulted in a motor carrier failing to meet the safety fitness requirements not later than 45 days after the motor carrier requests a review.

"(d) Government Use Prohibited.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

"(e) Public Availability; Updating of Fitness Determinations.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the safety fitness determinations of motor carriers made by the Secretary.

"(f) Penalties.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title.".

(f) Safety Fitness of Passenger and Hazardous Material Carriers.—

(1) In general.—Section 5113 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) Prohibited Transportation.—

"(1) A motor carrier that fails to meet the safety fitness requirements established under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

"(A) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

"(B) to transport more than 15 individuals.

"(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements.";

(B) by striking "Rating" in the caption of subsection (b) and inserting "Fitness";

(C) by striking "receiving an unsatisfactory rating" in subsection (b) and inserting "failing to meet the safety fitness requirements";

(D) by striking "has an unsatisfactory rating from the Secretary" in subsection (c) and inserting "failed to meet the safety fitness requirements"; and

(E) by striking "Ratings" in the caption of subsection (d) and inserting "Fitness Determinations";

(F) by striking ", in consultation with the Interstate Commerce Commission," in subsection (d); and

(G) by striking "ratings of motor carriers that have unsatisfactory ratings from" in subsection (d) and inserting "fitness determinations of motor carriers made by".

(2) Conforming amendments.—

(A) The caption of section 5113 of such chapter is amended to read as follows:

"§ 5113. Safety fitness of passenger and hazardous material carriers".

(B) The chapter analysis for such chapter is amended by striking the item relating to section 5113 and inserting the following:

"5113. Safety fitness of passenger and hazardous material carriers".

(g) Definitions.—

(1) Section 31101(1) is amended—

(A) by inserting "or gross vehicle weight, whichever is greater," after "rating"in subparagraph (A);

(ii) by striking "10,000" and inserting "10,001";

(B) by striking "driver; or" in subparagraph (B) and inserting "driver, or a smaller number of passengers including the driver as determined under regulations implementing sections 31132(1)(B) or 31301(4)(B)";

(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title" in subparagraph (C).

(2) Section 31132 is amended—

(A) by inserting "or gross vehicle weight, whichever is greater," after "rating" in paragraph (1)(A); and

(B) by adding at the end of paragraph (3) the following:

"For purposes of this paragraph, the term 'business affecting interstate commerce' means a business predominantly engaged in employing commercial motor vehicles in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section.".

(h) Employee Protections.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, shall report to the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes as may be necessary to strengthen the enforcement of such employee protection provisions.

(i) Inspections and Reports.—

(1) General powers of the Secretary.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(2) Reports and records.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 412. COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) Repeal of Obsolete Grant Programs.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

(2) by striking the items relating to sections 31312 and 31313 in the chapter analysis for that chapter.

(b) Commercial Driver's License Requirement.—

(1) In general.—Section 31302 is amended to read as follows:

"§ 31302. Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title.".

(2) Conforming amendments.—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

"31302. Commercial driver's license requirement".

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

"(2) may establish performance based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;".

(c) Commercial Driver's License Information System.—Section 31309 is amended—

(1) by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," in subsection (a) and inserting "maintain";

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d) respectively;

(3) by striking "Not later than December 31, 1990, the" in paragraph (2) of subsection (b), as redesignated, and inserting "The"; and

(4) by inserting after the caption of subsection (c), as redesignated, the following: "Information about a driver in the information system may be made available under the following circumstances:"; and

(5) by starting a new paragraph with "(1) On request" and indenting the paragraph 2 ems from the lefthand margin.

(d) Requirements for State Participation.—Section 31311(a) is amended—

(1) by striking "31310(b)-(e)" in paragraph (15) and inserting "31310(b)-(e), and (g)(1)(A) and (2)";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(e) Withholding Amounts for State Noncompliance.—Section 31314 is amended—

(1) by striking ", (2), (5), and (6)" and inserting "(3), and (5)"; and

(2) by striking "1992" in subsections (a) and (b) and inserting "1995";

(3) by striking paragraph (1) of subsection (c);

(4) by striking "(2)" in subsection (c)(2);

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection (d).

(f) Commercial Motor Vehicle Defined.—Section 31301 is amended—

(1) by inserting "or gross vehicle weight, whichever is greater," after "rating" each place it appears in paragraph (4)(A); and

(2) by inserting "is" in paragraph (4)(C)(ii) before "transporting" each place it appears and before "not otherwise".

(g) Safety Performance History of New Drivers; Limitation on Liability.—

(1) In general.—Chapter 5 is amended by adding at the end thereof the following:

"§ 508. Safety performance history of new drivers; limitation on liability

"(a) Limitation on liability.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

“(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

“(2) a person who has complied with such a request; or

“(3) the agents or insurers of a person described in paragraph (1) or (2) of this subsection.

“(b) RESTRICTIONS.—

“(1) Subsection (a) does not apply unless—

“(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

“(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

“(C) the motor carrier requesting the safety performance records has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

“(2) Subsection (a) does not apply to persons who knowingly furnish false information.

“(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for that chapter is amended by inserting after the item relating to section 507 the following:

“508. Safety performance history of new drivers; limitation on liability”.

SEC. 413. PENALTIES.

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) by inserting: “with the exception of reporting and recordkeeping violations,”in the first sentence of subparagraph (A) after “under any of those provisions,”;

(2) by striking “fix a reasonable time for abatement of the violation,” in the third sentence of subparagraph (A);

(3) by striking “(A)” in subparagraph (A); and

(4) by striking subparagraph (B).

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.”;

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

“(B) RECORDKEEPING AND REPORTING VIOLATIONS.—

“(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

“(I) does not make that report;

“(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered; or

“(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000.

“(ii) Any such person, or an officer, agent, or employee of that person, who—

“(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

“(II) knowingly files a false report with the Secretary;

“(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

“(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, provided that any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.”.

SEC. 414. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

(1) by striking sections 31702, 31703, and 31708; and

(2) by striking the items relating to sections 31702, 31703, and 31708 in the chapter analysis for that chapter.

SEC. 415. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct studies to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours-of-service rules. Each study shall include an inventory of current facilities serving corridors of the National Highway System, analyze where specific shortages exist or are projected to exist, and propose a specific plan to reduce the shortages. The studies may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry. The studies shall be completed no later than 36 months after enactment of this Act.

SEC. 416. NATIONAL MINIMUM DRINKING AGE—TECHNICAL CORRECTIONS.

Section 158 of title 23, United States Code, is amended —

(1) by striking “104(b)(2), 104(b)(5), and 104(b)(6)” each place it appears in subsection (a) and inserting “104(b)(3), and 104(b)(5)(B)”; and

(2) by striking subsection (b) and inserting the following:

“(b) AVAILABILITY OF WITHHELD FUNDS.—No funds withheld under this section from apportionment to any State after September 31, 1988, shall be available for apportionment to such State.”.

SEC. 417. APPLICATION OF REGULATIONS.

(a) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Section 31135 as redesignated, is amended by adding at the end thereof the following:

“(g) APPLICATION TO CERTAIN VEHICLES.—Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this section shall apply to operators of commercial motor vehicles described in section 31132(1)(B) to the extent that those regulations did not apply to those operators before the day that is 12 months after such date of enactment, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operations of commercial motor vehicles from the application of those regulations.”.

(b) DEFINITION.—Section 31301(4)(B) is amended to read as follows:

“(B) is designed or used to transport—

“(i) passengers for compensation, but does not include a vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places; or

“(ii) more than 15 passengers, including the driver, and not used to transport passengers for compensation; or”.

(c) APPLICATION OF REGULATIONS TO CERTAIN OPERATORS.—

(1) Chapter 313 is amended by adding at the end thereof the following:

“§ 31318. Application of regulations to certain operators

“Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this chapter shall apply to operators of commercial motor vehicles described in section 31301(4)(B) to the extent that those regulations did not apply to those operators before the day that is 1 year after such date of enactment, except to the extent that the Secretary determines, after notice and opportunity for public comment, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.”.

(d) DEADLINE FOR CERTAIN DEFINITIONAL REGULATIONS.—The Secretary shall issue regulations implementing the definition of commercial motor vehicles under section 31132(1)(B) and section 31301(4)(B) of title 49, United States Code, as amended by this Act within 12 months after the date of enactment of this Act.

SEC. 418. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended—

(1) by striking "route or relating" and inserting "route;"; and

(2) by striking "required." and inserting "required; or to the authority to provide intrastate or interstate charter bus transportation.".

SEC. 419. FEDERAL MOTOR CARRIER SAFETY INVESTIGATIONS.

The Department of Transportation shall maintain the level of Federal motor carrier safety investigators for border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 420. FOREIGN MOTOR CARRIER SAFETY FITNESS.

(a) In General.—No later than 90 days after enactment of this Act, the Secretary of Transportation shall make a determination regarding the willingness and ability of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to meet the safety fitness and other regulatory requirements under this title.

(b) Report.—Within 120 days after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Commerce, Science, and Transportation Committee and the House Transportation and Infrastructure Committee on the application of section 13902(c)(9) of title 49, United States Code. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to certify the safety fitness of those carriers.

SEC. 421. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) Establishment.—The Secretary of Transportation may establish a Commercial Motor Vehicle Safety Advisory Committee to provide advice and recommendations on a range of regulatory issues. The members of the advisory committee shall be appointed by the Secretary from among individuals affected by rulemakings under consideration by the Department of Transportation.

(b) Function.—The Advisory Committee established under subsection (a) shall provide advice to the Secretary on commercial motor vehicle safety regulations and assist the Secretary in timely completion of ongoing rulemakings by utilizing negotiated rulemaking procedures.

SEC. 422. WAIVERS; EXEMPTIONS; PILOT PROGRAMS.

(a) Waivers, Exemptions, and Pilot Programs for Chapter 311.—Section 31136(e) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6); and

(2) by striking the subsection caption and paragraph (1) and inserting the following:

"(e) Waivers, Exemptions, and Pilot Programs.—

"(1) In general.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this section; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, waivers, or exemptions under this section.

"(2) Waivers.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this section if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for non-emergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) Exemptions.—The Secretary may grant an exemption in whole or in part from a regulation issued under this section to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the extension.

"(4) Pilot Programs.—

"(A) In general.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this title.

"(B) Requirement for approval.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this title.

"(C) Exemptions.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this title; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) Revocation of exemption.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

(b) Waivers, Exemptions, and Pilot Programs for Chapter 313.—Section 31315 is amended—

(1) by inserting "(a) In General.—" before "After notice"; and

(2) by adding at the end thereof the following:

"(b) Waivers, Exemptions, and Pilot Programs.—

"(1) In general.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this section; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, or exemptions under this section.

"(2) Waivers.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this section if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for non-emergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) Exemptions.—The Secretary may grant an exemption in whole or in part from a regulation issued under this section to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the extension.

"(4) Pilot Programs.—

"(A) In general.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this title.

"(B) Requirement for approval.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this title.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this title; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

SEC. 423. COMMERCIAL MOTOR VEHICLE SAFETY STUDIES.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of the weight limits established by section 127 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS WITH STATES.—The Secretary shall enter into cooperative agreements with States described in subsection (a) under which the States participate in the collection of weight-in-motion data necessary to achieve the purpose of the study. If the Secretary determines that additional weight-in-motion sites, on or off the Dwight D. Eisenhower System of Interstate and Defense Highways, are necessary to carry out the study, and requests assistance from the States in choosing appropriate locations, the States shall identify the industries or transportation companies operating within their borders that regularly utilize the 35,000 pound tandem axle.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the results of the study, together with any related legislative or administrative recommendations. Until the Secretary transmits the report to the Congress, the Secretary may not withhold funds under section 104 of title 23, United States Code, from any State for violation of the grandfathered tandem axle weight limits under section 127 of that title.

SEC. 424. INCREASED MCSAP PARTICIPATION IMPACT STUDY.

(a) IN GENERAL.—If a State that did not receive its full allocation of funding under the Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 agrees to enter into a cooperative agreement with the Secretary to evaluate the safety impact, costs, and benefits of allowing such State to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary of Transportation shall allocate to that State the full amount of funds to which it would otherwise be entitled for fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The Secretary may not add conditions to the cooperative agreement other than those directly relating to the accurate and timely collection of inspection and crash data sufficient to ascertain the safety and effectiveness of such State's program.

(b) REQUIREMENTS.—

(1) REPORT.—The State shall submit to the Secretary each year the results of such safety evaluations.

(2) TERMINATION BY SECRETARY.—If the Secretary finds such an agreement not in the public interest based on the results of such evaluations after 2 years of full participation, the Secretary may terminate the agreement entered into under this section.

(c) PROHIBITION OF ADOPTION OF LESSER STANDARDS.—No State may enact or implement motor carrier safety regulations that are determined by the Secretary to be less strict than those in effect as of September 30, 1997.

TITLE V—RAIL AND MASS TRANSPORTATION ANTI-TERRORISM; SAFETY

SEC. 501. PURPOSE.

The purpose of this title is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

SEC. 502. AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

"§ 1992. Terrorist attacks against railroads

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

"(5) interferes with, disables or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

"(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

"(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(9) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; Provided however, that whoever is convicted of any crime prohibited by this subsection shall be:

"(A) imprisoned for not less than thirty years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

"(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to:

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

“(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

“(D) the possession of a firearm of other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

“(E) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

“(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

“(d) DEFINITIONS.—In this section—

“(1) ‘dangerous device’ has the meaning given to that term in section 921(a)(4) of this title;

“(2) ‘dangerous weapon” has the meaning given to that term in section 930 of this title;

“(3) ‘destructive substance” has the meaning given to that term in section 31 of this title, except that (A) the term ‘radioactive device’ does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) ‘destructive substance’ includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

“(4) ‘firearm’ has the meaning given to that term in section 921 of this title;

“(5) ‘hazardous material’ has the meaning given to that term in section 5102(2) of title 49, United States Code;

“(6) ‘high-level radioactive waste’ has the meaning given to that term in section 10101(12) of title 42, United States Code;

“(7) ‘railroad’ has the meaning given to that term in section 20102(1) of title 49, United States Code;

“(8) ‘railroad carrier’ has the meaning given to that term in section 20102(2) of title 49, United States Code;

“(9) ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title;

“(10) ‘spent nuclear fuel’ has the meaning given to that term in section 10101(23) of title 42, United States Code; and

“(11) ‘State’ has the meaning given to that term in section 2266 of this title.”.

(b) In the analysis of chapter 97 of title 18, United States Code, item “1992” is amended to read:

“1992. Terrorist attacks against railroads”.

SEC. 503. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 1994. Terrorist attacks against mass transportation

“(a) GENERAL PROHIBITIONS.—Whoever willfully—

“(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or vessel;

“(2) places or causes to be placed any destructive substance in, upon, or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

“(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

“(5) interferes with, disables or incapacitates any driver or person while they are employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a mass transportation provider on the property of a mass transportation provider;

“(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

“(8) attempts, threatens, or conspires to do any of the aforesaid acts—shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

“(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

“(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

“(4) Paragraph (1) shall not apply to:

“(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

“(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

“(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

“(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

“(E) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

“(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

"(d) Definitions.—In this section—

"(1) 'dangerous device' has the meaning given to that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) 'destructive substance' has the meaning given to that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given to that term in section 921 of this title;

"(5) 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) 'serious bodily injury' has the meaning given to that term in section 1365 of this title; and

"(7) 'State' has the meaning given to that term in section 2266 of this title.".

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

"1994. Terrorist attacks against mass transportation.".

SEC. 504. INVESTIGATIVE JURISDICTION.

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

SEC. 505. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAILROADS.

Section 5329 is amended by adding at the end the following:

"(c) Commuter Railroad Safety Considerations.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 20102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or covenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.".

SEC. 506. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

"(a) General Requirements.—On a periodic basis not more frequent than monthly, as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.".

SEC. 507. VEHICLE WEIGHT LIMITATIONS—MASS TRANSPORTATION BUSES.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking "the date on which" and all that follows through "1995" and inserting "January 1, 2003".

TITLE VI—SPORTFISHING AND BOATING SAFETY

SEC. 601. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 602. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) Definitions.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section caption;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department;"; and

(7) by adding at the end thereof the following:

"(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sport-fishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) Funding for Outreach and Communications Program.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f);

(2) by inserting after subsection (b) the following:

"(c) National Outreach and Communications Program.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

"(1) $5,000,000 for fiscal year 1998;

"(2) $6,000,000 for fiscal year 1999;

"(3) $7,000,000 for fiscal year 2000;

"(4) $8,000,000 for fiscal year 2001;

"(5) $10,000,000 for fiscal year 2002; and

"(6) $10,000,000 for fiscal year 2003,

shall be used for the National Outreach and Communications Program under section X08(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).";

(3) by inserting a comma and "for an outreach and communications program" after "Act" in subsection (d), as redesignated;

(4) by striking "subsections (a) and (b)," in subsection (d), as redesignated, "subsections (a), (b), and (c),";

(5) by adding at the end of subsection (d), as redesignated, the following: "Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section X08(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register."; and

(6) by striking "subsections (a), (b), and (c)," in subsection (e), as redesignated, and inserting "subsections (a), (b), (c), and (d),".

(c) Increase in State Allocation.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking "12 1/2 percentum" each place it appears in subsection (b) and inserting "15 percent";

(2) by striking "10 percentum" in subsection (c) and inserting "15 percent"'

(3) by inserting "and communications" in subsection (c) after "outreach"; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

"(d) National Outreach and Communications Program.—

"(1) Implementation.—Within 1 year after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

"(2) Content.—The plan shall provide—

"(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

"(B) for the establishment of a national program.

"(3) Secretary may match or fund programs.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 604 of this Act—

"(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

"(B) to fund contracts with States or private entities to carry out such a program.

"(4) Review.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

"(e) State Outreach and Communications Program.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

SEC. 603. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) Use of Balance After Distribution.—

"(1) Fiscal year 1998.—For fiscal year 1998, of the balance remaining after making the distribution under subsection (a), an amount equal to $51,000,000 shall be used as follows:

"(A) $10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section X05(d) of the Intermodal Transportation Safety Act of 1997; and

"(C) $31,000,000 shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2) Fiscal years 1999–2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section X05(d) of the Intermodal Tranportation Safety Act of 1997; and

"(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) Amounts available under subparagraphs (A) and (B) of paragraph (1) and paragraph (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 604. BOATING INFRASTRUCTURE.

(a) Purpose.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) Survey.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section X03, is amended by adding at the end thereof the following:

"(g) Surveys.—

"(1) National framework.—Within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) State surveys.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) Exception.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) Funding.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) Plan.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) Grant Program.—

(1) Matching grants.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(1)(C) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) Priorities.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) Definitions.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "public facilities for transient nontrailerable recreational vessels" includes mooring buoys, day-docks, navigational aids, seasonal slips, or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(4) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) Effective Date.—This section shall take effect on October 1, 1997.

SEC. 605. BOAT SAFETY FUNDS.

(a) Availability of Allocations.—Section 13104(a) of title 46, United States Code, is amended—

(1) by striking "3 years" in paragraph (1) and inserting "2 years"; and

(2) by striking "3-year" in paragraph (2) and inserting "2-year".

(b) Expenditures.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b))."; and

(2) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

(c) Conforming Amendments.—

(1) The caption for section 13106 of title 46, United States Code, is amended to read as follows:

"§ 13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations".

TITLE VII—MISCELLANEOUS

SEC. 701. ENFORCEMENT OF WINDOW GLAZING STANDARDS FOR LIGHT TRANSMISSION.

Section 402(a) of title 23, United States Code, is amended by striking "post-accident procedures." and inserting "post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety.".

McCAIN AMENDMENTS NOS. 1417–1421

(Ordered to lie on the table.)

Mr. McCAIN submitted five amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

Amendment No. 1417

On page 136, strike line 22 and insert the following: specified in subparagraph (G).".

SEC. 11 . AVAILABILITY OF FUNDING FOR DEMONSTRATION PROJECTS.

Section 118(b)(2) of title 23, United States Code, is amended—

(1) by striking "FUNDS.—Except as" and inserting the following: "FUNDS.—

"(A) In general.—Except as"; and

(2) by adding at the end the following:

"(B) Demonstration projects.—

"(i) Definition.—In this subparagraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(I) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

"(II) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17);

"(III) the Surface Transportation Assistance Act of 1982 (Public Law 97–424); or

"(IV) any other law.

"(ii) Period of availability.—Notwithstanding any other provision of law, if none of the funds allocated for a demonstration project in a State have been obligated by the date that is 3 years after the last day of the fiscal year for which the funds are authorized, the funds and the authorization of the project shall lapse.

"(iii) Transition provision.—In the case of a demonstration project authorized before the date of enactment of this subparagraph for which funds are not obligated as described in clause (ii) as of that date, the funds and the authorization of the project shall lapse on that date.".

Amendment No. 1418

On page 136, strike line 22 and insert the following: specified in subparagraph (G).".

SEC. 11 . AVAILABILITY OF FUNDING FOR DEMONSTRATION PROJECTS.

Section 118(b)(2) of title 23, United States Code, is amended—

(1) by striking "FUNDS.—Except as" and inserting the following: "FUNDS.—

"(A) In general.—Except as"; and

(2) by adding at the end the following:

"(B) Demonstration projects.—

"(i) Definition.—In this subparagraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(I) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

"(II) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17);

"(III) the Surface Transportation Assistance Act of 1982 (Public Law 97–424); or

"(IV) any other law.

"(ii) Period of availability.—Notwithstanding any other provision of law, if none of the funds allocated for a demonstration project in a State have been obligated by the date that is 3 years after the last day of the fiscal year for which the funds are authorized, the Secretary shall reallocate funds for the project to other States in the same manner as funds are apportioned under section 104(b).

"(iii) Transition provision.—In the case of a demonstration project authorized before the date of enactment of this subparagraph for which funds are not obligated as described in clause (ii) as of the date, the funds shall be reallocated in accordance with clause (ii) as soon as practicable after the date.".

Amendment No. 1419

Beginning on page 39, strike line 21 and all that follows through page 40, line 10, and insert the following:

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714); and

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701).

On page 44, strike line 5 and insert the following: date of enactment of this subparagraph).

"(3) Demonstration projects.—

"(A) Definition.—In this paragraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(i) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

"(ii) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17);

"(iii) the Surface Transportation Assistance Act of 1982 (Public Law 97–424); or

"(iv) any other law.

"(B) Applicability of obligation limitations.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.".

Amendment No. 1420

Beginning on page 39, strike line 21 and all that follows through page 40, line 10, and insert the following:

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714); and

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701).

Amendment No. 1421

On page 44, strike line 5 and insert the following: date of enactment of this subparagraph).

"(3) Demonstration projects.—

"(A) Definition.—In this paragraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(i) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

"(ii) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17);

"(iii) the Surface Transportation Assistance Act of 1982 (Public Law 97–424); or

"(iv) any other law.

"(B) Applicability of obligation limitations.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.".

BOXER AMENDMENT NO. 1422

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1173, supra; as follows:

Strike section 1407 and insert the following:

SEC. 1407. AUTOMATIC CRASH PROTECTION UNBELTED TESTING STANDARD.

(a) Revision of Standards.—

(1) In general.—Not later than December 31, 1998, the Secretary shall issue final regulations that revise the Federal Motor Vehicle Safety Standard No. 208 for occupant protection to require additional types of tests to protect all sizes of occupants (particularly children), conducted—

(A) with or without manual safety belts;

(B) at low and high speeds; and

(C) from head-on and offset collisions.

(2) Applicability.—The final regulations issued under paragraph (1) shall require that all passenger cars and multipurpose vehicles comply with the additional testing requirements described in paragraph (1) beginning on September 1, 2001.

(b) Consumer Information.—

(1) Airbag information.—The Secretary shall, by regulation, require the disclosure to purchasers of newly manufactured motor vehicles, critical information regarding the operation and characteristics of both driver- and passenger-side airbags.

(2) Requirements for information.—The information described in paragraph (1) shall include, at a minimum, information concerning, with respect to each covered airbag—

(A) the airbag deployment threshold;

(B) the maximum deployment force of the airbag;

(C) the location of the airbag module;

(D) the direction in which the airbag deploys;

(E) the range of airbag intrusion into the seating area; and

(F) the use of features (if any) to control the extent of airbag excursion.

(3) Placement of information.—The regulations issued under this subsection shall require that the information that is required to be disclosed under the regulation be disclosed—

(A) on a window sticker of the motor vehicle involved; and

(B) in the owners' manual of the motor vehicle involved.

(4) Applicability.—The regulations issued under this subsection shall require compliance not later than 1 year after the date of enactment of this Act.

(c) Safe Procedures Notification.—

(1) In general.—Not later than September 1, 1998, a manufacturer shall provide to each purchaser of a newly manufactured motor vehicle that is manufactured by that manufacturer, in the owners' manual of that motor vehicle, comprehensive information concerning the actions and precautions that are necessary to ensure proper occupant positioning in airbag-equipped seating positioning. That information shall—

(A) be based on different sizes and ages of occupants;

(B) provide specific information concerning the safety of children and infants; and

(C) include information concerning the proper positioning of vehicle equipment, including seats and the steering column.

(2) Previous purchasers.—With respect to an owner who purchases a newly manufactured airbag equipped motor vehicle before the date specified in paragraph (1), the manufacturer of that motor vehicle shall provide to that owner the information described in paragraph (1) in a manner consistent with section 30118(c) of title 49, United States Code.

BOXER (AND WELLSTONE) AMENDMENT NO. 1423

(Ordered to lie on the table.)

Mrs. BOXER (for herself and Mr. Wellstone) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand, to be carried out by an information technology and transportation consortium composed of universities and other organizations under grants made, or cooperative agreements or contracts entered into, by the Secretary.

On page 415, line 15, before the period, insert the following: ", of which not less than $2,000,000 for each fiscal year shall be available to carry out section 502(b)(2)(H)".

CAMPBELL (AND GRAHAM) AMENDMENT NO. 1424

(Ordered to lie on the table.)

Mr. CAMPBELL (For himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

GRAHAM AMENDMENT NO. 1425

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 30, strike line 1 and insert the following: "is not less than 0.90 for fiscal year 1998, 0.91 for fiscal year 1999, 0.92 for fiscal year 2000, 0.93 for fiscal year 2001, 0.94 for fiscal year 2002, 0.95 for fiscal year 2003; and".

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of this amendment.

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) EFFECT OF INCREASED AVAILABLE AMOUNTS.—The increased funding levels provided by this amendment shall not take effect unless the amounts made available under subsection (a) are increased above the levels of those amounts in the modified Committee amendment filed in the Senate on October 8, 1997.

DOMENICI AMENDMENTS NOS. 1426–1430

(Ordered to lie on the table.)

Mr. DOMENICI submitted five amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1426

At the appropriate place insert the following:

FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for $146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that spending shall be eliminated for all Army procurement over the next 5 years in order to truly provide additional Federal spending for transportation.

AMENDMENT NO. 1427

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for $146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that spending shall be eliminated completely for the National Cancer Institute, National Heart and Lung Institute, National Institute for Diabetes, and AIDS research over the next 5 years in order to truly provide additional Federal spending for transportation.

AMENDMENT NO. 1428

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for $146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that spending for the Head Start program over the next 5 years shall be terminated in order to truly provide additional Federal spending for transportation.

AMENDMENT NO. 1429

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for $146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that spending for the EPA over the next 5 years shall be terminated in order to truly provide additional Federal spending for transportation.

AMENDMENT NO. 1430

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for $146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that spending for the FBI, DEA, ATF, INS, and Secret Service over the next 5 years shall be reduced by $30 billion in order to truly provide additional Federal spending for transportation.

DOMENICI (AND ALLARD) AMENDMENT NO. 1431

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the appropriate place insert:

SEC. . REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

"(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) Rates of tax.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) Comparable treatment for compressed natural gas.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) Comparable treatment under certain refund rules.—Each of the rates specified in sections 6421(f)(2)(B), 6421 (f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) Coordination with mass transit account.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.".

(2) Effective date.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) Floor Stock Refunds.—

(1) In general.—If—

(A) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) Time for filing claims.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) Exception for fuel held in retail stocks.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) Definitions.—For purposes of this subsection—

(A) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(B) the term "tax repeal date" means the date of the enactment of this section.

(5) Certain rules to apply.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) Administrative Procedures.—

(1) The United States Department of Treasury shall inform each State and territory Governor within seven days of enactment of this section—

(A) that this section has been enacted, and

(B) the estimated amount of Federal gas tax revenues no longer collected in their respective States between fiscal years 2000 and 2009 due to enactment of this section.

(2) Each State and territory may by October 1, 1999—

(A) adjust their respective State gas tax upward to make up for the Federal gas tax reduction enacted by this section for the purpose of transportation spending in that State,

(B) provide tax relief to their citizens by not increasing their State gas taxes equivalent to the reductions enacted by this section, or

(C) a combination of both (A) and (B).

DOMENICI AMENDMENTS NOS. 1432–1433

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

Amendment No. 1432

At the appropriate place insert:

SEC. . REPEAL OF TRANSFER OF GENERAL REVENUE PORTION OF HIGHWAY MOTOR FUELS TAXES INTO HIGHWAY TRUST FUND.

(a) In General.—Section 901 of the Taxpayer Relief Act of 1997 (other than subsection (e)) is repealed.

(b) Application of the Internal Revenue Code of 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if that section (and the amendments made by such section) had not been enacted.

Amendment No. 1433

At the appropriate place insert the following:

Notwithstanding any other provision of this Act, any amount of contract authority which is provided in this Act for the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, which exceeds $147,387,000,000 for fiscal years 1998 through 2002 shall only be available to the extent provided in advance in appropriation acts.

DOMENICI (AND CHAFEE) AMENDMENT NO. 1434

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. Chafee) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the end of the bill, add the following:

TITLE III—ADDITIONAL FUNDING

SEC. 3001. ADDITIONAL FUNDING.

(a) Highways.—

(1) Apportionment.—For each of fiscal years 1999 through 2003, the following additional amounts shall be apportioned among the States so that each State's percentage of the remainder for a fiscal year is equal to the State's percentage of the sum of—

(A) the total apportionments made under section 1102 and the amendments made by section 1102; and

(B) the total amounts made available for metropolitan planning under section 104(f) of title 23, United States Code; for the current fiscal year.

(2) Amounts.—The amounts referred to in paragraph (1) are the following:

(A) For fiscal year 1999, $0.

(B) For fiscal year 2000, $0.

(C) For fiscal year 2001, $0.

(D) For fiscal year 2002, $0.

(E) For fiscal year 2003, $0.

(3) Obligation of amounts.—Amounts apportioned under paragraph (1)—

(A) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(i) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(ii) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(B) shall be available for any purpose eligible for funding under section 133 of that title; and

(C) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(4) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are provided in paragraph (2).

(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) Mass Transit.—

(1) Authorization.—For each of fiscal years 1999 through 2003, the following additional amounts shall be made available to the Secretary to carry out sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(2) Amounts.—

(A) Section 5307, 5310, and 5311.—The amounts referred to in paragraph (1) are the following amounts to carry out the purposes of section 5307, 5310 and 5311:

(i) For fiscal year 1999, $0.

(ii) For fiscal year 2000, $0.

(iii) For fiscal year 2001, $0.

(iv) For fiscal year 2002, $0.

(v) For fiscal year 2003, $0.

(B) Section 5309.—The amounts referred to in paragraph (1) are the following amounts to carry out the purposes of section 5309:

(i) For fiscal year 1999, $0.

(ii) For fiscal year 2000, $0.

(iii) For fiscal year 2001, $0.

(iv) For fiscal year 2002, $0.

(v) For fiscal year 2003, $0.

(3) Obligation of amounts.—Amounts made available under this subsection—

(A) shall be considered to be sums made available for expenditure on Federal transit programs;

(B) shall be available for any purpose eligible for funding under the applicable section, except that funds provided to urbanized areas over 200,000 population under section 5307 shall not be available for operating assistance; and

(C) shall remain available for obligation for the same period of time as if the funds were provided under section 5338 of title 49.

(4) Authorization of contract authority.—

(A) In general.—There shall be available from the Mass Transit Account such sums as are provided in paragraph (2).

(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in' the same manner as if the funds were apportioned or allocated under sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(c) Potential Increase for Transportation Spending.—If the fiscal year 1999, 2000, 2001, or 2002 concurrent resolution on the budget assumes higher budget authority and outlay levels for transportation spending than assumed in H. Con. Res. 84 (the fiscal year 1998 budget resolution), the budget resolution shall separately specify the increased budget authority levels for highways and mass transit spending and the outlays flowing from such levels for each fiscal year through fiscal year 2002. If the fiscal year 2003 concurrent resolution on the budget provides additional budget authority and outlays for transportation spending during fiscal year 2003, then that resolution shall separately specify the increased budget authority levels for highway and mass transit spending and the outlays flowing from such levels.

(d) Expedited Procedures.—

(1) Definition of highway and mass transit funding joint resolution.—In this section, the term "highway and mass transit funding joint resolution" means a joint resolution, the matter after the resolving clause of which consists solely of the following:

(A) With respect to section 1 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for highways pursuant to subsection (c).

(B) With respect to section 2 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for mass transit pursuant to subsection (c).

(C) With respect to section 3 of such joint resolution, each blank space being filled in by an amount that does not exceed the outlay level pursuant to subsection (c).

"SECTION 1. ADDITIONAL HIGHWAY FUNDING.

"Section 3001(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in subparagraph (A), by striking '$0' and inserting '$______';

"(2) in subparagraph (B), by striking '$0' and inserting '$______';

"(3) in subparagraph (C), by striking '$0' and inserting '$______';

"(4) in subparagraph (D), by striking '$0' and inserting '$______'; and

"(5) in subparagraph (E), by striking '$0' and inserting '$______'.

"SEC. 2. ADDITIONAL MASS TRANSIT FUNDING.

"(a) Section 3001(b)(2)(A) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in clause (i), by striking '$0' and inserting '$____';

"(2) in clause (ii), by striking '$0' and inserting '$____';

"(3) in clause (iii), by striking '$0' and inserting '$____';

"(4) in clause (iv), by striking '$0' and inserting '$____'; and

"(5) in clause (v), by striking '$0' and inserting '$____'.

"(b) Section 3001(b)(2)(B) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in clause (i), by striking '$0' and inserting '$____';

"(2) in clause (ii), by striking '$0' and inserting '$____';

"(3) in clause (iii), by striking '$0' and inserting '$____';

"(4) in clause (iv), by striking '$0' and inserting '$____'; and

"(5) in clause (v), by striking '$0' and inserting '$____'.

"SEC. 3. ADDITIONAL OUTLAYS FOR TRANSPORTATION.

"The discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as adjusted pursuant to that Act are increased by the following amounts:

"(1) With respect to fiscal year 1999, ______ for nondefense outlays.

"(2) With respect to fiscal year 2000, ______ for discretionary outlays.

"(3) With respect to fiscal year 2001, ______ for discretionary outlays.

"(4) With respect to fiscal year 2002, ______ for discretionary outlays.".

(2) In the Senate.—

(A) Introduction and referral.—

(i) In general.—A highway and mass transit funding resolution introduced in the Senate shall be referred (for a period not to exceed 5 days of session, following the date of introduction) first to the Committee on Environment and Public Works and then to the Committee on Banking, Housing, and Urban Affairs. If either committee fails to report the joint resolution within that period, that committee shall be automatically discharged from consideration of the resolution. In the case of the Committee on Environment and Public Works being discharged, the resolution shall then be referred to the Committee on Banking, Housing, and Urban Affairs. In the case of the Committee on Banking, Housing, and Urban Affairs being discharged, the resolution shall be placed on the Calendar.

(ii) Measure from the house.—When the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, such resolution shall not be referred to committee and shall be placed on the Calendar.

(B) Limitation on amendments.—Amendments to a highway and mass transit funding joint resolution considered under this section shall be limited to those amendments which either increase or decrease dollar amounts specified in the resolution; but in no case shall such an amendment exceed the levels set out in subsection (c). No motion to suspend the application of this subsection shall be in order, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(C) Floor consideration.—

(i) Motion to proceed.—A motion to proceed to the consideration of a highway and mass transit funding joint resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(ii) Time for consideration.—After no more than 10 hours of consideration of a highway and mass transit funding joint resolution, the Senate shall proceed, without intervening action or debate to vote on the final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table. The time for consideration shall be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit a highway and mass transit funding joint resolution shall not be in order.

(iii) Points of order waived.—All points of order against the highway and mass transit funding joint resolution are waived.

(D) Joint resolution from the house of representatives.—If prior to the conclusion of consideration pursuant to subparagraph (C)(ii) of a highway and mass transit funding joint resolution originated in the Senate, the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, it shall be in order at the conclusion of consideration of the Senate measure, without any intervening action or debate to proceed to the consideration of the House of Representatives measure, read it for the third time and vote on final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table.

(E) Senate measure to calendar.—In the Senate, if a highway and mass transit funding joint resolution received from the House of Representatives is considered pursuant to subparagraph (D) then the Senate measure shall be returned to the Calendar.

(3) In the house of representatives.—

(4) Application of expedited procedures.—The provisions of this subsection (including the wavier of all points of order under paragraph (2)(C)(iii)) shall only apply to a resolution that meets the definition of paragraph (1).

(5) Sunset.—This subsection shall expire on September 30, 2003.

McCONNELL (AND OTHERS) AMENDMENTS NOS. 1435–1438

(Ordered to lie on the table.)

Mr. McCONNELL (for himself, Mr. GORTON, Mr. SESSIONS, Mr. HUTCHINSON, and Mr. ASHCROFT) submitted four amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

Amendment No. 1435

Beginning on page 77, strike line 16 and all that follows through page 79, line 13.

Amendment No. 1436

Beginning on page 77, strike line 16 and all that follows through page 79, line 13.

Amendment No. 1437

Strike section 1111 and insert the following:

SEC. 1111. EMERGING BUSINESS ENTERPRISE PROGRAM.

(a) Definitions.—In this section:

(1) Emerging business enterprise.—The term "emerging business enterprise" means a business that—

(A) has gross receipts not greater than the numerical size standard that the Administrator of the Small Business Administration has made applicable to the standard industrial classification in which the business performs the majority of its work; and

(B) has bid for Federal surface transportation contracts and subcontracts for not more than 9 years.

(2) Federal surface transportation law.—The term "Federal surface transportation law" means the surface transportation provisions of this Act and titles 23 and 49, United States Code.

(3) Preferential treatment.—The term "preferential treatment" means the grant of an advantage to any person based on—

(A) any numerical goal, quota, timetable, benchmark, or set-aside, or other numerical objective, for the award of a contract or subcontract;

(B) any bid preference, cost preference, or price preference, including a bonus and an evaluation credit; or

(C) any requirement imposed in conjunction with any numerical objective for the award of a contract or subcontract.

(b) Policy.—It is the policy of the United States to provide and encourage the maximum practicable opportunity for emerging business enterprises, including emerging business enterprises owned by members of a minority group based on race, color, or national origin (referred to in this section as "minorities") and women, to compete for prime contracts and subcontracts funded under Federal surface transportation law, consistent with the fifth and 14th amendments to the Constitution.

(c) REQUIREMENT FOR EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—

(1) IN GENERAL.—Each State that receives funds made available under Federal surface transportation law shall engage in emerging business enterprise development and outreach to implement the policy set forth in subsection (b), including special outreach efforts to emerging business enterprises owned by minorities and women, consistent with this subsection and subsection (d), in carrying out programs under Federal surface transportation law.

(2) METHODS OF EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—The emerging business enterprise development and outreach required to be engaged in by a State under paragraph (1) shall include—

(A) outreach to the emerging business enterprises in the construction industry in the State, and the recruitment of such enterprises, including—

(i) not less often than annually, a survey and a compilation of a list of such enterprises to determine the interest of the enterprises in performing prime contracts or subcontracts funded under Federal surface transportation law;

(ii) not less often than annually, publication of a directory of the emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(iii) on a regular basis, publication of contract opportunities through the Commerce Business Daily and through systems such as the Pro-Net system of the Small Business Administration;

(iv) on a regular basis, offering of seminars and other educational programs on the contracting requirements and procedures of the State to emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(v) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with other construction companies and with equipment dealers and material suppliers that support the construction industry in the State; and

(vi) each time that the State solicits bids or proposals for construction of a project funded under Federal surface transportation law—

(I) distribution of information on the project to emerging business enterprises interested in performing prime contracts or subcontracts for such projects in the relevant geographical area; and

(II) express encouragement of such enterprises to compete for the opportunity to construct all or part of the project;

(B) professional and technical services and assistance with any requirements for prequalification or bonding, including—

(i) not less often than annually, publication of a directory of the bonding companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the bonding companies that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) the purposes and criteria for prequalification and bonding; and

(II) the steps necessary to qualify a firm for bonding or to increase the firm's bonding limit;

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for bonding or to increase the firm's bonding limit; and

(v) on a regular basis, provision of information to emerging business enterprises regarding programs to guarantee a surety against loss resulting from the breach of the terms of a bond by an emerging business enterprise, including the program carried out by the Small Business Administration under part B of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 694a et seq.);

(C) professional and technical services and assistance with risk management and any insurance that the State may encourage or require contractors or subcontractors to carry, including—

(i) not less often than annually, publication of a directory of the insurance companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the insurance companies that service the construction industry in the State; and

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) risk management; and

(II) the steps necessary to obtain appropriate insurance, including any insurance that the State may require;

(D) professional and technical services and assistance with financial matters, including—

(i) not less often than annually, publication of a directory of the financial institutions that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the financial institutions that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on construction financing and the steps necessary to qualify a firm for a line of credit or increase the firm's credit limit; and

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for a line of credit or to increase the firm's credit limit;

(E) professional and technical services and assistance with general business management, estimating, bidding, and construction means and methods, including—

(i) on a regular basis, offering of seminars and other educational programs on general business management, estimating, bidding, and construction means and methods; and

(ii) on a regular basis, distribution, to all emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law, of information on seminars and other educational programs offered by other entities on general business management, estimating, bidding, and construction means and methods;

(F) periodic review of the State's construction plans and specifications to the extent necessary to ensure that the plans and specifications reflect the State's actual requirements; and

(G) periodic review by States of the implementation and impact of emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as—

(i) working capital;

(ii) net profit;

(iii) bonding capacity; and

(iv) graduation rates from the emerging business enterprise program under this section.

(3) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a biennial review and publish findings and conclusions on the nationwide impact of the emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as the factors specified in paragraph (2)(G).

(d) PROHIBITION ON DISCRIMINATION OR PREFERENTIAL TREATMENT.—No person in the United States shall, on the basis of race, color, national origin, or sex, be subjected to discrimination or provided preferential treatment under any program or project (carried out directly or by grant or contract) receiving Federal financial assistance under this Act or any amendment made by this Act.

(e) STATUTORY CONSTRUCTION.—Nothing in subsection (b), (c), or (d) shall be construed—

(1) in any way to limit or restrain the power of the judicial branch to order remedial relief to victims of discrimination under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or any other Federal statute; or

(2) to prohibit the Federal Government or any State or local government, consistent with subsection (d), from—

(A) encouraging enterprises owned by women and minorities to bid for contracts or subcontracts;

(B) requiring or encouraging any contractor or subcontractor to encourage enterprises owned by women and minorities to bid for contracts or subcontracts; or

(C) establishing overall annual goals for the participation of emerging business enterprises, including emerging business enterprises owned by minorities and women, in the emerging business enterprise development and outreach under subsection (c).

AMENDMENT NO. 1438

Strike section 1111 and insert the following:

SEC. 1111. EMERGING BUSINESS ENTERPRISE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) EMERGING BUSINESS ENTERPRISE.—The term "emerging business enterprise" means a business that—

(A) has gross receipts not greater than the numerical size standard that the Administrator of the Small Business Administration has made applicable to the standard industrial classification in which the business performs the majority of its work; and

(B) has bid for Federal surface transportation contracts and subcontracts for not more than 9 years.

(2) FEDERAL SURFACE TRANSPORTATION LAW.—The term "Federal surface transportation law" means the surface transportation provisions of this Act and titles 23 and 49, United States Code.

(3) PREFERENTIAL TREATMENT.—The term "preferential treatment" means the grant of an advantage to any person based on—

(A) any numerical goal, quota, timetable, benchmark, or set-aside, or other numerical objective, for the award of a contract or subcontract;

(B) any bid preference, cost preference, or price preference, including a bonus and an evaluation credit; or

(C) any requirement imposed in conjunction with any numerical objective for the award of a contract or subcontract.

(b) POLICY.—It is the policy of the United States to provide and encourage the maximum practicable opportunity for emerging business enterprises, including emerging business enterprises owned by members of a minority group based on race, color, or national origin (referred to in this section as "minorities") and women, to compete for prime contracts and subcontracts funded under Federal surface transportation law, consistent with the fifth and 14th amendments to the Constitution.

(c) REQUIREMENT FOR EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—

(1) IN GENERAL.—Each State that receives funds made available under Federal surface transportation law shall engage in emerging business enterprise development and outreach to implement the policy set forth in subsection (b), including special outreach efforts to emerging business enterprises owned by minorities and women, consistent with this subsection and subsection (d), in carrying out programs under Federal surface transportation law.

(2) METHODS OF EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—The emerging business enterprise development and outreach required to be engaged in by a State under paragraph (1) shall include—

(A) outreach to the emerging business enterprises in the construction industry in the State, and the recruitment of such enterprises, including—

(i) not less often than annually, a survey and a compilation of a list of such enterprises to determine the interest of the enterprises in performing prime contracts or subcontracts funded under Federal surface transportation law;

(ii) not less often than annually, publication of a directory of the emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(iii) on a regular basis, publication of contract opportunities through the Commerce Business Daily and through systems such as the Pro-Net system of the Small Business Administration;

(iv) on a regular basis, offering of seminars and other educational programs on the contracting requirements and procedures of the State to emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(v) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with other construction companies and with equipment dealers and material suppliers that support the construction industry in the State; and

(vi) each time that the State solicits bids or proposals for construction of a project funded under Federal surface transportation law—

(I) distribution of information on the project to emerging business enterprises interested in performing prime contracts or subcontracts for such projects in the relevant geographical area; and

(II) express encouragement of such enterprises to compete for the opportunity to construct all or part of the project;

(B) professional and technical services and assistance with any requirements for prequalification or bonding, including—

(i) not less often than annually, publication of a directory of the bonding companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the bonding companies that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) the purposes and criteria for prequalification and bonding; and

(II) the steps necessary to qualify a firm for bonding or to increase the firm's bonding limit;

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for bonding or to increase the firm's bonding limit; and

(v) on a regular basis, provision of information to emerging business enterprises regarding programs to guarantee a surety against loss resulting from the breach of the terms of a bond by an emerging business enterprise, including the program carried out by the Small Business Administration under part B of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 694a et seq.);

(C) professional and technical services and assistance with risk management and any insurance that the State may encourage or require contractors or subcontractors to carry, including—

(i) not less often than annually, publication of a directory of the insurance companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the insurance companies that service the construction industry in the State; and

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) risk management; and

(II) the steps necessary to obtain appropriate insurance, including any insurance that the State may require;

(D) professional and technical services and assistance with financial matters, including—

(i) not less often than annually, publication of a directory of the financial institutions that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the financial institutions that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on construction financing and the steps necessary to qualify a firm for a line of credit or increase the firm's credit limit; and

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for a line of credit or to increase the firm's credit limit;

(E) professional and technical services and assistance with general business management, estimating, bidding, and construction means and methods, including—

(i) on a regular basis, offering of seminars and other educational programs on general business management, estimating, bidding, and construction means and methods; and

(ii) on a regular basis, distribution, to all emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law, of information on seminars and other educational programs offered by other entities on general business management, estimating, bidding, and construction means and methods;

(F) periodic review of the State's construction plans and specifications to the extent necessary to ensure that the plans and specifications reflect the State's actual requirements; and

(G) periodic review by States of the implementation and impact of emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as—

(i) working capital;

(ii) net profit;

(iii) bonding capacity; and

(iv) graduation rates from the emerging business enterprise program under this section.

(3) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a biennial review and publish findings and conclusions on the nationwide impact of the emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as the factors specified in paragraph (2)(G).

(d) PROHIBITION ON DISCRIMINATION OR PREFERENTIAL TREATMENT.—No person in the United States shall, on the basis of race, color, national origin, or sex, be subjected to discrimination or provided preferential treatment under any program or project (carried out directly or by grant or contract) receiving Federal financial assistance under this Act or any amendment made by this Act.

(e) STATUTORY CONSTRUCTION.—Nothing in subsection (b), (c), or (d) shall be construed—

(1) in any way to limit or restrain the power of the judicial branch to order remedial relief to victims of discrimination under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or any other Federal statute; or

(2) to prohibit the Federal Government or any State or local government, consistent with subsection (d), from—

(A) encouraging enterprises owned by women and minorities to bid for contracts or subcontracts;

(B) requiring or encouraging any contractor or subcontractor to encourage enterprises owned by women and minorities to bid for contracts or subcontracts; or

(C) establishing overall annual goals for the participation of emerging business enterprises, including emerging business enterprises owned by minorities and women, in the emerging business enterprise development and outreach under subsection (c).

DORGAN AMENDMENT NO. 1439

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

Beginning on page 225, strike line 12 and all that follows through page 226, line 7, and insert the following:

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of—

"(A) a second offense for driving while intoxicated or driving under the influence within 10 years of a previous conviction for that offense shall receive—

"(i) suspension of the individual's driver's license for not less than 1 year;

"(ii) mandatory impoundment of a vehicle owned by the individual for not less than 30 days;

"(iii) an assignment of not less than 180 days of community service; and

"(iv) mandatory alcohol abuse treatment;

"(B) a third offense for driving while intoxicated or driving under the influence within 10 years of a previous conviction for that offense shall receive—

"(i) permanent revocation of the individual's driver's license;

"(ii) mandatory forfeiture of a vehicle owned by the individual;

"(iii) an assignment of not less than 1 year of community service; and

"(iv) mandatory alcohol abuse treatment; and

"(C) a fourth or subsequent offense for driving while intoxicated or driving under the influence within 10 years of a previous conviction for that offense shall be imprisoned not more than 5 years, fined not more than $500,000, or both.

DORGAN (AND OTHERS) AMENDMENT NO. 1440

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMPERS, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the end of subtitle D of title I, add the following:

SEC. 14 . OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

§ 154. Open container requirements

"(a) DEFINITIONS.—In this section:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given the term in section 158(c).

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' has the meaning given the term in section 410(i).

"(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning given the term by the Secretary by regulation.

"(b) PENALTY.—

"(1) GENERAL RULE.—

"(A) FISCAL YEAR 2000.—If, at any time in fiscal year 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 1.5 percent of the funds apportioned to the State for fiscal year 2001 under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

"(B) FISCAL YEARS THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 3 percent of the funds apportioned to the State for the following fiscal year under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

"(c) OPEN CONTAINER LAWS.—

"(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

"(2) MOTOR VEHICLES DESIGNATED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

"(d) FEDERAL SHARE—The Federal share of the cost of a project carried out under section 402 with funds transferred under subsection (b) to the apportionment of a State under section 402 shall be 100 percent.

"(c) TRANSFER OF OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—If the Secretary transfers under subsection (b) any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate to the State an amount, determined under paragraph (2), of obligation authority distributed for the fiscal year for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(2) AMOUNT.—The amount of obligation authority referred to in paragraph (1) shall be determined by multiplying—

"(A) the amount of funds transferred under subsection (b) to the apportionment of the State under section 402 for the fiscal year; by

"(B) the ratio that—

"(i) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(f) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under subsection (b) to the apportionment of a State under section 402.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Open container requirements."

CHAFEE AMENDMENTS NOS. 1441–1458

(Ordered to lie on the table.)

Mr. CHAFEE submitted 18 amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1441

On page 130, line 6, insert "and classified pursuant to sections 181(a) or 186(a) of the Clean Air Act (42 U.S.C. 7511(a) or 7512(a))" before "or classified as".

AMENDMENT NO. 1442

On page 86, after line 25, add the following:

(c) IMPLEMENTATION OF PROVISIONS.—Nothing in any amendment made by subsection (a) affects the implementation of any provision of title 23, United States Code, or any regulation issued under that provision.

AMENDMENT NO. 1443

On page 43, between lines 12 and 13, insert the following:

"(xi) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and".

AMENDMENT NO. 1444

Beginning on page 7, strike line 16 and all that follows through line 20.

AMENDMENT NO. 1445

On page 218, between lines 9 and 10, insert the following:

(e) AVAILABILITY SUBJECT TO APPROPRIATIONS ACTS.—Funds made available under this chapter shall be available only to the extent provided in appropriations acts.

AMENDMENT NO. 1446

On page 5, strike lines 15 through 20 and insert the following:

title $11,977,000,000 for fiscal year 1998,
title $11,949,000,000 for fiscal year 1999,
title $11,922,000,000 for fiscal year 2000,
title $11,950,000,000 for fiscal year 2001,
title $12,242,000,000 for fiscal year 2002, and $12,659,000,000 for fiscal year 2003, of which—

AMENDMENT NO. 1447

On page 5, strike lines 15 through 20 and insert the following:

title $11,977,000,000 for fiscal year 1998,
title $11,949,000,000 for fiscal year 1999,
title $11,922,000,000 for fiscal year 2000,
title $11,950,000,000 for fiscal year 2001,
title $12,242,000,000 for fiscal year 2002, and $12,659,000,000 for fiscal year 2003, of which—

On page 10, line 9, insert "and for the purposes specified in subparagraph (A)," before "in the ratio".

On page 159, line 21, strike "selection" and insert "bidding".

On page 159, line 22, before the period, insert the following: "in accordance with subparagraph (C)".

On page 160, line 16, strike the quotation marks and the following period.

On page 160, between lines 16 and 17, insert the following:

"(C) PROCEDURES THAT MAY BE APPROVED.—Under subparagraph (A), the Secretary may approve, for use by a State, only procedures that consist of—

"(i) formal design-build contracting procedures specified in a State statute; or

"(ii) in the case of a State that does not have a statute described in clause (i), the design-build selection procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m).".

On page 161, line 14, strike "selection" and insert "competitive bidding".

On page 206, strike lines 15 through 19 and insert the following:

(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of liquidation of the assets of the obligor.

On page 206, between lines 23 and 24, insert the following:

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this chapter may be used for any non-Federal share of project costs required under title 23 or chapter 53 of title 49, United States Code, if the loan is repayable from non-Federal funds.

On page 212, strike lines 6 through 9 and insert the following:

(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of liquidation of the assets of the obligor.

On page 217, after line 20, strike "$2,000,000,000" each place it appears and insert "$2,300,000,000".

On page 219, line 13, strike "authorized to be appropriated" and insert "made available".

On page 227, strike lines 5 through 13 and insert the following:

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

"(A) IN GENERAL.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used for alcohol-impaired driving programs.

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

On page 294, lines 12 and 13, strike "paragraphs (1) and (3) of section 104(b)" and insert "section 104(b)(1)".

On page 340, line 8, strike "subsection" and insert "section".

On page 343, line 4, strike "subsection" and insert "section".

On page 403, strike lines 11 through 13 and insert the following:

"(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

On page 414, line 5, strike "that" and insert "only if the technologies".

On page 415, line 14, strike "$110,000,000" and insert "$109,000,000".

AMENDMENT NO. 1448

At the end of subtitle A of title I, add the following:

SEC. 11 . ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.

(a) AMOUNTS.—For each of fiscal years 1999 through 2003, of the amounts made available under subsection (c)—

(2) the remainder of the amounts shall be apportioned among the States so that each State's percentage of the remainder for a fiscal year is equal to the State's percentage of the sum of—

(A) the total apportionments made under section 1102 and the amendments made by section 1102; and

(B) the total amounts made available for metropolitan planning under section 104(f) of title 23, United States Code;

for the current fiscal year.

(b) OBLIGATION OF AMOUNTS.—Amounts apportioned under subsection (a)(2)—

(1) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(A) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(B) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(2) shall be available for any purpose eligible for funding under section 133 of that title; and

(3) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(2) $6,000,000,000 for fiscal year 1999;

(3) $6,000,000,000 for fiscal year 2000;

(4) $6,000,000,000 for fiscal year 2001;

(5) $6,000,000,000 for fiscal year 2002; and

(6) $6,000,000,000 for fiscal year 2003;

AMENDMENT NO. 1449

On page 104, strike lines 4 through 19 and insert the following:

(b) REMOVAL OF CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) DESIGNATIONS.—

"(1) IN GENERAL.—The Commission"; and

(3) by adding at the end the following:

"(2) REMOVAL OF CORRIDOR.—The Appalachian development highway system shall not include Corridor H in Virginia.".

AMENDMENT NO. 1450

On page 7, strike lines 16 through 20.

On page 43, line 12, strike "and".

On page 43, line 13, strike "(xi)" and insert "(xii)".

On page 85, line 10, strike "sections 103 and" and insert "section".

On page 92, line 5, strike "(2)" and insert "(1)".

On page 92, line 11, strike "(3)" and insert "(2)".

On page 92, line 17, strike "(4)" and insert "(3)".

On page 93, line 3, strike "(5)" and insert "(4)".

On page 93, line 6, strike "(6)" and insert "(5)".

On page 290, line 24, strike "agencies" and insert "departments".

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

AMENDMENT NO. 1451

On page 105, strike lines 17 through 20 and insert the following:

"(B) OBLIGATION AUTHORITY.—For each fiscal year, the Secretary shall provide obligation authority for the amount made available under subparagraph (A) in an amount equal to the product obtained by multiplying—

"(i) the amount made available for the fiscal year under subparagraph (A); by

"(ii) the ratio that—

"(I) the amount of obligation authority made available for Federal-aid highways and highway safety construction programs under appropriations Acts for the fiscal year; bears to

"(II) the total of the sums made available for Federal-aid highways and highway safety construction programs for the fiscal year."

AMENDMENT NO. 1452

Beginning on page 225, strike line 12 and all that follows through page 227, line 13 and insert the following:

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that—

"(A) an individual convicted of a first offense for driving while intoxicated or driving under the influence shall receive a driver's license suspension for not less than 180 days;

"(B) an individual convicted of a second offense for driving while intoxicated or driving under the influence within 10 years after a previous conviction for that offense whose alcohol concentration with respect to the second offense was determined on the basis of a chemical test to be prohibited under State law shall receive—

"(i) a driver's license suspension for not less than 1 year;

"(ii) an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(iii)(I) an assignment of not less than 30 days of community service; or

"(II) not less than 5 days of imprisonment; and

"(C) an individual convicted of a third or subsequent offense for driving while intoxicated or driving under the influence within 10 years after the previous conviction for that offense whose alcohol concentration with respect to the previous offense was determined on the basis of a chemical test to be prohibited under State law shall—

"(i) receive a permanent driver's license revocation; and

"(ii) be subject to—

"(I) vehicle forfeiture; or

"(II) installation of an ignition interlock system.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

“(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

“(i) from the apportionment of the State under section 104(b)(1);

“(ii) from the apportionment of the State under section 104(b)(3); or

“(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

“(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

“(A) IN GENERAL.—On October 1, 2002 and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

“(i) to be used for alcohol-impaired driving countermeasures; or

“(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

“(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

“(i) from the apportionment of the State under section 104(b)(1);

“(ii) from the apportionment of the State under section 104(b)(3); or

“(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).”

AMENDMENT NO. 1453

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

AMENDMENT NO. 1454

On page 7, strike lines 16 through 20.

On page 43, line 12, strike “and”.

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

AMENDMENT NO. 1455

On page 8, line 20, after “139(a)”, insert the following: “(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

On page 275, line 8, insert “in the transportation improvement program” after “individually”.

On page 275, line 13, insert “in the transportation improvement program” after “individually”.

On page 265, line 17, insert “with respect to a transportation management area” after “(A)”.

On page 265, line 19, insert “for the transportation management area” before “complies”.

AMENDMENT NO. 1456

On page 301, line 11, strike “program”.

AMENDMENT NO. 1457

On page 266, line 11, strike “metropolitan” and insert “transportation management”.

On page 266, lines 12 and 13, strike “metropolitan planning organization” and insert “transportation management area”.

On page 8, lines 5 and 6, strike “National Highway System” and insert “Interstate and National Highway System program”.

On page 357, line 1, strike “SET ASIDE” and insert “SET-ASIDE”.

On page 266, lines 3 and 4, strike “metropolitan planning process is not certified,” and insert “transportation management area is not certified under subparagraph (A),”.

AMENDMENT NO. 1458

On page 43, line 12, strike “and”.

On page 43, between lines 15 and 16, insert the following:

“(xii) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and”.

MOYNIHAN AMENDMENTS NOS. 1459–1492

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted 34 amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1459

Beginning on page 21, strike line 15 and all that follows through page 23, line 8, and insert the following:

“(C) the total apportionments for fiscal year 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

“(i) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240):

“(ii) apportionments for the Federal lands highways program under section 204 of that title; and

“(iii) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943):

“(D) the product obtained by multiplying—

“(i) the annual average of the total apportionments determined under subparagraph (B); and

“(ii) the applicable percentage determined under paragraph (2); and

“(E) the product obtained by multiplying—

“(i) the total apportionments determined under subparagraph (C); by

“(ii) the applicable percentage determined under paragraph (2).

“(2) APPLICABLE PERCENTAGES.—

“(A) FISCAL YEAR 1998.—For fiscal year 1998—

“(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

“(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 103 percent.

Beginning on page 26, strike line 14 and all that follows through page 27, line 12, and insert the following:

“(ii) the product determined with respect to the State under paragraph (1)(E).

On page 30, strike lines 17 through 18 and insert the following table:

“State	*Percentage*
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Maine	0.57
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
West Virginia	1.05
Wyoming	0.76

“(b) TREATMENT OF ALLOCATIONS.—

AMENDMENT NO. 1460

Beginning on page 21, strike line 15 and all that follows through page 23, line 15, and insert the following:

“(C) the product obtained by multiplying—

“(i) the annual average of the total apportionments determined under subparagraph (B); by

“(ii) the applicable percentage determined under paragraph (2); and

“(D) the product obtained by multiplying—

“(i) annual average of total apportionments determined under subparagraph (B); by

“(ii) the applicable percentage determined under paragraph (2).

“(2) APPLICABLE PERCENTAGES.—

“(A) FISCAL YEAR 1998.—For fiscal year 1998—

“(i) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

“(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

“(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(C)(ii) of (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

On page 24, line 10, strike “(1)(D)” and insert “(1)(C)”..

On page 24, line 19, strike “(1)(D)” and insert “(1)(C)”.

On page 26, line 17, strike “(1)(E)” and insert “(1)(D)”.

On page 28, line 20, insert the following:

“(5) Notwithstanding any other provision of this subsection, in each of the fiscal years 1998 through 2003, funds apportioned under this subsection shall not increase Massachusetts's share to more than 75 percent of its total fiscal year 1997 Federal-aid highway apportionment.” On page 30, line 11, strike “1102(c)(1)(D)” and insert “1102(c)(1)C)”.

AMENDMENT NO. 1461

On page 21, strike line 8 and all that follows through page 23, line 14, and insert the following:

“(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

“(i) apportionments authorized under section 104 of that title for the construction of the Interstate System;

“(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

“(iii) apportionments for the Federal lands highways program under section 204 of that title; and

“(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); Interstate substitute

“(C) The product obtained by multiplying—

“(i) the annual average of the total apportionments determined under subparagraph (B); by

“(ii) the applicable percentage determined under paragraph (2).

“(D) The product obtained by multiplying—

“(i) the annual average of the total apportionments determined under subparagraph (B); by

“(ii) the applicable percentage determined under paragraph (2).

“(2) APPLICABLE PERCENTAGES.—

“(A) FISCAL YEAR 1998.—For fiscal year—

“(i) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

“(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

“(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 to 2003, the applicable percentage referred to in paragraph (1)(C)(ii) or (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—”.

On page 24, line 10, strike “(1)(D)” and insert “(1)(C)”.

On page 24, line 19, strike “(1)(D)” and insert “(1)(C)”.

On page 26, line 17, strike “(1)(E)” and insert “(1)(D)”.

On page 30, line 11, strike “1102(c)(1)(C)” and insert “1102(c)(1)(C)”.

AMENDMENT NO. 1462

On page 39, line 9, strike all that follows through line 16 and redesignate the following subparagraphs (B) through (H) as (A) through (G).

On page 43, line 3, strike all that follows through line 8 and redesignate the following clauses (x) and (xi) as (ix) and (x).

AMENDMENT NO. 1463

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,788,000,000 for fiscal year 1998, $12,625,000,000 for fiscal year 1999, $12,644,000,000 for fiscal year 2000, $12,742,000,000 for fiscal year 2001, $13,045,000,000 for fiscal year 2002, and $13,595,000,000 for fiscal year 2003, of which—

“(A) $4,919,000,000 for fiscal year 1998, $4,934,000,000 for fiscal year 1999, $4,967,000,000 for fiscal year 2000, $5,004,000,000 for fiscal year 2001, $5,092,000,000 for fiscal year 2002, and $5,239,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

“(B) $1,497,000,000 for fiscal year 1998, $1,502,000,000 for fiscal year 1999, $1,511,000,000 for fiscal year 2000, $1,524,000,000 for fiscal year 2001, $1,550,000,000 for fiscal year 2002, and $1,595,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

“(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,474,000,000 for fiscal year 1998, $7,500,000,000 for fiscal year 1999, $7,549,000,000 for fiscal year 2000, $7,606,000,000 for fiscal year 2001, $7,740,000,000 for fiscal year 2002, and $7,974,000,000 for fiscal year 2003.

“(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,227,000,000 for fiscal year 1998, $1,231,000,000 for fiscal year 1999, $1,240,000,000 for fiscal year 2000, $1,250,000,000 for fiscal year 2001, $1,271,000,000 for fiscal year 2002, and $1,309,000,000 for fiscal year 2003.”

On page 29, strike lines 1 through page 30, line 17 and substitute the following:

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States specified in paragraph (3) amounts sufficient to ensure that the State's percentage of total apportionments for the fiscal year is—

“(A) not less than the percentage specified for the State in paragraph (3), but

“(B) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Transportation Act of 1997 for the fiscal year.

“(2) TOTAL APPORTIONMENTS.—For the purposes of this paragraph each State's total apportionments for the fiscal year is defined as those made—

“(A) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and congestion mitigation and air quality improvement program; and

“(B) under section 1102(c) of the Intermodal Transportation Act of 1997 for ISTEA transition;

“(3) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(A) for the specified State shall be determined in accordance with the following table:

“State	*Percentage*
Alaska	1.25
Arkansas	1.34
Delaware	0.48
Hawaii	0.56
Idaho	0.83
Montana	1.07
Nevada	0.74
New Hampshire	0.53
New Jersey	2.42
New Mexico	1.06
North Dakota	0.74
Rhode Island	0.59
South Dakota	0.79
Vermont	0.48
Wyoming	0.77

AMENDMENT NO. 1464

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,496,000,000 for fiscal year 1998, $12,332,000,000 for fiscal year 1999, $12,351,000,000 for fiscal year 2000, $12,447,000,000 for fiscal year 2001, $12,745,000,000 for fiscal year 2002, and $13,285,000,000 for fiscal year 2003, of which—

“(A) $4,799,000,000 for fiscal year 1998, $4,814,000,000 for fiscal year 1999, $4,846,000,000 for fiscal year 2000, $4,882,000,000 for fiscal year 2001, $4,969,000,000 for fiscal year 2002, and $5,114,000,000 for fiscal year 2003, shall be used for Interstate maintenance component; and

“(B) $1,460,000,000 for fiscal year 1998, $1,465,000,000 for fiscal year 1999, $1,474,000,000 for fiscal year 2000, $1,486,000,000 for fiscal year 2001, $1,512,000,000 for fiscal year 2002, and $1,557,000,000 for fiscal year 2003, shall be used for Interstate bridge component.

“(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,303,000,000 for fiscal year 1998, $7,325,000,000 for fiscal year 1999, $7,373,000,000 for fiscal year 2000, $7,430,000,000 for fiscal year 2001, $7,561,000,000 for fiscal year 2002, and $7,782,000,000 for fiscal year 2003.

“(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,200,000,000 for fiscal year 1998, $1,203,000,000 for fiscal year 1999, $1,211,000,000 for fiscal year 2000, $1,221,000,000 for fiscal year 2001, $1,242,000,000 for fiscal year 2002, and $1,279,000,000 for fiscal year 2003.”

On page 30, line 1 strike “0.90” and substitute “0.85.”

On page 30, after line 17, replace the table with the following:

“State	*Percentage*
Alaska	1.25
Arkansas	1.34
Delaware	0.48
Hawaii	0.56
Idaho	0.83
Montana	1.07
Nevada	0.74
New Hampshire	0.53
New Jersey	2.42
New Mexico	1.06
North Dakota	0.74
Rhode Island	0.59
South Dakota	0.79
Vermont	0.48
Wyoming	0.77

AMENDMENT NO. 1465

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,051,000,000 for fiscal year 1998, $11,878,000,000 for fiscal year 1999, $11,890,000,000 for fiscal year 2000, $11,987,000,000 for fiscal year 2001, $12,316,000,000 for fiscal year 2002, and $12,857,000,000 for fiscal year 2003, of which—

“(A) $4,628,000,000 for fiscal year 1998, $4,636,000,000 for fiscal year 1999, $4,665,000,000 for fiscal year 2000, $4,702,000,000 for fiscal year 2001, $4,802,000,000 for fiscal year 2002, and $4,948,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

“(B) $1,408,000,000 for fiscal year 1998, $1,411,000,000 for fiscal year 1999, $1,419,000,000 for fiscal year 2000, $1,432,000,000 for fiscal year 2001, $1,462,000,000 for fiscal year 2002, and $1,506,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

“(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,042,000,000 for fiscal year 1998, $7,056,000,000 for fiscal year 1999, $7,098,000,000 for fiscal year 2000, $7,156,000,000 for fiscal year 2001, $7,307,000,000 for fiscal year 2002, and $7,529,000,000 for fiscal year 2003.

“(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,157,000,000 for fiscal year 1998, $1,159,000,000 for fiscal year 1999, $1,166,000,000 for fiscal year 2000, $1,176,000,000 for fiscal year 2001, $1,200,000,000 for fiscal year 2002, and $1,237,000,000 for fiscal year 2003.”

On page 29, strike lines 7 through page 29, line 19 and substitute the following in lieu thereof:

“(i) each State's percentage of total apportionments for the fiscal year under section 104 for the Interstate and National Highway System Program, the Surface Transportation Program, Metropolitan Planning, and the Congestion Mitigation and Air Quality Improvement Program; and bears to

On page 30, strike lines 2 through 6 and substitute the following in lieu thereof:

"(B) in the case of a State specified in paragraph (2) the State's percentage of total apportionments for the fiscal year described in clause (i) of subparagraph (A) plus the apportionments under section 1102(c) of the (Intermodal Surface Transportation Effciency Act of 1991 for ISTEA transition is—".

AMENDMENT NO. 1466

On page 150, strike line 5 and insert the following:

(c) MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 119 the following:

"§ 119A. Minimum per capita Interstate maintenance discretionary program

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a minimum per capita Interstate maintenance discretionary program (referred to in this section as the 'program') to ensure that each State that receives, for any fiscal year, less than 90 percent of the national average Federal-aid highway program apportionments per capita has sufficient resources to preserve and enhance the routes on the Interstate System in the State.

"(2) USE OF FUNDS.—Funds available for the program—

"(A) shall be used to supplement apportionments for the Interstate maintenance component of the Interstate and National Highway System program; and

"(B) may be used for any project eligible for funding under section 119.

"(3) SELECTION OF PROJECTS.—Projects to be funded under the program shall be proposed by a State and selected by the Secretary.

"(b) ELIGIBILITY FOR PARTICIPATION.—

"(1) IN GENERAL.—Each State with respect to which the total apportionments per capita (as determined under paragraph (2)(A)) is less than 90 percent of the national average of the total apportionments per capita (as determined under paragraph (2)(B)) shall be eligible to receive an allocation under the program.

"(2) DETERMINATIONS.—For each fiscal year, with respect to each State, the Secretary shall determine—

"(A) the quotient obtained by dividing—

"(i) the sum of—

"(I) the amounts apportioned to the State under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) the amounts apportioned to the State under section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; by

"(ii) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce);

"(B) the quotient obtained by dividing—

"(i) the sum of the apportionments described in subparagraph (A)(i) to all States for the fiscal year; by

"(ii) the population of all of the States (as determined based on the latest available annual estimates prepared by the Secretary of Commerce); and

"(C) the difference between—

"(i) 90 percent of the amount determined under subparagraph (B); and

"(ii) the amount determined under subparagraph (A) with respect to the State.

"(c) ALLOCATION OF FUNDS FOR PROJECTS.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—For each fiscal year, with respect to each State eligible under subsection (b)(1), the Secretary shall determine the percentage that—

"(i) the difference determined with respect to the eligible State under subsection (b)(2)(C); bears to

"(ii) the sum of the differences determined with respect to all eligible States.

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A) that is greater than 12 percent to 12 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other eligible States in proportion to the percentages determined under subparagraph (A) with respect to those States.

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall allocate to each eligible State to carry out projects described in subsection (a)(2) an amount equal to the amount obtained by multiplying—

"(A) the percentage for the eligible State determined under paragraph (1); by

"(B) the amount of funds made available to carry out the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—

"(A) DEADLINES FOR SUBMISSION OF PROPOSED PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline shall not be earlier than January 1, 1998.

"(B) EFFECT OF FAILURE TO SUBMIT SUFFICIENT PROPOSED PROJECTS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (A), applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $100,000,000 for each of fiscal years 1998 through 2003.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 119 the following:

"119A. Minimum per capita Interstate maintenance discretionary program.".

(d) CONFORMING AMENDMENTS.—

AMENDMENT NO. 1467

Beginning on page 7, strike line 4 and all that follows through page 91, line 21 and insert the following:

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $191,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $84,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

“§ 105. Minimum guarantee

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State's percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	**Percentage**
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”;

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,802,000,000 for fiscal year 1999;

(3) $22,939,000,000 for fiscal year 2000;

(4) $23,183,000,000 for fiscal year 2001;

(5) $23,699,000,000 for fiscal year 2002; and

(6) $24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) OBLIGATION AUTHORITY.—

"(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

"(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

"(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).".

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

SEC. 1105. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

"(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.";

(4) in subsection (d) (as so redesignated), by striking "subsection (c)" both places it appears and inserting "subsection (e)"; and

(5) in subsection (e) (as so redesignated), by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.".

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b), by striking the first 3 sentences and inserting the following: "Funds available for public lands highways,

park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e), by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h), by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§ 206. Recreational trails program

"(a) DEFINITIONS.—

"(1) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) RECREATIONAL TRAIL; TRAIL.—The term 'recreational trail' or 'trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the 'program').

"(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

"(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

"(A) permissible under other law;

"(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

"(C) approved by the administering agency of the State designated under paragraph (2); and

"(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

"(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

"(d) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

"(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

"(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

"(A) maintenance and restoration of existing trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(C) purchase and lease of trail construction and maintenance equipment;

"(D) construction of new trails;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

"(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

"(3) USE OF APPORTIONMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

"(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

"(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

"(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) Uses Not Permitted.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) Project Administration.—

“(1) Credit for donations of funds, materials, services, or new right-of-way.—

“(A) In general.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) Federal project sponsors.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) Recreational purpose.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) Continuing recreational use.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

“(4) Cooperation by private persons.—

“(A) Written assurances.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) Public access.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) Apportionment.—

“(1) Definition of eligible state.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) Apportionment.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

“(j) Administrative Costs.—

“(1) In general.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) Use of contracts.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) Authorization of Contract Authority.—

“(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

“(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”.

(b) Conforming Amendments.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) In General.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “Congestion” and inserting “Value”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) Increased Number of Projects.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5” and inserting “15”.

(c) Eligibility of Preimplementation Costs.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) Tolling.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection”.

(e) HOV Passenger Requirements.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV passenger requirements.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”.

(f) Funding.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) Authorization of contract authority.—

“(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

“(B) Availability.—

“(i) In general.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) Use of unallocated funds.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

“(III) shall be available for any purpose eligible for funding under section 133 of that title.

“(C) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.”.

(g) Conforming Amendments.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking “projects” each place it appears and inserting “programs”; and

(2) in paragraph (5)—

(A) by striking “projects” and inserting “programs”; and

(B) by striking “traffic, volume” and inserting “traffic volume”.

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) PLANNING AND DESIGN.—

"(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) DEFINITIONS.—In this section:

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) Maintenance of effort.—

"(A) In general.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) Conditions on receipt of credit.—

"(i) Agreement with the secretary.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) Exception.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) Treatment.—

"(A) In general.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) Chartered multistate agencies.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) No additional standards.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

SEC. 1113. STUDIES AND REPORTS.

(a) Highway Economic Requirement System.—

(1) Methodology.—

(A) Evaluation.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) Required element.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) State investment plans.—

(A) Study.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) Required elements.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) Report to congress.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) International Roughness Index.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) Required elements.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) Reporting of Rates of Obligation.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) Reporting of Rates of Obligation.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

SEC. 1114. DEFINITIONS.

(a) Federal-Aid Highway Funds and Program.—

(1) In general.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) Conforming amendments.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) Alphabetization of Definitions.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by inserting after section 119 the following:

"§ 119A. Minimum per capita Interstate maintenance discretionary program

"(a) In General.—

"(1) Establishment.—There is established a minimum per capita Interstate maintenance discretionary program (referred to in this section as the 'program') to ensure that each State that receives, for any fiscal year, less than 90 percent of the national average Federal-aid highway program apportionments per capita has sufficient resources to preserve and enhance the routes on the Interstate System in the State.

"(2) Use of funds.—Funds available for the program—

"(A) shall be used to supplement apportionments for the Interstate maintenance component of the Interstate and National Highway System program; and

"(B) may be used for any project eligible for funding under section 119.

"(3) Selection of projects.—Projects to be funded under the program shall be proposed by a State and selected by the Secretary.

"(b) Eligibility for Participation.—

"(1) In general.—Each State with respect to which the total apportionments per capita (as determined under paragraph (2)(A)) is less than 90 percent of the national average of the total apportionments per capita (as determined under paragraph (2)(B)) shall be eligible to receive an allocation under the program.

"(2) Determinations.—For each fiscal year, with respect to each State, the Secretary shall determine—

"(A) the quotient obtained by dividing—

"(i) the sum of—

"(I) the amounts apportioned to the State under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) the amounts apportioned to the State under section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; by

"(ii) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce);

"(B) the quotient obtained by dividing—

"(i) the sum of the apportionments described in subparagraph (A)(i) to all States for the fiscal year; by

"(ii) the population of all of the States (as determined based on the latest available annual estimates prepared by the Secretary of Commerce); and

"(C) the difference between—

"(i) 90 percent of the amount determined under subparagraph (B); and

"(ii) the amount determined under subparagraph (A) with respect to the State.

"(c) Allocation of Funds for Projects.—

"(1) Determination.—

"(A) In general.—For each fiscal year, with respect to each State eligible under subsection (b)(1), the Secretary shall determine the percentage that—

"(i) the difference determined with respect to the eligible State under subsection (b)(2)(C); bears to

"(ii) the sum of the differences determined with respect to all eligible States.

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A) that is greater than 12 percent to 12 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among the other eligible States in proportion to the percentages determined under subparagraph (A) with respect to those States.

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall allocate to each eligible State to carry out projects described in subsection (a)(2) an amount equal to the amount obtained by multiplying—

"(A) the percentage for the eligible State determined under paragraph (1); by

"(B) the amount of funds made available to carry out the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—

"(A) DEADLINES FOR SUBMISSION OF PROPOSED PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline shall not be earlier than January 1, 1998.

"(B) EFFECT OF FAILURE TO SUBMIT SUFFICIENT PROPOSED PROJECTS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (A), applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $89,000,000 for each of fiscal years 1998 through 2003.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 119 the following:

"119A. Minimum per capita Interstate maintenance discretionary program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING

AMENDMENT NO. 1468

Beginning on page 118, strike line 3 and all that follows through page 122, line 4, and insert the following:

SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE; MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.

(a) WOODROW WILSON MEMORIAL BRIDGE.—

(1) IN GENERAL.—Section 407(a) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking "(a)" and all that follows through the period at the end of paragraph (1) and inserting the following:

"(a) CONVEYANCES.—

"(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

"(A) GENERAL AUTHORITY.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project.

"(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), on conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

"(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer the jurisdiction to the Secretary.

"(D) FUNDS ALLOCATED.—No amounts set aside for Interstate 4R and bridge projects under section 104(k) of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge in accordance with this subsection.

"(2) CONVEYANCE TO AUTHORITY.—

"(A) IN GENERAL.—After execution of the agreement under subsection (c), the State of Virginia, the State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project.

"(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), on conveyance by the State of Virginia, the State of Maryland, and the District of Columbia, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge."; and

(C) in paragraph (3) (as redesignated by subparagraph (A)), by striking "conveyance under paragraph (1)" and inserting "conveyances under this subsection".

(2) CONFORMING AMENDMENT.—Section 409(3) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 632) is amended by striking "section 407(a)(2)" and inserting "section 407(a)(3)".

(b) MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 119 the following:

"§ 119A. Minimum per capita Interstate maintenance discretionary program

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a minimum per capita Interstate maintenance discretionary program (referred to in this section as the 'program') to ensure that each State that receives, for any fiscal year, less than 90 percent of the national average Federal-aid highway program apportionments per capita has sufficient resources to preserve and enhance the routes on the Interstate System in the State.

"(2) USE OF FUNDS.—Funds available for the program—

"(A) shall be used to supplement apportionments for the Interstate maintenance component of the Interstate and National Highway System program; and

"(B) may be used for any project eligible for funding under section 119.

"(3) SELECTION OF PROJECTS.—Projects to be funded under the program shall be proposed by a State and selected by the Secretary.

"(b) ELIGIBILITY FOR PARTICIPATION.—

"(1) IN GENERAL.—Each State with respect to which the total apportionments per capita (as determined under paragraph (2)(A)) is less than 90 percent of the national average of the total apportionments per capita (as determined under paragraph (2)(B)) shall be eligible to receive an allocation under the program.

"(2) DETERMINATIONS.—For each fiscal year, with respect to each State, the Secretary shall determine—

"(A) the quotient obtained by dividing—

"(i) the sum of—

"(I) the amounts apportioned to the State under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) the amounts apportioned to the State under section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; by

"(ii) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce);

"(B) the quotient obtained by dividing—

"(i) the sum of the apportionments described in subparagraph (A)(i) to all States for the fiscal year; by

"(ii) the population of all of the States (as determined based on the latest available annual estimates prepared by the Secretary of Commerce); and

"(C) the difference between—

"(i) 90 percent of the amount determined under subparagraph (B); and

"(ii) the amount determined under subparagraph (A) with respect to the State.

"(c) ALLOCATION OF FUNDS FOR PROJECTS.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—For each fiscal year, with respect to each State eligible under subsection (b)(1), the Secretary shall determine the percentage that—

"(i) the difference determined with respect to the eligible State under subsection (b)(2)(C); bears to

"(ii) the sum of the differences determined with respect to all eligible States.

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A) that is greater than 12 percent to 12 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among the other eligible States in proportion to the percentages determined under subparagraph (A) with respect to those States.

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall allocate to each eligible State to carry out projects described in subsection (a)(2) an amount equal to the amount obtained by multiplying—

"(A) the percentage for the eligible State determined under paragraph (1); by

"(B) the amount of funds made available to carry out the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—

"(A) DEADLINES FOR SUBMISSION OF PROPOSED PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline shall not be earlier than January 1, 1998.

"(B) EFFECT OF FAILURE TO SUBMIT SUFFICIENT PROPOSED PROJECTS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (A), applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $89,000,000 for each of fiscal years 1998 through 2003.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 119 the following:

"119A. Minimum per capita Interstate maintenance discretionary program.".

AMENDMENT NO. 1469

On page 88, lines 12 and 13, strike and substitute the following in lieu thereof:

"for all States; and

On page 88, line 25, strike the word "and" after the semi-colon and insert the following new clause:

"(ii) increase any percentage determined under subparagraph (A)(iii) that is less than 0.5 percent to 0.5 percent; and

On page 89, line 12, after the word "reduction" insert:

"or increase"

On page 89, line 3, after "(i)" insert "and (ii)"

AMENDMENT NO. 1470

At the end of chapter 1 of subtitle C of title I, add the following:

SEC. 1302. TAX CREDIT FOR USER FEE HIGHWAYS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 129 the following:

"§ 129A. Payments for toll facilities

"(a) DEFINITION OF CONTROLLING TOLL AUTHORITY.—In this section, the term 'controlling toll authority' means a public or private organization that operates and maintains highway, bridge, or tunnel facilities for the use of which a toll is collected.

"(b) PAYMENTS FOR TOLL FACILITIES.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program (referred to in this subsection as the 'program') to provide direct payments to a controlling toll authority in the amount of Federal motor fuel tax collections attributable to use of facilities—

"(A) that are operated and maintained by the authority; and

"(B) with respect to which the eligibility criteria specified in subsection (c) are met.

"(2) PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine appropriate disbursement rules and procedures for the program.

"(B) TIMING OF PAYMENTS.—The Secretary shall make payments under the program to the controlling toll authority not less often than quarterly.

"(3) AMOUNT OF PAYMENTS.—The amount of the payments to each controlling toll authority for a fiscal year shall be equal to the estimated amount of the Federal motor fuel tax collections that—

"(A) are deposited in the Highway Trust Fund (other than the Mass Transit Account); and

"(B) are attributable to travel on the facilities operated and maintained by the controlling toll authority in that fiscal year;

as determined by the Secretary using the latest data available.

"(4) SOURCE OF FUNDS.—For each fiscal year, the Secretary shall make payments under the program using funds made available to carry out the following programs, in the following allocation:

"(A) ⅓ from the other National Highway System component of the Interstate and National Highway System program carried out under section 103(b).

"(B) ⅓ from the Interstate maintenance component of the Interstate and National Highway System program carried out under section 119.

"(C) ⅓ from the surface transportation program established under section 133.

"(c) ELIGIBILITY CRITERIA.—To be eligible under the program established under subsection (b), a controlling toll authority must be certified by the Secretary as meeting each of the following eligibility criteria:

"(1) COLLECTION OF TOLLS.—With respect to not less than 75 percent of the mileage of the highway, bridge, or tunnel facilities that the controlling toll authority operates and maintains, the authority collects tolls for the operation and maintenance of the facilities.

"(2) OTHER FUNDS.—While participating in the program, the controlling toll authority does not use funds from the Highway Trust Fund for the construction or maintenance of facilities operated and maintained by the controlling toll authority.

"(3) AUTOMATED TOLL COLLECTION TECHNOLOGY.—The controlling toll authority uses automated toll collection technology, at 1 or more locations where tolls are collected, that allows a user to pass through the toll collection system without stopping the user's vehicle.

"(4) VALUE PRICING.—The controlling toll authority has implemented differential-time-sensitive pricing strategies to mitigate congestion at 1 or more locations where tolls are collected.

"(5) NO DIVERSION.—The toll revenue collected by the controlling toll authority is used solely to pay for—

"(A) the operation and maintenance of, and debt service for, facilities operated and maintained by the controlling toll authority;

"(B) safety and law enforcement costs associated with the facilities;

"(C) the costs of transit or other measures that help alleviate congestion on the facilities; and

"(D) the costs of congestion pricing, electronic toll collection equipment, and environmental mitigation or enhancement projects directly related to the facilities.

"(d) EFFECT ON OTHER PROGRAMS.—Notwithstanding any other provision of law, the length of, number of vehicle miles traveled on, quantity of fuel used in travel on, or any other characteristic of a highway, bridge, or tunnel with respect to which payments are made under the program established under subsection (b) may not be taken into account in any apportionment calculation under section 104(b) or in any other apportionment calculation under this title, regardless of whether there is in effect any toll agreement with the State under section 105 of the Surface Transportation Assistance Act of 1978 (92 Stat. 2692) or under section 129(c).".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 129 the following:

"129A. Payments for toll facilities.".

(2) Section 104(b) of title 23, United States Code (as amended by section 1102(a)), is amended—

(A) in subparagraphs (A) and (C) of paragraph (1), by striking "For" each place it appears and inserting "After using funds under section 129A, for"; and

(B) in paragraph (3)(A), by striking "For the" and inserting "After using funds under section 129A, for the".

AMENDMENT NO. 1471

On page 10, line 16, after the word "State" insert the following:

"multiplied by the average unit price of replacement and rehabilitation of such bridges on a State-by-State basis, as determined by the Secretary".

On page 10, line 23, before the phrase "in all States" insert the following:

"multiplied by the average unit price of replacement and rehabilitation of such bridges".

On page 12, line 17, after the word "State" insert the following:

"multiplied by the average unit price of replacement and rehabilitation of such bridges on a State-by State basis, as determined by the Secretary".

On page 13, line 2, before the phrase "in all States" insert the following:

"multiplied by the average unit price of replacement and rehabilitation of such bridges".

On page 19, line 8, after the word "State" insert the following:

"multiplied by the average unit price of replacement and rehabilitation of such bridges on a State-by State basis, as determined by the Secretary".

On page 19, line 14, before the phrase "in all States", insert the following:

"multiplied by the average unit price of replacement and rehabilitation of such bridges".

On page 123, line 15, strike the word "and".

On page 123, line 18, strike the period and insert "; and" at the end of the line and insert the following on the following line:

"(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge."

AMENDMENT NO. 1472

On page 11, line 9, strike "20" and substitute "25".

On page 11, line 19, strike "29" and substitute "35".

On page 12, line 5, strike "18" and substitute "25".

On page 13, line 4, through 15, strike all language.

On page 13, line 11, strike "(V)9" and substitute "(IV)15".

AMENDMENT NO. 1473

On page 11, line 9, strike "20" and substitute "22".

On page 11, line 19, strike "29" and substitute "32".

On page 12, line 5, strike "18" and substitute "20".

On page 13, line 4, strike "24" and substitute "26".

On page 13, line 11, through page 14, line 2, strike all language.

AMENDMENT NO. 1474

On page 18, line 10, strike "20" and substitute "30".

On page 19, line 17, strike "30" and substitute "40".

On page 19, line 1, strike "25" and substitute "30".

On page 20, line 15 through 14, strike all language.

AMENDMENT NO. 1475

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,417,000,000 for fiscal year 1998, $12,338,000,000 for fiscal year 1999, $12,381,000,000 for fiscal year 2000, $12,475,000,000 for fiscal year 2001, $12,733,000,000 for fiscal year 2002, and, $13,192,000,000 for fiscal year 2003, of which—

“(A) $4,769,000,000 for fiscal year 1998, $4,738,000,000 for fiscal year 1999, $4,755,000,000 for fiscal year 2000, $4,791,000,000 for fiscal year 2001, $4,890,000,000 for fiscal year 2002, and $5,066,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

“(B) $1,451,000,000 for fiscal year 1998, $1,442,000,000 for fiscal year 1999, $1,447,000,000 for fiscal year 2000, $1,458,000,000 for fiscal year 2001, $1,488,000,000 for fiscal year 2002, and $1,542,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

“(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,257,000,000 for fiscal year 1998, $7,211,000,000 for fiscal year 1999, $7,236,000,000 for fiscal year 2000, $7,291,000,000 for fiscal year 2001, $7,442,000,000 for fiscal year 2002, and , $7,710,000,000 for fiscal year 2003.

“(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,192,000,000 for fiscal year 1998, $1,184,000,000 for fiscal year 1999, $1,189,000,000 for fiscal year 2000, $1,198,000,000 for fiscal year 2001, $1,223,000,000 for fiscal year 2002, and$1,267,000,000 for fiscal year 2003.”

On page 30, line 2 through page 30, line 17, strike all language.

AMENDMENT NO. 1476

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term “agency expenditure” means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term “equitable State allocation”, with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State dollar contribution to the Federal Government”, with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State percentage contribution to the Federal Government”, with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Commissioner of Reclamation, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1477

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term “agency expenditure” means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term “equitable State allocation”, with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State dollar contribution to the Federal Government”, with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State percentage contribution to the Federal Government”, with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Director of the Bureau of Land Management, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1478

On page 49, line 16, strike "section 104" and insert "this title or title 49".

On page 54, between lines 2 and 3, insert the following:

(d) EQUITABLE ALLOCATION OF FUNDING UNDER FEDERAL LANDS HIGHWAYS PROGRAM AND COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—Section 202 of title 23, United States Code, is amended to read as follows:

"§ 202. Allocations

"(a) DEFINITIONS.—In this section—

"(1) AGENCY EXPENDITURE.—The term 'agency expenditure' means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

"(A) a grant or other form of financial assistance;

"(B) a payment under a contract;

"(C) compensation of an employee or consultant; or

"(D) any other form.

"(2) EQUITABLE STATE ALLOCATION.—The term 'equitable State allocation', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

"(3) STATE.—The term 'State' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(4) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term 'State dollar contribution to the Federal Government', with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

"(5) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term 'State percentage contribution to the Federal Government', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

"(A) the State dollar contribution to the Federal Government by the State; bears to

"(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

"(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

"(1) the Secretary of the Treasury shall report to the Secretary the estimated amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

"(2) the Secretary shall determine with respect to the Department of Transportation, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

"(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

"(c) EQUITABLE STATE ALLOCATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

"(A) shall make agency expenditures in each State in each fiscal year under the Federal lands highways program under section 204 and the Cooperative Federal Lands Transportation Program under section 207 in an amount that is not less than the product obtained by multiplying—

"(i) 95 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under those programs in all of the States for the fiscal year; by

"(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

"(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not appropriate (as determined by the State transportation department), shall make the requisite amount of funding available for use in the State under any provision of this title or title 49.

"(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.".

Beginning on page 87, strike line 24 and all that follows through page 91, line 3.

On page 91, line 4, strike "(d)" and insert "(b)".

On page 91, line 7, strike "(e)" and insert "(c)".

AMENDMENT NO. 1479

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of Agriculture, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Chief of the Forest Service, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of Agriculture.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1480

At the end of the bill, add the following:

TITLE ____—EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS

SEC. ____01. EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Administrator to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a grant or other form of financial assistance;

(B) a payment under a contract; compensation of an employee or consultant; or

(C) any other form.

(3) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Administrator the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year; and

(2) the Administrator shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Administrator, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under—

(i) other programs administered by the Administrator; or

(ii) transfer funds to the Secretary of Transportation to fund programs that apportion funds to States that are administered by the Secretary under title 23 or 49 of the United States Code.

(2) IMPLEMENTATION.—If, but for this section, the Administrator would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Administrator shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Administrator to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1481

At the end of the bill add the following:

TITLE ____—EQUITABLE ALLOCATION OF AIRPORT IMPROVEMENT PROGRAM FUNDING.

DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(6) STATE PERCENTAGE CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State percentage contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that the State dollar contribution to the Airport and Airway Trust Fund bears to the aggregate of the State dollar contributions to the Airport and Airway Trust Fund collected from all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the fiscal year that are transferred to the Airport and Airway Trust Fund; and

(2) the Secretary shall determine the State dollar contribution to the Airport and Airway Trust Fund and State percentage contribution to the Airport and Airway Trust Fund of each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—

(A) ALLOCATION.—Notwithstanding any other provision of law, each State shall be entitled to receive under each program administered by the Secretary for which funds are authorized to be transferred from the Airport and Airway Trust Fund, an amount for a fiscal year that is not less than 90 percent of the amount that is equal to the aggregate amount to be paid under that program to all of the States for the fiscal year (adjusted for any administrative costs referred to in section 9502(d)(1)(C) of the Internal Revenue Code of 1986) multiplied by the State percentage contribution to the Airport and Airway Trust Fund for the fiscal year.

(B) RULE OF CONSTRUCTION.—Nothing in this section is intended to permit a use of amounts made available to a State under this section in a manner that does not meet the applicable requirements of part B of subtitle VII of title 49, United States Code.

(2) IMPLEMENTATION.—If, but for this section, a State would be entitled to receive less than the amount of its equitable State allocation under a program administered by the Secretary, the Secretary shall deduct from the amounts to be paid to States that would be entitled to receive more than the equitable State allocations for those States, pro rata, the amount necessary to enable the Secretary to pay the State the full amount of its equitable State allocation.

AMENDMENT NO. 1482

On page 23, line 4, strike "145" and substitute "130" in lieu thereof:

AMENDMENT NO. 1483

Beginning on page 150, strike line 5 and all that follows through page 155, line 5, and insert the following:

(c) PERFORMANCE BONUS PROGRAM.—Section 119 of title 23, United States Code (as amended by subsection (b)), is amended by adding at the end the following:

"(d) PERFORMANCE BONUS PROGRAM.—

"(1) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, the Secretary, from funds made available under this subsection, shall allocate—

"(A) $15,000,000 to each of the 5 States in which the percentage of Interstate System lane miles that is classified as being in fair condition or worse is the lowest; and

"(B) $15,000,000 to each of the 5 States in which the percentage of the number of bridges on public roads that are structurally deficient is the lowest.

"(2) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $150,000,000 for each of fiscal years 1998 through 2003.".

(d) CONFORMING AMENDMENTS.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1934) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

CHAPTER 2—PROJECT APPROVAL

SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(l) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) Transfer of transit funds.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) Transfer to Amtrak and publicly-owned passenger rail lines.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) Transfer of obligation authority.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.

(a) In General.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) In General.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) Project Agreement.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) Special Rules for Project Oversight.—

"(1) NHS projects.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) Non-NHS projects.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) Responsibilities of the Secretary.—

"(1) In general.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) Limitation.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) Value Engineering Analysis.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) Financial Plan.—The Secretary shall require a financial plan to be prepared for any project with an estimated total cost of $1,000,000,000 or more.

"(g) Condition of Metropolitan Highways; Fiscal Capacity.—Notwithstanding any other provision of law, before the Secretary approves any project that would result in the construction of a significant new highway or the addition of significant new capacity to an existing highway—

"(1) the State proposing the project shall—

"(A) demonstrate to the Secretary that the State possesses sufficient fiscal capacity to ensure that the State will be capable of maintaining the physical condition of the new highway or highway capacity to the satisfaction of the Secretary over the useful life of the highway; and

"(B) agree to maintain the highway for the entirety of the useful life of the highway; and

"(2) the condition of not more than 40 percent of the lane miles of routes on the Interstate System and other freeways and expressways in the metropolitan areas of the State is classified as being poor or mediocre.".

Amendment No. 1484

Strike all after the enacting clause and insert the following:

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to make funds available for the Federal-aid highway, highway safety, motor carrier safety, and mass transportation programs for the first 6 months of fiscal year 1998 by extending the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914) to ensure the continuation of the programs while a multiyear reauthorization is developed; and

(2) to provide a structure that allows programmatic, apportionment formula, and funding adjustments for the second 6 months of fiscal year 1998 through enactment of a law providing for a multiyear reauthorization.

SEC. 2. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) Major Programs.—

(1) In general.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

"(d) Federal-Aid Highways for Period of October 1, 1997, Through March 31, 1998.—

"(1) In general.—

"(A) Authorization of appropriations.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety construction programs $11,942,375,000 for the period of October 1, 1997, through March 31, 1998.

"(B) Distribution.—Amounts made available under subparagraph (A) shall be distributed in accordance with this subsection.

"(2) Certain discretionary programs.—Of the amounts made available under paragraph (1), the Secretary shall deduct, for the period of October 1, 1997, through March 31, 1998—

"(A) $32,500,000 to carry out section 118(c)(2) of title 23, United States Code; and

"(B) $30,250,000 to carry out the discretionary program under paragraphs (1) and (2) of section 144(g) of that title.

"(3) State allocation percentages.—Using amounts remaining after making the deductions under paragraph (2) and application of paragraphs (4) and (5), the Secretary shall determine the amount to be apportioned to each State in accordance with the percentage specified for the State in the following table:

"State:	Percentage:
Alabama	2.0026
Alaska	1.0499
Arizona	1.4627
Arkansas	1.5268
California	8.9046
Colorado	1.0443
Connecticut	1.9229
Delaware	0.4057
District of Columbia	0.4436
Florida	4.4867
Georgia	3.2899
Hawaii	0.6435
Idaho	0.6314
Illinois	3.6779
Indiana	2.4581
Iowa	1.1364
Kansas	1.1383
Kentucky	1.6617
Louisiana	1.4831
Maine	0.6458
Maryland	1.4512
Massachusetts	3.5632
Michigan	3.0432
Minnesota	1.4547
Mississippi	1.1286
Missouri	2.2677
Montana	0.7857
Nebraska	0.7501
Nevada	0.6218
New Hampshire	0.4764
New Jersey	2.6851
New Mexico	0.8767
New York	5.7882
North Carolina	2.7408
North Dakota	0.5972
Ohio	3.4702
Oklahoma	1.5021
Oregon	1.1378
Pennsylvania	4.5007
Rhode Island	0.4708
South Carolina	1.6019
South Dakota	0.5990
Tennessee	2.0954
Texas	6.9197
Utah	0.6672
Vermont	0.4287
Virginia	2.4440
Washington	1.7603
West Virginia	1.1088
Wisconsin	2.0159
Wyoming	0.5999
Puerto Rico	0.4312.

"(4) State programmatic distribution.—

"(A) In general.—Of the funds to be apportioned to each State under paragraph (3), the

Secretary shall ensure that the State is apportioned an amount of the funds, determined under subparagraph (B)—

"(i) for the Interstate maintenance program under section 119 of title 23, United States Code;

"(ii) for the National Highway System under section 103 of that title;

"(iii) for the bridge program under section 144 of that title;

"(iv) for the surface transportation program under section 133 of that title;

"(v) for the congestion mitigation and air quality improvement program under section 149 of that title;

"(vi) for minimum allocation under section 157 of that title;

"(vii) for Interstate reimbursement under section 160 of that title;

"(viii) for the donor State bonus under section 1013(c);

"(ix) for hold harmless under section 1015(a);

"(x) for the 90 percent of payments adjustments under section 1015(b);

"(xi) for metropolitan planning under section 134 of that title;

"(xii) for section 1015(c);

"(xiii) in an amount equal to the amount of funds provided under sections 1103 through 1108; and

"(xiv) for funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

"(B) Formula.—The amount that each State shall be apportioned under this subsection for each item referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount apportioned to the State under paragraph (3); by

"(ii) the ratio that—

"(I) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108, to the State for fiscal year 1997; bears to

"(II) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

"(C) Minimum allocation.—Not more than $319,500,000 of the funds apportioned to States under this subsection for minimum allocation under section 157 of title 23, United States Code, shall not be subject to any obligation limitation.

"(D) Special rule.—Amounts apportioned to a State under this subsection that are attributable to sections 1103 through 1108 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

"(E) Administration.—Funds authorized under this subsection shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code.

"(5) General operating expenses and territorial highways.—

"(A) General operating expenses.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount that would be required to be deducted under section 104(a) of title 23, United States Code, from the aggregate of amounts to be apportioned to all States for programs to which the deduction under that section would apply if that section applied to the apportionment.

"(B) Territorial highways.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount required to be deducted under section 104(b)(1) of title 23, United States Code, for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands from the aggregate of amounts to be apportioned to all States for the National Highway System under this subsection.".

(2) National recreational trails program.—Section 104(h) of title 23, United States Code, is amended by inserting after "1997" the following: "and $7,500,000 for the period of October 1, 1997, through March 31, 1998".

(3) Woodrow Wilson bridge.—Section 104(i)(1) of title 23, United States Code, is amended by inserting after "1997" the following: ", and for the period of October 1, 1997, through March 31, 1998,".

(4) Off-system bridges.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after "1997," the following: "and for the period of October 1, 1997, through March 31, 1998,".

(b) Federal Lands Highways.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking "1992 and" and inserting "1992,"; and

(B) by inserting before the period at the end the following: ", and $95,500,000 for the period of October 1, 1997, through March 31, 1998";

(2) in subparagraph (B)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: "and $86,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(3) in subparagraph (C)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: ", and $42,000,000 for the period of October 1, 1997, through March 31, 1998".

(c) Certain Allocated Programs.—

(1) Highway use tax evasion.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat 1992) is amended in the first sentence by inserting before the period at the end the following: "and $2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) Scenic byways program.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and $7,000,000 for the period of October 1, 1997, through March 31, 1998".

(3) Ferry boat construction.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting after "1997" the following: ", and $9,000,000 for the period of October 1, 1997, through March 31, 1998,".

(d) Fiscal Year 1998 Obligation Limitation.—

(1) In general.—Section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1916) is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking "and" at the end;

(ii) in paragraph (6), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(7) $21,500,000,000 for fiscal year 1998."; and

(B) by adding at the end the following:

"(h) Special Rule for Fiscal Year 1998.—The Secretary shall distribute—

"(1) on October 1, 1997, 50 percent of the limitation on obligations for Federal-aid highways and highway safety construction programs imposed by the Department of Transportation and Related Agencies Appropriations Act, 1998; and

"(2) on July 1, 1998, 50 percent of the limitation.".

(2) Limitation.—Nothing in this section (including the amendments made by this section) shall apply to any funds made available before October 1, 1997, for carrying out—

(A) sections 125 and 157 of title 23, United States Code; and

(B) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

SEC. 3. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA Highway Safety Programs.—Section 2005 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) in paragraph (1)—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting before the period at the end the following: ", and $83,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(2) in paragraph (2), by inserting before the period at the end the following: "and $22,000,000 for the period of October 1, 1997, through March 31, 1998".

(b) Alcohol-Impaired Driving Countermeasures.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "5" and inserting "6"; and

(B) in paragraph (3), by striking "and fifth" and inserting "fifth, and sixth";

(2) in subsection (d)(2)(B), by striking "two" and inserting "3"; and

(3) in the first sentence of subsection (j)—

(A) by striking "1997, and" and inserting "1997,"; and

(B) by inserting before the period at the end the following ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

(c) National Driver Register.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting after "1997," the following: "and $1,855,000 for the period of October 1, 1997, through March 31, 1998,".

(d) Obligation Limitation.—The total of all obligations for highway traffic safety grants under sections 402 and 410 of title 23, United States Code, for fiscal year 1998 shall not exceed $186,500,000.

SEC. 4. FEDERAL TRANSIT PROGRAMS.

(a) Allocating Amounts.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ", and for the period of October 1, 1997, through March 31, 1998" after "1997".

(b) Apportionment of Appropriations for Fixed Guideway Modernization.—Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), by inserting "and for the period of October 1, 1997, through March 31, 1998," after "1997,"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).".

(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end following:

"(F) $1,284,792,000 for the period of October 1, 1997, through March 31, 1998."; and

(B) in paragraph (2), by adding at the end the following:

"(F) $213,869,000 for the period of October 1, 1997, through March 31, 1998.";

(2) in subsection (b)(1), by adding at the end the following:

"(F) $1,162,708,000 for the period of October 1, 1997, through March 31, 1998.";

(3) in subsection (c), by inserting "and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998," after "1997,";

(4) in subsection (e), by inserting "and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998," after "1997,";

(5) in subsection (h)(3), by inserting "and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998" after "1997";

(6) in subsection (j)(5)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available for the period of October 1, 1997, through March 31, 1998.";

(7) in subsection (k), by striking "or (e)" and inserting "(e), or (m)"; and

(8) by adding at the end the following:

"(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

"(1) $125,000 to carry out section 5316(a).

"(2) $1,500,000 to carry out section 5316(b).

"(3) $500,000 to carry out section 5316(c).

"(4) $500,000 to carry out section 5316(d).

"(5) $500,000 to carry out section 5316(e).".

(d) OBLIGATION LIMITATIONS.—

(1) DISCRETIONARY GRANTS AND LOANS.—The total of all obligations from the Mass Transit Account of the Highway Trust Fund for carrying out section 5309 of title 49, United States Code, relating to discretionary grants and loans, for fiscal year 1998 shall not exceed $2,000,000,000.

(2) FORMULA TRANSIT PROGRAMS.—The total of all obligations for formula transit programs under sections 5307, 5310, 5311, and 5336 of title 49, United States Code, for fiscal year 1998 shall not exceed $2,210,000,000.

SEC. 5. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) MOTOR CARRIER SAFETY FUNDING.—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking "not more" each place it appears and inserting "Not more"; and

(2) by adding at the end the following:

"(6) Not more than $45,000,000 for the period of October 1, 1997, through March 31, 1998.".

(b) OBLIGATION LIMITATION.—The total of all obligations for carrying out the motor carrier safety program under section 31102 of title 49, United States Code, for fiscal year 1998 shall not exceed $85,325,000.

SEC. 6. EXTENSION OF RESEARCH PROGRAMS.

(a) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Chapter I"; and

(2) in the first sentence of subsection (b)—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting before the period at the end the following: ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

(b) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and $56,500,000 for the period of October 1, 1997, through March 31, 1998".

SEC. 7. 1-YEAR EXTENSION OF HIGHWAY TRUST FUND EXPENDITURES.

(a) GENERAL EXPENDITURE AUTHORITY AND PURPOSES.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 1997" and inserting "October 1, 1998"; and

(2) by striking the last sentence and inserting the following new flush sentence:

"In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.".

(b) TRANSFERS TO OTHER ACCOUNTS.—

(1) Paragraphs (4)(A)(i) and (5)(A) of section 9503(c), and paragraph (3) of section 9503(e), of such Code are each amended by striking "October 1, 1997" and inserting "October 1, 1998".

(2) Subparagraph (E) of section 9503(c)(6) of such Code is amended by striking "September 30, 1997" and inserting "September 30, 1998".

(c) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(1) by striking "October 1, 1997" and inserting "October 1, 1998"; and

(2) by striking all that follows "the enactment of" and inserting "the last sentence of subsection (c)(1).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

AMENDMENT NO. 1485

On page 106, line 15, strike "$70,000,000" and substitute "$130,000,000" in lieu thereof.

AMENDMENT NO. 1486

On page 8, line 15, strike "50" and insert "45" in lieu thereof.

On page 10, line 11, strike "50" and insert "45" in lieu thereof.

On page 10, after line 6 insert the following:

"(iii) 10 percent in accordance with the reimbursement percentage original contributions to construction of segments of the Interstate System which were constructed without Federal assistance as specified in the following table:

States	Original cost in millions	Reimbursement percentage
Alabama	$9	0.50
Alaska	....	0.50
Arizona	20	0.50
Arkansas	6	0.50
California	298	5.42
Colorado	23	0.50
Connecticut	314	5.71
Delaware	39	0.71
Florida	31	0.56
Georgia	46	0.84
Hawaii	....	0.50
Idaho	5	0.50
Illinois	475	8.62
Indiana	167	3.03
Iowa	5	0.50
Kansas	101	1.84
Kentucky	32	0.57
Louisiana	22	0.50
Maine	38	0.69
Maryland	154	2.79
Massachusetts	283	5.14
Michigan	228	4.14
Minnesota	16	0.50
Mississippi	6	0.50
Missouri	74	1.35
Montana	5	0.50
Nebraska	1	0.50
Nevada	2	0.50
New Hampshire	8	0.50
New Jersey	353	6.41
New Mexico	8	0.50
New York	929	16.88
North Carolina	36	0.65
North Dakota	3	0.50
Ohio	257	4.68
Oklahoma	91	1.66
Oregon	78	1.42
Pennsylvania	354	6.43
Rhode Island	12	0.50
South Carolina	4	0.50
South Dakota	5	0.50
Tennessee	7	0.50
Texas	200	3.64
Utah	6	0.50
Vermont	1	0.50
Virginia	111	2.01
Washington	73	1.32
West Virginia	5	0.50
Wisconsin	8	0.50
Wyoming	9	0.50
D.C.	9	0.50
Totals	$4,967	100.00

AMENDMENT NO. 1487

On page 2, strike "Sec. 1206 Metric Conversion at State Option" and renumber succeeding sections.

On page 144, line 1, strike all that follows through line 5, and renumber the succeeding sections.

AMENDMENT NO. 1488

On page 156, strike lines 16 through 24 and insert the following

"(a) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of title 23, United States Code, is amended in subsection (e)—".

AMENDMENT NO. 1489

Beginning on page 5, strike line 12 and all that follows through page 43, line 8, and insert the following:

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,970,000,000 for fiscal year 1998, $12,887,000,000 for fiscal year 1999, $12,932,000,000 for fiscal year 2000, $13,030,000,000 for fiscal year 2001, $13,300,000,000 for fiscal year 2002, and $13,779,000,000 for fiscal year 2003, of which—

(A) $5,044,000,000 for fiscal year 1998, $5,011,000,000 for fiscal year 1999, $5,029,000,000 for fiscal year 2000, $5,067,000,000 for fiscal year 2001, $5,172,000,000 for fiscal year 2002, and $5,359,000,000 for fiscal year 2003 shall be used for the Interstate maintenance component; and

(B) $1,535,000,000 for fiscal year 1998, $1,526,000,000 for fiscal year 1999, $1,531,000,000 for fiscal year 2000, $1,542,000,000 for fiscal year 2001, $1,574,000,000 for fiscal year 2002, and $1,631,000,000 for fiscal year 2003 shall be used for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,676,000,000 for fiscal year 1998, $7,626,000,000 for fiscal year 1999, $7,653,000,000 for fiscal year 2000, $7,711,000,000 for fiscal year 2001, $7,871,000,000 for fiscal year 2002, and $8,154,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,261,000,000 for fiscal year 1998, $1,253,000,000 for fiscal year 1999, $1,257,000,000 for fiscal year 2000, $1,267,000,000 for fiscal year 2001, $1,293,000,000 for fiscal year 2002, and $1,340,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) Minimum apportionment.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) Determinations of population.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) Surface transportation program.—

"(A) In general.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) Data.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) Minimum apportionment.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) Effect of Certain Amendments.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Amendments.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) Minimum Guarantee.—

(1) In general.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) Adjustment.—

"(1) In general.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States specified in paragraph (2) amounts sufficient to ensure that the State's percentage of the total apportionments for the fiscal year under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program is not less than the percentage specified for the State in paragraph (2).

"(2) State percentages.—The percentage referred to in paragraph (1) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Connecticut	1.75
Hawaii	0.61
Maine	0.58
Maryland	1.52
Massachusetts	2.00
Nevada	0.74
New Hampshire	0.53
New Jersey	2.45
New Mexico	1.06
Rhode Island	0.59.

"(b) Treatment of Allocations.—

"(1) Obligation.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) Set-aside.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) Treatment of Withheld Apportionments.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) Authorization of Contract Authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(d) Audits of Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) Audits of Highway Trust Fund.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(e) Technical Amendments.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "Notification to States.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) Metropolitan Planning.—

"(1) Set-aside.—On";

(B) by striking "(2) These" and inserting the following:

"(2) Apportionment to states of set-aside funds.—These";

(C) by striking "(3) The" and inserting the following:

"(3) Use of funds.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) Distribution of funds within states.—The".

(f) Conforming Amendments.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "After the first year" and inserting "In general"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) Effect of Withholding of Funds.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,802,000,000 for fiscal year 1999;

(3) $22,939,000,000 for fiscal year 2000;

(4) $23,183,000,000 for fiscal year 2001;

(5) $23,699,000,000 for fiscal year 2002; and

(6) $24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget);

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) OBLIGATION AUTHORITY.—

"(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;".

AMENDMENT NO. 1490

On page 177, between lines 5 and 6, insert the following:

(e) FUNDING.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for obligation at the discretion of the Secretary in carrying out this section $20,000,000 for each of fiscal years 1998 through 2003.

"(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.".

AMENDMENT NO. 1491

On page 20, line 22, strike all that follows through page 28, line 20, and insert the following in lieu thereof:

"(c) MAXIMUM APPORTIONMENT.—

"(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

"(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

"(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

"(C) the product obtained by multiplying the annual average of the total apportionments determined under subparagraph (B) by 145%;

"(D) for each of the fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(C), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

"(E) REDISTRIBUTION OF FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be distributed proportionately under section (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (D).

"(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State may not exceed 145 percent.

AMENDMENT NO. 1492

On page 136, after line 22, insert the following:

"SEC. 1128 HIGH COST BRIDGE AND INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The following new section is added to Chapter 1, Title 23, United States Code:

"§ 166. High cost bridge and interstate system reconstruction and improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost bridge and interstate reconstruction and improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost bridge and interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for major projects to replace or rehabilitate deficient bridges or any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1997. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

"(1) the total cost of the project is greater than the lesser of $200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

"(2) the project is a ready-to-commence project;

"(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

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MOSELEY-BRAUN (AND DURBIN) AMENDMENTS NOS. 1493–1505

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted 13 amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1493

Beginning on page 5, strike line 1 and all that follows through page 188, line 25 and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,345,933,000 for fiscal year 1998, $12,174.933,000 for fiscal year 1999, $12,186,233,000 for fiscal year 2000, $12,286,233,000 for fiscal year 2001, $12,614,233,000 for fiscal year 2002, and $13,150,233,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,215,624,000 for fiscal year 1998, $7,229,624,000 for fiscal year 1999, $7,271,624,000 for fiscal year 2000, $7,328,624,000 for fiscal year 2001, $7,478,624,000 for fiscal year 2002, and $8,014,624,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,185,424,000 for fiscal year 1998, $1,187,424,000 for fiscal year 1999, $1,194,424,000 for fiscal year 2000, $1,204,424,000 for fiscal year 2001, $1,228,424,000 for fiscal year 2002, and $1,265,424,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to “(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”.

(c) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

“§ 105. Minimum guarantee

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State's percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section; bears to

“(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i).

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	Percentage
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) Authorization of Contract Authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(d) Audits of Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) Audits of Highway Trust Fund.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(e) Technical Amendments.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "Notification to States.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) Metropolitan Planning.—

"(1) Set-aside.—On";

(B) by striking "(2) These" and inserting the following:

"(2) Apportionment to states of set-aside funds.—These";

(C) by striking "(3) The" and inserting the following:

"(3) Use of funds.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) Distribution of funds within states.—The".

(f) Conforming Amendments.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "After the first year" and inserting "In general"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) Effect of Withholding of Funds.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

SEC. 1103. OBLIGATION CEILING.

(a) General Limitations.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,802,000,000 for fiscal year 1999;

(3) $22,939,000,000 for fiscal year 2000;

(4) $23,183,000,000 for fiscal year 2001;

(5) $23,699,000,000 for fiscal year 2002; and

(6) $24,548,000,000 for fiscal year 2003.

(b) Exceptions.—

(1) In general.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) Effect of other law.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) Applicability to Transportation Research Programs.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) Obligation Authority.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) Obligation Authority.—

"(1) Distribution.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

"(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

"(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(2) Redistribution.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).".

(e) Applicability of Obligation Limitations.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Obligation Authority.—

"(1) In general.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) Joint responsibility.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

SEC. 1105. EMERGENCY RELIEF.

(a) Federal Share.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) Eligibility and Funding.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

"(a) General Eligibility.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) Restriction on Eligibility.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) Funding.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.";

(4) in subsection (d) (as so redesignated), by striking "subsection (c)" both places it appears and inserting "subsection (e)"; and

(5) in subsection (e) (as so redesignated), by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) San Mateo County, California.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) Use of Federal Land Management Agency Funds.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) Use of Federal Lands Highways Program Funds.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) Availability of Funds.—Section 203 of title 23, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.".

(c) Planning and Agency Coordination.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Establishment.—

"(1) In general.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) Transportation planning procedures.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) Approval of transportation improvement program.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) Inclusion in other plans.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) Inclusion in state programs.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) Development of systems.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b), by striking the first 3 sentences and inserting the following: "Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e), by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h), by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) Transfers of Costs to Secretaries of Federal Land Management Agencies.—

"(1) Administrative costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) Transportation planning costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§ 206. Recreational trails program

"(a) Definitions.—

"(1) Motorized recreation.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) Recreational trail; trail.—The term 'recreational trail' or 'trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) Program.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the 'program').

"(c) State Responsibilities.—To be eligible for apportionments under this section—

"(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

"(A) permissible under other law;

"(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

"(C) approved by the administering agency of the State designated under paragraph (2); and

"(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

"(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

"(d) Use of Apportioned Funds.—

"(1) In general.—Funds made available under this section shall be obligated for trails and trail-related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

"(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

"(2) Permissible uses.—Permissible uses of funds made available under this section include—

"(A) maintenance and restoration of existing trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(C) purchase and lease of trail construction and maintenance equipment;

"(D) construction of new trails;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

"(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

"(3) Use of apportionments.—

"(A) In general.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) Small state exclusion.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

"(C) Waiver authority.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(D) State administrative costs.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(e) Environmental Benefit or Mitigation.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) Federal Share.—

"(1) In general.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) Federal agency project sponsor.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wildernessK by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) APPORTIONMENT.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

“(j) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”.

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “CONGESTION” and inserting “VALUE”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5”and inserting “15”.

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection”.

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”.

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.".

(g) Conforming Amendments.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) In General.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) Definition of State.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) Projects.—

"(1) In general.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) Allocation of funds.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) Conditions on funds allocated to Internal Revenue Service.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) Limitation on use of funds.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) Maintenance of effort.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) Federal share.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) Authorization of contract authority.—

"(A) In general.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) Availability of funds.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) Excise Fuel Reporting System.—

"(1) In general.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) Elements of memorandum of understanding.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) Authorization of appropriations from highway trust fund.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) Conforming Amendments.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) Planning and Design.—

"(1) In general.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) Construction.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) Safety and contiguous routes.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) Definitions.—In this section:

"(1) Bicycle transportation facility.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) Pedestrian.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) Wheelchair.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—For purposes of this section, the following definitions apply:

(1) Small business concern.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) Annual Listing of Disadvantaged Business Enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) Uniform Certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) Credit for Non-Federal Share.—

"(1) Eligibility.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) Maintenance of effort.—

"(A) In general.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) Conditions on receipt of credit.—

"(i) Agreement with the secretary.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) Exception.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) Treatment.—

"(A) In general.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) Chartered multistate agencies.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) No additional standards.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

SEC. 1113. STUDIES AND REPORTS.

(a) Highway Economic Requirement System.—

(1) Methodology.—

(A) Evaluation.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) Required element.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) State investment plans.—

(A) Study.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) Required elements.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) Report to congress.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) International Roughness Index.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) Required elements.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) Reporting of Rates of Obligation.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) Reporting of Rates of Obligation.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

SEC. 1114. DEFINITIONS.

(a) Federal-Aid Highway Funds and Program.—

(1) In general.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) Conforming amendments.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) Alphabetization of Definitions.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

"§ 207. Cooperative Federal Lands Transportation Program

"(a) In General.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) Distribution of Funds for Projects.—

"(1) In general.—

"(A) In general.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) Adjustment.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.I20 "(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) Use of grants.—

(A) In general.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) Type of plans and programs.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) Construction of transportation infrastructure for law enforcement purposes.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) Coordination of Planning.—

(1) Planning and development of border stations.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) Cooperative activities.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) Cost Sharing.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) Use of Unallocated Funds.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) Availability, Release, and Reallocation of Funds.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.".

(b) Substitute Corridor.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) Designations.—

"(1) In general.—The Commission"; and

(3) by adding at the end the following:

"(2) Substitute corridor.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).".

(c) Federal Share for Prefinanced Projects.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) Authorization of Contract Authority.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) Authorization of Contract Authority.—

"(1) In general.—

"(A) Fiscal years 1998 through 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) Obligation authority.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) In General.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) Set-Aside for Interstate 4R and Bridge Projects.—

"(1) In general.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

"(B) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is more than $10,000,000; and

"(C) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is less than $10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for an allocation for the bridge under this subsection.

"(2) Required allocation.—

"(A) In general.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects, at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

"(i) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

"(ii) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000.

“(B) EXCEPTION.—A State that transferred funds from the highway bridge replacement and rehabilitation program during any of fiscal years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A).

“(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(3) AVAILABILITY TO STATES OF INTERSTATE 4R FUNDS.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

“(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

“(B) the State is willing and able to—

“(i) obligate the funds within 1 year after the date on which the funds are made available;

“(ii) apply the funds to a project that is ready to be commenced; and

“(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

“(4) ELIGIBILITY OF CERTAIN BRIDGES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this subsection.

“(B) LIMITATION.—The amount of assistance under subparagraph (A) shall not exceed the cumulative amount that the agency has expended for capital and operating costs to subsidize the transit system.

“(C) DETERMINATION BY THE SECRETARY.—Before authorizing an expenditure of funds under this paragraph, the Secretary shall make a determination that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement, seismic retrofitting, or rehabilitation project.

“(D) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of expenditure.

“(5) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

“§ 322. Magnetic levitation transportation technology deployment program

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

“(2) FULL PROJECT COSTS.—The term ‘full project costs’ means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

“(3) MAGLEV.—The term ‘MAGLEV’ means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

“(4) PARTNERSHIP POTENTIAL.—The term ‘partnership potential’ has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1978).

“(b) ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

“(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

“(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

“(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

“(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

“(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

“(2) require an amount of Federal funds for project financing that will not exceed the sum of—

“(A) the amounts made available under subsection (h)(1)(A); and

“(B) the amounts made available by States under subsection (h)(4);

“(3) result in an operating transportation facility that provides a revenue producing service;

“(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

“(5) satisfy applicable statewide and metropolitan planning requirements;

“(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

“(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

“(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

“(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

“(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

“(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

“(3) States, regions, and localities financially contribute to the project;

“(4) implementation of the project will create new jobs in traditional and emerging industries;

“(5) the project will augment MAGLEV networks identified as having partnership potential;

“(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

“(7) financial assistance would foster the timely implementation of a project; and

“(8) life-cycle costs in design and engineering are considered and enhanced.

“(f) PROJECT SELECTION.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 eligible project for financial assistance.

“(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

“(h) FUNDING.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

“(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

“(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

“(II) the availability of the funds shall be determined in accordance with paragraph (2).

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

“(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

“(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

"(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

"322. Magnetic levitation transportation technology deployment program.".

SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking ", including approaches thereto"; and

(2) in paragraph (5), by striking "to be determined under section 407. Such" and all that follows and inserting the following: "as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.".

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting "or any Capital Region jurisdiction" after "Authority" each place it appears.

(2) AGREEMENT.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

"(c) AGREEMENT.—

"(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

"(2) TERMS OF THE AGREEMENT.—The agreement shall—

"(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

"(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

"(i) the total cost of the Project, including any cost-saving measures;

"(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

"(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412; and

"(C) contain such other terms and conditions as the Secretary determines to be appropriate.".

(c) FEDERAL CONTRIBUTION.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

"SEC. 412. FEDERAL CONTRIBUTION.

"(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $175,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

"(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that—

"(A) the funds shall remain available until expended;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.".

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996.

SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**program**";

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

"(a) DEFINITION OF REHABILITATE.—In this section, the term 'rehabilitate' (in any of its forms), with respect to a bridge, means to carry out major work necessary—

"(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

"(2) to correct a major safety defect of the bridge, including seismic retrofitting.

"(b) BRIDGE INVENTORY.—

"(1) IN GENERAL.—In consultation with the States, the Secretary shall—

"(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

"(B) classify each such bridge according to serviceability, safety, and essentiality for public use; and

"(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B).

"(2) CONSULTATION.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

"(3) INVENTORY OF HISTORICAL BRIDGES.—At the request of a State, the Secretary may inventory highway bridges on public roads for historical significance.

"(c) CERTIFICATION BY THE STATE.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

"(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997.

"(d) USE OF RESERVED FUNDS.—A State may use funds reserved under subsection (c) to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on a highway bridge on a public road that crosses a waterway, other topographical barrier, other highway, or railroad.

"(e) OFF-SYSTEM BRIDGES.—

"(1) REQUIRED EXPENDITURE.—For each fiscal year, an amount equal to not less than 15 percent of the amount apportioned to a State under this section for fiscal year 1997 shall be expended by the State for projects to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on highway bridges located on public roads that are functionally classified as local roads or rural minor collectors.

"(2) USE OF FUNDS TO MEET REQUIRED EXPENDITURE.—Funds reserved under subsection (c) and funds made available under section 104(b)(1) for the National Highway System or under section 104(b)(3) for the surface transportation program may be used to meet the requirement for expenditure under paragraph (1).

"(3) REDUCTION OF REQUIRED EXPENDITURE.—After consultation with local and State officials in a State, the Secretary may, with respect to the State, reduce the requirement for expenditure under paragraph (1) if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(f) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be as determined under section 120(b).

"(g) BRIDGE PERMIT EXEMPTION.—

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to each bridge authorized to be replaced, in whole or in part, under this section.

"(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title if the bridge is over waters that are—

"(A) not used and not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

"(B)(i) not tidal; or

"(ii) tidal but used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

"(h) Indian Reservation Road Bridges.—

"(1) Nationwide priority program.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

"(2) Reservation of funds.—

"(A) In general.—Of the amounts authorized for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $9,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

"(B) Eligible bridges.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

"(i) have an opening of 20 feet or more;

"(ii) be on an Indian reservation road;

"(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

"(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

"(3) Approval requirement.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.";

(4) by redesignating subsection (o) as subsection (i); and

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (1), by inserting "for alternative transportation purposes (including bikeway and walkway projects eligible for funding under this title)" after "adaptive reuse";

(B) in paragraph (3)—

(i) by inserting "(regardless of whether the intended use is for motorized vehicular traffic or for alternative public transportation purposes)" after "intended use"; and

(ii) by inserting "or for alternative public transportation purposes" after "no longer used for motorized vehicular traffic"; and

(C) in the second sentence of paragraph (4)—

(i) by inserting "for motorized vehicles, alternative vehicular traffic, or alternative public transportation" after "historic bridge"; and

(ii) by striking "up to an amount not to exceed the cost of demolition".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Highway bridge replacement and rehabilitation.".

SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) Established Program.—Section 149(a) of title 23, United States Code, is amended by striking "Establishment.—The Secretary shall establish" and inserting "In General.—The Secretary shall carry out".

(b) Eligible Projects.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(1) by striking "that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994" and inserting "that is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) or classified as a submarginal ozone nonattainment area under that Act, or if the project or program is for a maintenance area,";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "clauses (xii) and" and inserting "clause"; and

(B) in subparagraph (B), by striking "such section" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(3) in paragraph (2), by inserting "or maintenance" after "State implementation";

(4) in paragraph (3), by inserting "or maintenance of the standard" after "standard"; and

(5) in paragraph (4), by inserting "or maintenance" after "attainment".

(c) States Receiving Minimum Apportionment.—Section 149 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) States Receiving Minimum Apportionment.—

"(1) States without a nonattainment area.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(2) for any project eligible under the surface transportation program under section 133.

"(2) States with a nonattainment area.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.".

(d) Federal Share.—Section 120(c) of title 23, United States Code, is amended in the first sentence by striking "The" and inserting "Except in the case of a project funded from sums apportioned under section 104(b)(2), the".

(e) Conforming Amendments.—

(1) Section 101(a) of title 23, United States Code, is amended by inserting after the undesignated paragraph defining "maintenance" the following:

"The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).".

(2) Section 149(b)(1)(A)(ii) of title 23, United States Code, is amended by striking "an area" and all that follows and inserting "a maintenance area; or".

SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.

Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

(1) in the section heading, by striking "**AND MAINE**";

(2) in subsection (a)—

(A) by striking "States of New Hampshire and Maine shall each" and inserting "State of New Hampshire shall"; and

(B) in paragraph (1), by striking "and 1996" and inserting "through 2000"; and

(3) by striking "or Maine" each place it appears.

SEC. 1125. SENSE OF THE SENATE CONCERNING RELIANCE ON PRIVATE ENTERPRISE.

(a) In General.—It is the sense of the Senate that each agency authorized to expend funds made available under this Act, or an amendment made by this Act, or a recipient of any form of a grant or other Federal assistance under this Act, or an amendment made by this Act—

(1) should, in expending the funds or assistance, rely on entities in the private enterprise system to provide such goods and services as are reasonably and expeditiously available through ordinary business channels; and

(2) shall not duplicate or compete with entities in the private enterprise system.

(b) Procedures.—The Secretary should provide procedures to inform each agency that administers this Act and each recipient of a grant or other Federal assistance of the sense of the Senate expressed in subsection (a).

SEC. 1126. STUDY OF USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.

(a) In General.—In consultation with the States and State transportation departments, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a), including any legislative and administrative recommendations of the Secretary.

SEC. 1127. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)(i), by striking ", except to" and all that follows through "services";

(2) by striking subparagraph (C) and inserting the following:

"(C) Selection, performance, and audits.—

"(i) In general.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed by a contract awarded in accordance with subparagraph (A).

"(ii) Prohibition on State restriction.—A State shall not impose any overhead restriction that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

"(iii) Compliance with Federal acquisition regulations.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the cost principles and cost accounting principles of the Federal Acquisition Regulations, including parts 30, 31, and 36 of the Regulations."; and

(3) by adding at the end the following:

"(H) Compliance.—

"(i) In general.—A State shall comply with the qualifications-based selection process, contracting based on the Federal Acquisition Regulations, and the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption under subparagraph (G), with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project.

"(ii) STATES WITH ALTERNATIVE PROCESS.—Any State that, after November 28, 1995, enacted legislation to establish an alternative State process as a substitute for the contract administration and audit procedures required under this paragraph or was granted a waiver under subparagraph (G) shall submit the legislation to the Secretary, not later than 60 days after the date of enactment of this subparagraph, for certification that the State legislation is in compliance with the statutory timetable and substantive criteria specified in subparagraph (G).".

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. ADMINISTRATIVE EXPENSES.

Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133, the congestion mitigation and air quality improvement program under section 149, or the Interstate and National Highway System program under section 103, the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

"(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

"(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.".

SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 108. Advance acquisition of real property";

and

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

"(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.".

(b) CREDIT FOR ACQUIRED LANDS.—Section 323(b) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking "DONATED" and inserting "ACQUIRED";

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

"(A) is obtained by the State, without violation of Federal law; and

"(B) is incorporated into the project.

"(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

"(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

"(B) the fair market value of donated land shall be established as of the earlier of—

"(i) the date on which the donation becomes effective; or

"(ii) the date on which equitable title to the land vests in the State.";

(3) by striking paragraph (3);

(4) in paragraph (4), by striking "to which the donation is applied"; and

(5) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.".

SEC. 1203. AVAILABILITY OF FUNDS.

Section 118 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of a project agreement, shall be credited to the same program funding category for which the funds were previously apportioned and shall be immediately available for obligation.

"(2) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—Any Federal-aid highway funds apportioned to a State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this paragraph) and credited under paragraph (1) may be transferred by the Secretary in accordance with section 103(d).".

SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second and third sentences and inserting the following: "The payments may also be made for the value of such materials as—

"(1) have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

"(2) are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in the vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) PROJECT AGREEMENTS.—

"(1) PAYMENTS.—A payment under this chapter may be made only for a project covered by a project agreement.

"(2) SOURCE OF PAYMENTS.—After completion of a project in accordance with the project agreement, a State shall be entitled to payment, out of the appropriate sums apportioned or allocated to the State, of the unpaid balance of the Federal share of the cost of the project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) IN GENERAL.—Section 156 of title 23, United States Code, is amended to read as follows:

"§ 156. Proceeds from the sale or lease of real property

"(a) MINIMUM CHARGE.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

"(b) EXCEPTIONS.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

"(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 156 and inserting the following:

"156. Proceeds from the sale or lease of real property.".

SEC. 1206. METRIC CONVERSION AT STATE OPTION.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

SEC. 1207. REPORT ON OBLIGATIONS.

Section 104(m) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended—

(1) by inserting "REPORT TO CONGRESS.—" before "The Secretary";

(2) by striking "not later than" and all that follows through "a report" and inserting "a report for each fiscal year";

(3) in paragraph (1), by striking "preceding calendar month" and inserting "preceding fiscal year";

(4) by striking paragraph (2);

(5) in paragraph (3), by striking "such preceding month" and inserting "that preceding fiscal year"; and

(6) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 1208. TERMINATIONS.

(a) RIGHT-OF-WAY REVOLVING FUND.—Section 108 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) TERMINATION OF RIGHT-OF-WAY REVOLVING FUND.—

"(1) IN GENERAL.—Funds apportioned and advanced to a State by the Secretary from the right-of-way revolving fund established by this section prior to the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

"(2) CREDIT TO HIGHWAY TRUST FUND.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in paragraph (1), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

"(A) the Highway Trust Fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

"(B) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund.".

(b) Pilot Toll Collection Program.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(c) National Recreational Trails Advisory Committee.—As soon as practicable after the date of enactment of this Act, the Secretary shall take such action as is necessary for the termination of the National Recreational Trails Advisory Committee established by section 1303 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1262) (as in effect on the day before the date of enactment of this Act).

(d) Congressional Bridge Commissions.—Public Law 87–441 (76 Stat. 59) is repealed.

SEC. 1209. INTERSTATE MAINTENANCE.

(a) Interstate Funds.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (d); and

(3) by striking subsection (f) and inserting the following:

"(f) Transferability of Funds.—

"(1) Unconditional.—A State may transfer an amount not to exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).

"(2) Upon acceptance of certification.—If a State certifies to the Secretary that any part of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) is in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing routes and bridges on the Interstate System in the State and that the State is adequately maintaining the routes and bridges, and the Secretary accepts the certification, the State may transfer, in addition to the amount authorized to be transferred under paragraph (1), an amount not to exceed 20 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).".

(b) Eligibility.—Section 119 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(2) by striking subsections (b), (c), (e), and (g);

(3) by inserting after subsection (a) the following:

"(b) Eligible Activities.—

"(1) In general.—A State—

"(A) may use funds apportioned under subparagraph (A) or (B) of section 104(b)(1) for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System, including—

"(i) resurfacing, restoring, rehabilitating, and reconstructing bridges, interchanges, and overcrossings;

"(ii) acquiring rights-of-way; and

"(iii) intelligent transportation system capital improvements that are infrastructure-based to the extent that they improve the performance of the Interstate System; but

"(B) may not use the funds for construction of new travel lanes other than high-occupancy vehicle lanes or auxiliary lanes.

"(2) Expansion of capacity.—

"(A) Using transferred funds.—Notwithstanding paragraph (1), funds transferred under subsection (c)(1) may be used for construction to provide for expansion of the capacity of an Interstate System highway (including a bridge).

"(B) Using funds not transferred.—

"(i) In general.—In lieu of transferring funds under subsection (c)(1) and using the transferred funds for the purpose described in subparagraph (A), a State may use an amount of the sums apportioned to the State under subparagraph (A) or (B) of section 104(b)(1) for the purpose described in subparagraph (A).

"(ii) Limitation.—The sum of the amount used under clause (i) and any amount transferred under subsection (c)(1) by a State may not exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1)."; and

(4) by redesignating subsection (f) as subsection (c).

(c) Conforming Amendments.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1934) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

CHAPTER 2—PROJECT APPROVAL

SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(l) Transfer of Highway and Transit Funds.—

"(1) Transfer of highway funds.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) Transfer of transit funds.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) Transfer to Amtrak and publicly-owned passenger rail lines.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) Transfer of obligation authority.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.

(a) In General.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) In General.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) Project Agreement.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) Special Rules for Project Oversight.—

"(1) NHS projects.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) Non-NHS projects.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) Responsibilities of the Secretary.—

"(1) In general.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) Limitation.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) Value Engineering Analysis.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) Financial Plan.—The Secretary shall require a financial plan to be prepared for any project with an estimated total cost of $1,000,000,000 or more.".

(b) Standards.—

(1) Elimination of guidelines and annual certification requirements.—Section 109 of title 23, United States Code, is amended—

(A) by striking subsection (m); and

(B) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(2) Safety standards.—Section 109 of title 23, United States Code (as amended by paragraph (1)), is amended by adding at the end the following:

"(q) Phase Construction.—Safety considerations for a project under this title may be met by phase construction.".

(c) Programs; Project Agreements; Certification Acceptance.—Sections 110 and 117 of title 23, United States Code, are repealed.

(d) Conforming Amendments.—

(1) The analysis for chapter 1 of title 23 is amended—

(A) by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.";

and

(B) by striking the items relating to sections 110 and 117.

(2) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "project agreement" by striking "the provisions of subsection (a) of section 110 of this title" and inserting "section 106".

(3) Section 114(a) of title 23, United States Code, is amended in the second sentence by striking "section 117 of this title" and inserting "section 106".

SEC. 1223. SURFACE TRANSPORTATION PROGRAM.

(a) Transportation Enhancement Activities.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "10" and inserting "8"; and

(B) in the first sentence of paragraph (3)(A), by striking "80" and inserting "82"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i), by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5), by adding at the end the following:

"(C) Innovative financing.—

"(i) In general.—For each fiscal year, the average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State shall be not less than the non-Federal share authorized for the State under section 120(b).

"(ii) Exception.—Subject to clause (i), notwithstanding section 120, in the case of projects to carry out transportation enhancement activities—

"(I) funds from other Federal agencies, and other contributions that the Secretary determines are of value, may be credited toward the non-Federal share of project costs;

"(II) the non-Federal share may be calculated on a project, multiple-project, or program basis; and

"(III) the Federal share of the cost of an individual project subject to subclause (I) or (II) may be equal to 100 percent.".

(b) Program Approval.—Section 133(e) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) Program approval.—

"(A) Submission of project agreement.—For each fiscal year, each State shall submit a project agreement that—

"(i) certifies that the State will meet all the requirements of this section; and

"(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

"(B) Request for adjustments of amounts.—As necessary, each State shall request from the Secretary adjustments to the amount of obligations referred to in subparagraph (A)(ii).

"(C) Effect of approval by the Secretary.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.".

(c) Payments.—Section 133(e)(3)(A) of title 23, United States Code, is amended by striking the second sentence.

SEC. 1224. DESIGN-BUILD CONTRACTING.

(a) Authority.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2)(A), by striking "Each" and inserting "Subject to paragraph (3), each"; and

(3) by adding at the end the following:

"(3) Design-build contracting.—

"(A) In general.—A State transportation department may award a contract for the design and construction of a qualified project described in subparagraph (B) using competitive selection procedures approved by the Secretary.

"(B) Qualified projects.—A qualified project referred to in subparagraph (A) is a project under this chapter that involves installation of an intelligent transportation system or that consists of a usable project segment and for which—

"(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations promulgated by the Secretary; and

"(ii) the total costs are estimated to exceed—

"(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

"(II) in the case of a usable project segment, $50,000,000.".

(b) Competitive Bidding Defined.—Section 112 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Competitive Bidding Defined.—In this section, the term 'competitive bidding' means the procedures used to award contracts for engineering and design services under subsection (b)(2) and design-build contracts under subsection (b)(3).".

(c) Regulations.—

(1) In general.—Not later than the effective date specified in subsection (e), the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) Contents.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department for obtaining the Secretary's approval of the use of design-build contracting by the department and the selection procedures used by the department.

(d) Effect on Experimental Program.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) Effective Date for Amendments.—The amendments made by this section take effect 2 years after the date of enactment of this Act.

SEC. 1225. INTEGRATED DECISIONMAKING PROCESS.

(a) In General.—Subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"§ 354. Integrated decisionmaking process

"(a) Definitions.—In this section:

"(1) Integrated decisionmaking process.—The term 'integrated decisionmaking process' means the integrated decisionmaking process established with respect to a surface transportation project under subsection (b).

"(2) NEPA process.—The term 'NEPA process' means the process of complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a surface transportation project.

"(3) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"(4) Surface transportation project.—The term 'surface transportation project' means—

"(A) a highway construction project that is subject to the approval of the Secretary under title 23; and

"(B) a capital project (as defined in section 5302(a)(1)).

"(b) Establishment of Integrated Decisionmaking Processes for Surface Transportation Projects.—The Secretary shall—

"(1) establish an integrated decisionmaking process for surface transportation projects that designates major decision points likely to have significant environmental effects and conflicts; and

"(2) integrate the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with the requirements established by the Secretary for transportation planning and decisionmaking.

"(c) Integrated Decisionmaking Goals.—The integrated decisionmaking process for surface transportation projects should, to the maximum extent practicable, accomplish the following major goals:

"(1) Integrate the NEPA process with the planning, predesign stage, and decisionmaking for surface transportation projects at the earliest possible time.

"(2) Integrate all applicable Federal, State, tribal, and local permitting requirements.

"(3) Integrate national transportation, social, safety, economic, and environmental goals with State, tribal, and local land use and growth management initiatives.

"(4) Consolidate Federal, State, tribal, and local decisionmaking to achieve the best overall public interest according to an agreed schedule.

"(d) Streamlining.—

"(1) Avoidance of delays, prevention of conflicts, and elimination of unnecessary duplication.—The Secretary shall design the integrated decisionmaking process to avoid delays in decisionmaking, prevent conflicts between cooperating agencies and members of the public, and eliminate unnecessary duplication of review and decisionmaking relating to surface transportation projects.

"(2) Integration; comprehensive process.—The NEPA process—

"(A) shall be integrated with the transportation planning and decisionmaking of the Federal, State, tribal, and local transportation agencies; and

"(B) serve as a comprehensive decisionmaking process.

"(3) Other requirements.—

"(A) In general.—The Secretary shall—

"(i) establish a concurrent transportation and environmental coordination process to reduce paperwork, combine review documents, and eliminate duplicative reviews;

"(ii) develop interagency agreements to streamline and improve interagency coordination and processing time;

"(iii) apply strategic and programmatic approaches to better integrate and expedite the NEPA process and transportation decisionmaking; and

"(iv) ensure, in appropriate cases, by conducting concurrent reviews whenever possible, that any analyses and reviews conducted by the Secretary consider the needs of other reviewing agencies.

"(B) Time schedules.—To comply with subparagraph (A)(ii), time schedules shall be consistent with sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations (or any successor regulations).

"(4) Concurrent processing.—

"(A) In general.—The integrated decisionmaking process shall, to the extent practicable, include a procedure to provide for concurrent (rather than sequential) processing of all Federal, State, tribal, and local reviews and decisions emanating from those reviews.

"(B) Inconsistency with other requirements.—Subparagraph (A) does not require concurrent review if concurrent review would be inconsistent with other statutory or regulatory requirements.

"(e) Interagency Cooperation.—

"(1) Lead and cooperating agency concepts.—The lead and cooperating agency concepts of section 1501 of title 40, Code of Federal Regulations (or any successor regulation), shall be considered essential elements to ensure integration of transportation decisionmaking.

"(2) Responsibilities.—The Secretary shall—

"(A) not later than 60 days after the date on which a surface transportation project is selected for study by a State, identify each Federal agency that may be required to participate in the integrated decisionmaking process relating to the surface transportation project and notify the agency of the surface transportation project;

"(B) afford State, regional, tribal, and local governments with decisionmaking authority on surface transportation projects the opportunity to serve as cooperating agencies;

"(C) provide cooperating agencies the results of any analysis or other information related to a surface transportation project;

"(D) host an early scoping meeting for Federal agencies and, when appropriate, conduct field reviews, as soon as practicable in the environmental review process;

"(E) solicit from each cooperating agency as early as practicable the data and analyses necessary to facilitate execution of the duties of each cooperating agency;

"(F) use, to the maximum extent possible, scientific, technical, and environmental data and analyses previously prepared by or for other Federal, State, tribal, or local agencies, after an independent evaluation by the Secretary of the data and analyses;

"(G) jointly, with the cooperating agencies, host public meetings and other community participation processes; and

"(H) ensure that the NEPA process and documentation provide all necessary information for the cooperating agency to—

"(i) discharge the responsibilities of the cooperating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other law; and

"(ii) grant approvals, permits, licenses, and clearances.

"(f) Enhanced Scoping Process.—During the scoping process for a surface transportation project, in addition to other statutory and regulatory requirements, the Secretary shall, to the extent practicable—

"(1) provide the public with clearly understandable milestones that occur during an integrated decisionmaking process;

"(2) ensure that all agencies with jurisdiction by law or with special expertise have sufficient information and data to discharge their responsibilities;

"(3) ensure that all agencies with jurisdiction by law or with special expertise, and the public, are invited to participate in the initial scoping process;

"(4) coordinate with other agencies to ensure that the agencies provide to the Secretary, not later than 30 days after the first interagency scoping meeting, any preliminary concerns about how the proposed project may affect matters within their jurisdiction or special expertise based on information available at the time of the scoping meeting; and

"(5) in cooperation with all cooperating agencies, develop a schedule for conducting all necessary environmental and other review processes.

"(g) Use of Title 23 Funds.—

"(1) Use by States.—A State may use funds made available under section 104(b) or 105 of title 23 to provide resources to Federal or State agencies involved in the review or permitting process for a surface transportation project in order to meet a time schedule established under this section.

"(2) Use at Secretary's discretion.—At the request of another Federal agency involved in the review or permitting process for a surface transportation project, the Secretary may provide funds under chapter 1 of title 23 to the agency to provide resources necessary to meet the time schedules established under this section.

"(2) Amount.—Funds may be provided under paragraph (1) in the amount by which the cost to complete a environmental review in accordance with a time schedule established under this section exceeds the cost that would be incurred if there were no such time schedule.

"(3) Not final agency action.—The provision of funds under paragraph (1) does not constitute a final agency action.

"(h) State Role.—

"(1) In general.—For any project eligible for assistance under chapter 1 of title 23, a State may require, by law or agreement coordinating with all related State agencies, that all State agencies that—

"(A) have jurisdiction by Federal or State law over environmental, growth management, or land-use related issues that may be affected by a surface transportation project; or

"(B) have responsibility for issuing any environment related reviews, analyses, opinions, or determinations;

be subject to the coordinated environmental review process provided under this section in issuing any analyses or approvals or taking any other action relating to the project.

"(2) All agencies.—If a State requires that any State agency participate in a coordinated environmental review process, the State shall require all affected State agencies to participate.

"(i) Early Action Regarding Potentially Insurmountable Obstacles.—If, at any time during the integrated decisionmaking process for a proposed surface transportation project, a cooperating agency determines that there is any potentially insurmountable obstacle associated with any of the alternative transportation projects that might be undertaken to address the obstacle, the Secretary shall—

"(1) convene a meeting among the cooperating agencies to address the obstacle;

"(2) initiate conflict resolution efforts under subsection (j); or

"(3) eliminate from consideration the alternative transportation project with which the obstacle is associated.

"(j) Conflict Resolution.—

"(1) Forum.—The NEPA process shall be used as a forum to coordinate the actions of Federal, State, regional, tribal, and local agencies, the private sector, and the public to develop and shape surface transportation projects.

"(2) Approaches.—Collaborative, problem solving, and consensus building approaches shall be used (and, when appropriate, mediation may be used) to implement the integrated decisionmaking process with a goal of appropriately considering factors relating to transportation development, economic prosperity, protection of public health and the environment, community and neighborhood preservation, and quality of life for present and future generations.

"(3) Unresolved issues.—

"(A) Notification.—If, before the final transportation NEPA document is approved—

"(i) an issue remains unresolved between the lead Federal agency and the cooperating agency; and

"(ii) efforts have been exhausted to resolve the issue at the field levels of each agency—

"(I) within the applicable timeframe of the interagency schedule established under subsection (f)(5); or

"(II) if no timeframe is established, within 90 days;

the field level officer of the lead agency shall notify the field level officer of the cooperating agency that the field level officer of the lead agency intends to bring the issue to the personal attention of the heads of the agencies.

"(B) Efforts by the agency heads.—The head of the lead agency shall contact the head of the cooperating agency and attempt to resolve the issue within 30 days after notification by the field level officer of the unresolved issue.

"(C) Consultation with CEQ.—The heads of the agencies are encouraged to consult with the Chair of the Council on Environmental Quality during the 30-day period under subparagraph (B).

"(D) Failure to resolve.—If the heads of the agencies do not resolve the issue within the time specified in subparagraph (B), the referral process under part 1504 of title 40, Code of Federal Regulations (or any successor regulation), shall be initiated with respect to the issue.

"(k) Judicial Review.—Nothing in this section affects the reviewability of any final agency action in a district court of the United States or any State court.

"(l) Statutory Construction.—Nothing in this section affects—

"(1) the applicability of the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other statute; or

"(2) the responsibility of any Federal, State, tribal, or local officer to comply with or enforce any statute or regulation.".

(b) Timetable; Report to Congress.—The Secretary, in consultation with the Chair of the Council on Environmental Quality and after notice and opportunity for public comment—

(1) not later than 180 days after the date of enactment of this Act, shall design the integrated decisionmaking process required by the amendment made by subsection (a);

(2) not later than 1 year after the date of enactment of this Act, shall promulgate a regulation governing implementation of an integrated decisionmaking process in accordance with the amendment made by subsection (a); and

(3) not later than 2 years after the date of enactment of this Act, shall submit to Congress a report identifying any additional legislative or other solutions that would further enhance the integrated decisionmaking process.

(c) Conforming Amendment.—The analysis for subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"354. Integrated decisionmaking process.".

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.

Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "operational improvement" and inserting the following:

"The term 'operational improvement' means the installation, operation, or maintenance, in accordance with subchapter II of chapter 5, of public infrastructure to support intelligent transportation systems and includes the installation or operation of any traffic management activity, communication system, or roadway weather information and prediction system, and any other improvement that the Secretary may designate that enhances roadway safety and mobility during adverse weather.".

SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) In General.—Section 129(c) of title 23, United States Code, is amended by inserting "in accordance with sections 103, 133, and 149," after "toll or free,".

(b) National Highway System.—Section 103(b)(5) of title 23, United States Code (as amended by section 1234), is amended by adding at the end the following:

"(R) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(c) Surface Transportation Program.—Section 133(b) of title 23, United States Code, is amended by adding at the end the following:

"(12) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(d) Congestion Mitigation and Air Quality Improvement Program.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (4) the following:

"(5) if the project or program is to construct a ferry boat or ferry terminal facility and if the conditions described in section 129(c) are met.".

SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.

Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) Safety programs.—

"(A) In general.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

"(i) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130;

"(ii) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 152; and

"(iii) an amount equal to 6 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130 or 152.

"(B) Transfer of funds.—If a State certifies to the Secretary that any part of the amount set aside by the State under subparagraph (A)(i) is in excess of the needs of the State for activities under section 130 and the Secretary accepts the certification, the State may transfer that excess part to the set-aside of the State under subparagraph (A)(ii).

"(C) Transfers to other safety programs.—A State may transfer funds set aside under subparagraph (A)(iii) to the apportionment of the State under section 402 or the allocation of the State under section 31104 of title 49.".

SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL HIGHWAY SYSTEM.

Section 103(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

"(5) Eligible projects for NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1)(C) for the National Highway System may be obligated for any of the following:

"(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

"(B) Operational improvements for segments of the National Highway System.

"(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, construction of a transit project eligible for assistance under chapter 53 of title 49, and capital improvements to any National Railroad Passenger Corporation passenger rail line or any publicly-owned intercity passenger rail line, if—

"(i) the highway, transit, or rail project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

"(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

"(D) Highway safety improvements for segments of the National Highway System.

"(E) Transportation planning in accordance with sections 134 and 135.

"(F) Highway research and planning in accordance with chapter 5.

"(G) Highway-related technology transfer activities.

"(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(I) Fringe and corridor parking facilities.

"(J) Carpool and vanpool projects.

"(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(L) Development, establishment, and implementation of management systems under section 303.

"(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101–640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction, except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in the first sentence of paragraph (11)—

(A) by inserting "natural habitat and" after "participation in" each place it appears;

(B) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(C) by inserting "natural habitat and" before "wetlands conservation"; and

(5) by adding at the end the following:

"(13) Publicly owned intercity passenger rail infrastructure, including infrastructure owned by the National Railroad Passenger Corporation.

"(14) Publicly owned passenger rail vehicles, including vehicles owned by the National Railroad Passenger Corporation.

"(15) Infrastructure-based intelligent transportation systems capital improvements.

"(16) Publicly owned components of magnetic levitation transportation systems.

"(17) Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.".

SEC. 1236. DESIGN FLEXIBILITY.

Section 109 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) REQUIREMENTS FOR FACILITIES.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

"(A) adequately serve the existing traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

"(B) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in subparagraph (A) and to conform to the particular needs of each locality.

"(2) CONSIDERATION OF PLANNED FUTURE TRAFFIC DEMANDS.—In carrying out paragraph (1), the Secretary shall ensure the consideration of the planned future traffic demands of the facility.".

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. State infrastructure bank program

"(a) DEFINITIONS.—In this section:

"(1) OTHER ASSISTANCE.—The term 'other assistance' includes any use of funds in an infrastructure bank—

"(A) to provide credit enhancements;

"(B) to serve as a capital reserve for bond or debt instrument financing;

"(C) to subsidize interest rates;

"(D) to ensure the issuance of letters of credit and credit instruments;

"(E) to finance purchase and lease agreements with respect to transit projects;

"(F) to provide bond or debt financing instrument security; and

"(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

"(2) STATE.—The term 'State' has the meaning given the term under section 401.

"(b) COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—

"(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

"(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

"(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

"(c) FUNDING.—

"(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

"(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1) and (3) of section 104(b), excluding funds set aside under paragraphs (1) and (2) of section 133(d); and

"(ii) the total amount of funds allocated to the State under section 105;

"(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49) under sections 5307, 5309, and 5311 of title 49; and

"(C) the total amount of funds made available to the State under subtitle V of title 49.

AMENDMENT NO. 1494

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

SUBTITLE A—GENERAL PROVISIONS

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,013,799,000 for fiscal year 1998, $10,820,000,000 for fiscal year 1999, $10,829,000,000 for fiscal year 2000, $10,929,000,000 for fiscal year 2001, $11,213,799,000 for fiscal year 2002, and $11,675,799,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $6,437,055,000 for fiscal year 1998, $6,441,000,000 for fiscal year 1999, $6,483,000,000 for fiscal year 2000, $6,521,000,000 for fiscal year 2001, $6,669,000,000 for fiscal year 2002, and $6,872,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,057,698,000 for fiscal year 1998, $1,058,698,000 for fiscal year 1999, $1,064,699,000 for fiscal year 2000, $1,074,600,000 for fiscal year 2001, $1,098,000,000 for fiscal year 2002, and $1,127,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

AMENDMENT NO. 1495

Beginning on page 5, strike line 1 and all that follows through page 22, line 24, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,424,851,000 for fiscal year 1998, $11,254,000,000 for fiscal year 1999, $11,284,000,000 for fiscal year 2000, $11,384,000,000 for fiscal year 2001, $11,620,000,000 for fiscal year 2002, and $12,110,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .”.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title;

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

AMENDMENT NO. 1496

Beginning on page 5, strike line 1 and all that follows through page 23, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the “Surface Transportation Act of 1997”.

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,492,988,000 for fiscal year 1998, $11,320,000,000 for fiscal year 1999, $11,330,000,000 for fiscal year 2000, $11,420,000,000 for fiscal year 2001, $11,730,000,000 for fiscal year 2002, and $12,230,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .”.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 115 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United

States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and

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AMENDMENT NO. 1497

Beginning on page 5, strike line 1 and all that follows through page 25, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,291,156,000 for fiscal year 1998, $12,118,156,000 for fiscal year 1999, $12,129,456,000 for fiscal year 2000, $12,240,456,000 for fiscal year 2001, $12,566,456,000 for fiscal year 2002, and $13,096,456,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,183,601,000 for fiscal year 1998, $7,197,601,000 for fiscal year 1999, $7,239,601,000 for fiscal year 2000, $7,296,601,000 for fiscal year 2001, $7,446,601,000 for fiscal year 2002, and $7,667,601,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,836,000 for fiscal year 1998, $1,152,836,000 for fiscal year 1999, $1,159,836,000 for fiscal year 2000, $1,169,836,000 for fiscal year 2001, $1,193,836,000 for fiscal year 2002, and $1,231,836,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title;

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 130 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 130 percent, and, in the case of each of fiscal years 1999 through 2003, 130 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

AMENDMENT NO. 1498

Beginning on page 5, strike line 1 and all that follows through page 29, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,149,630,000 for fiscal year 1998, $10,978,630,000 for fiscal year 1999, $10,989,930,000 for fiscal year 2000, $11,089,930,000 for fiscal year 2001, $11,417,930,000 for fiscal year 2002, and $11,953,930,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) Additional adjustment for carbon monoxide areas.—

"(i) Carbon monoxide nonattainment areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) Carbon monoxide maintenance areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) Minimum apportionment.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) Determinations of population.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) Surface transportation program.—

"(A) In general.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) Data.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) Minimum apportionment.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) Effect of Certain Amendments.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Amendments.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA Transition.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) Applicable percentages.—

(A) Fiscal year 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) Fiscal years thereafter.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) Maximum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) Redistribution of funds.—

(i) In general.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) Limitation.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) Minimum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

"(II) under section 204 for the Federal lands highways program; and

"(III) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;".

AMENDMENT NO. 1499

Beginning on page 5, strike line 1 and all that follows through page 106, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,053,000,000 for fiscal year 1998, $11,882,000,000 for fiscal year 1999, $11,893,000,000 for fiscal year 2000, $11,990,000,000 for fiscal year 2001, * * * for fiscal year 2002, and $12,850,000,000 for fiscal year 2003, of which—

(A) $4,637,000,000 for fiscal year 1998, $4,645,000,000 for fiscal year 1999, $4,674,000,000 for fiscal year 2000, $4,711,000,000 for fiscal year 2001, $4,810,000,000 for fiscal year 2002, and $4,955,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,437,000,000 for fiscal year 1998, $1,440,000,000 for fiscal year 1999, $1,448,000,000 for fiscal year 2000, $1,460,000,000 for fiscal year 2001, $1,490,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) Data.—Each calculation under clause (i) shall be based on the latest available data.

"(D) Minimum apportionment.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) Congestion mitigation and air quality improvement program.—

"(A) In general.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) Calculation of weighted nonattainment and maintenance area population.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) Additional adjustment for carbon monoxide areas.—

"(i) Carbon monoxide nonattainment areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) Carbon monoxide maintenance areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) Minimum apportionment.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) Determinations of population.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) Surface transportation program.—

"(A) In general.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) Data.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) Minimum apportionment.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) Effect of Certain Amendments.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Amendments.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA Transition.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) Applicable percentages.—

(A) Fiscal year 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) Fiscal years thereafter.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United

States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "After the First Year" and inserting "In General"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) Effect of Withholding of Funds.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

SEC. 1103. OBLIGATION CEILING.

(a) General Limitations.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,802,000,000 for fiscal year 1999;

(3) $22,939,000,000 for fiscal year 2000;

(4) $23,183,000,000 for fiscal year 2001;

(5) $23,699,000,000 for fiscal year 2002; and

(6) $24,548,000,000 for fiscal year 2003.

(b) Exceptions.—

(1) In general.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) Effect of other law.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) Applicability to Transportation Research Programs.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) Obligation Authority.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) Obligation Authority.—

"(1) Distribution.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

"(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

"(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(2) Redistribution.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”.

(e) Applicability of Obligation Limitations.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) Obligation Authority.—

“(1) In general.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) Joint responsibility.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”.

SEC. 1105. EMERGENCY RELIEF.

(a) Federal Share.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) Eligibility and Funding.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) General Eligibility.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) Restriction on Eligibility.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) Funding.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”;

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”; and

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway systems” and inserting “Federal-aid highways”.

(c) San Mateo County, California.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) Use of Federal Land Management Agency Funds.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) Use of Federal Lands Highways Program Funds.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”.

(b) Availability of Funds.—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.”.

(c) Planning and Agency Coordination.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) Establishment.—

“(1) In general.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) Transportation planning procedures.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) Approval of transportation improvement program.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) Inclusion in other plans.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) Inclusion in state programs.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) Development of systems.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”;

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

"(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§ 206. Recreational trails program

"(a) DEFINITIONS.—

"(1) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) RECREATIONAL TRAIL; TRAIL.—The term 'recreational trail' or 'trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the 'program').

"(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

"(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

"(A) permissible under other law;

"(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.);

"(C) approved by the administering agency of the State designated under paragraph (2); and

"(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

"(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

"(d) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

"(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

"(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

"(A) maintenance and restoration of existing trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(C) purchase and lease of trail construction and maintenance equipment;

"(D) construction of new trails;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

"(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

"(3) USE OF APPORTIONMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

"(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

"(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

"(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

"(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

"(1) condemnation of any kind of interest in property;

"(2) construction of any recreational trail on National Forest System land for any motorized use unless—

"(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

"(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

"(A) has been apportioned for uses other than wilderness by an approved Bureau of

Land Management resource management plan or has been released to uses other than wildernessK by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved management plan; or

"(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

"(h) PROJECT ADMINISTRATION.—

"(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

"(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

"(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

"(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

"(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

"(4) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) APPORTIONMENT.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

"(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

"(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

"(j) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

"(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

"(A) enter into contracts with for-profit organizations; and

"(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

"(k) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

"206. Recreational trails program.".

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking "CONGESTION" and inserting "VALUE"; and

(2) in paragraph (1), by striking "congestion" each place it appears and inserting "value".

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking "5" and inserting "15".

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(2) by inserting after "Secretary may not fund" the following: "the implementation costs of".

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

"(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY.—

"(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection."..

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) PLANNING AND DESIGN.—

"(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) DEFINITIONS.—In this section:

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) CONDITIONS ON RECEIPT OF CREDIT.—

"(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) TREATMENT.—

"(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) NO ADDITIONAL STANDARDS.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

SEC. 1113. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) REPORTING OF RATES OF OBLIGATION.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

SEC. 1114. DEFINITIONS.

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

"§ 207. Cooperative Federal Lands Transportation Program

"(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.I20 "(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.".

(b) SUBSTITUTE CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) DESIGNATIONS.—

"(1) IN GENERAL.—The Commission"; and

(3) by adding at the end the following:

"(2) SUBSTITUTE CORRIDOR.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).".

(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—

"(A) FISCAL YEARS 1998 THROUGH 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

"(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $107,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $107,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December".

AMENDMENT NO. 1500

Beginning on page 5, strike line 1 and all that follows through page 123, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $10,851,583,000 for fiscal year 1998, $10,680,583,000 for fiscal year 1999, $10,691,883,000 for fiscal year 2000, $11,791,883,000 for fiscal year 2001, $12,119,883,000 for fiscal year 2002, and $12,655,883,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $6,609,600,000 for fiscal year 1998, $6,623,600,000 for fiscal year 1999, $6,665,600,000 for fiscal year 2000, $6,722,600,000 for fiscal year 2001, $6,872,600,000 for fiscal year 2002, and $7,093,600,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,085,863,000 for fiscal year 1998, $1,087,863,000 for fiscal year 1999, $1,094,863,000 for fiscal year 2000, $1,104,863,000 for fiscal year 2001, $1,128,863,000 for fiscal year 2002, and $1,165,863,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the product obtained by multiplying—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; by

“(II) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis; bears to

“(ii) the product obtained by multiplying—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States; by

“(II) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the product obtained by multiplying the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State by the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis; bears to

“(bb) the product obtained by multiplying the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States by the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the product obtained by multiplying—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; by

"(bb) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis; bears to

"(II) the product obtained by multiplying—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States; by

"(bb) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

“(i) each State’s percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State’s percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	Percentage
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”;

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”; and

(2) in subsection (f)—

(A) by striking “(f)(1) On” and inserting the following:

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”; and

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(2)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”; and

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(2)”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”; and

(B) by striking subsection (b) and inserting the following:

“(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.”.

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking “or 104(b)(5), as the case may be,”.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking “section 104(b)(5)(B) of this title” and inserting “section 104(b)(1)(A)”.

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

(D) Section 142(c) of title 23, United States Code, is amended by striking “(other than section 104(b)(5)(A))”.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

(F) Section 161(a) of title 23, United States Code, is amended by striking “paragraphs (1), (3), and (5)(B) of section 104(b)” each place it appears and inserting “paragraphs (1) and (3) of section 104(b)”.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—

(I) by striking “section” and inserting “provision”; and

(II) by striking “such sections” and inserting “those provisions”; and

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”; and

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”; and

(ii) in subsection (c), by striking “144,,”.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking “and in section 144 of this title”.

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking “or section 144 of this title”.

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,802,000,000 for fiscal year 1999;

(3) $22,939,000,000 for fiscal year 2000;

(4) $23,183,000,000 for fiscal year 2001;

(5) $23,699,000,000 for fiscal year 2002; and

(6) $24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

“(g) OBLIGATION AUTHORITY.—

“(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

“(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

“(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

“(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

“(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

“(C) notwithstanding subparagraphs (A) and (B), not distribute—

“(i) amounts deducted under section 104(a) for administrative expenses;

“(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

“(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

“(iv) amounts made available under section 111 of title 49;

“(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

“(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

“(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

“(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

“(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

“(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

“(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

“(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

“(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) OBLIGATION AUTHORITY.—

“(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”.

SEC. 1105. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”;

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”; and

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway systems” and inserting “Federal-aid highways”.

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.".

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b), by striking the first 3 sentences and inserting the following: "Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e), by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h), by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§ 206. Recreational trails program

"(a) DEFINITIONS.—

"(1) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) RECREATIONAL TRAIL; TRAIL.—The term 'recreational trail' or 'trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the 'program').

"(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

"(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

"(A) permissible under other law;

"(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

"(C) approved by the administering agency of the State designated under paragraph (2); and

"(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

"(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

"(d) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

"(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

"(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

"(A) maintenance and restoration of existing trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) Use of apportionments.—

“(A) In general.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) Small state exclusion.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) Waiver authority.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) State administrative costs.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) Environmental Benefit or Mitigation.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) Federal Share.—

“(1) In general.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) Federal agency project sponsor.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) Use of funds from federal programs to provide non-federal share.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

“(4) Programmatic non-federal share.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) State administrative costs.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) Uses Not Permitted.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wildernessK by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) Project Administration.—

“(1) Credit for donations of funds, materials, services, or new right-of-way.—

“(A) In general.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) Federal project sponsors.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) Recreational purpose.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) Continuing recreational use.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

“(4) Cooperation by private persons.—

“(A) Written assurances.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) Public access.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) Apportionment.—

“(1) Definition of eligible state.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) Apportionment.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

“(j) Administrative Costs.—

“(1) In general.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) Use of contracts.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) Authorization of Contract Authority.—

“(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

“(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”.

(b) Conforming Amendments.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) In General.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking "CONGESTION" and inserting "VALUE"; and

(2) in paragraph (1), by striking "congestion" each place it appears and inserting "value".

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking "5" and inserting "15".

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(2) by inserting after "Secretary may not fund" the following: "the implementation costs of".

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

"(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY.—

"(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.".

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) PLANNING AND DESIGN.—

"(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) Definitions.—In this section:

"(1) Bicycle transportation facility.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) Pedestrian.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) Wheelchair.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—For purposes of this section, the following definitions apply:

(1) Small business concern.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) Annual Listing of Disadvantaged Business Enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) Uniform Certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) Credit for Non-Federal Share.—

"(1) Eligibility.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) Maintenance of effort.—

"(A) In general.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) Conditions on receipt of credit.—

"(i) Agreement with the secretary.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) Exception.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) Treatment.—

"(A) In general.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) Chartered multistate agencies.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) No additional standards.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

SEC. 1113. STUDIES AND REPORTS.

(a) Highway Economic Requirement System.—

(1) Methodology.—

(A) Evaluation.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) Required element.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) State investment plans.—

(A) Study.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) Required elements.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) Report to congress.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) International Roughness Index.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) Required elements.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) Reporting of Rates of Obligation.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) Reporting of Rates of Obligation.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

SEC. 1114. DEFINITIONS.

(a) Federal-Aid Highway Funds and Program.—

(1) In general.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) Conforming amendments.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title, 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

"§ 207. Cooperative Federal Lands Transportation Program

"(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.I20 "(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) Corridor plans.—

(A) In general.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) Coordination of planning.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) Multistate agreements for trade corridor planning.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) Federal Assistance for Trade Corridors and Border Infrastructure Safety and Congestion Relief.—

(1) Applications for grants.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) Selection of states, metropolitan planning organizations, and projects to receive grants.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) Use of grants.—

(A) In general.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) Type of plans and programs.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) Construction of transportation infrastructure for law enforcement purposes.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) Coordination of Planning.—

(1) Planning and development of border stations.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) Cooperative activities.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) Cost Sharing.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) Use of Unallocated Funds.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) Availability, Release, and Reallocation of Funds.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.".

(b) Substitute Corridor.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) Designations.—

"(1) In general.—The Commission"; and

(3) by adding at the end the following:

"(2) Substitute corridor.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).".

(c) Federal Share for Prefinanced Projects.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) Authorization of Contract Authority.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) Authorization of Contract Authority.—

"(1) In general.—

"(A) Fiscal years 1998 through 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

"(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

"(B) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is more than $10,000,000; and

"(C) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is less than $10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for an allocation for the bridge under this subsection.

"(2) REQUIRED ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects, at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

"(i) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

"(ii) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000.

"(B) EXCEPTION.—A State that transferred funds from the highway bridge replacement and rehabilitation program during any of fiscal years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A).

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(3) AVAILABILITY TO STATES OF INTERSTATE 4R FUNDS.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

"(B) the State is willing and able to—

"(i) obligate the funds within 1 year after the date on which the funds are made available;

"(ii) apply the funds to a project that is ready to be commenced; and

"(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

"(4) ELIGIBILITY OF CERTAIN BRIDGES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this subsection.

"(B) LIMITATION.—The amount of assistance under subparagraph (A) shall not exceed the cumulative amount that the agency has expended for capital and operating costs to subsidize the transit system.

"(C) DETERMINATION BY THE SECRETARY.—Before authorizing an expenditure of funds under this paragraph, the Secretary shall make a determination that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement, seismic retrofitting, or rehabilitation project.

"(D) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of expenditure.

"(5) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

"§ 322. Magnetic levitation transportation technology deployment program

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

"(2) FULL PROJECT COSTS.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

"(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

"(4) PARTNERSHIP POTENTIAL.—The term 'partnership potential' has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1978).

"(b) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

"(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

"(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

"(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

"(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

"(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

"(2) require an amount of Federal funds for project financing that will not exceed the sum of—

"(A) the amounts made available under subsection (h)(1)(A); and

"(B) the amounts made available by States under subsection (h)(4);

"(3) result in an operating transportation facility that provides a revenue producing service;

"(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

"(5) satisfy applicable statewide and metropolitan planning requirements;

"(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

"(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

"(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

"(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

"(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

"(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

"(3) States, regions, and localities financially contribute to the project;

"(4) implementation of the project will create new jobs in traditional and emerging industries;

"(5) the project will augment MAGLEV networks identified as having partnership potential;

"(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

"(7) financial assistance would foster the timely implementation of a project; and

"(8) life-cycle costs in design and engineering are considered and enhanced.

"(f) PROJECT SELECTION.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 eligible project for financial assistance.

"(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

"(h) FUNDING.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

"(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

"(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

"(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

"322. Magnetic levitation transportation technology deployment program.".

SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking ", including approaches thereto"; and

(2) in paragraph (5), by striking "to be determined under section 407. Such" and all that follows and inserting the following: "as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.".

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting "or any Capital Region jurisdiction" after "Authority" each place it appears.

(2) AGREEMENT.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

"(c) AGREEMENT.—

"(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

"(2) TERMS OF THE AGREEMENT.—The agreement shall—

"(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

"(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

"(i) the total cost of the Project, including any cost-saving measures;

"(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

"(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412; and

"(C) contain such other terms and conditions as the Secretary determines to be appropriate.".

(c) FEDERAL CONTRIBUTION.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

"SEC. 412. FEDERAL CONTRIBUTION.

"(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $175,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

"(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that—

"(A) the funds shall remain available until expended;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.".

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996.

SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**program**";

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

"(a) DEFINITION OF REHABILITATE.—In this section, the term 'rehabilitate' (in any of its forms), with respect to a bridge, means to carry out major work necessary—

"(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

"(2) to correct a major safety defect of the bridge, including seismic retrofitting.

"(b) BRIDGE INVENTORY.—

"(1) IN GENERAL.—In consultation with the States, the Secretary shall—

"(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

"(B) classify each such bridge according to serviceability, safety, and essentiality for public use;

"(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B); and

"(D) determine the cost of replacing each such bridge with a comparable facility or the cost of rehabilitating the bridge.

"(2) CONSULTATION.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

"(3) INVENTORY OF HISTORICAL BRIDGES.—At the request of a State, the Secretary may inventory".

AMENDMENT NO. 1501

At the appropriate place, insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,424,610,000 for fiscal year 1998, $11,253,610,000 for fiscal year 1999, $11,264,910,000 for fiscal year 2000, $11,364,910,000 for fiscal year 2001, $11,692,910,000 for fiscal year 2002, and $12,228,910,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes that are open to traffic on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes that are open to traffic on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data."

AMENDMENT NO. 1502

Beginning on page 5, strike line 1 and all that follows through page 20, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $9,962,005,000 for fiscal year 1998, $9,791,005,000 for fiscal year 1999, $9,802,305,000 for fiscal year 2000, $9,902,305,000 for fiscal year 2001, $10,230,305,000 for fiscal year 2002, and $10,766,305,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 34 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9. 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States;

"(ii) 34 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States; and

"(iii) 32 percent in the ratio that—

"(I) the total miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than on routes on toll roads not subject to an agreement with the Secretary under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); or

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

that are in less than good condition (as determined by the Secretary) in each State; bears to

"(II) the total of all such miles in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 20 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 18 percent of the apportionments in the ratio that—

"(aa) the total miles of principal arterial routes (excluding Interstate System routes) that are in less than good condition (as determined by the Secretary) in each State; bears to

"(bb) the total miles of principal arterial routes (excluding Interstate System routes) that are in less than good condition (as determined by the Secretary) in all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any' other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the total miles of Federal-aid highways that are in less than good condition (as determined by the Secretary) in each State; bears to

"(II) the total miles of Federal-aid highways that are in less than good condition (as determined by the Secretary) in all States.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

AMENDMENT NO. 1503

Beginning on page 5, strike line 1 and all that follows through page 20, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $10,406,192,000 for fiscal year 1998, $10,235,192,000 for fiscal year 1999, $10,246,492,000 for fiscal year 2000, $10,346,492,000 for fiscal year 2001, $10,674,492,000 for fiscal year 2002, and $11,210,492,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 34 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States;

"(ii) 34 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States; and

"(iii) 32 percent in the ratio that—

"(I) The total ton-miles of through shipment by truck in each State; bears to

"(II) the total ton-miles of through shipments by truck in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DEFINITION OF THROUGH SHIPMENT.—In this paragraph the term 'through shipment' means a shipment of property that originates outside a State, travels through the State, and terminates outside the State.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the total ton-miles of through shipments by truck in each State, bears to

"(II) the total ton-miles of shipments by truck in all States.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

"(D) DEFINITION OF THROUGH SHIPMENT.—In this paragraph the term 'through shipment' means a shipment of property or special purpose equipment that originates outside a State, travels through the State, and terminates outside the State.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

AMENDMENT NO. 1504

Beginning on page 5, strike line 1 and all that follows through page 106, line 25, and insert the following:

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,844,359,000 for fiscal year 1998, $11,658,000,000 for fiscal year 1999, $11,668,000,000 for fiscal year 2000, $11,768,000,000 for fiscal year 2001, $12,170,000,000 for fiscal year 2002, and $12,700,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal

year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State's percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	Percentage
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”;

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”; and

(2) in subsection (f)—

(A) by striking “(f)(1) On” and inserting the following:

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”; and

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(2)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”; and

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(2)”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”; and

(B) by striking subsection (b) and inserting the following:

“(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.”.

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking “or 104(b)(5), as the case may be,”.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking “section 104(b)(5)(B) of this title” and inserting “section 104(b)(1)(A)”.

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

(D) Section 142(c) of title 23, United States Code, is amended by striking “(other than section 104(b)(5)(A))”.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

(F) Section 161(a) of title 23, United States Code, is amended by striking “paragraphs (1), (3), and (5)(B) of section 104(b)” each place it appears and inserting “paragraphs (1) and (3) of section 104(b)”.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—

(I) by striking “section” and inserting “provision”; and

(II) by striking “such sections” and inserting “those provisions”; and

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”; and

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”; and

(ii) in subsection (c), by striking “144,,”.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking “and in section 144 of this title”.

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking “or section 144 of this title”.

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;
(2) $22,802,000,000 for fiscal year 1999;
(3) $22,939,000,000 for fiscal year 2000;
(4) $23,183,000,000 for fiscal year 2001;
(5) $23,699,000,000 for fiscal year 2002; and
(6) $24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) OBLIGATION AUTHORITY.—

"(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

"(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

"(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).".

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

SEC. 1105. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

"(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.";

(4) in subsection (d) (as so redesignated), by striking "subsection (c)" both places it appears and inserting "subsection (e)"; and

(5) in subsection (e) (as so redesignated), by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) Use of Federal Land Management Agency Funds.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) Use of Federal Lands Highways Program Funds.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”.

(b) Availability of Funds.—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.”.

(c) Planning and Agency Coordination.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) Establishment.—

“(1) In general.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) Transportation planning procedures.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) Approval of transportation improvement program.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) Inclusion in other plans.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) Inclusion in state programs.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) Development of systems.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”;

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

“(i) Transfers of Costs to Secretaries of Federal Land Management Agencies.—

“(1) Administrative costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) Transportation planning costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j), by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

“§ 206. Recreational trails program

“(a) Definitions.—

“(1) Motorized recreation.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) Recreational trail; trail.—The term ‘recreational trail’ or ‘trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) Program.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) State Responsibilities.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) Use of Apportioned Funds.—

“(1) In general.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

“(2) Permissible uses.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

"(D) construction of new trails;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

"(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

"(3) Use of apportionments.—

"(A) In general.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) Small state exclusion.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

"(C) Waiver authority.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(D) State administrative costs.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(e) Environmental Benefit or Mitigation.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) Federal Share.—

"(1) In general.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) Federal agency project sponsor.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

"(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

"(3) Use of funds from federal programs to provide non-federal share.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

"(4) Programmatic non-federal share.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

"(5) State administrative costs.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

"(g) Uses Not Permitted.—A State may not obligate funds apportioned under this section for—

"(1) condemnation of any kind of interest in property;

"(2) construction of any recreational trail on National Forest System land for any motorized use unless—

"(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

"(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

"(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved management plan; or

"(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

"(h) Project Administration.—

"(1) Credit for donations of funds, materials, services, or new right-of-way.—

"(A) In general.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

"(B) Federal project sponsors.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

"(2) Recreational purpose.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

"(3) Continuing recreational use.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

"(4) Cooperation by private persons.—

"(A) Written assurances.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) Public access.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) Apportionment.—

"(1) Definition of eligible state.—In this subsection, the term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) Apportionment.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

"(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

"(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

"(j) Administrative Costs.—

"(1) In general.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

"(2) Use of contracts.—To carry out research funded under paragraph (1), the Secretary may—

"(A) enter into contracts with for-profit organizations; and

"(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

"(k) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) Conforming Amendments.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

"206. Recreational trails program.".

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) In General.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking "Congestion" and inserting "Value"; and

(2) in paragraph (1), by striking "congestion" each place it appears and inserting "value".

(b) Increased Number of Projects.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking "5" and inserting "15".

(c) Eligibility of Preimplementation Costs.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(2) by inserting after "Secretary may not fund" the following: "the implementation costs of".

(d) Tolling.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(e) HOV Passenger Requirements.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

"(6) HOV passenger requirements.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(f) Funding.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

"(7) Authorization of contract authority.—

"(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) Availability.—

"(i) In general.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) Use of unallocated funds.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.".

(g) Conforming Amendments.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) In General.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) Definition of State.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) Projects.—

"(1) In general.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) Allocation of funds.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) Conditions on funds allocated to Internal Revenue Service.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) Limitation on use of funds.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) Maintenance of effort.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) Federal share.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) Authorization of contract authority.—

"(A) In general.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) Availability of funds.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) Excise Fuel Reporting System.—

"(1) In general.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) Elements of memorandum of understanding.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) Authorization of appropriations from highway trust fund.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) Conforming Amendments.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) Planning and Design.—

"(1) In general.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) Construction.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) Safety and contiguous routes.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) Definitions.—In this section:

"(1) Bicycle transportation facility.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) Pedestrian.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) Wheelchair.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—For purposes of this section, the following definitions apply:

(1) Small business concern.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) Annual Listing of Disadvantaged Business Enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) Uniform Certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) Credit for Non-Federal Share.—

"(1) Eligibility.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) Maintenance of effort.—

"(A) In general.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) Conditions on receipt of credit.—

"(i) Agreement with the secretary.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) Exception.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) Treatment.—

"(A) In general.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) Chartered multistate agencies.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) No additional standards.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

SEC. 1113. STUDIES AND REPORTS.

(a) Highway Economic Requirement System.—

(1) Methodology.—

(A) Evaluation.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) Required element.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) State investment plans.—

(A) Study.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) Required elements.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) Report to congress.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) International Roughness Index.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) Required elements.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) Reporting of Rates of Obligation.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) Reporting of Rates of Obligation.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

SEC. 1114. DEFINITIONS.

(a) Federal-Aid Highway Funds and Program.—

(1) In general.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) Conforming amendments.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) Alphabetization of Definitions.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

"§ 207. Cooperative Federal Lands Transportation Program

"(a) In General.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) Distribution of Funds for Projects.—

"(1) In general.—

"(A) In general.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) Adjustment.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) Availability to states.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) Selection of projects.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) Transfers.—

"(1) In general.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) Special rule.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

"(d) Rights-of-Way Across Federal Land.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) Conforming Amendment.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) Definitions.—In this section:

(1) Border region.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) Border state.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) Border station.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) Federal inspection agency.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) Gateway.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) Non-federal governmental jurisdiction.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) Border Crossing Planning Incentive Grants.—

(1) In general.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) Use of grants.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) Condition of grants.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) Limitation on amount.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) Trade Corridor Planning Incentive Grants.—

(1) Grants.—

(A) In general.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) Identification of corridors.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.".

(b) SUBSTITUTE CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) DESIGNATIONS.—

"(1) IN GENERAL.—The Commission"; and

(3) by adding at the end the following:

"(2) SUBSTITUTE CORRIDOR.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).".

(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—

"(A) FISCAL YEARS 1998 THROUGH 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

"(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $200,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $200,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December".

AMENDMENT NO. 1505

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(II) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

SESSIONS AMENDMENTS NOS. 1506–1512

(Ordered to lie on the table.)

Mr. SESSIONS submitted seven amendments intended to be proposed by him to the bill, S 1173, supra; as follows:

AMENDMENT NO. 1506

Beginning on page 77, strike line 16 and all that follows through page 79, line 13.

AMENDMENT NO. 1507

On page 124, strike lines 12 through 19 and insert the following: "this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year.

AMENDMENT NO. 1508

On page 136, strike line 22 and insert the following: specified in subparagraph (G).".

SEC. 11 . PREVAILING RATE OF WAGE.

(a) IN GENERAL.—Section 113 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 113.

AMENDMENT NO. 1509

Beginning on page 28, strike line 25 and all that follows through page 30, line 18, and insert the following:

"(a) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that a State's total apportionments for that fiscal year under sections 104(b) and 206(i), and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997, is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(b) TREATMENT OF ALLOCATIONS.—

On page 39, lines 15 and 16, strike ", excluding amounts allocated under section 105(a)(1)(B) of that title".

AMENDMENT NO. 1510

On page 104, strike lines 14 through 19 and insert the following:

"(2) SUBSTITUTE CORRIDOR.—

"(A) IN GENERAL.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).

"(B) EFFECT OF SUBSTITUTION.—The substitution of the segment under subparagraph (A) shall not result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive under this Act.".

AMENDMENT NO. 1511

Beginning on page 58, strike line 6 and all that follows through page 59, line 14, and insert the following: "subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and non-motorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(C) STATE ADMINISTRATIVE COSTS.—"

AMENDMENT NO. 1512

On page 116, strike lines 3 through 24 and insert the following:

"(i) IN GENERAL.—There shall be available from the Mass Transit Account to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

"(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account to carry out".

BREAUX AMENDMENT NO. 1513

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, S. 1773, supra; as follows:

On page 134, strike line 13 and insert the following administrative recommendations of the Secretary.

SEC. 1126A. USE OF CERTAIN TRUCKS FOR HAULING SUGARCANE.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "The State of Louisiana may allow, by special permit, the operation of vehicles with a gross weight of not more than 100,000 pounds for the hauling of sugarcane during the harvest season of sugarcane. A special permit issued under the preceding sentence shall be issued for a period not to exceed 100 days per year.".

BREAUX (AND LANDRIEU) AMENDMENTS NOS. 1514–1515

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted two amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1514

On page 309, strike line 3 and insert the following: designated Route.

SEC. 18 . IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking "Corridor from Kansas" and inserting the following: "Corridor—

"(A) from Kansas";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana."; and

(2) in subsection (e)(5)(A), by inserting "in subsection (c)(1)(B)," after "routes referred to".

AMENDMENT NO. 1515

On page 318, strike line 15 and insert the following: fiscal year for which the funds are authorized.".

SEC. 2002A. UNIVERSITY OF NEW ORLEANS INTERMODAL TRANSPORTATION PLANNING AND POLICY CENTER.

(a) IN GENERAL.—In addition to establishing the university transportation centers under subsections (a) and (b) of section 5241 of title 49, United States Code (as added by section 2003 of this Act) the Secretary shall enter into such arrangements as are necessary to assist the University of New Orleans in establishing an Intermodal Transportation Planning and Policy Center (referred to in this subsection as the "Center").

(b) NATIONAL UNIVERSITY TRANSPORTATION CENTER.—The Secretary shall designate the Center as a university transit center for purposes of section 5241 of title 49, United States Code.

(c) REQUIREMENTS FOR CENTER.—

(1) IN GENERAL.—The Center shall serve as the lead institution in a consortium of the entities described in paragraph (2).

(2) CONSORTIUM.—At a minimum, the consortium with respect to which the Center serves as lead agency shall consist of—

(A) the Center;

(B) the National Ports and Waterways Institute of Louisiana State University;

(C) a recognized freight intermodal transportation research organization; and

(D) the Louisiana Transportation Research Center.

BREAUX AMENDMENT NO. 1516

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 414, strike line 18 and insert the following: App.).".

SEC. 2103A. COOPERATIVE RESEARCH ON INTELLIGENT TRANSPORTATION SYSTEMS BY THE LOUISIANA STATE UNIVERSITY MEDICAL CENTER NEUROSCIENCE CENTER OF EXCELLENCE, THE GEORGE WASHINGTON UNIVERSITY/VIRGINIA RESEARCH INSTITUTE, AND THE NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGIES AT THE UNIVERSITY OF IDAHO.

(a) DEFINITIONS.—In this section:

(1) CRASH ANALYSIS.—The term "crash analysis" means advanced testing and crash simulations that address deficiencies in the use of available airbag technology, including—

(A) crash pulse measurement by airbag triggering sensors;

(B) the development of a smart algorithm to dictate appropriate deployment conditions to minimize potential injuries;

(C) a characterization of injuries of the full range of occupants, vehicle classes, and impact scenarios;

(D) the development of a model to identify preventive measures of neural damage;

(E) the development of a combination of car-to-car, car-to-barrier, and sled tests using advanced computer simulation to thoroughly analyze current problems; and

(F) the conducting of full-scale car-to-car tests of speeds up to 70 miles per hour with—

(i) offsets in the 20 to 100 percent range; and

(ii) impact angles with a range between 0 and 90 degrees; and

(G) the use of a programmable sled test that is capable of reproducing a variety of crash pulses from repeatable crash tests with active restraint systems that use different anthropomorphic test dummy sizes, typed to gender and percentile.

(2) POST-CRASH RESEARCH.—The term "post-crash research" means research that addresses post-crash injury control, including—

(A) an automatic crash notification system that sends a message to emergency medical service personnel to alert the personnel to severe crashes, including severe crashes that require immediate medical attention;

(B) the development of advanced sensors that are capable of identifying and locating crash victims in need of time-critical emergency care; and

(C) the development of post-crash pharmaceutical strategies for acute neuroprotection and the promotion of repair and regeneration of neural cells to allow victims of crashes to lead productive lives.

(3) PRE-CRASH ANALYSIS.—The term "pre-crash analysis" means the use of driver and vehicle technologies that are designed to ensure that any intelligent systems that are subsequently developed and implemented will be effective when used by all drivers of automobiles (including identifying preventive measures of neurological damages, including redesigning seat-passenger and driver compartments to prevent or limit damage to the eye, inner ear, head, peripheral nerves, and the spinal cord).

(b) GRANT AGREEMENT.—As part of the comprehensive program described in section 524 of title 23, United States Code, as added by section 2103 of this Act, the Secretary shall offer to enter into a grant agreement with the appropriate officials of the George Washington University/Virginia Research Institute, the Louisiana State University Medical Center Neuroscience Center of Excellence, and the National Center for Advanced Transportation Technologies at the University of Idaho to carry out an innovative research project (as that term is used in section 524(b)(4) of title 23, United States Code) to—

(1) accelerate the deployment of technology to improve motor vehicle safety systems;

(2) accelerate the deployment of smart air bags (as that term is defined by the Secretary); and

(3) develop medical technologies to prevent and minimize head and spinal cord injuries.

(c) RESEARCH EMPHASIS.—The research conducted pursuant to the grant agreement referred to in subsection (b) shall emphasize pre-crash analysis, crash analysis, and post-crash research that takes into consideration the effects of humans, motor vehicles, and the environment.

(d) FUNDING.—

(1) IN GENERAL.—Of the funds made available under section 524(f) of title 23, United States Code, to carry out this section, the Secretary shall use—

(A) $15,000,000 for fiscal year 1998; and

(B) $12,000,000 for each of fiscal years 1999 through 2003.

(2) AVAILABILITY OF FUNDS.—Notwithstanding section 524(f)(2) of title 23, United States Code, the funds made available for use under paragraph (1) shall remain available until expended. For purposes of section 524(b)(4)(B) of title 23, United States Code, the research project under this section shall be considered to be an innovative research project.

KERREY AMENDMENTS NOS. 1517–1521

(Ordered to lie on the table.)

Mr. KERREY submitted five amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1517

Strike "and "(14)" on lines 13 and 14 of page 386, and insert in lieu thereof the following new language:

"(14) to enhance safety where rails meet roads by preventing collisions at railroad grade crossings;

"(15) to encourage the use of intelligent transportation systems to promote the achievement of national transportation safety goals; and

"(16)".

AMENDMENT NO. 1518

On page 398 line 11, insert after the word "States" the following new language: "and at railroad grade crossings".

AMENDMENT NO. 1519

Strike "and "(5)" on lines 12 and 13 of page 372 and insert in lieu thereof the following new language:

"(5) the development of cost-effective and innovative techniques to separate automobile and pedestrian traffic from railroad traffic and to eliminate railroad crossings at grade; and

"(6)".

AMENDMENT NO. 1520

At the appropriate place in the bill add the following new language:

SECTION . SHORT TITLE.

This amendment may be cited as the "Rural Highway Safety Act".

SEC. . RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. Rural 2-lane highway safety program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic reconstruction of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

"(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with state-of-the-art principles of—

"(A) safe alignment and cross-section design;

"(B) safe roadside conditions;

"(C) safety appurtenances;

"(D) durable and safe pavement design (especially long-term skid resistance);

"(E) grade crossing safety; and

"(F) traffic engineering.

"(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State highway departments and private sector experts in highway safety design, including experts in highway safety policy.

"(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

"(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

"(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

"(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the percentage of the population of the State that resides in rural areas; bears to

"(B) the percentage of the population of all States that resides in rural areas.

"(c) SELECTION OF PROJECTS.—

"(1) IN GENERAL.—The States shall select projects to receive funding under the program based on—

"(A) criteria established in cooperation with the Secretary and other persons that give priority to highways associated with persistently high rates of fatal and non-fatal injuries due to accidents; and

"(B) to the maximum extent practicable, value engineering and life-cycle cost analysis.

"(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

"(3) STATEWIDE TRANSPORTATION PLANNING.—The selection of projects by a State under the program shall be carried out in a manner consistent with the statewide transportation planning of the State under section 135.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

"(2) CONTENTS.—The report shall include—

"(A) detailed travel and accident data by class of vehicle and roadway; and

"(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $100,000,000 for fiscal year 2003.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. Rural 2-lane highway safety program.".

AMENDMENT NO. 1521

At the appropriate place in the bill add the following new language:

SECTION . SHORT TITLE.

This amendment may be cited as the "Highway Safety Priority Act".

SEC. . SAFETY OF FEDERAL-AID HIGHWAYS.

(a) APPROVAL OF 3R PROJECTS ON NATIONAL HIGHWAY SYSTEM.—Section 106(b)(1) of title 23, United States Code, is amended by inserting before the period at the end the following: "and includes the use of full-width lanes and shoulders".

(b) STANDARDS.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

"(3) SAFETY.—To the maximum extent practicable, a design described in paragraph (1) shall include the use of full-width lanes and shoulders to enhance highway and bridge safety."; and

(2) in subsection (p), by adding at the end the following: "The laws (including regulations, directives, and standards) shall ensure appropriate roadside safety improvements, lane and shoulder widening, alignment and sight distance improvements, and conspicuous traffic control devices and pavement markings.".

(c) CERTIFICATION ACCEPTANCE.—Section 117(b) of title 23, United States Code, is amended by inserting before the period at the end the following: ", including standards that preserve and enhance the safety and mobility of highway users".

(d) SET ASIDE FOR 4R PROJECTS.—Section 118(c)(2)(B) of title 23, United States Code, is amended by inserting before the period at the end the following: "and that improves safety while reducing congestion".

(e) METROPOLITAN PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by inserting "safety and" after "maximize";

(2) in subsection (f)—

(A) in paragraph (1), by inserting "safety and" after "more";

(B) by redesignating paragraphs (4) through (16) as paragraphs (5) through (17), respectively;

(C) by inserting after paragraph (3) the following:

"(4) The need to prevent accidents involving rail and road users, including bicyclists, pedestrians, and motor vehicles, and to reduce the frequency and severity of such accidents.";

(D) in paragraph (12) (as redesignated by subparagraph (B)), by inserting "safe and" after "enhance the"; and

(E) in paragraph (14) (as redesignated by subparagraph (B)), by inserting "safety," after "economic,"; and

(3) in subsection (g)(2)(C)—

(A) in clause (i), by inserting "and safety" after "operational"; and

(B) in clause (ii), by inserting "safety and" after "maximize the".

THE EXTRADITION TREATIES INTERPRETATION ACT OF 1997

HELMS (AND BIDEN) AMENDMENT NO. 1523

Mr. LOTT (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill (S. 1266) to interpret the term "kidnapping" in extradition treaties to which the United States is a party; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Extradition Treaties Interpretation Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony; and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 3. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnapping" and "kidnapping" to include parental kidnapping.

THE INTERMODAL TRANSPORTATION ACT OF 1997

DOMENICI (AND CHAFEE) AMENDMENT NO. 1522

Mr. DOMENICI (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by them to the bill S. 1173, supra; as follows:

At the appropriate place, add the following:

TITLE III—ADDITIONAL FUNDING

SEC. 3001. ADDITIONAL FUNDING.

(a) HIGHWAYS.—

(1) APPORTIONMENT.—For each of fiscal years 1999 through 2003, the following additional amounts shall be apportioned among the States so that each State's percentage of the remainder for a fiscal year is equal to the State's percentage of the sum of—

(A) the total apportionments made under section 1102 and the amendments made by section 1102; and

(B) the total amounts made available for metropolitan planning under section 104(f) of title 23, United States Code;

for the current fiscal year.

(2) AMOUNTS.—The amounts referred to in paragraph (1) are the following:

(A) For fiscal year 1999, $0.

(B) For fiscal year 2000, $0.

(C) For fiscal year 2001, $0.

(D) For fiscal year 2002, $0.

(E) For fiscal year 2003, $0.

(3) OBLIGATION OF AMOUNTS.—Amounts apportioned under paragraph (1)—

(A) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(i) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(ii) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(B) shall be available for any purpose eligible for funding under section 133 of that title; and

(C) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are provided in paragraph (2).

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) MASS TRANSIT.—

(1) AUTHORIZATION.—For each of fiscal years 1999 through 2003, the following additional amounts shall be made available to the Secretary to carry out sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(2) AMOUNTS.—

(A) SECTION 5307, 5310, AND 5311.—The amounts referred to in paragraph (1) are the following amounts to carry out the purposes of section 5307, 5310 and 5311:

(i) For fiscal year 1999, $0.

(ii) For fiscal year 2000, $0.

(iii) For fiscal year 2001, $0.

(iv) For fiscal year 2002, $0.

(v) For fiscal year 2003, $0.

(B) SECTION 5309.—The amounts referred to in paragraph (1) are the following amounts to carry out the purposes of section 5309:

(i) For fiscal year 1999, $0.

(ii) For fiscal year 2000, $0.

(iii) For fiscal year 2001, $0.

(iv) For fiscal year 2002, $0.

(v) For fiscal year 2003, $0.

(3) OBLIGATION OF AMOUNTS.—Amounts made available under this subsection—

(A) shall be considered to be sums made available for expenditure on Federal transit programs;

(B) shall be available for any purpose eligible for funding under the applicable section, except that funds provided to urbanized areas over 200,000 population under section 5307 shall not be available for operating assistance; and

(C) shall remain available for obligation for the same period of time as if the funds were provided under section 5338 of title 49.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Mass Transit Account such sums as are provided in paragraph (2).

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned or allocated under sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(c) POTENTIAL INCREASE FOR TRANSPORTATION SPENDING.—If the fiscal year 1999, 2000, 2001, or 2002 concurrent resolution on the budget assumes higher budget authority and outlay levels for transportation spending than assumed in H. Con. Res. 84 (the fiscal year 1998 budget resolution), the budget resolution shall separately specify the increased budget authority levels for highways and mass transit spending and the outlays flowing from such levels for each fiscal year through fiscal year 2002. If the fiscal year 2003 concurrent resolution on the budget provides additional budget authority and outlays for transportation spending during fiscal year 2003, then that resolution shall separately specify the increased budget authority levels for highway and mass transit spending and the outlays flowing from such levels.

(d) EXPEDITED PROCEDURES.—

(1) DEFINITION OF HIGHWAY AND MASS TRANSIT FUNDING JOINT RESOLUTION.—In this section, the term "highway and mass transit funding joint resolution" means a joint resolution, the matter after the resolving clause of which consists solely of the following:

(A) With respect to section 1 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for highways pursuant to subsection (c).

(B) With respect to section 2 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for mass transit pursuant to subsection (c).

(C) With respect to section 3 of such joint resolution, each blank space being filled in by an amount that does not exceed the outlay level pursuant to subsection (c).

"SECTION 1. ADDITIONAL HIGHWAY FUNDING.

"Section 3001(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in subparagraph (A), by striking '$0' and inserting '$________';

"(2) in subparagraph (B), by striking '$0' and inserting '$________';

"(3) in subparagraph (C), by striking '$0' and inserting '$________';

"(4) in subparagraph (D), by striking '$0' and inserting '$________'; and

"(5) in subparagraph (E), by striking '$0' and inserting '$________'.

"SEC. 2. ADDITIONAL MASS TRANSIT FUNDING.

"(a) Section 3001(b)(2)(A) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in clause (i), by striking '$0' and inserting '$____';

"(2) in clause (ii), by striking '$0' and inserting '$____';

"(3) in clause (iii), by striking '$0' and inserting '$____';

"(4) in clause (iv), by striking '$0' and inserting '$____'; and

"(5) in clause (v), by striking '$0' and inserting '$____'.

"(b) Section 3001(b)(2)(B) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in clause (i), by striking '$0' and inserting '$____';

"(2) in clause (ii), by striking '$0' and inserting '$____';

"(3) in clause (iii), by striking '$0' and inserting '$____';

"(4) in clause (iv), by striking '$0' and inserting '$____'; and

"(5) in clause (v), by striking '$0' and inserting '$____'.

"SEC. 3. ADDITIONAL OUTLAYS FOR TRANSPORTATION.

"The discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as adjusted pursuant to that Act are increased by the following amounts:

"(1) With respect to fiscal year 1999, for nondefense outlays.

"(2) With respect to fiscal year 2000, for discretionary outlays.

"(3) With respect to fiscal year 2001, for discretionary outlays.

"(4) With respect to fiscal year 2002, for discretionary outlays.".

(2) IN THE SENATE.—

(A) INTRODUCTION AND REFERRAL.—

(i) IN GENERAL.—A highway and mass transit funding resolution introduced in the Senate shall be referred (for a period not to exceed 5 days of session, following the date of introduction) first to the Committee on Environment and Public Works and then to the Committee on Banking, Housing, and Urban Affairs. If either committee fails to report the joint resolution within that period, that committee shall be automatically discharged from consideration of the resolution. In the case of the Committee on Environment and Public Works being discharged, the resolution shall then be referred to the Committee on Banking, Housing, and Urban Affairs. In the case of the Committee on Banking, Housing, and Urban Affairs being discharged, the resolution shall be placed on the Calendar.

(ii) MEASURE FROM THE HOUSE.—When the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, such resolution shall not be referred to committee and shall be placed on the Calendar.

(B) LIMITATION ON AMENDMENTS.—Amendments to a highway and mass transit funding joint resolution considered under this section shall be limited to those amendments which either increase or decrease dollar amounts specified in the resolution; but in no case shall such an amendment exceed the levels set out in subsection (c). No motion to suspend the application of this subsection shall be in order, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(C) FLOOR CONSIDERATION.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of a highway and mass transit funding joint resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(ii) TIME FOR CONSIDERATION.—After no more than 10 hours of consideration of a highway and mass transit funding joint resolution, the Senate shall proceed, without intervening action or debate to vote on the final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table. The time for consideration shall be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit a highway and mass transit funding joint resolution shall not be in order.

(iii) POINTS OF ORDER WAIVED.—All points of order against the highway and mass transit funding joint resolution are waived.

(D) JOINT RESOLUTION FROM THE HOUSE OF REPRESENTATIVES.—If prior to the conclusion of consideration pursuant to subparagraph (C)(ii) of a highway and mass transit funding joint resolution originated in the Senate, the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, it shall be in order at the conclusion of consideration of the Senate measure, without any intervening action or debate to proceed to the consideration of the House of Representatives measure, read it for the third time and vote on final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table.

(E) SENATE MEASURE TO CALENDAR.—In the Senate, if a highway and mass transit funding joint resolution received from the House of Representatives is considered pursuant to subparagraph (D) then the Senate measure shall be returned to the Calendar.

(3) IN THE HOUSE OF REPRESENTATIVES.—

(4) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of this subsection (including the wavier of all points of order under paragraph (2)(C)(iii)) shall only apply to a resolution that meets the definition of paragraph (1).

(5) SUNSET.—This subsection shall expire on September 30, 2003.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will conduct a hearing in SR–301, Russell Senate Office Building, on Thursday, October 30, 1997, at 9 a.m. on the Senate Strategic Planning Process for Infrastructure Support. A business meeting to consider pending legislative and administrative matters will immediately follow.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 23, 1997, at 4:15 p.m. in executive session, to consider pending nominations.

The PRESIDING OFFICE. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking Housing, and Urban Affairs be authorized to meet at 2:30 p.m. During the session of the Senate on Thursday, October 23, 1997, to conduct a hearing of the following nominees: Kevin E. Marchman, of Colorado, to be Assistant Secretary of HUD for Public and Indian Housing; Saul N. Ramirez, of Texas, to be Assistant Secretary of HUD for Community Planning and Development; Richard F. Keevey, of Virginia, to be the Chief Financial Officer of HUD; Eva M. Plaza, of Maryland, to be Assistant Secretary of HUD for Fair Housing and Equal Opportunity; Gail W. Laster, of New York, to be the General Counsel of HUD; Jo Ann Jay Howard, of Texas, to be the Federal Insurance Administrator at the Federal Emergency Management Agency; F. Amanda Debusk, of Maryland, to be Assistant Secretary of Commerce; R. Roger Majak, of Virginia, to be Assistant Secretary of Commerce for Export.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 23, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to receive testimony on the issue of peaceful nuclear cooperation with China.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, October 23, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered

COMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 23, 1997 at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Government Affairs Committee Special Investigation to meet on Thursday, October 23, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, October 23, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 23, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 633, a bill to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument; and S. 1132, a bill to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EMPLOYMENT NONDISCRIMINATION ACT

• Mr. KERRY. Mr. President, I am not a member of the Senate Labor and Human Resources Committee, so I wanted to take a moment to address an issue that was a subject of a hearing in that Committee this morning.

The Chairman of the Committee, Senator JEFFORDS, and my good friend and colleague, the senior Senator from Massachusetts, have co-sponsored an important and much-needed piece of legislation, the Employment Nondiscrimination Act of 1997. I am an original co-sponsor of that bill.

Mr. President, when I was first sworn in as a United States Senator in 1985, I authored the gay and lesbian civil rights bill. At that time, only five other Senators would join me as co-sponsors of that legislation. In the 103rd Congress, I testified before the Armed Services Committee to lift the ban on gay men and lesbians serving in the military.

I agree with those who testified today before the Labor Committee, including Raymond Smith, the chief executive officer of Bell Atlantic, and Herbert Valentine of the Presbyterian Church that ENDA is a solution to a serious problem in our society. I have heard from many Americans who have suffered discrimination in the workplace because of their sexual orientation. It is time for these Americans to have recourse against blatant discrimination, just as Americans who are fired on the basis of their religion, national origin or gender. Massachusetts has recognized the problems of anti-gay and lesbian discrimination in the workplace and already has an ENDA-like law.

Mr. President, last year, I joined 65 of our colleagues in signing a pledge that I would not discriminate on the basis of sexual orientation in hiring, promotion and firing. I personally will not tolerate discrimination in my office. Like the majority of our colleagues, signing this pledge came easy to me. I have always had openly gay and lesbian staff and they have served the people of Massachusetts with effective and committed distinction.

So, now, Mr. President, I urge our colleagues to live up to the pledge they signed and support this important legislation. It is my hope that the Committee will report the bill out as soon as possible and I call upon the Majority Leader to find time to bring this important legislation to the floor for debate. It was voted on last year and wound up in a de facto tie. This year, I am confident it will pass.

Mr. President, for years, groups like the Human Rights Campaign, the National Gay and Lesbian Task Force, Parents, Families and Friends of Lesbians and Gays, and the Leadership

Conference on Civil Rights, as well as members of the religious communities across this country, have educated us on the need for this bill. They have worked tirelessly with us to improve this legislation, and I applaud their tenacity and appreciate their friendship. They are dogged advocates for justice and fairness.

Voices as eloquent as those of Coretta Scott King and Senator Barry Goldwater have spoken up in support of ENDA. The President of the United States has signaled his approval of the bill. Let us debate it and pass it soon, Mr. President. Let us send a strong message that all Americans matter, and that no one should suffer discrimination in the work place. Let us move forward in the fight for civil rights.●

BRAIN TUMOR AWARENESS WEEK

● Mr. BIDEN. Mr. President, on Tuesday, Americans from around the country gathered here at the Capitol to hold a rally in conjunction with Brain Tumor Awareness Week. I want to add my voice to those calling attention to this debilitating disease and to the calls for continuing to increase our funding for medical research.

It sounds wrong to call one debilitating disease more important than another. After all, a life-threatening disease is a life-threatening disease. However, as a society, we often get caught up in the rhetoric and publicity surrounding one of these terrible afflictions and forget that, unfortunately, there are a number of other terminal illnesses. While brain tumors do not receive as much press as other terminal illnesses, their impact on the lives of brain tumor patients and their families is equally devastating.

One of those people is a constituent of mine, Ms. Kathy Delledonne-Minutola. She and her husband attended the rally on Tuesday because, four years ago, their son Joseph was diagnosed with a brain stem tumor. The roots of the tumor have wrapped around Joseph's brain stem, a condition which makes removal of the tumor impossible.

Mr. President, there are thousands of people across this country who have been diagnosed with brain tumors, just like Joseph. In fact, each year approximately 100,000 people in the United States are diagnosed with a brain tumor. Brain tumors are the second leading cause of cancer death for children and young adults up to age 34, and they are one of the fastest growing causes of cancer death in the elderly.

Furthermore, each patient is different, and potential for recovery depends on a number of factors. The type of tumor, its location, the area of the brain involved, and the forms of therapy the patient will receive all contribute to a patient's prognosis. Currently, there is no cure for most malignant brain tumors. Surgery, radiation therapy, and chemotherapy are the three most common treatments. However, because brain tumors are located at the control center for human thought, emotion, and movement, both the tumor and its treatment can have devastating effects on a person's physical and cognitive abilities.

Despite often bleak projections for recovery, however, the community of people who have been affected by this disease has refused to give up. Their courage and support for one another in the face of tragedy is truly inspirational. They are proof that the power of the human spirit can triumph over adversity in even the darkest of moments.

So, Mr. President, in this, Brain Tumor Awareness Week, I rise today to applaud the tireless commitment that brain tumor patients and their families have made to beating this disease. This is a remarkable group of people. However, they cannot take on the burden of finding a cure on their own. We in Congress need to help, and I look forward to working with my colleagues, as I have in the past, to support medical research funding. While Brain Tumor Awareness Week may only last seven days, our commitment to finding a cure must be a year-round endeavor.●

ONE HUNDRED YEARS OF BOSTON'S SUBWAY

● Mr. KERRY. Mr. President, I rise to call attention today to the centennial of the first subway in the United States. On September 1, 1897, the first ride took place from Boylston Street to Park Street in Boston, MA.

Anyone who has ever lived in Boston has experienced the excellent service that this subway system provides. Students in the higher education capital of the United States—if not of the entire world—have long utilized the subways. Just to cite several examples: the Green Line goes to Boston College, Boston University, and Northeastern University; and the Red Line has stops at or near Harvard University, the Massachusetts Institute of Technology, and Tufts University. In fact, the Red Line derives its name from the Crimson of Harvard University.

Green is not only a color of a line in the Boston subway system, but an important symbol of the benefits of public transportation—namely community revitalization, economic development, and environmental protection. This historic occasion makes this a propitious moment to take a look at how these benefits have played out over the past century.

Greater Boston faced a choice of continuing to build highway arteries through the living heart of the city or to improve mass transit systems out to what we called the "subway suburbs." We in Massachusetts made the right choice by developing the new Orange Line along the Southwest corridor in the 1980's and reviving the Old Colony commuter rail line in this decade. These choices preserved communities, led to new economic growth, and minimized the environmental damage caused by automobiles stuck in rush-hour traffic.

These choices have not come, however, without incurring significant costs. For example, fares have increased from a nickel a century ago to a dime in 1919, a quarter in 1968, and a half-dollar in 1980. Today, a subway ride costs $0.85, although monthly commuters can travel more cheaply.

Looking at the cost issue in a larger sense, in 1897, the subway system cost $4.4 million. On September 25 of this year, I announced Senate committee approval of a 6-year reauthorization of mass transit programs that will bring more than $300 million in additional ISTEA transit funds to Massachusetts. I am pleased that Massachusetts received its fair share of transit spending; I look forward to working with all of my colleagues to ensure that my State and others will receive their fair shares of highway funds as well.

This is an extraordinarily exciting time for mass transit in Massachusetts. While everyone knows about the Central Artery Project that will revolutionize automobile travel in Boston, other cities in Massachusetts, like Worcester and Springfield, are rebuilding their historic train stations, creating true multimodal centers to restore available, efficient, and flexible transportation for working people. The Federal commitment to transit that was announced last month will ensure improved services are available for years to come not only for Boston, but also for cities around the Commonwealth and across our country.

Mass transit systems like Boston's are also important for enhancing the lives of individuals with disabilities. I am pleased with the recent reauthorization of an initiative of mine called Project Action, which helps disabled people gain access to public transportation by working with transit operators and the disabled community to implement the transportation provisions of the Americans with Disabilities Act. Project Action has increased accessibility to buses and trains nationwide.

Excellent mass transit systems like the one that we are fortunate to have in Boston play critical roles in the welfare reform effort. As we attempt to create more jobs so that welfare recipients can enter into the working world, we must not lose sight of the fact that these employees will need an affordable and reliable means of transportation so that they can get to their jobs. Those who took part in the first subway ride a century ago could not have envisioned the important economic role that the subway system would play; those of us who know about this need today must remain ever vigilant against attacks that would cut Federal support for mass transportation.

If Washington did cut transit funding, then how would Charlie ever get out of the subway? Almost 40 years ago, passengers who switched from subway to trolley lines had to pay another nickel to exit the system. The Kingston Trio popularized the plight of a Boston subway passenger in their song "The MTA." Its lyrics include the following verse:

Charlie's wife goes down to the Scollay Square Station,
Every day at a quarter past two.
And through the open window she hands Charlie a sandwich,
As the train comes rumbling through.

Mr. President, Scollay Square Station is now Government Center at Scollay Square, but the Boston subway system continues to thrive. I urge all of my colleagues to join me today in hailing all of the women and men who, over the last 100 years, have worked and traveled on Boston's subway system. Even now, the subway is more than a historical landmark; rather, it is the lifeblood of the historic and vital metropolis that is Boston.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 1310 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT AGREEMENT—CONFIRMATION OF ALGENON L. MARBLEY

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m. on Monday, October 27, the Senate immediately proceed to executive session and a vote on the confirmation of the nomination of Calendar No. 329, Algenon L. Marbley, to be U.S. District Judge for the Southern District of Ohio. I further ask unanimous consent that immediately following the vote the motion to reconsider be laid upon the table and the President immediately be notified of the Senate's action and the Senate then return to legislative session.

I emphasize this is a vote that would occur at 5 p.m. on Monday. This is for Judge Marbley in the Southern District of Ohio. I believe Senator DASCHLE and I have talked about this vote on this judge occurring on Monday.

So I make that request.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered. The minority leader.

Mr. DASCHLE. Mr. President, if the majority leader would yield, I ask that we make a short quorum call prior to the time he makes the next unanimous-consent request.

Mr. LOTT. Mr. President, I observe a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I believe that the order provides for speaking, I presume it was in morning business, for me to speak and I was to be followed by Senator BYRD.

Mr. BYRD. Will the distinguished Senator yield?

Mr. CHAFEE. Yes, certainly.

Mr. BYRD. Mr. President, I didn't understand we were in a period for morning business. At the time I was about to speak, I thought we were on the highway bill. But in any event, if the two leaders are ready to proceed, I will desist until I can address the Senate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 137, which is Kevin Thurm, to be Deputy Secretary of HHS; No. 286, Edward Shumaker, to be Ambassador to Trinidad and Tobago; No. 304, Ellen Seidman, to be Director of the Office of Thrift Supervision; and No. 277, Peter Scher, to be Ambassador as Special Trade Negotiator.

I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

DEPARTMENT OF STATE

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

DEPARTMENT OF STATE

Edward E. Schumaker, III, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

DEPARTMENT OF THE TREASURY

Ellen Seidman, of the District of Columbia, to be Director of the Office of Thrift Supervision for a term of five years.

TREATIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 3, 4, 5, 6, and 7. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification were agreed to as follows:

AGREEMENT WITH HONG KONG FOR THE SURRENDER OF FUGITIVES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), subject to the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c)

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) THIRD PARTY TRANSFERS.—The United States understands that Article 16(2) permits the transfer of persons surrendered to Hong Kong under this Agreement beyond the jurisdiction of Hong Kong when the United States so consents, but that the United States will not apply Article 16(2) of the Agreement to permit the transfer of persons surrendered to the Government of Hong Kong to any other

jurisdiction in the People's Republic of China, unless the person being surrendered consents to the transfer.

(2) HONG KONG COURTS' POWER OF FINAL ADJUDICATION.—The United States understands that Hong Kong's courts have the power of final adjudication over all matters within Hong Kong's autonomy as guaranteed in the 1984 Sino-British Joint Declaration on the Question of Hong Kong, signed on December 19, 1984, and ratified on May 27, 1985. The United States expects that any exceptions to the jurisdiction of the Hong Kong courts for acts of state shall be construed narrowly. The United States understands that the exemption for acts of state does not diminish the responsibilities of the Hong Kong authorities with respect to extradition or the rights of an individual to a fair trial in Hong Kong courts. Any attempt by the Government of Hong Kong or the Government of the People's Republic of China to curtail the jurisdiction and power of final adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REPORT ON THE HONG KONG JUDICIAL SYSTEM.—One year after entry into force, the Secretary of State, in coordination with the Attorney General, shall prepare and submit a report to the Committee on Foreign Relations that addresses the following issues during the period after entry into force of the Agreement:

(i) an assessment of the independence of the Hong Kong judicial system from the Government of the People's Republic of China, including a summary of any instances in which the Government of the People's Republic of China has infringed upon the independence of the Hong Kong judiciary;

(ii) an assessment of the due process accorded all persons under the jurisdiction of the Government of Hong Kong;

(iii) an assessment of the due process accorded persons extradited to Hong Kong by the United States;

(iv) an accounting of the citizenship and number of persons extradited to Hong Kong from the United States, and the citizenship and number of persons extradited to the United States from Hong Kong;

(v) an accounting of the destination of third party transfer of persons who were originally extradited from the United States, and the citizenship of those persons;

(vi) a summary of the types of crimes for which persons have been extradited between the United States and Hong Kong.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification with respect to the INF Treaty.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. ASHCROFT. Mr. President, I rise to address the United States-Hong Kong Extradition Treaty, a treaty which I have followed closely in its passage through the Senate Foreign Relations Committee.

To most Americans, the seemingly nebulous topic of extradition treaties is not particularly important. But let us not be distracted by the complex legal jargon that accompanies this agreement with Hong Kong. Our extradition agreements strike at the very heart of equality before the law, one of our most cherished freedoms in America. Our judicial system seeks to protect the due process right of foreigner and native citizen alike, and our extradition treaties with other nations are based on the premise that any person we transfer to a foreign court system will receive similarly just treatment.

The extradition treaty with Hong Kong is thus a very important consideration in assessing the future prospects for freedom in the former colony, now under Chinese rule. We need to consider this extradition treaty in light of China's overall behavior toward Hong Kong in recent months. China's actions to undermine democracy in Hong Kong cast doubt on the future of civil liberties in the British colony. China has declared the elected Hong Kong legislature invalid and appointed a hand-picked provisional legislative body. China's appointed chief executive of Hong Kong, Tung Chee-hwa, has announced additional measures to restrict civil liberties in the colony.

Public protests will have to receive prior approval and could be banned to protect "national security." Hong Kong political organizations will be required to register with the government and will be prohibited from seeking or receiving funds from overseas organizations. Under China's definition of a Hong Kong political group, international organizations that expose China's human rights abuses also will be banned from receiving critical foreign funding. In light of these troubling steps taken by Beijing, not to mention China's violation of trade agreements, weapons proliferation commitments, and human rights standards, there are few doubts in my mind that China will bend the rules of this extradition treaty we are considering today.

The extradition treaty contains provisions that supposedly preserve due process and the ability of the United States to refuse extradition requests that are politically motivated. As with all international agreements, however, effective enforcement is essential to protect American interests. The strongest treaty language in the world is meaningless without presidential vigilance, a vigilance I find appallingly lacking in the Clinton administration. This administration has failed to confront China consistently on human rights violations, trade barriers, and weapons proliferation. I am concerned that the administration will adopt a similarly lax attitude in the enforcement of this treaty.

The Clinton administration's defense of Hong Kong in other areas has been weak at best. The White House has been hesitant to meet with political activists from the colony, and Vice President GORE failed to include Hong Kong in the itinerary of his last trip to East Asia. The 6 million people in Hong Kong deserve better treatment from America. The fight to preserve liberty in Hong Kong could be the battle that determines the outcome of the overall campaign to cultivate democracy in China. Hong Kong serves as yet another example of liberty to over 1 billion Chinese, and the effective removal of that example would set back the march of freedom in China.

In considering this extradition treaty, we need to be honest. We are not signing this treaty with Hong Kong alone, but with Beijing. By doing so, we could be placing our stamp of approval on a court system that will, by all appearances, increasingly be an extension of the Chinese Communist Party.

The United States has never before signed a treaty to extradite human beings to a totalitarian Communist regime, and I hope this treaty will not turn into the first example of such policy. The United States has been given a great trust as the leader of the free world, and the international commitments we make should reflect our country's commitment to democracy and the rule of law.

We in America need to realize that the forces of justice and liberty are at work in the Chinese people just as they have been at work with such stunning effect in other nations around the world. When China embraces democracy—just as South Korea, Taiwan, and Japan have done—the rule of law will follow. Until that day arrives, it will be good to say we stood by the Chinese people in their struggle for justice and liberty. Effective enforcement of this extradition treaty will be an important step in ensuring that the example of freedom in Hong Kong is preserved for the benefit of all Chinese.

Mr. BIDEN. Mr. President, the reversion of Hong Kong to the People's Republic of China is a historic event, the full impact of which may not be known for years. At midnight on June 30, the world watched as the flag of the United Kingdom came down over Hong Kong, the final chapter of over a century of the British Empire's presence in the Far East. July 1 dawned with the flag of China flying over Victoria Harbor, providing a great moment of pride for the people of China as Beijing recovered a territory lost in humiliating fashion to foreign powers.

For the cause of freedom, the reversion is a conundrum.

Some observers warn that China intends to trample Hong Kong's freedoms. After a decade in which millions have cast off the yoke of Communist rule of the Soviet Empire, the subjugation of the people of Hong Kong to the control of a dictatorial government in Beijing is surely a sad anomaly.

Others predict optimistically that in the end China, not Hong Kong, will be transformed by the new union. They point to the changes already underway in China, and foresee a more prosperous, open, plural, and democratic system for one-fifth of the world's population.

I believe the future of Hong Kong, like that of China, is not yet written. The actions of the United States will affect the ability of the people of Hong Kong to preserve their democratic freedoms and overall quality of life.

Visiting Washington recently on his first trip abroad as Hong Kong's Chief Executive, Tung Chee-hwa rightly took pride in the former colony's smooth transition to Chinese rule. But he also candidly acknowledged that preserving Hong Kong's economic vitality and expanding the democratic freedoms enjoyed by its 5½ million residents required not only a steady hand in Hong Kong, but also the sustained interest and support of the international community.

It is in this context that we must view the U.S.-Hong Kong extradition agreement.

Approval of the treaty is a risk, for it is predicated on a question which cannot be answered in the abstract. The question is this: will the Beijing Government adhere to its pledge to permit Hong Kong a high degree of autonomy for at least 50 years? In other words, will China abide by its promise to maintain "one country, two systems?"

No one can answer that question definitively today—not the people of Hong Kong, not the British Government, not the Clinton administration, not even the gerontocracy in Beijing, which struggles to chart a course for China's modernization in the post-Deng Xiao Ping era.

Of course, there is always the risk that a treaty partner will prove to be unreliable. That risk is particularly acute here, where the treaty partner—the Hong Kong Government—will be overseen by a government in Beijing which has often failed to adhere adequately to commitments made to the United States.

Standing opposite that risk are the benefits that flow from having an extradition relationship with Hong Kong. For most of this decade, the relationship has undeniably been in our interests. Since 1991, more than 60 persons have been returned to the United States from Hong Kong pursuant to extradition requests, many of them for serious crimes such as narcotics trafficking. By contrast, we have extradited just seven persons to Hong Kong.

Moreover, the extradition treaty is a critical component of our overall law enforcement cooperation with Hong Kong authorities—cooperation which has proven enormously successful over the years in combating organized crime, drug smuggling, and international terrorism.

Finally, this treaty contains extraordinary protections against any attempt by Beijing to meddle with or politicize the extradition process.

Indeed, the treaty provides several protections against valid concerns that the PRC may renege on its pledge to permit Hong Kong to retain an independent judiciary. The treaty contains several safeguards; these include: First, a provision allowing the United States broad power to refuse to surrender U.S. nationals in cases relating to "the defense, foreign affairs, or essential public interest or policy of the United States" (Article 3); second, a provision permitting the Secretary of State to deny extradition if the request was politically motivated, or the person sought is likely to be denied a fair trial or punished because of his race, religion, nationality, or political opinions (Article 6); and third, a provision barring the retransfer of any fugitive beyond the territory of Hong Kong without U.S. consent (Article 16).

The Committee has added included two provisions in the resolution of ratification that provide additional protection. First, understanding No. 1 makes it plain that the United States will not permit the retransfer to the People's Republic of China of any persons surrendered under this agreement, unless the person being surrendered consents to the transfer. Understanding No. 2 makes a strong statement in support of the independence of the Hong Kong judiciary, by stating that any effort to curtail the jurisdiction and power of adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

In exercising its power to advise and consent, the Senate must balance the risks that China will interfere with the autonomy of Hong Kong against the likely benefits to U.S. law enforcement that will flow from the agreement. In my view, the benefits clearly outweigh the risks. And the safeguards in the treaty, in addition to the provisions in the resolution of ratification, provide strong protection of U.S. interests and of the rights of those persons who may be surrendered under the treaty.

By ratifying this treaty, the Senate will send a strong signal to the people of Hong Kong that we have confidence in their ability to make the unique "one country, two systems" formula work. We also send a strong message to Beijing that we will not tolerate any efforts to undermine the traditional autonomy and impartiality of Hong Kong's judiciary. I urge my colleagues to join me in supporting ratification of the Hong Kong extradition agreement.

CONSTITUTION AND CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Constitution of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and Amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with Declarations and Reservations by the United States contained in the Final Acts (Treaty Doc. 104-34), subject to declarations and reservations Nos. 68, 73 and 82 of the 1992 Final Acts; declarations and reservations Nos. 84, 92, 97, and 98 of the 994 Final Acts; and the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President.

(1) BROADCASTS TO CUBA.—The United States of America, noting the Statement (No. 40) entered by the delegation of Cuba during the Plenipotentiary Conference of the International Telecommunication Union, in Kyoto Japan, affirms its rights to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights to address existing interference and any future interference, by Cuba with United States broadcasting. Furthermore, the United States of America notes that its presence in Gurantanamo is by virtue of an international agreement presently in force; the United States of America reserves the right to meet its radio communication requirements there as heretofore.

(2) GEOSTATIONARY-SATELLITE ORBITS.—The United States understands that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) ASSESSED PAYMENTS TO THE UNITED NATIONS INTERNATIONAL TELECOMMUNICATION UNION.—Payments by the United States to the International Telecommunication Union shall be limited to assessed contributions, appropriated by Congress. This provision does not apply to United States payments voluntarily made for a specific purpose other than the payment of assessed contributions. The United States shall seek to amend Article 33(3) of the ITU Convention to eliminate to ITU's authority to impose interest payments on ITU members.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1998, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The Senate's resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty on Maritime Boundaries Between the United States of America and the United Mexican States

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Maritime Boundaries between the United States of America and the United Mexican States, signed at Mexico City on May 4, 1978 (Ex. F, 96-1), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Protocol Between the United States and Canada Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the United States and Canada Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States, with Related Exchange of Notes, signed at Washington on December 14, 1995 (Treaty Doc. 104-28), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) Indigenous inhabitants.—The United States understands that the term "indigenous inhabitants" as used in Article II(4)(b) means a permanent resident of a village within a subsistence harvest area, regardless of race. In its implementation of Article II(4)(b), the United States also understands that where it is appropriate to recognize a need to assist indigenous inhabitants in meeting nutritional and other essential needs, or for the teaching of cultural knowledge to or by their family members, there may be cases where, with the permission of the village council and the appropriate permits, immediate family members of indigenous inhabitants may be invited to participate in the customary spring and summer subsistence harvest.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Protocol Between the Government of the United States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals

Resolved, (two-thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of the Protocol between the Government of the United States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on May 5, 1997 (Treaty Doc. 105-26), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) Indigenous inhabitants.—The United States understands that the term "indigenous inhabitants" as used in Article I means a permanent resident of a village within a subsistence harvest area, regardless of race. In its implementation of Article I, the United States also understands that where it is appropriate to recognize a need to assist indigenous inhabitants in meeting nutritional and other essential needs, or for the teaching of cultural knowledge to or by their family members, there may be cases where, with the permission of the village council and the appropriate permits, immediate family members of indigenous inhabitants may be invited to participate in the customary spring and summer subsistence harvest.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1998, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent to propound a parliamentary inquiry concerning the treaties that were agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, did the Chair actually count Senators on the division that took place with respect to the adoption of the resolution of ratification of those treaties?

The PRESIDING OFFICER. The Chair is required to and so did.

Mr. BYRD. I thank the Chair.

Mr. LOTT. Mr. President, those treaties were the Agreement with Hong Kong for the Surrender of Fugitive Offenders; the International Telecommunications Union Constitution and Convention; the U.S.-Mexico Treaty on Maritime Boundaries; the Migratory Bird Protocol with Canada; and the Migratory Bird Protocol with Mexico.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORIZING EXPENDITURES FOR CONSULTANTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 138, submitted earlier today by Senator Warner and Senator Ford.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 138) authorizing the expenditures for consultants by the Committee on Rules and Administration.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 138) was agreed to, as follows:

S. Res. 138

Resolved. That section 16(b) of Senate Resolution 54, 105th Congress, agreed to February 13, 1997, is amended by striking "$300,000" and inserting "$400,000".

EXTRADITION TREATIES INTERPRETATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 196, S. 1266.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1266) to interpret the term "kidnaping" in extradition treaties to which the United States is a party.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1523

(Purpose: To provide substitute language for the text of the bill)

Mr. LOTT. Mr. President, Senator HELMS has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HELMS, for himself, and Mr. BIDEN, proposes an amendment No. 1523.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Extradition Treaties Interpretation Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 3. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnaping" and "kidnapping" to include parental kidnapping.

Mr. BIDEN. Mr. President, I am pleased that the Senate is today acting on the Extradition Treaties Interpretation Act. I appreciate the cooperation of the chairman of the committee, and the cooperation and assistance of the executive branch, in moving this bill forward.

The bill is very short, and I will not take the Senate's time to review it at length. In brief, the bill is designed to remedy a disparity in U.S. extradition law and practice. The disparity is this: under certain extradition treaties, the crime of parental abduction—when one parent takes a child in violation of law or a custody order and against the wishes of the other parent—is not extraditable. That is so for two related reasons.

The criminalization of parental abduction is a relatively recent development in U.S. criminal law. Prior to the mid-1970's, parental abduction was generally considered a family law matter not covered by criminal law. In the last two decades or so, U.S. criminal law has evolved significantly. All 50 states make the act a crime, as does the District of Columbia and the Federal Government.

As a consequence of this development in the law, a disparity has been created in U.S. extradition law. The disparity occurs in a subset of extradition treaties referred to as "list" treaties—so named because they specifically enumerate, or list, the crimes under the treaty that are considered extraditable. Thus, because the act of parental abduction was not a crime when these older list treaties were ratified, it has been the practice of the executive branch to interpret the treaties as excluding parental abduction. This concern does not arise in more modern "dual criminality" treaties, which avoid the limiting nature of the list treaties by allowing extradition in any case where both countries make a practice a felony.

Seeking to remove this disparity, the Clinton administration has requested authority to adopt a new interpretation of the term "kidnapping" in the list treaties so that it encompasses parental abduction. The Foreign Relations Committee strongly supports this request, and voted unanimously last month to report the bill to the Senate.

The chairman and I have offered a substitute amendment which makes several changes to the Committee-reported bill which were recommended by the Justice Department after it gave closer review to the legislation. The changes are modest, and mostly technical. I would highlight only one: the committee-reported bill provided, in the operative section of the bill, section 3, that the Congress authorizes the interpretation of the term kidnapping to include international parental kidnapping. The substitute omits the word "international," for an important reason: the crime of international parental abduction, which includes as an element the taking of a child out of the country, is a Federal offense. But the practical reality is that most extradition cases will involve crimes prosecuted at the state level, where the offense does not include the aforementioned element of removing the child from the country. Thus, the substitute ensures that the bill has the broadest possible reach.

Mr. President, the abduction of children by their parents is a heartwrenching crime. This bill will ensure that there is no disparity in U.S. extradition law and practice with regard to this crime, and, I hope, will help lead to the extradition of individuals wanted for this crime. I urge my colleagues to support the bill.

Mr. LOTT. Mr. President, I ask unanimous that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1523) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1266), as amended, was read the third time and passed.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I believe there is still some more debate on the ISTEA legislation or other actions that may be considered tonight. So we will not do the closing at this time. But just so Senators will know what the present situation is and what they can expect later on tonight, of course, we do not expect any further recorded votes tonight. It is our anticipation that at 9:45 in the morning, there will be a vote on the cloture motion relating to the ISTEA highway construction bill. I am still trying to find a way to clear this bill of the obstructions that have been placed in its path so that we will have safe highways and safe roads and get this major legislation through the Senate. We have had two cloture votes. The next cloture vote will be tomorrow at 9:45 a.m.

We made a serious effort today by all concerned on both sides of the aisle and both sides of the issue with relation to the campaign finance reform matter to find a way to move forward, and I believe that Senator DASCHLE and I had basically reached an agreement, but then other Senators indicated that they wanted something more and we couldn't complete that agreement.

I think that is really unfortunate. I thought what we had come up with was very fair, that we would take up campaign finance reform by the first week of March and that amendments would be in order. But we will continue to work on it, hopefully, because I do think this is very important legislation. I will have to make a decision as majority leader after tomorrow's cloture vote as to what to do at that point. If we get cloture, obviously, we will go right on with the amendments with regard to ISTEA, the highway transportation bill, and I believe we can get it completed next week even though we have a lot of very important amendments pending.

If we don't get cloture, I have to make a call as to whether to spend another half of a week trying to cut off basically the filibuster that has gone on with regard to this legislation and move on to other matters. I think that would be unfortunate. I think this is important legislation that needs to be passed.

On Monday, if we have not been able to clear from hold the Federal Reserve nominees, it would be my intention to move to debate those and get a vote on them. And we also are going to have to act early next week, in some form, with regard to the threatened Amtrak strike.

Beyond that, we will consult with Members on both sides of the aisle and let them know what will be the legislative schedule next week.

If we cannot get something worked out on ISTEA, we will move on to other issues. And, of course, I would like to continue to work on the Executive Calendar, but that takes cooperation on both sides of the aisle. And if we cannot get cooperation on committee meetings and on how we resolve campaign finance reform, I guess we will not get cooperation on nominations either. But we will keep moving forward and see if we can come to some reasonable agreement so we can get this very important legislation completed.

I yield the floor, Mr. President.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is still conducting morning business until 6:30 this evening.

Mr. BYRD. Mr. President, I wonder if the distinguished majority leader would mind if the Senate returned to the consideration of the highway bill?

Mr. LOTT. Mr. President, I would have no objection to that. I would like to make sure that the manager of the bill has no objection at this time.

Mr. CHAFEE. It is my understanding that the distinguished Senator from West Virginia is going to make some comments and no motions or anything are involved. It is strictly some remarks in connection with the legislation.

Mr. BYRD. That is correct. I would like to make them while the highway bill is pending before the Senate.

Mr. CHAFEE. So I have no objection.

Mr. BYRD. I thank the Chair.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. If there is no objection, the Senate will proceed to consideration of the highway bill. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee/Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee/Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee/Warner amendment No. 1314 (to Amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to Amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. BYRD. Mr. President, with reference to the highway bill, on yesterday I, on behalf of Senators GRAMM, BAUCUS, and WARNER, introduced an amendment for printing only and also for the purpose of having that amendment appear in the CONGRESSIONAL RECORD. And I was not offering the amendment in the usual sense that I was calling it up, and so consent was granted.

At that time I indicated that there were several Senators who wished to be added as cosponsors of that proposed amendment. And I wish to add these names today to those that I stated yesterday: Senators BROWNBACK, CAMPBELL, CONRAD, CRAIG, GLENN, HELMS, LEVIN, and KEMPTHORNE. And I wish to remove the name of Mr. COATS. That name was included in error yesterday. And so I ask unanimous consent that the RECORD show that the name of Mr. COATS was removed and also to indicate the additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Yesterday I indicated that I would present for the RECORD the history of the Federal gasoline excise taxes since the inception of the highway trust fund. I ask unanimous consent that I may have printed for the RECORD such history.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

HISTORY OF FEDERAL GASOLINE EXCISE TAXES SINCE THE INCEPTION OF THE HIGHWAY TRUST FUND

The enactment of the Federal Aid Highway and Highway Revenue Act of 1956 (PL 84–627), called for all Federal gasoline excise taxes to be placed in the newly established Highway Trust Fund. Between 1956 and 1990, the Congress, on numerous occasions, voted to extend these gasoline excise taxes with all of the revenue being devoted to the Highway Trust Fund.

The Omnibus Budget Revenue Reconciliation Act of 1990 (PL 101–508) increased the Federal gasoline tax by 5 cents, with 2.5 cents being dedicated to deficit reduction and 2.5 cents being dedicated to the Highway Trust Fund. Of the amounts transferred to the Highway Trust Fund, 2 cents of the tax was deposited in the Highway Account of the Highway Trust Fund and 0.5 cents of the tax was deposited in the Mass Transit Account.

The 2.5 cents dedicated to deficit reduction under OBRA 1990 was scheduled to expire on September 30, 1995. Instead, the Omnibus Budget Reconciliation Act of 1993, (PL 103–66) stipulated that this 2.5 cents gasoline tax be deposited into the Highway Trust Fund, beginning on October 1, 1995, and divided in the same manner as the 2.5 cents placed in the Trust Fund in 1990.

OBRA 1993 simultaneously levied a new, permanent gas tax of 4.3 cents dedicated solely to deficit reduction.

The Taxpayer Relief Act of 1997 (PL 105–34) stipulated that the entire 4.3 cents gas tax would be deposited in the Highway Trust Fund beginning on October 1, 1997, with 3.45 cents of the tax being dedicated to the Highway Account of the Highway Trust Fund and 0.85 cents being dedicated to the Mass Transit Account.

Source: CRS Report for Congress: Federal Excise Taxes on Gasoline and the Highway Trust Fund, September 15, 1997.

Mr. BYRD. Mr. President, it was my intention to move at this time to waive all points of order pursuant to the budget act affecting the amendment that I had introduced on yesterday for printing on behalf of myself and Senators GRAMM, BAUCUS, and WARNER.

Mr. President, having the floor, I have a perfect right to move at this time to waive such points of order; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I am not required to wait until such time as that amendment is pending before the Senate, nor am I required under the rules to wait until such time as the so-called tree, consisting of several amendments, has been dismantled, nor do I have to wait until such time as such a point of order is actually made against the amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

So I am perfectly within my rights at this point to move to waive such points of order. Such a motion would be debatable. And it would also be amendable, would it not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Now, Mr. President, I had intended to ask unanimous consent that that motion not be amendable. But I thought I should let Mr. CHAFEE know that I intended to make such a request. He might want to object to it. I had a right to make the motion. He could not keep me from doing that. But I wanted to get consent that it not be amendable, and I thought he had the right to know about that. And I realize he could object to that, and he will. He has told me he will object to that.

Now, my purpose in wanting to get such consent is simply this: 60 votes are required for me to waive the points of order under the Budget Act. However, my motion would be amendable, it would be open to amendment, and such an amendment to my motion would require only a majority of votes, so that if all 100 Senators were present and voting, only 51 votes would be required to amend my motion, which, standing alone, would require 60 votes.

If the motion to amend my motion to waive were to carry, then a simple majority could add the authors' motion to amend my motion. That would put me at a disadvantage in that it is my understanding that Mr. DOMENICI might make a motion, the purpose of which would be—and I don't know that he is going to do this —he would repeal the gas tax, the 4.3-cent tax. That may or may not be based on rumor. I haven't heard Senator DOMENICI say that, but I anticipate that such a motion or some other motion might be made. If that were the case, if that were to be adopted by a majority vote, I would be put at a great disadvantage in trying to get 60 votes for my motion, so I do not intend to make that motion at this time.

But it may be that at some future time we can work out something whereby I could get a vote on a motion to waive points of order under the Budget Act against my amendment. That is a motion that is made quite frequently here. Sometimes it carries, sometimes it doesn't. So I intended to make that motion because I feel that the sponsors of our amendment have 60 or more votes in support of such motion and in support of such amendment.

Several Senators have indicated to me and have indicated to my three cosponsors that while they will not cosponsor the amendment, they will support it, so that we feel we would have more than 60 votes. But I am not at this time going to make the motion for the reasons I have stated.

HAPPY BIRTHDAY, SENATOR CHAFEE

Mr. BYRD. On another matter, I'm informed that on yesterday the distinguished, the very distinguished, Senator from Rhode Island reached his 75th birthday. Oh, to be 75 again! I experienced that happy occasion 5 years ago. Today is the 23rd of October. In 27 more days I will reach my 80th birthday. Hopefully the Senate will be out of session because I don't want anything said about it.

But I must congratulate this crusty New Englander, whom I admire hugely, on his having reached his 75th birthday. He is a great American. He is truly a fine Senator. As a man he is a real man. He is honest, and he is one who deals fairly with his colleagues right up on the board, straight across the board, nothing under the board, and he says what he thinks. If he agrees with one, he will agree; if he doesn't, he will say so, but he won't go out of this Chamber in any fit of distemper. It is a matter to be stated, and that is it.

So I admire JOHN CHAFEE. The people of his State are fortunate in having a man like JOHN CHAFEE here. I think we are all fortunate in having a Senator like JOHN CHAFEE. I greatly admire him.

Let me just recall a few lines to a little poem titled the "Multiplication Table of Happiness." I hope I can repeat it, having focused my thoughts on the line-item veto, the highway bill, and on the various other matters today.

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful October afternoon,
Count your age by friends, not years.

Now, after the distinguished Senator makes a response, if he feels that he has to—he doesn't—but if he wants to say anything—I saw him start to rise—then I have a question back on the highway bill I wish to ask him.

Mr. CHAFEE. Mr. President, I want to say that when one receives complimentary remarks, the merit and the weight of those remarks depend a great deal who they come from. When I receive such generous comments as I have just received from the distinguished Senator from West Virginia, whom he knows I long have had not only great admiration for but great affection for, and we have been in harness here together on many issues on the same side—on some issues we have been on the other side.

To the Senator from West Virginia, I just want to say thank you very much for those very, very kind remarks. As he knows, one of the great pleasures I have had in this Chamber in serving in the U.S. Senate is the relationship I have had with ROBERT BYRD. I count myself very, very lucky. So I will treasure the kind comments he made.

I further will say I think I'll believe them all, and if my children have any doubts about their father, I will tell them, "Here is what ROBERT BYRD said about him." I will make sure they all get copies of it.

I want to thank him very, very much.

Mr. BYRD. I can guarantee the Senator, I will never be in his State advocating that his people not vote for him, and if I'm up in his State, I will be glad to say what I have just said today about him.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. BYRD. Now, Mr. President, back on the highway bill, I understood the distinguished Senator from Rhode Island to indicate yesterday that Mr. DOMENICI's amendment, which he, Mr. CHAFEE, was going to cosponsor, was going to be entered at the desk. I have inquired there now, and I don't believe it has been entered up to this point.

Mr. CHAFEE. It was filed this morning before 10 a.m. was my clear understanding.

The PRESIDING OFFICER. There have been a number of amendments submitted, any one of which might meet that description.

Mr. CHAFEE. Mr. President, I'm informed it is amendment No. 1522.

The PRESIDING OFFICER. That amendment, the Chair understands, is being processed and was just recently submitted.

Mr. BYRD. So it is now being processed and will be available.

The PRESIDING OFFICER. It is at the desk.

Mr. BYRD. I want to have the opportunity to study it and perhaps be able to comment on it if need be.

Mr. CHAFEE. I think we will certainly get the Senator a copy of it, and we can do that this evening.

Mr. BYRD. I thank the distinguished Senator. I don't have anything else to say at this point.

I yield the floor.

Mr. CHAFEE. Now, Mr. President, I just want to say one other thing to the Senator from West Virginia. He said some kind things about me being up front and so forth. I want to thank him very much for being so candid with us. There are no tricks, there are no games here. We are each proceeding and doing everything we can, as was mentioned, to keep everything aboveboard so there are no unfair surprises. I thank the Senator very much for that. I greatly appreciate it.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, on behalf of myself and the minority leader, the Senator from South Dakota, I would like to correct the statement made by the majority leader in the RECORD. The majority leader indicated that he and the Senator from South

Dakota had an understanding with regard to how to bring back the campaign finance reform issue.

But the fact is that the agreement had not been reduced to writing, and that when it was reduced to writing, his understanding, that is, the understanding of the Senator from the State of South Dakota, my understanding, and the understanding of every member of our caucus was that the vehicle by which this would happen would be that we would bring back Senate bill 25, as modified.

The agreement did not include that language. And there simply was no additional or new request made by anyone on our behalf. So I would like to correct that statement as well. That did not happen. We are hopeful that an agreement can be reached. But I do have to say, for the record, that it simply was not a correct representation of what happened with regard to the negotiations today.

Thank you, Mr. President.

ORDERS FOR FRIDAY, OCTOBER 24, 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:45 a.m. on Friday, October 24. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted. I also ask that the cloture vote occur on the modified committee amendment to S. 1173, the ISTEA reauthorization bill, at the hour of 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Mr. President, tomorrow morning, the Senate will conduct a cloture vote on the committee amendment to the ISTEA legislation. If cloture is invoked, the Senate will proceed to the consideration of the ISTEA legislation. In addition, the Senate may turn to any available appropriations conference reports—possibly the Interior conference report. As earlier announced, the Senate is expected to vote on the nomination of Algenon Marbley to be U.S. District Judge on Monday, October 27 at 5 p.m. As a reminder to all Members, the next rollcall vote will occur at 9:45 a.m. tomorrow morning.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Friday, October 24, 1997, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate October 23, 1997:

DEPARTMENT OF DEFENSE

PAUL J. HOEPER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE GILBERT F. DECKER, RESIGNED.

DEPARTMENT OF ENERGY

LINDA KEY BREATHITT, OF KENTUCKY, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2002, VICE DONALD FARLEY SANTA, JR, TERM EXPIRED.

CURT HERBERT, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999, VICE ELIZABETH ANNE MOLER.

INTER-AMERICAN FOUNDATION

FRANK D. YTURRIA, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2002. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23, 1997:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KEVIN L. THURM, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF STATE

PETER L. SCHER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL TRADE NEGOTIATOR.

EDWARD E. SHUMAKER III, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

DEPARTMENT OF THE TREASURY

ELLEN SEIDMAN, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR A TERM OF FIVE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, October 23, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe into us, O God, the breath of life; strengthen us, O God, with the power of Your spirit; encourage us, O God, with the vision of liberty and the heritage of freedom; comfort us, O God, with the grace of forgiveness and the assurance of peace in our hearts, and may Your good blessing be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SHIMKUS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. NEY] come forward and lead the House in the Pledge of Allegiance.

Mr. NEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 56. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2527.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MORELLA). The Chair will entertain fifteen 1-minutes on each side.

DO NOT GIVE UP ON PUBLIC SCHOOLS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, today Speaker GINGRICH will bring to the floor the Republican private education savings account proposal. This bill will do nothing to improve public schools. It is just another tax break for wealthy Americans to help them pay for private schools.

We already provide tax-favored savings accounts to help parents pay for college education expenses, both public and private. But there is no reason to expand this to pay for expenses from kindergarten to 12th grade at private schools. The money should instead be invested to improve public education from K to 12.

A Democratic alternative that will be proposed today would use the money for interest-free bonds made available to public schools to pay for school construction and repair, purchases of equipment and teacher training expenses.

Madam Speaker, I would ask my colleagues on both sides of the aisle to support the Democratic alternative. Let us improve public education rather than siphon Federal dollars for private schools. Madam Speaker, I say to my colleagues: Do not give up on the public schools.

TRANSPORTATION OF NUCLEAR WASTE POSES THREAT TO AMERICA'S COMMUNITIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, the nuclear energy industry is trying to pull the nuclear wool over the eyes of America.

A recent report stated that transportation accidents involving dangerous nuclear wastes are inevitable and widespread catastrophic contamination is very, very possible. When comparing similar situations of transporting nuclear wastes and hazardous materials, the future for needless highly dangerous nuclear waste shipments looks frightening.

Data from the Department of Transportation reveals that in the last 10 years, just under 100,000 accidents released some form of hazardous material in the United States and its territories.

Madam Speaker, these releases caused over $300 billion in damages, over 4,000 minor injuries and 350 major injuries, and over a staggering 100 human deaths.

Madam Speaker, these statistics are unacceptable, especially when extremely dangerous nuclear waste and its catastrophic repercussions are similarly shipped across this country. I urge my colleagues to vote no on H.R. 1270.

ANN'S CAMPAIGN FOR A SAFER AMERICA

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, I rise to recognize the resilience of a remarkable northern Virginia family. In April I was on the floor commemorating a young woman whose life was cut short in an act of senseless, random violence. At that time, the Mt. Vernon community in my district was attempting to come to grips with the loss of Ann Marie Harris, who was shot and killed in Tacoma, WA, during her spring break.

Madam Speaker, since this senseless tragedy Ann's friends and family have worked hard to keep her memory alive through the founding of "Ann's Campaign for a Safer America." This organization is working to help all of us live the life that Ann radiated; a life in which we care more and are more understanding of each other.

I have the deepest respect for the Harris family as they try to turn this tragedy into a positive contribution for

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

our communities. The Harrises have undertaken a speaking campaign to spread their experience through school presentation, conferences, and other forums. They will work with parents and school groups to prevent tragedies like this from recurring.

Madam Speaker, it epitomizes the best of the human spirit.

The Harris family is truly an example for us all. They have taken this shattering experience and turned it into a living tribute to their daughter. Ann's exceptional energy and enthusiasm lives on through these efforts.

Mr. Speaker, "Ann's Campaign for A Safer America" epitomizes the very best of the human spirit. I can think of no more appropriate memorial from Ann's family and friends than this effort to bring more understanding and less violence to our community.

KATHY WALLACE NAMED REE COOK-REITER "WOMAN OF THE YEAR"

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Madam Speaker, today I want to talk about Kathy Wallace of Bellaire, OH, who has been named the Ohio Valley Medical Center's 1997 Ree Cook-Reiter Women's Center "Woman of the Year." Kathy is the first recipient of the award which honors women who are devoted to helping their communities.

Kathy is special to many people in the Ohio Valley where I am from. She has touched many lives through her caring and giving attitude. Some of those people are residents of the Country Club Retirement Center in Bellaire, where she gives weekly manicures. She always has a warm smile and friendly conversation for them. Kathy also donates sweet treats to nursing home residents from the Dairy Queen that she owns in Martins Ferry, OH.

Kathy has taught Bellaire and Belmont County about the importance of volunteering and dedication to one's community. She leads by example.

Madam Speaker, I ask that my colleagues join me in thanking Kathy Wallace for her service to Belmont County, and to congratulate her as she is honored with this award as the "Woman of the Year." I wish Kathy Wallace continued success and health and prosperity. She is what America is all about. She has made people's lives brighter.

COLLEGE COSTS MOUNT AS COLLEGE PRESIDENTS' SALARIES RISE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, economists say they are mystified. They cannot understand why college costs are going so high.

It is no mystery to me, Madam Speaker. Check this out: The president of Vanderbilt makes $480,000 a year. The president of Penn, $450,000. The president of Wake Forest, $450,000. The presidents of NYU and Yale make $425,000.

Madam Speaker, if that is not enough to tax our student loan, the president of Northeastern makes $1 million. Who is kidding whom? It does not take a Ph.D. to figure this out. Costs are going up at the college level because college presidents are getting hernias from carrying money bags around. Meanwhile, college graduates and students are filing for bankruptcy. Beam me up.

Madam Speaker, the President of the United States makes $250,000. I yield back all of those Ph.D. presidents; they are all piled higher and deeper with money bags, I might add.

RADICAL REPUBLICANS PAVE WAY FOR BRIGHTER AMERICAN FUTURE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, during the American Reconstruction period from 1865 through 1877, there was a group of visionaries who were called radical Republicans. They wanted African-Americans to have full citizenship. These radical Republicans were for changes in society and in government.

Those who criticized the Republicans were the defenders of the status quo, and that is, once again, the situation today. Republicans are once again being called radical, extremists, mean-spirited by the defenders of the status quo.

Why? Because it is Republicans who want to change government; who want to reform the IRS; who want to give back citizens their constitutional right of innocence until proven guilty, instead of being guilty until they prove themselves innocent in an IRS tax audit.

Madam Speaker, that is the vision of today's radical Republicans. It is not extreme or heartless. It is just common sense. So when my colleagues hear those words, "extreme," "mean-spirited," "radical," remember once again the so-called radical Republicans paving the way for a brighter future for everyone here in America.

CHARACTER EDUCATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, I rise in support of character education and the strengthening of our public schools. I know teaching our children values and ethics will help improve education.

Last week I visited three schools in my district where character counts. They have embraced character education. They provide instruction on how to make good decisions. It teaches each child to control his own behavior. It teaches children to look at the world through a moral lense. Character education adapts existing educational material to inspire development of core ethical values among all students in the learning process.

Madam Speaker, it complements the efforts of parents, family, churches and the business community in developing qualities in our children that will strengthen our society. It emphasizes courage, good judgment, integrity, kindness, perseverance, respect, responsibility, and self-discipline.

Character education is a public school initiative that can improve education in America. Unfortunately, Congress would rather play politics with our children's future. Madam Speaker, we do not need vouchers to put tax money in private and religious schools. Let us defeat vouchers.

CONGRATULATIONS TO THE MT. VERNON, IL FUTURE FARMERS OF AMERICA

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I rise today to commend the young members of the Mt. Vernon, IL Future Farmers of America who have won the Illinois FFA career development contest and will soon head to the national contest in Kansas City, MO.

As part of the contest, this group of young men and women from southern Illinois was asked to choose a topic of debate on agriculture. The Mt. Vernon FFA chose to debate on the ethanol tax incentive, which is so important to the environment, energy independency, and economic growth in this country.

☐ 1015

FFA debate team members will now travel to Kansas City on November 12 to debate with other FFA groups nationally.

I want to commend the Mount Vernon Township High School FFA for their hard work and wish each and every one of them the best of luck in debating ethanol in Kansas City.

Hopefully, they can come out and help me as we fight for the ethanol tax credit here in Washington, DC.

EDUCATION: REAFFIRMING OUR COMMITMENT

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Madam Speaker, I rise today along with many of my colleagues to reaffirm our commitment to the education of our children and to our role in supporting local initiatives for strong neighborhood public schools.

One fine example of a local initiative which has fostered the success of thousands of children in my home State of California is the Parent Institute for Quality Education which has just celebrated its 10th anniversary. The primary emphasis of the Institute and its founder, Vahac Mardirosian, is the involvement of parents in their children's education. The Institute provides parents with the skills and knowledge necessary to become actively involved with their kids both at home and in their children's schools.

The Institute works with schools that have the most at-risk students. By building partnerships between parents, teachers and school administrators, the work and efforts of each are strengthened and every measure of quality education is demonstrably improved.

Plans to increase parental involvement in all our schools are included in the Democratic agenda for first class public schools. I encourage my colleagues to support this agenda which reaffirms our commitment to our children and to public education in our Nation.

COINCIDENCE OR ABUSE OF POWER

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, the President of the United States says that we should not politicize the IRS. I agree. So let us see if I have got this straight.

The White House is going to be the defender of the IRS from politics. That must be awfully inspiring to the conservative groups and critics of the Clinton administration who have all suddenly found themselves targeted for an audit. Pure coincidence, I am sure.

Look at the record. Let us see how this nonpolitical IRS is working out in reality. A nonprofit group in Wisconsin, Fortress America, mailed a fund-raising letter criticizing Hillary Clinton. What happened? Coincidence time. They got audited. A charter company, UltraAir, was one of those who got the ax in the travel office scandal. What happened? Coincidence time. They got audited. Billy Dale, coincidence time again, he got audited. Paula Jones brings a lawsuit. You guessed it. Another audit. Coincidence or abuse of power? You decide.

NATIONAL SAVE OUR CHILDREN DAY

(Ms. CHRISTIAN-GREEN asked and was given permission to address the House for 1 minute.)

Ms. CHRISTIAN-GREEN. Madam Speaker, not just October 27, but every day should be National Save Our Schools Day. As I see it, October 27 and every day should be National Save Our Children Day. This is the test by which our generation will be judged. The degree to which our Nation prospers in the 21st century and beyond will depend on our success as leaders in developing safe, well-equipped and well-managed public educational institutions which will promote and nurture the academic, social, and emotional development of our children from the very beginning of their lives.

Today, much of the greatness that this country could realize is being lost in the broken down hallways and ill-equipped classrooms of the public school system which we have created through our neglect.

No one would disagree that the system as a whole is dysfunctional, but would not this Congress be also dysfunctional if conditions were in the same despicable state in which too many of our children spend most of their young impressionable lives? Every day that this nation's children enter most of our public schools, the message that they get is that we, their leaders, do not care and they naturally respond in kind. So, Madam Speaker, not just on Monday, but every day we should make saving our children from despair and neglect our highest priority.

HABITAT FOR HUMANITY HELPS THOSE WHO HELP THEMSELVES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I am pleased to congratulate Habitat for Humanity for kicking off a 6-week effort to construct five town homes in Fredericksburg, MD. Since 1976 Habitat for Humanity has used the model that the Lord helps those who help themselves to build simple decent homes in all 50 of the United States and more than 50 other countries. Habitat for Humanity is an ecumenical religious housing ministry that welcomes all people's participation and donations in their work.

By providing decent housing, using donated materials and volunteer labor, habitat builds the self-esteem and self-reliance of God's people in need and builds a stronger sense of community among all people by providing opportunities for individuals to bear active witness to their individual faiths and responsibilities as members of a community. I commend Habitat for Humanity for building homes and strengthening our communities.

UNION PACIFIC MONOPOLY

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Madam Speaker, freight rail service in large parts of the Western United States is at the point of collapse. Shipments have been delayed for weeks, even lost for months. That is not uncommon. Rail car shortages are so bad that plants in my district and throughout the Northwest are laying off workers, curtailing production for which they have orders because they cannot ship the product and they have got no place to put it.

Union Pacific's response has been, we are a monopoly now. We really do not care very much about your problems because you have got no place else to turn. Shippers have turned to the Service Transportation Board of the Government in desperation and now Union Pacific has a response, a suggested form letter with a carbon copy to President Dick Davidson of UP saying, we do not want any help or intervention, things might get better. UP is going to fix things now. They are paying attention.

They are being coerced into signing these letters, they are telling me, for fear that the dribble of rail cars they are now getting will be totally shut off. The Government has to step in and get the attention of this monopoly and straighten this out.

GROSS ABUSE AT IRS

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LINDA SMITH of Washington. Madam Speaker, the American people were treated to quite a spectacle last week. Year after year, we have heard complaints from citizens about heavy-handed tactics of the IRS, gross abuse of power and politically motivated tax audits. Finally, we are treated to a public hearing of these accusations. The only surprise is that things are even worse than we thought.

IRS stories are nothing new. I worked in this field for 15 years preparing tax returns. I had to live through many of these horrors with families. Everyone has got one, someone who has had their whole life turned upside down by an IRS agent who cannot tell the difference between a tax cheat, the little guy who has made an honest mistake, and an ordinary citizen trying as best they can to comply with an incredibly complicated Tax Code that even IRS experts, from my experience, do not understand.

We need to clean up the system and simplify it.

CAMPAIGN FINANCE REFORM

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Madam Speaker, does a fish feel the wet? So asked an editorial writer last week in discussing campaign finance reform. A fish spends so much time in water he does not wake up one morning and say, gosh, I feel damp today.

Have we in Congress become so immersed in campaign dollars that we no longer feel the wet? Have we become fish, so used to swimming in the search for campaign donations that we no longer feel the wet? Have our lives become so immersed in making calls for donations that we no longer feel the wet? Do we spend so much time worrying about the level of money in our campaign funds that we no longer feel the wet? Has the Republican leadership become so immersed in the flood of campaign donations that they no longer feel the wet and will do everything they can to block campaign finance reform from even coming to the floor of this House? Madam Speaker, we have been immersed so long our voters no longer think we are wet. They think we are sliding. It is time to get out of the wet, dry off, and pass campaign finance reform.

LT. COMDR. ROBERT CURBEAM

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Madam Speaker, we Republicans in Congress are fighting to return rigorous academic standards to the public classroom. However, something just as critical is also missing from public schools: teaching our children virtue, patriotism, and citizenship. A shining example of those qualities was presented in my district last week when Lt. Comdr. Robert Curbeam, U.S. Navy, joined me in visiting four schools in the 27th Congressional District of California. For 6 straight hours, Bob Curbeam shuttled from Burbank to Glendale to Pasadena to Altadena. Bob went from classroom to classroom, and assembly to assembly talking to hundreds of children—many of them at-risk children—about his experiences as an astronaut aboard the NASA space shuttle *Discovery*, mission STS 85. I wish every Member of this body could have seen the faces on these children when they were able to see and listen to Bob Curbeam talking about the importance of studying hard, staying away from drugs and gangs, and believing in themselves.

The final school we visited was a school for emotionally disturbed children. Many of them live at the school because no suitable family homelife is available to them. At the end of Bob's speech, two young wide-eyed boys walked up to him and said, "when I grow up, I want to be just like you." What a wonderful tribute that was to a wonderful role model. That is what heroes are all about. That is what patriotism is all about. That is what Robert Curbeam is all about. I am proud to count him as a friend; I am grateful for his service to our country; and I am deeply thankful that there are role models for young children like Bob Curbeam. As long as America produces leaders like him, we can continue to look forward to the future of our country with great confidence.

COLLEGE FOOTBALL'S FIRST-EVER PLAY BY A WOMAN

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Madam Speaker, I want to bring to the attention of the House the fact that history was made in my district last Saturday. Liz Heaston, a 20-year-old junior, made college football's first ever play by a woman. Playing for the fifth-ranked undefeated NAIA Willamette University football team in Salem, OR, she entered the stadium late after playing in an earlier soccer game and kicked an extra point following the Bearcats' second touchdown at the end of the second half. Not only has Liz Heaston made history, but she has also demonstrated to everyone that with hard work, dedication, and the ability to dream, you can accomplish anything. Good work, Liz.

WORKING TO REFORM THE IRS

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Madam Speaker, are you afraid to step up to the customer service counter at Sears and return an item if it is the wrong size or color? Are you afraid to send a plate of cold food back to the kitchen in a restaurant? Are you afraid to tell your mechanic about the strange noise in the new muffler they just installed? Probably not.

Are you afraid to call the IRS after finding an honest mistake in your tax return? You bet you are. So are most Americans.

A few weeks ago in church I met a man who was having terrible problems with the IRS. He wanted to come forward and share his story with one of the local TV stations, but in the end he decided not to. He was too afraid.

We have a lot of things to fear in the world today, from terrorist bombings abroad to gang violence here on the home front. Dealing with a Government agency created by and supported by our tax dollars should not be one of them. This is one of the reasons we need to reform the IRS, but that alone is not enough. We cannot expect efficiency and accommodation from an agency that is expected to enforce the world's most complicated Tax Code. We need to reform the IRS, but we also need to reform the Tax Code. Paying taxes is hard enough. We do not need 110,000 IRS employees and 4,000 amendments to the Tax Code to make it even harder.

CHARTER SCHOOL AMENDMENT ACT

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Madam Speaker, I would like to join my colleague and say that we do need to reform the Tax Code and reform the IRS. Let us do it this year. Let us do it before we leave here in November. Let us take care of it now so the folks next year, when they pay their taxes, will be able to deal with it.

I am going to talk about a bill that is on the calendar today. H.R. 2646 is a bill we will vote on today that will allow for IRA's for education expenses for elementary, secondary students. Public education has always been important to the United States. H.R. 2646 allows a parent to set up a tax-free IRA of $2,500 a year per child and that money could be used for subsidizing investment accounts for either public or private school extra expenses. However, the bill takes scarce Federal dollars and leaves out 90 percent of the students who attend public schools. This will cost the taxpayers $5 billion a year.

Why should taxpayer money be redirected to a small few? Sixty-four percent of families with children under the age of 18 will not be able to participate in this bill. They have to buy uniforms and computers, too. Let us help most of the people, not a select few.

EDUCATION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, why are the Democrats trying to keep the status quo in public education? Are they so much in the pocket of the Washington Teachers Union that they are willing to sacrifice America's children to educational mediocrity.

As a public school graduate and the son and brother of teachers, I am appalled by this out-of-touch, deny-reality approach to education. Just because Washington bureaucrats do not want to improve public education does not mean that Congress should be afraid to tackle the job.

□ 1030

Since my graduation from high school, SAT scores have fallen. Tests on an international basis show that Americans are behind German, Japanese, and British children, and private schools and charter schools are flourishing in popularity.

Why? Because of local control. Because of less Washington bureaucrats. Not because of Washington redtape and all the status quo things that the Democrat Party seems so content to keep piling on, and piling on, on the teacher and her classroom.

I say let us improve public education. Let us start by returning dollars not to the Washington bureaucracy but to the teacher in the classroom.

SUPPORT H.R. 2649 OR H.R. 2650 TO END LINE-ITEM VETO

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Madam Speaker, I think there was an interesting experience yesterday in the hearings before the Committee on National Security as we watched the worm turn. I noted with some sense of irony the protests that were being made about the President's recent exercise of the line-item veto, a power given to him by most of those who were protesting its exercise.

The fears that we had that this would be an invitation to an abuse of power are being borne out. It is unconstitutional. It is bad public policy.

Who do we have to blame? Ourselves.

How do we undo it? Let us start here with a better approach: Expedited rescissions, giving the President the power to flag wasteful items, but then we have to vote and vote promptly.

We have a measure for every taste. If my colleagues would like to repeal the line-item veto and replace it with expedited rescissions, H.R. 2649.

If we are purists and want to completely repeal the line-item veto, a completely defensible point of view as well, H.R. 2650.

BIG HAT, NO CATTLE

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Madam Speaker, we know that the President and other politicians talk an awful lot about education reform but, unfortunately, that is about as far as it gets. Because for all the talk about improving our Nation's schools, when it comes to concrete action, real reforms that will force bad schools to improve or shut down, there is no action.

It is a case once again, as they say in Texas, of "big hat, no cattle." Take for example A+ Accounts. A+ Accounts are education savings accounts which let parents save in a tax-free account so that they can send their kids to a better school if the public schools in their neighborhood are bad.

But the President and his special interest allies oppose the idea of A+ Accounts. They would rather force kids to stay in crummy schools than to take on the special interests that are incapable of reforming bad schools. But, of course, this will not stop them from talking about education reform and reforming bad schools. "Big hat, no cattle."

UNITE BEHIND PUBLIC EDUCATION, REJECT PRIVATE INCENTIVE PROGRAMS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Madam Speaker, well, as we know in Texas, you do not help our public schools by siphoning off the money and giving it to private elite academies, and that is what this so-called Private School Expense Act that we are about to debate is all about.

It is at the expense of public education that we help the private elite academies that serve a small percentage of the wealthiest among us. I think it is wrong. I represent communities in the capital of Texas, the central Texas area, that will next month receive more blue ribbon school awards for quality public education than any other area our size.

Our business community supports our public schools through a massive adopt-a-school program of time and resources. But today's Private School Expense Act goes in just the opposite direction. If we want to support those efforts, those local community efforts for strong public schools, we do not take Federal resources and divert them and provide an incentive for the wealthy to leave public education.

Let us unite behind public education and reject this private incentive program.

FIND A WAY TO PRESERVE THE HISTORIC CONGRESSIONAL CEMETERY

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Madam Speaker, not very far from the Capitol in Southeast Washington sits the historic Congressional Cemetery. The name is somewhat misleading, since the cemetery itself is not affiliated with the U.S. Congress. However, there are over 60,000 interments there, including America's "March King," John Philip Sousa; former FBI Director J. Edgar Hoover; Native Americans; military leaders; and over 50 former Members of Congress.

Over the years, the cemetery has fallen into disrepair. It was in need of a thorough cleanup, and under the leadership of our own Jim Oliver from the Cloakroom, who also heads the Association for the Preservation of Historic Congressional Cemetery, the project was undertaken last month.

It would be impossible to name the hundreds of volunteers, but special praise goes to Air Force M. Sgt. Thomas Williams and Sgt. Dave Lutzow, both stationed at Andrews Air Force Base, who saw a program on the History Channel listing the cemetery as an endangered national treasure. Also, our former colleague, Bill Carney of New York, deserves great praise.

It was a terrific effort but more needs to be done. We have to find a way to provide for permanent care and maintenance of this treasure. It is truly historic and of national significance.

THE 25TH ANNIVERSARY OF TITLE IX

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Madam Speaker, yesterday the bipartisan Congressional Caucus for Women's Issues held a very successful title IX hearing. This is the 25th anniversary of title IX and it has afforded the opportunity for hundreds of thousands of young women and others to attend higher education. Title IX was signed into law by President Nixon and enacted on June 23, 1972.

I am happy to also announce that today I will introduce legislation for a Congressional Gold Medal for Ms. Wilma Rudolph, a pioneer. The legislation is sponsored by original sponsors, nearly 40 of them here in this House of Representatives. It just so happens that June 23, the day the bill was enacted, is Ms. Wilma Rudolph's anniversary of her birthday, and we honor title IX.

Twenty-five years. We have come a long way, and we have a long way to go into the new millennium. It is our hope the Congressional Caucus on Women's Issues will put this issue before the Committee on Economic and Educational Opportunities.

TAX REFORM

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Madam Speaker, according to the Cato Institute about one-half of the 10 million correction notices sent out each year by the Internal Revenue Service are wrong. They are wrong. Yet the IRS has a very unforgiving view when others make mistakes. For example, the IRS once fined a taxpayer $46,000 for an alleged underpayment of 10 cents.

That is why I have cosponsored the IRS Restructuring and Reform Act: to provide taxpayers new protections and rights to address many of the abuses spotlighted in the Senate hearings. Once we provide more protection for taxpayers, we must then simplify the current system and end the IRS as we presently know it.

It is my goal, it is the Republican goal, to end overtaxation in America. It is my goal to help Americans keep more of the money they earn so they can do more for themselves, for their families, and for their communities.

I ask my colleagues to join with me to make it happen, and I ask Congress to work with us to make sure Washington wastes less of our money and our families are able to keep more of what we earn.

VIETNAM—THE HUMAN RIGHTS SITUATION

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Madam Speaker, I rise today to draw the House of Representatives' attention to statements received at a Member's briefing I cochaired on the human rights situation in Vietnam on September 30, 1997.

This briefing included testimony from experts from international, religious, and human rights' organizations on the social and political state of Vietnam. In addition to myself, the gentlewoman from California, Ms. ZOE LOFGREN, the gentlewoman from Ohio, Ms. MARCY KAPTUR, and the gentleman from Virginia, Mr. TOM DAVIS, were also in attendance to hear the recommendations from these witnesses.

Madam Speaker, I request the statements made at the briefing be submitted for the CONGRESSIONAL RECORD.

This past June, Secretary of State Madeleine Albright visited Vietnam to formally open the U.S. Embassy. The recent establishment of diplomatic relations reflects historic changes of the United States-Vietnamese relations since the end of the Vietnam war in 1975 and the lifting of the embargo in 1994.

I believe that with the normalization of relations between the two countries comes a great responsibility. Now, more than ever before, it is of critical importance we pay careful attention to the progression of developments.

DEMOCRATS SHOULD STOP HELPING WHITE HOUSE OBSTRUCT JUSTICE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Madam Speaker, more and more Americans are concerned about the fund-raising scandal going on and the coverup going on over at the White House. In fact, a majority of Americans are now calling for an independent prosecutor. Yet all the Democrats give us is the "they did it, too."

But the New York Times editorial said on July 16, 1997, quote, the White House fundraising scandal cannot be covered up by the standard spin of the "they-did-it-too" or the equally shop worn "whoops-sorry-about-that."

The Detroit News says there is a pattern here. The administration appears to have perfected the art of delay and obstruction. Democrats have been dragooned into doing the downfield blocking and tackling in Congress for the sleaziest White House since U.S. Grant. And videotapes, documents, and witnesses are discovered too late to be examined before congressional hearings. That is the New York Times and the Detroit News.

I ask the Democrats to show moral courage, step forward and stop helping this White House obstruct justice.

NO PRIVATE SCHOOL VOUCHERS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, last week I visited six schools in Atlanta: Inman Park Preschool, Morningside, Adamsville, Cook Elementary School, Walden Middle School, and Grady High School. What parents, teachers, administrators, and students all told me was we should not allow Republicans to take money away from our public schools and give it to private and religious schools.

Madam Speaker, the American people want strong public schools, not private school vouchers for a privileged few. Nine out of 10 children attend public schools. Each and every one deserves a first-class education. That is why Democrats want to invest in public schools.

What do the Republicans propose? Abolish the Department of Education, divert resources to private and religious schools. And today we consider a sneaky plan that uses the Tax Code to undermine support for public schools.

Madam Speaker, our children deserve better than easy schemes and quick-fix solutions. Stop scheming and invest in public education.

THE EFFECTS OF NAFTA AND FAST-TRACK

(Mr. STEARNS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEARNS. Madam Speaker, since NAFTA has begun, Florida agriculture has lost in excess of $1 billion; Florida tomato farmers have alone lost $750 million.

So much for level playing fields and reduced tariffs. According to the O'Conner & Hannan law firm of Washington DC, "For tomatoes, the losses are clearly due to the dumping of Mexican tomatoes in the U.S. market as determined by the Commerce Department. The primary cause of the injuries to Florida agriculture is NAFTA and its ineffectual safeguard provisions."

The Florida Department of Citrus has further informed me, that after 3 years of NAFTA, Florida citrus is still not even allowed into Mexico. How is this possibly free or fair trade?

Congress needs to stand up to this destruction of American industries such as agriculture.

The administration and the proponents of granting renewed fast-track authority have failed to articulate the economic imperative of granting such authority.

Trade deals should be negotiated when possible on a case-by-case basis and given the stature of a formal treaty.

AUTHORIZING USE OF ROTUNDA OF THE CAPITOL FOR A CEREMONY HONORING LESLIE TOWNES (BOB) HOPE

Mr. NEY. Madam Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 56) authorizing the use of the rotunda of the Capitol for a ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. KILPATRICK. Madam Speaker, reserving the right to object, will the gentleman from Ohio please explain the resolution?

Mr. NEY. Madam Speaker, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Ohio.

Mr. NEY. Madam Speaker, Bob Hope, of course we all know, has been successful in all the areas of show business, but the Committee on Veterans' Affairs believes that Bob Hope's most important contribution to our American society was entertaining the Nation's troops.

He actually attempted to enlist, in his adopted country, into the service, and he was told that the greatest service he could do for the country was to entertain troops, which he has done since World War II all the way through the Persian Gulf.

He was also cited by the Guinness Book of World Records as the most honored entertainer in the world. But I think what stands out most in the American population's mind in this country is how he put himself in harm's way, although he went with other entertainers, but led the charge really to boost the morale and to visit with our troops and let them know that America was always behind them.

So, Madam Speaker, this resolution would authorize the use of the rotunda in the Capitol on October 29, 1997, for a ceremony to honor Bob Hope by conferring on him the status of an honorary veteran. And I would note that the status of honorary veteran will be officially conferred upon him by House Joint Resolution 75, and that passed June 3, and in the Senate on September 9, and has been forwarded to the White House.

So Mr. Hope will personally be here on Wednesday, and this will be the use of the rotunda, to honor Bob Hope's commitment to our veterans and who has made our country so great.

□ 1045

Ms. KILPATRICK. Madam Speaker, I appreciate the explanation from the gentleman from Ohio. I too think Bob Hope is a fine gentleman who has really kept the morale up of many of our veterans and would concur with the resolution.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 56

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on October 29, 1997, for a ceremony to honor Leslie Townes (Bob) Hope for conferring upon him the status of an honorary veteran of the Armed Forces of the United States. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 52, not voting 17, as follows:

[Roll No. 521]

YEAS—364

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Ewing
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—52

Abercrombie
Becerra
Borski
Chenoweth
Clay
Clyburn
DeFazio
Dickey
English
Ensign
Evans
Everett
Farr
Filner
Fox
Gephardt
Gibbons
Green
Gutierrez
Gutknecht
Hefley
Hilliard
Hinchey
Hulshof
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
McDermott
Menendez
Miller (CA)
Moran (KS)
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Sabo
Salmon
Schaffer, Bob
Slaughter
Stupak
Taylor (MS)
Thompson
Velázquez
Vento
Visclosky
Waters
Weller
Wicker

NOT VOTING—17

Bonior
Bono
Brown (CA)
Cubin
Dixon
Flake
Foglietta
Gonzalez
Houghton
Istook
McDade
McIntosh
McNulty
Metcalf
Schiff
Schumer
Souder

□ 1107

So the Journal was approved.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 97. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 2646, EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment specified in part 2 of the report of the Committee on Rules, if offered by Representative Rangel or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for sixty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, the Committee on Rules met yesterday and granted a modified closed rule for the consideration of H.R. 2646, the Educational Savings Accounts for Public and Private Schools Act. The rule considers the bill as read for endorsement.

The rule further considers the amendment in the nature of a substitute recommended by the Committee on Ways and Means as modified by the amendment printed in part one of the Committee on Rules report, which fixes a 10-year pay-go problem in the Senate. The amendment causes provisions in this bill to expire after 5 years. This is in keeping with our efforts to stay within the bounds of our historic budget agreement. The Committee on the Budget has indicated they are in agreement with this amendment.

The rule also provides 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule further provides for consideration of an amendment, if offered, by the gentleman from New York [Mr. RANGEL] or his designee. All points of order are waived against his amendment.

The bill shall be considered as read for amendment and shall be debatable for 60 minutes, equally divided and controlled by a proponent and an opponent.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule. What we will debate is a matter of philosophy. There are really only two sides. The rule allows debate between those who support giving families more power over the education of their children, and those who support allowing bureaucrats to continue to have that power.

The crisis in American education today especially affects children in elementary and secondary education. Our education system is failing them and leaving too many children unprepared for the future.

Consider the following: Forty percent of all 10-year-olds cannot meet basic literacy standards; eighth graders recently placed 28th in the world in math and science skills; over 60 percent of 17-year-olds cannot read as well as they should; 2,000 acts of violence take place in schools every day; children in Los Angeles are taught to drill to protect themselves at the sound of gunfire; and almost one-third of freshmen entering college require some sort of remedial instruction.

□ 1115

We have a moral obligation to fix these problems. Without bold new ideas and innovative solutions, we never will.

Recently there has been a great deal of talk about helping more people afford a higher education. Helping financially is great, but what about the students who never access those programs because their school failed to prepare them for college? I believe we must enact reforms like H.R. 2646 so that we can truly expand higher educational opportunities for children. We increase those opportunities by providing a good, solid education at the elementary and secondary level. That way, more children will be prepared to go on to college. Blocking those reforms keeps too many children locked into a system that never gives them a chance to realize their true potential.

The real expansion of opportunity will come from preparing more children for higher education. We must reach them while they are in elementary and secondary schools, because if we do not educate them coming in, they will not have that opportunity to go to college, no matter what it costs. It is not a question of how much money is being spent on education. Some of the worst schools in the country are in districts where the per student spending is very high. It is a question of who controls the spending: families or bureaucrats. I, for one, side with the families.

Research has shown that engaging parents in their children's education improves the academic performance of their children. It also gives parents a stake in the success of their local school. The bill we will debate today is one of the most innovative initiatives yet advanced to improve the quality of education for children in America. According to the Joint Committee on Taxation, an estimated 14.3 million families will benefit from these savings accounts by the year 2000, and about 10.8 million of those have children who attend public schools.

H.R. 2646 allows families and anyone else concerned with a child's education, like grandparents, aunts, uncles, cousins, concerned mentors, or neighbors, to invest in an education savings account for that child.

Mr. Speaker, the money in these savings accounts could be withdrawn tax-free to pay for the child's education-related expenses, and those expenses may include a personal computer, tutoring, transportation to school, books, a school uniform, or private school tuition. Parents of home-schooled children and children with special needs may also use these funds for educational-related expenses. Any money not used by the time the child graduates from high school could be used for college-related expenses.

Similar ideas have been implemented in Minnesota and Arizona. For almost 15 years, Minnesota taxpayers have been able to deduct from their State income taxes expenses incurred for tuition fees, textbooks, and transportation for children enrolled in public or private schools. In fact, earlier this year the Minnesota Legislature expanded the tax credit due to enormous public support. According to the Governor's office, about 900,000 children will benefit from their expanded plan.

On April 3, the Arizona Legislature passed an innovative tuition tax credit which provides a credit for contributions to public school, extracurricular programs, and for contributions to tax-exempt organizations that award scholarships to children to attend the private schools of their choosing.

H.R. 2646 is a good bill. In a recent poll, 66 percent of those who were polled supported the creation of savings accounts like the ones in this bill. This bill will not solve all the problems in our public education system, but it can be part of the answer. I urge my colleagues to support the rule and H.R. 2646. Do it for the children, for their future. We have the power to help.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority is intent upon ignoring the needs of our public school system in the United States. Over the years, hundreds of millions of Americans have been educated in the public schools of this country, thus assuring parents that every child is entitled to and will receive an education from kindergarten through the 12th grade.

Yet, instead of seeking to improve and strengthen public educational opportunities, my Republican colleagues want to drain precious resources from the Treasury and give them, through the back door, to upper middle-class parents who send their children to private schools.

Mr. Speaker, a mere 3 months after the enactment of the balanced budget agreement and the tax bill, the Republican majority wants to create another new tax break for upper-income middle-class families. These are the families, Mr. Speaker, who are already financially able to send their children to private schools, and they do not really need the Federal Government to help them.

The Republican majority has billed these new tax breaks as a means to give parents choice in where they send their children to school, but let us face the facts. This bill will not help families who cannot already afford private or parochial schools. This bill will not help those families who are struggling to make ends meet. Most young families and families with children have relatively little money left over at the end of the month to contribute to an account which would help them with payments for a private school.

What this bill will do, Mr. Speaker, is provide benefits to higher income families, while providing little or nothing to families with incomes of less than $55,000 a year. The average tax break for a family making between $33,000 and $55,000 a year under this bill is $7. Seventy percent of the benefits of this bill will go to families making between $93,000 and $160,000 a year, upper middle-class families who send their kids to private school. A family making up to $33,000 a year will only see a tax benefit of $2, and that is if they make the maximum contribution of $2,500 to an IRA.

Mr. Speaker, this new savings program will not really do much to help families make a choice about where they send their kids to school, and it most certainly will not do anything to address the pressing needs of the public schools in this country. While I submit that H.R. 2646 is not really about nor does it afford school choice, this rule gives Members the opportunity to make a choice. The Committee on Rules has given the House an opportunity to choose between making a positive choice for the improvement of our public schools, or the Republican bill, which promises but does not give tax breaks to middle-income and lower-income families.

The committee bill benefits families who can afford to pay for tuition to a private or parochial school, and at the same time make an annual $2,500 contribution to an educational account. That is something many families are not able to afford. The Democratic alternative, which will be offered by the Committee on Ways and Means' ranking member, the gentleman from New York [Mr. RANGEL], seeks to improve curriculum, to rehabilitate or repair school buildings, to buy equipment, or to train teachers by providing interest-free capital for public schools that enter into partnerships with the private sector.

The Rangel substitute seeks to expand the educational zone provisions passed in the Tax Relief Act, and is, unlike the committee bill, targeted to the public schools and their students, who have the greatest need.

Mr. Speaker, no matter how often or how loudly the Republican majority cries that what they want to do is to help parents make choices for their children, the real truth is that for most Americans, public school is their first and only choice.

Mr. Speaker, 90 percent of the kids in this country go to public schools, and we, the elected Representatives of the mothers and fathers of those children, are duty-bound to make sure that whatever we do, we do not destroy the public education system in this country. We are duty-bound, Mr. Speaker, to help those local school districts ensure that every school is a first-class institution providing our kids with a safe and drug-free environment in which they can learn what they need to in order to be productive citizens of the 21st century. We are duty-bound, Mr. President, to make sure that every kid gets a good education.

Mr. Speaker, I support this rule, but only because the Rangel substitute has been made in order. I urge Members to reject the Republican bill, and to give kids a real choice and a real chance at quality education by adopting the Rangel substitute.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, the gentleman, and far be it from me to even presume to correct the distinguished gentleman from Texas, but I think he suggested that this might cost $2 or $3 billion.

Mr. FROST. No, I did not use that figure.

Mr. STARK. There is approximately a $2.5 billion cost, but the true cost, if the gentleman will yield, is actually over $5 billion. There is a gimmick in here, strictly for budget purposes. The bill is sunset at the end of 5 years. If the Members can name a tax loophole that has ever been allowed to sunset, then I would say he could make the point, but the fact is if this goes on, the 10-year cost approaches $5 billion, money that we could use to rebuild schools across the country and use for every American child, not merely the 2½ billion that is in here. So not only is it heading in the wrong direction, there is a subterfuge here that understates the cost by a great deal. I thank the gentleman for his observations.

Mr. FROST. Reclaiming my time, Mr. Speaker, I would thank the gentleman for making that point. I did not address the dollar cost to the Treasury. The point is a very good one. The point that I was trying to make is that this is a subsidy for upper-income suburbanites. This does not help anybody in the inner city send their kids anyplace. This is a sham piece of legislation, but I thank the gentleman for making the point that this, in addition to being a sham piece of legislation, that this does cost the Treasury potentially a good bit of money as we try and help those upper-income suburbanites send their kids to private school.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Speaker, I thank my colleague, the gentlewoman from North Carolina, for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation. As the gentlewoman described, this rule makes in order the Education Savings Act for Public and Private Schools, of which I am a proud cosponsor.

Mr. Speaker, there is no more important investment that we can make as a country than in the future of our Nation's children. Stimulating and challenging young minds through a quality education will ensure that they have the tools to achieve personal success, and to continue America's tradition of leadership and innovation.

The bill this rule makes in order will allow every child to have an A plus account in which $2,500 may be deposited each year for that child's education. The interest on these investments will accrue tax-free, and withdrawals can be spent for virtually any educational need, school books, computers, tutoring, uniforms, transportation, tuition, any of these things, from kindergarten all the way through to college. The beauty of these accounts is that the choice of how to spend the money is left to the parents.

Make no mistake, this is not Government money, it is hard-earned taxpayer money coming out of the pockets of individuals who had the foresight and discipline to save it, whatever their income level. Nameless, faceless bureaucracy is taken out of the equation. All the Government is giving is a break to hard-working families who want the very best for their children.

Some of my colleagues on the other side of the aisle shrink at the thought of even the simplest education reforms, claiming that public education will be the loser. Their solution to what ails our education system is increased spending at the Federal level, more Federal strings attached, more one-size-fits-all solutions. I ask my colleagues on the other side of the aisle, why do they insist on killing public education by insisting that command and control remain in Washington?

Under the Education Savings Act we get the best of both worlds: more investment in education, and greater involvement of parents and the others interested in the community. Public schools stand to gain as much as any other educational institution when there is more money available to go around.

Mr. Speaker, I urge my colleagues to support increased investment in our Nation's future through the education of its children. Every Member should support this rule and the underlying legislation. Do it for the children.

□ 1130

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I am delighted we are having this debate today because America needs to talk about education. Unfortunately, the Republican proposal is not the right direction. Now, I will admit, tax break savings accounts are not without their appeal. But the fact of the matter is this bill is being oversold. If Americans are in the so-called middle class and they make $55,000, they only save $7. Even if they made up to $93,000 as a family, they would only save $32 a year. So do not let them suggest that Americans are going to get great tax savings out of these educational savings accounts.

They come up here and talk about computers and books and school supplies and savings accounts for private schools. We can have that now. The only thing they try to do is create some sort of tax incentive, and as I indicated the tax savings are really quite meager.

On the other hand, the Democrats are introducing a sound approach embodied in the Rangel substitute. What we are saying is let us take this money and repair our schools. As I recall, the gentlewoman from North Carolina [Mrs. MYRICK] suggested that we needed education reforms, we need to fix our schools. Mr. Speaker, we do need to fix our schools. We need to repair leaking roofs. We need to provide technological advancements and computers for our schools. We need to build new schools to accommodate overcrowding. The Republican approach does not do that.

The fact of the matter is that in America we have a tradition of public education. Even with private school expansion, 9 out of 10 Americans will go to public schools. We need to have the money available to improve those public schools. That is what we want to do today.

The Rangel substitute will allow us to look at some of our schools in our depressed communities and say we need to repair these schools. We need to improve the ventilation. We need to provide technological improvements to these schools. We need to make these schools schools that Americans can be proud of.

Today in this debate we basically have a choice. We can give someone $7 a year and a tax break, or we can significantly improve America's schools in a real, significant way in terms of improving our educational infrastructure.

Mr. Speaker, I think this bill is being oversold. I think the tax savings are very meager. The option that the Democrats provide is a much superior policy. I urge support for the Rangel substitute.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, it is a pleasure for me to rise in support of this rule and the bill.

Mr. Speaker, Republicans want to improve education for America's kids and they want to improve education for the largest number of kids. There has been a lot of talk, and I am sure there is going to be a continued amount of talk, about how this bill is going to destroy public education. The question I would pose to the opponents of this bill is: Is public education so bad that so many people are going to leave in droves, that public education is going to be destroyed by this legislation?

Mr. Speaker, we have a child care tax credit and we do not make parents of those little kids who use the child care tax credit go to a public day care center. In the GI bill, we do not make veterans go to public colleges. They can go to a private college or a public college. As I understand it prior to the GI bill, prior to its enactment in 1942, 50 percent of people went to private colleges and 50 percent went to public institutions, and under the GI bill now, today, 70 percent go to public colleges and 30 percent go to private institutions. So to say that this is going to destroy public education to me is a very, very fallacious argument.

In my opinion, this legislation will help public education, and will help public education immensely, because when public educators know that there is really a marketplace out there and that parents might actually choose other institutions, it is going to force them to be more competitive and more innovative, and I think the quality of public education in America is going to improve under the A-plus Act, as more parents have the ability to choose in a marketplace of education where they send their kids, whether it be public or whether they choose to take their money and put it into private education, and after all it is their money. Right? They earned the money. It is the money that they earned on the job that we are letting them keep a little more of. It is not like it is our money and we are somehow in control of it. We are letting them keep a little bit more of their money by not taxing it, so they can apply it to their child's education. What is wrong with that?

Mr. Speaker, I will tell Members what the result of this bill will be. More middle-class families and the working class families will be able to afford what the rich people in America already can do, which is to send their kids to private schools and, in so doing, it is going to help their kids and, in so doing, it is going to improve public education all across America. So to say this is going to destroy public education, that argument has no merit in my opinion.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I do not usually speak on a lot of bills and I do not think anybody in this House necessarily is against education. I think all of us are in favor of all the kids of this country having the best education that is available to them. But I have a particular problem with this bill.

Mr. Speaker, I think this bill in many ways is worse and different than the voucher argument, and we can have the voucher argument and I am sure we will have many more. But this does not involve a direct subsidy or whether we are for it or against it. It is an indirect subsidy.

Mr. Speaker, I do not necessarily think this bill is going to help the poor or the middle class move out of the public schools, that the public schools are bad, or make public schools compete. The way this bill is structured, the people who are going to really benefit are the people in the upper income levels because it is a deduction. It is the people who have the disposable income. The people who are making up to $160,000 a year are going to benefit.

Every Member in this body and the other body who is a joint filer, who has kids who are under 18, benefit under this bill because of the salary level of $133,000. But somebody who is making $50,000 a year or $4,000 or $20,000 a year is not going to receive the same benefit. So I think we need to look at what this really is. This is a tax break that is being given to the upper income.

Maybe we are for that and maybe we are not. But let us talk about what it really is, and let us not talk about this that some way this is going to improve the education system because the way it is structured we know just does not get down the income stream. If Members want to do that, then maybe they ought to go back and bring about that bill and let us debate that on the floor. But here all we are doing is giving a tax break, a tax cut, to the upper end.

Maybe we want to do that, maybe we do not. But I do not think that is what the American public is looking for. I think that they want to see the education system improved. They want to do like all of us who are parents, and my wife and I are parents of two daughters, we want to do whatever we can that is best for our children. But let us not do it by giving a tax break to the wealthy in this country.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I was the original cosponsor of 2373, the Education Savings Act. That bill has changed. It is now 2646. I can support with reluctance this rule coming to the floor, but because of the changes that have occurred, I can no longer support this bill. There is nobody in this House that is a stronger supporter of credits and benefits and return of funds to parents to raise their children and give them a choice.

There will be Members on this floor today who will oppose this bill because they cannot stand the idea of returning funds to parents and giving them a choice, but I am opposing it because this is a net tax increase. This is costing, and for that reason I can no longer support this bill.

Mr. Speaker, I think the best way to give individuals and families a true choice is to give them tax credit. Unfortunately, this is a small step in the right direction, which I could have supported if we would not have had to raise taxes. We are closing a so-called loophole, a benefit provided to the businessmen and the individuals who benefit from the way their vacation time is deducted. The courts ruled in favor of the taxpayer and here we are undermining it.

According to the Joint Committee on Taxation, our own committee here in the Congress has estimated that what we do here today will raise taxes $1.8 billion over the next 2 years. With the most optimistic projections on how many people will use these savings accounts, they are claiming there will only be a return of $600 million. So in the next 2 years, if this goes through, we will raise taxes three times as much as we are so-called returning.

This is a net tax increase. It is not the way to go. We should do one thing to provide for these tax credits, one and only, and that is cut spending. Do my colleagues realize that if we would cut the National Endowment for the Arts by less than 3 percent we would have enough funds for this? That is all that we would need to do. But instead we go and we reverse the procedure of the courts which finally ruled in favor of the taxpayers, and now we are going to force them to reassess and revamp and make sure that those individuals on how they are handling their vacation time that more taxes will be paid.

Mr. Speaker, it is estimated the most optimistic estimates on this bill in order to project what might happen is that 12 million people would use these accounts, the maximum amount of $2,500 for 5 years. It means $120 billion would be stashed away. That is very unlikely, but I do predict that the taxes will go up, unfortunately.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I would love to give the preceding speaker, the gentleman from Texas, more time because he is quite right. What he points out, as one of the earlier speakers talked about leadership and innovation, what we do not need is more Republican leadership and innovation on how to screw the average American and give the benefits to the few Republican rich, and that is what this bill does.

Mr. Speaker, it is poorly done. The bill is poorly drawn. It is sloppy legislation. For example, do my colleagues think these rich Republicans who qualify for this bill can take the tax qualified education savings and use it to purchase a car for their child? So we have here a tax break to let little kiddies buy cars. I suppose that is good if one is a Mercedes or a Ferrari dealer, but it is not going to help the average American who is going to have about $32 a year in savings, and how is that going to help them decide whether to pay $3,000, $5,000, $9,000 in tuition?

I do not think the $32 makes a bupkis' worth of difference to the average American, and I do not think they are going to use this money one way or the other. But the Treasury will lose it to the richest 5 or 6 percent of the Americans who will get all of the savings. It is a tax gimmick for the rich, just like the bills we have been passing out of the Committee on Ways and Means. We have been taking money from the average American taxpayer and shoveling it out the door to the rich Republicans as payoff, I presume, for whatever they think they can do. But it is not helping the average American.

Mr. Speaker, this will allow a family to pay one child to tutor another child, and there is no effective income limit on this. This will allow very rich Americans who exceed the income limit to make gifts to their children, who can then invest in these two gimmicks, and it is an absolute dream for the tax attorney and the accountant to create loopholes for the rich who have a lot of assets, arguably enough assets to already send their children to private school.

So, Mr. Speaker, I do not think it is going to hurt public education at all. I do not think it is going to help private education at all. It is going to deal with a small group of people in the $90,000 to $160,000 category and create bountiful tax loopholes for them, to the extent that the American taxpayer will lose in the aggregate over $5 billion.

So, it is a few hundred dollars here and a few thousand dollars there, Mr. Speaker. But the average American who, at the most, at the absolute most, could get 30 bucks a year out of this, that is all they will get. That will make no difference in the child's education. In no way will it help their child get a better education. It just helps the rich get richer on the backs of the American worker.

□ 1145

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARCHER], distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, only for the purpose of setting the record straight on comments made by my colleague, the gentleman from Texas [Mr. PAUL] for whom I have the greatest personal respect for his integrity, his genuineness and his sincerity. It just happens, however, that he is wrong in what he just said to the House.

There is no tax increase in this bill. There is the closing of a corporate loophole, which I would think would appeal to my friend from California, to prevent the unintended use of the code in such a way that the Congress never believed it would be used. We are closing that loophole and we are gaining revenue from that.

That is the appropriate thing to do. We will continue to do that under my stewardship of the Committee on Ways and Means wherever we find it in the code. It is not a tax increase. It is a removal of an unintended abuse of what Congress intended when they passed a provision in the code.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I am just amazed at the effort by my Republican colleagues, the Republican leadership, the Speaker, to continue this effort to chip away at public education, not prioritize public education, and put all the emphasis on private education and private schools.

This is just another example of it. These private education savings accounts proposals are not going to do anything to improve the public schools. There is no way you will convince me of that. It is just another tax break for wealthy Americans to help them pay for private schools.

I think that the point really here is that whatever amount of money, whatever pot of money is being generated here or being saved here, however we want to characterize it, should be used for public education to improve our public schools.

My colleague, the gentleman from New York [Mr. RANGEL] has a proposal, a substitute amendment that would take this money and instead of putting it to private schools from K to 12, the money would be used to help pay the interest on bonds that school districts could use to renovate their schools, to build more schools if they are overcrowded, to use for equipment in the public schools, to use for teacher training. What the Democrats have been saying over and over again is, yes, our public schools are good in most places. They need to be improved.

If we are going to spend Federal dollars, if we are going to set up programs where we spend Federal money, then use it to help the public schools, use it for infrastructure, use it for teacher training, use it so they can hook up to the Internet. Do not start to emphasize and put all the priority on voucher systems and savings accounts that primarily encourage people to go to private schools. That is not the American way.

If people in this country decide they do not want to take advantage of the public education system or do not want to participate in the public education system, that is their prerogative. But then let them spend their own money. I have to say, I agree with the gentleman from California [Mr. STARK], that this is primarily something that benefits the wealthy. I do not think that we should look at it primarily that way, but it does benefit the wealthy. I agree that this is primarily benefiting the wealthy. There is absolutely no question about that.

If we look at the chart, the information that is provided by the Treasury Department, overwhelmingly this is going to benefit people in the higher income brackets. That also makes it unacceptable. But I want to stress that over and over again what we are hearing from the Republican side of the aisle is to give up essentially on the public schools. Let us find different ways, whether it is vouchers in the District of Columbia or it is this private school education savings account, let us find ways to encourage people and help those people who want to send their kids to private schools. That is wise use of Federal dollars.

There is a lot of innovation taking place in public schools. There is a lot of examples where public schools have done things to improve basic skills, education, teacher training within the public schools. Let us encourage those things with the small amount of Federal dollars that we have. Let us encourage innovation in public schools and let them improve public school education in this country. There is absolutely no reason to go this way.

Mrs. MYRICK. Mr. Speaker, I yield myself 10 seconds for a point of clarification for the distinguished gentleman from New Jersey. We are not talking about taxpayer dollars. We are talking about savings accounts that can be used to pay expenses at either public or private schools. It is not going to siphon off any money from public education.

Mr. Speaker, I yield 3 minutes and 30 seconds to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like you to read Karl Marx and Engels Communist Manifesto because in there the No. 1 creed is class warfare and you see it over and over and over again. The gentleman from California says the Republican plan, the Republican plan.

Fact: The average school in Washington, DC is 86 years old. The roofs are falling apart. They canceled their schools. They are even concerned about putting heat in it. But yet does the gentleman want to get the maximum amount of dollars into the schools? No. He will support the unions.

We wanted to waive Davis-Bacon, which will save 25 percent and invest in the schools to give teachers more money to build the infrastructure up for our schools. But yet the precious union gives money to the DNC and the DNCC illegally, and it is before this Nation right now. He puts a liberal spin on Republican plans. We want to get the money down to the teachers. We want to get the money to the classrooms. We want to get it into the infrastructure. Yet the liberal Democrats have cut education over the last 30 years. Let me give a couple examples.

We get less than 48 cents out of every dollar down to the classroom because of the big bureaucracy in Washington, DC. The President's direct lending program, according to GAO, costs $6 billion more to administer. That is when it was capped at 10 percent, 6 billion, because the liberals want the Department of Education to control education just like Karl Marx and they do not want the money going down there. They wanted it to rest in River City so that they have control with their unions.

We want the money to get to the kids, less than 48 cents out of every dollar. The President wanted a new $3 billion literacy program. There are 14 literacy programs in the Federal education system. Is it not fair to say, which of the 14 do we want? Let us fully fund them and let us put the money in? No. The liberals would say, we are cutting education, even though we are giving the parents, the teachers and the zip code, the local district, the money.

What this does, it allows parents to make that decision. In Washington, DC the average cost is $10,200 per child. Yet did they support a system to where individuals, poor children, if a mother or a father or both said that their children are in an area where they are not getting a good education or they are being threatened because of crime and drugs, can they move?

There are 20 Members that live in Washington, DC. Not a single one send their children to DC schools. They send them to private. Do you know that the cost is less than $3,000 versus $10,200. But yet, the liberals want big bureaucracy. They do not want the money going down. I am sick of class warfare. If we really want to help education, drive it down to the parents, give it to the teachers and give it to the infrastructure, not their precious unions.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

The gentleman who just spoke of course is all over the ballpark in terms of his comments. I will try and pick and choose a few of those to respond to. It would be impossible to respond to everything that he has said. But he talked about illegal campaign contributions.

I would remind the House once again as I have before, the only Member of this House who has been convicted during this Congress of violating the campaign laws is a Republican Member from the State of California. The only Member of this Congress to have been convicted of violating our campaign laws is a Republican Member from California who pled guilty to taking more than $200,000 of illegal corporate contributions.

The gentleman has raised some other points. He was all over the ballpark, but I would like to respond to as many of these things as I can. Second, the gentleman talks about wanting to help parents. This particular piece of legislation, as I pointed out earlier, is a sham. The person who works on the assembly line at the General Motors plant in my district in Arlington, TX, who may make $40,000 working the assembly line, that person would get a $7 tax savings from this. The person who lives in the inner city in my district in Dallas, a Hispanic family who may want to send their children to the local parochial school, may earn, say, $30,000 a year, they would get a $2 tax break under this bill. The family who lives in one of my rural communities and who may want to send their child to a private school and who, say, earns $35,000 a year, might get a $7 tax break under this. This is a sham piece of legislation.

This legislation is designed to benefit upper middle class constituents who live in the suburbs and who want to send their kids to private school. This does not help the person who works on the assembly line. This does not help the person who lives in the inner city. This is designed for a very narrow targeted group of people who are going to get all, virtually all the benefits under this plan.

I am trying to respond to as many of the varied things that the gentleman said. The gentleman from California was concerned about infrastructure. We have a substitute offered by the gentleman from New York [Mr. RANGEL] that would provide money for infrastructure. It is exactly what we ought to be doing. We ought to be providing money to rebuild our schools, to put new roofs on our public schools, to rebuild them. The Rangel legislation, which would be a substitute to this ill-conceived bill, would do exactly that.

The other side has quite a bit of time left. I would at this time reserve the balance of my time. In a moment, I will yield to the gentleman from Texas when it is back to us, but I am sure the other side could yield time to the Republican Members from California who seek time because they have about the same amount of time left that we do.

Mrs. MYRICK. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman stated that the only person in this House, what he did not state is in the White House, in the Times and in the Post today it goes through where the White House campaign manager pleaded guilty, two of them, to laundering money from the unions to the DNC and that is in both papers today. They have already pled guilty. There is no doubt about the unions' attempt through the Carey Organization to launder money through the DNC into the Democrats' campaign coffers. Fact.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

To respond to the gentleman, he invoked the House campaign committee. He mentioned the Democratic Congressional Campaign Committee. He invoked Members of the House. That is why I made the point that the only Member of the House of Representatives who has been convicted of violating the campaign laws during this session is a Republican Member who took more than $200,000 in illegal corporate contributions.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I have spoken on this before, but after hearing the gentleman from California, I wanted to address something. I think he was all over the ballpark. He made a comment about 20 Members of Congress who reside in Washington, DC and do not send their children to public schools. My children have been both in public schools and private schools. But the fact is, this bill, as I mentioned earlier, would entitle many Members of Congress, except those who have other income that exceeds the $160,000 limit, this is giving a tax break not only to people who make $160,000 a year, but to Members of Congress, including the ones that live in the District of Columbia. I have not talked to any Members of Congress who are asking for a tax break, but that is what this bill does.

The gentleman also says that this is designed to get the money to the teachers. It is not going to do that. This is designed to give a tax break to people who have disposable income that they can set aside along with the income they set aside for other savings to help pay the cost of sending their kids to private school. Let us just be honest about what we are doing here. It is fine, if Members are for it, fine, but let us be honest about it. Let us not paint this beautiful picture about what it really is not. Let us be honest about what we are doing here.

□ 1200

So I think we need to clarify these points and understand that this is a tax break that we are giving.

If we really want to help, if we really want to help, the other plan was to provide a $2,500 stipend, I believe, to some kids in Washington, DC, to go to private school. And if the gentleman says, well, the cost is $10,200 on the average, well, why not provide them the $10,200, if that is the goal? Bring that legislation.

And maybe we should get a little more honest in how we debate legislation here. Let us figure out how we are going to pay for it. I know California's Governor and the other gentleman had a concern about the voucher system in California. But the fact is that these are just tidbits that are being handed out.

The gentleman makes a very valid point, the assembly line worker in his district or my district does not get the same benefit because it is a deduction, and they do not have the same amount of disposable income as a Member of Congress or someone who earns up to $60,000 a year. Let us be honest

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding, and just want to point out to him that folks are investing after-tax dollars in these education savings accounts. That is after paying State income taxes, Federal income taxes, real property taxes and personal property taxes; all after-tax dollars. So we should keep that in perspective.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I came here to talk about improving education in America and I find myself caught up in a debate on class warfare. It is unfortunate.

Just to reflect back, we had a mayor in the city of Syracuse, a Democrat, who always reminded us that the Democrats were the party of the poor and the Republicans were the party of the rich. He went to jail for 14 years for operating a kickback scheme. But the fact is there were always Volvos and Cadillacs and Rolls Royces in front of city hall, operated by the mayor and his friends, the Democrats, the party of the poor, while the Republican councilmen were out driving Chevys and Plymouths. So it is bunk. Let us put it to rest. There are people of good will in both parties.

The debate here is about the future of education in this country. This debate is about whether or not to improve education by creating competition. It is about empowering parents to make the best choice with their hard-earned dollars to spend on their kids' education. What do we want for our kids? We want them to have a life better than ours. Let us give them every opportunity.

The liberal Democrats, and by the way they are not all liberals anymore, thank God, their way has been to tax people to death and then give the money back. This is exactly what the substitute that they are offering says: Tax people to death, then give them money back with strings attached and basically tell them how to use that money.

Our way is to let parents make that decision on how and where their kids will be educated, private or public schools. Let us not forget that those parents are paying public property taxes to support public schools anyway.

Let us give poor and middle-class families the same opportunity to send their kids to the school of their choice just as our wealthy President, President Clinton, has the option to send his child to a private school.

This is not about rich versus poor; this is about the future of education in this country. And let us make parents, rich, poor or middle class, let us give them all the same choice that just the rich people have now.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

The gentleman makes a fine statement, the problem is he ignores the facts. The facts are that poor and middle-class families get almost nothing under this plan. It only goes to upper middle-class families. A family earning up to $17,000 a year gets $1 in tax savings under this bill; a family earning between $17,000 and $33,000 a year gets $2 in tax savings; a family earning between $33,000 and $55,000 a year gets $7 a year in tax savings under this.

This does not help poor and middle-class families send their kids anyplace. This benefits upper middle-class suburban constituents. We ought to be honest about this. We ought to be clear about who benefits under this bill and who does not benefit, that is the only point I am making.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, the gentleman is consistent in his argument against school choice, but inconsistent in his argument on who should benefit.

Is the gentleman opposed to the idea of providing scholarships for poor families in Washington, DC?

Mr. FROST. Mr. Speaker, reclaiming my time, I am opposed to using tax money to send kids to private schools in Washington, DC; that is correct.

I am only asking that when Members on the other side argue in favor of this bill they should not pretend that this bill helps lower income and middle-class families because it does not. I am only asking they be honest in their statements.

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I just want to go back to the point I made earlier; that, again, the folks investing in these accounts, and the gentleman should correct me if I am wrong now in his interpretation of the bill, have already paid Federal and State income taxes, they have paid real property taxes, they have paid personal property taxes, and a good portion of those taxes will go to support public schools. All public schools for all children. And that the money that they are investing in these education savings accounts are after-tax dollars; is that a correct statement?

Mr. FROST. Mr. Speaker, reclaiming my time, I would be happy to respond to the gentleman. Clearly that is the case. They are just not getting anything out of this, unless they happen to be wealthy.

This does not help lower income and middle-class families. The gentleman is correct, it is after-tax dollars. It just does not happen to help most of the families in the country.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As the chairman of the Subcommittee on Early Childhood, Youth and Families, otherwise known as the K–12 Education Subcommittee, I rise in strong support of the rule and in strong support of this legislation allowing parents and families and, for that matter, concerned third parties to create and invest in education savings accounts.

Now, I want to point out that this is one of several Republican-sponsored education initiatives that will give parents more freedom and more control. And I understand, if we can advance the argument for just a moment beyond class warfare and the politics of envy, I think I understand why that is so threatening to the other side and why they so strongly oppose this legislation.

They seem to be motivated by fear. They are reactionary. They are concerned and threatened by the growing effort to infuse more competition and parental choice into our school system in response to the demands on the part of education consumers, parents, and guardians.

They oppose parental choice because they are carrying water, let us be clear about this, for the National Teachers Unions, the core constituency of the National Democratic Party. They oppose parental choice because this threatens the education establishment's monopoly of financial control over our schools.

So it makes no difference whether we are talking about the legislation we did a couple of weeks ago providing opportunity scholarships to 2,000 District of Columbia children, those children, by the way, gentlemen, are children in poor families, the poorest of the poor, children who are trapped in failing or unsafe schools, as we have already heard.

Next week we will have a bill out on this floor that I cosponsored with a Democrat Member of this House, the gentleman from Indiana, [Mr. TIM ROEMER], very bipartisan effort, to expand public school choice through the creation of more charter schools, again giving parents more choice in the public school system.

It will be very interesting to see how the distinguished Members who have spoken against the education savings account, how they will vote on this matter, because in committee 10 Democrats supported the legislation but 8 voted against it.

We will also try to bring legislation here to the floor called HOPE scholarships that will expand on the proven success of giving parents in the cities of Milwaukee and Cleveland, expand that proven success nationwide, so that those very low-income parents, those same families that my colleagues profess so much concern for will have the opportunity, through taxpayer-funded scholarships, or tuition grants, to send their children to another school.

Why are we doing this? Because we fundamentally believe that every single parent should be able to select the best, most appropriate education for their child. And with these education savings accounts, I point out again, they are investing after-tax dollars. After they have paid all of their Federal, all of their State taxes, a good portion of which goes to support public education, all schools, all children.

And to the gentleman from Texas [Mr. FROST], I do not think he can deny that particular argument. So more freedom and more control because, after all, for parents, it is their money, it is their children, it is their future.

Mr. FROST. Mr. Speaker, I ask the time remaining on each side so that we know where we are.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Texas [Mr. FROST] has 5½ minutes remaining; the gentlewoman from North Carolina [Mrs. MYRICK] has 4¼ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. STARK], a member of the Committee on Ways and Means.

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we have heard words here this morning about labor unions and bureaucracy and liberals, and I am willing to stipulate to my colleagues on the other side of the aisle that I am a liberal. More than half of the families in my district have a labor union member in their household. They work with their hands; they work on their feet, something that many of my colleagues on the other side of the aisle have had very little contact with in their lifetime. They work hard and they make very little money. They are in the vast majority in this country, and they are not getting any benefit from this bill.

Let us leave education aside. Many of them, a majority of them, they send their children to parochial schools, wish they had the money to send them to private schools if they could find scholarships. But the fact is that less than 6 percent of the wealthiest Americans will get anything out of this. So it is those labor union people, those hard-working public schoolteachers, who the Republicans would turn their backs on and cut their salaries and deny them increased funding, that I am proud to support.

I am proud to support the working Americans in this country who are getting nothing out of this except to have their hard-earned dollars drained so that the very rich Republicans, and if that is class warfare, let it be. Because it is when the class wakes up who is paying the freight for these huge deductions for the millionaire, billionaire Republicans who are getting the benefits that they are going to understand that the people in charge of this House are stealing the money from the hard-working Americans and frittering it away to the idle rich.

So if my colleagues are rich enough to have inherited money, if they are rich enough to have never had a real job in their life, if they know nothing, I hear all these guys talking about the market and free enterprise. Most of them have been at the public trough all their lives and never had a job in public industry.

So I say I am proud to be a liberal, proud to represent the working men and women of this country who will get no benefit from this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As a Member of this Congress who worked hard all my life in the restaurant business and the travel agency business and the real estate business, I am proud of the taxes I paid and the common sense that I bring to this Chamber.

My father just retired, after 20-some years, as a principal in a public school. So I care deeply about public education. I grew up in it and around it and graduated from it. But the notion somehow that the assembly worker is not going to be able to make a prudent investment decision with his IRA and earn more than $7 tax-free interest in a given year is ludicrous. That assembly line worker could invest appropriately in a mutual fund and have higher earnings enabling himself to educate his children.

Now, we hear all the time about these taxpayers, these wealthy individuals who, yes, are paying higher property taxes in their communities, who are paying higher real estate and public school educational costs, who are paying higher payroll taxes, who are paying higher IRS taxes and who are not going to have any of those funds removed from public education due to this bill. But, in fact, they are going to be having an opportunity to help educate their children of all economic structures.

Let us talk about some of the benefits of the bill that may happen if somehow some parent decides that they may choose a public, a private or a parochial school. If they choose one of the two, private or parochial, lower construction costs for public education because of fewer students. Fewer teachers, because fewer students will be in that classroom. Fewer books to pay for. Fewer security guards. So lower cost to the public taxpayers due to this innovative proposal.

But let me also suggest that there is a bit of irony today on the floor, because the gentlemen from Texas, who rise repeatedly to object to this bill, voted for a very similar provision in a recent tax bill passed by this very Congress that allowed for an IRA for educational costs for higher education. Both gentlemen from Texas voted for that provision.

And this is not any different. But it is giving parents a chance to save money, and that is something we should be proud of in America, that we are encouraging savings. We read in every magazine that there are fewer and fewer savers in America saving their funds for the future.

□ 1215

Finally, we are earmarking a chance for people to save those dollars for the very best intention, and that is the education of our children, to give them a future in which to earn a living and hopefully after hard work like myself, be able to be a Member of this Congress and contribute constructively to the debate regarding these types of programs.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding. I do not want to get into the debates of saving patterns and the economic data on that, but let us talk about a couple of things. Let me say, personal property taxes, which we do not have in Texas, State and local taxes really are not of our concern at the Federal level. We should leave up to the State and local governments to decide how they want to fund public education. I think we all agree with that. But let me put again back in perspective my concern about this. I will talk about my public sector experience, not when I was in the private sector as a banker. When I was a staffer on the Hill and I made $25,000 a year, I would not have as much disposable income like the staffers on the Hill to do that to set aside. But now as a Member of Congress making $133,000 a year, under this bill I would have more disposable income, therefore, I have more income to invest, whether it is a prudent investment or not. But just the fact of having more principal to invest, I should get a greater return and have more income. That is the biggest point about this. It is a question of who has the greatest amount of disposable income. You have got it backwards in this bill. If you really want to go in and say we are trying to help the middle class and lower middle class rather than helping the Congressmen who make $133,000 a year but trying to help the staffers, do a credit, reverse it, but it does not work the way you are doing it.

Mrs. MYRICK. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, we hear in this body over and over that the liberals represent the working person. They represent the union, which only accounts for 6 percent of the work force in this country. Ninety-four percent of the jobs in this country are nonunion. So if you support the working men and women, get rid of Davis-Bacon, get rid of the inhibitors that kill jobs in this country. I do not think we ought to tax savings. I do not think we ought to tax works but consumption. That is a different bill. But we should not tax savings, savings of any American regardless of their income level when it goes for education of the children.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume. This piece of legislation is a sham piece of legislation. This does not help lower income people in the inner cities. This does not help middle-class people no matter where they live, whether they live in the cities, the suburbs or in rural areas. This only helps one class of individuals, upper income constituents who live in the suburbs and who send their kids to private schools. This helps people who earn between $93,000 and $160,000 a year. We can debate whether there ought to be any type of help for people who send their children to private schools. That is a separate issue. This is a narrowly targeted piece of legislation that does not help any hard-working individual in the middle class send their children to private school if they choose to send their children to private school. It should be accurately advertised and accurately presented. We should not be telling the public that we are doing something for them that we are not doing for them. We are helping one very narrow category of person who chooses to send their children to private school. This is a bad piece of legislation. I support the rule because it does make in order a substitute to be offered by the gentleman from New York [Mr. RANGEL] which will permit us to get on with repairing the infrastructure of the public schools in this country. I urge adoption of the rule, I urge adoption of the Rangel substitute, and if the Rangel substitute is not adopted, I urge defeat of this bill on final passage.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 135, not voting 11, as follows:

[Roll No. 522]

YEAS—287

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon

Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manton
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—135

Abercrombie
Ackerman
Allen
Andrews
Barcia
Barrett (WI)
Becerra
Berry
Blagojevich
Bonior
Borski
Boswell
Boucher
Brown (FL)
Brown (OH)
Cardin
Clay
Clyburn
Conyers
Costello
Coyne
Cummings
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Etheridge
Evans
Fattah
Fazio
Filner
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kucinich
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Sherman
Slaughter
Smith, Adam
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NOT VOTING—11

Bliley
Brown (CA)
Cubin
Dingell
Flake
Gonzalez
Harman
Houghton
Linder
McIntosh
Schiff

□ 1241

Ms. MCKINNEY and Mr. STUPAK changed their vote from "yea" to "nay."

Messrs. RANGEL, RAHALL and McINTYRE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 616

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 616, a bill originally introduced by Representative Molinari of New York, for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 274, I call up the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SUNUNU). The bill is considered read for amendment.

The text of H.R. 2646 is as follows:

H.R. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Savings Act for Public and Private Schools".

SEC. 2. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means tuition, fees, tutoring, special needs services, books, supplies, equipment, transportation, and supplementary expenses required for the enrollment or attendance of the designated beneficiary of the trust at a public, private, or religious school.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A) required for education provided for homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law."

(3) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 of such Code are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) INCREASE IN MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 is amended by striking "$500" and inserting "$2,500".

(2) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) of such Code is amended by striking "$500" and inserting "$2,500".

(B) Section 4973(e)(1)(A) of such Code is amended by striking "$500" and inserting "$2,500".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Paragraph 1 of section 530(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence: "The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Paragraph (1) of section 530(c) of the Internal Revenue Code of 1986 is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) EFFECTIVE DATE; REFERENCES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

(2) REFERENCES.—Any reference in this section to any section of the Internal Revenue Code of 1986 shall be a reference to such section as added by the Taxpayer Relief Act of 1997.

SEC. 3. OVERRULING OF SCHMIDT BAKING COMPANY CASE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 shall be applied (other than with respect to severance pay) without regard to the result reached in the case of Schmidt Baking Company, Inc. v. Commissioner of Internal Revenue, 107 T.C. 271 (1996).

(b) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe regulations to reflect subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

The SPEAKER pro tempore. Pursuant to House Resolution 274, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part 1 of House Report 105–336, is adopted.

The text of the committee amendment in the nature of a substitute, as modified by part 1 of House Report 105–336 pursuant to House Resolution 274, is as follows:

H.R. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Savings Act for Public and Private Schools".

SEC. 2 MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) of the Internal revenue Code of 1986 is amended to read as follows:

"(2) QUALFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)) but only with respect to amounts in the account which are attributable to contributions for any taxable year ending before January 1, 2003, and earnings on such contributions:

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means tuition, fees, tutoring, special needs services, books, supplies, computer equipment (including related software and services) and other equipment, transportation, and supplementary expenses required for the enrollment or attendance of the designated beneficiary of the trust at a public, private, or religious school.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A) required for education provided for homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law."

(3) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 of such Code are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) TEMPORARY INCREASE IN MAXIMUM ANNUAL CONTRIBUTIONS—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $2,500 ($500 in the case of any taxable year ending after December 31, 2002)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) of such Code is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) of such Code is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Paragraph (1) of section 530(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence: "The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Paragraph (1) of section 530(c) of the Internal Revenue Code of 1986 is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) EFFECTIVE DATE; REFERENCES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

(2) REFERENCES.—Any reference in this section to any section of the Internal Revenue Code of 1986 shall be a reference to such section as added by the Taxpayer Relief Act of 1997.

SEC. 3. OVERRULING OF SCHMIDT BAKING COMPANY CASE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 shall be applied without regard to the result reached in the case of Schmidt Baking Company, Inc. v. Commissioner of Internal Revenue, 107 T.C. 271 (1996).

(b) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe regulations to reflect subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHODS OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the next amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment specified in part 2 of the report, if offered by the gentleman from New York [Mr. RANGEL] or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] shall each control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

□ 1245

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2646.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was reading in the paper yesterday that our schoolchildren are unable to demonstrate a basic knowledge of science. The article said that more than half of the fourth graders who recently took a national science test could not even identify the Atlantic and Pacific Oceans.

This is more than troublesome. If America is to remain competitive in the global arena, an arena whose battles are often fought with science and technology, we need to see that our children have the mental tools they need to succeed.

In the balanced budget bill, we gave the parents the help that they need by college IRA's, IRA's to make college more affordable with the same income caps, the same levels as are in this bill. Today we extend that same type of help to parents with younger children in K through 12, elementary and secondary education. The legislation we consider allows parents, grandparents, and others to put up to $2,500 a year in education savings accounts where it can grow tax-free, and be used for a wide variety of educational uses.

The bill is one of the best things, in my opinion, to happen to education. It is good for public schools, it is good for private schools, it is good for parochial schools, and it is good for home schooling. But most importantly, it is good for students everywhere, and that means that it is good for America's future.

An estimated 14.3 million Americans will sign up for these accounts by the year 2002, and 75 percent, and I accentuate this, 75 percent of those families will have children in public schools. Here is how it works. If a child in public, private, or home schooling needs a tutor for science or for any other subject, a parent can tap the educational savings account. If a child in public, private, or home schooling needs books or supplies, a parent can tap the account. If a child has special needs, and our heart and help should go out to those children who are in special need, which often spans a lifetime, a parent can use the account. If a parent needs to provide transportation so a child can attend a good school, the account may be tapped.

I cannot think of anything more important to the American people than their children and their children's educations. While this bill may not guarantee that fourth graders will know the location of oceans, it will help their parents improve the education opportunities. Is this bill a panacea for all of our education ills? Of course not. But we should not wait for the day when we have a magic solution to all of the ills, we should do what we can at this moment. This is a can-do proposition.

Mr. Speaker, this concludes my remarks, but I take a moment to inform the Chamber that the gentleman from Illinois [Mr. MANZULLO] asked to be included as a cosponsor of this measure, but was inadvertently left off the cosponsor list.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 2646, Mr. Speaker. Mr. Speaker, let me join with the leadership of the House in stressing how important it is that we allow our young people to get access to a decent education as soon as we can. Mr. Speaker, when we dream about the economic opportunities that will be had for Americans, and those people that we intend to trade with in all parts of the world, one thing we take for granted is that academically our young people will be able to get the training in order to participate in what is going to be for history a revolutionary and exciting time.

Yet, we go to that bargaining table with 1.6 million people in jail. God knows, I believe if you violate the law, justice should take a hand and you should be removed from society. But why is this number of people continuing to explode? Why is it that 80 percent of the crimes are not violent? Why are they all drug-related? Why are all of the people in jail illiterate, unemployable? Why do they all seem to be coming from communities where the school system has failed?

The answer has to be because it is out of these communities that there is no hope, there are no dreams, there are no opportunities. Life really does not mean that much, and jail is no real, serious threat. So now our country finds the U.S. Congress interfering with local schools by suggesting that we need more prisons than we need schools. It is sad, but that is how it is going to be recorded. Local and State governments are involved in prisonmaking, not making students prepared in order to get a decent education.

Even our great President targeted colleges, and we are now trying to find some bridge to go from before school to be prepared for college. So I can see how Mr. COVERDELL could respond to a tax initiative and say, let us make more money available for people to just spend, if they can find some reason to spend that money on a child before they go to college.

I think that we cannot even call it an educational bill, because soon we will see that there is no education attached to this. It is bad tax law, because soon we will see that if we are looking for simplification, tell me what a taxpayer is going to have to put on the sheet in order to justify that they spent this money that they had in a tax-free account on education? We are going to have to look long and hard to find any education in this bill, but we do not have to look long and hard to find a tax break in this bill.

Let us get to something that the gentleman from Texas [Mr. ARCHER] and I are working on now in a bipartisan way, the restructuring of the internal revenue system. Prior to pulling it up by its roots, we will restructure it. It is going to cost some money to restructure the Internal Revenue Service. Any decent American politician that wants to get reelected had better prepare some kind of way to get a good knock in there against the Internal Revenue Service. It is going to be good this year, and it will be better next year.

So in order to restructure it, we need some money. We have come up with the money, at least the majority have, to pay for that. So I was surprised in asking the question, how are we going to pay for the education savings account? Guess what, we are going to use the same money. No, do not tell me we cannot use the same money to pay for two things, if it is the same amount of money. We are Ways and Means, we know that much. Which one do we want to fund out of this one source of money, Coverdell, or the restructuring of the IRS? We do not know, but we will spend the money on the first bill that reaches the President's desk and he signs.

Let me tell the Members this, if they are for paying for the restructuring of the Internal Revenue Service, Members have to strike down Coverdell, because if we pass Coverdell and the money is spent for Coverdell, we have no money for Internal Revenue Service. But I assume this technical point will be explained by the majority, since they able to do that well.

Let me say that what I am trying to do with my bill, which we will have an opportunity to vote for or against, is to allow the local school districts to recognize, in areas where they are failing, that they need some help. If they can successfully bring the private sector in and form a partnership in a special academy, where the curriculum is not just set by educators but by the business people, who know the skills that are going to be necessary to hire these people, we will be able with this very same money to allow them to issue bonds to rebuild the schools, to get the equipment.

But under Coverdell, all we will be able to do is say that somebody that had the disposable income of up to $2,500, or a friend of theirs that may want to give a gift to the child and put it in to deposit it tax-free, will be able to withdraw this for tutors, for babysitters, for taxicabs, for movies, for anything that they think is necessary to make that child happy.

Remember, the burden will be on the IRS, if we are able to find the money to restructure it, to prove that the money was used for an educational experience. Talk about a horror story, we are now about to hear it from Members that understand what is in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Arizona.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. HAYWORTH] is recognized for 3 minutes and 30 seconds.

Mr. HAYWORTH. Mr. Speaker, I thank the distinguished gentleman from Texas [Mr. ARCHER], the chairman of the committee, for yielding time to me, and for this opportunity to come to the well and engage in honest dialogue and debate concerning the future of our children.

I listened with great interest to my colleague, the gentleman from New York, the distinguished ranking member, and listened also as he outlined literally the horrors that confront American families today in so many neighborhoods, including the neighborhood and the community that my colleague from New York represents.

What we have here today, Mr. Speaker, is a historic opportunity to help those families, to help those parents seize control of the money they earn to direct an education in the way they see fit, whether it is choosing a school that the parents and family and others believe is best suited for the education of that child, or seeking outside help, remedial tutoring or extra-educational aid, such as textbooks or computers; to have a savings account, a tax-free interest-bearing account to put the control back in the hands of American parents. For those people should literally hold the destiny of their children in their hands, and this affords those parents the chance.

Mr. Speaker, we have made great strides in allowing these educational accounts for college-bound students. Why, then, would we deprive children from kindergarten through the 12th grade of the same opportunity?

Mr. Speaker, I would point out a special provision of this bill that I believe is vitally important, an ability for parents of children with special needs to look beyond the chronological age to continue to have money in these accounts to help those children.

Mr. Speaker, one of my first cousins has Downs syndrome. My uncle and aunt were blessed that they lived in a community with a school district with the ability to help educate children with special needs. But the challenge is for parents of children with special needs that, in our situation today, quite literally many of those parents are at the mercy of the local school districts in terms of quality of education.

Mr. Speaker, when we adopt this bill today we do not leave any parents, but especially those parents of children with special needs, literally at the mercy of the accident of geography, and where they happen to live in a school district.

What we have, Mr. Speaker, with this bill, and I urge its passage and the creation of these special savings accounts, is the chance to give families the opportunity to make the choices to help benefit their children. I urge passage of this bill.

□ 1300

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, so that we can make certain that we confine our remarks to what is in the bill, does the gentleman have any idea where a child with special needs would be in the bill before us? I would urge the gentleman, please, not to place his arguments on special needs, because there is absolutely no description in this legislation as to what is a special needs child, which means that every parent, I would like to believe, would believe that their child has special needs and there is no way in the world to disprove it.

Mr. ARCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Arizona, I am sure, intends to be accurate, but the accuracy is this bill provides for a lifetime ability for parents with children that have special needs, rather than a cutoff at an age limit under current law. The definition of special needs is to be done by the Treasury, and it is a part of this bill. Mr. Speaker, I say that respectfully in response to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we do not know as we debate this bill what a special need is, but we can imagine and hope that Treasury will come up with something. And if the gentleman is talking about a lifetime, I do not know why he sunset the bill in 5 years, but I am sure he will have enough time to explain that.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, this piece of legislation is the confluence of two bad Republican ideas, one of which provides tax breaks for our wealthiest people and not for those in the middle class who truly need it, and the other is to emphasize private schools under the guise of reforming public education.

Mr. Speaker, this bill is flawed for a number of reasons. I think we will hear more about the ability, for example, to buy a car under this proposal in order to transport students to school. But it is also flawed because it puts in the hands of people making over $93,000, 70 percent of all the benefits. In other words, it could be called the Prep School Promotion Act of 1997, more than a public school reform bill.

Mr. Speaker, we ought to be putting resources into reducing class sizes, we ought to be putting resources into wiring our public schools, training our teachers. We have an understanding of what it takes to improve the infrastructure of our public school system, but we are going to take $4 billion over the next 10 years and divert it to people who would like to perhaps start or perhaps be subsidized in their attendance already in private institutions.

We do not really help the average American with this bill. We hold out a carrot to an industry or to some few individuals, many of whom have the capacity to already engage in educating their children privately. It is a God-given American right to do so. We do not have to be diverting our hard-earned taxpayers' dollars to those families, while our public schools across the country are lacking basics. And I do not mean just in inner cities or rural areas; in high-growth suburbs as well.

Mr. Speaker, we can make improvements in our public educational system and we ought to do it. This is a diversion and it is a travesty.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, Mr. SAM JOHNSON, a respected member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, has anyone noticed that the President will endorse any education initiative as long as it supports big government, like Goals 2000? Like national testing? This is the same President that threatens to veto any program that increases parental control over a child's education.

Mr. Speaker, look at this administration's track record. They opposed education block grants to States, they oppose vouchers for the poorest, poorest 2,000 children, and now they oppose this bill, which gives parents the ability to invest up to $2,500 a year in their child's education so that they can attend the safest and most academically challenging school available.

Why is the President against parents sending their children to the school of their choice? Surely he cannot believe that Washington bureaucrats are smarter than parents. And I hope it is not because he is so politically indebted to the special interests in Washington, like the National Education Association for instance, that he can no longer see what is best for America's kids.

Well, whatever the reason, Mr. Speaker, this President is wrong to oppose this bill. This bill will not only strengthen our children's future by giving the parents a tool to make sure their children can attend a school that meets their needs, needs only a parent can determine. No one can seriously argue that there is anything wrong with giving parents, grandparents, and friends the power to invest in a child's education. America's future depends on our children, and we ought to provide those parents with whatever they need to make sure that their children are the most educated, productive, and successful in the world.

Mr. Speaker, I would to urge the President to join us as we try to help parents help their children. I urge all of my colleagues here in the House to do the same. Vote for this bill. Give our children a chance to grow up to be great Americans.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I rise in opposition to H.R. 2646. I think the credibility of the Congress is greatly injured by playing these kinds of college boy, sophisticated games around the edges of a crucial issue like education reform.

Mr. Speaker, we are showing off with college boy sophistication while we reject the common sense of the American people. They want something real done about the education reform problem. They do not want us to continue to play games. Our credibility is now down to 36 percent. I understand this Congress dropped from 40 percent. This is the reason. We are not serious here. We like to show off among ourselves.

Mr. Speaker, the voters out there clearly want decisive action on education reform and improvement. They keep saying it again and again and again. In this 105th Congress, instead of playing games, we should take advantage of this window of opportunity to do something significant. The people are saying they want a real effort by Congress to deal with the education problems.

Instead of education savings accounts and other headline-seeking tricks, we should unite in launching a bipartisan omnibus bill around the things that both Republicans and Democrats already agree on. We agree that we need more teacher training and that Federal aid would greatly help that teacher training process. We agree we need more technology in the schools; both Republicans and Democrats are in favor of giving aid for more technology.

We agree on charter schools. Instead of pushing vouchers and education savings accounts, why not unite in the areas that we agree? We are both in favor of charter schools, both parties. Why do we not move forward in some kind of way which is commensurate with the problem?

Let us understand that schools are at the core of what should be a massive opportunity system in America which will generate the kind of educated population we need as we go into the 21st century. We are the indispensable Nation. We are going to have to continue to hold on to a leadership role. We cannot do that unless we have the most highly educated population.

Mr. Speaker, let us stop playing games and let us have some real Federal aid to education that meets the common sense needs of the American people.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a respected Member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in my area of northwestern Pennsylvania one of the biggest challenges facing the middle class is the affordability of education, and this is something that affects middle-class families across a range of circumstances. It is the single biggest barrier to the next generation being able to penetrate through and achieve the American dream.

Mr. Speaker, as a supporter of educational tax relief for all stages of schooling, I rise in strong support of this legislation, the Gingrich-Coverdale approach with education savings accounts for private and public schools.

This legislation allows parents to establish a tax-free savings account to be used for a child's education at any school from kindergarten through high school on to college. This legislation will expand the education savings account provisions included in our tax bill of this year by, first of all, increasing from $500 to $2,500 per year the maximum amount of contributions that can be made to an education savings account; second of all, to include elementary and secondary school expenses; third, to allow corporate entities as parties to be able to contribute to an ESA on someone's behalf.

Mr. Speaker, I join my colleagues in supporting this legislation to renew our commitment to helping families afford the full range of educational expenses demanded through our children's lifetimes. There are no, to coin the term of the previous speaker, "college boy sophisticated games" here. This is tax relief that a broad range of families can access.

Let me say, Mr. Speaker, I realize the left wing of this body hates this proposal. They think that any resources that are diverted into private institutions, even through tax-free accounts, is a use of public funds. Mr. Speaker, I would say to my Democrat colleagues, "Folks, it is not your money."

Mr. Speaker, if people want to send their kids with their resources to private or parochial schools, they should be able to through this tax-free account. This is critical to diversity in education, and it is critical to restoring the American dream. I realize this provision was originally in our tax bill and it was stripped out because the President threatened to veto the entire tax bill if this was in the bill.

Mr. Speaker, today I want to say to the President, Go ahead, make our day. Veto this bill if you think it is bad for families to use their own resources to put their kids through school.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I want to know what happened to the idea that this country invests in education. Why are we now asking parents and grandparents to spend more money on the education of their children? I think they already pay enough in taxes. The problem is that this body does not want to spend those taxes wisely. Instead of asking people to spend more money, why not look at the way we spend money?

This body spends, for every 7 cents it spends on education, it puts 52 cents to the Pentagon. So if we took $200,000 and invested in every elementary and secondary school in this country $200,000, we would come to a total of $26 billion.

Well, Mr. Speaker, guess what? This Congress gave $26 billion to pay for nine more B–2 bombers that the Pentagon did not even ask for. So it is not a question of not being able to pay for education. We should invest in education. It is a national security issue. What it is a question of is are we going to spend the money that these American taxpayers send to the Congress wisely or are we going to waste it and then have to come to them and say now it is time they divvy up some of their own money to pay for education. It is a disgrace.

Mr. Speaker, we have got to invest wisely. Every tax dollar should go to real national security: our children; their education. That is where we should be putting our money and we should not be asking through a gimmick in the Tax Code to make these parents pay for more money to the education of their children. It is a bad idea. We should vote this down, and we should vote for education every time we can and invest more money in education and less money in additional B–2 bombers that nobody needs, even the Pentagon does not want. Let us invest in America. Let us invest in America's children.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Speaker, I appeal to my colleagues as a mother to support this bill. I think that we have demonstrated our commitment to education over many, many years of contributions, both State and local and Federal.

☐ 1315

In fact, we have 729 programs that contribute to making educational systems in this country work better, to make sure that each child, every child has an opportunity for a good education. I think it is sort of amazing that the people that oppose this bill assume that every parent will make the choice to take their child out of public school and put them in a nonpublic school. I assume that many of our public schools are, in fact, great schools and that these parents, that many parents want to keep their child in public school. If they are not, we have got a much huger problem than what we do about these $2,500 school savings accounts. The reality is, there is not anything we can do at this level. There is not any check we can write at this level that helps each 6-year-old and each 7-year-old, each 10-year-old and each 18-year-old be successful.

Each one of my six children took unique needs, unique intervention to help them go from the beginning years of school to successfully complete school. Some of them had a terrible time with math and they needed tutoring. Some of my children needed special help in other areas. I do have special needs children. I have adopted children with diagnosed special needs and I have biological children that are dyslexic and have been diagnosed every step of the way. There is not any education program, private or public, that has met my children's needs.

I had to find the resources to provide tutoring, to provide special summer schools, to provide special opportunities for those children to be successful. Thank goodness my husband and I could find those resources. Some of those I found by going back to work myself, by making quilts and selling them to provide for those services.

This gives those parents these opportunities.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN], coauthor of the restructuring of the IRS bill that we are trying to protect the funding.

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York [Mr. RANGEL] for yielding me this time.

Mr. Speaker, there are many reasons to be opposed to the legislation before us. It will benefit just a few people, those who have wealth. It has very limited benefits. It diverts funds that otherwise could be available to improve education in our country.

Let me just mention one fundamental problem with this bill that I hope we all would see. That is, how in the world will the IRS ever be able to administer this bill? Look at the definition that is included for which the money in this account can be used in order to get tax preference.

It can be used for tuition, fees, tutoring, special needs services, books, supplies, computer equipment, including related software and services, that is going to be an easy one for the IRS to figure out, what software is educationally related, and other equipment. Transportation, does that include a car that one can buy for their child? Supplementary expenses required for enrollment or attendance, does that include peanut butter and jelly sandwiches for nutrition services? How will the IRS ever be able to administer this program without being completely intrusive into the lives of the taxpayers of this country?

This bill cannot be enforced. Rather than being an A plus account, these are really A slush accounts. I would urge my colleagues to reject the notion.

The good news is that this bill is not going to become law. It is not going to pass the other body and be signed by the President. We do have an opportunity today to do something for education that we can really help; that is, support the Rangel substitute. Then we can build upon the budget agreement that we reached this year and we can really put more money into education.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN], another respected member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I would like to respond to the comments of gentlewoman from Oregon. This Nation's value is education. We have worked to support the public education system. The problem with the public education system right now is that it is not doing the job. Every parent wants to give the best education possible to his or her children. That is why some parents are saying they are willing to pay in effect double, if they decide voluntarily to take part in this program where we set aside money that can go into an education savings accounts to purchase the best education possible for their child, K through 12. They also continue to pay all the expenses of public education.

I know that this happens because I went through it when I was a young mother, divorced, single parent, two children, 6 and 8, determined that I preferred to send my children to a private school, really appreciated the fact that choice was involved, but could not pay for transportation. So I was in that kind of box of having to get my child to school at the same time that I started a job. I know what the feeling is in the pit of your stomach when you are late to work because you want to make sure your kids are well-protected on the school ground.

What I like about this bill is that a parent who takes the choice of school into his or her hands can say, I am going to start at age zero with my child and every year save up to $2,500 in an account just in case of emergency. In my case, my child had a specific language disability. My child needed training every single day, five days a week for 6 years at $17 an hour. That is a pretty heavy hit these days where working parents have to be in jobs all day just to make the bottom line work out.

So I think this is a great program. I admire those parents who are willing to continue to make the best education their top value. Americans of all stripes are alike in many ways. I believe that is why many Democrats have come over to us and said we want to support this legislation.

Let me just tell my colleagues a number on this legislation we have discovered, that if a parent puts money into this account from the time his child is born, by the time that child gets to high school, there can be a total, it is just a $2,000, say 7½ percent interest, $46,000 in that account plus another additional $6,000 that comes because one does not have to pay tax on the interest of the account.

Mr. Speaker, I think it is a great opportunity. It recognizes that our principal challenge, educationally, is no longer college, but to raise the standards of our grade school and our high school students. What are our choices? Our choices are do nothing and get the product that we have gotten. It is not good enough to prepare our youngsters for a global economy or we can act today by passing this bill and helping parents obtain the tools that are needed to ensure that their child, every single one of them gets the best possible education from kindergarten to college.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina [Mr. ETHERIDGE], an educator as well as a legislator.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I rise today in strong opposition to this bill and to this latest attack on our public schools and, yes, on our children, their parents, and their communities. This legislation is the wrong approach to improving education for the 1.2 million children in the North Carolina public schools and the more than 45 million children all across this great Nation.

As the first member of my family to graduate from college, I am grateful to the public schools of North Carolina for the opportunity I had to get an education. They did a tremendous job for our three children. I know firsthand that public education holds the key to the American dream.

As a former superintendent elected for two terms, 8 years in North Carolina, I know what it takes to improve the public schools and to give our children the opportunity to make the very best of their God-given ability. This bill is the latest attempt to use the precious taxpayer resources that we have to subsidize private schools. It will take precious resources that we need to strengthen our schools and put it into the pockets of the wealthiest people to send them to private schools. According to the Joint Committee on Taxation, the original version of this bill would have cost the U.S. Treasury over $5 billion over the next 10 years.

That money would have been better spent helping States and localities rebuild crumbling schools, constructing new schools to relieve overcrowding. In fact, the President proposed a plan to do just that, but the proponents of this bill stripped it out of the original budget bill that passed this body earlier this year.

Mr. Speaker, I sought this office because I could not stand by and watch Congress launch attack after attack on our Nation's public schools. I saw that 2 years ago when this body stood up and said, we are going to abolish the Department of Education, we are going to do away with the school lunch programs and we are going to eliminate student loans. A member of the majority party just last week even, last month, compared our public schools, and I quote, to the Communist legacy. This bill is nothing more than an attempt to scapegoat our public schools once again.

Mr. Speaker, abandoning our public schools will not improve public education in this country. This bill is a cowardly act of surrender. Vote against this latest attack and vote for the Rangel substitute.

Mr. ARCHER. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman because he obviously has not read the bill.

The bill will provide assistance to families with children in public schools that is so badly needed today and public school teachers have come to me and begged for this because they say tutors are needed to help with the education of children in public schools. Seventy-five percent of the resources that this bill provides will go to families with children in public schools. Unfortunately, there is a group out there that does not want families to have any help for children who go into private schools.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I thank the gentleman for bringing this bill to the floor.

I have listened to the debate here and think that sometimes you just have to go back to the original bill to remember what it is because we lose track in the debate. The education savings account for public and private schools allows parents and grandparents like me to open an account for each of my grandchild's education that can be used only, only the interest, the principal I still pay taxes on, but the interest can be used for a child's education needs while they are in school, for private school, just the interest, if their parents should choose, and from kindergarten through college. The $2,500 a year that I would put in each of the children's accounts as a grandparent, allowed under this bill, can be put in until they are 18 years old.

If I take the money out that is now being used in our economy because savings is good for our economy, I have to pay a penalty on that. There is a great incentive for me to save for my grandchildren's education, not as great an incentive as an IRA where you can deduct the base $2,500 from your taxes, but a great incentive because I can save interest free for my grandchildren. As long as they spend the interest on college education, no one pays tax on the interest.

This is not an attack on anything. It is a way of families getting involved in their kids' education. The great part about it is we know by all research families involved in their education gives the best education for children. Moms and grandmas making the choices gives the child the most personal education.

I also wanted to say that as a grandma, I look at what is ahead for my grandkids. I do not want them to have to choose a public opportunity only. They might want to choose a private college. But if they do choose a public college, I would like to have them have options.

With this, I want to encourage Members to look back at the bill and realize, this is a very good step toward reform and grandparents in America will like it.

Mr. RANGEL. Mr. Speaker, I yield myself 30 seconds to say that the gentlewoman really did explain this bill in a very accurate way, in that I just wish I could better understand that if one puts the money in an account and one can spend the interest on that account and one does it for their child and their grandchild and the bill is going to sunset in 5 years, my God, how much interest will ever be there for them to spend?

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Indiana [Mr. ROEMER].

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Mr. ROEMER. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I rise in opposition to this legislation for three reasons: distribution, accountability, and fairness.

First of all, distribution. The Department of the U.S. Treasury has said, by analysis, that 70 percent of the benefits go to 20 percent, the highest 20 percent, of Americans. Twenty percent of the benefits go to the highest 20 percent of Americans making money in this country. Now, that is one reason.

Second, fairness. How many people making $25,000 a year, with their children in public schools, are going to be able to save $2,500 a year and benefit from this? Good question. Maybe not many.

But third, I think, Mr. Speaker, the main reason here is accountability. Now, I just voted for three IRA's in the tax relief bill that we passed for Americans, and I was proud to do it: An education IRA, a Roth IRA, and expansion of the existing IRA.

The education IRA can go for college tuition. We know that; the IRS knows that. This particular IRA can go for any of the following things: computers, books, supplies, equipment, transportation, and supplementary expenses. So if we want to buy measuring cups to teach our children at home about science, is that a tax writeoff?

Should the IRS come in and audit that? Is that what the Republicans are saying? Is this the Auto Relief Act of 1997? What about buying our children a car? What about putting gasoline in the car? What about driving to and from school but also going to work?

Now, do we want the IRS to look at those things? Are all those expenses or are they not? Should the IRS stay completely out of this or should they be nosing into every one of these situations?

So from a position of accountability, we can buy software, we can have services, I understand we can pay one child to tutor another of our children under this act. Let us have some accountability, folks.

If we are going to fix the IRS, as we have decided this week, let us fix it for everybody. We will do it in a bipartisan way, but with public education. What this act does is let us just fix it primarily for people making over $70,000 a year for them to drive their kids back and forth to school and buy some computers and some measuring cups.

Let us fix public education for everybody. Let us fix the IRS for everybody.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of the Republican conference.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Iowa for yielding me this time.

My colleagues, Republicans here in the House, have begun a bold campaign to strengthen and reform our Nation's education system. We are attempting to send more dollars directly to the classrooms, trying to return control of education to parents, teachers, and local communities, and giving working class parents and poor parents new educational choices.

I think that is exactly what the Education Savings Act for Public and Private Schools does. The bill that we have today simply extends the popular and successful college education savings accounts to parents with kids in kindergarten through grade 12.

All over the country, and certainly in my district, there are lower and middle-income families who struggle every day to make ends meet. These are exactly the type of families that these accounts are intended to help. The rich, as those on the other side of the aisle like to talk about, do not have to save to pay for a tutor if their kids are not doing well in math or reading. The rich, as they describe them, do not have to save to buy a new computer. They do not have to save in order to pay for SAT prep classes or summer education camps. These things are already available to them because they have the cash to do it.

What we are trying to do is to help lower middle income and poor folks in America save the money that they can to help their children get a better education. Now, what is wrong with allowing American parents to keep more of what they earn so that they can help their children get the educational aids they need that will help them have a shot at the American dream? That is what we are trying to do today.

We provide Pell grants for students in college. Private college, public college, it makes no difference. We provide student loans for college. Private, public, it makes no difference. But as soon as we try to do something to give parents greater control over the education of their children that are in grades 12 and under, there is a big stone wall. That is because the education bureaucracy in America rises up and says no, we are in charge of that.

This bill today gives parents more choices.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN], a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, let me just answer the gentleman from Ohio [Mr. BOEHNER]. Federal control, most of the money for secondary and elementary education that is appropriated here goes for special education and compensatory education that are under the control of local school districts. So that is an effort really to debate by demonization to say that we are trying to defend a Federal bureaucracy when most of the money that is appropriated goes to school districts.

Second, the gentleman from Ohio and others say that their bill is an effort to help the working class. Look at the data. According to the Treasury Department analysis, under this bill a family with income $33,000 to $55,000 would get $7 a year help; a family $55,000 to $93,000, $32; and a family $93,000 and up would get $96, three times the family with half the income and 12 times a family with three to five times the income.

Now, if the money is already available to the wealthy family, why are we giving them a tax break?

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, does the gentleman have a copy of this? We would love to see this analysis.

Mr. LEVIN. Reclaiming my time, Mr. Speaker, we would be glad to, and I would also tell the gentleman from Iowa that we distributed, in the Committee on Ways and Means, a study by the Federal Reserve that indicated that families $30,000 to $40,000 had nonretirement investment assets of $2,500. In other words, they did not have as much money, most of them, as the amount of money that could be put in by wealthier families.

The wealthy family has that income available and those assets. And a family $40,000 to $50,000 has nonretirement investment assets, those under 35, of only $3,400. So we are saying put $2,500 a year in. Who can do that if they have assets of only $3,400 nonretirement assets?

Now, this is an effort by the majority, in essence, to cover their weak flank: education. But they are covering it by helping wealthy families and hurting public education. That is a bad idea. The Rangel idea is a much better one. Let us vote for it.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

The previous speaker said something about accountability and how we must have accountability in this matter. Really, accountability in this context, I think, more equates to control. On this side what we are talking about is choice, which equates to freedom. And that is the difference in this debate.

The difference is whether control is going to remain with a bureaucracy, whether it is in Washington or in a county back home. The question is who controls education: Is it a bureaucracy, an education bureaucracy, or is it parents? So accountability on this side really equates into control. Choice on this side equates into freedom.

But there is something that comes with this freedom. The freedom we are after on this side is the opportunity for parents to choose where to send their kids to school. That is our ultimate objective, or at least my ultimate objective: to allow every parent in America to choose where to send their child to school among all options available to them.

Now, I realize that the education establishment does not like that, because they do not want to give up that control. But consider what they are after: The education folks are always trying to create little programs at the Department of Education that are supposedly going to save the day, but we all know they will fall short.

I think we are all coming to the conclusion, or I hope we are, that really the only way to educate kids is for parents to be involved. And the way for parents to be involved is to vest them with decisionmaking. Do not tell them by some formula worked out or map worked out in some bureaucrat's office somewhere where they are going to send their kids to school. Give them choice.

Give them the opportunity to go to, say, Poly Williams School, where they have to sign a contract in order to have their kids there, and then what we will have is parental involvement because they are exercising their free choice. They are buying into the school. They are participating in Johnny's education, and Johnny is going to get educated that way.

That is the change we need to bring, and I wholeheartedly support this small step toward that.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I thank my ranking member for yielding me this time.

Listening to the debate earlier, we all support education and all the ways we can do it, and the opportunity to help families have their children to be prepared for tomorrow, but it is frustrating, as a Member of the House, that last week the solution to the education problems was vouchers for the District of Columbia and this week it is for an educational IRA that will only be for a specific higher income.

And those numbers that the members of the Committee on Ways and Means have been talking about are reflected in a graph that I have here that shows my district, whose medium income is about $22,000, that is about the average for the country, in some cases, I believe, but it shows if an individual makes $33,000 to $55,000 their only tax break will be $7. But today we are having a special that says, OK, we are going to solve education by giving $7 back to a family with an income of $33,000 to $55,000.

I wish we had quick fixes to education problems, but we do not. It takes hard work. And there are millions of parents, teachers, and even school administrators who care and love those children and that are not looking for quick-fix gimmicks like vouchers or even this IRA.

America has always had a commitment to education, whether it be in private, parochial or in home school, or particularly where 90 percent of the students go, which is public education. This bill allows parents to set up a tax-free IRA of $2,500 per year, per child. What this proposes is that it will only let the wealthiest families participate and take advantage of it. Ninety percent of the students attend public education, yet those parents of poorer incomes or moderate incomes, under the numbers I see from the Committee on Ways and Means, they have to buy school uniforms and computers, but they cannot take advantage of this.

This is not the solution for our educational problems. It takes hard work. Let us get away from some of the gimmicks and get back to really providing quality education. Quality education in public education is our Nation's gift for our children.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], who was former chairman of the Subcommittee on Early Childhood, Youth and Families.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from California [Mr. CUNNINGHAM] is recognized for 2½ minutes.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to thank my friend, the gentleman from New York, Mr. CHARLIE RANGEL. He is speaking to the issues. He is not using the Carl Marx class warfare, but he is really speaking to the issues, and that is refreshing, and I want to thank the gentleman for that.

Mr. Speaker, I speak as a teacher and a coach for many years. I have my entire family either as coaches, teachers, or principals in public school. Last weekend we attended the public school teacher awards for outstanding teachers, and I want to tell my colleagues, parents lauded those teachers, students lauded those teachers, and I agree that public education is the key to the future of America. I agree.

I would say another step is parental involvement. And community involvement is another very important key. I do not want to take away from that.

□ 1345

My passions are national security and education. But how do we get the maximum amount of dollars to do that? That is what the issue is. I thank the gentleman for speaking to that.

One of the things we said was charter schools. The unions opposed that when it first came out, but it has proven well. We are trying to give the key to the local, to the parent, to the teachers and I would say even the families, because a grandparent, a person that earns $25,000 a year or less, if they want to save for their children's education and we do not tax that, that is good, I would say to my friend. We ought to take away that tax burden for those folks. I would say that the maximum amount of dollars my friend sponsored, how do we get, and State bureaucracy is just as bad as Federal bureaucracy. The Federal bureaucracy with the 760 programs, we only get about 48 cents out of every dollar to the classroom, out of Federal dollars. Why? Because of the bureaucracy and the paperwork. The State is just as bad. In some areas in our society, we get as little as 23 cents. Let us work for the State, the Federal, and the private and do it and let us support this bill and support the choice.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, there is nothing in this bill that gives one nickel to the teachers, one nickel to the schools, one nickel to equipment. It gives the parent, whether the kid is in private or public school, that has enough money to put in the bank an opportunity to use the interest on the money.

Mr. CUNNINGHAM. Would the gentleman say that it is wrong for a low-income parent that does want to set aside, that we ought to tax that individual?

Mr. RANGEL. I believe it is good for all parents. It has nothing to do with education.

Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, today I rise in support of the Rangel substitute to H.R. 2646, the Education Savings Act for Public and Private Schools. The Coverdell legislation is a Federal subsidy of private school education. Ninety percent of all the children in America go to public schools. The numbers are increasing every day. Let that be the focus of our education agenda, how to improve America's public education system.

Our schools are trying to fix their problems. For example, the majority of kindergarten through 12th grade schools in my Congressional district are overcrowded. They are continuing to succeed despite the difficult circumstances. Should we not give incentives to local school districts to modernize, to renovate their schools, to build new classrooms rather than give incentives to parents to take their kids out of the public school system?

That is why I am encouraging my colleagues to vote for the Rangel substitute. Let us do what is right for America's children. Let us make sure that a quality education is available to every student, regardless of their family income. Please vote for the substitute.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds. Only in Washington, DC, would money that is taxed on parents that comes to Washington and we say we want to go back to parents be called a Federal subsidy. Think about that. Only in Washington, DC, would somebody have the nerve to say money we take from you in taxes and give back to you in tax relief is a Federal subsidy. That blows my mind. I think that in and of itself is the difference in this debate here today, who you trust, parents or the government.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to strongly support the bill that is before us. It was one of my biggest disappointments that the budget negotiators gave in to the President and the liberal Democrats to restrict how parents and families can spend their own savings accounts on education.

I think it is un-American. The concept of an educational IRA makes so much sense. It is after-tax dollars we allow them to put away for their own families. It is an act to encourage Americans to plan and save for their own children's education, making them less dependent on government help.

What are my colleagues afraid of? That is good public policy. It is about freedom, parents and families making choices, parents and families planning for their own children's future. What is the difference between grade 13 and grade 11 and 12? Well, in 13 you can choose. In grade 11 and 12, you have no choices because the government knows better.

Let us look at Johnny and Suzie. Suzie needs a strong base because she has chosen a tough college program. Her parents, her educators realize that she may not be able to get into the program she wants. So she may choose a different public school for her senior year or she may choose a private school so she can get the preparation for the education she has chosen. Or Johnny, who just needs some help in 11th or 12th grade so he can go to college. He is right on the borderline of what colleges will accept, the colleges he wants. What is wrong with Johnny's and Suzie's parents having a right to choose?

We heard today, how can we ask families to invest in the children's education? We are not asking them. We are giving them the opportunity. There are those who said all the money is going to go to the rich. They assume that working Americans do not care about their children's future. Working Americans will save quicker than anybody, because they care about their children. Many working Americans do not have a college education, but they want their children to and they will sacrifice, and we should give them that chance. We should give parents and families the right to choose.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise as a representative of a rural district and as a deficit hawk to express my strong opposition to this legislation. It is not well thought out. For many of us, avoiding backloaded tax cuts that will cause the deficit to increase in the next century was one of the most important principles of the budget agreement.

This bill creates exactly the type of backloaded tax cut that fiscally responsible Members in both parties fought to keep out of the budget agreement. The bill reported by the committee was paid for in the 5-year budget window by an offset that produces large one-time savings in the early years. The savings drop off after the second year and the revenue loss continues to grow every year. As a result, the bill will increase the deficit beginning in the year 2000.

This last-minute transparent sunsetting gimmick added at the Committee on Rules does not solve the problem. Many of the proponents of this legislation ridiculed the President earlier this year for his budget proposal, and I agreed with your criticism. How is this different? It is not. No one believed that tax cuts proposed by the President would be sunsetted after 4 years, and I do not think anyone honestly believes that Congress will allow this provision to sunset after families have been contributing to an education savings account for several years.

Paying for legislation during the budget window while ignoring growing out-year costs is exactly the type of budget gimmick that helped produce the record deficits in the past, and returning to gimmicks to get around the budget rules is a dangerous step down the slippery slope of unraveling the budget agreement and returning to uncontrolled deficits.

If we are serious about helping our children, our first priority must be to remain committed to reaching a balanced budget and stop piling debt on future generations.

I also oppose this legislation as a Member representing a rural district with 109 school districts and as a former schoolteacher in a rural school. School choice may sound good in theory, but it does not make sense in the real world of rural America without further eroding the fragile economies in rural communities. This legislation is bad fiscal policy and even worse education policy.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, today I rise in support of the Education Savings Act for Public and Private Schools. This bill is not just about education. It is about trust and equity. If it is OK to offer a tax break to parents who want to send their children to college, then should we not offer that same advantage to parents who want their children to have a quality elementary and secondary education?

This bill does not take money away from public education. So why are opponents so afraid of this bill? Maybe they are afraid that parental empowerment and involvement in their children's education will prove more effective than empowering education bureaucrats in Washington, DC. To me, this is a simple issue. Who are you going to side with today, bureaucrats or parents?

I urge my colleagues to vote for H.R. 2646 and let America's parents know that Congress trusts them to care for their children's education.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of the Rangel substitute. I support the Rangel substitute because the original bill is nothing more than another backdoor attempt to try and dismantle public education. I have listened to people talk about helping those with low income. My statistics suggest that low-income people in my community, who earn less than $40,000 a year, do not have any discretionary money to invest in a tax plan. They do not have any additional money that they can use for education.

I submit that public education is the only real safeguard that exists in this country for the preservation of democracy. Anything less than that, Mr. Speaker, is going against the grain, it is going against the wishes of the American people, it is going against the needs of those in middle America. I urge strong support for the Rangel substitute.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, for those who say that we are talking about bureaucracy, the amendment would indicate that all we are trying to do is improve the public school system in the areas that it is failing, if they can cooperate with the private sector to improve the curriculum and make the students more productive, to give them the skills to work with. No, we do not give away money, interest-free money to those that have this disposable income. We believe the systems that are not working should be reinforced, make them productive, make them effective and get more people out of the jails and into the workplace.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of my time.

First of all, let me answer some of the critics who have been saying that public education is not something that we support. Not only am I a product of public education, which Members can draw their own conclusions about, the good or the bad about public education just from me standing here. I happen to think it was pretty good, my kids are in public education. I support public education.

In fact, I just spent this last week of our recess going around talking to parents, talking to teachers, talking to students and administrators about the importance of public education. But they also know that there is extra, that education now between K through 12 is not enough. We did something in the balanced budget plan called the HOPE scholarship. It is a start. What we want to do is we want to expand that, because we know particularly for people who have children with special needs that there is always extra. There is a little extra in the summer, there is a little extra after the grades are all over and the schoolhouse closes after they have graduated, we hope. There is extra that they are going to need.

I understand that there are some who say that because you are poor, you probably will not want to participate. A, that is wrong, because people do care about their kids. And, B, even if they are able to participate a little, is that not better than nothing?

I understand there is a Treasury study out there that says that it only means $10 for somebody. $10? $10 is something. It is a start. Maybe that is not enough. Maybe we ought to go further. Let us talk about going further, but let us not stop just because that is not enough for one particular family. Let us give the incentive to families so that they can meet those challenges. And let us also do it in a way that recognizes that education is a lifelong process.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I oppose the Education Savings Act for Public and Private Schools—H.R. 2646—despite having been an original cosponsor of the Parents and Student Savings Account Act—PLUS A+—bill and having been quite active in seeking support for the original bill. I remain a strong supporter of education IRA's, which are a good first step toward restoring parental control of education by ensuring parents can devote more of their resources to their children's education. However, this bill also raises taxes on businesses and I cannot vote for a bill that raises taxes, no matter what other salutary provisions are in the legislation.

I certainly support the provisions allowing parents to contribute up to $2,500 a year to education savings accounts without having to pay taxes on the interest earned by that account. This provision expands parental control of education, the key to true education reform as well as one of the hallmarks of a free society. Today the right of parents to educate their children as they see fit is increasingly eroded by the excessive tax burden imposed on America's families by Congress. Congress then rubs salt in the wounds of America's hardworking, taxpaying parents by using their tax dollars to fund an unconstitutional education bureaucracy that all too often uses its illegitimate authority over education to undermine the values of these same parents.

In fact, one of my objections to this bill is that it does not go nearly far enough in returning education authority to the parents. This is largely because the deposit to an education IRA must consist of after-tax dollars. Mr. Speaker, education IRA's would be so much more beneficial if parents could make their deposits with pretax dollars. Furthermore, allowing contributions to be made from pretax dollars would provide a greater incentive for citizens to contribute to education IRA's for other underprivileged children.

Furthermore, education IRA's are not the most effective means of returning education resources to the American people. A much more effective way of promoting parental choice in education is through education tax credits, such as those contained in H.R. 1816, the Family Education Freedom Act, which provides a tax credit of up to $3,000 for elementary and secondary expenses incurred in educating a child at private, parochial, or home schools. Tax credits allow parents to get back the money they spent on education, in fact, large tax credits will remove large numbers of families from the tax roles.

I would still support this bill as a good first—albeit small—step toward restoring parental control of education if it did not offset the so-called cost to Government—revenue loss—by alterning the rules by which businesses are taxed on employee vacation benefits. While I support efforts to ensure that tax cuts do not increase the budget deficit, the offset should come from cuts in wasteful, unconstitutional Government programs, such as foreign aid and corporate welfare. Congress should give serious consideration to cutting unconstitutional programs such as Goals 2000 which run roughshod over the rights of parents to control their children's education, as a means of offsetting the revenue loss to the Treasury from this bill. A less than 3-percent cut in the NEA budget would provide more funds than needed for this return of tax dollars to families who seek choice in their children's educational needs.

Mr. Speaker, we in Congress have no moral nor scientific means by which to determine which Americans are most deserving of tax cuts. Yet, this is precisely what Congress does when it raises taxes on some Americans to offset tax cuts for others. Rather than selecting some arbitrary means of choosing which Americans are more deserving of tax cuts, Congress should cut taxes for all Americans.

Moreover, becasue we have no practical way of knowing how many Americans will take advantage of the education IRA's relative to those who will have their taxes raised by the offset in this bill, it is quite possible that H.R. 2646 is actually a backdoor tax increase. In fact, the Joint Committee on Taxation has estimated that this legislation will increase revenues to the Treasury by $1.8 billion over the next 2 years.

It is a well-established fact that any increase in taxes on small businesses discourages job creation and, thus, increases unemployment. It is hard too see how discouraging job creation by raising taxes is consistent with the stated goal of H.R. 2646—helping America's families.

Mr. Speaker, I would suggest that is this type of legislation—a backdoor tax increase masquerading as a tax cut—that is, in part, responsible for the widespread and ever growing disgust with this body.

In conclusion, although the Education Savings Act for Public and Private Schools does take a small step toward restoring parental control of education, it also raises job-destroying taxes on business. Therefore, I cannot in good conscience support this bill. I urge my colleagues to join me in opposing this bill and instead support legislation that returns education resources to American parents by returning to them moneys saved by deep cuts in the Federal bureaucracy, nor by raising taxes on other Americans.

Mr. BUYER. Mr. Speaker, we face a crisis in American education today. Forty percent of all 10 year olds can't meet basic literacy standards. United States eighth-graders recently placed 28th in the world in math and science skills. Two thousand acts of violence take place in schools each day, and almost a third of today's college freshmen require some remedial instructions. The education initiatives Republicans are bringing to the House floor in the next few days are an excellent start toward solutions of these problems.

Education savings accounts [ESA's] give middle- and low-income parents new education choices—public and private—to educate their children in safe and nurturing environments. Families or individuals earning less than $95,000 a year would be eligible to contribute up to $2,500 annually into an account for a child's educational needs while at public, private, religious or home schools—from kindergarten through college. The buildup of the interest within that account is tax free and the savings from that account can be used for tuition, tutoring, transportation, equipment, services for kids with special needs, home computers, uniforms, books and supplies, and SAT preparation or enrollment expenses related to sending a child to a public school in a neighborhood district.

It has been estimated that around 14.3 million families—about 10.8 million of which are families whose children attend public school—would benefit from these accounts by 2002. Seventy percent of the tax savings from these accounts would go to families whose income is less than $75,000 a year. Families can make no more important investment than the investment in their child's education.

Some people would argue that ESA's would siphon off funds needed for public school education. In fact, public education would benefit from Americans' being encouraged to invest in their neighborhood schools. Faced with rising costs, many public schools are forced to operate in unsafe buildings or with too few textbooks. The funds these ESA's provide would help improve the quality of public school education by freeing tax dollars for basic instruction, supplies, and repairs. Just investing $2,500 a year from a child's birth until he or she enters the first grade would yield nearly $17,883 for that child's elementary education. Research has shown that engaging parents in their children's education improves the academic performance of those children, and also gives parents a stake in the success of their local schools.

The Emergency Student Loan Consolidation Act just passed the House this week. This bill allows Department of Education direct loans to be consolidated with Federal family education loans [FFEL] until September 30, 1998; allows students to consolidate loans with private-sector loans; and requires consolidated FFEL and direct loans to carry the same interest rate of a consolidated direct loan. In addition, the bill stipulates that HOPE scholarships—the recently created $1,500 tax credits for families for the first 2 years of college established by the Taxpayer Relief Act—will not reduce the financial aid award a student receives. The Department of Education has been unable to effectively operate their direct student loan program since it was created in 1993 and America's students should not have to pay for this administration's shortcomings.

If we truly want to help parents, teachers, and local officials strengthen and reform our Nation's education system, we must make sure Federal education dollars reach the classroom. This may sound simple enough, but currently $5.4 billion of the $15.4 billion spent by the U.S. Department of Education on elementary and secondary education programs never reaches the all-important classroom and, instead, is lost to a frightening sea of bureaucracy. Roughly 65 percent of Department of Education elementary and secondary dollars actually reach the classrooms. I urge all of my colleagues to take the important first step of making sure that taxpayer education dollars get where they are supposed to be going—to the children and teachers in the classroom.

We cannot continue to allow our education system to entrap young students and permit them to fall further behind. We must act now and take these key first steps to bringing about a brighter future for our children.

Mr. DAVIS of Florida. Mr. Speaker, today, I rise to express my opposition to the Education Savings Act for Public Private Schools principally for two reasons. First, balancing our Federal budget should be our highest priority. We should not pass any bills, whether they increase spending or cut taxes, without considering their impact on our need to balance the budget. This bill costs approximately $5 billion during the next 5 years of its implementation and its cost thereafter is unclear and potentially much, much higher. There is no decrease in spending called for by the bill to offset its cost. As a result, it will hamper, perhaps significantly, our efforts to balance the budget.

Second, while we should support the efforts of parents to educate their children as best as possible and to fully participate in that process, we should not give preference to private schools over public schools. Because this bill appears to do so, I also oppose it for that reason.

Finally, I want to point out that the child tax credit and education IRA created in the recent Taxpayers Relief Act and the Balanced Budget Act respectively, both of which I supported, are far superior to this bill in providing parent financial support for the education of their children. Furthermore, the cost of each of these bills is paid for within the context of moving us much closer to balancing the federal budget.

Mr. Speaker, for these reasons, I urge my colleagues to join me in voting against the Education Savings Act for Public and Private Schools.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 2646, legislation to provide American families with the opportunity to save for their children's education. I commend the Speaker and our committee chairman, BILL ARCHER, for their leadership on this issue.

As a former university professor and school headmaster, I take great interest in efforts to improve the education of our children. The bill before the House today provides taxpayers with new education IRA accounts which will allow annual after tax contributions of up to $2,500 to be saved for not only college expenses, but for expenses incurred from kindergarten through high school. When used for education purposes, the interest earned in these accounts will be free from additional taxation. These education dollars will belong to the taxpayer, not the Government, and children will have them available for their public, private or home schooling needs.

The Taxpayer Relief Act of 1997, passed earlier this year by Congress, provided education IRA's, but limited their use to college expenses. In that bill, the Republican Congress had attempted to provide education IRA's for all levels of schooling. This broad IRA survived the House/Senate conference committee, where I supported it, as well as the negotiations with the Clinton administration. It was only after the tax deal was publicly announced that President Clinton quietly threatened to veto the whole tax cut package unless the kindergarten through high school use provisions were eliminated. The President is also threatening to veto this attempt to help parents educate their kids. As usual, the President is looking out for his campaign contributors, rather than our children the future of our country.

I must address the rather specious claims of the opponents of this bill. While our liberal colleagues support education IRA's for colleges, they have lined up in opposition to expanding IRA use for all levels of our childrens' education. I have received letters in my office from teachers unions, school board associations, and the administration claiming that these IRA accounts will undermine public education in this country. These groups obviously misunderstand this bill. Parents are free to use these IRA accounts for their children, regardless of whether they attend public, private or home schools. In the case of public-schooled children, parents can, for example, use their IRA to provide a tutor for their child. If parents use the IRA money to send their child to a private school or to home school their children, they are not relying on a government handout—it is their own money. These IRA's are foreign to the liberal education hierarchy because it removes Washington as an obstacle to educating our kids.

In recent years, public education in America has too often failed our kids. I do not intend to condemn the hard-working teachers, because they need help too. This failure is unfortunately, exemplified in the schools in our Nation's capital. No school system in America, public or private, spends more money per pupil than does Washington, DC. Yet the children in Washington's public schools rank nearly last in academic achievement in America. Taxpayers have poured billions of dollars into our schools and our children are seeing less and less return on this investment. Yet when we Republicans, and a brave Democrat or two, propose to allow parents more freedom and options to educate their children, the liberal education establishment alleges that we are attacking children. How much more failure in our schools will Americans tolerate before they take their schools back from the liberal education establishment? Make no mistake about it, opponents of this bill do not trust parents to make decisions about the education and the future of their own children.

This bill will give parents an additional valuable tool to use in their childrens' education. Parents, not bureaucrats, will have the ability to decide what is best for the kids, and they can use their IRA accounts accordingly. Therefore, I urge my colleagues to support H.R. 2646 and I hope that the President will reconsider his threat to veto this bill.

Mr. PACKARD. Mr. Speaker, parents across America want greater control of their children's education and greater accountability from their children's schools. Parents must be able to send their children to safe, quality schools that reinforce the lessons of responsibility and respect that they try so hard to teach at home. The array of Republican initiatives that we are working to advance are designed to help kids, parents, teachers, and local officials strengthen and reform our Nation's education system—from kindergarten through college and vocational schools to mid-career job training.

I am committed to providing every child in America with first-class learning opportunities in safe, secure schools where they can truly learn. Critical situations call for dramatic change. Maintaining the status quo which chooses bureaucrats over kids, parents, and teachers is immoral and will only keep students trapped in a failed system where they cannot learn. Our education reform initiatives will turn this around. The time to take action is now.

Mr. Speaker, our agenda for the American learner is a serious attempt to bring commonsense reforms to a myriad of redundant and antiquated Federal education programs. We plan to send Federal education dollars to the classrooms, not to Washington bureaucrats; we intend to return control over education to mothers, fathers, and local communities; we want to strengthen our commitment to basic academics, and we want to give every child the same opportunity to thrive and succeed.

At this time, I can only hope that our Democratic colleagues will reject the dictates of the big-money special interests and join us in our effort to give every child a chance at future success and the American dream. It's the least they deserve and I will work to provide our children with a top-quality education and the opportunity for a successful future.

Mr. CALVERT. Mr. Speaker, one of the most contentious battles looming before us today is the battle to save our children by improving education. Like other contentious issues that have come before the Congress such as abortion and the death penalty, very few people are ambivalent about their stand on this subject. One side levels charges of elitism while the other is denounced as bureaucrats. What is being overlooked in the debate, however, is what is ultimately best for our children. The system is clearly failing students when you hear statistics like 40 percent of all 10-year-olds can't meet basic literacy standards, U.S. eighth-graders placed 28th in the world in math and science skills, and almost a third of today's college freshmen require some remedial instruction. How did we let the state of education reach a crisis level?

H.R. 2646, the Education Savings Act for Public and Private Schools, will allow parents, grandparents, friends, scholarship sponsors, companies or charities to open an account for a child's educational needs while at public, private, religious or home schools from kindergarten through college. Savings from these accounts can be used for tuition, tutoring, transportation, books and supplies, and services for kids with special needs, among other things. This bill is about helping parents help their children. How can anyone be opposed to giving money to families for educational use rather than using that money to create more government bureaucracy?

I am a product of the public schools in the district I am now honored to represent. I want the parents and children in my district to have access to the best education possible. As a lawmaker, I owe it to future generations. I urge all of my colleagues to support H.R. 2646.

The SPEAKER pro tempore (Mr. FOLEY). It is now in order to consider the amendment printed in part 2 of House Report 105–336.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL:

Strike sections 1 and 2 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public School Improvement Act".

SEC. 2. MODIFICATIONS TO EDUCATION ZONE PROVISIONS.

(a) INCREASE IN VOLUME CAP ON BONDS.—Paragraph (1) of section 1397E(c) of the Internal Revenue Code of 1986 (relating to credit to holders of qualified zone academy bonds) is amended by striking "$400,000,000" and inserting "$4,000,000,000".

(b) PERMITTED USES OF BOND PROCEEDS TO INCLUDE SCHOOL CONSTRUCTION.—Subparagraph (A) of section 1397E(d)(5) of such Code is amended to read as follows:

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,".

Amend the title to read as follows: "To amend the Internal Revenue Code of 1986 to promote the construction and rehabilitation of public schools by increasing the amount of qualified zone academy bonds which may be issued."

The SPEAKER pro tempore. Pursuant to House Resolution 274, the gentleman from New York [Mr. RANGEL] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encourage Members' support for my amendment, which merely is an expansion of existing law that was incorporated in the recent tax package, with the support of the leadership of the Democrats, the Republicans, as well as the President of the United States.

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What it does is to allow those public school systems that are failing us in areas of extreme poverty to get their acts together by realizing that they have to do something better. And what they do better is to have to reach out to form partnerships, to form academies with the private sector leadership in these communities, and to sit down with the teachers and with the parents, the business people and the local officials, and to come up with a curriculum, not just one that they feel good about, not one that comes from the State capital, but one in which the private sector can say that these are the skills that we are going to need in this community if your kids are going to go to college or if your kids are going to get a job.

So there is no special bank accounts. What it amounts to is it allows these communities to be able to go to the public market and to borrow the funds with interest-subsidized bonds so that they would be able to supplement the public budget by providing funds for scientific equipment, scientific books, things that would be approved by this partnership, to rehabilitate the buildings, to make the repairs, and to have the type of academies that excel in those communities that they are not doing well in.

It just seems to me if one takes a look at some of these communities, one would find that the budgets to keep kids in jail far exceeds the budgets that keep kids in school. In the city of New York, we pay $84,000 a year to keep a kid in a detention center, and we are fighting now as to whether $7,000 is a sufficient amount of money to keep that same kid in school.

All this is saying is that as we concentrate on the next century and having people with the intellect and the technology to keep America in the forefront, do not try to move forward and leave millions of people behind without the skills to work with.

I encourage Members to consider this. It cannot be called partisan. It borrows from the same concepts of funding as our Republican majority. The concept has been supported, it is in existing law, and I just hope that you would believe that this is really a more effective way to improve the quality of education for those kids who do not have the option to go to private school, but have this as the only network, as I and the gentleman from Iowa [Mr. NUSSLE], had when we were kids, and that was that public school system.

We are not saying there is an attack on that system, we are saying that it is in a critical stage today, and we are asking Members in the Congress not to let that go, because for many of us, we never had the option to go to a private school.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 30 minutes.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start by commending the gentleman from New York for what I would have to suggest is a good idea, and an idea we need to consider in this House of Representatives, we need to consider in the Senate, or in the other body, we need to consider in Washington, as a way to try to empower State and local communities to deal with some very specific problems that I know the gentleman is well aware of.

I just also became well aware of them in my own community of Waterloo, IA, where we also are faced with a number of problems involving infrastructure or brick and mortar as they call it, of schools that have deteriorated, and are forming partnerships within their own community. Even without your amendment, they have done this to come together to plan for the future, to figure out ways to share information and resources, and also build back the school system, because they, along with the gentleman and myself, agree that public education is an important foundation for a free society, and particularly one that has gotten us this far in our history.

I would just have to say, however, that we have a finite pot of money that we hope to use as the offset, and yours is a substitute. If there was a way we could augment it after studying the way it would work, because one of the concerns I have is I think you target—it seems to target only low-income areas, I would be concerned that maybe we allow that to broaden out even a little further, because there are some areas that may not quite meet the definition of low income, yet are faced with some unique challenges. Maybe it is through recession, maybe it is on a periodic basis. But I do think your plan deserves study and merit.

So I find it difficult to debate against it. We have talking points here, of course, and we can look and say, well, our plan supports savings; your plan supports borrowing. That is really not the point. The point is they are two separate problems.

One part is we have parents that need to deal with immediate concerns of dealing with their children's education. You and I both know that means public education, but in many instances the choice is becoming more and more frequent, a private education, extra education in addition to public education. So we tried to meet that challenge through the Education Savings Act.

What you are trying to accomplish is in a different, no less important, in my view, area of infrastructure for education.

I think in this instance why we are opposing this is because we would like to move this plan. It has been part of our platform, we believe in it, we are going to move it, that is our intent, but in my opinion, and I am speaking for myself here, I believe we ought to take a closer look at your plan with regard to building up and giving empowerment to local communities, whether it is academies or zones of partnership, so that we can, in fact, infuse some support in a nontraditional way to our public education system.

Some would rush in here and say let us appropriate dollars. Yours is unique. It says we have to have local control. I believe it says we have to have community involvement. It has to come from the bottom up. We are just there to help. I think that is a unique and very administrable plan.

Unfortunately, with the pool of money available, I am going to push my idea, support your idea as something we need to look into, but believe that it needs to wait until another day, I say respectfully.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Let me thank my friend, the gentleman, for his support, even though it is limited.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS], a member of our committee.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, my leader, for yielding me this time.

Mr. Speaker, I rise to express my strong opposition to this ill-conceived plan. Across our Nation, public schools are in need of assistance. According to a recent GAO report, one out of every three public schools is in serious need of repair and construction work. Our public schools are crumbling. Our children need our help.

The deterioration of our public schools should not be a partisan issue. The Department of Education did not cause the physical deterioration of our public schools, nor did Goals 2000, or Head Start. They are crumbling because of a lack of money, effort, and caring.

Some of our public schools are crumbling in other ways. Students are not learning. Drugs and firearms have invaded our Nation's school yards.

As a nation and as a people, we should be responding to this crisis by fixing and building our public schools. Public education is a great equalizer in our Nation. Nine out of every ten children in this country attend public schools. I attended public schools. I would bet that the majority of the Members of Congress came from some public school. We know that each and every child has a right to a good education in a safe environment at a public school.

The bill before us would do nothing to improve our public schools. Instead, it would use the Federal Tax Code to undermine support for public education.

This bill is a sneaky and slick proposal that would have two results: First, it would subsidize religious groups and religious schooling; second, it would continue Republican efforts to undermine our support for public education.

Working families do not want their hard-earned tax dollars going to support private schools. A family making less than $55,000 a year will receive, at most, $7 under this misguided proposal. Meanwhile, upper income families get more than 10 times that amount.

Most Americans, Mr. Speaker, cannot afford these exclusive education accounts. They cannot afford to set aside $2,500 each year for each child's education. This bill cannot and will not help them, but public education can. Public education can help every child, no matter how rich, no matter how poor. Again, public education is the great equalizer.

If we are going to spend $2.5 billion on education, let us spend it on public education that our Nation's children and all of our children can use. Let us invest in public education, not tax breaks for sending their kids to private and religious schools.

Mr. Speaker, for this reason I urge all of my colleagues to reject this proposal. Let us invest in our crumbling public schools. Let us support the Department of Education. Let us use our limited resources to invest in the millions of children who cannot afford exclusive education accounts. These children are the ones that need our help. Defeat this bill, support the Rangel substitute, support our public schools.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Georgia [Mr. LEWIS] is obviously quite eloquent. This is not a choice, I would say to my friend, between public education and private education. In fact, I do not believe the gentleman is trying to suggest that private education, particularly church-based education, is not good.

I do think we need to support public education. It is not a choice of one or the other. This is to help those who want to make that choice. There are many who make that choice all the time.

Mr. Speaker, I would be glad to enter into a colloquy with the gentleman, if he could get time from his side.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, my friend would agree that 9 out of every 10 children go to public schools. That is where the greatest need is.

Mr. NUSSLE. Including me. That is where I went.

Mr. LEWIS of Georgia. We are planning to spend maybe $2 billion or more?

Mr. NUSSLE. My children go to public school.

Mr. LEWIS of Georgia. My child attended a public school.

Mr. NUSSLE. Mine still do.

Mr. LEWIS of Georgia. That is very good. I am just trying to help your child and all children; your children, my children, and the children of Georgia.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, not only did I go to public school and my kids, but I happen to have a child with special needs. I know that as much as you try and as much as I try, there is no way that the public education system is going to be able to provide all of the necessary things, the resources and educational tools, that my daughter is going to need into the future.

I am not suggesting I necessarily need this account, I do not know. We will see. It probably is not going anywhere, it sounds like, from what we hear, because the President does not think parents ought to have this choice.

I believe we ought to at least start down the road and discuss who should make these decisions.

Mr. LEWIS of Georgia. Mr. Speaker, if the gentleman will yield, we are proposing to help all families, not just wealthy families.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I find it interesting, there have been several speakers who have said that parents, working Americans, poor Americans, cannot afford to do this, and they will not, and it appears with Treasury and their examples and the figures they have come up with, they are assuming they will not.

If that is the case, this bill should not be a problem, because it will not impact our schools, because the parents that have the right to choose today, the wealthy parents, make those choices every day, but middle Americans and the poor cannot make choices because they cannot afford to. So if that is true, this bill should not be a problem. This whole debate is frivolous.

But I cannot pass up the chance to deal a little bit with the Rangel amendment, which we are debating now. There is a stark difference here. We have a bill that encourages people to save, parents and families to invest in their children's future, empower parents to make choices, with their money, not our money, their money, and now we have a substitute that talks about making it easier for school districts to go into debt.

I have been a businessman for 26 years, and I served in State government for 19 years, and watched our educational system in Pennsylvania.

□ 1415

A business or a school district cannot borrow their way out of trouble. If they are in trouble, borrowing money is not necessarily the answer.

In Pennsylvania we have one school district that we gave an additional $400 million a year, over and above the formula, because they were impoverished and struggling. That $400 million never fixed their problem, and has not fixed it until today, because you can subsidize a poor school district as much as you want and you will not fix it, because it is not being run right.

We have a choice here of empowering parents, encouraging them to save money for their own children's future, or whether we want to deal with the Federal Government getting involved in local school district debt. I am not opposed to allowing them the cheapest way to borrow money, if there is a way to do that. I am not opposed to that. But that is certainly no substitute for the bill that is before us.

Why do we want to deprive American families the right to choose? I personally think very little of the money will go to basic education. I think the bulk of it will be, because if I was saving for my grandchildren and helping them, it would be to help them go to college and get their education.

If the crisis came in 10th, 11th, or 12th grade, to help them get into the program they want, why should parents not have the right to use it? I do not understand a government that does not trust parents to make decisions, and does not want to empower parents to save money to provide for their children's future. That is just un-American, to oppose it.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Mrs. THURMAN], a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the question here today is how can we best provide for the education of our Nation's youth, of which approximately 90 percent attend public schools? Clearly, from this debate, Members of this body do not share the same views with respect to this question. Some think that we should provide incentives for a select few to leave the public school system. Others, including myself, believe the answer lies in strengthening the current system for a larger majority.

What concerns me, however, is that we continue to skirt the issue. I believe this body should focus on a comprehensive education reform package, one that incorporates a strengthened public school system, as well as incentives for families to save for college. The Rangel alternative is more in touch with the problems of our educational system.

Unlike the Coverdell bill, the Rangel substitute is consistent with the goals of improving our education system and our commitment to attaining a balanced budget. Moreover, the Rangel substitute would meet critical needs for school districts throughout this country, and in particular, Florida.

In a recently released report by the Florida Governor's Commission on Education, it was found that the construction, maintenance, and repair deficit in Florida was $3.3 billion over 5 years. To address this deficit and to come up with a constructive long-term plan to meet the educational needs of Florida schoolchildren, on November 3 our State legislature will meet in a special session. I firmly believe that an interest-free loan option would help their problems.

As a former educator in Florida, I know firsthand it has a real need for a loan program like the substitute we are considering today. With more than 17,000 students jammed into portables throughout the State, the issue of repair and new construction must be addressed. I simply do not think that these very real problems faced by both the Florida legislature and schoolchildren can be solved through an educational IRA program.

Not only would the Rangel program address these very real issues, but it is workable. It would be an attractive option for many of Florida's local governments and school districts. Creating a public-private partnership to meet the dire needs of our schoolchildren is not only innovative but fiscally sound for the Federal, State and local governments.

I do not think there is anybody in this body that opposes the concept of allowing parents to provide the best educational opportunities for their children. But, as has been noted, with limited resources let us act in a responsible way, which would provide additional resources for all public school systems. Let us target our limited resources to programs that will benefit the most people at the greatest savings.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would respond to the gentlewoman, the gentlewoman probably remembers that in the 1997 tax bill that we just had, and Florida may be interested in this as well, that we passed $400 million for this exact purpose. In fact, it was in the 1997 bill. I think it was probably because of the leadership of the gentleman from New York [Mr. RANGEL] and many others that we provided this. I think Florida has an option.

Now, this is a trial period. I mean, I think it would be good to see how this works. But to suggest that, again, this is a choice between one idea and another is really not correct. This is an expansion of a current good idea.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Nevada [Mr. ENSIGN], a member of the committee.

Mr. ENSIGN. Mr. Speaker, there have been many arguments on this, and sitting on the Committee on Ways and Means I heard many of the arguments by the other side of the aisle, and quite a bit of the class warfare was engaged in this debate. We had quite a healthy debate in the Committee on Ways and Means on the whole idea, whether this is going to be for the rich or the poor.

Many on the other side of the aisle seemed to think that people in lower income brackets cannot save; that they do not have confidence in people in lower income brackets, even though there are many people in this country that are in low income brackets that are sacrificing for their children, that are saving, that are putting money together. There are a lot of lower income people that are even sending their kids to private schools.

But this is not just about private versus public schools. This bill, 70 percent, it is estimated 70 percent of the money that is in this bill will go to helping students in the public schools. The old solutions for the public school systems have not worked. It is a disaster. In New York City, Washington, DC, most of the major cities around the country, the school zones, the public school zones are a disaster for our children.

We need to care more about our children than we do about the educational bureaucracies, and those bureaucracies that protect the current status quo. We need to look for new answers. Forget about who we are protecting, other than let us think about the children.

What this savings account will do, for those kids in public schools that maybe need a tutor, their parents will be able to save and sacrifice so maybe they can get a tutor for their child that could make the difference.

The reason that we say that this is a good bill is because Americans right now are encouraged, because we penalize them by taxing their savings. Any time you save, you get taxed on it. We have a national savings rate now, right now, of around 3 percent. It is the least in our country's history.

Traditionally, we have had about a 9-percent savings rate. Japan has about a 20-percent savings rate. What we are trying to do in this country is to encourage people at all income levels to save, and especially to save and to sacrifice for their children. What could be more important for their children than their education?

I just encourage my colleagues to vote yes on this bill, and no against the Rangel amendment.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I just want to respond to the person here that talked about our school systems.

First of all, how about those children who need a book, that do not have a book right now? How about those kids who do not have a computer? Or just as importantly, how about those kids who do not even have a classroom to go into?

The gentleman's bill, while he suggests that $400 million was given in 1997, how about the $2.5 billion that we are looking at in the IRA? We could actually leverage those dollars with the Rangel bill to $8 billion. $8 billion would make a big difference, but $2.5 billion is what they want to give to IRA's, and $400 million is what they wanted to give to construction.

Mr. PASCRELL. Mr. Speaker, I rise in support of the Rangel substitute. I believe the gentleman from New York [Mr. RANGEL] has drafted a very smart and effective proposal which would provide necessary assistance to public schools.

As a former mayor and a member of a local school board, I know all too well about the problems facing our public schools. I have seen them firsthand and closeup. I did not have to read about them.

Approximately 90 percent of our students are educated in our public school system. A staggering percentage of those students are forced to learn in schools that are crumbling all around them. We have a responsibility to address this deficiency. The Rangel substitute does just that. It provides schools with much-needed resources for construction and repair, the purchase of equipment, curriculum development, and teacher training. It does all this within the confines of the balanced budget agreement.

Many of us proudly supported the landmark tax relief legislation we passed this year, but I was disappointed that in the $90-plus billion relief bill, elementary and secondary education was largely ignored.

The Rangel substitute gives us an opportunity to expand, both in scope and investment, upon the one area in that bill that provided real assistance to secondary and primary and elementary schools. The Taxpayer Relief Act provides interest-free capital to public schools, but does so only at a very modest level. Under this substitute, the funds available would be increased from $400 million in each of the next 2 calendar years to $4 billion. That is a significant contribution, when we look at the needs of construction in every 1 of the 50 States of the Union. This only touches the surface.

Mr. Speaker, this program establishes a valuable partnership between our public schools and the private sector. This partnership will ensure that the resources flow directly into the schools where they are needed. At the same time, the lender will be made whole through a Federal tax credit equal to the interest that the borrower would otherwise have had to pay. This is a prudent use of Federal resources.

The Rangel substitute is smart, and addresses real problems in our educational system. It does it within the confines of the balanced budget agreement.

I do not oppose increasing choice in educational systems, and in fact, I am pleased that in the upcoming days this Chamber will likely have an opportunity to vote on legislation opening up the choice of charter schools to more students and their parents. Nor am I opposed to private or parochial education, having been the product of it myself.

What I am opposed to is turning our backs on the public school system that educates 90 percent of our children. Let us support choice. Let us give parents more say in their children's education. Let us not blindly shun private or parochial education. I urge my colleagues to support the Rangel substitute.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, I rise in opposition to the substitute, and in favor of the underlying legislation. I rise as a former teacher, myself, and as the daughter of a woman who spent 47 years of her life as an educator.

The answer for our children is not borrowing money or further limiting our children's opportunities. It has often been said that giving children an education is expensive, but leaving them uneducated is a lot more expensive. That is why this Congress, through our legislation, is committed to ensuring that our parents get a better return on their investment and our children get a better experience in their classroom.

Today, this Congress is considering an initiative designed to give our parents a choice, our students a chance, and our schools a charge to be the very best schools in the world.

Our approach is simple. By allowing parents to set up savings accounts, we can allow families to get more for their money. We can allow them to build up a nest egg of money, and use it to pay for their children's education. If they want to buy a computer for their child, they can do it. If they want to send their child to a different school, they can do it. If they want to pay for a tutor to help their children learn more, they can do it.

This may seem like small steps, but I believe they will have a big impact. They will help improve all of our schools in America, but more importantly, they will help improve the education our children receive. They will also do so without increasing the role of the Federal Government in Washington.

Many times on many different issues we in Congress seek to make a statement. Well, here is one issue where we can actually make a difference. When people say, we cannot give our children a better chance, I say, we can, and also we should. When people say we cannot give our parents another choice, I say we can and we must. When people say, we cannot improve our schools, I say we can and we will. Our children deserve it and our future demands it.

□ 1430

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL], a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, let me stand as a former teacher, former mayor of a large municipality, but most importantly, in this House today the lead Democratic sponsor of the individual retirement account. The notion of the individual retirement account was, with heavy emphasis on the middle term, retirement. That is what we are really discussing here. We spoke to the issue in the budget agreement about expanding individual retirement accounts for middle-class people.

The point of this issue today is that this individual retirement account proposal has nothing to do with retirement. We are further diverting resources from the public schools, but overwhelmingly it is being done to the benefit of high-income Americans.

Mr. Speaker, let me cite a couple of specific examples. The bill before us today would only benefit families with sufficient investment assets that would enable them to accumulate income on those assets over a long period of time.

Families paying education expenses out of wage and salary income, however, would receive no or little benefit under this legislation. Families, again, with school-aged children would receive very little benefit. If a family currently had a child in a private school, that family would receive only a small benefit, if they could contribute $2,500 to an investment account after having paid the cost of private school tuition.

The bill before us today has no real income limits. For many families, the tax benefit would be less, and I urge my colleagues to listen to this, $15 a year; $15 a year.

Mr. Speaker, I support the Rangel substitute which is targeted to schools in need of assistance. I come from the State that gave America the concept of a public education. The Rangel substitute encourages greater private sector involvement, but most importantly, it provides additional resources for our public schools, of which I am also a product. It allows us to meet the pressing need of school construction and repair as well as equipment purchases and course development, and certainly teacher training.

This alternative expands the education zone bond provisions included in the Taxpayer Relief Act. It also provides an interest-free source of capital for public schools that enter into partnerships with the private sector to improve those public schools with the greatest need.

Let me close, Mr. Speaker, on the note on which I opened. The individual retirement account was constructed for the purpose of retirement. It was built for the purpose of speaking to our low national savings rate. The legislation here proposed by the majority has nothing to do with that concept.

Mr. NUSSLE. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the gentleman from Massachusetts [Mr. NEAL] just spoke about the individual retirement account and he said that it was a good idea for retirement but it was not a good idea, maybe, for anything else. I would just suggest to the gentleman that, as I recall the debate, the reason why the individual retirement account came up is that we learned that there was a crisis in this country about retirement, that Social Security could not do it all.

Mr. Speaker, guess what? The idea was, hey, let us let people save for their retirement. Heaven forbid that we would give an incentive for that. A great idea. Well, guess what we did? We stole it. We stole the idea. We said if they can save for that, they can save for lots of things. Guess what? Savings is good. And this is the reason, because we also have been learning something else out here, that government cannot solve all the problems of this world. Parents have got to get involved. How do they get involved? With resources. Where do those resources come from? They earn them. What do we do with those resources? We take them.

So what we are suggesting is let us leave them there. Let us let families make those decisions. The gentleman says that some of these families do not earn enough, therefore they cannot utilize them. Let me tell the gentleman about what is happening out there. Those with the resources, the rich as some people like to come here to the floor and demagog, are already doing this. They are already setting up accounts and already take their kids out of the public school system. They are fleeing from the system. They are already doing this, with or without accounts, with or without Rangel substitutes. It is happening.

Mr. Speaker, the issue is are we going to be able to empower those parents who need that system? Are we going to be able to empower them for the extra book, for the computer, for the tutor, for the additional expenses that a child with special needs needs in our society?

Mr. Speaker, that is all we are saying here today. Some people are running in here saying that we are burning down the public school system. Where in the world does it say that? People that are sending their kids to public schools, like I am, not everybody on this floor who is using a lot of fancy words today necessarily are sending their kids to public school systems. I happen to be. I think it is important for our democracy.

But I also know that the public school system cannot do it on its own. My son and daughter need me in order to help with that. I think it is important for us to recognize that this is not a choice between two different concepts. We are not saying pick public education or pick some fancy savings account. We are not saying that.

Mr. Speaker, we are saying choose public education, but choose it with the ability through an incentive to save a little bit for the extra expenses that we know are going to be there. That is all we are suggesting. It is not some choice between public and private education. We already have that choice in front of us and already those with resources are making their choice and they are running from the system.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, let me just make an observation that we make a choice under this proposed bill every time we decide to take public resources and apply them to a private use. That is exactly the choice that is being made on that side of the aisle.

Mr. Speaker, let me just go back. When we first started dealing in this country with education, people that had the means obviously made a choice to send their children to private schools. That is all that existed, and they made a good choice. I think private schools are wonderful. People that have the opportunity to do that, this is a free country, they ought to have the freedom of making that choice.

We understand all the things that people got out of education. It was obvious and there is no mistake and no coincidence that people with the resources made sure their children went to private schools. But as a society it became clear to us over a period of time that those benefits of education would be good for every child in this country, and there were not opportunities for every child in this country to go to a private school and there will never be an opportunity in this country for every child to go to a private school.

Mr. Speaker, we decided to use public resources for a public purpose to have public education. The idea is that we would invest enough resources to make sure that every child had the best opportunity to get an education, all of the economic arguments that have been stated a million times, and they are obvious. The idea that we will have a better democracy, a better society if children are educated has been quoted and spoken to often. The idea that every child has a right to enjoy life, whether it is art or music or literature or history, just the idiosyncracies of the world they live in, that is obvious.

Mr. Speaker, that is the chance we want to give to the 50 million children that cannot go to a private school or will never, under this plan or any other plan, be able to go. The idea of choice is how will we spend our limited public resources? Will we be giving tax breaks so those people who are already situated well enough that they can make the choice to send their child to private school will get another break, or will we make sure that the public resources are spread around the larger group to benefit all of us as well as that family and that individual.

Mr. Speaker, I think that is the choice that I think the public wants made for public schools. There are excellent public schools in this country, when they have the resources, when the walls are not falling down, when the lights work, when they have the textbooks, when they have the computer, when the teachers are trained and retrained, when the class sizes are small enough. I visit them every week in my district and they work quite well.

It is our disinvestment from public education through the proposed means and other similar means that will spell the bad note for public education. We can make public education work, as it is in so many places in this country, if we do not divert the resources. That is the challenge for us.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just point out this difference. Listen to this. There is a difference between us, and I respect the gentleman's position. That is fine. He believes take that money from people, spread it around. I understand that. The gentleman calls that public resources. I call that taxpayers' money.

Mr. Speaker, people who worked on the line at John Deere in Waterloo, IA; people who are on a combine right now harvesting corn in Iowa, that is their dollars, it is their money. Now, I get to take some of that because I am the Federal Government. We will deal with that. But I would say to the gentleman from Massachusetts, It is not your money. It is their money.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Mr. TIERNEY. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Speaker, let me say that it is obvious to all of us that when we are talking the taxpayers' money, we are talking about the community's money. I do not think it is my money. I know quite well it belongs to everybody. It is their choice to have a good public education system in this country. We ought to spend public funds, their funds on that, not some wealthy individual's further advantage on a private school. They have made that choice and they do that on their own.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts and I guess I would thank all of us for bringing this to the forefront. But yet let me say that there is a missing element, and that missing element is the millions of children who today sit in public schools.

Mr. Speaker, it is a shame that they are not a part of this debate, but for those who have been educators and those who have taught in schools let me say that I have sat in public schools. I would not be here today had it not been for a strong public school system. That is who I want to speak for today, the millions of children who cannot be here who are in crumbling schools, buildings without heat, teachers who need a better curriculum.

Mr. Speaker, this is a flimsy idea, this so-called education savings account. The Washington Post says it right. "The House is scheduled to vote today on a further tax cut, almost exclusively for the better off, masquerading as a form of aid to education. It is not clear that this could pass constitutional muster since most of the tax benefit would end up as a backdoor public aid to private education. Only people with quite high incomes could afford to set aside, in advance of the elementary and secondary years, enough money to make the device work."

Mr. Speaker, that is the key element. This does not take into account the 90 percent of hard-working Americans whose children are in public schools who want to see their taxes go for better infrastructure.

Mr. Speaker, I am here to support the Rangel substitute, which makes common sense. We know our schools are crumbling. We know curriculums need to be better. We understand that public schools have been the real anchor for opportunity in this Nation. There is always something that parents will always say: God and country, and, yes, education. If Americans are a new immigrant, if they are a minority, if they are a woman, education is what does it for us.

Mr. Speaker, this just steers away another big balloon of hope for those individuals who think they will be able to save. But if they are paying for Johnny's clothing, if they are paying the light bill and the rent bill, if they are paying the car note on two cars so that parents who both work can go two opposite directions, then they do not have the money to put aside $2,500 for elementary and secondary education this.

Mr. Speaker, this is a bad piece of legislation. It does not work. Public schools are the great equalizer. They provide equal opportunity. The Rangel substitute says fix our schools, fix our curriculum, help our parents be a viable participant in the education of their children. Let us not use these flimsy backdoor methods, calling it a $2,500 a year tax savings, masquerading as an IRA for those who can already give $2,500 for savings and provide private school education.

Mr. Speaker, I urge my colleagues to support public education. Vote down this Coverdell legislation and support the Rangel amendment.

Mr. Speaker, I rise today in opposition to H.R. 2646, the Education Savings Act for Public and Private Schools as a cruel hoax on low-income parents. How can a family that does not have enough money to pay the rent and put food on the table have enough money to put $2500 in a savings account.

This is nothing more than another bone that the Republicans are giving to their rich constituents who are looking for a tax shelter. The bill means that funds that could be going to our public schools will now be going to private and religious schools that may not have any right to such a government subsidy under the Constitution.

Our public school system is the great equalizer for our nation and I am appalled that we are now considering targeting our public schools to help out the rich!

If a family can afford to send its children to a private school, so be it. The government has no business underwriting the education for families that do not need it. This body should be making sure that help all of our children receive a quality education.

Congressman RANGEL's Amendment makes sense. Let's give the public schools a chance, a chance to rebuild themselves, at least a chance to rebuild their infrastructure. This bond proposal will allow public schools to fix the roofs and to buy the text books they need. Our public schools are the backbone of opportunity for our youth. If we choose to abandon the schools, we will be turning our backs on them for the 21st century.

I urge my colleagues to vote against this attempt to undermine the public education system that we have always supported.

[From the Washington Post, Thursday, Oct. 23, 1997]

A FLIMSY IDEA IN THE HOUSE

The House is scheduled to vote today on a further tax cut almost exclusively for the better-off, masquerading as a form of aid to education. It would be a follow-on to the tax cut the president and Congress included, improvidently, in their plan to balance the budget earlier this year. The earlier cut included an instrument called the educational savings account, the investment income from which would be exempt from tax if used to pay for higher education. The new proposal is to allow such accounts to be used to pay for elementary and secondary education as well.

It's not clear this could pass constitutional muster, since most of the tax benefit would end up as backdoor public aid to private education. It would be bad policy even if it did pass such muster. The concept of vouchers to help low-income students transfer out of non-performing public schools in which they are trapped is relevant here. It has some big and obvious problems; but assuming it, too could survive a court test, it seems to us worth trying at least in the form of a modest experiment.

The reason the voucher idea is relevant is that the proposed tax cut comes wrapped in some of the same rhetoric, but is nowhere near the same thing. Only people with quite high incomes could afford to set aside in advance of the elementary and secondary years enough money to make the device worthwhile. The Treasury has estimated that about three-fourths of the benefit would go to the highest-income one-fourth of all families. The proposal is being urged in the name of educational reform, which it is not. Proponents say there would be no public cost, but there would. If Congress sends him this, the president would be right to cast his threatened veto. The proponents want the issue, which they think will help them. We think they're wrong; this is a flimsy idea that can't stand up to scrutiny.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the distinguished gentleman from Iowa [Mr. NUSSLE], our neighbor State, for his leadership on this issue. What we are talking about here are a couple of values that I think are fundamental in American culture. One is the value of letting parents choose what is in the best interest of their children. The second one is to try and promote the highest quality level when it comes to our children's education.

☐ 1445

I want to suggest today, we had a lot of discussion about this, but this frankly is an extension of the education savings accounts for college that became law as part of the bipartisan Tax Relief Act of 1997. Opponents of the bill have been arguing today that this, in fact, may be taking money out of the public school. This simply is not true. These education savings accounts allow parents, grandparents, friends, scholarship sponsors, companies and charities to open an account for a child's educational needs at public, private, religious or home schools.

This bill would not take away from the education formula in my State of South Dakota or in any other State. Public schools will still receive the same level of funding that they receive today. These accounts simply allow parents to save their own money to pay for their child's needs. Should not parents actually be the ones who are in the best position to decide what their child's needs are for school and should they not be allowed some type of incentive to provide for their children the tools that are necessary to become prepared for the 21st century?

One of the arguments we have heard from the other side today and the opponents continue to claim is that this will only benefit rich people. I do not see anywhere in the bill where it says only people of high incomes can open these accounts. Frankly, most families in South Dakota are very average income levels. There are people who will benefit immensely from this. I think they would love to have the ability to save money in a tax-free account so that they could buy a new computer or have access to the Internet.

We also have families in South Dakota with special needs children. The cost of their education often exceeds the age of 18. This bill will allow them to have accounts to apply to their education for as long as is necessary.

Finally, Mr. Speaker, opponents today are also trying to claim that we as Republicans are trying to send kids to private schools. Official estimates show that nearly 11 million families or 70 percent of those who would use these accounts would do so to support children in public schools. My children attended public schools in South Dakota. They attend the public school system out here in Arlington, VA. I can assure my colleagues, if we have an opportunity to have tax-free accounts for our children, that money will go toward benefiting public schools.

I support the education savings accounts. I hope the rest of my colleagues do as well. I believe, again, that we are addressing values that are very fundamental to the culture of this country, the first being, of course, that we want the very highest quality education for our children, and secondly, that we ought to allow the parents of this country to determine and choose on their own what is in the best interest of their children.

Mr. RANGEL. What time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from New York [Mr. RANGEL] has 6¾ minutes remaining, and the gentleman from Iowa [Mr. NUSSLE] has 11 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today Republicans continue their attack on America's public schools. This is what it is all about. Shift the taxpayers' dollars from public education and put it into private education. This legislation drains the Treasury of taxpayers' dollars needed to improve public schools and provides a tax break for those who are the wealthiest in this country. Ninety percent of America's children attend public schools. These are the children we should be helping.

Focusing on school construction, fix the schools where walls are crumbling down, invest in teacher training, purchase new textbooks, put in computers and get them on line with the Internet. That is what the Rangel substitute does.

Republicans would help wealthy families who can already afford to send their kids to private schools. My kids went to public schools. I know what that means. I know what the great equalizer public education has been in this country. Under this legislation, a parent could write off the purchase of a car to drive their kid to school or they could pay one child to tutor a brother or a sister.

Seventy percent of the benefits of the bill go to upper income families making $93,000 or more. It is wrong. Education is for everyone, not the few or the privileged.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

I rise in strong support of the substitute amendment to renew and rebuild our Nation's public schools. As the sponsor of the Rebuild America's Schools Act with 115 cosponsors, I am keenly aware of our school building crisis. Last year, the GAO confirmed what students and teachers already knew, that too many of our Nation's public schools are literally falling down. How much will it cost to repair them? The GAO says $112 billion. It is shameful that we have let the problem grow so severe. Children cannot learn in overcrowded or makeshift classrooms. They cannot learn when ceiling leaks or when walls are tumbling down.

Mr. Speaker, we have let our children down. Now we have to make amends. The Rebuild America's Schools Act would make it cheaper for States and school districts to raise capital for school building and repair. The Rangel substitute takes a similar approach. It makes $4 billion available to provide interest-free bonds to our Nation's public schools. The money raised by these bonds would help repair buildings, build new classrooms. It would purchase computer equipment, develop teaching materials, train teachers.

The Rangel substitute would also harness the knowledge, ingenuity, resources of the business community to help prepare our students for the rigors of the new global economy. It asks corporate America to step up to the plate and go to bat for our children.

This is something each and every one of us must do. Local school districts are overwhelmed. The local tax base just cannot keep up with routine maintenance costs, let alone the costs of easing overcrowding or upgrading schools for 21st century learning. The fact is, local bond issues fail regularly. We can only address the abysmal condition of our Nation's school buildings with the concerted effort of every level of government. We need a real partnership. The Federal funds are but a small fraction of what is needed to solve this urgent problem. It does not mean that we in Washington do nothing. We must do our fair share. I ask for support of the Rangel substitute.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I thank the distinguished gentleman from Iowa [Mr. NUSSLE] for yielding time to me, and certainly my chairman, the gentleman from New York [Mr. RANGEL].

I rise hopefully not to the chagrin of the gentleman from Iowa, but in support of the Rangel substitute.

Mr. Speaker, this proposal addresses one of the most basic and perhaps pressing needs facing this Nation today, the lack of adequate facilities within which to educate our future policymakers and firefighters and doctors and lawyers in this Nation.

Mr. Speaker, we should not allow our children to wait any longer. When I hear my friends on the other side of the aisle assert passionately the need to create reasonable opportunities for young people to learn, I am forced to agree. But common sense tells us that this cannot happen if they do not have decent school buildings and infrastructure in which to learn. The Rangel substitute is not a radical measure. This proposal seeks simply to lighten the burden on those who would utilize bond financing for teacher training, for curriculum development and infrastructure improvements.

Mr. Speaker, this body not long ago passed the Juvenile Justice Act, which makes it easier to arrest 13-year-olds and send them to adult prisons. As one of this body's youngest Members, I would urge my colleagues to support this substitute, allow those young people an opportunity and do what is best for America's future.

Again, I thank the gentleman from Iowa [Mr. NUSSLE] and thank my chairman.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York [Mr. RANGEL] is recognized for 3¾ minutes.

Mr. RANGEL. Mr. Speaker, let me thank the majority floor manager, the gentleman from Iowa [Mr. NUSSLE], for creating an atmosphere in discussing this issue, not one against the other, but in all recognizing that what we are talking about is education. This country is going to be just as strong as the level of that superior education that we are going to be able to maintain in order to have, if we are going to maintain our ability to be competitive.

We cannot continue the way we are going. We can cannot ignore that we are putting a lot of people in jail that have no access to education. We cannot ignore the fact that we have to improve this public school system. I guess at best that we are saying that as we compete for limited funds, where do you want to give the priority? No matter how much we say that those funds belong to the taxpayer, we have a very complicated system in the bill before us in order to get that money in any way to improve the quality of education.

Basically, what we are saying is parents know best. If they have the disposable income, let them save and we will be able to take the interest and do some things that, one way or the other, would be supportive of education.

My approach is entirely different. My approach says, where is the problem and how can we fix it? My approach says, let us get away from the bureaucracy and doing things like we used to do and bring in people that ultimately have to say who they need to work for them if they are going to be effective and productive. Those are the people that are hiring the people, not just graduates, but hopefully graduates that can produce something.

If these local communities that are in trouble, and it is described that they are, and you all do not have to be poor, but if you come from communities where you find students who are not making it, they make application and go into partnership with these business people, set the criteria for the curriculum, if the teachers cannot teach it, they help them to teach it and based on existing law, expand the opportunity so that bonds can be issued where the interest rates will be subsidized by credits and we can rebuild these schools, we can retrain these teachers, we can produce not only those who get diplomas, but produce kids who will be able to get jobs.

It just seems to me that no matter how much we have to support the private sector, and no one should have anything against it, that we should not be able to take the limited resources to do that until we are certain that there is a public school system there that American kids who do not have the choices, so many of whom ended up in this Congress, would at least be able to say, we have a strong public school system.

I am not asking that the labor leaders or that the politicians dictate what is going to be taught in these schools. I am asking that the partnership be with those entrepreneurs who know what they need to be competitive with foreign trade partners and we cannot do it alone.

It seems to me it is bipartisan. The Speaker, no one more than he helped to get this concept in the bill. The President yielded to make certain that it was there. The chairman of the committee, so we do have $400 million there that can be leveraged. But if we were able to take the resources that we are talking about now that can be used only by families who do have the disposable income and to be able to say, let us have something that is good expanded, I suggest to my colleagues, it would be a higher priority.

Mr. NUSSLE. Mr. Speaker, I want to thank the distinguished ranking member of my committee, the Committee on Ways and Means, for the way he has also conducted this debate. It is a very important issue that he brings up. I ask our distinguished majority leader to close the debate for our side. I would point out that he is not only our distinguished majority leader, but he is also a teacher and a father.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY].

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 9½ minutes.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Iowa for yielding me the time. More important than being a teacher and a father, I am proud today to tell my colleagues, I am a grandfather as well.

I would like to compliment everybody that has participated in this debate today and compliment on both sides of the aisle for the interest and the concern that we have shown here.

I know the gentleman from New York [Mr. RANGEL] well. I know the gentleman from New York is also a father and a grandfather. As I look at the gentleman from New York, probably a great grandfather. But in any event, whatever the generation, I have no doubt in my mind of the love for the children that can be found with the gentleman from New York.

I believe that to be the case of all of us. We are all concerned in this country. Every one of us is concerned about the schools of this Nation and the extent to which they are in all too many cases failing our children. While we have that concern, we should stop and remind ourselves, most of the schools in most of the communities are doing very well by our children. Most of the communities are blessed with what they have. Most of the teachers are very dedicated to these children. And most of the teachers should be appreciated and treasured for their devotion to the children.

□ 1500

But we have instances where there is heartbreaking failure. Many people try to address this heartbreaking failure, and not the least of the people who have tried to do so is a person named Howard Fuller, who is the former superintendent of Milwaukee's public schools.

Howard Fuller has devoted his professional life to the schools and to the children, and he has examined all the options that come along. He has tried everything he was able to, and after a lifetime's work, he gives us some advice.

He says: "If you are in a system, as I was as a superintendent, demanding change, but everyone there is clear that whether a single child learns or not, everyone is going to get paid, if everybody is clear that in schools that have never educated kids, each year, you are going to put more kids in there, there is not one single thing I can do about it, and all the rhetoric in the world is not going to change that."

Mr. Fuller goes on to say: "What I am saying is simply this, I think you have got to have a series of options for parents. I support charter schools. I support site-based management—that is real site-based management. I support anything that changes the options for parents. But I am here to say that if one of those options is not choice that gives poor parents a way to leave, the kind of pressure that you need internally is simply not to occur."

We are inspired by Mr. Fuller's observations. We believe that what we need is parents to have an intimate control over where their child goes to school.

Now, most of us do that. I represent the suburbs of Dallas. School choice is not a very important matter for my constituents. They have made that decision by where it is they have found their home. And I can tell my colleagues that when they come into the community, as anyone does when they go into any community, every family asks, and it is very important, what are the schools like? But sometimes, because of mobility-related, or perhaps job-related, or lack of employment, people find themselves incapable of moving out of a community where they know the schools to be failures and they are incapable of finding the solution to fixing the schools that are failing their children, incapable of having in their own right the money that is necessary to take them to an alternative school.

So we tried school scholarships for some of these parents. We were resisted on that. That would be for the very, very most poor parents. We intend to do that. Those parents should have the opportunity to achieve a scholarship.

We have other parents who stand right on the cusp of being able to, and they anticipate and they know that if they can get started and they can put the savings up, when their little one is at the right age, they will be able to use their own savings to exercise school choice.

I talked to somebody the other day. I said, I thought very few people with much income in Washington, DC, have their children in the public schools. If they have the income, they will move them out to a private school alternative. One person said, well, that is true; another said that is not true, some of us leave our children in there.

Most parents think more of their children. Most parents are not going to sacrifice their children to a bad school in the interest of what feeble effort that child's presence can make to the rehabilitation of the school. Most parents want to grab their children and run. Most parents know what their child needs, cares about the child having what it needs, and desperately invests their life's hopes and dreams and prayers in the child.

Most parents realize that if only they can find a way to get their child out of this trap, the little guy has only got 1 year to be in the third grade. He has to get it right now. They cannot afford to see him lose that time. They do not want him losing his time falling behind. They want the school for his little brother, when they get him there, they want the school to be sound 4 or 5 years from now, if that is what it takes, that is great, but now their little guy has to have some chance.

We have tried these different approaches to say to moms and dads that we understand the love they have for that child. We know that they want to go into their twilight years and look at their adult youngster and say the boy is living our dream; he is happy, he is well educated, he is able, he has his own family, he has good civic skills, and we made that happen.

And while I respect very deeply the gentleman from New York's commitment to brick and mortar, I respect even more deeply the commitment of the parents of this Nation to doing what they must do, and what I can do now for my grandbaby. And this Government must know that goodness in these parents; must have the decency to respect that goodness in these parents; must respond with exactly the kind of measure that is brought to the floor that says to the parents of America, moms and dads, we know two things about this matter and we are bound to respect them: These are your children and that is your money. You are the best judge. You have the love for that child. You are making the commitment. You invested the dream and you invested the prayer in that child.

If this Government cannot stand up and proudly honor that, this Government does not deserve to represent those moms and those dads and those children.

I ask my colleagues, please, out of the respect for the parents in America that says that they need to have their right to exercise choice over their child's entire life now, please respect that, vote "no" on the substitute, pass this bill, and do it as a matter of honor and respect for the parents who we should cherish so much.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the amendment offered by the gentleman from New York [Mr. RANGEL].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 199, nays 224, not voting 10, as follows:

[Roll No. 523]

YEAS—199

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Berman
Capps
Cubin
Flake
Foglietta
Gonzalez
Houghton
McIntosh
Schiff
Visclosky

□ 1527

The Clerk announced the following pair:

On this vote:

Mr. Capps for, with Mrs. Cubin against.

Messrs. BILBRAY, ADERHOLT and LIPINSKI changed their vote from "yea" to "nay."

Mr. GORDON and Mr. MOLLOHAN changed their vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAPPS. Mr. Speaker, on rollcall No. 523, the Rangel amendment to H.R. 2646, I was unavoidably detained because of a scheduled meeting in the White House. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 274, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 198, not voting 6, as follows:

[Roll No. 524]

YEAS—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt

Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Cubin
Gonzalez
Houghton
McIntosh
Schiff
Visclosky

☐ 1553

Mr. BERMAN changed his vote from "yea" to "nay."

Mr. HALL of Texas changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SPENCE submitted the following conference report and statement on the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-340)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.
Sec. 112. Multiyear procurement authority for specified Army programs.
Sec. 113. M113 vehicle modifications.

Subtitle C—Navy Programs

Sec. 121. New Attack Submarine program.
Sec. 122. CVN–77 nuclear aircraft carrier program.
Sec. 123. Exclusion from cost limitation for Seawolf submarine program.

Subtitle D—Air Force Programs

Sec. 131. Authorization for B–2 bomber program.
Sec. 132. ALR radar warning receivers.
Sec. 133. Analysis of requirements for replacement of engines on military aircraft derived from Boeing 707 aircraft.

Subtitle E—Other Matters

Sec. 141. Pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 142. NATO Joint Surveillance/Target Attack Radar System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Dual-use technology program.
Sec. 204. Reduction in amount for Federally Funded Research and Development Centers.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Manufacturing technology program.
Sec. 212. Report on operational field assessments program.
Sec. 213. Joint Strike Fighter program.
Sec. 214. Kinetic energy tactical anti-satellite technology program.
Sec. 215. Micro-satellite technology development program.
Sec. 216. High altitude endurance unmanned vehicle program.
Sec. 217. F–22 aircraft program.

Subtitle C—Ballistic Missile Defense Programs

Sec. 231. National Missile Defense Program.
Sec. 232. Budgetary treatment of amounts for procurement for ballistic missile defense programs.
Sec. 233. Cooperative Ballistic Missile Defense program.
Sec. 234. Annual report on threat posed to the United States by weapons of mass destruction, ballistic missiles, and cruise missiles.
Sec. 235. Director of Ballistic Missile Defense Organization.
Sec. 236. Repeal of required deployment dates for core theater missile defense programs

Subtitle D—Other Matters

Sec. 241. Restructuring of National Oceanographic Partnership Program organizations.
Sec. 242. Maintenance and repair of real property at Air Force installations.
Sec. 243. Expansion of eligibility for the Defense Experimental Program to Stimulate Competitive Research.
Sec. 244. Bioassay testing of veterans exposed to ionizing radiation during military service.
Sec. 245. Sense of Congress regarding Comanche program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Fisher House Trust Funds.
Sec. 305. Transfer from National Defense Stockpile Transaction Fund.
Sec. 306. Refurbishment of M1–A1 tanks.
Sec. 307. Operation of prepositioned fleet, National Training Center, Fort Irwin, California.

Sec. 308. Refurbishment and installation of air search radar.
Sec. 309. Contracted training flight services.
Sec. 310. Procurement technical assistance programs.
Sec. 311. Operation of Fort Chaffee, Arkansas.

Subtitle B—Military Readiness Issues

Sec. 321. Monthly reports on allocation of funds within operation and maintenance budget subactivities.
Sec. 322. Expansion of scope of quarterly readiness reports.
Sec. 323. Semiannual reports on transfers from high-priority readiness appropriations.
Sec. 324. Annual report on aircraft inventory.
Sec. 325. Administrative actions adversely affecting military training or other readiness activities.
Sec. 326. Common measurement of operations tempo and personnel tempo.
Sec. 327. Inclusion of Air Force depot maintenance as operation and maintenance budget line items.
Sec. 328. Prohibition of implementation of tiered readiness system.
Sec. 329. Report on military readiness requirements of the Armed Forces.
Sec. 330. Assessment of cyclical readiness posture of the Armed Forces.
Sec. 331. Report on military exercises conducted under certain training exercises programs
Sec. 332. Report on overseas deployments.

Subtitle C—Environmental Provisions

Sec. 341. Revision of membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 342. Amendments to authority to enter into agreements with other agencies in support of environmental technology certification.
Sec. 343. Modifications of authority to store and dispose of nondefense toxic and hazardous materials.
Sec. 344. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.
Sec. 345. Annual report on environmental activities of the Department of Defense overseas.
Sec. 346. Review of existing environmental consequences of the presence of the Armed Forces in Bermuda.
Sec. 347. Sense of Congress on deployment of United States Armed Forces abroad for environmental preservation activities.
Sec. 348. Recovery and sharing of costs of environmental restoration at Department of Defense sites.
Sec. 349. Partnerships for investment in innovative environmental technologies.
Sec. 350. Procurement of recycled copier paper.
Sec. 351. Pilot program for the sale of air pollution emission reduction incentives.

Subtitle D—Depot-Level Activities

Sec. 355. Definition of depot-level maintenance and repair.
Sec. 356. Core logistics capabilities of Department of Defense.
Sec. 357. Increase in percentage of depot-level maintenance and repair that may be contracted for performance by non-government personnel.
Sec. 358. Annual report on depot-level maintenance and repair.
Sec. 359. Requirement for use of competitive procedures in contracting for performance of depot-level maintenance and repair workloads formerly performed at closed or realigned military installations.
Sec. 360. Clarification of prohibition on management of depot employees by constraints on personnel levels.
Sec. 361. Centers of Industrial and Technical Excellence.
Sec. 362. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 363. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.
Sec. 364. Personnel reductions, Army depots participating in Army Workload and Performance System.
Sec. 365. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.
Sec. 366. Review of use of temporary duty assignments for ship repair and maintenance.
Sec. 367. Sense of Congress regarding realignment of performance of ground communication-electronic workload.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 371. Reorganization of laws regarding commissaries and exchanges and other morale, welfare, and recreation activities.
Sec. 372. Merchandise and pricing requirements for commissary stores.
Sec. 373. Limitation on noncompetitive procurement of brand-name commercial items for resale in commissary stores.
Sec. 374. Treatment of revenues derived from commissary store activities.
Sec. 375. Maintenance, repair, and renovation of Armed Forces Recreation Center, Europe.
Sec. 376. Plan for use of public and private partnerships to benefit morale, welfare, and recreation activities.

Subtitle F—Other Matters

Sec. 381. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 382. Center for Excellence in Disaster Management and Humanitarian Assistance.
Sec. 383. Applicability of Federal printing requirements to Defense Automated Printing Service.
Sec. 384. Study and notification requirements for conversion of commercial and industrial type functions to contractor performance.
Sec. 385. Collection and retention of cost information data on converted services and functions.
Sec. 386. Financial assistance to support additional duties assigned to Army National Guard.
Sec. 387. Competitive procurement of printing and duplication services.
Sec. 388. Continuation and expansion of demonstration program to identify overpayments made to vendors.
Sec. 389. Development of standard forms regarding performance work statement and request for proposal for conversion of certain operational functions of military installations.
Sec. 390. Base operations support for military installations on Guam.
Sec. 391. Warranty claims recovery pilot program.
Sec. 392. Program to investigate fraud, waste, and abuse within Department of Defense.
Sec. 393. Multitechnology automated reader card demonstration program.
Sec. 394. Reduction in overhead costs of Inventory Control Points.
Sec. 395. Inventory management.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Permanent end strength levels to support two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Limitation on number of general and flag officers who may serve in positions outside their own service.
Sec. 502. Exclusion of certain retired officers from limitation on period of recall to active duty.
Sec. 503. Clarification of officers eligible for consideration by promotion boards.
Sec. 504. Authority to defer mandatory retirement for age of officers serving as chaplains.
Sec. 505. Increase in number of officers allowed to be frocked to grades of colonel and Navy captain.
Sec. 506. Increased years of commissioned service for mandatory retirement of regular generals and admirals in grades above major general and rear admiral.
Sec. 507. Uniform policy for requirement of exemplary conduct by commanding officers and others in authority.
Sec. 508. Report on the command selection process for District Engineers of the Army Corps of Engineers.

Subtitle B—Reserve Component Matters

Sec. 511. Individual Ready Reserve activation authority.
Sec. 512. Termination of Mobilization Income Insurance Program.
Sec. 513.Correction of inequities in medical and dental care and death and disability benefits for reserve members who incur or aggravate an illness in the line of duty.
Sec. 514. Authority to permit non-unit assigned officers to be considered by vacancy promotion board to general officer grades.
Sec. 515. Prohibition on use of Air Force Reserve AGR personnel for Air Force base security functions.
Sec. 516. Involuntary separation of reserve officers in an inactive status.
Sec. 517. Federal status of service by National Guard members as honor guards at funerals of veterans.

Subtitle C—Military Technicians

Sec. 521. Authority to retain on the reserve active-status list until age 60 military 'technicians in the grade of brigadier general.
Sec. 522. Military technicians (dual status).
Sec. 523. Non-dual status military technicians.

Sec. 524. Report on feasibility and desirability of conversion of AGR personnel to military technicians (dual status).

Subtitle D—Measures To Improve Recruit Quality and Reduce Recruit Attrition

Sec. 531. Reform of military recruiting systems.

Sec. 532. Improvements in medical prescreening of applicants for military service.

Sec. 533. Improvements in physical fitness of recruits.

Subtitle E—Military Education and Training

PART I—OFFICER EDUCATION PROGRAMS

Sec. 541. Requirement for candidates for admission to United States Naval Academy to take oath of allegiance.

Sec. 542. Service academy foreign exchange program.

Sec. 543. Reimbursement of expenses incurred for instruction at service academies of persons from foreign countries.

Sec. 544. Continuation of support to senior military colleges.

Sec. 545. Report on making United States nationals eligible for participation in Senior Reserve Officers' Training Corps.

Sec. 546. Coordination of establishment and maintenance of Junior Reserve Officers' Training Corps units to maximize enrollment and enhance efficiency.

PART II—OTHER EDUCATION MATTERS

Sec. 551. United States Naval Postgraduate School.

Sec. 552. Community College of the Air Force.

Sec. 553. Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation.

PART III—TRAINING OF ARMY DRILL SERGEANTS

Sec. 556. Reform of Army drill sergeant selection and training process.

Sec. 557. Training in human relations matters for Army drill sergeant trainees.

Subtitle F—Commission on Military Training and Gender-Related Issues

Sec. 561. Establishment and composition of Commission.

Sec. 562. Duties.

Sec. 563. Administrative matters.

Sec. 564. Termination of Commission.

Sec. 565. Funding.

Sec. 566. Subsequent consideration by Congress.

Subtitle G—Military Decorations and Awards

Sec. 571. Purple Heart to be awarded only to members of the Armed Forces.

Sec. 572. Eligibility for Armed Forces Expeditionary Medal for participation in Operation Joint Endeavor or Operation Joint Guard.

Sec. 573. Waiver of time limitations for award of certain decorations to specified persons.

Sec. 574. Clarification of eligibility of members of Ready Reserve for award of service medal for heroism.

Sec. 575. One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel.

Sec. 576. Eligibility of certain World War II military organizations for award of unit decorations.

Sec. 577. Retroactivity of Medal of Honor special pension.

Subtitle H—Military Justice Matters

Sec. 581. Establishment of sentence of confinement for life without eligibility for parole.

Sec. 582. Limitation on appeal of denial of parole for offenders serving life sentence.

Subtitle I—Other Matters

Sec. 591. Sexual harassment investigations and reports.

Sec. 592. Sense of the Senate regarding study of matters relating to gender equity in the Armed Forces.

Sec. 593. Authority for personnel to participate in management of certain non-Federal entities.

Sec. 594. Treatment of participation of members in Department of Defense civil military programs.

Sec. 595. Comptroller General study of Department of Defense civil military programs.

Sec. 596. Establishment of public affairs specialty in the Army.

Sec. 597. Grade of defense attaché in France.

Sec. 598. Report on crew requirements of WC–130J aircraft.

Sec. 599. Improvement of missing persons authorities applicable to Department of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 1998.

Sec. 602. Reform of basic allowance for subsistence.

Sec. 603. Consolidation of basic allowance for quarters, variable housing allowance, and overseas housing allowances.

Sec. 604. Revision of authority to adjust compensation necessitated by reform of subsistence and housing allowances.

Sec. 605. Protection of total compensation of members while performing certain duty.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonuses and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.

Sec. 614. Increase in minimum monthly rate of hazardous duty incentive pay for certain members.

Sec. 615. Increase in aviation career incentive pay.

Sec. 616. Modification of aviation officer retention bonus.

Sec. 617. Availability of multiyear retention bonus for dental officers.

Sec. 618. Increase in variable and additional special pays for certain dental officers.

Sec. 619. Availability of special pay for duty at designated hardship duty locations.

Sec. 620. Definition of sea duty for purposes of career sea pay.

Sec. 621. Modification of Selected Reserve reenlistment bonus.

Sec. 622. Modification of Selected Reserve enlistment bonus for former enlisted members.

Sec. 623. Expansion of reserve affiliation bonus to include Coast Guard Reserve.

Sec. 624. Increase in special pay and bonuses for nuclear-qualified officers.

Sec. 625. Provision of bonuses in lieu of special pay for enlisted members extending tours of duty at designated locations overseas.

Sec. 626. Increase in amount of family separation allowance.

Sec. 627. Deadline for payment of Ready Reserve muster duty allowance.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation allowances for dependents before approval of member's court-martial sentence.

Sec. 632. Dislocation allowance.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 641. One-year opportunity to discontinue participation in Survivor Benefit Plan.

Sec. 642. Time in which change in survivor benefit coverage from former spouse to spouse may be made.

Sec. 643. Review of Federal former spouse protection laws.

Sec. 644. Annuities for certain military surviving spouses.

Sec. 645. Administration of benefits for so-called minimum income widows.

Subtitle E—Other Matters

Sec. 651. Loan repayment program for commissioned officers in certain health professions.

Sec. 652. Conformance of NOAA commissioned officers separation pay to separation pay for members of other uniformed services.

Sec. 653. Eligibility of Public Health Service officers and NOAA commissioned corps officers for reimbursement of adoption expenses.

Sec. 654. Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines.

Sec. 655. Subsistence of members of the Armed Forces above the poverty level.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Expansion of retiree dental insurance plan to include surviving spouse and child dependents of certain deceased members.

Sec. 702. Provision of prosthetic devices to covered beneficiaries.

Sec. 703. Study concerning the provision of comparative information.

Subtitle B—TRICARE Program

Sec. 711. Addition of definition of TRICARE program to title 10.

Sec. 712. Plan for expansion of managed care option of TRICARE program.

Subtitle C—Uniformed Services Treatment Facilities

Sec. 721. Implementation of designated provider agreements for Uniformed Services Treatment Facilities.

Sec. 722. Continued acquisition of reduced-cost drugs.

Sec. 723. Limitation on total payments.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Sec. 731. Improvements in health care coverage and access for members assigned to certain duty locations far from sources of care.

Sec. 732. Waiver or reduction of copayments under overseas dental program.

Sec. 733. Premium collection requirements for medical and dental insurance programs; extension of deadline for implementation of dental insurance program for military retirees.

Sec. 734. Dental insurance plan coverage for retirees of the Public Health Service and NOAA.
Sec. 735. Consistency between CHAMPUS and Medicare in payment rates for services.
Sec. 736. Use of personal services contracts for provision of health care services and legal protection for providers.
Sec. 737. Portability of State licenses for Department of Defense health care professionals.
Sec. 738. Standard form and requirements regarding claims for payment for services.
Sec. 739. Chiropractic health care demonstration program.

Subtitle E—Other Matters

Sec. 741. Continued admission of civilians as students in physician assistant training program of Army Medical Department.
Sec. 742. Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency.
Sec. 743. Authority for agreement for use of medical resource facility, Alamogordo, New Mexico.
Sec. 744. Disclosures of cautionary information on prescription medications.
Sec. 745. Competitive procurement of certain ophthalmic services.
Sec. 746. Comptroller General study of adequacy and effect of maximum allowable charges for physicians under CHAMPUS.
Sec. 747. Comptroller General study of Department of Defense pharmacy programs.
Sec. 748. Comptroller General study of Navy graduate medical education program.
Sec. 749. Study of expansion of pharmaceuticals by mail program to include additional Medicare-eligible covered beneficiaries.
Sec. 750. Comptroller General study of requirement for military medical facilities in National Capital Region.
Sec. 751. Report on policies and programs to promote healthy lifestyles for members of the Armed Forces and their dependents.
Sec. 752. Sense of Congress regarding quality health care for retirees.

Subtitle F—Persian Gulf Illness

Sec. 761. Definitions.
Sec. 762. Plan for health care services for Persian Gulf veterans.
Sec. 763. Comptroller General study of revised disability criteria for physical evaluation boards.
Sec. 764. Medical care for certain reserves who served in Southwest Asia during the Persian Gulf War.
Sec. 765. Improved medical tracking system for members deployed overseas in contingency or combat operations.
Sec. 766. Notice of use of investigational new drugs or drugs unapproved for their applied use.
Sec. 767. Report on plans to track location of members in a theater of operations.
Sec. 768. Sense of Congress regarding the deployment of specialized units for detecting and monitoring chemical, biological, and similar hazards in a theater of operations.
Sec. 769. Report on effectiveness of research efforts regarding Gulf War illnesses.
Sec. 770. Persian Gulf illness clinical trials program.
Sec. 771. Sense of Congress concerning Gulf War illness.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Expansion of authority to enter into contracts crossing fiscal years to all severable service contracts not exceeding a year.
Sec. 802. Vesting of title in the United States under contracts paid under progress payment arrangements or similar arrangements.
Sec. 803. Restriction on undefinitized contract actions.
Sec. 804. Limitation and report on payment of restructuring costs under defense contracts.
Sec. 805. Increased price limitation on purchases of right-hand drive vehicles.
Sec. 806. Multiyear procurement contracts.
Sec. 807. Audit of procurement of military clothing and clothing-related items by military installations in the United States.
Sec. 808. Limitation on allowability of compensation for certain contractor personnel.
Sec. 809. Elimination of certification requirement for grants.
Sec. 810. Repeal of limitation on adjustment of shipbuilding contracts.
Sec. 811. Item-by-item and country-by-country waivers of domestic source limitations.

Subtitle B—Acquisition Assistance Programs

Sec. 821. One-year extension of pilot mentor-protege program.
Sec. 822. Test program for negotiation of comprehensive subcontracting plans.

Subtitle C—Administrative Provisions

Sec. 831. Retention of expired funds during the pendency of contract litigation.
Sec. 832. Protection of certain information from disclosure.
Sec. 833. Unit cost reports.
Sec. 834. Plan for providing contracting information to general public and small businesses.
Sec. 835. Two-year extension of crediting of certain purchases toward meeting subcontracting goals.

Subtitle D—Other Matters

Sec. 841. Repeal of certain acquisition requirements and reports
Sec. 842. Use of major range and test facility installations by commercial entities.
Sec. 843. Requirement to develop and maintain list of firms not eligible for defense contracts.
Sec. 844. Sense of Congress regarding allowability of costs of employee stock ownership plans.
Sec. 845. Expansion of personnel eligible to participate in demonstration project relating to acquisition workforce.
Sec. 846. Time for submission of annual report relating to Buy American Act.
Sec. 847. Repeal of requirement for contractor guarantees on major weapon systems.
Sec. 848. Requirements relating to micro-purchases.
Sec. 849. Promotion rate for officers in an acquisition corps.
Sec. 850. Use of electronic commerce in Federal procurement.
Sec. 851. Conformance of policy on performance based management of civilian acquisition programs with policy established for defense acquisition programs.
Sec. 852. Modification of process requirements for the solutions-based contracting pilot program.
Sec. 853. Guidance and standards for defense acquisition workforce training requirements.
Sec. 854. Study and report to Congress assessing dependence on foreign sources for resistors and capacitors.
Sec. 855. Department of Defense and Federal Prison Industries joint study.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Positions and Organizations and Other General Matters

Sec. 901. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters.
Sec. 902. Use of CINC Initiative Fund for force protection.
Sec. 903. Revision to required frequency for provision of policy guidance for contingency plans.
Sec. 904. Annual justification for Department of Defense advisory committees.
Sec. 905. Airborne reconnaissance management.
Sec. 906. Termination of the Armed Services Patent Advisory Board.
Sec. 907. Coordination of Department of Defense criminal investigations and audits.

Subtitle B—Department of Defense Personnel Management

Sec. 911. Reduction in personnel assigned to management headquarters and headquarters support activities.
Sec. 912. Defense acquisition workforce.

Subtitle C—Department of Defense Schools and Centers

Sec. 921. Professional military education schools.
Sec. 922. Center for Hemispheric Defense Studies.
Sec. 923. Correction to reference to George C. Marshall European Center for Security Studies.

Subtitle D—Department of Defense Intelligence-Related Matters

Sec. 931. Transfer of certain military department programs from TIARA budget aggregation.
Sec. 932. Report on coordination of access of commanders and deployed units to intelligence collected and analyzed by the intelligence community.
Sec. 933. Protection of imagery, imagery intelligence, and geospatial information and data.
Sec. 934. POW/MIA intelligence analysis.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001 Transfer authority.
Sec. 1002 Incorporation of classified annex.
Sec. 1003 Authority for obligation of unauthorized fiscal year 1997 defense appropriations.
Sec. 1004 Authorization of prior emergency supplemental appropriations for fiscal year 1997.
Sec. 1005 Increase in fiscal year 1996 transfer authority.
Sec. 1006 Revision of authority for Fisher House trust funds.

Sec. 1007 Flexibility in financing closure of certain outstanding contracts for which a small final payment is due.
Sec. 1008 Biennial financial management improvement plan.
Sec. 1009 Estimates and requests for procurement and military construction for the reserve components.
Sec. 1010 Sense of Congress regarding funding for reserve component modernization not requested in President's budget.
Sec. 1011 Management of working-capital funds.
Sec. 1012 Authority of Secretary of Defense to settle claims relating to pay, allowances, and other benefits.
Sec. 1013 Payment of claims by members for loss of personal property due to flooding in Red River Basin.
Sec. 1014. Advances for payment of public services.
Sec. 1015 United States Man and the Biosphere Program limitation.

Subtitle B—Naval Vessels and Shipyards

Sec. 1021. Procedures for sale of vessels stricken from the Naval Vessel Register.
Sec. 1022. Authority to enter into a long-term charter for a vessel in support of the Surveillance Towed-Array Sensor (SURTASS) program.
Sec. 1023. Transfer of two specified obsolete tugboats of the Army.
Sec. 1024. Congressional review period with respect to transfer of ex-U.S.S. Hornet (CV–12) and ex-U.S.S. Midway (CV–41).
Sec. 1025. Transfers of naval vessels to certain foreign countries.
Sec. 1026. Reports relating to export of vessels that may contain polychlorinated biphenyls.
Sec. 1027. Conversion of defense capability preservation authority to Navy shipbuilding capability preservation authority.

Subtitle C—Counter-Drug Activities

Sec. 1031. Use of National Guard for State drug interdiction and counter-drug activities.
Sec. 1032. Authority to provide additional support for counter-drug activities of Mexico.
Sec. 1033. Authority to provide additional support for counter-drug activities of Peru and Colombia.
Sec. 1034. Annual report on development and deployment of narcotics detection technologies.

Subtitle D—Miscellaneous Report Requirements and Repeals

Sec. 1041. Repeal of miscellaneous reporting requirements.
Sec. 1042. Study of transfer of modular airborne fire fighting system.
Sec. 1043. Overseas infrastructure requirements.
Sec. 1044. Additional matters for annual report on activities of the General Accounting Office.
Sec. 1045. Eye safety at small arms firing ranges.
Sec. 1046. Reports on Department of Defense procedures for investigating military aviation accidents and for notifying and assisting families of victims.

Subtitle E—Matters Relating to Terrorism

Sec. 1051. Oversight of counterterrorism and antiterrorism activities; report.
Sec. 1052. Provision of adequate troop protection equipment for Armed Forces personnel engaged in peace operations; report on antiterrorism activities and protection of personnel.

Subtitle F—Matters Relating to Defense Property

Sec. 1061. Lease of nonexcess personal property of military departments.
Sec. 1062. Lease of nonexcess property of Defense Agencies.
Sec. 1063. Donation of excess chapel property to churches damaged or destroyed by arson or other acts of terrorism.
Sec. 1064. Authority of the Secretary of Defense concerning disposal of assets under cooperative agreements on air defense in Central Europe.
Sec. 1065. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
Sec. 1066. Transfer of B–17 aircraft to museum.
Sec. 1067. Report on disposal of excess and surplus materials.

Subtitle G—Other Matters

Sec. 1071. Authority for special agents of the Defense Criminal Investigative Service to execute warrants and make arrests.
Sec. 1072. Study of investigative practices of military criminal investigative organizations relating to sex crimes.
Sec. 1073. Technical and clerical amendments.
Sec. 1074. Sustainment and operation of the Global Positioning System.
Sec. 1075. Protection of safety-related information voluntarily provided by air carriers.
Sec. 1076. National Guard Challenge Program to create opportunities for civilian youth.
Sec. 1077. Disqualification from certain burial-related benefits for persons convicted of capital crimes.
Sec. 1078. Restrictions on the use of human subjects for testing of chemical or biological agents.
Sec. 1079. Treatment of military flight operations.
Sec. 1080. Naturalization of certain foreign nationals who serve honorably in the Armed Forces during a period of conflict.
Sec. 1081. Applicability of certain pay authorities to members of specified independent study organizations.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Army as follows:

(1) For aircraft, $1,316,233,000.

(2) For missiles, $742,639,000.

(3) For weapons and tracked combat vehicles, $1,297,641,000.

(4) For ammunition, $1,011,193,000.

(5) For other procurement, $2,566,208,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,437,330,000.

(2) For weapons, including missiles and torpedoes, $1,089,443,000.

(3) For shipbuilding and conversion, $8,195,269,000.

(5) For other procurement, $2,970,867,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $460,081,000.

(c) Navy and Marine Corps Ammunition.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $364,744,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,425,749,000.

(2) For missiles, $2,376,301,000.

(3) For ammunition, $398,534,000.

(4) For other procurement, $6,543,580,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $2,057,150,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $70,000,000.

(2) For the Air National Guard, $303,000,000.

(3) For the Army Reserve, $75,000,000.

(4) For the Naval Reserve, $80,000,000.

(5) For the Air Force Reserve, $50,000,000.

(6) For the Marine Corps Reserve, $65,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1998 the amount of $600,700,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $274,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,231,000.

Subtitle B—Army Programs

SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.

(a) Limitation.—Not more than 80 percent of the total of the amounts authorized to be appropriated pursuant to section 101(1), 105(1), and 105(3) for modifications or upgrades of helicopters may be obligated before the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter fleet.

(b) Content of Plan.—The plan required by subsection (a) shall include the following:

(1) A detailed assessment of the Army's present and future helicopter requirements and present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component aircraft and reserve component aircraft in the fleet.

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft.

(3) An analysis of the requirements for and funding proposed for extended service plans or service life extension plans for fleet aircraft.

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft.

(5) The implications of the plan for the defense industrial base.

(c) Relationship to Future-Years Defense Program.—The Secretary of the Army shall design the plan under subsection (a) so that the plan could be implemented within the funding levels expected to be available for Army aircraft programs in the next future-years defense program to be submitted to Congress pursuant to section 221(a) of title 10, United States Code. The Secretary shall include in the plan a certification that the program of the Army prepared for inclusion in the future-years defense program submitted to Congress in 1998 pursuant to section 221(a) of title 10, United States Code, included full funding for implementation of the plan.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR SPECIFIED ARMY PROGRAMS.

(a) AH-64D Longbow Apache Fire Control Radar.—Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for procurement of the AH–64D Longbow Apache fire control radar.

(b) Medium Tactical Vehicles.—Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of four years and may include an option to extend the contract for one additional year.

SEC. 113. M113 VEHICLE MODIFICATIONS.

Of the amount made available for the Army pursuant to section 101(3), $35,244,000 shall be available only for the procurement and installation of A3 upgrade kits for the M113 vehicle.

Subtitle C—Navy Programs

SEC. 121. NEW ATTACK SUBMARINE PROGRAM.

(a) Amounts Authorized From SCN Account.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $2,599,800,000 is available for the New Attack Submarine Program.

(b) Contract Authority.—(1) The Secretary of the Navy may enter into a contract for the procurement of four submarines under the New Attack Submarine program.

(2) Any contract entered into under paragraph (1)—

(A) shall, notwithstanding section 2304(k) of title 10, United States Code, be awarded to one of the two eligible shipbuilders as the prime contractor on the condition that the prime contractor enter into one or more subcontracts (under such prime contract) with the other of the two eligible shipbuilders as contemplated in the New Attack Submarine Team Agreement; and

(B) shall provide for—

(i) construction of the first submarine in fiscal year 1998; and

(ii) advance construction and advance procurement of materiel for the second, third, and fourth submarines in fiscal year 1998.

(3) The following shipbuilders are eligible for a contract under this subsection:

(A) The Electric Boat Corporation.

(B) The Newport News Shipbuilding and Drydock Company.

(4) In paragraph (2)(A), the term "New Attack Submarine Team Agreement" means the agreement known as the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Drydock Company, dated February 25, 1997, that was submitted to Congress by the Secretary of the Navy on March 31, 1997.

(c) Limitation of Liability.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine program.

(d) Repeals of Superseded Provisions of Previous Defense Authorization Laws.—(1) Section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 206) is amended—

(A) in subsection (a)(1)(B)—

(i) in clause (i), by striking out ", which shall be built by Electric Boat Division"; and

(ii) in clause (ii), by striking out ", which shall be built by Newport News Shipbuilding"; and

(B) in subsection (b), by striking out paragraph (1).

(2) Section 121 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2441) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking out "to be built by Electric Boat Division"; and

(ii) in paragraph (1)(C), by striking out "to be built by Newport News Shipbuilding";

(B) in subsection (d), by striking out paragraph (2);

(C) in subsection (e), by striking out paragraph (1); and

(D) in subsection (g), by striking out "the committees specified in subsection (e)(1)" in paragraphs (3) and (4) and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(e) Inapplicability of Superseded Aspects of Attack Submarine Development Plan.—The Secretary of Defense and the Secretary of the Navy are not required to carry out the portions of the program plan submitted under subsection (c) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 that are included in the plan pursuant to subparagraphs (A), (B), and (E) of paragraph (2) of such subsection.

SEC. 122. CVN–77 NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) Authorization of Ship.—The Secretary of the Navy is authorized to procure the aircraft carrier to be designated CVN–77, subject to the availability of appropriations for that purpose.

(b) Amount Authorized From SCN Account.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $50,000,000 is available for the advance procurement and advance construction of components (including nuclear components) for the CVN–77 aircraft carrier program. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

(c) Other Funds.—Of the funds authorized to be appropriated under this Act for programs, projects, and activities of the military departments and Defense Agencies, other than the CVN–77 aircraft carrier program, up to $295,000,000 may be made available, as the Secretary of Defense may direct, for the CVN–77 aircraft carrier program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

(d) Management of Funds.—The Secretary of the Navy shall obligate and expend the funds available for advance procurement and advance construction of components for the CVN–77 aircraft carrier program for fiscal year 1998 in a manner that is designed to result in such cost savings as may be required in order to meet the cost limitation specified in subsection (f).

(e) Adjustments to Future-Years Defense Program.—The Secretary of Defense shall make such plans for the CVN–77 aircraft carrier program as are necessary to attain for the program the cost savings that are contemplated for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan.

(f) Limitation on Total Cost of Procurement.—(1) The Secretary of the Navy shall structure the program for the procurement of the CVN–77 aircraft carrier, and shall manage that program, so that the total cost of the procurement of the CVN–77 aircraft carrier does not exceed $4,600,000,000 (such amount being the estimated cost for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan).

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the CVN–77 aircraft carrier program by the following:

(A) The amounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN–77 aircraft carrier, as compared to the technology built into the baseline design of the CVN–76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan (as contemplated in the March 1997 procurement plan) on which the projected savings are based.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

(g) March 1997 Procurement Plan Defined.—In this section, the term "March 1997 procurement plan" means the procurement plan for the CVN–77 aircraft carrier that was submitted to the Navy and Congress by the shipbuilder in March 1997.

SEC. 123. EXCLUSION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

(a) Authority To Exclude Amounts Appropriated for Canceled Vessels.—(1) The Secretary of the Navy may exclude from the application of the cost limitation for the Seawolf submarine program such amounts, not in excess of $272,400,000, as were appropriated for fiscal years 1990, 1991, and 1992 for procurement of Seawolf-class submarines that have been canceled.

(2) For the purposes of this subsection, the term "cost limitation for the Seawolf submarine program" means the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211).

(b) Determination and Report by Inspector General.—(1) Not later than March 30, 1998, the Inspector General of the Department of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the Inspector General's determination as to whether any further exclusion from, adjustment to exclusion from, or increase in the dollar amount of the cost limitation referred to in subsection (a) will be required.

(2) The Inspector General shall include in the report the following:

(A) A thorough and comprehensive accounting for the amount of $745,400,000 identified by the Secretary of the Navy as having been obligated or expended for the detailed design for Seawolf-class submarines that have been canceled and for the procurement of nuclear components and construction spare parts for those canceled submarines, including a statement of the current disposition of items specifically purchased using those funds.

(B) Cost growth, if any, in the cost of construction of the SSN–21, SSN–22, and SSN–23 Seawolf-class submarines that has not been reported to Congress before the date of the report of the Inspector General.

(C) The current cost estimate of the Secretary of the Navy for completion of the SSN–21, SSN–22, and SSN–23 Seawolf-class submarines.

(3) The Inspector General shall include in the report such supporting information and analyses as the Inspector General considers appropriate for aiding in understanding the determination and findings of the Inspector General.

Subtitle D—Air Force Programs

SEC. 131. AUTHORIZATION FOR B–2 BOMBER PROGRAM.

(a) Funding Availability.—Of the funds made available for procurement of aircraft for the Air Force for fiscal year 1998, the amount of $331,000,000 is available for long-lead activities related to the procurement of additional B–2 bomber aircraft. However, if the President determines that no additional B–2 bombers should be procured during fiscal year 1998 and certifies that decision to Congress, the funding authorized in the preceding sentence shall be made available to modify and repair the existing fleet of B–2 bomber aircraft.

(b) Secretary of Defense To Preserve Options of President.—The Secretary of Defense shall ensure that all appropriate actions are

taken to preserve the options of the President until the panel to review long-range airpower established by section 8131 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat.1249), submits its report.

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) Cost and Operation Effectiveness Analysis.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56M radar warning receiver.

(b) Submission to Congress.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

SEC. 133. ANALYSIS OF REQUIREMENTS FOR REPLACEMENT OF ENGINES ON MILITARY AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

(a) Analysis Required.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an analysis, to be carried out by the Under Secretary of Defense for Acquisition and Technology, of the requirements of the Department of Defense for replacing engines on the aircraft of the Department of Defense that are derived from the Boeing 707 aircraft and the costs of meeting those requirements.

(b) Content.—The analysis shall include the following:

(1) The number of aircraft described in subsection (a) that are in the inventory of the Department of Defense as of October 1, 1997, and the number of such aircraft that are projected to be in the inventory of the Department as of October 1, 2002, as of October 1, 2007, and as of October 1, 2012.

(2) For each type of such aircraft, the estimated cost of operating the aircraft for each fiscal year beginning with fiscal year 1998 and ending with fiscal year 2014, taking into account historical patterns of usage and projected support costs.

(3) For each type of such aircraft, the estimated costs and the benefits of replacing the engines on the aircraft, analyzed on the basis of the experience under the limited program for replacing the engines on RC–135 aircraft that was undertaken during fiscal years 1995, 1996, and 1997.

(4) Various plans for replacement of engines that the Under Secretary considers best on the basis of costs and benefits.

(c) Submission Deadline.—The analysis under subsection (a) shall be submitted not later than March 1, 1998.

Subtitle E—Other Matters

SEC. 141. PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

(a) Pilot Program Required.—During fiscal years 1998 and 1999, the Secretary of the Army shall carry out a pilot program to test the efficacy and appropriateness of selling manufactured articles and services of Army industrial facilities under section 4543 of title 10, United States Code, without regard to the availability of the articles and services from United States commercial sources. In carrying out the pilot program, the Secretary may use articles manufactured at, and services provided by, not more than three Army industrial facilities.

(b) Temporary Waiver of Requirement for Determination of Unavailability From Domestic Source.—Under the pilot program, the Secretary of the Army is not required under section 4543(a)(5) of title 10, United States Code, to determine whether an article or service is available from a commercial source located in the United States in the case of any of the following sales for which a solicitation of offers is issued during fiscal year 1998 or 1999:

(1) A sale of articles to be incorporated into a weapon system being procured by the Department of Defense.

(2) A sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.

(c) Review by Inspector General.—The Inspector General of the Department of Defense shall review the experience under the pilot program under this section and, not later than July 1, 1999, submit to Congress a report on the results of the review. The report shall contain the following:

(1) The Inspector General's views regarding the extent to which the waiver under subsection (b) enhances the opportunity for United States manufacturers, assemblers, developers, and other concerns to enter into or participate in contracts and teaming arrangements with Army industrial facilities under weapon system programs of the Department of Defense.

(2) The Inspector General's views regarding the extent to which the waiver under subsection (b) enhances the opportunity for Army industrial facilities referred to in section 4543(a) of title 10, United States Code, to enter into or participate in contracts and teaming arrangements with United States manufacturers, assemblers, developers, and other concerns under weapon system programs of the Department of Defense.

(3) The Inspector General's views regarding the effect of the waiver under subsection (b) on the ability of small businesses to compete for the sale of manufactured articles or services in the United States in competitions to enter into or participate in contracts and teaming arrangements under weapon system programs of the Department of Defense.

(4) Specific examples under the pilot program that support the Inspector General's views.

(5) Any other information that the Inspector General considers pertinent regarding the effects of the waiver of section 4543(a)(5) of title 10, United States Code, under the pilot program on opportunities for United States manufacturers, assemblers, developers, or other concerns, and for Army industrial facilities, to enter into or participate in contracts and teaming arrangements under weapon system programs of the Department of Defense.

(6) Any recommendations that the Inspector General considers appropriate regarding continuation or modification of the policy set forth in section 4543(a)(5) of title 10, United States Code.

SEC. 142. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) Funding.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) Authority.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export control Act is pending, as determined by the Secretary of Defense.

(c) Modification of Air Force Aircraft.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Dual-use technology program.
Sec. 204. Reduction in amount for Federally Funded Research and Development Centers.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Manufacturing technology program.
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Sec. 214. Kinetic energy tactical anti-satellite technology program.
Sec. 215. Micro-satellite technology development program.
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Subtitle C—Ballistic Missile Defense Programs

Sec. 231. National Missile Defense Program.
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Sec. 241. Restructuring of National Oceanographic Partnership Program organizations.
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Sec. 245. Sense of Congress regarding Comanche program.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,633,495,000.

(2) For the Navy, $7,774,877,000.

(3) For the Air Force, $14,338,934,000.

(4) For Defense-wide activities, $9,831,646,000, of which—

(A) $258,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $27,384,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 1998.—Of the amounts authorized to be appropriated by section 201, $3,935,390,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. DUAL-USE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FUNDING 1998.—Of the amounts authorized to be appropriated by section 201, $75,000,000 is authorized for dual-use projects.

(b) GOALS.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).

(2) The objectives for fiscal years under paragraph (1) are as follows:

(A) For fiscal year 1998, 5 percent.

(B) For fiscal year 1999, 7 percent.

(C) For fiscal year 2000, 10 percent.

(D) For fiscal year 2001, 15 percent.

(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—

(A) determines that compelling national security considerations require the establishment of the different objective; and

(2) notifies Congress of the determination and the reasons for the determination.

(c) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use projects under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use projects are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.

(3) In carrying out the responsibilities, the designated official shall ensure that—

(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note); and

(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.

(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. In the case of a dual-use project initiated after the date of the enactment of this Act, the Secretary may consider in-kind contributions by non-Federal participants only to the extent such contributions constitute 50 percent or less of the share of the project costs by such participants.

(e) USE OF COMPETITIVE PROCEDURES.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(f) REPORT.—(1) Not later than March 1 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees on the progress made by the Department of Defense in meeting the objectives set forth in subsection (b) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(g) COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE.—(1) The Secretary of Defense shall establish a Commercial Operations and Support Savings Initiative (in this subsection referred to as the "Initiative") to develop commercial products and processes that the military departments can incorporate into operational military systems to reduce costs of operations and support.

(2) Of the amounts authorized to be appropriated by section 201, $50,000,000 is authorized for the Initiative.

(3) Projects and participants in the Initiative shall be selected through the use of competitive procedures.

(4) The budget submitted to Congress by the President for fiscal year 1999 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, shall set forth separately the funding request for the Initiative.

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 203 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451) is repealed.

(i) DEFINITIONS.—In this section:

(1) The term "applied research program" means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term "dual-use project" means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

SEC. 204. REDUCTION IN AMOUNT FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

The total of the amounts authorized to be appropriated in section 201 that are available for Federally Funded Research and Development Centers (other than amounts for capital equipment investment) is hereby reduced by $42,000,000.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MANUFACTURING TECHNOLOGY PROGRAM.

(a) PARTICIPATION OF MANUFACTURERS.—Section 2525(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

(b) FIVE-YEAR PLAN.—Section 2525 of such title is amended by adding at the end the following new subsection:

"(e) FIVE-YEAR PLAN.—(1) The Secretary of Defense shall prepare a five-year plan for the program which establishes—

"(A) the overall manufacturing technology goals, milestones, priorities, and investment strategy for the program; and

"(B) for each of the five fiscal years covered by the plan, the objectives of, and funding for the program by, each military department and each Defense Agency participating in the program.

"(2) The plan shall include an assessment of the effectiveness of the program.

"(3) The plan shall be updated annually and shall be included in the budget justification documents submitted in support of the budget of the Department of Defense for a fiscal year (as included in the budget of the President submitted to Congress under section 1105 of title 31).".

(c) DEADLINE FOR FIRST PLAN.—The Secretary of Defense shall prepare the first five-year plan required under section 2525(e) of such title, as added by subsection (b), within 60 days after the date of the enactment of this Act.

SEC. 212. REPORT ON OPERATIONAL FIELD ASSESSMENTS PROGRAM.

(a) FINDING.—Congress recognizes the potential value that the Department of Defense Operational Field Assessments program, which is managed by the Director of Operational Test and Evaluation, provides to the commanders of the Unified Combatant Commands with respect to assessment of the effectiveness of near-term operational concepts and critical operational issues in quick-response operational tests and evaluations.

(b) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the Operational Field Assessments program.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the Operational Field Assessments program which describes the goals and objectives of the program, assessments by the program conducted as of the date of the submission of the report, and the results of those assessments.

(2) A description of the current management and support structure of the program within the Department of Defense, including a description of how program responsibilities are assigned within the Office of the Secretary of Defense and a description of the roles of the Joint Staff, the commanders of the Unified Combatant Commands, and the military departments.

(3) An analysis of and recommendations regarding the management structure required

within the Office of the Secretary of Defense to ensure that the program is responsive to the mission needs of the commanders of the Unified Combatant Commands.

(4) The funding plan for the program.

(5) A description of future plans for the program and funding requirements for those plans.

(6) Recommendations regarding additional statutory authority that may be required for the program.

SEC. 213. JOINT STRIKE FIGHTER PROGRAM.

(a) Report.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

(b) Content of Report.—The report shall contain the following:

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

(2) An estimate of the costs, and an analysis of the costs and benefits, of producing the joint strike fighter variants in a sequence that provides for fielding of the naval variant of the aircraft first.

(3) A comparison of the costs and benefits of the various options for the sequence for fielding the variants of the joint strike fighter that the Secretary of Defense considers likely to be the options from among which a sequence for fielding is selected, including a discussion of the effects that selection of each such option would have on the costs and rates of production of the units of F/A–18E/F and F–22 aircraft that are in production when the Joint Strike Fighter Program proceeds into production.

(4) A certification that the Joint Strike Fighter Program contains sufficient funding to carry out an alternate engine development program that includes flight qualification of an alternate engine in a joint strike fighter airframe.

(c) Limitation on Use of Funds Pending Submission of Report.—Not more than 90 percent of the total amount authorized to be appropriated under this Act for the Joint Strike Fighter Program may be obligated until the date that is 30 days after the date on which the congressional defense committees receive the report required under this section.

(d) Fiscal Year 1998 Budget Defined.—In this section, the term "fiscal year 1999 budget request for the Department of Defense" means the budget estimates for the Department of Defense for fiscal year 1999 that were submitted to Congress by the Secretary of Defense in connection with the submission of the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code.

SEC. 214. KINETIC ENERGY TACTICAL ANTI-SATELLITE TECHNOLOGY PROGRAM.

Of the funds authorized to be appropriated under section 201(4), $37,500,000 shall be available for the kinetic energy tactical anti-satellite technology program.

SEC. 215. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.

(a) Establishment of Micro-Satellite Technology Development Program.—The Secretary of Defense shall restructure the Clementine 2 micro-satellite development program into a micro-satellite technology development program that supports a range of space mission areas.

(b) Report.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report describing the structure and objectives of the micro-satellite technology development program established under subsection (a) and how the program can benefit existing or future space systems or architectures.

SEC. 216. HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

(a) Limitation on Total Cost of Advanced Concept Technology Demonstration.—The total amount obligated or expended for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program for fiscal year 1998 through fiscal year 2003 may not exceed $476,826,000.

(b) Limitation on Procurement.—The Secretary of Defense may not procure any high altitude endurance unmanned vehicles, other than the currently planned vehicles, until the completion of the testing identified in phase II of the test and demonstration plan for the advanced concept technology demonstration for the vehicles.

(c) Limitation on Proceeding.—The High Altitude Endurance Unmanned Vehicle Program may not proceed beyond advanced concept technology demonstration until the Secretary of Defense—

(1) provides to Congress a firm unit cost (referred to in this section as the "fly away cost") for each of the currently planned vehicles; and

(2) certifies to Congress the military suitability and the worth of each such vehicle.

(d) GAO Review.—(1) The Comptroller General shall review the High Altitude Endurance Unmanned Vehicle Program for purposes of determining whether the average fly away cost for each vehicle is within the cost goal under the program of $10,000,000.

(2) The Secretary of Defense and the prime contractors under the High Altitude Endurance Unmanned Vehicle Program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to make the determination under paragraph (1).

(e) Currently Planned Vehicles.—In this section, the term "currently planned vehicles" means the four Dark Star air vehicles and the five Global Hawk air vehicles that have been approved for procurement by the Secretary of Defense as of the date of the enactment of this Act.

SEC. 217. F–22 AIRCRAFT PROGRAM.

(a) Limitation on Total Cost of Engineering and Manufacturing Development.—The total amount obligated or expended for engineering and manufacturing development under the F–22 aircraft program may not exceed $18,688,000,000.

(b) Limitation on Total Cost of Production.—The total amount obligated or expended for the F–22 production program may not exceed $43,400,000,000.

(c) Adjustment of Limitation Amounts.—The Secretary of the Air Force shall adjust the amounts of the limitations set forth in subsections (a) and (b) by the following amounts:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 1997.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(d) Annual GAO Review.—(1) Not later than March 15 of each year, the Comptroller General shall review the F–22 aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress for each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program, including the performance, cost, and schedule goals.

(B) The status of modifications expected to have a significant effect on cost or performance of F–22 aircraft.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) is consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) The Comptroller General shall submit the first report under this subsection not later than March 15, 1998. No report is required under this subsection after engineering and manufacturing development under the program has been completed.

(e) Requirement To Support Annual GAO Review.—The Secretary of Defense and the prime contractors under the F–22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller General considers necessary to carry out the responsibilities under subsection (d).

(f) Limitation on Obligation of Funds.—Of the total amount authorized to be appropriated for the F–22 aircraft program for a fiscal year, not more than 90 percent of the amount may be obligated until the Comptroller General submits to Congress—

(1) the report required to be submitted in that fiscal year under subsection (d); and

(2) a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

Subtitle C—Ballistic Missile Defense Programs

SEC. 231. NATIONAL MISSILE DEFENSE PROGRAM.

(a) Program Structure.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) Elements of NMD System.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) Ground-based radars.

(3) Space-based sensors.

(4) Battle management, command, control, and communications (BM/C^3)*.*

(c) Plan for NMD System Development and Deployment.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the development and deployment of a national missile defense system that could achieve initial operational capability in fiscal year 2003. The plan shall include the following matters:

(1) A detailed description of the system architecture selected for development.

(2) A discussion of the justification for the selection of that particular architecture.

(3) The Secretary's estimate of the amounts of the appropriations that would be necessary for

research, development, test, evaluation, and for procurement for each of fiscal years 1999 through 2003 in order to achieve an initial operational capability of the system architecture in fiscal year 2003.

(4) For each activity necessary for the development and deployment of the national missile defense system architecture selected by the Secretary that would at some point conflict with the terms of the ABM Treaty, if any—

(A) a description of the activity;

(B) a description of the point at which the activity would conflict with the terms of the ABM Treaty;

(C) the legal analysis justifying the Secretary's determination regarding the point at which the activity would conflict with the terms of the ABM Treaty; and

(D) an estimate of the time at which such point would be reached in order to achieve a test of an integrated missile defense system in fiscal year 1999 and initial operational capability of such a system in fiscal year 2003.

(d) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 201(4), $978,091,000 shall be available for the National Missile Defense Program.

(e) ABM TREATY DEFINED.—In this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 232. BUDGETARY TREATMENT OF AMOUNTS FOR PROCUREMENT FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) REQUIREMENT FOR INCLUSION IN BUDGET OF BMDO.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§224. Ballistic missile defense programs: display of amounts for procurement

"(a) REQUIREMENT.—Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for procurement for a Department of Defense missile defense program described in subsection (b) shall be set forth under the account of the Department of Defense for Defense-wide procurement and, within that account, under the subaccount (or other budget activity level) for the Ballistic Missile Defense Organization.

"(b) COVERED PROGRAMS.—Subsection (a) applies to the following missile defense programs of the Department of Defense:

"(1) The National Missile Defense program.

"(2) Any system that is part of the core theater missile defense program.

"(3) Any other ballistic missile defense program that enters production after the date of the enactment of this section and for which research, development, test, and evaluation was carried out by the Ballistic Missile Defense Organization.

"(c) CORE THEATER BALLISTIC MISSILE DEFENSE PROGRAM.—For purposes of this section, the core theater missile defense program consists of the systems specified in section 234 of the Ballistic Missile Defense Act of 1995 (10 U.S.C. 2431 note).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 222 the following new item:

"224. Ballistic missile defense programs: display of amounts for procurement.".

(b) FISCAL YEAR 1998 FUNDS.—(1) The Secretary of Defense shall transfer to appropriations available to the Ballistic Missile Defense Organization for procurement for fiscal year 1998 any amounts that are appropriated for procurement for that fiscal year for any of the Armed Forces by reason of the transference of certain programs to accounts of the Army, Navy, Air Force, and Marine Corps pursuant to Program Budget Decision 224C3, signed by the Under Secretary of Defense (Comptroller) on December 23, 1996.

(2) Any transfer pursuant to paragraph (1) shall not be counted for purposes of section 1001.

SEC. 233. COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM.

(a) REQUIREMENT FOR NEW PROGRAM ELEMENT.—The Secretary of Defense shall establish a program element for the Ballistic Missile Defense Organization, to be referred to as the "Cooperative Ballistic Missile Defense Program", to support technical and analytical cooperative efforts between the United States and other nations that contribute to United States ballistic missile defense capabilities. Except as provided in subsection (b), all international cooperative ballistic missile defense programs of the Department of Defense shall be budgeted and administered through that program element.

(b) AUTHORITY FOR EXCEPTIONS.—The Secretary of Defense may exclude from the program element established pursuant to subsection (a) any international cooperative ballistic missile defense program of the Department of Defense that after the date of the enactment of this Act is designated by the Secretary of Defense (pursuant to applicable Department of Defense acquisition regulations and policy) to be managed as a separate acquisition program.

(c) RELATIONSHIP TO OTHER PROGRAM ELEMENTS.—The program element established pursuant to subsection (a) is in addition to the program elements for activities of the Ballistic Missile Defense Organization required under section 251 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 233; 10 U.S.C. 221 note).

SEC. 234. ANNUAL REPORT ON THREAT POSED TO THE UNITED STATES BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.

(a) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress by January 30 of each year a report on the threats posed to the United States and allies of the United States—

(1) by weapons of mass destruction, ballistic missiles, and cruise missiles; and

(2) by the proliferation of weapons of mass destruction, ballistic missiles, and cruise missiles.

(b) CONSULTATION.—Each report submitted under subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

(1) Identification of each foreign country and non-State organization that possesses weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

(2) A description of the means by which any foreign country and non-State organization that has achieved capability with respect to weapons of mass destruction, ballistic missiles, or cruise missiles has achieved that capability, including a description of the international network of foreign countries and private entities that provide assistance to foreign countries and non-State organizations in achieving that capability.

(3) An examination of the doctrines that guide the use of weapons of mass destruction in each foreign country that possesses such weapons.

(4) An examination of the existence and implementation of the control mechanisms that exist with respect to nuclear weapons in each foreign country that possesses such weapons.

(5) Identification of each foreign country and non-State organization that seeks to acquire or develop (indigenously or with foreign assistance) weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

(6) An assessment of various possible timelines for the achievement by foreign countries and non-State organizations of capability with respect to weapons of mass destruction, ballistic missiles, and cruise missiles, taking into account the probability of whether the Russian Federation and the People's Republic of China will comply with the Missile Technology Control Regime, the potential availability of assistance from foreign technical specialists, and the potential for independent sales by foreign private entities without authorization from their national Governments.

(7) For each foreign country or non-State organization that has not achieved the capability to target the United States or its territories with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of this Act, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

(8) For each foreign country or non-State organization that has not achieved the capability to target members of the United States Armed Forces deployed abroad with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of this Act, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

(d) CLASSIFICATION.—Each report under subsection (a) shall be submitted in classified and unclassified form.

SEC. 235. DIRECTOR OF BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§203. Director of Ballistic Missile Defense Organization

"If an officer of the armed forces on active duty is appointed to the position of Director of the Ballistic Missile Defense Organization, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of this title and shall carry the grade of lieutenant general or general or, in the case of an officer of the Navy, vice admiral or admiral.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"203. Director of Ballistic Missile Defense Organization.".

SEC. 236. REPEAL OF REQUIRED DEPLOYMENT DATES FOR CORE THEATER MISSILE DEFENSE PROGRAMS.

Section 234(a) of the Ballistic Missile Defense Act of 1995 (subtitle C of title II of Public Law 104–106; 110 Stat. 229; 10 U.S.C. 2431 note) is amended—

(1) in the matter preceding paragraph (1), by striking out ", to be carried out so as to achieve the specified capabilities";

(2) in paragraph (1), by striking out ", with a first unit equipped (FUE) during fiscal year 1998";

(3) in paragraph (2), by striking out "Navy Lower Tier (Area) system" and all that follows through "fiscal year 1999" and inserting in lieu thereof "Navy Area Defense system";

(4) in paragraph (3), by striking out ", with a" and all that follows through "fiscal year 2000"; and

(5) in paragraph (4), by striking out "Navy Upper Tier" and all that follows through "fiscal year 2001" and inserting in lieu thereof "Navy Theater Wide system".

Subtitle D—Other Matters

SEC. 241. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM ORGANIZATIONS.

(a) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—Section 7902 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (11), (14), (15), (16) and (17); and

(B) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(2) by striking out subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(b) OCEAN RESEARCH ADVISORY PANEL.—(1) The text of section 7903 of such title is amended to read as follows:

"(a) ESTABLISHMENT.—The Council shall establish an Ocean Research Advisory Panel consisting of not less than 10 and not more than 18 members appointed by the chairman, including the following:

"(1) One member who will represent the National Academy of Sciences.

"(2) One member who will represent the National Academy of Engineering

"(3) One member who will represent the Institute of Medicine.

"(4) Members selected from among individuals who will represent the views of ocean industries, State governments, academia, and such other views as the chairman considers appropriate.

"(5) Members selected from among individuals eminent in the fields of marine science or marine policy, or related fields.

"(b) RESPONSIBILITIES.—The Council shall assign the following responsibilities to the Advisory Panel:

"(1) To advise the Council on policies and procedures to implement the National Oceanographic Partnership Program.

"(2) To advise the Council on selection of partnership projects and allocation of funds for partnership projects for implementation under the program.

"(3) To advise the Council on matters relating to national oceanographic data requirements.

"(4) Any additional responsibilities that the Council considers appropriate.

"(c) FUNDING.—The Secretary of the Navy annually shall make funds available to support the activities of the Advisory Panel.".

(2) Section 282(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2473) is amended by striking out "January 1, 1997" and inserting in lieu thereof "January 1, 1998".

(c) CONFORMING AMENDMENTS.—Section 282 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective as of September 23, 1996, as if included in section 282 of Public Law 104–201.

SEC. 242. MAINTENANCE AND REPAIR OF REAL PROPERTY AT AIR FORCE INSTALLATIONS.

(a) IN GENERAL.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

"§9782. Maintenance and repair of real property

"(a) ALLOCATION OF FUNDS.—The Secretary of the Air Force shall allocate funds authorized to be appropriated by a provision described in subsection (c) and a provision described in subsection (d) for maintenance and repair of real property at military installations of the Department of the Air Force without regard to whether the installation is supported with funds authorized by a provision described in subsection (c) or (d).

"(b) MIXING OF FUNDS PROHIBITED ON INDIVIDUAL PROJECTS.—The Secretary of the Air Force may not combine funds authorized to be appropriated by a provision described in subsection (c) and funds authorized to be appropriated by a provision described in subsection (d) for an individual project for maintenance and repair of real property at a military installation of the Department of the Air Force.

"(c) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for research, development, test, and evaluation.

"(d) OPERATION AND MAINTENANCE FUNDS.—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for operation and maintenance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9782. Maintenance and repair of real property.".

SEC. 243. EXPANSION OF ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; U.S.C. 2358 note) is amended by adding at the end (the following new subsection:

"(f) STATE DEFINED.—In this section, the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 244. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $300,000 shall be available for testing described in subsection (b) in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3)(A) of title 38, United States Code) who participated in radiation-risk activities (as defined in section 1112(c)(3)(B) of such title).

SEC. 245. SENSE OF CONGRESS REGARDING COMANCHE PROGRAM.

It is the sense of Congress that the Department of Defense should—

(1) evaluate technology transfer and acquisition initiatives within the Army Comanche program that have the potential to increase the efficiency or reduce the risk of the Comanche program; and

(2) include adequate funding for those initiatives that the Department deems to be meritorious in the future-years defense program (as submitted to Congress under section 221 of title 10, United States Code).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Fisher House Trust Funds.
Sec. 305. Transfer from National Defense Stockpile Transaction Fund.
Sec. 306. Refurbishment of M1–A1 tanks.
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Subtitle B—Military Readiness Issues

Sec. 321. Monthly reports on allocation of funds within operation and maintenance budget subactivities.
Sec. 322. Expansion of scope of quarterly readiness reports.
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Sec. 324. Annual report on aircraft inventory.
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Sec. 329. Report on military readiness requirements of the Armed Forces.
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Sec. 331. Report on military exercises conducted under certain training exercises programs
Sec. 332. Report on overseas deployments.

Subtitle C—Environmental Provisions

Sec. 341. Revision of membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 342. Amendments to authority to enter into agreements with other agencies in support of environmental technology certification.
Sec. 343. Modifications of authority to store and dispose of nondefense toxic and hazardous materials.
Sec. 344. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.
Sec. 345. Annual report on environmental activities of the Department of Defense overseas.
Sec. 346. Review of existing environmental consequences of the presence of the Armed Forces in Bermuda.
Sec. 347. Sense of Congress on deployment of United States Armed Forces abroad for environmental preservation activities.
Sec. 348. Recovery and sharing of costs of environmental restoration at Department of Defense sites.
Sec. 349. Partnerships for investment in innovative environmental technologies.
Sec. 350. Procurement of recycled copier paper.
Sec. 351. Pilot program for the sale of air pollution emission reduction incentives.

Subtitle D—Depot-Level Activities

Sec. 355. Definition of depot-level maintenance and repair.
Sec. 356. Core logistics capabilities of Department of Defense.
Sec. 357. Increase in percentage of depot-level maintenance and repair that may be contracted for performance by non-government personnel.

Sec. 358. Annual report on depot-level maintenance and repair.
Sec. 359. Requirement for use of competitive procedures in contracting for performance of depot-level maintenance and repair workloads formerly performed at closed or realigned military installations.
Sec. 360. Clarification of prohibition on management of depot employees by constraints on personnel levels.
Sec. 361. Centers of Industrial and Technical Excellence.
Sec. 362. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 363. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.
Sec. 364. Personnel reductions, Army depots participating in Army Workload and Performance System.
Sec. 365. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.
Sec. 366. Review of use of temporary duty assignments for ship repair and maintenance.
Sec. 367. Sense of Congress regarding realignment of performance of ground communication-electronic workload.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 371. Reorganization of laws regarding commissaries and exchanges and other morale, welfare, and recreation activities.
Sec. 372. Merchandise and pricing requirements for commissary stores.
Sec. 373. Limitation on noncompetitive procurement of brand-name commercial items for resale in commissary stores.
Sec. 374. Treatment of revenues derived from commissary store activities.
Sec. 375. Maintenance, repair, and renovation of Armed Forces Recreation Center, Europe,
Sec. 376. Plan for use of public and private partnerships to benefit morale, welfare, and recreation activities.

Subtitle F—Other Matters

Sec. 381. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 382. Center for Excellence in Disaster Management and Humanitarian Assistance.
Sec. 383. Applicability of Federal printing requirements to Defense Automated Printing Service.
Sec. 384. Study and notification requirements for conversion of commercial and industrial type functions to contractor performance.
Sec. 385. Collection and retention of cost information data on converted services and functions.
Sec. 386. Financial assistance to support additional duties assigned to Army National Guard.
Sec. 387. Competitive procurement of printing and duplication services.
Sec. 388. Continuation and expansion of demonstration program to identify overpayments made to vendors.
Sec. 389. Development of standard forms regarding performance work statement and request for proposal for conversion of certain operational functions of military installations.
Sec. 390. Base operations support for military installations on Guam.
Sec. 391. Warranty claims recovery pilot program.
Sec. 392. Program to investigate fraud, waste, and abuse within Department of Defense.
Sec. 393. Multitechnology automated reader card demonstration program.
Sec. 394. Reduction in overhead costs of Inventory Control Points.
Sec. 395. Inventory management.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,174,589,000.

(2) For the Navy, $21,947,656,000.

(3) For the Marine Corps, $2,424,645,000.

(4) For the Air Force, $19,172,985,000.

(5) For Defense-wide activities, $10,242,607,000.

(6) For the Army Reserve, $1,207,981,000.

(7) For the Naval Reserve, $846,711,000.

(8) For the Marine Corps Reserve, $116,366,000.

(9) For the Air Force Reserve, $1,631,200,000.

(10) For the Army National Guard, $2,311,432,000.

(11) For the Air National Guard, $2,999,782,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(14) For Environmental Restoration, Army, $375,337,000.

(15) For Environmental Restoration, Navy, $275,500,000.

(16) For Environmental Restoration, Air Force, $376,900,000.

(17) For Environmental Restoration, Defense-wide, $26,900,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $202,300,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $47,130,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $666,882,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

(22) For Medical Programs, Defense, $9,957,782,000.

(23) For Cooperative Threat Reduction programs, $382,200,000.

(24) For Overseas Contingency Operations Transfer Fund, $1,253,900,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $971,952,000.

(2) For the National Defense Sealift Fund, $1,059,948,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) From the Fisher House Trust Fund, Department of the Army, $250,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) From the Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 306. REFURBISHMENT OF M1–A1 TANKS.

Of the amount authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army, $35,000,000 shall be available only for refurbishment of M1–A1 tanks under the AIM-XXI program if the Secretary of Defense determines that the cost effectiveness of the pilot AIM-XXI program is validated through user trials conducted at the National Training Center, Fort Irwin, California.

SEC. 307. OPERATION OF PREPOSITIONED FLEET, NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

Of the amount authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army, $60,200,000 shall be available only to pay costs associated with the operation of the prepositioned fleet of equipment during training rotations at the National Training Center, Fort Irwin, California.

SEC. 308. REFURBISHMENT AND INSTALLATION OF AIR SEARCH RADAR.

Of the amount authorized to be appropriated pursuant to section 301(2) for operation and maintenance for the Navy, $6,000,000 may be available for the refurbishment and installation of the AN/SPS-48E air search radar for the Ship Self Defense System at the Integrated Ship Defense Systems Engineering Center, Naval Surface Warfare Center, Wallops Islands, Virginia.

SEC. 309. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated pursuant to section 301(4) for operation and maintenance for the Air Force, $12,000,000 may be used for contracted training flight services.

SEC. 310. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1998 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 311. OPERATION OF FORT CHAFFEE, ARKANSAS.

Of the amount authorized to be appropriated pursuant to section 301(10) for operation and maintenance for the Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas.

Subtitle B—Military Readiness Issues

SEC. 321. MONTHLY REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§228. Monthly reports on allocation of funds within operation and maintenance budget subactivities

"(a) MONTHLY REPORT.—The Secretary of Defense shall submit to Congress a monthly report on the allocation of appropriations to O&M budget activities and to the subactivities of those budget activities. Each such report shall be submitted not later than 60 days after the end of the month to which the report pertains.

"(b) MATTERS TO BE INCLUDED.—Each such report shall set forth the following for each subactivity of the O&M budget activities:

"(1) The amount of budget authority appropriated for that subactivity in the most recent regular Department of Defense Appropriations Act.

"(2) The amount of budget authority actually made available for that subactivity, taking into consideration supplemental appropriations, rescissions, and other adjustments required by law or made pursuant to law.

"(3) The amount programmed to be expended from such subactivity.

"(c) IDENTIFICATION OF CERTAIN FLUCTUATIONS.—(1) If, in the report under this section for a month of a fiscal year after the first month of that fiscal year, an amount shown under subsection (b) for a subactivity is different by more than $15,000,000 from the corresponding amount for that subactivity in the report for the first month of that fiscal year, the Secretary shall include in the report notice of that difference.

"(2) If, in the report under this section for a month of a fiscal year after a month for which the report under this section includes a notice under paragraph (1), an amount shown under subsection (b) for a subactivity is different by more than $15,000,000 from the corresponding amount for that subactivity in the most recent report that includes a notice under paragraph (1) or this paragraph, the Secretary shall include in the report notice of that difference.

"(d) REPORT ON FLUCTUATIONS.—If a report under this section includes a notice under subsection (c), the Secretary shall include in the report with each such notice the following:

"(1) The reasons for the reallocations of funds resulting in the inclusion of that notice in the report.

"(2) Each budget subactivity involved in those reallocations.

"(3) The effect of those reallocations on the operation and maintenance activities funded through the subactivity with respect to which the notice is included in the report.

"(e) O&M BUDGET ACTIVITY DEFINED.—For purposes of this section, the term 'O&M budget activity' means a budget activity within an operation and maintenance appropriation of the Department of Defense for a fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"228. Monthly reports on allocation of funds within operation and maintenance budget subactivities.".

(b) EFFECTIVE DATE.—The first report under section 228 of title 10, United States Code, as added by subsection (a), shall be for the month of December 1997.

SEC. 322. EXPANSION OF SCOPE OF QUARTERLY READINESS REPORTS.

(a) EXPANDED REPORTS REQUIRED.—(1) Section 482 of title 10, United States Code, is amended to read as follows:

"§482. Quarterly reports: personnel and unit readiness

"(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to Congress a report regarding military readiness. The report for a quarter shall contain the information required by subsections (b), (d), and (e).

"(b) READINESS PROBLEMS AND REMEDIAL ACTIONS.—Each report shall specifically describe—

"(1) each readiness problem and deficiency identified using the assessments considered under subsection (c);

"(2) planned remedial actions; and

"(3) the key indicators and other relevant information related to each identified problem and deficiency.

"(c) CONSIDERATION OF READINESS ASSESSMENTS.—The information required under subsection (b) to be included in the report for a quarter shall be based on readiness assessments that are provided during that quarter—

"(1) to any council, committee, or other body of the Department of Defense—

"(A) that has responsibility for readiness oversight; and

"(B) whose membership includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

"(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

"(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

"(d) COMPREHENSIVE READINESS INDICATORS FOR ACTIVE COMPONENTS.—Each report shall also include information regarding each of the active components of the armed forces (and an evaluation of such information) with respect to each of the following readiness indicators:

"(1) PERSONNEL STRENGTH.—

"(A) Personnel status, including the extent to which members of the armed forces are serving in positions outside of their military occupational specialty, serving in grades other than the grades for which they are qualified, or both.

"(B) Historical data and projected trends in personnel strength and status.

"(2) PERSONNEL TURBULENCE.—

"(A) Recruit quality.

"(B) Borrowed manpower.

"(C) Personnel stability.

"(3) OTHER PERSONNEL MATTERS.—

"(A) Personnel morale.

"(B) Recruiting status.

"(4) TRAINING.—

"(A) Training unit readiness and proficiency.

"(B) Operations tempo.

"(C) Training funding.

"(D) Training commitments and deployments.

"(5) LOGISTICS—EQUIPMENT FILL.—

"(A) Deployed equipment.

"(B) Equipment availability.

"(C) Equipment that is not mission capable.

"(D) Age of equipment.

"(E) Condition of nonpacing items.

"(6) LOGISTICS—EQUIPMENT MAINTENANCE.—

"(A) Maintenance backlog.

"(7) LOGISTICS—SUPPLY.—

"(A) Availability of ordnance and spares.

"(B) Status of prepositioned equipment.

"(e) UNIT READINESS INDICATORS.—Each report shall also include information regarding the readiness of each active component unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level) that received a readiness rating of C–3 (or below) for any month of the calendar-year quarter covered by the report. With respect to each such unit, the report shall separately provide the following information:

"(1) The unit designation and level of organization.

"(2) The overall readiness rating for the unit for the quarter and each month of the quarter.

"(3) The resource area or areas (personnel, equipment and supplies on hand, equipment condition, or training) that adversely affected the unit's readiness rating for the quarter.

"(4) The reasons why the unit received a readiness rating of C–3 (or below).

"(f) CLASSIFICATION OF REPORTS.—A report under this section shall be submitted in unclassified form. To the extent the Secretary of Defense determines necessary, the report may also be submitted in classified form.".

(2) The item relating to section 482 in the table of sections at the beginning of chapter 23 of such title is amended to read as follows:

"482. Quarterly reports: personnel and unit readiness.".

(b) IMPLEMENTATION PLAN TO EXAMINE READINESS INDICATORS.—Not later than January 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan—

(1) specifying the manner in which the Secretary will implement the additional reporting requirement of subsection (d) of section 482 of title 10, United States Code, as added by this section; and

(2) specifying the criteria proposed to be used to evaluate the readiness indicators identified in such subsection (d).

(c) LIMITATION PENDING RECEIPT OF IMPLEMENTATION PLAN.—Of the amount available for fiscal year 1998 for operation and support activities of the Office of the Secretary of Defense, 10 percent may not be obligated until after the date on which the implementation plan required by subsection (b) is submitted.

(d) TRANSITION TO COMPLETE REPORT.—Until the report under section 482 of title 10, United States Code, as amended by subsection (a), for the third quarter of 1998 is submitted, the Secretary of Defense may omit the information required by subsection (d) of such section if the Secretary determines that it is impracticable to comply with such subsection with regard to the preceding reports.

SEC. 323. SEMIANNUAL REPORTS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) REPORTS REQUIRED.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§483. Reports on transfers from high-priority readiness appropriations

"(a) ANNUAL REPORTS.—Not later than the date on which the President submits the budget *for a fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a report on transfers during the preceding fiscal year from funds available for each covered budget activity.*

"(b) MIDYEAR REPORTS.—Not later than June 1 of each fiscal year, the Secretary of Defense shall submit to the congressional committees specified in subsection (a) a report on transfers, during the first six months of that fiscal year, from funds available for each covered budget activity.

"(c) MATTERS TO BE INCLUDED.—In each report under subsection (a) or (b), the Secretary of Defense shall include for each covered budget activity the following:

"(1) A statement, for the period covered by the report, of—

"(A) the total amount of transfers into funds available for that activity;

"(B) the total amount of transfers from funds available for that activity; and

"(C) the net amount of transfers into, or out of, funds available for that activity.

"(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

"(d) COVERED BUDGET ACTIVITY DEFINED.—In this section, the term 'covered budget activity' means each of the following:

"(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

"(A) All subactivities under the category of Land Forces.

"(B) Land Forces Depot Maintenance.

"(C) Base Support.

"(D) Maintenance of Real Property.

"(2) The Air Operations budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Flight Operations.

"(B) Fleet Air Training.

"(C) Aircraft Depot Maintenance.

"(D) Base Support.

"(E) Maintenance of Real Property.

"(3) The Ship Operations budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Ship Operations.

"(B) Ship Operational Support and Training.

"(C) Ship Depot Maintenance.

"(D) Base Support.

"(E) Maintenance of Real Property.

"(4) The Expeditionary Forces budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Marine Corps, appropriation that are designated as follows:

"(A) Operational Forces.

"(B) Depot Maintenance.

"(C) Base Support.

"(D) Maintenance of Real Property.

"(5) The Air Operations and Combat Related Operations budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated as follows:

"(A) Primary Combat Forces.

"(B) Primary Combat Weapons.

"(C) Air Operations Training.

"(D) Depot Maintenance.

"(E) Base Support.

"(F) Maintenance of Real Property.

"(6) The Mobility Operations budget activity group (known as a 'subactivity') within the Mobilization budget activity of the annual Operation and Maintenance, Air Force, appropriation that is designated as Airlift Operations.

"(e) TERMINATION.—The requirements specified in subsections (a) and (b) shall terminate upon the submission of the annual report under subsection (a) covering fiscal year 2000.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"483. Reports on transfers from high-priority readiness appropriations.".

SEC. 324. ANNUAL REPORT ON AIRCRAFT INVENTORY.

(a) ANNUAL REPORT REQUIRED.—(1) Chapter 23 of title 10, United States Code, is amended by inserting after section 483, as added by section 323, the following new section:

"§484. Annual report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to Congress each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budget to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 483, as added by section 323, the following new item:

"484. Report on aircraft inventory.".

(b) SPECIAL SUBMISSION DATE FOR FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report required under section 484 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

SEC. 325. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action. At the same time, the Secretary shall transmit a copy of the notification to the President, the Committee on Armed Services of the Senate, and the Committee on National Security of the House of Representatives.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as possible after the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) CONSULTATION BETWEEN SECRETARY AND HEAD OF EXECUTIVE AGENCY.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the adverse effects of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) MORATORIUM.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) EFFECT OF LACK OF AGREEMENT.—(1) If the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

"(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) LIMITATION ON DELEGATION OF AUTHORITY.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) DEFINITION.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5, except that the term does not include the General Accounting Office.".

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following new item:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

SEC. 326. COMMON MEASUREMENT OF OPERATIONS TEMPO AND PERSONNEL TEMPO.

(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, to the maximum extent practicable, develop (1) a common means of measuring the operations tempo (OPTEMPO) of each of the Armed Forces, and (2) a common means of measuring the personnel tempo (PERSTEMPO) of each of the Armed Forces. The Chairman shall consult with the other members of the Joint Chiefs of Staff in developing those common means of measurement.

(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo developed by the Chairman shall include a means of identifying the rate of deployment for individual members of the Armed Forces in addition to the rate of deployment for units.

SEC. 327. INCLUSION OF AIR FORCE DEPOT MAINTENANCE AS OPERATION AND MAINTENANCE BUDGET LINE ITEMS.

For fiscal year 1999 and each fiscal year thereafter, Air Force depot-level maintenance of materiel shall be displayed as one or more separate line items under each subactivity within the authorization request for operation and maintenance, Air Force, in the proposed budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 328. PROHIBITION OF IMPLEMENTATION OF TIERED READINESS SYSTEM.

(a) PROHIBITION.—The Secretary of a military department may not implement, or be required to implement, a new readiness system for units of the Armed Forces (as outlined in sections 329 and 330), under which a military unit would be categorized into one of several categories (known as "tiers") according to the likelihood that the unit will be required to respond to a military conflict and the time in which the unit will be required to respond, if that system would have the effect of changing the methods used as of October 1, 1996, by the Armed Forces under the jurisdiction of that Secretary for determining the priorities for allocating to such military units funding, personnel, equipment, equipment maintenance, and training resources, and the associated levels of readiness of those units that result from those priorities.

(b) REPORT TO CONGRESS REQUESTING WAIVER.—If the Secretary of Defense determines, following the review required by sections 329 and 330 (or any similar review), that implementation for one or more of the Armed Forces of a tiered readiness system that is prohibited by subsection (a) would be in the national security interests of the United States, the Secretary shall submit to Congress a report setting forth that determination, together with the rationale for that determination, and a request for the enactment of legislation to allow implementation of such a system.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (a) is intended to preclude the Secretary of Defense from taking necessary actions to maintain the combat preparedness of the active and reserve components of the Armed Forces.

SEC. 329. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REPORT.—Not later than January 31, 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time within which it will be required to respond.

(b) PREPARATION BY JCS AND COMMANDERS OF UNIFIED COMMANDS.—The report required by subsection (a) shall be prepared jointly by the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the commander of the Special Operations Command, and the commanders of the other unified commands.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario that is based on the following assumptions:

(1) That the Armed Forces of the United States must be capable of—

(A) fighting and winning, in concert with allies, two major theater wars nearly simultaneously; and

(B) deterring or defeating a strategic attack on the United States.

(2) That the forces available for deployment are the forces included in the force structure recommended in the Quadrennial Defense Review, including all other planned force enhancements.

(d) ASSESSMENT ELEMENTS.—(1) The report shall identify, by unit type, all major units of the active and reserve components of the Armed Forces and assess the readiness requirements of the units. Each identified unit shall be categorized within one of the following classifications:

(A) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(i) Force units that are deployed in rotation at sea or on land outside the United States.

(ii) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(iii) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(B) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(C) Combat-ready conflict resolution forces, or "Tier III" forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(D) All other active and reserve component force units which are not categorized within a classification described in subparagraph (A), (B), or (C).

(2) For the purposes of paragraph (1), the following units are major units:

(A) In the case of the Army or Marine Corps, a brigade and a battalion.

(B) In the case of the Navy, a squadron of aircraft, a ship, and a squadron of ships.

(C) In the case of the Air Force, a squadron of aircraft.

(e) PROJECTION OF SAVINGS FOR USE FOR MODERNIZATION.—The report shall include a projection for fiscal years 1998 through 2003 of the amounts of the savings in operation and maintenance funding that—

(1) could be derived by each of the Armed Forces by placing as many units as is practicable into the lower readiness categories among the tiers; and

(2) could be made available for force modernization.

(f) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) PLANNED FORCE ENHANCEMENT DEFINED.—In this section, the term "planned force enhancement", with respect to the force structure recommended in the Quadrennial Defense Review, means any future improvement in the capability of the force (including current strategic and future improvement in strategic lift capability) that is assumed in the development of the recommendation for the force structure set forth in the Quadrennial Defense Review.

SEC. 330. ASSESSMENT OF CYCLICAL READINESS POSTURE OF THE ARMED FORCES.

(a) REQUIREMENT.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the readiness posture of the Armed Forces described in subsection (b).

(2) The Secretary shall prepare the report required under paragraph (1) with the assistance of the Joint Chiefs of Staff. In providing such assistance, the Chairman of the Joint Chiefs of Staff shall consult with the Chief of the National Guard Bureau.

(b) READINESS POSTURE.—(1) The readiness posture to be covered by the report under subsection (a) is a readiness posture for units of the Armed Forces, or for designated units of the Armed Forces, that provides for a rotation of such units between a state of high readiness and a state of low readiness.

(2) As part of the evaluation of the readiness posture described in paragraph (1), the report shall address in particular a readiness posture that—

(A) establishes within the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war; and

(B) provides for an alternating rotation of such forces between a state of high readiness and a state of low readiness.

(3) The evaluation of the readiness posture described in paragraph (2) shall be based upon assumptions permitting comparison with the existing force structure as follows:

(A) That there are assembled from among the units of the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war.

(B) That each force referred to in subparagraph (A) includes—

(i) four active Army divisions, including one mechanized division, one armored division, one light infantry division, and one division combining airborne units and air assault units, and appropriate support and service support units for such divisions;

(ii) six divisions (or division equivalents) of the Army National Guard or the Army Reserve that are essentially equivalent in structure, and appropriate support and service support units for such divisions;

(iii) six aircraft carrier battle groups;

(iv) six active Air Force fighter wings (or fighter wing equivalents);

(v) four Air Force reserve fighter wings (or fighter wing equivalents); and

(vi) one active Marine Corps expeditionary force.

(C) That each force may be supplemented by critical units or units in short supply, including heavy bomber units, strategic lift units, and aerial reconnaissance units, that are not subject to the readiness rotation otherwise assumed for purposes of the evaluation or are subject to the rotation on a modified basis.

(D) That units of the Armed Forces not assigned to a force are available for operations other than those essential to fight and win a major theater war, including peace operations.

(E) That the state of readiness of each force alternates between a state of high readiness and a state of low readiness on a frequency determined by the Secretary (but not more often than once every six months) and with only one force at a given state of readiness at any one time.

(F) That, during the period of state of high readiness of a force, any operations or activities (including leave and education and training of personnel) that detract from the near-term wartime readiness of the force are temporary and their effects on such state of readiness minimized.

(G) That units are assigned overseas during the period of state of high readiness of the force to which the units are assigned primarily on a temporary duty basis.

(H) That, during the period of high readiness of a force, the operational war plans for the force incorporate the divisions (or division equivalents) of the Army Reserve or Army National Guard assigned to the force in a manner such that one such division (or division equivalent) is, on a rotating basis for such divisions (or division equivalents) during the period, maintained in a high state of readiness and dedicated as the first reserve combat division to be transferred overseas in the event of a major theater war.

(c) REPORT ELEMENTS.—The report under this section shall include the following elements for the readiness posture described in subsection (b)(2):

(1) An estimate of the range of cost savings achievable over the long term as a result of implementing the readiness posture, including—

(A) the savings achievable from reduced training levels and readiness levels during periods in which a force referred to in subsection (b)(3)(A) is in a state of low readiness; and

(B) the savings achievable from reductions in costs of infrastructure overseas as a result of reduced permanent change of station rotations.

(2) An assessment of the potential risks associated with a lower readiness status for units assigned to a force in a state of low readiness under the readiness posture, including the risks associated with the delayed availability of such units overseas in the event of two nearly simultaneous major theater wars.

(3) An assessment of the potential risks associated with requiring the forces under the readiness posture to fight a major war in any theater worldwide.

(4) An assessment of the modifications of the current force structure of the Armed Forces that are necessary to achieve the range of cost savings estimated under paragraph (1), including the extent of the diminishment, if any, of the military capabilities of the Armed Forces as a result of the modifications.

(5) An assessment whether or not the risks of diminished military capability associated with implementation of the readiness posture exceed the risks of diminished military capability associated with the modifications of the current force structure necessary to achieve cost savings equivalent to the best case for cost savings resulting from the implementation of the readiness posture.

(d) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "state of high readiness", in the case of a military force, means the capability to mobilize first-to-arrive units of the force within 18 hours and last-to-arrive units within 120 days of a particular event.

(2) The term "state of low readiness", in the case of a military force, means the capability to mobilize first-to-arrive units within 90 days and last-to-arrive units within 180 days of a particular event.

SEC. 331. REPORT ON MILITARY EXERCISES CONDUCTED UNDER CERTAIN TRAINING EXERCISES PROGRAMS

(a) REPORT.—Not later than February 16, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the military exercises conducted by the Department of Defense during fiscal years 1995, 1996, and 1997 and the military exercises planned to be conducted during fiscal years 1998, 1999, and 2000, under the following training exercises programs:

(1) The program known as the "CJCS Exercise Program".

(2) The program known as the "Partnership for Peace program".

(3) The Cooperative Threat Reduction programs.

(b) INFORMATION ON EXERCISES CONDUCTED OR TO BE CONDUCTED.—The report under subsection (a) shall include the following information for each exercise included in the report, which shall be set forth by fiscal year and shown within the fiscal year by the sponsoring command:

(1) Name of the exercise.

(2) Type, description, duration, and objectives of the exercise.

(3) Participating units, including the number of personnel participating in each unit.

(4) For each participating unit, the percentage of the tasks on that unit's specification of tasks (known as a mission essential task list) or a comparable specification (in the case of any of the Armed Forces not maintaining a mission essential task list designation) that were performed or are scheduled to be performed as part of the exercise.

(5) The cost of the exercise paid or to be paid out of funds available to the Chairman of the Joint Chiefs of Staff and the cost to each of the Armed Forces participating in the exercise, with a description of the categories of activities for which those costs are incurred in each such case.

(6) In the case of each planned exercise, the priority of the exercise in relation to all other exercises planned by the sponsoring command to be conducted during that fiscal year.

(7) In the case of an exercise conducted or to be conducted in a foreign country or with military personnel of a foreign country, the military forces of the foreign country that participated or will participate in the exercise.

(c) ASSESSMENT.—The report under subsection (a) shall include—

(1) an assessment of the ability of each of the Armed Forces to meet requirements of the training exercises programs specified in subsection (a);

(2) an assessment of the training value of each exercise covered in the report to each unit of the Armed Forces participating in the exercise, including for each such unit an assessment of the value of the percentage under subsection (b)(4) as an indicator of the training value of the exercise for that unit;

(3) options to minimize the negative effects on operational and personnel tempo resulting from the training exercises programs; and

(4) in the case of exercises to be conducted in a foreign country or with military personnel of a foreign country—

(A) an assessment of the training value of each exercise covered in the report to the foreign countries involved and the extent to which the exercise enhances the readiness capabilities of all military forces involved in the exercise (both United States and foreign); and

(B) an assessment of the benefits to be derived through enhanced military-to-military relationships between the United States and foreign countries.

(d) FUNDING LIMITATION PENDING RECEIPT OF REPORT.—Of the funds available for fiscal year 1998 for the conduct of the CJCS Exercise Program, not more than 90 percent may be expended before the date on which the report required under subsection (a) is submitted.

SEC. 332. REPORT ON OVERSEAS DEPLOYMENTS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the deployments overseas of members of the Armed Forces (other than the Coast Guard). The report shall describe the deployments as of June 30, 1996, and as of June 30, 1997.

(b) ELEMENTS.—The report shall include the following, shown as of each date specified in subsection (a) and shown for the Armed Forces in the aggregate and separately for each of the Armed Forces:

(1) The number of military personnel deployed overseas pursuant to a permanent duty assignment, shown in the aggregate and by country or ocean to which deployed.

(2) The number of military personnel deployed overseas pursuant to a temporary duty assignment, including—

(A) the number engaged in training with units of a single military department;

(B) the number engaged in United States military joint exercises; and

(C) the number engaged in training with allied units.

(3) The number of military personnel deployed overseas who were engaged in contingency operations (including peacekeeping or humanitarian assistance missions) or other activities (other than those personnel covered by paragraphs (1) and (2)).

Subtitle C—Environmental Provisions

SEC. 341. REVISION OF MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

Section 2904(b)(4) of title 10, United States Code, is amended by striking out "three" and inserting in lieu thereof "not less than two and not more than four".

SEC. 342. AMENDMENTS TO AUTHORITY TO ENTER INTO AGREEMENTS WITH OTHER AGENCIES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) AUTHORITY TO ENTER INTO AGREEMENTS WITH INDIAN TRIBES.—Section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483; 10 U.S.C. 2702 note) is amended—

(1) in subsection (a), by inserting ", or with an Indian tribe," after "with an agency of a State or local government";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) DEFINITION.—In this section, the term 'Indian tribe' has the meaning given that term by section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).".

(b) ELIMINATION OF CERTAIN LIMITATION ON AUTHORITY.—Subsection (b)(1) of such section is amended by striking out "in carrying out its environmental restoration activities".

(c) ADDITIONAL REPORT INFORMATION.—Subsection (d) of such section is amended by adding at the end the following:

"(5) A statement of the funding that will be required to meet commitments made to State and local governments and Indian tribes under such agreements entered into during the fiscal year preceding the fiscal year in which the report is submitted.

"(6) A description of any cost-sharing arrangement under any such agreements.".

(d) GUIDELINES FOR REIMBURSEMENT AND COST-SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the guidelines established by the Secretary for reimbursement of State and local governments, and for cost-sharing between the Department of Defense, such governments, and vendors, under cooperative agreements entered into under such section 327.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date on which the report required by subsection (d) is submitted to Congress.

SEC. 343. MODIFICATIONS OF AUTHORITY TO STORE AND DISPOSE OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS.

(a) STORAGE OF MATERIALS OWNED BY MEMBERS AND DEPENDENTS.—Subsection (a)(1) of section 2692 of title 10, United States Code, is amended by striking out "by the Department of Defense." and inserting in lieu thereof the following: "either by the Department of Defense or by a member of the armed forces (or a dependent of the member) assigned to or provided military housing on the installation.".

(b) ADDITIONAL AUTHORITY.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

"(1) the storage, treatment, or disposal of materials that will be or have been used in connection with an activity of the Department of Defense or in connection with a service to be performed on an installation of the Department for the benefit of the Department;".

(c) STORAGE AND DISPOSAL OF EXPLOSIVES TO ASSIST LAW ENFORCEMENT AGENCIES.—Subsection (b) of such section is amended in paragraph (3) (as redesignated by subsection (b))—

(1) by striking out "Federal law enforcement" and inserting in lieu thereof "Federal, State, or local law enforcement"; and

(2) by striking out "Federal agency" and inserting in lieu thereof "Federal, State, or local agency".

(d) STORAGE OF MATERIAL IN CONNECTION WITH AUTHORIZED AND COMPATIBLE USE OF A DEFENSE FACILITY.—Subsection (b) of such section is amended in paragraph (9) (as redesignated by subsection (b))—

(1) by striking out "by a private person in connection with the authorized and compatible use by that person of an industrial-type" and inserting in lieu thereof "in connection with the authorized and compatible use of a"; and

(2) by striking out "; and" at the end and inserting in lieu thereof the following: ", including the use of such a facility for testing materiel or training personnel;".

(e) TREATMENT AND DISPOSAL OF MATERIAL IN CONNECTION WITH AUTHORIZED AND COMPATIBLE USE OF A DEFENSE FACILITY.—Subsection (b) of such section is amended in paragraph (10) (as redesignated by subsection (b))—

(1) by striking out "by a private person in connection with the authorized and compatible commercial use by that person of an industrial-type" and inserting in lieu thereof "in connection with the authorized and compatible use of a";

(2) by striking out "with that person" and inserting in lieu thereof "or agreement with the prospective user";

(3) by striking out "for that person's" in subparagraph (B) and inserting in lieu thereof "for the prospective user's"; and

(4) by striking out the period at the end and inserting in lieu thereof "; and".

(f) STORAGE OF MATERIAL IN CONNECTION WITH SPACE LAUNCH FACILITIES.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

"(11) the storage of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated in connection with the use of a space launch facility located on an installation of the Department of Defense or on other land controlled by the United States.".

(g) TECHNICAL AMENDMENTS.—(1) Subsection (a)(1) of such section is further amended by striking out "storage" and inserting in lieu thereof "storage, treatment,".

(2) The heading for such section is amended to read as follows:

"§2692. Storage, treatment, and disposal of nondefense toxic and hazardous materials".

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2692. Storage, treatment, and disposal of nondefense toxic and hazardous materials.".

(h) SAVINGS CLAUSE.—Nothing in the amendments made by this section is intended to modify environmental laws or laws relating to the siting of facilities.

SEC. 344. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES IN RESPONSE TO FINES AND PENALTIES ASSESSED UNDER ENVIRONMENTAL LAWS.

(a) ANNUAL REPORTS.—Section 2706(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(H) A statement of the fines and penalties imposed or assessed against the Department of Defense under Federal, State, or local environmental law during the fiscal year preceding the fiscal year in which the report is submitted, setting forth each Federal environmental statute under which a fine or penalty was imposed or assessed during the fiscal year, and, with respect to each such statute—

"(i) the aggregate amount of fines and penalties imposed or assessed during the fiscal year;

"(ii) the aggregate amount of fines and penalties paid during the fiscal year;

"(iii) the total amount required for environmental projects to be carried out by the Department of Defense in lieu of the payment of fines or penalties; and

"(iv) the number of fines and penalties imposed or assessed during the fiscal year that were—

"(I) $100,000 or less; and

"(II) more than $100,000.".

(b) REPORT IN FISCAL YEAR 1998.—The statement submitted by the Secretary of Defense under subparagraph (H) of section 2706(b)(2) of title 10, United States Code, as added by subsection (a), in 1998 shall, to the maximum extent practicable, include the information required by that subparagraph for each of fiscal years 1994 through 1997.

SEC. 345. ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES OF THE DEPARTMENT OF DEFENSE OVERSEAS.

Section 2706 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) REPORT ON ENVIRONMENTAL ACTIVITIES OVERSEAS.—(1) The Secretary of Defense shall submit to Congress each year, not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the environmental activities of the Department of Defense overseas.

"(2) Each such report shall include a statement of the funding levels during such fiscal year for each of the following categories:

"(A) Compliance by the Department of Defense with requirements under a treaty, law, contract, or other agreement for environmental restoration or compliance activities.

"(B) Performance by the Department of Defense of other environmental restoration and compliance activities overseas.

"(C) Performance by the Department of Defense of any other overseas activities related to the environment, including conferences, meetings, and studies for pilot programs, and travel related to such activities.".

SEC. 346. REVIEW OF EXISTING ENVIRONMENTAL CONSEQUENCES OF THE PRESENCE OF THE ARMED FORCES IN BERMUDA.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on any remaining environmental effects of the presence of the Armed Forces of the United States in Bermuda.

SEC. 347. SENSE OF CONGRESS ON DEPLOYMENT OF UNITED STATES ARMED FORCES ABROAD FOR ENVIRONMENTAL PRESERVATION ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that members of the Army, Navy, Air Force, and Marine Corps should not be deployed outside the United States to provide assistance to another nation in connection with environmental preservation activities in that nation, unless the Secretary of Defense determines that such activities are necessary for national security purposes.

(b) SCOPE OF SECTION.—For purposes of this section, environmental preservation activities do not include any of the following:

(1) Activities undertaken for humanitarian purposes, disaster relief activities, peacekeeping activities, or operational training activities.

(2) Environmental compliance and restoration activities associated with military installations and deployments outside the United States.

SEC. 348. RECOVERY AND SHARING OF COSTS OF ENVIRONMENTAL RESTORATION AT DEPARTMENT OF DEFENSE SITES.

(a) REGULATIONS.—Not later than March 1, 1998, the Secretary of Defense shall prescribe regulations containing the guidelines and requirements described in subsections (b) and (c).

(b) GUIDELINES.—(1) The regulations prescribed under subsection (a) shall contain uniform guidelines for the military departments and defense agencies concerning the cost-recovery and cost-sharing activities of those departments and agencies.

(2) The Secretary shall take appropriate actions to ensure the implementation of the guidelines.

(c) REQUIREMENTS.—The regulations prescribed under subsection (a) shall contain requirements for the Secretaries of the military departments and the heads of defense agencies to—

(1) obtain all data that is relevant for purposes of cost-recovery and cost-sharing activities; and

(2) identify any negligence or other misconduct that may preclude indemnification or reimbursement by the Department of Defense for the costs of environmental restoration at a Department site or justify the recovery or sharing of costs associated with such restoration.

(d) Definition.—In this section, the term "cost-recovery and-cost sharing activities" means activities concerning—

(1) the recovery of the costs of environmental restoration at Department of Defense sites from contractors of the Department and other private parties that contribute to environmental contamination at such sites; and

(2) the sharing of the costs of such restoration with such contractors and parties.

SEC. 349. PARTNERSHIPS FOR INVESTMENT IN INNOVATIVE ENVIRONMENTAL TECHNOLOGIES.

(a) Authority.—Subject to subsection (b), the Secretary of Defense may enter into a partnership with one or more private entities to demonstrate and validate innovative environmental technologies.

(b) Limitations.—The Secretary of Defense may enter into a partnership with respect to an environmental technology under subsection (a) only if—

(1) any private entities participating in the partnership are selected through the use of competitive procedures;

(2) the partnership provides for parties other than the Department of Defense to provide at least 50 percent of the funding required (not including in-kind contributions or preexisting investments); and

(3) the Secretary determines that—

(A) the technology has clear potential to be of significant value to the Department of Defense in its environmental remediation activities at a substantial number of Department of Defense sites; and

(B) the technology would not be developed without the commitment of Department of Defense funds.

(c) Evaluation Guidelines.—Before entering into a partnership with respect to an environmental technology under subsection (a), the Secretary of Defense shall give consideration to the following:

(1) The potential for the technology to be used by the Department of Defense for environmental remediation.

(2) The technical feasibility and maturity of the technology.

(3) The adequacy of financial and management plans to demonstrate and validate the technology.

(4) The costs and benefits to the Department of Defense of developing and using the technology.

(5) The potential for commercialization of the technology.

(6) The proposed arrangements for sharing the costs of the partnership through the use of resources outside the Department of Defense.

(d) Funding.—Under a partnership entered into under subsection (a), the Secretary of Defense may provide funds to the partner or partners from appropriations available to the Department of Defense for environmental activities, for a period of up to five years.

(e) Report.—In the annual report required under section 2706(a) of title 10, United States Code, the Secretary of Defense shall include the following information with respect to partnerships entered into under this section:

(1) The number of such partnerships.

(2) A description of the nature of the technology involved in each such partnership.

(3) A list of all partners in such partnerships.

(f) Coordination.—The Secretary of Defense shall ensure that the Department of Defense coordinates with the Administrator of the Environmental Protection Agency in any verification sponsored by the Department of technologies demonstrated and validated by a partnership entered into under this section.

(g) Procedures.—The Secretary of Defense shall develop appropriate procedures to ensure that all Department of Defense funds committed to a partnership entered into under this section are expended for the purpose authorized in the partnership agreement. The Secretary may not enter into a partnership under this section until 30 days after the date on which a copy of such procedures is provided to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(h) Termination of Authority.—The authority to enter into agreements under subsection (a) shall terminate three years after the date of the enactment of this Act.

SEC. 350. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) Procurement Requirements.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

"§2378. Procurement of copier paper containing specified percentages of post-consumer recycled content

"(a) Procurement Requirement.—(1) Except as provided in subsections (b) and (c), a department or agency of the Department of Defense may not procure copying machine paper after the applicable date specified in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage then in effect under such paragraph.

"(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

"(A) 20 percent as of January 1, 1998.

"(B) 30 percent as of January 1, 1999.

"(C) 50 percent as of January 1, 2004.

"(b) Exceptions.—A department or agency of the Department of Defense is not required to procure copying machine paper containing a percentage of post-consumer recycled content that meets the applicable requirement in subsection (a) if the Secretary concerned determines that one or more of the following circumstances apply with respect to that procurement:

"(1) The cost of procuring copying machine paper satisfying the applicable requirement significantly exceeds the cost of procuring copying machine paper containing a percentage of post-consumer recycled content that does not meet such requirement. The Secretary concerned shall establish the cost differential to be applied under this paragraph.

"(2) Copying machine paper containing a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time.

"(3) Copying machine paper containing a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper.

"(c) Effect of Inability To Meet Goal in 2004.—(1) In the case of the requirement that will take effect on January 1, 2004, pursuant to subsection (a)(2)(C), the requirement shall not take effect with respect to a military department or Defense Agency if the Secretary of Defense determines that the department or agency will be unable to meet such requirement by that date.

"(2) The Secretary shall submit to Congress written notice of any determination made under paragraph (1) and the reasons for the determination. The Secretary shall submit such notice, if at all, not later than January 1, 2003.

"(d) Secretary Concerned Defined.—In this section, the term 'Secretary concerned' means the Secretary of each military department and the Secretary of Defense with respect to the Defense Agencies.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2378. Procurement of copier paper containing specified percentages of post-consumer recycled content.".

SEC. 351. PILOT PROGRAM FOR THE SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) Authority.—(1) The Secretary of Defense may, in consultation with the Administrator of General Services, carry out a pilot program to assess the feasibility and advisability of the sale of economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department.

(2) The Secretary may carry out the pilot program during the period beginning on the date of the enactment of this Act and ending two years after such date.

(b) Incentives Available for Sale.—(1) Under the pilot program, the Secretary may sell economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department only if such incentives are not otherwise required for the activities or operations of the military department.

(2) The Secretary may not, under the pilot program, sell economic incentives attributable to the closure or realignment of a military installation under a base closure law.

(3) If the Secretary determines that additional sales of economic incentives are likely to result in amounts available for allocation under subsection (c)(2) in a fiscal year in excess of the limitation set forth in subparagraph (B) of that subsection, the Secretary shall not carry out such additional sales in that fiscal year.

(c) Use of Proceeds.—(1) The proceeds of sale of economic incentives attributable to a facility of a military department shall be credited to the funds available to the facility for the costs of identifying, quantifying, or valuing economic incentives for the reduction of emission of air pollutants. The amount credited shall be equal to the cost incurred in identifying, quantifying, or valuing the economic incentives sold.

(2)(A)(i) If after crediting under paragraph (1) a balance remains, the amount of such balance shall be available to the Department of Defense for allocation by the Secretary to the military departments for programs, projects, and activities necessary for compliance with Federal environmental laws, including the purchase of economic incentives for the reduction of emission of air pollutants.

(ii) To the extent practicable, amounts allocated to the military departments under this subparagraph shall be made available to the facilities that generated the economic incentives providing the basis for the amounts.

(B) The total amount allocated under this paragraph in a fiscal year from sales of economic incentives may not equal or exceed $500,000.

(3) If after crediting under paragraph (1) a balance remains in excess of an amount equal to the limitation set forth in paragraph (2)(B), the amount of the excess shall be covered over into the Treasury as miscellaneous receipts.

(4) Funds credited under paragraph (1) or allocated under paragraph (2) shall be merged with the funds to which credited or allocated, as the case may be, and shall be available for the same purposes and for the same period as the funds with which merged.

(d) Definitions.—In this section:

(1) The term "base closure law" means the following:

(A) Section 2687 of title 10, United States Code.

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "economic incentives for the reduction of emission of air pollutants" means any transferable economic incentives (including marketable permits and emission rights) necessary or appropriate to meet air quality requirements under the Clean Air Act (42 U.S.C. 7401 et seq.).

Subtitle D—Depot-Level Activities

SEC. 355. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means (except as provided in subsection (b)) material maintenance or repair requiring the overhaul, upgrading, or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes (1) all aspects of software maintenance classified by the Department of Defense as of July 1, 1995, as depot-level maintenance and repair, and (2) interim contractor support or contractor logistics support (or any similar contractor support), to the extent that such support is for the performance of services described in the preceding sentence.

"(b) EXCEPTIONS.—(1) The term does not include the procurement of major modifications or upgrades of weapon systems that are designed to improve program performance or the nuclear refueling of an aircraft carrier. A major upgrade program covered by this exception could continue to be performed by private or public sector activities.

"(2) The term also does not include the procurement of parts for safety modifications. However, the term does include the installation of parts for that purpose.".

(b) CONFORMING AMENDMENT.—Section 2469 of title 10, United States Code, is amended in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair".

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 146 of title 10, United States Code, is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended by striking out the item relating to chapter 146 and inserting in lieu thereof the following new item:

"146. Contracting for Performance of Civilian Commercial or Industrial Type Functions .... 2460".

SEC. 356. CORE LOGISTICS CAPABILITIES OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2464 of title 10, United States Code, is amended to read as follows:

"§2464. Core logistics capabilities

"(a) NECESSITY FOR CORE LOGISTICS CAPABILITIES.—(1) It is essential for the national defense that the Department of Defense maintain a core logistics capability that is Government-owned and Government-operated (including Government personnel and Government-owned and Government-operated equipment and facilities) to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

"(2) The Secretary of Defense shall identify the core logistics capabilities described in paragraph (1) and the workload required to maintain those capabilities.

"(3) The core logistics capabilities identified under paragraphs (1) and (2) shall include those capabilities that are necessary to maintain and repair the weapon systems and other military equipment (including mission-essential weapon systems or materiel not later than four years after achieving initial operational capability, but excluding systems and equipment under special access programs, nuclear aircraft carriers, and commercial items described in paragraph (5)) that are identified by the Secretary, in consultation with the Chairman of the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the strategic and contingency plans prepared by the Chairman of the Joint Chiefs of Staff under section 153(a) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics workloads necessary to maintain the core logistics capabilities identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities sufficient workload to ensure cost efficiency and technical competence in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the strategic and contingency plans referred to in paragraph (3).

"(5) The commercial items covered by paragraph (3) are commercial items that have been sold or leased in substantial quantities to the general public and are purchased without modification in the same form that they are sold in the commercial marketplace, or with minor modifications to meet Federal Government requirements.

"(b) LIMITATION ON CONTRACTING.—(1) Except as provided in paragraph (2), performance of workload needed to maintain a logistics capability identified by the Secretary under subsection (a)(2) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A–76 or any successor administrative regulation or policy (hereinafter in this section referred to as OMB Circular A–76).

"(2) The Secretary of Defense may waive paragraph (1) in the case of any such logistics capability and provide that performance of the workload needed to maintain that capability shall be considered for conversion to contractor performance in accordance with OMB Circular A–76. Any such waiver shall be made under regulations prescribed by the Secretary and shall be based on a determination by the Secretary that Government performance of the workload is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of any such workload is no longer required for national defense reasons.

"(3)(A) A waiver under paragraph (2) may not take effect until the expiration of the first period of 30 days of continuous session of Congress that begins on or after the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.

"(B) For the purposes of subparagraph (A)—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(b) CLERICAL AMENDMENT.—The item relating to such section at the beginning of chapter 146 of such title is amended to read as follows:

"2464. Core logistics capabilities.".

SEC. 357. INCREASE IN PERCENTAGE OF DEPOT-LEVEL MAINTENANCE AND REPAIR THAT MAY BE CONTRACTED FOR PERFORMANCE BY NON-GOVERNMENT PERSONNEL.

Section 2466(a) of title 10, United States Code, is amended by striking out "40 percent" and inserting in lieu thereof "50 percent".

SEC. 358. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors as required by section 2466 of this title.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to Congress the Comptroller General's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 359. REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES IN CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CLOSED OR REALIGNED MILITARY INSTALLATIONS.

(a) APPLICATION TO CERTAIN WORKLOADS.—(1) Chapter 146 of title 10, United States Code, is amended by inserting after section 2469 the following new section:

"§2469a. Use of competitive procedures in contracting for performance of depot-level maintenance and repair workloads formerly performed at certain military installations

"(a) DEFINITIONS.—In this section:

"(1) The term 'closed or realigned military installation' means a military installation where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) The term 'military installation' includes a former military installation that was a military installation when it was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 and that has been closed or realigned under the Act.

"(3) The terms 'realignment' and 'realigned' mean a decision under the Defense Base Closure and Realignment Act of 1990 that results in both a reduction and relocation of functions and civilian personnel positions.

"(b) COVERED DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.—Except as provided in subsection (c), this section applies with respect to any depot-level maintenance and repair workload that—

"(1) was performed as of January 1, 1997, at a military installation that was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 and that has been closed or realigned under the Act; and

"(2) is proposed to be converted from performance by Department of Defense personnel to performance by a private sector source.

"(c) EXCEPTIONS.—This section shall not apply with respect to—

"(1) a depot-level maintenance and repair workload that is to be consolidated to another military installation (other than a closed or realigned military installation) as a result of a base closure or realignment action or a decision made by the Secretary concerned or the Defense Depot Maintenance Council;

"(2) a workload necessary to maintain a core logistics capability identified under section 2464 of this title; or

"(3) any contract originally entered into before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(d) CONDITIONS AND SOLICITATION.—A solicitation of offers for the performance of any depot-level maintenance and repair workload described in subsection (b) may be issued, and a contract may be awarded pursuant to such a solicitation, only if the following conditions are met with respect to the contract and the solicitation specifically states the conditions:

"(1) The source selection process used in the case of the solicitation and contract permits the consideration of offers submitted by private sector sources and offers submitted by public sector sources.

"(2) The source selection process used in the case of the solicitation and contract requires that, in the comparison of offers, there be taken into account—

"(A) the fair market value (or if fair market value cannot be determined, the estimated book value) of any land, plant, or equipment from a military installation that is proposed by a private offeror to be used to meet a specific workload (whether these assets are provided to the offeror by a local redevelopment authority or by any other source approved by an official of the Department of Defense); and

"(B) the total estimated direct and indirect costs that will be incurred by the Department of Defense and the total estimated direct and indirect savings (including overhead) that will be derived by the Department of Defense.

"(3) The cost standards used to determine the depreciation of facilities and equipment shall, to the maximum extent practicable, provide identical treatment to all public and private sector offerors.

"(4) Any offeror, whether public or private, may offer to perform the workload at any location or locations selected by the offeror and to team with any other public or private entity to perform that workload at one or more locations, including a Center of Industrial and Technical Excellence designated under section 2474 of this title.

"(5) No offeror may be given any preferential consideration for, or in any way be limited to, performing the workload in-place or at any other single location.

"(e) CONTRACTS FOR MULTIPLE WORKLOADS.—(1) A solicitation may be issued for a single contract for the performance of multiple depot-level maintenance and repair workloads described in subsection (b) only if—

"(A) the Secretary of Defense determines in writing that the individual workloads cannot as logically and economically be performed without combination by sources that are potentially qualified to submit an offer and to be awarded a contract to perform those individual workloads;

"(B) the Secretary submits to Congress a report setting forth the determination together with the reasons for the determination; and

"(C) the solicitation of offers for the contract is issued more than 60 days after the date on which the Secretary submits the report.

"(2) The Comptroller General shall review each report submitted under paragraph (1)(B) and, not later than 30 days after the report is submitted to Congress, shall submit to Congress the Comptroller General's views regarding the determination of the Secretary that is set forth in the report, together with any other findings that the Comptroller General considers appropriate.

"(f) COMPETITIVE PROCEDURES REQUIRED.—Section 2304(c)(7) of this title shall not be used as the basis for an exception to the requirement to use competitive procedures for any contract for a depot-level maintenance and repair workload described in subsection (b).

"(g) REVIEWS OF COMPETITIVE PROCEDURES.—If a solicitation of offers for a contract for, or award of, any depot-level maintenance and repair workload described in subsection (b) is issued, the Comptroller General shall—

"(1) within 45 days after the issuance of the solicitation, review the solicitation and report to Congress on whether the solicitation—

"(A) provides substantially equal opportunity for public and private offerors to compete for the contract without regard to the location at which the workload is to be performed; and

"(B) is in compliance with the requirements of this section and all applicable provisions of law and regulations; and

"(2) within 45 days after any contract or award resulting from the solicitation is entered into or made, review the contract or award, including the contracting or award process, and report to Congress on whether—

"(A) the procedures used to conduct the competition—

"(i) provided substantially equal opportunity for public and private offerors to compete for the contract without regard to the location at which the workload is to be performed; and

"(ii) were in compliance with the requirements of this section and all applicable provisions of law and regulations;

"(B) appropriate consideration was given to factors other than cost in the selection of the source for performance of the workload; and

"(C) the contract or award resulted in the lowest total cost to the Department of Defense for performance of the workload.

"(h) RESOLUTION OF WORKLOAD AWARD OBJECTIONS.—Any public or private entity may, pursuant to procedures established by the Secretary, object to a solicitation of offers under this section for the performance of any depot-level maintenance and repair workload, or the award or proposed award of any workload pursuant to such a solicitation. The Secretary may designate a qualified individual or entity to review the objection; however, the Secretary shall not designate the Source Selection Authority or any individual from the same military department as the Source Selection Authority to review the objection. The Secretary shall take appropriate action to address any defect in the solicitation or award in the event that the objection is sustained.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2469 the following new item:

"2469a. Use of competitive procedures in contracting for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.".

(b) LIMITATION RELATING TO TIMING OF SOLICITATION.—The first solicitation of offers from private sector sources for the performance of a depot-level maintenance and repair workload described in subsection (b) of section 2469a of title 10, United States Code, as added by subsection (a), may be issued pursuant to such section only after the date that is 30 days after the latest of the following:

(1) The date on which the Secretary of Defense publishes and submits to Congress a plan or Department of Defense directive that sets forth the specific procedures for the conduct of competitions among private and public sector entities for such depot-level maintenance and repair workloads.

(2) The date on which the Secretary of Defense submits to Congress the report on allocation of workloads required under subsection (c).

(3) The date on which the Comptroller General is required to submit the report to Congress under subsection (d).

(c) REPORT OF ALLOCATION OF WORKLOAD.—Before any solicitation of offers for the performance by a private sector source of a depot-level maintenance and repair workload at a closed or realigned installation described in subsection (b) of section 2469a of title 10, United States Code, as added by subsection (a), is to be issued, the Secretary of Defense shall submit to Congress a report describing the allocation proposed by the Secretary of all workloads that were performed at that closed or realigned military installation (as defined in subsection (a) of such section) as of July 1, 1995, including—

(1) the workloads that are considered to be core logistics functions under section 2464 of such title;

(2) the workloads that are proposed to be transferred to a military installation other than a closed or realigned military installation;

(3) the workloads that are proposed to be included in the public-private competitions carried out under section 2469a of such title, and, if any of such workloads are to be combined for purposes of such a competition, the reasons for combining the workloads, together with a description of how the workloads are to be combined;

(4) any workload that has been determined within the Department of Defense as no longer being necessary;

(5) the proposed schedule for implementing the allocations covered by the report; and

(6) the anticipated capacity utilization of the military installations and former military installations to which workloads are to be transferred, based on the maximum potential capacity certified to the 1995 Defense Base Closure and Realignment Commission, after the transfers are completed (not taking into account any workloads that may be transferred as a result of a public-private competition carried out under section 2469a of such title, as described in paragraph (3)).

(d) REVIEW REGARDING AWARD FOR C–5 AIRCRAFT WORKLOAD.—(1) The Comptroller General shall conduct a review of the award for the performance of the C–5 aircraft workload that was made to Warner Robins Air Logistics Center. As part of the review, the Comptroller General shall—

(A) determine whether the procedures used to conduct the competition—

(i) provided substantially equal opportunity for public and private offerors to compete for the award without regard to the location at which the workload is to be performed; and

(ii) are in compliance with the requirements of all applicable provisions of law and the Federal Acquisition Regulation; and

(B) determine whether that award results in the lowest total cost to the Department of Defense for performance of the workload.

(2) Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the review.

SEC. 360. CLARIFICATION OF PROHIBITION ON MANAGEMENT OF DEPOT EMPLOYEES BY CONSTRAINTS ON PERSONNEL LEVELS.

Section 2472(a) of title 10, United States Code, is amended by striking out the first sentence *and inserting in lieu thereof the following: "The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.".*

SEC. 361. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

"(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the Defense Agencies (other than facilities approved for closure or major realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

"(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2500(1) of this title).

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment.

"(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to enter into public-private cooperative arrangements for the performance of depot-level maintenance and repair at such Centers and shall encourage the use of such arrangements to maximize the utilization of the capacity at such Centers. A public-private cooperative arrangement under this subsection shall be known as a 'public-private partnership'.

"(c) CREDITING OF AMOUNTS FOR PERFORMANCE.—Amounts received by a Center for work performed under a public-private partnership shall be credited to the appropriation or fund, including a working-capital fund, that incurs the cost of performing the work.

"(d) ADDITIONAL WORK.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.".

(b) LEASE OF EXCESS DEPOT-LEVEL EQUIPMENT AND FACILITIES.—(1) Section 2471(c) of such title is amended to read as follows:

"(c) CONFORMANCE WITH AUTHORITY UNDER SECTION 2667.—The provisions of subsection (d) of section 2667 of this title shall apply to this section in the same manner as such provisions are applicable under that section.".

(2) Section 2667(d)(2) of such title is amended by inserting "or working capital fund" before "from which".

(c) REPORTING REQUIREMENT.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report on the policies established by the Secretary pursuant to section 2474 of title 10, United States Code, to implement the requirements of such section. The report shall include—

(1) the details of any public-private partnerships entered into as of that date under subsection (b) of such section;

(2) the details of any leases entered into as of that date under section 2471 of such title with authorized entities for dual-use (military and nonmilitary) purposes; and

(3) the effect that the partnerships and leases had on capacity utilization, depot rate structures, and readiness.

SEC. 362. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 363. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR LAWS AND A RELATED REPORTING REQUIREMENT.

Section 311 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247; 10 U.S.C. 2464 note) is amended by striking out subsections (f) and (g).

SEC. 364. PERSONNEL REDUCTIONS, ARMY DEPOTS PARTICIPATING IN ARMY WORKLOAD AND PERFORMANCE SYSTEM.

(a) LIMITATION.—Except as necessary to implement BRAC 1995 decisions at Red River Army Depot, Texas, and Letterkenny Army Depot, Pennsylvania, the Secretary of the Army may not initiate a reduction in force of civilian employees at the five Army depots participating in the demonstration and testing of the Army Workload and Performance System until after the date on which the Secretary submits to Congress a report certifying that the Army Workload and Performance System is fully operational.

(b) BRAC 1995 DECISIONS DEFINED.—The term "BRAC 1995 decisions" means the decisions to close or realign certain military installations resulting from the recommendations approved in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 365. REPORT ON ALLOCATION OF CORE LOGISTICS ACTIVITIES AMONG DEPARTMENT OF DEFENSE FACILITIES AND PRIVATE SECTOR FACILITIES.

(a) REPORT.—Not later than May 31, 1998, the Secretary of Defense shall submit to Congress a report on the allocation among facilities of the Department of Defense and facilities in the private sector of the logistics activities that are necessary to maintain and repair the weapon systems and other military equipment identified by the Secretary, in consultation with the Chairman of the Joint Chiefs of Staff, as being necessary to enable the Armed Forces to conduct a strategic or major theater war.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned, Government-operated facilities, using personnel and equipment of the Department, as a result of the Secretary's determination that—

(A) the work involves unique or valuable workforce skills that should be maintained in the public sector in the national interest;

(B) the base of private sector sources having the capability to perform the workloads includes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment;

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexible response to surge requirements or other contingency situations, including changes in the mix or priority of previously scheduled workloads and reassignment of employees to different workloads without the requirement for additional contractual negotiations;

(G) private sector sources are less willing to assume responsibility for performing the workload as a result of the possibility of direct military or terrorist attack; or

(H) private sector sources cannot maintain continuity of workforce expertise as a result of high rates of employee turnover.

(2) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned facilities, whether Government operated or contractor-operated, as a result of the Secretary's determination that—

(A) the work involves facilities, technologies, or equipment that are unique and sufficiently valuable that the facilities, technologies, or equipment must be maintained in the public sector in the national interest;

(B) the private sector sources having the capability to perform the workloads have insufficient facilities, technology, or equipment to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment; or

(C) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the facilities, technology, or equipment to perform the workloads.

(3) The systems or equipment identified under subsection (a) that may be maintained and repaired in private sector facilities.

(4) The approximate percentage of the total maintenance and repair workload of the Department of Defense necessary for the systems and equipment identified under subsection (a) that would be performed at Department of Defense facilities, and at private sector facilities, as a result of the determinations made for purposes of paragraphs (1), (2), and (3).

SEC. 366. REVIEW OF USE OF TEMPORARY DUTY ASSIGNMENTS FOR SHIP REPAIR AND MAINTENANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) In order to reduce the time that the crew of a naval vessel is away from the homeport of the vessel, the Navy seeks to perform ship repair and maintenance of the vessel at the homeport of the vessel whenever it takes six months or less to accomplish the work involved.

(2) At the same time, the Navy seeks to distribute ship repair and maintenance work among the Navy shipyards (known as to "level load") in order to more fully utilize personnel resources.

(3) During periods when a Navy shipyard is not utilized to its capacity, the Navy sometimes sends workers at the shipyard, on a temporary duty basis, to perform ship repairs and maintenance at a homeport not having a Navy shipyard.

(4) This practice is a more efficient use of civilian employees who might otherwise not be fully employed on work assigned to Navy shipyards.

(b) COMPTROLLER GENERAL REVIEW AND REPORT.—(1) The Comptroller General shall review the Navy's practice of using temporary duty assignments of personnel to perform ship maintenance and repair work at homeports not having Navy shipyards. The review shall include the following:

(A) An assessment of the rationale, conditions, and factors supporting the Navy's practice.

(B) A determination of whether the practice is cost-effective.

(C) The factors affecting future requirements for, and the adherence to, the practice, together with an assessment of the factors.

(2) Not later than May 1, 1998, the Comptroller General shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 367. SENSE OF CONGRESS REGARDING REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 371. REORGANIZATION OF LAWS REGARDING COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES.

(a) DESCRIPTION OF CHAPTER.—(1) The heading of chapter 147 of title 10, United States Code, is amended to read as follows:

"CHAPTER 147—COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended by striking out the item relating to chapter 147 and inserting in lieu thereof the following new item:

"147. Commissaries and Exchanges and Other Morale, Welfare, and Recreation Activities .... 2481".

(b) TRANSFER AND REDESIGNATION OF UNRELATED PROVISIONS.—(1) Section 2481 of title 10, United States Code, is transferred to chapter 159 of such title, inserted after section 2685, and redesignated as section 2686.

(2) Sections 2483 and 2490 of such title are transferred to the end of subchapter III of chapter 169 of such title and redesignated as sections 2867 and 2868, respectively.

(3) Section 2491 of such title is redesignated as section 2500.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out the items relating to sections 2481, 2483, and 2490.

(2) The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2685 the following new item:

"2686. Utilities and services: sale; expansion and extension of systems and facilities.".

(3) The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by adding at the end the following new items:

"2867. Sale of electricity from alternate energy and cogeneration production facilities.
"2868. Utility services: furnishing for certain buildings.".

(4) The table of sections at the beginning of subchapter I of chapter 148 of such title is amended by striking out the item relating to section 2491 and inserting in lieu thereof the following new item:

"2500. Definitions.".

(5) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended by striking out the item relating to chapter 148 and inserting in lieu thereof the following new item:

"148. National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion .... 2500".

(d) CONFORMING AMENDMENTS.—(1) Section 2534(d) of title 10, United States Code, is amended by striking out "section 2491(1)" both places it appears and inserting in lieu thereof "section 2500(1)".

(2) Section 2865(b)(2) of such title is amended by striking out "section 2483(b)(2)" and inserting in lieu thereof "section 2867(b)(2)".

SEC. 372. MERCHANDISE AND PRICING REQUIREMENTS FOR COMMISSARY STORES.

(a) AUTHORIZED COMMISSARY MERCHANDISE CATEGORIES.—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following: "(b) AUTHORIZED COMMISSARY MERCHANDISE CATEGORIES.—Merchandise sold in, at, or by commissary stores may include items only in the following categories:"; and

(2) by striking out paragraph (11) and inserting in lieu thereof the following new paragraph:

"(11) Such other merchandise categories as the Secretary of Defense may prescribe, except that the Secretary shall submit to Congress, not later than March 1 of each year, a report describing—

"(A) any addition of, or change in, a merchandise category proposed to be made under this paragraph during the one-year period beginning on that date; and

"(B) those additions and changes in merchandise categories actually made during the preceding one-year period.".

(b) CODIFICATION OF UNIFORM SALES PRICE SURCHARGE OR ADJUSTMENT.—Subsection (c) of such section is amended—

(1) by inserting "UNIFORM SALES PRICE SURCHARGE OR ADJUSTMENT.—" after "(c)";

(2) by striking out "in commissary stores." and inserting in lieu thereof "in, at, or by commissary stores."; and

(3) by adding at the end the following new sentence: "Effective on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the uniform percentage shall be equal to five percent and may not be changed except by a law enacted after such date.".

(c) ESTABLISHMENT OF SALES PRICE; CONGRESSIONAL NOTIFICATION.—Subsection (d) of such section is amended to read as follows:

"(d) SALES PRICE ESTABLISHMENT.—(1) The Secretary of Defense shall establish the sales price of each item of merchandise sold in, at, or by commissary stores at the level that will recoup the actual product cost of the item (consistent with this section and sections 2484 and 2685 of this title).

"(2) Any change in the pricing policies for merchandise sold in, at, or by commissary stores shall not take effect until the Secretary of Defense submits written notice of the proposed change to Congress and a period of 90 days of continuous session of Congress expires following the date on which notice was received For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment or recess of more than three days to a day certain are excluded in a computation of such 90-day period.".

(d) SPECIAL RULES FOR CERTAIN MERCHANDISE.—Such section is further amended by adding at the end the following new subsection:

"(f) SPECIAL RULES FOR CERTAIN MERCHANDISE.—(1) Notwithstanding the general requirement that merchandise sold in, at, or by commissary stores be commissary store inventory, the Secretary of Defense may authorize the sale of items in the merchandise categories specified in paragraph (2) as noncommissary store inventory. Subsections (c) and (d) shall not apply to the pricing of such merchandise items.

"(2) The merchandise categories referred to in paragraph (1) are as follows:

"(A) Magazines and other periodicals.

"(B) Tobacco products.".

(e) CLERICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(2) in subsection (e)—

(A) by inserting "SPECIAL RULE FOR BRAND-NAME COMMERCIAL ITEMS.—" after "(e)"; and

(B) by striking out "in commissary stores" both places it appears and inserting in lieu thereof "in, at, or by commissary stores".

(f) REPORT ON MERCHANDISE CATEGORIES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report specifying the merchandise categories authorized for sale sold in, at, or by commissary stores pursuant to regulations prescribed under subsection (b)(11) of section 2486 of title 10, United States Code, as in effect before such date.

SEC. 373. LIMITATION ON NONCOMPETITIVE PROCUREMENT OF BRAND-NAME COMMERCIAL ITEMS FOR RESALE IN COMMISSARY STORES.

Section 2486(e) of title 10, United States Code, as amended by section 372(e)(2), is further amended by adding at the end the following new sentence: "In determining whether a brand name commercial item is regularly sold outside of commissary stores, the Secretary shall consider only sales of the item on a regional or national basis by commercial grocery or other retail operations consisting of multiple stores.".

SEC. 374. TREATMENT OF REVENUES DERIVED FROM COMMISSARY STORE ACTIVITIES.

(a) TREATMENT OF REVENUES.—Section 2685 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) OTHER SOURCES OF FUNDS FOR CONSTRUCTION AND IMPROVEMENTS.—Revenues received by the Secretary of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in subsections (b), (c), and (d):

"(1) Sale of recyclable materials.

"(2) Sale of excess and surplus property.

"(3) License fees.

"(4) Royalties.

"(5) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.".

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ADJUSTMENT OR SURCHARGE AUTHORIZED.—" after "(a)";

(2) in subsection (b), by inserting "USE FOR CONSTRUCTION AND IMPROVEMENT OF FACILITIES.—" after "(b)";

(3) in subsection (c), by inserting "ADVANCE OBLIGATION.—" after "(c)"; and

(4) in subsection (d), by inserting "COOPERATION WITH NONAPPROPRIATED FUND INSTRUMENTALITIES.—" after "(d)".

SEC. 375. MAINTENANCE, REPAIR, AND RENOVATION OF ARMED FORCES RECREATION CENTER, EUROPE.

Section 2247(b) of title 10, United States Code, is amended by striking out "real property maintenance, and" and inserting in lieu thereof "the maintenance, repair, or renovation of real property, and the".

SEC. 376. PLAN FOR USE OF PUBLIC AND PRIVATE PARTNERSHIPS TO BENEFIT MORALE, WELFARE, AND RECREATION ACTIVITIES.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan containing a proposal regarding the advisability and feasibility of permitting nonappropriated fund instrumentalities of the Department of Defense to enter into leases, licensing agreements, concession agreements, and other contracts with private persons and State or local governments to facilitate the provision of facilities, goods, or services to authorized patrons of nonappropriated fund instrumentalities and to generate revenues for the Department of Defense to be used solely for the benefit of nonappropriated fund instrumentalities.

(b) RECOMMENDATIONS FOR SCOPE OF PLAN.—In developing the proposal under subsection (a), the Secretary shall include recommendations regarding the following:

(1) The proposed criteria to be used to select goods or services suitable for provision to patrons of nonappropriated fund instrumentalities through a lease or other contractual arrangement.

(2) The proposed mechanism to be used to assess the likely impact of such a lease or other contractual arrangement on private businesses in the locality that provide the same goods or services proposed to be provided under such a lease or other contractual arrangement.

(3) The feasibility and desirability of authorizing persons who are not authorized patrons of nonappropriated fund instrumentalities to receive goods and services provided through such a lease or other contractual arrangement.

(4) The proposed mechanism to be used to ensure that such a lease or contract will not be inconsistent with and will not adversely affect the mission of the Department of Defense or the nonappropriated fund instrumentality involved.

(c) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretary shall submit to Congress the plan required under subsection (a).

Subtitle F—Other Matters

SEC. 381. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1998.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available for providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies; and

(2) $5,000,000 shall be available for making educational agencies payments (as defined in subsection (d)(2)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 1998, the Secretary of Defense shall—

(1) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1998 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(2) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1998 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under paragraphs (1) and (2) of subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "educational agencies payments" means payments authorized under section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(3) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) TECHNICAL CORRECTION RELATING TO ORIGINAL ASSISTANCE AUTHORITY.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended—

(1) by striking out "section 8003(a)" and inserting in lieu thereof "section 8003(a)(1)"; and

(2) by striking out "(20 U.S.C. 7703(a))" and inserting in lieu thereof "(20 U.S.C. 7703(a)(1))".

SEC. 382. CENTER FOR EXCELLENCE IN DISASTER MANAGEMENT AND HUMANITARIAN ASSISTANCE.

(a) ESTABLISHMENT AND OPERATION OF CENTER.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 182. Center for Excellence in Disaster Management and Humanitarian Assistance

"(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Disaster Management and Humanitarian Assistance (in this section referred to as the 'Center').

"(b) MISSIONS.—(1) The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations that require coordination between the Department of Defense and other agencies.

"(2) The Center shall be used to make available high-quality disaster management and humanitarian assistance in response to disasters.

"(3) The Center shall be used to provide and facilitate education, training, interagency coordination, and research on the following additional matters:

"(A) Management of the consequences of nuclear, biological, and chemical events.

"(B) Management of the consequences of terrorism.

"(C) Appropriate roles for the reserve components in the management of such consequences and in disaster management and humanitarian assistance in response to natural disasters.

"(D) Meeting requirements for information in connection with regional and global disasters, including the use of advanced communications technology as a virtual library.

"(E) Tropical medicine, particularly in relation to the medical readiness requirements of the Department of Defense.

"(4) The Center shall develop a repository of disaster risk indicators for the Asia-Pacific region.

"(5) The Center shall perform such other missions as the Secretary of Defense may specify.

"(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary of Defense may enter into an agreement with appropriate officials of an institution of higher education to provide for joint operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

"(d) ACCEPTANCE OF DONATIONS.—(1) Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Such donations may be accepted from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

"(2) The Secretary may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

"(A) the ability of the Department of Defense, any employee of the Department, or members of the armed forces, to carry out any responsibility or duty of the Department in a fair and objective manner; or

"(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

"(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a result described in paragraph (2).

"(4) Funds accepted by the Secretary under paragraph (1) as a donation on behalf of the Center shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"182. Center for Excellence in Disaster Management and Humanitarian Assistance.".

(b) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for the operation of the Center for Excellence in Disaster Management and Humanitarian Assistance established under section 182 of title 10, United States Code, as added by subsection (a).

SEC. 383. APPLICABILITY OF FEDERAL PRINTING REQUIREMENTS TO DEFENSE AUTOMATED PRINTING SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 195. Defense Automated Printing Service: applicability of Federal printing requirements

"The Defense Automated Printing Service shall comply fully with the requirements of section 501 of title 44 relating to the production and procurement of printing, binding, and blankbook work.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"195. Defense Automated Printing Service: applicability of Federal printing requirements.".

SEC. 384. STUDY AND NOTIFICATION REQUIREMENTS FOR CONVERSION OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

(a) ADDITIONAL NOTIFICATION REQUIREMENT.—Subsection (a)(1) of section 2461 of title 10, United States Code, is amended by inserting before the semicolon the following: "and the anticipated length and cost of the study".

(b) NOTIFICATION OF CONVERSION DECISION.—Subsection (b) of such section amended by adding at the end the following new sentence: "The notification shall include the timetable for completing conversion of the function to contractor performance.".

(c) WAIVER FOR SMALL FUNCTIONS.—Subsection (d) of such section is amended by striking out "45 or fewer" and inserting in lieu thereof "20 or fewer".

SEC. 385. COLLECTION AND RETENTION OF COST INFORMATION DATA ON CONVERTED SERVICES AND FUNCTIONS.

(a) COLLECTION AND RETENTION REQUIRED.—Section 2463 of title 10, United States Code, is amended to read as follows:

"§ 2463. Collection and retention of cost information data on converted services and functions

"(a) REQUIREMENTS IN CONNECTION WITH CONVERSION TO CONTRACTOR PERFORMANCE.—With respect to each contract converting the performance of a service or function of the Department of Defense to contractor performance (and any extension of such a contract), the Secretary of Defense shall collect, during the term of the contract or extension, but not to exceed five years, cost information data regarding performance of the service or function by private contractor employees.

"(b) REQUIREMENTS IN CONNECTION WITH RETURN TO EMPLOYEE PERFORMANCE.—Whenever the performance of a commercial or industrial type activity of the Department of Defense that is being performed by 50 or more employees of a private contractor is changed to performance by civilian employees of the Department of Defense, the Secretary of Defense shall collect, for a five-year period, cost information data comparing—

"(1) the estimated costs of continued performance of such activity by private contractor employees; and

"(2) the costs of performance of such activity by civilian employees of the Department of Defense.

"(c) RETENTION OF INFORMATION.—With regard to the conversion to or from contractor performance of a particular service or function of the Department of Defense, the Secretary of Defense shall provide for the retention of information collected under this section for at least a 10-year period beginning at the end of the final year in which the information is collected.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

"2463. Collection and retention of cost information data on converted services and functions.".

SEC. 386. FINANCIAL ASSISTANCE TO SUPPORT ADDITIONAL DUTIES ASSIGNED TO ARMY NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

"(a) AUTHORITY.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

"(b) COVERED ACTIVITIES.—Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary of the Army under paragraphs (6), (10), and (11) of section 3013(b) of title 10.

"(c) DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.—The Secretary of the Army shall disburse any contribution under this section through the Chief of the National Guard Bureau.

"(d) AVAILABILITY OF FUNDS.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"113. Federal financial assistance for support of additional duties assigned to the Army National Guard.".

SEC. 387. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) EXTENSION OF REQUIREMENT TO USE PRIVATE-SECTOR SOURCES.—Subsection (a) of section 351 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266) is amended—

(1) by striking out "and 1997" and inserting in lieu thereof "through 1998"; and

(2) by striking out "Defense Printing Service" and inserting in lieu thereof "Defense Automated Printing Service".

(b) SURCHARGE FOR SERVICES.—Such section is further amended by adding at the end the following new subsection:

"(d) CONDITIONS ON IMPOSITION OF SURCHARGE.—(1) Any surcharge imposed by the Defense Automated Printing Service on printing and duplication services for the Department of Defense shall be based on direct services provided by the Defense Automated Printing Service and reflect the costs incurred by the Defense Automated Printing Service, as described in its annual budget.

"(2) The Defense Automated Printing Service may not impose a surcharge on any printing and duplication service for the Department of Defense that is procured from a source outside of the Department.".

(c) AUTHORITY TO PROCURE SERVICES FROM GOVERNMENT PRINTING OFFICE.—Consistent with section 501 of title 44, United States Code, the Secretary of a military department or head of a Defense Agency may contract directly with the Government Printing Office for printing and duplication services otherwise available through the Defense Automated Printing Service.

SEC. 388. CONTINUATION AND EXPANSION OF DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) SCOPE OF PROGRAM.—Section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 268; 10 U.S.C. 2461 note) is amended—

(1) in subsection (a), by striking out the second sentence; and

(2) in subsection (b)(1), by striking out "of the Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995" and inserting in lieu thereof "relating to fiscal years after fiscal year 1993 of the working-capital funds and industrial, commercial, and support type activities managed through the Defense Business Operations Fund, except the Defense Logistics Agency to the extent such records have already been audited".

(b) COLLECTION METHOD; CONTRACTOR PAYMENTS.—Such section is further amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsections:

"(d) COLLECTION METHOD.—(1) In the case of an overpayment to a vendor identified under the demonstration program, the Secretary shall consider the use of the procedures specified in section 32.611 of the Federal Acquisition Regulation, regarding a setoff against existing invoices for payment to the vendor, as the first method by which the Department seeks to recover the amount of the overpayment (and any applicable interest and penalties) from the vendor.

"(2) The Secretary of Defense shall be solely responsible for notifying a vendor of an overpayment made to the vendor and identified under the demonstration program and for recovering the amount of the overpayment (and any applicable interest and penalties) from the vendor.

"(e) FEES FOR CONTRACTOR.—The Secretary shall pay to the contractor under the contract entered into under the demonstration program an amount not to exceed 25 percent of the total amount recovered by the Department (through the collection of overpayments and the use of setoffs) solely on the basis of information obtained as a result of the audits performed by the contractor under the program. When an overpayment is recovered through the use of a setoff, amounts for the required payment to the contractor shall be derived from funds available to the working-capital fund or industrial, commercial, or support type activity for which the overpayment is recovered.".

(c) GAO REVIEW.—Not later than December 31, 1998, the Comptroller General shall submit to Congress a report containing the results of a review by the Comptroller General of the demonstration program conducted under section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2461 note). In the review, the Comptroller General shall—

(1) assess the success of the methods used in the demonstration program to identify overpayments made to vendors;

(2) consider the types of overpayments identified and the feasibility of avoiding such overpayments through contract adjustments;

(3) determine the total amount of overpayments recovered under the demonstration program; and

(4) develop recommendations for improving the process by which overpayments are recovered by the Department of Defense.

SEC. 389. DEVELOPMENT OF STANDARD FORMS REGARDING PERFORMANCE WORK STATEMENT AND REQUEST FOR PROPOSAL FOR CONVERSION OF CERTAIN OPERATIONAL FUNCTIONS OF MILITARY INSTALLATIONS.

(a) Standardization of Requirements.—The Secretary of Defense is authorized and encouraged to develop standard forms (to be known as a "standard performance work statement" and a "standard request for proposal") for use in the consideration for conversion to contractor performance of commercial services and functions at military installations. A separate standard form shall be developed for each service and function.

(b) Relationship to OMB Requirements.—A standard performance work statement or a standard request for proposal developed under subsection (a) must fulfill the basic requirements of the performance work statement or request for proposal otherwise required under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) in effect at the time the standard form will be used.

(c) Priority Development of Certain Forms.—In developing standard performance work statements and standard requests for proposal, the Secretary shall give first priority to those commercial services and functions that the Secretary determines have been successfully converted to contractor performance on a repeated basis.

(d) Incentive for Use.—Beginning not later than October 1, 1998, if a standard performance work statement or a standard request for proposal is developed under subsection (a) for a particular service and function, the standard form may be used in lieu of the performance work statement or request for proposal otherwise required under the procedures and requirements of Office of Management and Budget Circular A-76 in connection with the consideration for conversion to contractor performance of that service or function at a military installation.

(e) Exclusion of Multi-Function Conversion.—If a commercial service or function for which a standard form is developed under subsection (a) is combined with another service or function (for which such a form has not yet been developed) for purposes of considering the services and functions at the military installation for conversion to contractor performance, a standard performance work statement or a standard request for proposal developed under subsection (a) may not be used in the conversion process in lieu of the procedures and requirements of Office of Management and Budget Circular A-76.

(f) Effect on Other Laws.—Nothing in this section shall be construed to supersede any other requirements or limitations, specifically contained in chapter 146 of title 10, United States Code, on the conversion to contractor performance of activities performed by civilian employees of the Department of Defense.

(g) GAO Report.—Not later than June 1, 1999, the Secretary of Defense shall submit to Congress a report reviewing the implementation of this section.

(h) Military Installation Defined.—For purposes of this section, the term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.

SEC. 390. BASE OPERATIONS SUPPORT FOR MILITARY INSTALLATIONS ON GUAM.

(a) Contractor Use of Nonimmigrant Aliens.—Each contract for base operations support to be performed on Guam shall contain a condition that work under the contract may not be performed by any alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(b) Application of Section.—This section shall apply to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

SEC. 391. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) Pilot Program Required.—The Secretary of Defense may carry out a pilot program to use commercial sources of services to improve the collection of Department of Defense claims under aircraft engine warranties.

(b) Contracts.—Exercising the authority provided in section 3718 of title 31, United States Code, the Secretary of Defense may enter into contracts under the pilot program to provide for the following services:

(1) Collection services.

(2) Determination of amounts owed the Department of Defense for repair of aircraft engines for conditions covered by warranties.

(3) Identification and location of the sources of information that are relevant to collection of Department of Defense claims under aircraft engine warranties, including electronic data bases and document filing systems maintained by the Department of Defense or by the manufacturers and suppliers of the aircraft engines.

(4) Services to define the elements necessary for an effective training program to enhance and improve the performance of Department of Defense personnel in collecting and organizing documents and other information that are necessary for efficient filing, processing, and collection of Department of Defense claims under aircraft engine warranties.

(c) Contractor Fee.—Under the authority provided in section 3718(d) of title 31, United States Code, a contract entered into under the pilot program shall provide for the contractor to be paid, out of the amount recovered by the contractor under the program, such percentages of the amount recovered as the Secretary of Defense determines appropriate.

(d) Retention of Recovered Funds.—Subject to any obligation to pay a fee under subsection (c), any amount collected for the Department of Defense under the pilot program for a repair of an aircraft engine for a condition covered by a warranty shall be credited to an appropriation available for repair of aircraft engines for the fiscal year in which collected and shall be available for the same purposes and same period as the appropriation to which credited.

(e) Regulations.—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) Termination of Authority.—The pilot program shall terminate on September 30, 1999, and contracts entered into under this section shall terminate not later than that date.

(g) Reporting Requirements.—(1) Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report on the pilot program. The report shall include the following:

(A) The number of contracts entered into under the program.

(B) The extent to which the services provided under the contracts resulted in financial benefits for the Federal Government.

(C) Any additional comments and recommendations that the Secretary considers appropriate regarding use of commercial sources of services for collection of Department of Defense claims under aircraft engine warranties.

(2) Not later than March 1, 2000, the Comptroller General shall submit to Congress a report containing the results of a review by the Comptroller General of the pilot program. In the review, the Comptroller General shall—

(A) assess the success of the methods used in the demonstration program to identify and recover Department of Defense claims under aircraft engine warranties;

(B) determine the total amount recovered by the Department of Defense under the pilot program;

(C) evaluate the report prepared by the Secretary under paragraph (1); and

(D) develop recommendations for improving the process by which warranty claims are recovered by the Department of Defense.

SEC. 392. PROGRAM TO INVESTIGATE FRAUD, WASTE, AND ABUSE WITHIN DEPARTMENT OF DEFENSE.

The Secretary of Defense shall maintain a specific coordinated program for the investigation of evidence of fraud, waste, and abuse within the Department of Defense, particularly fraud, waste, and abuse regarding finance and accounting matters.

SEC. 393. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) Program Required.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(b) Period of Program.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) Report.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit to Congress a report on the results of the program.

(d) Funding.—Of the amount authorized to be appropriated pursuant to section 301(2) for operation and maintenance for the Navy, $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

SEC. 394. REDUCTION IN OVERHEAD COSTS OF INVENTORY CONTROL POINTS.

(a) Report and Plan Required.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan to reduce overhead costs of the supply management activities of the Defense Logistics Agency and the military departments (known as Inventory Control Points) so that the overhead costs for each fiscal year after fiscal year 2000 do not exceed eight percent of net sales at standard price by Inventory Control Points during that year.

(b) Additional Report Requirement.—In addition to the plan, the report shall include the following:

(1) An identification of inherently governmental, core and noncore functions in Inventory Control Points and Distribution Depots.

(2) A description of efforts, other than prime vendor and virtual prime vendor, underway or proposed to improve the efficiency, incentives, and accountability in Department of Defense supply, inventory and warehousing services and rates.

(3) An identification and description of the benchmarks established in the warehousing, distribution, and supply functions of the Department and the relationship of the benchmarks to performance measurement methods used in the private sector.

(4) A description of the outcome-oriented performance measures that are currently being used to evaluate Inventory Control Points and Distribution Depots.

(5) A specification of any legislative, regulatory, or operational impediments to achieving

the requirement in subsection (a) and implementing best business practices in the warehousing, distribution, and supply functions of the Department.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "overhead costs" means the total expenses of the Inventory Control Points, excluding—

(A) annual materiel costs; and

(B) military and civilian personnel related costs, defined as personnel compensation and benefits under the March 1996 Department of Defense Financial Management Regulations, Volume 2A, Chapter 1, Budget Account Title File (Object Classification Name/Code), object classifications 200, 211, 220, 221, 222, and 301.

(2) The term "net sales at standard price" has the meaning given that term in the March 1996 Department of Defense Financial Management Regulations, Volume 2B, Chapter 9, and displayed in "Exhibit Fund—14 Revenue and Expenses" for the supply management business areas.

SEC. 395. INVENTORY MANAGEMENT.

(a) DEVELOPMENT AND SUBMISSION OF SCHEDULE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall develop and submit to Congress a schedule for implementing within the agency, for the supplies and equipment described in subsection (b), inventory practices identified by the Director as being the best commercial inventory practices for the acquisition and distribution of such supplies and equipment consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than three years after date of the enactment of this Act.

(b) COVERED SUPPLIES AND EQUIPMENT.—Subsection (a) shall apply to the following types of supplies and equipment for the Department of Defense:

(1) Medical and pharmaceutical.

(2) Subsistence.

(3) Clothing and textiles.

(4) Commercially available electronics.

(5) Construction.

(6) Industrial.

(7) Automotive.

(8) Fuel.

(9) Facilities maintenance.

(c) DEFINITION.—For purposes of this section, the term "best commercial inventory practice" includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

(d) REPORT ON EXPANSION OF COVERED SUPPLIES AND EQUIPMENT.—Not later than March 1, 1998, the Comptroller General shall submit to Congress a report evaluating the feasibility of expanding the list of covered supplies and equipment under subsection (b) to include repairable items.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Permanent end strength levels to support two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 495,000.

(2) The Navy, 390,802.

(3) The Marine Corps, 174,000.

(4) The Air Force, 371,577.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) CHANGE IN PERMANENT END STRENGTHS.—Subsection (b) of section 691 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "395,000" and inserting in lieu thereof "390,802"; and

(2) in paragraph (4), by striking out "381,000" and inserting in lieu thereof "371,577".

(b) INCREASED FLEXIBILITY FOR THE ARMY.—Subsection (e) of such section is amended by inserting "or, in the case of the Army, by not more than 1.5 percent" before the period at the end.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 361,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 108,002.

(6) The Air Force Reserve, 73,447.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,671.

(6) The Air Force Reserve, 867.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) AUTHORIZATION FOR FISCAL YEAR 1998.—The minimum number of military technicians (dual status) as of the last day of fiscal year 1998 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,503.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,802.

(4) For the Air National Guard of the United States, 22,853.

(b) REQUESTS FOR FUTURE FISCAL YEARS.—Section 115(g) of title 10, United States Code, is amended by adding at the end the following new sentence: "In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,470,505,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Limitation on number of general and flag officers who may serve in positions outside their own service.
Sec. 502. Exclusion of certain retired officers from limitation on period of recall to active duty.
Sec. 503. Clarification of officers eligible for consideration by promotion boards.
Sec. 504. Authority to defer mandatory retirement for age of officers serving as chaplains.
Sec. 505. Increase in number of officers allowed to be frocked to grades of colonel and Navy captain.
Sec. 506. Increased years of commissioned service for mandatory retirement of regular generals and admirals in grades above major general and rear admiral.
Sec. 507. Uniform policy for requirement of exemplary conduct by commanding officers and others in authority.
Sec. 508. Report on the command selection process for District Engineers of the Army Corps of Engineers.

Subtitle B—Reserve Component Matters

Sec. 511. Individual Ready Reserve activation authority.
Sec. 512. Termination of Mobilization Income Insurance Program.
Sec. 513. Correction of inequities in medical and dental care and death and disability benefits for reserve members who incur or aggravate an illness in the line of duty.
Sec. 514. Authority to permit non-unit assigned officers to be considered by vacancy promotion board to general officer grades.
Sec. 515. Prohibition on use of Air Force Reserve AGR personnel for Air Force base security functions.
Sec. 516. Involuntary separation of reserve officers in an inactive status.
Sec. 517. Federal status of service by National Guard members as honor guards at funerals of veterans.

Subtitle C—Military Technicians

Sec. 521. Authority to retain on the reserve active-status list until age 60 military technicians in the grade of brigadier general.
Sec. 522. Military technicians (dual status).
Sec. 523. Non-dual status military technicians.
Sec. 524. Report on feasibility and desirability of conversion of AGR personnel to military technicians (dual status).

Subtitle D—Measures To Improve Recruit Quality and Reduce Recruit Attrition

Sec. 531. Reform of military recruiting systems.
Sec. 532. Improvements in medical prescreening of applicants for military service.
Sec. 533. Improvements in physical fitness of recruits.

Subtitle E—Military Education and Training

Part I—Officer Education Programs

Sec. 541. Requirement for candidates for admission to United States Naval Academy to take oath of allegiance.
Sec. 542. Service academy foreign exchange program.
Sec. 543. Reimbursement of expenses incurred for instruction at service academies of persons from foreign countries.
Sec. 544. Continuation of support to senior military colleges.
Sec. 545. Report on making United States nationals eligible for participation in Senior Reserve Officers' Training Corps.
Sec. 546. Coordination of establishment and maintenance of Junior Reserve Officers' Training Corps units to maximize enrollment and enhance efficiency.

Part II—Other Education Matters

Sec. 551. United States Naval Postgraduate School.
Sec. 552. Community College of the Air Force.
Sec. 553. Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation.

Part III—Training of Army Drill Sergeants

Sec. 556. Reform of Army drill sergeant selection and training process.
Sec. 557. Training in human relations matters for Army drill sergeant trainees.

Subtitle F—Commission on Military Training and Gender-Related Issues

Sec. 561. Establishment and composition of Commission.
Sec. 562. Duties.
Sec. 563. Administrative matters.
Sec. 564. Termination of Commission.
Sec. 565. Funding.
Sec. 566. Subsequent consideration by Congress.

Subtitle G—Military Decorations and Awards

Sec. 571. Purple Heart to be awarded only to members of the Armed Forces.
Sec. 572. Eligibility for Armed Forces Expeditionary Medal for participation in Operation Joint Endeavor or Operation Joint Guard.
Sec. 573. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 574. Clarification of eligibility of members of Ready Reserve for award of service medal for heroism.
Sec. 575. One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel.
Sec. 576. Eligibility of certain World War II military organizations for award of unit decorations.
Sec. 577. Retroactivity of Medal of Honor special pension.

Subtitle H—Military Justice Matters

Sec. 581. Establishment of sentence of confinement for life without eligibility for parole.
Sec. 582. Limitation on appeal of denial of parole for offenders serving life sentence.

Subtitle I—Other Matters

Sec. 591. Sexual harassment investigations and reports.
Sec. 592. Sense of the Senate regarding study of matters relating to gender equity in the Armed Forces.
Sec. 593. Authority for personnel to participate in management of certain non-Federal entities.
Sec. 594. Treatment of participation of members in Department of Defense civil military programs.
Sec. 595. Comptroller General study of Department of Defense civil military programs.
Sec. 596. Establishment of public affairs specialty in the Army.
Sec. 597. Grade of defense attaché in France.
Sec. 598. Report on crew requirements of WC–130J aircraft.
Sec. 599. Improvement of missing persons authorities applicable to Department of Defense.

Subtitle A—Officer Personnel Policy

SEC. 501. LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.

(a) In General.—Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 721. General and flag officers: limitation on appointments, assignments, details, and duties outside an officer's own service

"(a) Limitation.—An officer described in subsection (b) may not be appointed, assigned, or detailed for a period in excess of 180 days to a position external to that officer's armed force if, immediately following such appointment, assignment, or detail, the number of officers described in subsection (b) serving in positions external to such officers' armed force would be in excess of 26.5 percent of the total number of the officers described in subsection (b).

"(b) Covered Officers.—The officers covered by subsection (a), and to be counted for the purposes of the limitation in that subsection, are the following:

"(1) Any general or flag officer counted for purposes of section 526(a) of this title.

"(2) Any general or flag officer serving in a joint duty assignment position designated by the Chairman of the Joint Chiefs of Staff under section 526(b) of this title.

"(3) Any colonel or Navy captain counted for purposes of section 777(d)(1) of this title.

"(c) External Positions.—For purposes of this section, the following positions shall be considered to be external to an officer's armed force:

"(1) Any position (including a position in joint education) that is a joint duty assignment for purposes of chapter 38 of this title.

"(2) Any position in the Office of the Secretary of Defense, a Defense Agency, or a Department of Defense Field Activity.

"(3) Any position in the Joint Chiefs of Staff, the Joint Staff, or the headquarters of a combatant command (as defined in chapter 6 of this title).

"(4) Any position in the National Guard Bureau.

"(5) Any position outside the Department of Defense, including any position in the headquarters of the North Atlantic Treaty Organization or any other international military command, any combined or multinational command, or military mission.

"(d) Treatment of Officers Holding Multiple Positions.—(1) If an officer described in subsection (b) simultaneously holds both a position external to that officer's armed force and another position not external to that officer's armed force, the Secretary of Defense shall determine whether that officer shall be counted for the purposes of this section.

"(2) The Secretary of Defense shall submit to Congress an annual report on the number of officers to whom paragraph (1) was applicable during the year covered by the report. The report shall set forth the determination made by the Secretary under that paragraph in each such case.

"(e) Assignments, Etc., for Periods in Excess of 180 Days.—For purposes of this section, the appointment, assignment, or detail of an officer to a position shall be considered to be for a period in excess of 180 days unless the appointment, assignment, or detail specifies that it is made for a period of 180 days or less.

"(f) Waiver During Period of War or National Emergency.—The President may suspend the operation of this section during any period of war or of national emergency declared by Congress or the President.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"721. General and flag officers: limitation on appointments, assignments, details, and duties outside an officer's own service.".

SEC. 502. EXCLUSION OF CERTAIN RETIRED OFFICERS FROM LIMITATION ON PERIOD OF RECALL TO ACTIVE DUTY.

Section 688(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "A member"; and

(2) by adding at the end the following:

"(2) Paragraph (1) does not apply to the following officers:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of active duty to which ordered.

"(C) An officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

SEC. 503. CLARIFICATION OF OFFICERS ELIGIBLE FOR CONSIDERATION BY PROMOTION BOARDS.

(a) Officers on the Active-Duty List.—Section 619(d) of title 10, United States Code, is amended—

(1) by striking out "grade—" in the matter preceding paragraph (1) and inserting in lieu thereof "grade any of the following officers:";

(2) in paragraph (1)—

(A) by striking out "an officer" and inserting in lieu thereof "An officer"; and

(B) by striking out "; or" at the end and inserting in lieu thereof a period;

(3) by redesignating paragraph (2) as paragraph (3) and in that paragraph striking out "an officer" and inserting in lieu thereof "An officer"; and

(4) by inserting after paragraph (1) the following new paragraph (2):

"(2) An officer who is recommended for promotion to that grade in the report of an earlier selection board convened under that section, in the case of such a report that has not yet been approved by the President.".

(b) Officers on the Reserve Active-Status List.—Section 14301(c) of such title is amended—

(1) by striking out "grade—" in the matter preceding paragraph (1) and inserting in lieu thereof "grade any of the following officers:";

(2) by striking out "an officer" in each of paragraphs (1), (2), and (3) and inserting in lieu thereof "An officer";

(3) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(4) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period;

(5) by redesignating paragraphs (2) and (3), as so amended, as paragraphs (3) and (4), respectively, and in each such paragraph striking out "the next higher grade" and inserting in lieu thereof "that grade"; and

(6) by inserting after paragraph (1) the following new paragraph (2):

"(2) An officer who is recommended for promotion to that grade in the report of an earlier selection board convened under a provision referred to in paragraph (1), in the case of such a report that has not yet been approved by the President.".

(c) CLARIFYING AMENDMENTS.—Paragraphs (3) and (4) of section 14301(c) of such title, as redesignated and amended by subsection (b), are each amended by inserting before the period at the end the following: ", if that nomination is pending before the Senate".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to selection boards that are convened under section 611(a), 14101(a), or 14502 of title 10, United States Code, on or after that date.

SEC. 504. AUTHORITY TO DEFER MANDATORY RETIREMENT FOR AGE OF OFFICERS SERVING AS CHAPLAINS.

(a) AUTHORITY FOR DEFERRAL OF RETIREMENT FOR CHAPLAINS.—Subsection (c) of section 1251 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary concerned may defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.".

(b) AUTHORITY FOR DEFERRAL OF RETIREMENT FOR CHIEF AND DEPUTY CHIEF OF CHAPLAINS.—Such section is further amended by adding at the end the following new subsection:

"(d) The Secretary concerned may defer the retirement under subsection (a) of an officer who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer's armed force. Such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

(c) QUALIFICATION FOR SERVICE AS NAVY CHIEF OF CHAPLAINS OR DEPUTY CHIEF OF CHAPLAINS.—(1) Section 5142(b) of such title is amended by striking out ", who are not on the retired list,".

(2) Section 5142a of such title is amended by striking out ", who is not on the retired list,".

SEC. 505. INCREASE IN NUMBER OF OFFICERS ALLOWED TO BE FROCKED TO GRADES OF COLONEL AND NAVY CAPTAIN.

Section 777(d)(2) of title 10, United States Code, is amended by inserting after "1 percent" the following: ", or, for the grades of colonel and Navy captain, 2 percent,".

SEC. 506. INCREASED YEARS OF COMMISSIONED SERVICE FOR MANDATORY RETIREMENT OF REGULAR GENERALS AND ADMIRALS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) YEARS OF SERVICE.—Section 636 of title 10, United States Code, is amended—

(1) by striking out "Except as provided" and inserting in lieu thereof "(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) and"; and

(2) by adding at the end the following:

"(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

"(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.".

(b) SECTION HEADING.—The heading of such section is amended to read as follows:

"§636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)".

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of such title is amended to read as follows:

"636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half).".

SEC. 507. UNIFORM POLICY FOR REQUIREMENT OF EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHERS IN AUTHORITY.

(a) ARMY.—(1) Chapter 345 of title 10, United States Code, is amended by adding at the end the following new section:

"§3583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Army are required—

"(1) to show in themselves a good example of virtue, honor, patriotism, and subordination;

"(2) to be vigilant in inspecting the conduct of all persons who are placed under their command;

"(3) to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and

"(4) to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3583. Requirement of exemplary conduct.".

(b) AIR FORCE.—(1) Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

"§8583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Air Force are required—

"(1) to show in themselves a good example of virtue, honor, patriotism, and subordination;

"(2) to be vigilant in inspecting the conduct of all persons who are placed under their command;

"(3) to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and

"(4) to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8583. Requirement of exemplary conduct.".

SEC. 508. REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

Not later than March 31, 1998, the Secretary of the Army shall submit to Congress a report on the command selection process for officers serving as District Engineers of the Corps of Engineers. The report shall include the following:

(1) An identification of each major Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the five-year period beginning on the date of the report.

(2) The expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1).

(3) The expected dates for changes in the District Engineer in each Corps of Engineers District during that period.

(4) A plan for optimizing the timing of changes in the District Engineer in each such District so that there is minimal disruption to major phases of major Corps of Engineers projects.

(5) A review of the effect on the Corps of Engineers, and on the mission of each District of the Corps of Engineers, of allowing major command tours of District Engineers to be of two-to-four years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers, who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

Subtitle B—Reserve Component Matters

SEC. 511. INDIVIDUAL READY RESERVE ACTIVATION AUTHORITY.

(a) IRR MEMBERS SUBJECT TO ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 10144 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Within the Ready Reserve"; and

(2) by adding at the end the following new subsection:

"(b)(1) Within the Individual Ready Reserve of each reserve component there is a category of members, as designated by the Secretary concerned, who are subject to being ordered to active duty involuntarily in accordance with section 12304 of this title. A member may not be placed in that mobilization category unless—

"(A) the member volunteers for that category; and

"(B) the member is selected for that category by the Secretary concerned, based upon the needs of the service and the grade and military skills of that member.

"(2) A member of the Individual Ready Reserve may not be carried in such mobilization category of members after the end of the 24-month period beginning on the date of the separation of the member from active service.

"(3) The Secretary shall designate the grades and military skills or specialities of members to be eligible for placement in such mobilization category.

"(4) A member in such mobilization category shall be eligible for benefits (other than pay and training) as are normally available to members of the Selected Reserve, as determined by the Secretary of Defense.".

(b) CRITERIA FOR ORDERING TO ACTIVE DUTY.—Subsection (a) of section 12304 of title 10, United States Code, is amended by inserting after "of this title)," the following: "or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned,".

(c) Maximum Number.—Subsection (c) of such section is amended—

(1) by inserting "and the Individual Ready Reserve" after "Selected Reserve"; and

(2) by inserting ", of whom not more than 30,000 may be members of the Individual Ready Reserve" before the period at the end.

(d) Conforming Amendments.—Such section is further amended—

(1) in subsection (f), by inserting "or Individual Ready Reserve" after "Selected Reserve";

(2) in subsection (g), by inserting ", or any member of the Individual Ready Reserve," after "to serve as a unit"; and

(3) by adding at the end the following new subsection:

"(i) For purposes of this section, the term 'Individual Ready Reserve mobilization category' means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.".

(e) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§ 12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency".

(2) The item relating to section 12304 in the table of sections at the beginning of chapter 1209 of such title is amended to read as follows:

"12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency.".

SEC. 512. TERMINATION OF MOBILIZATION INCOME INSURANCE PROGRAM.

(a) In General.—Chapter 1214 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12533. Termination of program

"(a) In General.—The Secretary shall terminate the insurance program in accordance with this section.

"(b) Termination of New Enrollments.—The Secretary may not enroll a member of the Ready Reserve for coverage under the insurance program after the date of the enactment of this section.

"(c) Termination of Coverage.—(1) The enrollment under the insurance program of insured members other than insured members described in paragraph (2) is terminated as of the date of the enactment of this section. The enrollment of an insured member described in paragraph (2) is terminated as of the date of the termination of the period of covered service of that member described in that paragraph.

"(2) An insured member described in this paragraph is an insured member who on the date of the enactment of this section is serving on covered service for a period of service, or has been issued an order directing the performance of covered service, that satisfies or would satisfy the entitlement-to-benefits provisions of this chapter.

"(d) Termination of Payment of Benefits.—The Secretary may not make any benefit payment under the insurance program after the date of the enactment of this section other than to an insured member who on that date (1) is serving on an order to covered service, (2) has been issued an order directing performance of covered service, or (3) has served on covered service before that date for which benefits under the program have not been paid to the member.

"(e) Termination of Insurance Fund.—The Secretary shall close the Fund not later than 60 days after the date on which the last benefit payment from the Fund is made. Any amount remaining in the Fund when closed shall be covered into the Treasury as miscellaneous receipts.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12533. Termination of program.".

SEC. 513. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR RESERVE MEMBERS WHO INCUR OR AGGRAVATE AN ILLNESS IN THE LINE OF DUTY.

(a) Medical and Dental Care for Members.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (a)(3), by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" after "in the line of duty"; and

(2) by adding at the end the following new subsection:

"(e) A member of a uniformed service described in paragraph (1)(A) or (2)(A) of subsection (a) whose orders are modified or extended, while the member is being treated for (or recovering from) the injury, illness, or disease incurred or aggravated in the line of duty, so as to result in active duty for a period of more than 30 days shall be entitled, while the member remains on active duty, to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title.".

(b) Medical and Dental Care for Dependents.—Section 1076(a) of such title is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) A dependent referred to in paragraph (1) is a dependent of a member of a uniformed service described in one of the following subparagraphs:

"(A) A member who is on active duty for a period of more than 30 days or died while on that duty.

"(B) A member who died from an injury, illness, or disease incurred or aggravated—

"(i) while the member was on active duty under a call or order to active duty of 30 days or less, on active duty for training, or on inactive-duty training; or

"(ii) while the member was traveling to or from the place at which the member was to perform, or had performed, such active duty, active duty for training, or inactive-duty training.

"(C) A member who died from an injury, illness, or disease incurred or aggravated in the line of duty while the member remained overnight immediately before the commencement of inactive-duty training, or while the member remained overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site was outside reasonable commuting distance from the member's residence.

"(D) A member who incurred or aggravated an injury, illness, or disease in the line of duty while serving on active duty for a period of 30 days or less (or while traveling to or from the place of such duty) and the member's orders are modified or extended, while the member is being treated for (or recovering from) the injury, illness, or disease, so as to result in active duty for a period of more than 30 days. However, this subparagraph entitles the dependent to medical and dental care only while the member remains on active duty.".

(c) Eligibility for Disability Retirement or Separation.—(1) Section 1204(2) of such title is amended to read as follows:

"(2) the disability—

"(A) was incurred before September 24, 1996, as the proximate result of—

"(i) performing active duty or inactive-duty training;

"(ii) traveling directly to or from the place at which such duty is performed; or

"(iii) an injury, illness, or disease incurred or aggravated while remaining overnight, immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence; or

"(B) is a result of an injury, illness, or disease incurred or aggravated in line of duty after September 23, 1996—

"(i) while performing active duty or inactive-duty training;

"(ii) while traveling directly to or from the place at which such duty is performed; or

"(iii) while remaining overnight, immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(2) Section 1206 of such title is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty while—

"(A) performing active duty or inactive-duty training;

"(B) traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence;".

(d) Conforming Amendments and Related Clerical Amendments.—(1) The heading of section 1204 of title 10, United States Code, is amended to read as follows:

"§ 1204. Members on active duty for 30 days or less or on inactive-duty training: retirement".

(2) The heading of section 1206 of such title is amended to read as follows:

"§ 1206. Members on active duty for 30 days or less or on inactive-duty training: separation".

(3) The table of sections at the beginning of chapter 61 of such title is amended—

(A) by striking out the item relating to section 1204 and inserting in lieu thereof the following:

"1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.";

and

(B) by striking out the item relating to section 1206 and inserting in lieu thereof the following:

"1206. Members on active duty for 30 days or less or on inactive-duty training: separation.".

(e) Recovery, Care, and Disposition of Remains.—Section 1481(a)(2)(D) of such title is amended by inserting "remaining overnight immediately before the commencement of inactive-duty training, or" after "(D)".

(f) Entitlement to Basic Pay.—Section 204 of title 37, United States Code, is amended by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" in subsections (g)(1)(D) and (h)(1)(D) after "in line of duty".

(g) Compensation for Inactive-Duty Training.—Section 206(a)(3)(C) of title 37, United States Code, is amended by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" after "in line of duty".

SEC. 514. AUTHORITY TO PERMIT NON-UNIT ASSIGNED OFFICERS TO BE CONSIDERED BY VACANCY PROMOTION BOARD TO GENERAL OFFICER GRADES.

(a) CONVENING OF SELECTION BOARDS.—Section 14101(a)(2) of title 10, United States Code, is amended by striking out "(except in the case of a board convened to consider officers as provided in section 14301(e) of this title)".

(b) ELIGIBILITY FOR CONSIDERATION OF CERTAIN ARMY OFFICERS.—Section 14301 of such title is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) GENERAL OFFICER PROMOTIONS.—Section 14308 of such title is amended—

(1) in subsection (e)(2), by inserting "a grade below colonel in" after "(2) an officer in"; and

(2) in subsection (g)—

(A) by inserting "or the Air Force" in the first sentence after "of the Army" the first place it appears;

(B) by striking out "in that grade" in the first sentence and all that follows through "Secretary of the Army" and inserting in lieu thereof "in the Army Reserve or the Air Force Reserve, as the case may be, in that grade"; and

(C) by striking out the second sentence.

(d) VACANCY PROMOTIONS.—Section 14315(b)(1) of such title is amended by striking out "duties" in clause (A) and all that follows through "as a unit," and inserting in lieu thereof "duties of a general officer of the next higher reserve grade in the Army Reserve,".

SEC. 515. PROHIBITION ON USE OF AIR FORCE RESERVE AGR PERSONNEL FOR AIR FORCE BASE SECURITY FUNCTIONS.

(a) IN GENERAL.—Chapter 1215 of title 10, United States Code, is amended by striking out

"[No present sections]"

and inserting in lieu thereof the following:

"Sec.
12551. Prohibition of use of Air Force Reserve AGR personnel for Air Force base security functions.

"§ 12551. Prohibition of use of Air Force Reserve AGR personnel for Air Force base security functions

"(a) LIMITATION.—The Secretary of the Air Force may not use members of the Air Force Reserve who are AGR personnel for the performance of force protection, base security, or security police functions at an Air Force facility in the United States.

"(b) AGR PERSONNEL DEFINED.—In this section, the term 'AGR personnel' means members of the Air Force Reserve who are on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training the Air Force Reserve.".

(b) CLERICAL AMENDMENT.—The items relating to chapter 1215 in the tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, are amended to read as follows:

"1215. Miscellaneous Prohibitions and Penalties .... 12551".

SEC. 516. INVOLUNTARY SEPARATION OF RESERVE OFFICERS IN AN INACTIVE STATUS.

(a) AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN INACTIVE STATUS OFFICERS.—Section 12683(b) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking out "apply—" and inserting in lieu thereof "apply to any of the following:"; and

(2) by adding at the end the following new paragraph:

"(4) a separation of an officer who is in an inactive status in the Standby Reserve and who is not qualified for transfer to the Retired Reserve or is qualified for transfer to the Retired Reserve and does not apply for such a transfer.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in paragraphs (1), (2), and (3), by striking out "to a" and inserting in lieu thereof "A";

(2) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period; and

(3) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

SEC. 517. FEDERAL STATUS OF SERVICE BY NATIONAL GUARD MEMBERS AS HONOR GUARDS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 1 of title 32, United States Code, is amended by adding after section 113, as added by section 386(a), the following new section:

"§ 114. Honor guard functions at funerals for veterans

"(a) Subject to such regulations and restrictions as may be prescribed by the Secretary concerned, the performance of honor guard functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of honor guard functions at such a funeral may not be considered to be a period of drill or training otherwise required.

"(b) This section does not authorize additional appropriations for any fiscal year. Any expense of the National Guard that is incurred by reason of this section shall be paid from appropriations otherwise available for the National Guard.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 113, as added by section 386(b), the following new item:

"114. Honor guard functions at funerals for veterans.".

Subtitle C—Military Technicians

SEC. 521. AUTHORITY TO RETAIN ON THE RESERVE ACTIVE-STATUS LIST UNTIL AGE 60 MILITARY TECHNICIANS IN THE GRADE OF BRIGADIER GENERAL.

(a) RETENTION.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out "section 14506 or 14507" and inserting in lieu thereof "section 14506, 14507, or 14508"; and

(2) by striking out "or colonel" and inserting in lieu thereof "colonel, or brigadier general".

(b) TECHNICAL AMENDMENT.—Section 14508(c) of such title is amended by striking out "not later than the date on which the officer becomes 60 years of age" and inserting in lieu thereof "not later than the last day of the month in which the officer becomes 60 years of age".

SEC. 522. MILITARY TECHNICIANS (DUAL STATUS).

(a) DEFINITION.—Subsection (a) of section 10216 of title 10, United States Code, is amended to read as follows:

"(a) IN GENERAL.—(1) For purposes of this section and any other provision of law, a military technician (dual status) is a Federal civilian employee who—

"(A) is employed under section 3101 of title 5 or section 709 of title 32;

"(B) is required as a condition of that employment to maintain membership in the Selected Reserve; and

"(C) is assigned to a position as a technician in the administration and training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or the armed forces.

"(2) Military technicians (dual status) shall be authorized and accounted for as a separate category of civilian employees.".

(b) UNIT MEMBERSHIP AND DUAL STATUS REQUIREMENT.—Such section is further amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) UNIT MEMBERSHIP REQUIREMENT.—(1) Unless specifically exempted by law, each individual who is hired as a military technician (dual status) after December 1, 1995, shall be required as a condition of that employment to maintain membership in—

"(A) the unit of the Selected Reserve by which the individual is employed as a military technician; or

"(B) a unit of the Selected Reserve that the individual is employed as a military technician to support.

"(2) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Army Reserve in an area other than Army Reserve troop program units.

"(e) DUAL STATUS REQUIREMENT.—(1) Funds appropriated for the Department of Defense may not (except as provided in paragraph (2)) be used for compensation as a military technician of any individual hired as a military technician after February 10, 1996, who is no longer a member of the Selected Reserve.

"(2) The Secretary concerned may pay compensation described in paragraph (1) to an individual described in that paragraph who is no longer a member of the Selected Reserve for a period not to exceed six months following the individual's loss of membership in the Selected Reserve if the Secretary determines that such loss of membership was not due to the failure of that individual to meet military standards.".

(c) NATIONAL GUARD DUAL STATUS REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended by striking out "Except as prescribed by the Secretary concerned, a technician" and inserting in lieu thereof "A technician".

(d) PLAN FOR CLARIFICATION OF STATUTORY AUTHORITY OF MILITARY TECHNICIANS.—(1) The Secretary of Defense shall submit to Congress, as part of the budget justification materials submitted in support of the budget for the Department of Defense for fiscal year 1999, a legislative proposal to provide statutory authority and clarification under title 5, United States Code—

(A) for the hiring, management, promotion, separation, and retirement of military technicians who are employed in support of units of the Army Reserve or Air Force Reserve; and

(B) for the transition to the competitive service of an individual who is hired as a military technician in support of a unit of the Army Reserve or Air Force Reserve and who (as determined by the Secretary concerned) fails to maintain membership in the Selected Reserve through no fault of the individual.

(2) The legislative proposal under paragraph (1) shall be developed in consultation with the Director of the Office of Personnel Management.

(e) CONFORMING REPEAL.—Section 8016 of Public Law 104–61 (109 Stat. 654; 10 U.S.C. 10101 note) is repealed.

(f) CROSS-REFERENCE CORRECTIONS.—Section 10216(c)(1) of title 10, United States Code, is amended by striking out "subsection (a)(1)" in subparagraphs (A), (B), (C), and (D) and inserting in lieu thereof "subsection (b)(1)".

(g) CONFORMING AMENDMENTS TO SECTION 10216.—Section 10216 of title 10, United States Code, is further amended as follows:

(1) The heading of subsection (b) is amended by inserting "(DUAL STATUS)" after "MILITARY TECHNICIANS".

(2) Subsection (b)(1) is amended—

(A) by inserting "(dual status)" after "for military technicians";

(B) by striking out "dual status military technicians" and inserting in lieu thereof "military technicians (dual status)"; and

(C) by inserting "(dual status)" after "military technicians" in subparagraph (C).

(3) Subsection (b)(2) is amended by inserting "(dual status)" after "military technicians" both places it appears.

(4) Subsection (b)(3) is amended by inserting "(dual status)" after "Military technician".

(5) Subsection (c) is amended—

(A) in the matter preceding paragraph (1)(A), by inserting "(dual status)" after "military technicians";

(B) in paragraph (1), by striking out "dual-status technicians" in subparagraphs (A), (B), (C), and (D) and inserting in lieu thereof "military technicians (dual status)";

(C) in paragraph (2)(A), by inserting "(dual status)" after "military technician"; and

(D) in paragraph (2)(B), by striking out "delineate—" and all that follows through "or other reasons" in clause (ii) and inserting in lieu thereof "delineate the specific force structure reductions".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 10216 of such title is amended to read as follows:

"§10216. Military technicians (dual status)".

(2) The item relating to such section in the table of sections at the beginning of chapter 1007 of such title is amended to read as follows:

"10216. Military technicians (dual status).".

(i) OTHER CONFORMING AMENDMENTS.—(1) Section 115(g) of such title is amended by inserting "(dual status)" in the first sentence after "military technicians" and in the second sentence after "military technician".

(2) Section 115a(h) of such title is amended—

(A) by inserting "(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)" in the matter preceding paragraph (1) after "of the following"; and

(B) by striking out paragraph (3).

SEC. 523. NON-DUAL STATUS MILITARY TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§10217. Non-dual status military technicians

"(a) DEFINITION.—For the purposes of this section and any other provision of law, a non-dual status military technician is a civilian employee of the Department of Defense serving in a military technician position who—

"(1) was hired as a military technician before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under any of the authorities specified in subsection (c); and

"(2) as of the date of the enactment of that Act is not a member of the Selected Reserve or after such date ceased to be a member of the Selected Reserve.

"(b) EMPLOYMENT AUTHORITIES.—The authorities referred to in subsection (a) are the following:

"(1) Section 10216 of this title.

"(2) Section 709 of title 32.

"(3) The requirements referred to in section 8401 of title 5.

"(4) Section 8016 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 654), and any comparable provision of law enacted on an annual basis in the Department of Defense Appropriations Acts for fiscal years 1984 through 1995.

"(5) Any memorandum of agreement between the Department of Defense and the Office of Personnel Management providing for the hiring of military technicians.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10217. Non-dual status military technicians.".

(b) LIMITATION.—The number of civilian employees of a military department who are non-dual status military technicians as of September 30, 1998, may not exceed the following:

(1) For the Army Reserve, 1,500.

(2) For the Army National Guard of the United States, 2,400.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 450.

(c) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the number of military technician positions that are held by non-dual status military technicians as of September 30, 1997, shown separately for each of the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Air Force Reserve.

(4) The Air National Guard of the United States.

(d) PLAN FOR FULL UTILIZATION OF MILITARY TECHNICIANS (DUAL STATUS).—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for ensuring that, on and after September 30, 2007, all military technician positions are held only by military technicians (dual status).

(2) The plan shall provide for achieving, by September 30, 2002, a 50 percent reduction, by conversion of positions or otherwise, in the number of non-dual status military technicians that are holding military technicians positions, as compared with the number of non-dual status technicians that held military technician positions as of September 30, 1997, as specified in the report under subsection (c).

(3) Among the alternative actions to be considered in developing the plan, the Secretary shall consider the feasibility and cost of each of the following:

(A) Eliminating or consolidating technician functions and positions.

(B) Contracting with private sector sources for the performance of functions performed by military technicians.

(C) Converting non-dual status military technician positions to military technician (dual status) positions or to positions in the competitive service or, in the case of positions of the Army National Guard of the United States or the Air National Guard of the United States, to positions of State employment.

(D) Use of incentives to facilitate attainment of the objectives specified for the plan in paragraphs (1) and (2).

(4) The Secretary shall submit with the plan any recommendations for legislation that the Secretary considers necessary to carry out the plan.

(e) DEFINITIONS FOR CATEGORIES OF MILITARY TECHNICIANS.—In this section:

(1) The term "non-dual status military technician" has the meaning given that term in section 10217 of title 10, United States Code, as added by subsection (a).

(2) The term "military technician (dual status)" has the meaning given the term in section 10216(a) of such title.

SEC. 524. REPORT ON FEASIBILITY AND DESIRABILITY OF CONVERSION OF AGR PERSONNEL TO MILITARY TECHNICIANS (DUAL STATUS).

(a) REPORT REQUIRED.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report on the feasibility and desirability of conversion of AGR personnel to military technicians (dual status). The report shall—

(1) identify advantages and disadvantages of such a conversion;

(2) identify possible savings if such a conversion were to be carried out; and

(3) set forth the recommendation of the Secretary as to whether such a conversion should be made.

(b) AGR PERSONNEL DEFINED.—For purposes of subsection (a), the term "AGR personnel" means members of the Army or Air Force reserve components who are on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training their respective reserve components.

Subtitle D—Measures To Improve Recruit Quality and Reduce Recruit Attrition

SEC. 531. REFORM OF MILITARY RECRUITING SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense shall carry out reforms in the recruiting systems of the Army, Navy, Air Force, and Marine Corps in order to improve the quality of new recruits and to reduce attrition among recruits.

(b) SPECIFIC REFORMS.—As part of the reforms in military recruiting systems to be undertaken under subsection (a), the Secretary shall take the following steps:

(1) Improve the system of pre-enlistment waivers and separation codes used for recruits by (A) revising and updating those waivers and codes to allow more accurate and useful data collection about those separations, and (B) prescribing regulations to ensure that those waivers and codes are interpreted in a uniform manner by the military services.

(2) Develop a reliable database for (A) analyzing (at both the Department of Defense and service-level) data on reasons for attrition of new recruits, and (B) undertaking Department of Defense or service-specific measures (or both) to control and manage such attrition.

(3) Require that the Secretary of each military department (A) adopt or strengthen incentives for recruiters to thoroughly prescreen potential candidates for recruitment, and (B) link incentives for recruiters, in part, to the ability of a recruiter to screen out unqualified candidates before enlistment.

(4) Require that the Secretary of each military department include as a measurement of recruiter performance the percentage of persons enlisted by a recruiter who complete initial combat training or basic training.

(5) Assess trends in the number and use of waivers over the 1991–1997 period that were issued to permit applicants to enlist with medical or other conditions that would otherwise be disqualifying.

(6) Require the Secretary of each military department to implement policies and procedures (A) to ensure the prompt separation of recruits who are unable to successfully complete basic training, and (B) to remove those recruits from the training environment while separation proceedings are pending.

(c) REPORT.—Not later than March 31, 1998, the Secretary shall submit to Congress a report of the trends assessed under subsection (b)(5). The information on those trends provided in the report shall be shown by armed force and by category of waiver. The report shall include recommendations of the Secretary for changing, revising, or limiting the use of waivers referred to in that subsection.

SEC. 532. IMPROVEMENTS IN MEDICAL PRESCREENING OF APPLICANTS FOR MILITARY SERVICE.

(a) IN GENERAL.—The Secretary of Defense shall improve the medical prescreening of applicants for entrance into the Army, Navy, Air Force, or Marine Corps.

(b) SPECIFIC STEPS.—As part of those improvements, the Secretary shall take the following steps:

(1) Require that each applicant for service in the Army, Navy, Air Force, or Marine Corps (A)

provide to the Secretary the name of the applicant's medical insurer and the names of past medical providers, and (B) sign a release allowing the Secretary to request and obtain medical records of the applicant.

(2) Require that the forms and procedures for medical prescreening of applicants that are used by recruiters and by Military Entrance Processing Commands be revised so as to ensure that medical questions are specific, unambiguous, and tied directly to the types of medical separations most common for recruits during basic training and follow-on training.

(3) Add medical screening tests to the examinations of recruits carried out by Military Entrance Processing Stations, provide more thorough medical examinations to selected groups of applicants, or both, to the extent that the Secretary determines that to do so could be cost effective in reducing attrition at basic training.

(4) Provide for an annual quality control assessment of the effectiveness of the Military Entrance Processing Commands in identifying medical conditions in recruits that existed before enlistment in the Armed Forces, each such assessment to be performed by an agency or contractor other than the Military Entrance Processing Commands.

SEC. 533. IMPROVEMENTS IN PHYSICAL FITNESS OF RECRUITS.

(a) IN GENERAL.—The Secretary of Defense shall take steps to improve the physical fitness of recruits before they enter basic training.

(b) SPECIFIC STEPS.—As part of those improvements, the Secretary shall take the following steps:

(1) Direct the Secretary of each military department to implement programs under which new recruits who are in the Delayed Entry Program are encouraged to participate in physical fitness activities before reporting to basic training.

(2) Develop a range of incentives for new recruits to participate in physical fitness programs, as well as for those recruits who improve their level of fitness while in the Delayed Entry Program, which may include access to Department of Defense military fitness facilities, and access to military medical facilities in the case of a recruit who is injured while participating in physical activities with recruiters or other military personnel.

(3) Evaluate whether partnerships between recruiters and reserve components, or other innovative arrangements, could provide a pool of qualified personnel to assist in the conduct of physical training programs for new recruits in the Delayed Entry Program.

Subtitle E—Military Education and Training

PART I—OFFICER EDUCATION PROGRAMS

SEC. 541. REQUIREMENT FOR CANDIDATES FOR ADMISSION TO UNITED STATES NAVAL ACADEMY TO TAKE OATH OF ALLEGIANCE.

(a) REQUIREMENT.—Section 6958 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) To be admitted to the Naval Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Navy. If a candidate for admission refuses to take and subscribe to the prescribed oath, the candidate's appointment is terminated.".

(b) EXCEPTION FOR MIDSHIPMEN FROM FOREIGN COUNTRIES.—Section 6957 of such title is amended by adding at the end the following new subsection:

"(d) A person receiving instruction under this section is not subject to section 6958(d) of this title.".

SEC. 542. SERVICE ACADEMY FOREIGN EXCHANGE PROGRAM.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4344 the following new section:

"§4345. Exchange program with foreign military academies

"(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Army may permit a student enrolled at a military academy of a foreign country to receive instruction at the Academy in exchange for a cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 4344 of this title.

"(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 10 cadets and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Academy.

"(c) COSTS AND EXPENSES.—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet by reason of attendance at the Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

"(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet in that foreign country.

"(3) The Academy shall bear all costs of the exchange program from funds appropriated for the Academy. Expenditures in support of the exchange program may not exceed $50,000 during any fiscal year.

"(d) APPLICATION OF OTHER LAWS.—Subsections (c) and (d) of section 4344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Academy under the exchange program.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:

"4345. Exchange program with foreign military academies.".

(b) NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

"§6957a. Exchange program with foreign military academies

"(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Navy may permit a student enrolled at a military academy of a foreign country to receive instruction at the Naval Academy in exchange for a midshipman receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Naval Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 6957 of this title.

"(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 10 midshipmen and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Naval Academy.

"(c) COSTS AND EXPENSES.—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a midshipman by reason of attendance at the Naval Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

"(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged midshipman in that foreign country.

"(3) The Naval Academy shall bear all costs of the exchange program from funds appropriated for the Academy. Expenditures in support of the exchange program may not exceed $50,000 during any fiscal year.

"(d) APPLICATION OF OTHER LAWS.—Subsections (c) and (d) of section 6957 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Naval Academy under the exchange program.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957 the following new item:

"6957a. Exchange program with foreign military academies.".

(c) AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

"§9345. Exchange program with foreign military academies

"(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Air Force may permit a student enrolled at a military academy of a foreign country to receive instruction at the Air Force Academy in exchange for an Air Force cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 9344 of this title.

"(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 10 Air Force cadets and a comparable number of students from all foreign military academies participating in the exchange

program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Air Force Academy.

"(c) Costs and Expenses.—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of an Air Force cadet by reason of attendance at the Air Force Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

"(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged Air Force cadet in that foreign country.

"(3) The Air Force Academy shall bear all costs of the exchange program from funds appropriated for the Academy. Expenditures in support of the exchange program may not exceed $50,000 during any fiscal year.

"(d) Application of Other Laws.—Subsections (c) and (d) of section 9344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Air Force Academy under the exchange program.

"(e) Regulations.—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

"9345. Exchange program with foreign military academies.".

(d) Repeal of Obsolete Limitation.—Section 9353(a) of such title is amended by striking out "After the date of the accrediting of the Academy, the" and inserting in lieu thereof "The".

SEC. 543. REIMBURSEMENT OF EXPENSES INCURRED FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) United States Military Academy.—Section 4344(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out the period at the end and inserting in lieu thereof the following: ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States."; and

(2) by adding at the end the following new paragraph:

"(3) The amount of reimbursement waived under paragraph (2) may not exceed 35 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than five persons receiving instruction at the Academy under this section at any one time.".

(b) Naval Academy.—Section 6957(b) of such title is amended—

(1) in paragraph (2), by striking out the period at the end and inserting in lieu thereof the following: ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States."; and

(2) by adding at the end the following new paragraph:

"(3) The amount of reimbursement waived under paragraph (2) may not exceed 35 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than five persons receiving instruction at the Naval Academy under this section at any one time.".

(c) Air Force Academy.—Section 9344(b) of such title is amended—

(1) in paragraph (2), by striking out the period at the end and inserting in lieu thereof the following: ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States."; and

(2) by adding at the end the following new paragraph:

"(3) The amount of reimbursement waived under paragraph (2) may not exceed 35 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than five persons receiving instruction at the Academy under this section at any one time.".

(d) Effective Date.—The amendments made by this section apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1998.

SEC. 544. CONTINUATION OF SUPPORT TO SENIOR MILITARY COLLEGES.

(a) Definition of Senior Military Colleges.—For purposes of this section, the term "senior military colleges" means the following:

(1) Texas A&M University.

(2) Norwich University.

(3) The Virginia Military Institute.

(4) The Citadel.

(5) Virginia Polytechnic Institute and State University.

(6) North Georgia College and State University.

(b) Findings.—Congress finds the following:

(1) The senior military colleges consistently have provided substantial numbers of highly qualified, long-serving leaders to the Armed Forces.

(2) The quality of the military leaders produced by the senior military colleges is, in part, the result of the rigorous military environment imposed on students attending the senior military colleges by the colleges, as well as the result of the long-standing close support relationship between the Corps of Cadets at each college and the Reserve Officer Training Corps personnel at the colleges who serve as effective leadership role models and mentors.

(3) In recognition of the quality of the young leaders produced by the senior military colleges, the Department of Defense and the military services have traditionally maintained special relationships with the colleges, including the policy to grant active duty service in the Army to graduates of the colleges who desire such service and who are recommended for such service by their ROTC professors of military science.

(4) Each of the senior military colleges has demonstrated an ability to adapt its systems and operations to changing conditions in, and requirements of, the Armed Forces without compromising the quality of leaders produced and without interruption of the close relationship between the colleges and the Department of Defense.

(c) Sense of Congress.—In light of the findings in subsection (b), it is the sense of Congress that—

(1) the proposed initiative of the Secretary of the Army to end the commitment to active duty service for all graduates of senior military colleges who desire such service and who are recommended for such service by their ROTC professors of military science is short-sighted and contrary to the long-term interests of the Army;

(2) as they have in the past, the senior military colleges can and will continue to accommodate to changing military requirements to ensure that future graduates entering military service continue to be officers of superb quality who are quickly assimilated by the Armed Forces and fully prepared to make significant contributions to the Armed Forces through extended military careers; and

(3) decisions of the Secretary of Defense or the Secretary of a military department that fundamentally and unilaterally change the long-standing relationship of the Armed Forces with the senior military colleges are not in the best interests of the Department of Defense or the Armed Forces and are patently unfair to students who made decisions to enroll in the senior military colleges on the basis of existing Department and Armed Forces policy.

(d) Continuation of Support for Senior Military Colleges.—Section 2111a of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

"(d) Termination or Reduction of Program Prohibited.—The Secretary of Defense and the Secretaries of the military departments may not take or authorize any action to terminate or reduce a unit of the Senior Reserve Officers' Training Corps at a senior military college unless the termination or reduction is specifically requested by the college.

"(e) Assignment to Active Duty.—(1) The Secretary of the Army shall ensure that a graduate of a senior military college who desires to serve as a commissioned officer on active duty upon graduation from the college, who is medically and physically qualified for active duty, and who is recommended for such duty by the professor of military science at the college, shall be assigned to active duty. This paragraph shall apply to a member of the program at a senior military college who graduates from the college after March 31, 1997.

"(2) Nothing in this section shall be construed to prohibit the Secretary of the Army from requiring a member of the program who graduates from a senior military college to serve on active duty.".

(e) Technical Corrections.—Subsection (f) of such section, as redesignated by subsection (d)(1), is amended—

(1) in paragraph (2), by striking out "College" and inserting in lieu thereof "University"; and

(2) in paragraph (6), by inserting before the period the following: "and State University".

(f) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§2111a. Support for senior military colleges".

(2) The item relating to such section in the table of sections at the beginning of chapter 103 of title 10, United States Code, is amended to read as follows:

"2111a. Support for senior military colleges.".

SEC. 545. REPORT ON MAKING UNITED STATES NATIONALS ELIGIBLE FOR PARTICIPATION IN SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report on the utility of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(b) Required Information.—The Secretary shall include in the report the following information:

(1) A brief history of the prior admission of United States nationals to the Senior Reserve Officers' Training Corps, including the success rate of these cadets and midshipmen and how that rate compared to the average success rate of cadets and midshipmen during that same period.

(2) The advantages of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(3) The disadvantages of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(4) The incremental cost of including United States nationals in the Senior Reserve Officers' Training Corps.

(5) Methods of minimizing the risk that United States nationals admitted to the Senior Reserve Officers' Training Corps would be later disqualified because of ineligibility for United States citizenship.

(6) The recommendations of the Secretary on whether United States nationals should be eligible to participate in the Senior Reserve Officers' Training Corps program, and if so, a legislative proposal which would, if enacted, achieve that result.

SEC. 546. COORDINATION OF ESTABLISHMENT AND MAINTENANCE OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS TO MAXIMIZE ENROLLMENT AND ENHANCE EFFICIENCY.

(a) Requirement.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§2032. Responsibility of the Secretaries of the military departments to maximize enrollment and enhance efficiency

"(a) Coordination.—The Secretary of each military department, in establishing, maintaining, transferring, and terminating Junior Reserve Officers' Training Corps units under section 2031 of this title, shall do so in a coordinated manner that is designed to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps.

"(b) Consideration of New School Openings and Consolidations.—In carrying out subsection (a), the Secretary of a military department shall take into consideration—

"(1) openings of new schools;

"(2) consolidations of schools; and

"(3) the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2032. Responsibility of the Secretaries of the military departments to maximize enrollment and enhance efficiency.".

PART II—OTHER EDUCATION MATTERS

SEC. 551. UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) Authority to Admit Enlisted Members as Students.—Section 7045 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary may permit an enlisted member of the armed forces who is assigned to the Naval Postgraduate School or to a nearby command to receive instruction at the Naval Postgraduate School. Admission of enlisted members for instruction under this paragraph shall be on a space-available basis.";

(2) in subsection (b)—

(A) by striking out "the students" and inserting in lieu thereof "officers"; and

(B) by adding at the end the following new sentence: "In the case of an enlisted member permitted to receive instruction at the Postgraduate School, the Secretary of the Navy shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis)."; and

(3) in subsection (c)—

(A) by striking out "officers" both places it appears and inserting in lieu thereof "members"; and

(B) by striking out "same regulations" and inserting in lieu thereof "such regulations, as determined appropriate by the Secretary of the Navy,".

(b) Clerical Amendments.—(1) The heading of section 7045 of such title is amended to read as follows:

"§7045. Officers of the other armed forces; enlisted members: admission".

(2) The item relating to section 7045 in the table of sections at the beginning of chapter 605 of such title is amended to read as follows:

"7045. Officers of the other armed forces; enlisted members: admission.".

(c) Amendment To Reflect Revised Civil Service Grade Structure.—Section 7043(b) of such title is amended by striking out "grade GS–18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level IV of the Executive Schedule".

SEC. 552. COMMUNITY COLLEGE OF THE AIR FORCE.

(a) Expansion of Members Eligible for Program To Include Instructors at Air Force Training Schools.—Section 9315 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "enlisted members of the Air Force" and inserting in lieu thereof "enlisted members described in subsection (b)";

(2) by striking out "(b) Subject to subsection (c)," and inserting in lieu thereof "(c)(1) Subject to paragraph (2),";

(3) by redesignating subsection (c) as paragraph (2) and in that paragraph redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(4) by inserting after subsection (a) the following new subsection (b):

"(b) Members Eligible for Programs.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education under subsection (a)(1):

"(1) Enlisted members of the Air Force.

"(2) Enlisted members of the armed forces other than the Air Force who are serving as instructors at Air Force training schools.".

(b) Clerical Amendments.—Such section is further amended—

(1) in subsection (a), by inserting "Establishment and Mission.—" after "(a)"; and

(2) in subsection (c), as redesignated by subsection (a)(2), by inserting "Conferral of Degrees.—" after "(c)".

(c) Effective Date.—Subsection (b) of section 9315 of such title, as added by subsection (a)(4), applies with respect to enrollments in the Community College of the Air Force after March 31, 1996.

SEC. 553. PRESERVATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF THE SELECTED RESERVE SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) Preservation of Educational Assistance.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking out ", in connection with the Persian Gulf War,".

(b) Extension of 10-Year Period of Availability.—Section 16133(b)(4) of such title is amended—

(1) by striking out "(A)";

(2) by striking out ", during the Persian Gulf War,";

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(4) by striking out "(B) For the purposes" and all that follows through "title 38.".

PART III—TRAINING OF ARMY DRILL SERGEANTS

SEC. 556. REFORM OF ARMY DRILL SERGEANT SELECTION AND TRAINING PROCESS.

(a) In General.—The Secretary of the Army shall reform the process for selection and training of drill sergeants for the Army.

(b) Measures To Be Taken.—As part of such reform, the Secretary shall undertake the following measures (unless, in the case of any such measure, the Secretary determines that that measure would not result in improved effectiveness and efficiency in the drill sergeant selection and training process):

(1) Review the overall process used by the Department of the Army for selection of drill sergeants to determine—

(A) whether that process is providing drill sergeant candidates in sufficient quantity and quality to meet the needs of the training system; and

(B) whether duty as a drill sergeant is a career-enhancing assignment (or is seen by potential drill sergeant candidates as a career-enhancing assignment) and what steps could be taken to ensure that such duty is in fact a career-enhancing assignment.

(2) Incorporate into the selection process for all drill sergeants the views and recommendations of the officers and senior noncommissioned officers in the chain of command of each candidate for selection (particularly those of senior noncommissioned officers) regarding the candidate's suitability and qualifications to be a drill sergeant.

(3) Establish a requirement for psychological screening for each drill sergeant candidate.

(4) Reform the psychological screening process for drill sergeant candidates to improve the quality, depth, and rigor of that screening process.

(5) Revise the evaluation system for drill sergeants in training to provide for a so-called "whole person" assessment that gives insight into the qualifications and suitability of a drill sergeant candidate beyond the candidate's ability to accomplish required performance tasks.

(6) Revise the Army military personnel records system so that, under conditions and circumstances to be specified in regulations prescribed by the Secretary, a drill sergeant trainee who fails to complete the training to be a drill sergeant and is denied graduation will not have the fact of that failure recorded in those personnel records.

(7) Provide each drill sergeant in training with the opportunity, before or during that training, to work with new recruits in initial entry training and to be evaluated on that opportunity.

(c) Report.—Not later than March 31, 1998, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report of the reforms adopted pursuant to this section or, in the case of any measure specified in any of paragraphs (1) through (7) of subsection (b) that was not adopted, the rationale why that measure was not adopted.

SEC. 557. TRAINING IN HUMAN RELATIONS MATTERS FOR ARMY DRILL SERGEANT TRAINEES.

(a) In General.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§4318. Drill sergeant trainees: human relations training

"(a) Human Relations Training Required.—The Secretary of the Army shall include as part of the training program for drill sergeants a course in human relations. The course shall be a minimum of two days in duration.

"(b) Resources.—In developing a human relations course under this section, the Secretary shall use the capabilities and expertise of the Defense Equal Opportunity Management Institute (DEOMI).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4318. Drill sergeant trainees: human relations training.".

(b) Effective Date.—Section 4318 of title 10, United States Code, as added by subsection (a), shall apply with respect drill sergeant trainee classes that begin after the end of the 90-day period beginning on the date of the enactment of this Act.

Subtitle F—Commission on Military Training and Gender-Related Issues

SEC. 561. ESTABLISHMENT AND COMPOSITION OF COMMISSION.

(a) Establishment.—There is established a Commission on Military Training and Gender-Related Issues to review requirements and restrictions regarding cross-gender relationships of members of the Armed Forces, to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make recommendations on improvements to those programs, requirements, and restrictions.

(b) Composition.—(1) The commission shall be composed of 10 members, appointed as follows:

(A) Five members shall be appointed jointly by the chairman and ranking minority party member of the Committee on National Security of the House of Representatives.

(B) Five members shall be appointed jointly by the chairman and ranking minority party member of the Committee on Armed Services of the Senate.

(2) The members of the commission shall choose one of the members to serve as chairman.

(3) All members of the commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(c) Qualifications.—Members of the commission shall be appointed from among private United States citizens with knowledge and expertise in one or more of the following:

(1) Training of military personnel.

(2) Social and cultural matters affecting entrance into the Armed Forces and affecting military service, military training, and military readiness, such knowledge and expertise to have been gained through recognized research, policy making and practical experience, as demonstrated by retired military personnel, members of the reserve components of the Armed Forces, representatives from educational organizations, and leaders from civilian industry and other Government agencies.

(3) Factors that define appropriate military job qualifications, including physical, mental, and educational factors.

(4) Combat or other theater of war operations.

(5) Organizational matters.

(6) Legal matters.

(7) Management.

(8) Gender integration matters.

(d) Appointments.—(1) Members of the commission shall be appointed for the life of the commission.

(2) A vacancy in the membership shall not affect the commission's powers, but shall be filled in the same manner as the original appointment.

SEC. 562. DUTIES.

(a) Functions Relating to Requirements and Restrictions Regarding Cross-Gender Relationships.—The commission shall consider issues relating to personal relationships of members of the Armed Forces as follows:

(1) Review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the Armed Forces and personal relationships between members of the Armed Forces and nonmilitary personnel of the opposite sex.

(2) Assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the armed force, grade, rank, or gender of the individuals involved.

(3) Assess the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on fraternization and adultery that have been required by the Secretary of Defense.

(b) Functions Relating to Gender-Integrated and Gender-Segregated Basic Training.—(1) The commission shall review the parts of the initial entry training programs of the Army, Navy, Air Force, and Marine Corps that constitute the basic training of new recruits (in this subtitle referred to as "basic training"). The review shall include a review of the basic training policies and practices of each of those services with regard to gender-integrated and gender-segregated basic training and, for each of the services, the effectiveness of gender-integrated and gender-segregated basic training.

(2) As part of the review under paragraph (1), the commission shall (with respect to each of the services) take the following measures:

(A) Determine how each service defines gender-integration and gender-segregation in the context of basic training.

(B) Determine the historical rationales for the establishment and disestablishment of gender-integrated or gender-segregated basic training.

(C) Examine, with respect to each service, the current rationale for the use of gender-integrated or gender-segregated basic training and the rationale that was current as of the time the service made a decision to integrate, or to segregate, basic training by gender (or as of the time of the most recent decision to continue to use a gender-integrated format or a gender-segregated format for basic training), and, as part of the examination, evaluate whether at the time of that decision, the Secretary of the military department with jurisdiction over that service had substantive reason to believe, or has since developed data to support, that gender-integrated basic training, or gender-segregated basic training, improves the readiness or performance of operational units.

(D) Assess whether the concept of "training as you will fight" is a valid rationale for gender-integrated basic training or whether the training requirements and objectives for basic training are sufficiently different from those of operational units so that such concept, when balanced against other factors relating to basic training, might not be a sufficient rationale for gender-integrated basic training.

(E) Identify the requirements unique to each service that could affect a decision by the Secretary concerned to adopt a gender-integrated or gender-segregated format for basic training and assess whether the format in use by each service has been successful in meeting those requirements.

(F) Assess, with respect to each service, the degree to which different standards have been established, or if not established are in fact being implemented, for males and females in basic training for matters such as physical fitness, physical performance (such as confidence and obstacle courses), military skills (such as marksmanship and hand-grenade qualifications), and nonphysical tasks required of individuals and, to the degree that differing standards exist or are in fact being implemented, assess the effect of the use of those differing standards.

(G) Identify the goals that each service has set forth in regard to readiness, in light of the gender-integrated or gender-segregated format that such service has adopted for basic training, and whether that format contributes to the readiness of operational units.

(H) Assess the degree to which performance standards in basic training are based on military readiness.

(I) Evaluate the policies of each of the services regarding the assignment of adequate numbers of female drill instructors in gender-integrated training units who can serve as role models and mentors for female trainees.

(J) Review Department of Defense and military department efforts to objectively measure or evaluate the effectiveness of gender-integrated basic training, as compared to gender-segregated basic training, particularly with regard to the adequacy and scope of the efforts and with regard to the relevancy of findings to operational unit requirements, and determine whether the Department of Defense and the military departments are capable of measuring or evaluating the effectiveness of that training format objectively.

(K) Compare the pattern of attrition in gender-integrated basic training units with the pattern of attrition in gender-segregated basic training units and assess the relevancy of the findings of such comparison.

(L) Compare the level of readiness and morale of gender-integrated basic training units with the level of readiness and morale of gender-segregated units, and assess the relevancy of the findings of such comparison and the implications, for readiness, of any differences found.

(M) Compare the experiences, policies, and practices of the armed forces of other industrialized nations regarding gender-integrated training with those of the Army, Navy, Air Force, and Marine Corps.

(N) Review, and take into consideration, the current practices, relevant studies, and private sector training concepts pertaining to gender-integrated training.

(O) Assess the feasibility and implications of conducting basic training (or equivalent training) at the company level and below through separate units for male and female recruits, including the costs and other resource commitments required to implement and conduct basic training in such a manner and the implications for readiness and unit cohesion.

(P) Assess the feasibility and implications of requiring drill instructors for basic training units to be of the same sex as the recruits in those units if the basic training were to be conducted as described in subparagraph (O).

(c) Functions Relating to Basic Training Programs Generally.—The commission shall review the course objectives, structure, and length of the basic training programs of the Army, Navy, Air Force, and Marine Corps. The commission shall also review the relationship between those basic training objectives and the advanced training provided in the initial entry training programs of each of those services. As part of that review, the commission shall (with respect to each of those services) take the following measures:

(1) Determine the current end-state objectives established for graduates of basic training, particularly in regard to—

(A) physical conditioning;

(B) technical and physical skills proficiency;

(C) knowledge;

(D) military socialization, including the inculcation of service values and attitudes; and

(E) basic combat operational requirements.

(2) Assess whether those current end-state objectives, and basic training itself, should be modified (in structure, length, focus, program of instruction, training methods or otherwise) based, in part, on the following:

(A) An assessment of the perspectives of operational units on the quality and qualifications of the initial entry training graduates being assigned to those units, considering in particular whether the basic training system produces graduates who arrive in operational units with an appropriate level of skills, physical conditioning, and degree of military socialization to meet unit requirements and needs.

(B) An assessment of the demographics, backgrounds, attitudes, experience, and physical fitness of new recruits entering basic training, considering in particular the question of whether, given the entry level demographics, education, and background of new recruits, the basic training systems and objectives are most efficiently and effectively structured and conducted to produce graduates who meet service needs.

(C) An assessment of the perspectives of personnel who conduct basic training with regard to measures required to improve basic training.

(3) Assess the extent to which the initial entry training programs of each of the services continue, after the basic training phases of the programs, effectively to reinforce and advance the military socialization (including the inculcation of service values and attitudes), the physical conditioning, and the attainment and improvement of knowledge and proficiency in fundamental military skills that are begun in basic training.

(d) RECOMMENDATIONS.—The commission shall prepare—

(1) with respect to each of the Army, Navy, Air Force, and Marine Corps, an evaluation of gender-integrated and gender-segregated basic training programs, based upon the review under subsection (b);

(2) recommendations for such changes to the current system of basic training as the commission considers warranted; and

(3) recommendations for such changes to laws, regulations, policies, directives, and practices referred to in subsection (a)(1) as the commission considers warranted.

(e) REPORTS.—(1) Not later than April 15, 1998, the commission shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth a strategic plan for the work of the commission and the activities and initial findings of the commission.

(2) Not later than September 16, 1998, the commission shall submit a final report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The final report shall set forth the activities, findings, and recommendations of the commission, including any recommendations for congressional action and administrative action that the commission considers appropriate. The report shall specifically set forth the views of the Secretaries of the military departments regarding the matters described in subparagraphs (O) and (P) of subsection (b)(2).

SEC. 563. ADMINISTRATIVE MATTERS.

(a) MEETINGS.—(1) The commission shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(2) The commission shall meet upon the call of the chairman.

(3) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(b) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this title.

(c) POWERS.—(1) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(2) The commission may secure directly from the Department of Defense and any other department or agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(3) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PAY AND EXPENSES OF COMMISSION MEMBERS.—(1) Each member of the commission who is not an employee of the Government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(2) Members and personnel of the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(3) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(4)(A) A member of the commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to such membership.

(B) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(e) STAFF AND ADMINISTRATIVE SUPPORT.—(1) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for grade GS–15 under the General Schedule.

(2) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. A detail of an employee shall be without interruption or loss of civil service status or privilege.

(3) The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(4) The Secretary of Defense shall furnish to the commission such administrative and support services as may be requested by the chairman of the commission.

SEC. 564. TERMINATION OF COMMISSION.

The commission shall terminate 60 days after the date on which it submits the final report under section 562(e)(2).

SEC. 565. FUNDING.

(a) FROM DEPARTMENT OF DEFENSE APPROPRIATIONS.—Upon the request of the chairman of the commission, the Secretary of Defense shall make available to the commission, out of funds appropriated for the Department of Defense, such amounts as the commission may require to carry out its duties.

(b) PERIOD OF AVAILABILITY.—Funds made available to the commission shall remain available, without fiscal year limitation, until the date on which the commission terminates.

SEC. 566. SUBSEQUENT CONSIDERATION BY CONGRESS.

After receipt of each report of the commission under section 562(e), Congress shall consider the report and, based upon the results of the review (and such other matters as Congress considers appropriate), consider whether to require by law that the Secretaries of the military departments conduct basic training on a gender-segregated or gender-integrated basis.

Subtitle G—Military Decorations and Awards

SEC. 571. PURPLE HEART TO BE AWARDED ONLY TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1131. Purple Heart: limitation to members of the armed forces

"The decoration known as the Purple Heart (authorized to be awarded pursuant to Executive Order 11016) may only be awarded to a person who is a member of the armed forces at the time the person is killed or wounded under circumstances otherwise qualifying that person for award of the Purple Heart.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1131. Purple Heart: limitation to members of the armed forces.".

(b) EFFECTIVE DATE.—Section 1131 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons who are killed or wounded after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 572. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL FOR PARTICIPATION IN OPERATION JOINT ENDEAVOR OR OPERATION JOINT GUARD.

(a) INCLUSION OF OPERATIONS.—For the purpose of determining the eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the Secretary of Defense shall designate participation in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovina, and in such other areas in the region as the Secretary considers appropriate, as service in an area that meets the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who participated in Operation Joint Endeavor or Operation Joint Guard meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable

regulations. A member or former member shall be considered to have participated in Operation Joint Endeavor or Operation Joint Guard if the member—

(1) was deployed in the Republic of Bosnia and Herzegovina, or in such other area in the region as the Secretary of Defense considers appropriate, in direct support of one or both of the operations;

(2) served on board a United States naval vessel operating in the Adriatic Sea in direct support of one or both of the operations; or

(3) operated in airspace above the Republic of Bosnia and Herzegovina, or in such other area in the region as the Secretary of Defense considers appropriate, while the operations were in effect.

(c) OPERATIONS DEFINED.—For purposes of this section:

(1) The term "Operation Joint Endeavor" means operations of the United States Armed Forces conducted in the Republic of Bosnia and Herzegovina during the period beginning on November 20, 1995, and ending on December 20, 1996, to assist in implementing the General Framework Agreement and Associated Annexes, initialed on November 21, 1995, in Dayton, Ohio.

(2) The term "Operation Joint Guard" means operations of the United States Armed Forces conducted in the Republic of Bosnia and Herzegovina as a successor to Operation Joint Endeavor during the period beginning on December 20, 1996, and ending on such date as the Secretary of Defense may designate.

SEC. 573. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(3) To Robert Norman of Reno, Nevada, for service during World War II.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 574. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF READY RESERVE FOR AWARD OF SERVICE MEDAL FOR HEROISM.

(a) SOLDIER'S MEDAL.—Section 3750(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(b) NAVY AND MARINE CORPS MEDAL.—Section 6246 of such title is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) The authority in subsection (a) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(c) AIRMAN'S MEDAL.—Section 8750(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

SEC. 575. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT OF RECOMMENDATIONS FOR DECORATIONS AND AWARDS FOR CERTAIN MILITARY INTELLIGENCE PERSONNEL.

Section 523(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out "during the one-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "during the period beginning on February 10, 1996, and ending on February 9, 1998".

SEC. 576. ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR AWARD OF UNIT DECORATIONS.

(a) AUTHORITY.—A unit decoration may be awarded for any unit or other organization of the Armed Forces (such as the Military Intelligence Service of the Army) that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

(b) TIME FOR SUBMISSION OF RECOMMENDATION.—Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than two years after the date of the enactment of this Act.

SEC. 577. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104–201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stirpes, in equal shares.

Subtitle H—Military Justice Matters

SEC. 581. ESTABLISHMENT OF SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) ESTABLISHMENT OF SENTENCE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 856 (article 56) the following new section (article):

"§856a. Art. 56a. Sentence of confinement for life without eligibility for parole

"(a) For any offense for which a sentence of confinement for life may be adjudged, a court-martial may adjudge a sentence of confinement for life without eligibility for parole.

"(b) An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

"(1) the sentence is set aside or otherwise modified as a result of—

"(A) action taken by the convening authority, the Secretary concerned, or another person authorized to act under section 860 of this title (article 60); or

"(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;

"(2) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

"(3) the accused is pardoned.".

(2) The table of sections at the beginning of subchapter VIII of such chapter is amended by inserting after the item relating to section 856 (article 56) the following new item:

"856a. 56a. Sentence of confinement for life without eligibility for parole.".

(b) EFFECTIVE DATE.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), as added by subsection (a), shall be applicable only with respect to an offense committed after the date of the enactment of this Act.

SEC. 582. LIMITATION ON APPEAL OF DENIAL OF PAROLE FOR OFFENDERS SERVING LIFE SENTENCE.

(a) EXCLUSIVE AUTHORITY TO GRANT PAROLE ON APPEAL OF DENIAL.—Section 952 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) In a case in which parole for an offender serving a sentence of confinement for life is denied, only the President or the Secretary concerned may grant the offender parole on appeal of that denial. The authority to grant parole on appeal in such a case may not be delegated.".

(b) EFFECTIVE DATE.—Subsection (b) of section 952 of title 10, United States Code (as added by subsection (a)), shall apply only with respect to any decision to deny parole made after the date of the enactment of this Act.

Subtitle I—Other Matters

SEC. 591. SEXUAL HARASSMENT INVESTIGATIONS AND REPORTS.

(a) INVESTIGATIONS.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 79 the following new chapter:

"CHAPTER 80—MISCELLANEOUS INVESTIGATION REQUIREMENTS AND OTHER DUTIES

"Sec.
"1561. Complaints of sexual harassment: investigation by commanding officers.

"§1561. Complaints of sexual harassment: investigation by commanding officers

"(a) ACTION ON COMPLAINTS ALLEGING SEXUAL HARASSMENT.—A commanding officer or officer in charge of a unit, vessel, facility, or area of the Army, Navy, Air Force, or Marine Corps who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the armed forces or a civilian employee of the Department of Defense shall carry out an investigation of the matter in accordance with this section.

"(b) COMMENCEMENT OF INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a complaint shall, within 72 hours after receipt of the complaint—

"(1) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

"(2) commence, or cause the commencement of, an investigation of the complaint; and

"(3) advise the complainant of the commencement of the investigation.

"(c) DURATION OF INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a complaint shall ensure that the investigation of the complaint is completed not later than 14 days after the date on which the investigation is commenced.

"(d) REPORT ON INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a complaint shall—

"(1) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced; or

"(2) submit a report on the progress made in completing the investigation to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

"(e) SEXUAL HARASSMENT DEFINED.—In this section, the term 'sexual harassment' means any of the following:

"(1) Conduct (constituting a form of sex discrimination) that—

"(A) involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when—

"(i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

"(ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

"(iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

"(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

"(2) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces or a civilian employee of the Department of Defense.

"(3) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature in the workplace by any member of the armed forces or civilian employee of the Department of Defense.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by inserting after the item relating to chapter 79 the following new item:

"80. Miscellaneous Investigation Requirements and Other Duties .... 1561".

(b) REPORTS.—(1) Not later than January 1 of each of 1998 and 1999, each officer receiving a complaint forwarded in accordance with section 1561(b) of title 10, United States Code, as added by subsection (a), during the preceding year shall submit to the Secretary of the military department concerned a report on all such complaints and the investigations of such complaints (including the results of the investigations, in cases of investigations completed during such preceding year).

(2)(A) Not later than March 1 of each of 1998 and 1999, each Secretary receiving a report under paragraph (1) for a year shall submit to the Secretary of Defense a report on all such reports so received.

(B) Not later than the April 1 following receipt of a report for a year under subparagraph (A), the Secretary of Defense shall transmit to Congress all such reports received for the year under subparagraph (A) together with the Secretary's assessment of each such report.

SEC. 592. SENSE OF THE SENATE REGARDING STUDY OF MATTERS RELATING TO GENDER EQUITY IN THE ARMED FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the all-volunteer force, women play an integral role in the Armed Forces.

(2) With increasing numbers of women in the Armed Forces, questions arise concerning inequalities, and perceived inequalities, between the treatment of men and women in the Armed Forces.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Comptroller General should—

(1) conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the Armed Forces that arises out of the statutes and regulations governing the Armed Forces; and

(2) submit to the Senate a report on the study not later than one year after the date of the enactment of this Act.

SEC. 593. AUTHORITY FOR PERSONNEL TO PARTICIPATE IN MANAGEMENT OF CERTAIN NON-FEDERAL ENTITIES.

(a) MILITARY PERSONNEL.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1032 the following new section:

"§1033. Participation in management of specified non-Federal entities: authorized activities

"(a) AUTHORIZATION.—The Secretary concerned may authorize a member of the armed forces under the Secretary's jurisdiction to serve without compensation as a director, officer, or trustee, or to otherwise participate, in the management of an entity designated under subsection (b). Any such authorization shall be made on a case-by-case basis, for a particular member to participate in a specific capacity with a specific designated entity. Such authorization may be made only for the purpose of providing oversight and advice to, and coordination with, the designated entity, and participation of the member in the activities of the designated entity may not extend to participation in the day-to-day operations of the entity.

"(b) DESIGNATED ENTITIES.—(1) The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall designate those entities for which authorization under subsection (a) may be provided. The list of entities so designated may not be revised more frequently than semiannually. In making such designations, the Secretary shall designate each military welfare society and may designate any other entity described in paragraph (3). No other entities may be designated.

"(2) In this section, the term 'military welfare society' means the following:

"(A) Army Emergency Relief.

"(B) Air Force Aid Society, Inc.

"(C) Navy-Marine Corps Relief Society.

"(D) Coast Guard Mutual Assistance.

"(3) An entity described in this paragraph is an entity that is not operated for profit and is any of the following:

"(A) An entity that regulates and supports the athletic programs of the service academies (including athletic conferences).

"(B) An entity that regulates international athletic competitions.

"(C) An entity that accredits service academies and other schools of the armed forces (including regional accrediting agencies).

"(D) An entity that (i) regulates the performance, standards, and policies of military health care (including health care associations and professional societies), and (ii) has designated the position or capacity in that entity in which a member of the armed forces may serve if authorized under subsection (a).

"(c) PUBLICATION OF DESIGNATED ENTITIES AND OF AUTHORIZED PERSONS.—A designation of an entity under subsection (b), and an authorization under subsection (a) of a member of the armed forces to participate in the management of such an entity, shall be published in the Federal Register.

"(d) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1032 the following new item:

"1033. Participation in management of specified non-Federal entities: authorized activities.".

(b) CIVILIAN PERSONNEL.—(1) Chapter 81 of such title is amended by inserting after section 1588 the following new section:

"§1589. Participation in management of specified non-Federal entities: authorized activities

"(a) AUTHORIZATION.—(1) The Secretary concerned may authorize an employee described in paragraph (2) to serve without compensation as a director, officer, or trustee, or to otherwise participate, in the management of an entity designated under subsection (b). Any such authorization shall be made on a case-by-case basis, for a particular employee to participate in a specific capacity with a specific designated entity. Such authorization may be made only for the purpose of providing oversight and advice to, and coordination with, the designated entity, and participation of the employee in the activities of the designated entity may not extend to participation in the day-to-day operations of the entity.

"(2) Paragraph (1) applies to any employee of the Department of Defense or, in the case of the Coast Guard when not operating as a service in the Navy, of the Department of Transportation. For purposes of this section, the term 'employee' includes a civilian officer.

"(b) Designated Entities.—The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall designate those entities for which authorization under subsection (a) may be provided. The list of entities so designated may not be revised more frequently than semiannually. In making such designations, the Secretary shall designate each military welfare society named in paragraph (2) of section 1033(b) of this title and may designate any other entity described in paragraph (3) of such section. No other entities may be designated.

"(c) Publication of Designated Entities and of Authorized Persons.—A designation of an entity under subsection (b), and an authorization under subsection (a) of an employee to participate in the management of such an entity, shall be published in the Federal Register.

"(d) Civilians Outside the Military Departments.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.

"(e) Regulations.—The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1588 the following new item:

"1589. Participation in management of specified non-Federal entities: authorized activities.".

SEC. 594. TREATMENT OF PARTICIPATION OF MEMBERS IN DEPARTMENT OF DEFENSE CIVIL MILITARY PROGRAMS.

Section 2012 of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) Treatment of Member's Participation in Provision of Support or Services.—(1) The Secretary of a military department may not require or request a member of the armed forces to submit for consideration by a selection board (including a promotion board, command selection board, or any other kind of selection board) evidence of the member's participation in the provision of support and services to non-Department of Defense organizations and activities under this section or the member's involvement in, or support of, other community relations and public affairs activities of the armed forces.

"(2) Paragraph (1) does not prevent a selection board from considering material submitted voluntarily by a member of the armed forces which provides evidence of the participation of that member or another member in activities described in that paragraph.".

SEC. 595. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE CIVIL MILITARY PROGRAMS.

(a) Study Required.—The Comptroller General shall conduct a study to evaluate the following:

(1) The nature, extent, and cost to the Department of Defense of the support and services being provided by units and members of the Armed Forces to non-Department of Defense organizations and activities under the authority of section 2012 of title 10, United States Code.

(2) The degree to which the Armed Forces are in compliance with the requirements of such section in the provision of such support and services, especially the requirements that the assistance meet specific requirements relative to military training and that the assistance provided be incidental to military training.

(3) The degree to which the regulations and procedures for implementing such section, as required by subsection (f) of such section, are consistent with the requirements of such section.

(4) The effectiveness of the Secretary of Defense and the Secretaries of the military departments in conducting oversight of the implementation of such section, and the provision of such support and services under such section, to ensure compliance with the requirements of such section.

(b) Submission of Report.—Not later than March 31, 1998, the Comptroller General shall submit to Congress a report containing the results of the study required by subsection (a).

SEC. 596. ESTABLISHMENT OF PUBLIC AFFAIRS SPECIALTY IN THE ARMY.

(a) New Specialty.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3083. Public Affairs Specialty

"There is a career field in the Army known as the Public Affairs Specialty. Members of the Army with the Public Affairs Specialty are—

"(1) the Chief of Public Affairs;

"(2) commissioned officers of the Army in the grade of major or above who are selected and specifically educated, trained, and experienced to perform as professional public affairs officers for the remainder of their careers; and

"(3) other members of the Army assigned to public affairs positions by the Secretary of the Army.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3083. Public Affairs Specialty.".

SEC. 597. GRADE OF DEFENSE ATTACHÉ IN FRANCE.

(a) In General.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 the following new section:

"§ 714. Defense attaché in France: required grade

"An officer may not be selected for assignment to the position of defense attaché to the United States embassy in France unless the officer holds (or is on a promotion list for promotion to) the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 713 the following new item:

"714. Defense attaché in France: required grade.".

SEC. 598. REPORT ON CREW REQUIREMENTS OF WC–130J AIRCRAFT.

(a) Study.—The Secretary of the Air Force shall conduct a study of the crew requirements for WC–130J aircraft to be procured for assignment to the aerial weather reconnaissance mission involving the eyewall penetration of tropical cyclones. The study shall include study of the anticipated operation of WC–130J aircraft in weather reconnaissance missions configured to carry five crewmembers, including a navigator. In carrying out the study, the Secretary shall provide for participation by members of the Armed Forces currently assigned to units engaged in weather reconnaissance operations.

(b) Report.—The Secretary shall submit to Congress a report on the results of the study. The Secretary shall include in the report the views of members of the Armed Forces currently assigned to units engaged in weather reconnaissance operations who participated in the study. If as a result of the study the Secretary determines that there are crewmembers assigned to weather reconnaissance duties in excess of the crew requirements that will be applicable for WC–130J aircraft, the Secretary shall include in the report a plan for retraining or reassignment of those crewmembers. The study shall be submitted not later than September 30, 1998.

SEC. 599. IMPROVEMENT OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) Applicability to Department of Defense Civilian Employees and Contractor Employees.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Covered Persons.—(1) Section 1502 of this title applies in the case of any member of the armed forces on active duty—

"(A) who becomes involuntarily absent as a result of a hostile action or under circumstances suggesting that the involuntary absence is a result of a hostile action; and

"(B) whose status is undetermined or who is unaccounted for.

"(2) Section 1502 of this title applies in the case of any other person who is a citizen of the United States and a civilian officer or employee of the Department of Defense or (subject to paragraph (3)) an employee of a contractor of the Department of Defense—

"(A) who serves in direct support of, or accompanies, the armed forces in the field under orders and becomes involuntarily absent as a result of a hostile action or under circumstances suggesting that the involuntary absence is a result of a hostile action; and

"(B) whose status is undetermined or who is unaccounted for.

"(3) The Secretary of Defense shall determine, with regard to a pending or ongoing military operation, the specific employees, or groups of employees, of contractors of the Department of Defense to be considered to be covered by this subsection."; and

(B) by adding at the end the following new subsection:

"(f) Secretary Concerned.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian officer or employee of the Department of Defense or an employee of a contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the officer or employee or contracting with the contractor, as the case may be.".

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one military officer" and inserting in lieu thereof "one individual described in paragraph (2)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.".

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out "who are" and all that follows in that paragraph and inserting in lieu thereof "as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more *members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.*

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry."; and

(B) in paragraph (4), by striking out "section 1503(c)(3)" and inserting in lieu thereof "section 1503(c)(4)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves in direct support of, or accompanies, the armed forces in the field under orders and who is in a missing status.

Such term includes an unaccounted for person described in section 1509(b) of this title, under the circumstances specified in the last sentence of section 1509(a) of this title.".

(b) Transmission to Theater Component Commander of Advisory Copy of Missing Person Report.—(1) Section 1502 of such title is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Transmission of Advisory Copy to Theater Component Commander.—When transmitting a report under subsection (a)(2) recommending that a person be placed in a missing status, the commander transmitting that report shall transmit an advisory copy of the report to the theater component commander with jurisdiction over the missing person.".

(2) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(c) Information To Accompany Recommendation of Status of Death.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a forensic pathologist that the body recovered is that of the missing person. In determining whether to make such a certification, the forensic pathologist shall consider, as determined necessary by the Secretary of the military department concerned, additional evidence and information provided by appropriate specialists in forensic medicine or other appropriate medical sciences.".

(d) Missing Person's Counsel.—(1) Sections 1503(f)(1) and 1504(f)(1) of such title are amended by adding at the end the following: "The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person's primary next of kin and any other previously designated person of the person.".

(2) Section 1503(f)(4) of such title is amended by adding at the end the following: "The primary next of kin of a missing person and any other previously designated person of the missing person shall have the right to submit information to the missing person's counsel relative to the disappearance or status of the missing person.".

(e) Scope of Preenactment Review.—(1) Section 1509 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Review of Status.—(1) If new information (as defined in paragraph (2)) is found or received that may be related to one or more unaccounted for persons described in subsection (b) (whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person), that information shall be provided to the Secretary of Defense. Upon receipt of such information, the Secretary shall ensure that the information is treated under paragraphs (2) and (3) of section 1505(c) of this title and under section 1505(d) of this title in the same manner as information received under paragraph (1) of section 1505(c) of this title. For purposes of the applicability of other provisions of this chapter in such a case, each such unaccounted for person to whom the new information may be related shall be considered to be a missing person.

"(2) For purposes of this subsection, new information is information that is credible and that—

"(A) is found or received after the date of the enactment of the the National Defense Authorization Act for Fiscal Year 1998 by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

"(B) is identified after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 in records of the United States as information that could be relevant to the case of one or more unaccounted for persons described in subsection (b).".

(2) Such section is further amended by adding at the end the following new subsection:

"(d) Establishment of Personnel Files for Korean Conflict Cases.—The Secretary of Defense shall ensure that a personnel file is established for each unaccounted for person who is described in subsection (b)(1) if the Secretary possesses information relevant to that person's status. In the case of a person described in subsection (b)(1) for whom a personnel file does not exist, the Secretary shall create a personnel file for such person upon receipt of new information as provided in subsection (a). Each such file shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person.".

(f) Withholding of Classified Information.—Section 1506(b) of such title is amended—

(1) by inserting "(1)" before "The Secretary";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to the primary next of kin, members of the immediate family, and the previously designated person.".

(g) Withholding of Privileged Information.—Section 1506(d) of such title is amended—

(1) in paragraph (2)—

(A) by inserting "or about unnamed missing persons" in the first sentence after "the debriefing report";

(B) by striking out "the missing person" in the second sentence and inserting in lieu thereof "each missing person named in the debriefing report"; and

(C) by adding at the end the following new sentence: "Any information contained in the extract of the debriefing report that pertains to unnamed missing persons shall be made reasonably accessible to the primary next of kin, members of the immediate family, and the previously designated person."; and

(2) in paragraph (3), by inserting ", or part of a debriefing report," after "a debriefing report".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 1998.
Sec. 602. Reform of basic allowance for subsistence.
Sec. 603. Consolidation of basic allowance for quarters, variable housing allowance, and overseas housing allowances.
Sec. 604. Revision of authority to adjust compensation necessitated by reform of subsistence and housing allowances.
Sec. 605. Protection of total compensation of members while performing certain duty.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Increase in minimum monthly rate of hazardous duty incentive pay for certain members.
Sec. 615. Increase in aviation career incentive pay.
Sec. 616. Modification of aviation officer retention bonus.
Sec. 617. Availability of multiyear retention bonus for dental officers.
Sec. 618. Increase in variable and additional special pays for certain dental officers.
Sec. 619. Availability of special pay for duty at designated hardship duty locations.
Sec. 620. Definition of sea duty for purposes of career sea pay.
Sec. 621. Modification of Selected Reserve reenlistment bonus.
Sec. 622. Modification of Selected Reserve enlistment bonus for former enlisted members,
Sec. 623. Expansion of reserve affiliation bonus to include Coast Guard Reserve.

Sec. 624. Increase in special pay and bonuses for nuclear-qualified officers.
Sec. 625. Provision of bonuses in lieu of special pay for enlisted members extending tours of duty at designated locations overseas.
Sec. 626. Increase in amount of family separation allowance.
Sec. 627. Deadline for payment of Ready Reserve muster duty allowance.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation allowances for dependents before approval of member's court-martial sentence.
Sec. 632. Dislocation allowance.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 641. One-year opportunity to discontinue participation in Survivor Benefit Plan.
Sec. 642. Time in which change in survivor benefit coverage from former spouse to spouse may be made.
Sec. 643. Review of Federal former spouse protection laws.
Sec. 644. Annuities for certain military surviving spouses.
Sec. 645. Administration of benefits for so-called minimum income widows.

Subtitle E—Other Matters

Sec. 651. Loan repayment program for commissioned officers in certain health professions.
Sec. 652. Conformance of NOAA commissioned officers separation pay to separation pay for members of other uniformed services.
Sec. 653. Eligibility of Public Health Service officers and NOAA commissioned corps officers for reimbursement of adoption expenses.
Sec. 654. Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines.
Sec. 655. Subsistence of members of the Armed Forces above the poverty level.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment, to become effective during fiscal year 1998, required by section 1009 of title 37, United States Code (as amended by section 604), in the rate of monthly basic pay authorized members of the uniformed services by section 203(a) of such title shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

SEC. 602. REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE.

(a) ENTITLEMENT TO ALLOWANCE.—Section 402 of title 37, United States Code, is amended to read as follows:

"§402. Basic allowance for subsistence

"(a) ENTITLEMENT TO ALLOWANCE.—(1) Except as provided in paragraph (2) or otherwise provided by law, each member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for subsistence as set forth in this section.

"(2) An enlisted member is not entitled to the basic allowance for subsistence during basic training.

"(b) RATES OF ALLOWANCE BASED ON FOOD COSTS.—(1) The monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be the amount that is halfway between the following amounts, which are determined by the Secretary of Agriculture as of October 1 of the preceding year:

"(A) The amount equal to the monthly cost of a moderate-cost food plan for a male in the United States who is between 20 and 50 years of age.

"(B) The amount equal to the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age.

"(2) The monthly rate of basic allowance for subsistence to be in effect for an officer for a year (beginning on January 1 of that year) shall be the amount equal to the monthly rate of basic allowance for subsistence in effect for officers for the preceding year, increased by the same percentage by which the rate of basic allowance for subsistence for enlisted members for the preceding year is increased effective on such January 1.

"(c) ADVANCE PAYMENT.—The allowance to an enlisted member may be paid in advance for a period of not more than three months.

"(d) SPECIAL RULE FOR MEMBERS AUTHORIZED TO MESS SEPARATELY.—(1) In areas prescribed by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an enlisted member described in paragraph (2) is entitled to not more than the pro rata allowance established under subsection (b)(1) for each meal the member buys from a source other than a messing facility of the United States.

"(2) An enlisted member referred to in paragraph (1) is a member who is granted permission to mess separately and whose duties require the member to buy at least one meal from a source other than a messing facility of the United States.

"(e) POLICIES ON USE OF DINING AND MESSING FACILITIES.—The Secretary of Defense, in consultation with the Secretaries concerned, shall prescribe policies regarding use of dining and field messing facilities of the uniformed services.

"(f) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the administration of this section. Before prescribing the regulations, the Secretary shall consult with each Secretary concerned.

"(2) The regulations shall include the specific rates of basic allowance for subsistence required by subsection (b).".

(b) CONFORMING AMENDMENTS.—(1) Section 404 of title 37, United States Code, is amended—

(A) by striking out subsection (g); and

(B) by redesignating subsections (h), (i), (j), and (k) as subsections (g), (h), (i), and (j), respectively.

(2) Section 6081(a) of title 10, United States Code, is amended by striking out "Except" and all that follows through "subsistence, each" and inserting in lieu thereof "Each".

(c) TRANSITIONAL AUTHORITY TO PROVIDE BASIC ALLOWANCE FOR SUBSISTENCE.—

(1) TRANSITIONAL AUTHORITY.—Notwithstanding section 402 of title 37, United States Code, as amended by subsection (a), during the period beginning on January 1, 1998, and ending on the date determined under paragraph (2)—

(A) the basic allowance for subsistence shall not be paid under such section 402;

(B) a member of the uniformed services is entitled to the basic allowance for subsistence only as provided in subsection (d);

(C) an enlisted member of the uniformed services may be paid a partial basic allowance for subsistence as provided in subsection (e); and

(D) the rates of the basic allowance for subsistence are those rates determined under subsection (f).

(2) TERMINATION OF TRANSITIONAL AUTHORITY.—The transitional authority provided under paragraph (1) shall terminate on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is granted), as determined under subsection (f)(2), is equal to or is exceeded by the amount that, except for paragraph (1)(A), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code, as amended by subsection (a).

(d) TRANSITIONAL ENTITLEMENT TO ALLOWANCE.—

(1) ENLISTED MEMBERS.—

(A) TYPES OF ENTITLEMENT.—An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of under one or more of the following circumstances:

(i) When rations in kind are not available

(ii) When permission to mess separately is granted.

(iii) When assigned to duty under emergency conditions where no messing facilities of the United States are available.

(B) OTHER ENTITLEMENT CIRCUMSTANCES.—An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from the member's designated post of duty other than field duty or sea duty (as defined in regulations prescribed by the Secretary of Defense). For purposes of the preceding sentence, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

(i) is an enlisted member serving the member's first tour of active duty;

(ii) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(iii) is not actually traveling between stations pursuant to orders directing a change of station.

(C) ADVANCE PAYMENT.—The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months.

(2) OFFICERS.—An officer of a uniformed service who is entitled to basic pay is, at all times, entitled to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(e) TRANSITIONAL AUTHORITY FOR PARTIAL ALLOWANCE.—

(1) ENLISTED MEMBERS FURNISHED SUBSISTENCE IN KIND.—The Secretary of Defense may provide in regulations for an enlisted member of a uniformed service to be paid a partial basic allowance for subsistence when—

(A) rations in kind are available to the member;

(B) the member is not granted permission to mess separately; or

(C) the member is assigned to duty under emergency conditions where messing facilities of the United States are available.

(2) MONTHLY PAYMENT.—Any partial basic allowance for subsistence authorized under paragraph (1) shall be calculated on a daily basis and paid on a monthly basis.

(f) TRANSITIONAL RATES.—

(1) ALLOWANCE FOR OFFICERS.—The monthly rate of basic allowance for subsistence for a year (beginning on January 1 of that year) that is payable to officers of the uniformed services shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was payable to officers of the uniformed services for the preceding year.

(2) ALLOWANCE FOR ENLISTED MEMBER WITH PERMISSION TO MESS SEPARATELY.—The monthly

rate of basic allowance for subsistence for a year (beginning on January 1 of that year) that is payable to an enlisted member of the uniformed services entitled to the allowance under subsection (d)(1) shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was in effect for similarly situated enlisted members of the uniformed services for the preceding year.

(3) Partial Allowance for Other Enlisted Members.—The monthly rate of any partial basic allowance for subsistence for a year (beginning on January 1 of that year) payable to an enlisted member of the uniformed services eligible for the allowance under the regulations prescribed under subsection (e)(1) shall be the amount equal to the lesser of the following:

(A) The sum of—

(i) the partial basic allowance for subsistence in effect for the preceding year; and

(ii) the amount equal to the difference, if any, between—

(I) the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the preceding year for members of the uniformed services above grade E–1 (when permission to mess separately is granted), increased by the same percentage by which the rates of basic pay for members of the uniformed services is increased for the current year; and

(II) the amount equal to 101 percent of the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the previous year for members of the uniformed services above grade E–1 (when permission to mess separately is granted),

with the amount so determined under this clause multiplied by the number of members estimated to be entitled to receive basic allowance for subsistence under subsection (d) for the current year and then divided by the number of members estimated to be eligible for the partial allowance under the regulations prescribed under subsection (e)(1) for that year.

(B) The amount equal to the difference between—

(i) the amount that, except for subsection (c)(1)(A), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code; and

(ii) the amount equal to the monthly equivalent of the value of a daily ration, as determined by the Under Secretary of Defense (Comptroller) as of October 1 of the preceding year.

(g) Effective Date.—This section and the amendments made by this section shall take effect on January 1, 1998.

SEC. 603. CONSOLIDATION OF BASIC ALLOWANCE FOR QUARTERS, VARIABLE HOUSING ALLOWANCE, AND OVERSEAS HOUSING ALLOWANCES.

(a) Consolidation of Allowances.—Section 403 of title 37, United States Code, is amended to read as follows:

"§403. Basic allowance for housing

"(a) General Entitlement.—(1) Except as otherwise provided by law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rates prescribed under this section or another provision of law with regard to the applicable component of the basic allowance for housing. The amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes, the dependency status of the member, and the geographic location of the member. The basic allowance for housing may be paid in advance.

"(2) A member of a uniformed service with dependents is not entitled to a basic allowance for housing as a member with dependents unless the member makes a certification to the Secretary concerned indicating the status of each dependent of the member. The certification shall be made in accordance with regulations prescribed by the Secretary of Defense.

"(b) Basic Allowance for Housing Inside the United States.—(1) The Secretary of Defense shall determine the costs of adequate housing in a military housing area in the United States for all members of the uniformed services entitled to a basic allowance for housing in that area. The Secretary shall base the determination upon the costs of adequate housing for civilians with comparable income levels in the same area.

"(2) Subject to paragraph (3), the monthly amount of a basic allowance for housing for an area of the United States for a member of a uniformed service is equal to the difference between—

"(A) the monthly cost of adequate housing in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member; and

"(B) 15 percent of the national average monthly cost of adequate housing in the United States, as determined by the Secretary, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

"(3) The rates of basic allowance for housing shall be reduced as necessary to comply with this paragraph. The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection is the product of—

"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year (as adjusted under paragraph (5)); and

"(B) a fraction—

"(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

"(ii) the denominator of which is the index of the national average monthly cost of housing for June of the fiscal year before the preceding fiscal year.

"(4) An adjustment in the rates of the basic allowance for housing under this subsection as a result of the Secretary's redetermination of housing costs in an area shall take effect on the same date as the effective date of the next increase in basic pay under section 1009 of this title or other provision of law.

"(5) In making a determination under paragraph (3) for a fiscal year, the amount authorized to be paid for the preceding fiscal year for the basic allowance for housing shall be adjusted to reflect changes during the year for which the determination is made in the number, grade distribution, geographic distribution in the United States, and dependency status of members of the uniformed services entitled to the allowance from the number of such members during the preceding fiscal year.

"(6) So long as a member of a uniformed service retains uninterrupted eligibility to receive a basic allowance for housing within an area of the United States, the monthly amount of the allowance for the member may not be reduced as a result of changes in housing costs in the area, changes in the national average monthly cost of housing, or the promotion of the member.

"(7) In the case of a member without dependents who is assigned to duty inside the United States, the location or the circumstances of which make it necessary that the member be reassigned under the conditions of low cost or no cost permanent change of station or permanent change of assignment, the member may be treated as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.

"(c) Basic Allowance for Housing Outside the United States.—(1) The Secretary of Defense may prescribe an overseas basic allowance for housing for a member of a uniformed service who is on duty outside of the United States. The Secretary shall establish the basic allowance for housing under this subsection on the basis of housing costs in the overseas area in which the member is assigned.

"(2) So long as a member of a uniformed service retains uninterrupted eligibility to receive a basic allowance for housing in an overseas area and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance in an area outside the United States may not be reduced as a result of changes in housing costs in the area or the promotion of the member. The monthly amount of the allowance may be adjusted to reflect changes in currency rates.

"(d) Basic Allowance for Housing When Dependents Are Unable To Accompany Member.—(1) A member of a uniformed service with dependents who is on permanent duty at a location described in paragraph (2) is entitled to a family separation basic allowance for housing under this subsection at a monthly rate equal to the rate of the basic allowance for housing established under subsection (b) or the overseas basic allowance for housing established under subsection (c), whichever applies to that location, for members in the same grade at that location without dependents.

"(2) A permanent duty location referred to in paragraph (1) is a location—

"(A) to which the movement of the member's dependents is not authorized at the expense of the United States under section 406 of this title, and the member's dependents do not reside at or near the location; and

"(B) at which quarters of the United States are not available for assignment to the member.

"(3) In the case of a member with dependents who is assigned to duty at a location or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside at a different location, the member shall receive a basic allowance for housing, as provided in subsection (a) or (b), as if the member were assigned to duty in the area in which the dependents reside, regardless of whether the member resides in quarters of the United States or is also entitled to a family separation basic allowance for housing by reason of paragraph (1).

"(4) The family separation basic allowance for housing under this subsection shall be in addition to any other allowance or per diem that the member is otherwise entitled to receive under this title. A member may receive a basic allowance for housing under both paragraphs (1) and (3).

"(e) Effect of Assignment to Quarters.—(1) Except as otherwise provided by law, a member of a uniformed service who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to the grade, rank, or rating of the member and adequate for the member and dependents of the member, if with dependents, is not entitled to a basic allowance for housing.

"(2) A member without dependents who is in a pay grade above pay grade E–6 and who is assigned to quarters in the United States or a housing facility under the jurisdiction of a uniformed service, appropriate to the grade or rank of the member and adequate for the member, may elect not to occupy those quarters and instead to receive the basic allowance for housing prescribed for the member's pay grade by this section.

"(3) A member without dependents who is in pay grade E–6 and who is assigned to quarters

of the United States that do not meet the minimum adequacy standards established by the Secretary of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for housing prescribed for the member's pay grade under this section.

"(4) The Secretary concerned may deny the right to make an election under paragraph (2) or (3) if the Secretary determines that the exercise of such an election would adversely affect a training mission, military discipline, or military readiness.

"(5) A member with dependents who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service may be paid the basic allowance for housing if, because of orders of competent authority, the dependents are prevented from occupying those quarters.

"(f) Ineligibility During Initial Field Duty or Sea Duty.—(1) A member of a uniformed service without dependents who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for housing while on that initial field duty unless the commanding officer of the member certifies that the member was necessarily required to procure quarters at the member's expense.

"(2)(A) Except as provided in subparagraphs (B) and (C), a member of a uniformed service without dependents who is in a pay grade below pay grade E–6 is not entitled to a basic allowance for housing while the member is on sea duty.

"(B) Under regulations prescribed by the Secretary concerned, the Secretary may authorize the payment of a basic allowance for housing to a member of a uniformed service without dependents who is serving in pay grade E–5 and is assigned to sea duty. In prescribing regulations under this subparagraph, the Secretary concerned shall consider the availability of quarters for members serving in pay grade E–5.

"(C) Notwithstanding section 421 of this title, two members of the uniformed services in a pay grade below pay grade E–6 who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are jointly entitled to one basic allowance for housing during the period of such simultaneous sea duty. The amount of the allowance shall be based on the without dependents rate for the pay grade of the senior member of the couple. However, this subparagraph shall not apply to a couple if one or both of the members are entitled to a basic allowance for housing under subparagraph (B).

"(3) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, shall prescribe regulation defining the terms 'field duty' and 'sea duty' for purposes of this section.

"(g) Reserve Members.—(1) A member of a reserve component without dependents who is called or ordered to active duty in support of a contingency operation, or a retired member without dependents who is ordered to active duty under section 688(a) of title 10 in support of a contingency operation, may not be denied a basic allowance for housing if, because of that call or order, the member is unable to continue to occupy a residence—

"(A) which is maintained as the primary residence of the member at the time of the call or order; and

"(B) which is owned by the member or for which the member is responsible for rental payments.

"(2) Paragraph (1) shall not apply if the member is authorized transportation of household goods under section 406 of this title as part of the call or order to active duty described in such paragraph.

"(3) The Secretary of Defense shall establish a rate of basic allowance for housing to be paid to a member of a reserve component while the member serves on active duty under a call or order to active duty specifying a period of less than 140 days, unless the call or order to active duty is in support of a contingency operation.

"(h) Rental of Public Quarters.—Notwithstanding any other law (including those restricting the occupancy of housing facilities under the jurisdiction of a department or agency of the United States by members, and their dependents, of the armed forces above specified grades, or by members, and their dependents, of the National Oceanic and Atmospheric Administration and the Public Health Service), a member of a uniformed service, and the dependents of the member, may be accepted as tenants in, and may occupy on a rental basis, any of those housing facilities, other than public quarters constructed or designated for assignment to an occupancy without charge by such a member and the dependents of the member, if any. Such a member may not, because of occupancy under this subsection, be deprived of any money allowance to which the member is otherwise entitled for the rental of quarters.

"(i) Temporary Housing Allowance While in Travel or Leave Status.—A member of a uniformed service who is in a pay grade E–4 (4 or more years of service) or above is entitled to a temporary basic allowance for housing (at a rate determined by the Secretary of Defense) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.

"(j) Aviation Cadets.—The eligibility of an aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard for a basic allowance for housing shall be determined as if the aviation cadet were a member of the uniformed services in pay grade E–4.

"(k) Administration.—(1) The Secretary of Defense shall prescribe regulations for the administration of this section.

"(2) The Secretary concerned may make such determinations as may be necessary to administer this section, including determinations of dependency and relationship. When warranted by the circumstances, the Secretary concerned may reconsider and change or modify any such determination. The authority of the Secretary concerned under this subsection may be delegated. Any determination made under this section with regard to a member of the uniformed services is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(3) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fees established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 25-year period beginning with the completion of such construction.

"(l) Temporary Continuation of Allowance for Dependents of Members Dying on Active Duty.—(1) The Secretary of Defense, or the Secretary of Transportation in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the armed forces who dies on active duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Transportation in the case of the Coast Guard, other than on a rental basis on the date of the member's death to continue to occupy such housing without charge for a period of 180 days.

"(2) The Secretary concerned may pay a basic allowance for housing (at the rate that is payable for members of the same grade and dependency status as the deceased member for the area where the dependents are residing) to the dependents of a member of the uniformed services who dies while on active duty and whose dependents—

"(A) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death;

"(B) are occupying such housing on a rental basis on such date; or

"(C) vacate such housing sooner than 180 days after the date of the member's death.

"(3) The payment of the allowance under paragraph (2) shall terminate 180 days after the date of the member's death.

"(m) Members Paying Child Support.—(1) A member of a uniformed service with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

"(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(B) the member is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above E–4.

"(2) A member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who is not otherwise authorized a basic allowance for housing and who pays child support is entitled to the basic allowance for housing differential, except for months for which the amount payable for the child support is less than the rate of the differential. Payment of a basic allowance for housing differential does not affect any entitlement of the member to a partial allowance for quarters under subsection (n).

"(3) The basic allowance for housing differential to which a member is entitled under paragraph (2) is the amount equal to the difference between—

"(A) the rate of the basic allowance for quarters (with dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under this section (as in effect on that date); and

"(B) the rate of the basic allowance for quarters (without dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under this section (as in effect on that date).

"(4) Whenever the rates of basic pay for members of the uniformed services are increased, the monthly amount of the basic allowance for housing differential computed under paragraph (3) shall be increased by the average percentage increase in the rates of basic pay. The effective date of the increase shall be the same date as the effective date of the increase in the rates of basic pay.

"(5) In the case of two members, who have one or more common dependents (and no others), who are not married to each other, and one of whom pays child support to the other, the amount of the basic allowance for housing paid to each member under this section shall be reduced in accordance with regulations prescribed by the Secretary of Defense. The total amount of the basic allowances for housing paid to the two members may not exceed the sum of the amounts of the allowance to which each member would be otherwise entitled under this section.

"(n) Partial Allowance for Members Without Dependents.—(1) A member of a uniformed service without dependents who is not

entitled to receive a basic allowance for housing under subsection (b), (c), or (d) is entitled to a partial basic allowance for housing at a rate determined by the Secretary of Defense under paragraph (2).

"(2) The rate of the partial basic allowance for housing is the partial rate of the basic allowance for quarters for the member's pay grade as such partial rate was in effect on December 31, 1997, under section 1009(c)(2) of this title (as such section was in effect on such date).".

(b) Transition to Basic Allowance for Housing.—The Secretary of Defense shall develop and implement a plan to incrementally manage the rate of growth of the various components of the basic allowance for housing authorized by section 403 of title 37, United States Code (as amended by subsection (a)), during a transition period of not more than six years. During the transition period, the Secretary may continue to use the authorities provided under sections 403, 403a, 405(b), and 427(a) of title 37, United States Code (as in effect on the day before the date of the enactment of this Act), but subject to such modifications as the Secretary considers necessary, to provide allowances for members of the uniformed services.

(c) Repeal of Superseded Authorities.—(1) Section 403a of title 37, United States Code, is repealed.

(2) Section 405 of such title is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) Section 427 of such title is amended—

(A) by striking out subsection (a); and

(B) in subsection (b)—

(i) by striking out "(b) Additional Separation Allowance.—" and inserting in lieu thereof "(a) Entitlement to Allowance.—";

(ii) in paragraph (1)—

(I) by striking out ", including subsection (a)," in the matter preceding the subparagraphs;

(II) by inserting "or" at the end of subparagraph (B);

(III) by striking out "; or" at the end of subparagraph (C) and inserting in lieu thereof a period; and

(IV) by striking out subparagraph (D);

(iii) in paragraph (3)—

(I) by striking out "(3) An allowance" and inserting in lieu thereof "(b) Entitlement When No Residence or Household Maintained for Dependents.—An allowance"; and

(II) by striking out "this subsection" and inserting in lieu thereof "subsection (a)";

(iv) in paragraph (4)—

(I) by striking out "(4) A member" and inserting in lieu thereof "(c) Effect of Election to Serve Unaccompanied Tour of Duty.—A member"; and

(II) by striking out "paragraph (1)(A) of this subsection" and inserting in lieu thereof "subsection (a)(1)(A)"; and

(v) by striking out paragraph (5) and inserting in lieu thereof the following new subsection:

"(d) Entitlement While Spouse Entitled to Basic Pay.—A member married to another member of the uniformed services becomes entitled, regardless of any other dependency status, to an allowance under subsection (a) by virtue of duty prescribed in subparagraph (A), (B), or (C) of paragraph (1) of such subsection if the members were residing together immediately before being separated by reasons of execution of military orders. Section 421 of this title does not apply to bar the entitlement to an allowance under this section. However, not more than one monthly allowance may be paid with respect to a married couple under this section.".

(4) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to sections 403 and 403a and inserting in lieu thereof the following new item:

"403. Basic allowance for housing.".

(d) Conforming Amendments.—(1) Title 37, United States Code, is amended—

(A) in section 101(25), by striking out "basic allowance for quarters (including any variable housing allowance or station housing allowance)" and inserting in lieu thereof "basic allowance for housing";

(B) in section 406(c), by striking out "sections 404 and 405" and inserting in lieu thereof "sections 403(c), 404, and 405";

(C) in section 420(c), by striking out "quarters" and inserting in lieu thereof "housing";

(D) in section 551(3)(D), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing"; and

(E) in section 1014(a), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(2) Title 10, United States Code, is amended—

(A) in section 708(c)(1), by striking out "basic allowance for quarters or basic allowance for subsistence" and inserting in lieu thereof "basic allowance for housing under section 403 of title 37, basic allowance for subsistence under section 402 of such title,";

(B) in section 2830(a)—

(i) in paragraph (1), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing under section 403 of title 37"; and

(ii) in paragraph (2), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing";

(C) in section 2882(b)—

(i) in paragraph (1), by striking out "section 403(b)" and inserting in lieu thereof "section 403"; and

(ii) in paragraph (2), by striking out "basic allowance for quarters" and all that follows through the end of the paragraph and inserting in lieu thereof "basic allowance for housing under section 403 of title 37.";

(D) in section 7572(b)—

(i) in paragraph (1), by striking out "the total of—" and all that follows through the end of the paragraph and inserting in lieu thereof "the basic allowance for housing payable under section 403 of title 37 to a member of the same pay grade without dependents for the period during which the member is deprived of quarters on board ship."; and

(ii) in paragraph (2), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing"; and

(E) in section 7573, by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing under section 403 of title 37".

(3) Section 5561(6)(D) of title 5, United States Code, is amended by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(4) Section 107(b) of title 32, United States Code, is amended by striking out "and quarters" and inserting in lieu thereof "and housing".

(5) Section 4(k)(10) of the Military Selective Service Act (50 U.S.C. App. 454(k)(10)) is amended by striking out "as such terms" and all that follows through "extended or amended" and inserting in lieu thereof "shall be entitled to receive a dependency allowance equal to the basic allowance for housing provided for persons in pay grade E–1 under section 403 of title 37, United States Code,".

(e) Effective Date.—This section and the amendments made by this section shall take effect on January 1, 1998.

SEC. 604. REVISION OF AUTHORITY TO ADJUST COMPENSATION NECESSITATED BY REFORM OF SUBSISTENCE AND HOUSING ALLOWANCES.

(a) Removal of References to BAS and BAQ.—(1) Section 1009 of title 37, United States Code, is amended to read as follows:

"§ 1009. Adjustments of monthly basic pay

"(a) Adjustment Required.—Whenever the General Schedule of compensation for Federal classified employees, as contained in section 5332 of title 5, is adjusted upward as provided in section 5303 of such title, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

"(b) Effectiveness of Adjustment.—An adjustment under this section shall—

"(1) have the force and effect of law; and

"(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

"(c) Equal Percentage Increase for All Members.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of both basic pay and locality pay for civilian employees.

"(d) Allocation of Increase Among Pay Grades and Years-of-Service.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

"(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

"(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

"(e) Notice of Allocations.—Whenever the President plans to exercise the authority of the President under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, the President shall advise Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase.

"(f) Quadrennial Assessment of Allocations.—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.".

(2) The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"1009. Adjustments of monthly basic pay.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 1998.

SEC. 605. PROTECTION OF TOTAL COMPENSATION OF MEMBERS WHILE PERFORMING CERTAIN DUTY.

Section 1009 of title 37, United States Code, as amended by section 604, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) PROTECTION OF MEMBER'S TOTAL COMPENSATION WHILE PERFORMING CERTAIN DUTY.—(1) The total daily equivalent amount of the elements of compensation described in paragraph (3), together with other pay and allowances under this title, to be paid to a member of the uniformed services who is temporarily assigned to duty away from the member's permanent duty station or to duty under field conditions at the member's permanent duty station shall not be less, for any day during the assignment period, than the total amount, for the day immediately preceding the date of the assignment, of the elements of compensation and other pay and allowances of the member.

"(2) Paragraph (1) shall not apply with respect to an element of compensation or other pay or allowance of a member during an assignment described in such paragraph to the extent that the element of compensation or other pay or allowance is reduced or terminated due to circumstances unrelated to the assignment.

"(3) The elements of compensation referred to in this subsection mean—

"(A) the monthly basic pay authorized members of the uniformed services by section 203(a) of this title;

"(B) the basic allowance for subsistence authorized members of the uniformed services by section 402 of this title; and

"(C) the basic allowance for housing authorized members of the uniformed services by section 403 of this title."

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, as redesignated by section 622, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1998," and inserting in lieu thereof "September 30, 1999,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 614. INCREASE IN MINIMUM MONTHLY RATE OF HAZARDOUS DUTY INCENTIVE PAY FOR CERTAIN MEMBERS.

(a) AERIAL FLIGHT CREWMEMBERS.—The table in subsection (b) of section 301 of title 37, United States Code, is amended—

(1) by striking out "110" each place it appears and inserting in lieu thereof "150"; and

(2) by striking out "125" each place it appears and inserting in lieu thereof "150".

(b) AIR WEAPONS CONTROLLER AIRCREW.—The table in subsection (c)(2)(A) of such section is amended—

(1) by striking out "100" in the first column of amounts and inserting in lieu thereof "150";

(2) by striking out "110" in the last column of amounts and inserting in lieu thereof "150"; and

(3) by striking out "125" each place it appears and inserting in lieu thereof "150".

(c) OTHER MEMBERS.—Subsection (c)(1) of such section is amended—

(1) by striking out "$110" and inserting in lieu thereof "$150"; and

(2) by striking out "$165" and inserting in lieu thereof "$225".

SEC. 615. INCREASE IN AVIATION CAREER INCENTIVE PAY.

(a) AMOUNTS.—The table in subsection (b)(1) of section 301a of title 37, United States Code, is amended—

(1) by inserting at the end of phase I of the table the following:

"Over 14 .... 840";

and

(2) by striking out phase II of the table and inserting in lieu thereof the following:

"PHASE II

"Years of service as an officer:	*"Monthly rate*
"Over 22	*$585*
"Over 23	*495*
"Over 24	*385*
"Over 25	*250".*

(b) CONFORMING AMENDMENTS.—Such subsection is further amended in the matter after the table by striking out "18 years" both places it appears and inserting in lieu thereof "22 years".

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 1999, and shall apply with respect to months beginning on or after that date.

SEC. 616. MODIFICATION OF AVIATION OFFICER RETENTION BONUS.

(a) INCREASE IN BONUS AMOUNTS.—Subsection (c) of section 301b of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "$12,000" and inserting in lieu thereof "$25,000"; and

(2) in paragraph (2), by striking out "$6,000" and inserting in lieu thereof "$12,000".

(b) DURATION OF AGREEMENT.—Paragraph (2) of such subsection is further amended by striking out "one or two years" and inserting in lieu thereof "one, two, or three years".

(c) CONTENT OF ANNUAL REPORT.—Subsection (i)(1) of such section is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking out "; and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(d) DEFINITION OF AVIATION SPECIALTY.—Subsection (j)(2) of such section is amended by inserting "specific" before "community" both places it appears.

(e) EFFECTIVE DATES AND APPLICABILITY.—The amendments made by this section shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under section 301b of title 37, United States Code, on or after that date.

SEC. 617. AVAILABILITY OF MULTIYEAR RETENTION BONUS FOR DENTAL OFFICERS.

(a) AVAILABILITY OF RETENTION BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301d the following new section:

"§301e. Multiyear retention bonus: dental officers of the armed forces

"(a) BONUS AUTHORIZED.—(1) A dental officer described in subsection (b) who executes a written agreement to remain on active duty for two, three, or four years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus as provided in this section.

"(2) The amount of a retention bonus under paragraph (1) may not exceed $14,000 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment.

"(b) OFFICERS AUTOMATICALLY ELIGIBLE.—Subsection (a) applies to an officer of the armed forces who—

"(1) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer;

"(2) has a dental specialty in oral and maxillofacial surgery;

"(3) is in a pay grade below pay grade 0–7;

"(4) has at least eight years of creditable service (computed as described in section 302b(g) of this title) or has completed any active-duty service commitment incurred for dental education and training; and

"(5) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)).

"(c) EXTENSION OF BONUS TO OTHER DENTAL OFFICERS.—At the discretion of the Secretary of the military department concerned, the Secretary may enter into a written agreement described in subsection (a)(1) with a dental officer who does not have the dental specialty specified in subsection (b)(2), and pay a retention bonus to such an officer as provided in this section, if the officer otherwise satisfies the eligibility requirements specified in subsection (b). The Secretaries shall exercise the authority provided in this section in a manner consistent with regulations prescribed by the Secretary of Defense.

"(d) REFUNDS.—(1) Refunds shall be required, on a pro rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 301d the following new item:

"301e. Multiyear retention bonus: dental officers of the armed forces.".

SEC. 618. INCREASE IN VARIABLE AND ADDITIONAL SPECIAL PAYS FOR CERTAIN DENTAL OFFICERS.

(a) VARIABLE SPECIAL PAY FOR JUNIOR OFFICERS.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C), (D), (E), and (F) and inserting in lieu thereof the following new subparagraphs:

"(C) $7,000 per year, if the officer has at least six but less than eight years of creditable service.

"(D) $12,000 per year, if the officer has at least eight but less than 12 years of creditable service.

"(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(G) $8,000 per year, if the officer has 18 or more years of creditable service.".

(b) VARIABLE SPECIAL PAY FOR SENIOR OFFICERS.—Paragraph (3) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

(c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of such section is amended by striking out subparagraphs (B), (C), and (D) and inserting in lieu thereof the following new subparagraphs:

"(B) $6,000 per year, if the officer has at least three but less than 10 years of creditable service.

"(C) $15,000 per year, if the officer has 10 or more years of creditable service.".

SEC. 619. AVAILABILITY OF SPECIAL PAY FOR DUTY AT DESIGNATED HARDSHIP DUTY LOCATIONS.

(a) SPECIAL PAY AUTHORIZED.—Subsection (a) of section 305 of title 37, United States Code, is amended to read as follows:

"(a) SPECIAL PAY AUTHORIZED.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section at a monthly rate not to exceed $300 while the member is on duty at a location in the United States or outside the United States designated by the Secretary of Defense as a hardship duty location.".

(b) CROSS REFERENCES AND REGULATIONS.—Such section is further amended—

(1) in subsection (b)—

(A) by inserting "EXCEPTION FOR CERTAIN MEMBERS SERVING IN CERTAIN LOCATIONS.—" after "(b)"; and

(B) by striking out "as foreign duty pay" and inserting in lieu thereof "as hardship duty location pay";

(2) in subsection (c)—

(A) by inserting "EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—" after "(c)"; and

(B) by striking out "special pay under this section" and inserting in lieu thereof "hardship duty location pay under subsection (a)"; and

(3) by adding at the end the following new subsection:

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the provision of hardship duty location pay under subsection (a), including the specific monthly rates at which the special pay will be available.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§305. Special pay: hardship duty location pay".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking out the item relating to section 305 and inserting in lieu thereof the following new item:

"305. Special pay: hardship duty location pay.".

(d) CONFORMING AMENDMENT.—Section 907(d) of title 37, United States Code, is amended by striking out "duty at certain places" and inserting in lieu thereof "duty at a hardship duty location".

(e) TRANSITION.—Until such time as the Secretary of Defense prescribes regulations regarding the provision of hardship duty location pay under section 305 of title 37, United States Code, as amended by this section, the Secretary may continue to use the authority provided by such section 305, as in effect on the day before the date of the enactment of this Act, to provide special pay to enlisted members of the uniformed services on duty at certain places.

SEC. 620. DEFINITION OF SEA DUTY FOR PURPOSES OF CAREER SEA PAY.

Section 305a(d) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking out ", ship-based staff, or ship-based aviation unit";

(2) in paragraph (1)(B), by striking out "or ship-based staff";

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) the following new paragraph:

"(2) The Secretary concerned may designate duty performed by a member while serving on a ship the primary mission of which is accomplished either while under way or in port as 'sea duty' for purposes of this section, even though the duty is performed while the member is permanently or temporarily assigned to a ship-based staff or other unit not covered by paragraph (1).".

SEC. 621. MODIFICATION OF SELECTED RESERVE REENLISTMENT BONUS.

(a) ELIGIBLE MEMBERS.—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking out "ten years" and inserting in lieu thereof "14 years".

(b) BONUS AMOUNTS; PAYMENT.—Subsection (b) of such section is amended to read as follows:

"(b) BONUS AMOUNTS; PAYMENT.—(1) The amount of a bonus under this section may not exceed—

"(A) $5,000, in the case of a member who reenlists or extends an enlistment for a period of six years;

"(B) $2,500, in the case of a member who, having never received a bonus under this section, reenlists or extends an enlistment for a period of three years; and

"(C) $2,000, in the case of a member who, having received a bonus under this section for a previous three-year reenlistment or extension of an enlistment, reenlists or extends the enlistment for an additional period of three years.

"(2) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.".

(c) SPECIAL ELIGIBILITY REQUIREMENTS; NUMBER OF INDIVIDUAL BONUSES.—Subsection (c) of such section is amended to read as follows:

"(c) CONDITION ON ELIGIBILITY; LIMITATION ON NUMBER OF BONUSES.—(1) To be eligible for a second bonus under this section in the amount specified in subsection (b)(1)(C), a member must—

"(A) enter into the subsequent reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment or extension for which the first bonus was paid would expire; and

"(B) still satisfy the designated skill or unit requirements required under subsection (a)(2).

"(2) A member may not be paid more than one six-year bonus or two three-year bonuses under this section.".

(d) EFFECT OF FAILURE TO SERVE SATISFACTORILY.—Subsection (d) of such section is amended to read as follows:

"(d) REPAYMENT OF BONUS.—A member who receives a bonus under this section and who fails, during the period for which the bonus was paid, to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same ratio to the amount of the bonus paid to the member as the period that the member failed to serve satisfactorily bears to the total period for which the bonus was paid.".

(e) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY AND ELIGIBILITY REQUIREMENTS.—" after "(a)";

(2) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(3) in subsection (f), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

SEC. 622. MODIFICATION OF SELECTED RESERVE ENLISTMENT BONUS FOR FORMER ENLISTED MEMBERS.

(a) ELIGIBLE PERSONS.—Subsection (a)(2) of section 308i of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "10 years" and inserting in lieu thereof "14 years";

(2) in subparagraph (C), by striking out "and";

(3) by redesignating subparagraph (D) as subparagraph (E);

(4) in subparagraph (E) (as so redesignated), by inserting "(except under this section)" after "bonus"; and

(5) by inserting after subparagraph (C) the following new subparagraph:

"(D) is projected to occupy a position as a member of the Selected Reserve in a specialty in which—

"(i) the person successfully served while a member on active duty; and

"(ii) the person attained a level of qualification while a member on active duty commensurate with the grade and years of service of the member; and".

(b) BONUS AMOUNTS; PAYMENT.—Subsection (b) of such section is amended to read as follows:

"(b) BONUS AMOUNTS; PAYMENT.—(1) The amount of a bonus under this section may not exceed—

"(A) $5,000, in the case of a person who enlists for a period of six years;

"(B) $2,500, in the case of a person who, having never received a bonus under this section, enlists for a period of three years; and

"(C) $2,000, in the case of a person who, having received a bonus under this section for a previous three-year enlistment, reenlists or extends the enlistment for an additional period of three years.

"(2) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.".

(c) SPECIAL ELIGIBILITY REQUIREMENTS; NUMBER OF INDIVIDUAL BONUSES.—Subsection (c) of such section is amended to read as follows:

"(c) CONDITION ON ELIGIBILITY; LIMITATION ON NUMBER OF BONUSES.—(1) To be eligible for a second bonus under this section in the amount specified in subsection (b)(1)(C), a person must—

"(A) enter into a reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment for which the first bonus was paid would expire; and

"(B) still satisfy the eligibility requirements under subsection (a).

"(2) A person may not be paid more than one six-year bonus or two three-year bonuses under this section.

(d) REORGANIZATION OF SECTION.—Such section is further amended—

(1) by redesignating subsections (e), (f), and (g) as paragraphs (2), (3), and (4), respectively, of subsection (d); and

(2) by redesignating subsections (h) and (i) as subsections (e) and (f), respectively.

(e) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY AND ELIGIBILITY REQUIREMENTS.—" after "(a)";

(2) in subsection (d)—

(A) by inserting "REPAYMENT OF BONUS.—(1)" after "(d)";

(B) in paragraphs (2) and (4), as redesignated by subsection (d)(1), by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)"; and

(C) in paragraph (3), as redesignated by subsection (d)(1)—

(i) by striking out "subsection (h)" and inserting in lieu thereof "subsection (e)"; and

(ii) by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)";

(3) in subsection (e), as redesignated by subsection (d)(2), by inserting "REGULATIONS.—" after "(e)"; and

(4) in subsection (f), as redesignated by subsection (d)(2), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

SEC. 623. EXPANSION OF RESERVE AFFILIATION BONUS TO INCLUDE COAST GUARD RESERVE.

Section 308e of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "Under regulations prescribed by the Secretary of Defense, the Secretary of a military department" and inserting in lieu thereof "The Secretary concerned";

(2) in subsection (b)(3), by striking out "designated by the Secretary of Defense for the purposes of this section" and inserting in lieu thereof "designated for purposes of this section in the regulations prescribed under subsection (f)";

(3) in subsection (c)(3), by striking out "regulations prescribed by the Secretary of Defense" and inserting in lieu thereof "the regulations prescribed under subsection (f)"; and

(4) by adding at the end the following new subsections:

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(g) The authority in subsection (a) does not apply to the Secretary of Commerce and the Secretary of Health and Human Services.".

SEC. 624. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$15,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of title 37, United States Code, is amended by striking out "$8,000" and inserting in lieu thereof "$10,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$10,000" and inserting in lieu thereof "$12,000"; and

(2) in subsection (b)(1), by striking out "$4,500" and inserting in lieu thereof "$5,500".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of October 1, 1997.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1997.

SEC. 625. PROVISION OF BONUSES IN LIEU OF SPECIAL PAY FOR ENLISTED MEMBERS EXTENDING TOURS OF DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) INCLUSION OF BONUS INCENTIVE.—(1) Section 314 of title 37, United States Code, is amended to read as follows:

"§314. Special pay or bonus: qualified enlisted members extending duty at designated locations overseas

"(a) COVERED MEMBERS.—This section applies with respect to an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year.

"(b) SPECIAL PAY OR BONUS AUTHORIZED.—Upon the acceptance by the Secretary concerned of the agreement providing for an extension of the tour of duty of an enlisted member described in subsection (a), the member is entitled, at the election of the Secretary concerned, to either—

"(1) special pay in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 per month; or

"(2) an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.

"(c) SELECTION AND PAYMENT OF SPECIAL PAY OR BONUS.—Not later than the date on which the Secretary concerned accepts an agreement described in subsection (a)(4) providing for the extension of a member's tour of duty, the Secretary concerned shall notify the member regarding whether the member will receive special pay or a bonus under this section. The payment rate for the special pay or bonus shall be fixed at the time of the agreement and may not be changed during the period of the extended tour of duty. The Secretary concerned may pay a bonus under this section either in a lump sum or installments.

"(d) REPAYMENT OF BONUS.—(1) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall refund to the United States the unearned portion of the bonus. The unearned portion of the bonus is the amount by which the amount of the bonus paid to the member exceeds the amount determined by multiplying the amount of the bonus paid by the percent determined by dividing 12 into the number of full months during which the member performed the duty in the 12-month period.

"(2) The Secretary concerned may waive the obligation of a member to reimburse the United States under paragraph (1) if the Secretary determines that conditions and circumstances warrant the waiver.

"(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under the agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(e) EFFECT OF REST AND RECUPERATIVE ABSENCE.—A member who elects to receive one of the benefits specified in section 705(b) of title 10 as part of the extension of a tour of duty is not entitled to the special pay authorized by subsection (b)(1) for the period of the extension of duty for which the benefit under such section is provided.".

(2) The item relating to section 314 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"314. Special pay or bonus: qualified enlisted members extending duty at designated locations overseas.".

(b) APPLICATION OF AMENDMENT.—Section 314 of title 37, United States Code, as amended by subsection (a), shall apply with respect to an agreement to extend a tour of duty as provided in such section executed on or after October 1, 1997.

SEC. 626. INCREASE IN AMOUNT OF FAMILY SEPARATION ALLOWANCE.

Section 427 of title 37, United States Code (as amended by section 603), is further amended in subsection (a)(1) by striking out "$75" and inserting in lieu thereof "$100".

SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "and shall be" and all that follows through "is performed"; and

(2) by inserting after the first sentence the following new sentence: "The allowance may be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.".

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS BEFORE APPROVAL OF MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h)(2)(C) of title 37, United States Code, is amended by striking out the comma at the end of clause (iii) and all that follows through "title 10." and inserting in lieu thereof a period.

SEC. 632. DISLOCATION ALLOWANCE.

(a) IN GENERAL.—Section 407 of title 37, United States Code, is amended to read as follows:

"§407. Travel and transportation allowances: dislocation allowance

"(a) ELIGIBILITY FOR PRIMARY DISLOCATION ALLOWANCE.—(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service described in paragraph (2) is entitled to a primary dislocation allowance at the rate determined under subsection (c) for the member's pay grade and dependency status.

"(2) A member of the uniformed services referred to in paragraph (1) is any of the following:

"(A) A member who makes a change of permanent station and the member's dependents actually make an authorized move in connection with the change, including a move by the dependents—

"(i) to join the member at the member's duty station after an unaccompanied tour of duty when the member's next tour of duty is an accompanied tour at the same station; and

"(ii) to a location designated by the member after an accompanied tour of duty when the member's next tour of duty is an unaccompanied tour at the same duty station.

"(B) A member whose dependents actually move pursuant to section 405a(a), 406(e), 406(h), or 554 of this title.

"(C) A member whose dependents actually move from their place of residence under circumstances described in section 406a of this title.

"(D) A member who is without dependents and—

"(i) actually moves to a new permanent station where the member is not assigned to quarters of the United States; or

"(ii) actually moves from a place of residence under circumstances described in section 406a of this title.

"(E) A member who is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.

"(3) If a primary dislocation allowance is paid under this subsection to a member described in subparagraph (C) or (D)(ii) of paragraph (2), the member is not entitled to another dislocation allowance as a member described in subparagraph (A) or (E) of such paragraph in connection with the same move.

"(b) SECONDARY ALLOWANCE AUTHORIZED UNDER CERTAIN CIRCUMSTANCES.—(1) Under regulations prescribed by the Secretary concerned, whenever a member is entitled to a primary dislocation allowance under subsection (a) as a member described in paragraph (2)(C) or (2)(D)(ii) of such subsection, the member is also entitled to a secondary dislocation allowance at the rate determined under subsection (c) for the member's pay grade and dependency status if, subsequent to the member or the member's dependents actually moving from their place of residence under circumstances described in section 406a of this title, the member or member's dependents complete that move to a new location and then actually move from that new location to another location also under circumstances described in section 406a of this title.

"(2) If a secondary dislocation allowance is paid under this subsection, the member is not entitled to a dislocation allowance as a member described in paragraph (2)(A) or (2)(E) of subsection (a) in connection with those moves.

"(c) DISLOCATION ALLOWANCE RATES.—(1) The amount of the dislocation allowance to be paid under this section to a member shall be based on the member's pay grade and dependency status at the time the member becomes entitled to the allowance.

"(2) The initial rate for the dislocation allowance, for each pay grade and dependency status, shall be equal to the rate in effect for that pay grade and dependency status on December 31, 1997, as adjusted by the average percentage increase in the rates of basic pay for calendar year 1998. Effective on the same date that the monthly rates of basic pay for members are increased for a subsequent calendar year, the Secretary of Defense shall adjust the rates for the dislocation allowance for that calendar year by the percentage equal to the average percentage increase in the rates of basic pay for that calendar year.

"(d) FISCAL YEAR LIMITATION; EXCEPTIONS.—(1) A member is not entitled to more than one dislocation allowance under this section during a fiscal year unless—

"(A) the Secretary concerned finds that the exigencies of the service require the member to make more than one change of permanent station during the fiscal year;

"(B) the member is ordered to a service school as a change of permanent station;

"(C) the member's dependents are covered by section 405a(a), 406(e), 406(h), or 554 of this title; or

"(D) subparagraph (C) or (D)(ii) of subsection (a)(2) or subsection (b) apply with respect to the member or the member's dependents.

"(2) This subsection does not apply in time of national emergency or in time of war.

"(e) FIRST OR LAST DUTY.—A member is not entitled to payment of a dislocation allowance under this section when the member is ordered from the member's home to the member's first duty station or from the member's last duty station to the member's home.

"(f) RULE OF CONSTRUCTION.—For purposes of this section, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.

"(g) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be paid in advance.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1998.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 641. ONE-YEAR OPPORTUNITY TO DISCONTINUE PARTICIPATION IN SURVIVOR BENEFIT PLAN.

(a) ELECTION TO DISCONTINUE WITHIN ONE YEAR AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF PAYMENT OF RETIRED PAY.—(1) Subchapter II of chapter 73 of title 10, United States Code, is amended by inserting after section 1448 the following new section:

"§1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay

"(a) AUTHORITY.—A participant in the Plan may, subject to the provisions of this section, elect to discontinue participation in the Plan at any time during the one-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences.

"(b) CONCURRENCE OF SPOUSE.—

"(1) CONCURRENCE REQUIRED.—A married participant may not (except as provided in paragraph (2)) make an election under subsection (a) without the concurrence of the participant's spouse.

"(2) EXCEPTIONS.—A participant may make such an election without the concurrence of the participant's spouse by establishing to the satisfaction of the Secretary concerned that one of the conditions specified in section 1448(a)(3)(C) of this title exists.

"(3) FORM OF CONCURRENCE.—The concurrence of a spouse under paragraph (1) shall be made in such written form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(c) LIMITATION ON ELECTION WHEN FORMER SPOUSE COVERAGE IN EFFECT.—The limitation set forth in section 1450(f)(2) of this title applies to an election to discontinue participation in the Plan under subsection (a).

"(d) WITHDRAWAL OF ELECTION TO DISCONTINUE.—Section 1448(b)(1)(D) of this title applies to an election under subsection (a).

"(e) CONSEQUENCES OF DISCONTINUATION.—Section 1448(b)(1)(E) of this title applies to an election under subsection (a).

"(f) NOTICE TO AFFECTED BENEFICIARIES.—The Secretary concerned shall notify any former spouse or other natural person previously designated under section 1448(b) of this title of an election to discontinue participation under subsection (a).

"(g) EFFECTIVE DATE OF ELECTION.—An election under subsection (a) is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

"(h) INAPPLICABILITY OF IRREVOCABILITY PROVISIONS.—Paragraphs (4)(B) and (5)(C) of section 1448(a) of this title do not apply to prevent an election under subsection (a).".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1448 the following new item:

"1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.".

(b) TRANSITION PROVISION FOR CURRENT PARTICIPANTS.—Notwithstanding the limitation on the time for making an election under section 1448a of title 10, United States Code (as added by subsection (a)), that is specified in subsection (a) of such section, a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of such title may make an election in accordance with that section within one year after the effective date of that section under subsection (c) if the second anniversary of the commencement of payment of retired pay to the participant precedes that effective date.

(c) EFFECTIVE DATE.—Section 1448a of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 642. TIME IN WHICH CHANGE IN SURVIVOR BENEFIT COVERAGE FROM FORMER SPOUSE TO SPOUSE MAY BE MADE.

(a) EXTENSION OF TIME FOR CHANGE.—Section 1450(f)(1)(C) of title 10, United States Code, is

amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, a change of election under this subsection to provide an annuity to a spouse instead of a former spouse may (subject to paragraph (2)) be made at any time after the person providing the annuity remarries without regard to the time limitation in section 1448(a)(5)(B) of this title.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to marriages occurring before, on, or after the date of the enactment of this Act.

SEC. 643. REVIEW OF FEDERAL FORMER SPOUSE PROTECTION LAWS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a comprehensive review (including a comparison) of—

(1) the protections, benefits, and treatment afforded under Federal law to members and former members of the uniformed services and former spouses of such persons; and

(2) the protections, benefits, and treatment afforded under Federal law to employees and former employees of the Government and former spouses of such persons.

(b) MILITARY PERSONNEL MATTERS TO BE REVIEWED.—In the case of members and former members of the uniformed services and former spouses of such persons, the review under subsection (a) shall include the following:

(1) All provisions of law (principally those originally enacted in the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97–252)) that—

(A) establish, provide for the enforcement of, or otherwise protect interests of members and former members of the uniformed services and former spouses of such persons in retired or retainer pay of members and former members; or

(B) provide other benefits for members and former members of the uniformed services and former spouses of such persons.

(2) The experience of the uniformed services in administering those provisions of law, including the adequacy and effectiveness of the legal assistance provided by the Department of Defense in matters related to the Uniformed Services Former Spouses' Protection Act.

(3) The experience of members and former members of the uniformed services and former spouses of such persons in the administration of those provisions of law.

(4) The experience of members and former members of the uniformed services and former spouses of such persons in the application of those provisions of law by State courts.

(5) The history of State statutes and State court interpretations of the Uniformed Services Former Spouses' Protection Act and other provisions of Federal law described in paragraph (1)(A) and the extent to which those interpretations follow those laws.

(c) CIVILIAN PERSONNEL MATTERS TO BE REVIEWED.—In the case of former spouses of employees and former employees of the Government, the review under subsection (a) shall include the following:

(1) All provisions of law that—

(A) establish, provide for the enforcement of, or otherwise protect interests of employees and former employees of the Government and former spouses of such persons in annuities of employees and former employees under Federal employees' retirement systems; or

(B) provide other benefits for employees and former employees of the Government and former spouses of such persons.

(2) The experience of the Office of Personnel Management and other agencies of the Government in administering those provisions of law.

(3) The experience of employees and former employees of the Government and former spouses of such persons in the administration of those provisions of law.

(4) The experience of employees and former employees of the Government and former spouses of such persons in the application of those provisions of law by State courts.

(d) SAMPLING AUTHORIZED.—The Secretary may use sampling in carrying out the review under this section.

(e) REPORT.—Not later than September 30, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the review under subsection (a). The report shall include any recommendations for legislation that the Secretary considers appropriate.

SEC. 644. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "uniformed services" and "Secretary concerned" have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month that begins after the month in which this Act is enacted.

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

SEC. 645. ADMINISTRATION OF BENEFITS FOR SO-CALLED MINIMUM INCOME WIDOWS.

(a) PAYMENTS TO BE MADE BY SECRETARY OF VETERANS AFFAIRS.—Section 653(d) of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 1448 note) is amended—

(1) by inserting "(1)" before "An annuity" the first place it appears; and

(2) by adding at the end the following new paragraph:

"(2) Payment of annuities under this section shall be made by the Secretary of Veterans Affairs. In making such payments, the Secretary shall combine the payment under this section with the payment of any amount due the same person under section 4 of Public Law 92–425 (10 U.S.C. 1448 note), as provided in subsection (e)(1) of that section. The Secretary concerned shall transfer amounts for payments under this section to the Secretary of Veterans Affairs in the same manner as is provided under subsection (e)(2) of section 4 of Public Law 92–425 for payments under that section.".

(b) COMBINATION WITH OTHER BENEFITS.—Section 4(e)(1) of Public Law 92–425 (10 U.S.C. 1448 note) is amended—

(1) by inserting after the first sentence the following new sentence: "In making such payments, the Secretary shall combine with the payment under this section payment of any amount due the same person under section 653(d) of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 1448 note)."; and

(2) by inserting "(and, if applicable, under section 653(d) of the National Defense Authorization Act, Fiscal Year 1989)" after "under this section".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply with respect to payments of benefits for months beginning on or after that date, except that the Secretary of Veterans Affairs may provide, if necessary for administrative implementation, that such amendments shall apply beginning with a later month, not later than the first month beginning more than 180 days after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 651. LOAN REPAYMENT PROGRAM FOR COMMISSIONED OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) Chapter 109 of title 10, United States Code, is amended by adding at the end the following new section:

"§2173. Education loan repayment program: commissioned officers in specified health professions

"(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of commissioned officers of the armed forces on active duty who are qualified in the various health professions, the Secretary of a military department may repay, in the case of a person described in subsection (b), a loan that—

"(1) was used by the person to finance education regarding a health profession; and

"(2) was obtained from a governmental entity, private financial institution, school, or other authorized entity.

"(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

"(1) satisfy one of the requirements specified in subsection (c);

"(2) be fully qualified for, or hold, an appointment as a commissioned officer in one of the health professions; and

"(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

"(c) Academic and Professional Requirements.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of a person for a loan repayment under this section:

"(1) The person is fully qualified in a health care profession that the Secretary of the military department concerned has determined to be necessary to meet identified skill shortages.

"(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution leading to a degree in a health profession other than medicine or osteopathic medicine.

"(3) The person is enrolled in the final year of an approved graduate program leading to specialty qualification in medicine, dentistry, osteopathic medicine, or other health profession.

"(d) Certain Persons Ineligible.—Participants of the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title and students of the Uniformed Services University of the Health Sciences established under section 2112 of this title are not eligible for the repayment of an education loan under this section.

"(e) Loan Repayments.—(1) Subject to the limits established by paragraph (2), a loan repayment under this section may consist of payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b) for—

"(A) all educational expenses, comparable to all educational expenses recognized under section 2127(a) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program; and

"(B) reasonable living expenses, not to exceed expenses comparable to the stipend paid under section 2121(d) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program.

"(2) For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary of the military department concerned may pay not more than $22,000 on behalf of the person. This maximum amount shall be increased annually by the Secretary of Defense effective October 1 of each year by the percentage equal to the percent increase in the average annual cost of educational expenses and stipend costs of a single scholarship under the Armed Forces Health Professions Scholarship and Financial Assistance program. The total amount that may be repaid on behalf of any person may not exceed an amount determined on the basis of a four-year active duty service obligation.

"(f) Active Duty Service Obligation.—(1) A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation. The length of this obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

"(2) For persons on active duty before entering into the agreement, the active duty service obligation shall be served consecutively to any other obligation incurred under the agreement.

"(g) Effect of Failure To Complete Obligation.—A commissioned officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given, with or without the consent of the officer, any alternative obligation comparable to any of the alternative obligations authorized by section 2123(e) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program.

"(h) Regulations.—The Secretary of Defense shall prescribe regulations to carry out this section, including standards for qualified loans and authorized payees and other terms and conditions for the making of loan repayments.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2173. Education loan repayment program: commissioned officers in specified health professions.".

SEC. 652. CONFORMANCE OF NOAA COMMISSIONED OFFICERS SEPARATION PAY TO SEPARATION PAY FOR MEMBERS OF OTHER UNIFORMED SERVICES.

(a) Elimination of Limitations on Amount of Separation Pay.—Section 9 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h) is amended—

(1) in subsection (b)(1), by striking out ", or $30,000, whichever is less";

(2) in subsection (b)(2), by striking out ", but in no event more than $15,000"; and

(3) in subsection (d), by striking out "(1)", and by striking out paragraph (2).

(b) Waiver of Recoupment of Amounts Withheld for Tax Purposes From Certain Separation Pay.—Section 9(e)(2) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h(e)(2)) is amended in the first sentence by inserting before the period at the end the following: ", less the amount of Federal income tax withheld from such pay (such withholding being at the flat withholding rate for Federal income tax withholding, as in effect pursuant to regulations prescribed under chapter 24 of the Internal Revenue Code of 1986)".

(c) Effective Date and Application.—The amendments made by this section shall take effect as of October 1, 1997, and shall apply to payments of separation pay that are made after September 30, 1997.

SEC. 653. ELIGIBILITY OF PUBLIC HEALTH SERVICE OFFICERS AND NOAA COMMISSIONED CORPS OFFICERS FOR REIMBURSEMENT OF ADOPTION EXPENSES.

(a) Public Health Service.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following new paragraph:

"(16) Section 1052, Reimbursement for adoption expenses.".

(b) National Oceanic and Atmospheric Administration.—Section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following new paragraph:

"(16) Section 1052, Reimbursement for adoption expenses.".

(c) Prospective Applicability.—The amendments made by this section shall apply only to adoptions that are completed on or after the date of the enactment of this Act.

SEC. 654. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERRILLA FIGHTERS IN THE PHILIPPINES.

(a) In General.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) Covered Individuals.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured within the territory of the Philippines by Japanese forces;

(2) escaped from captivity; and

(3) served as a guerrilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) Amount To Be Paid.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (3) of subsection (b) and which was not paid to that individual. For the purposes of this subsection, the Secretary of War shall be deemed to have determined that conditions in the Philippines during the specified period justified payment under applicable regulations of quarters and subsistence allowances at the maximum special rate for duty where emergency conditions existed. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) Payment to Survivors.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

SEC. 655. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

(a) Study and Report.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level. The study shall include the following:

(A) An analysis of potential solutions for ensuring that members of the Armed Forces and their families do not have to subsist at, near, or below the poverty level, including potential solutions involving changes in the system of allowances for members.

(B) Identification of the military populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances for members over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking members than for higher ranking members.

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study and such recommendations as the Secretary considers to be appropriate.

(b) Implementation of Department of Defense Special Supplemental Food Program for Personnel Outside the United States.—(1) Subsection (b) of section 1060a of title 10, United States Code, is amended to read as follows:

"(b) Federal Payments and Commodities.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). The Secretary of Defense may use funds available for the Department of Defense to carry out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the intentions of the Secretary regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services
Sec. 701. Expansion of retiree dental insurance plan to include surviving spouse and child dependents of certain deceased members.
Sec. 702. Provision of prosthetic devices to covered beneficiaries.
Sec. 703. Study concerning the provision of comparative information.
Subtitle B—TRICARE Program
Sec. 711. Addition of definition of TRICARE program to title 10.
Sec. 712. Plan for expansion of managed care option of TRICARE program.
Subtitle C—Uniformed Services Treatment Facilities
Sec. 721. Implementation of designated provider agreements for Uniformed Services Treatment Facilities.
Sec. 722. Continued acquisition of reduced-cost drugs.
Sec. 723. Limitation on total payments.
Subtitle D—Other Changes to Existing Laws Regarding Health Care Management
Sec. 731. Improvements in health care coverage and access for members assigned to certain duty locations far from sources of care.
Sec. 732. Waiver or reduction of copayments under overseas dental program.
Sec. 733. Premium collection requirements for medical and dental insurance programs; extension of deadline for implementation of dental insurance program for military retirees.
Sec. 734. Dental insurance plan coverage for retirees of the Public Health Service and NOAA.
Sec. 735. Consistency between CHAMPUS and Medicare in payment rates for services.
Sec. 736. Use of personal services contracts for provision of health care services and legal protection for providers.
Sec. 737. Portability of State licenses for Department of Defense health care professionals.
Sec. 738. Standard form and requirements regarding claims for payment for services.
Sec. 739. Chiropractic health care demonstration program.
Subtitle E—Other Matters
Sec. 741. Continued admission of civilians as students in physician assistant training program of Army Medical Department.
Sec. 742. Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency.
Sec. 743. Authority for agreement for use of medical resource facility, Alamogordo, New Mexico.
Sec. 744. Disclosures of cautionary information on prescription medications.
Sec. 745. Competitive procurement of certain ophthalmic services.
Sec. 746. Comptroller General study of adequacy and effect of maximum allowable charges for physicians under CHAMPUS.
Sec. 747. Comptroller General study of Department of Defense pharmacy programs.
Sec. 748. Comptroller General study of Navy graduate medical education program.
Sec. 749. Study of expansion of pharmaceuticals by mail program to include additional Medicare-eligible covered beneficiaries.
Sec. 750. Comptroller General study of requirement for military medical facilities in National Capital Region.
Sec. 751. Report on policies and programs to promote healthy lifestyles for members of the Armed Forces and their dependents.
Sec. 752. Sense of Congress regarding quality health care for retirees.
Subtitle F—Persian Gulf Illness
Sec. 761. Definitions.
Sec. 762. Plan for health care services for Persian Gulf veterans.
Sec. 763. Comptroller General study of revised disability criteria for physical evaluation boards.
Sec. 764. Medical care for certain reserves who served in Southwest Asia during the Persian Gulf War.
Sec. 765. Improved medical tracking system for members deployed overseas in contingency or combat operations.
Sec. 766. Notice of use of investigational new drugs or drugs unapproved for their applied use.
Sec. 767. Report on plans to track location of members in a theater of operations.
Sec. 768. Sense of Congress regarding the deployment of specialized units for detecting and monitoring chemical, biological, and similar hazards in a theater of operations.
Sec. 769. Report on effectiveness of research efforts regarding Gulf War illnesses.
Sec. 770. Persian Gulf illness clinical trials program.
Sec. 771. Sense of Congress concerning Gulf War illness.

Subtitle A—Health Care Services

SEC. 701. EXPANSION OF RETIREE DENTAL INSURANCE PLAN TO INCLUDE SURVIVING SPOUSE AND CHILD DEPENDENTS OF CERTAIN DECEASED MEMBERS.

Section 1076c(b)(4) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "dies" and inserting in lieu thereof "died"; and

(B) by striking out "or" at the end of the subparagraph;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) who died while on active duty for a period of more than 30 days and whose eligible dependents are not eligible, or no longer eligible, for dental benefits under section 1076a of this title pursuant to subsection (i)(2) of such section.".

SEC. 702. PROVISION OF PROSTHETIC DEVICES TO COVERED BENEFICIARIES.

(a) INCLUSION AMONG AUTHORIZED CARE.—Subsection (a) of section 1077 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(15) Prosthetic devices, as determined by the Secretary of Defense to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease.".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) Hearing aids, orthopedic footwear, and spectacles, except that, outside of the United States and at stations inside the United States where adequate civilian facilities are unavailable, such items may be sold to dependents at cost to the United States.".

SEC. 703. STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional fee-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) The net monthly premium, if any, under the entity.

(3) The service area of the entity.

(4) To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous two years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by an out-of-network health care provider.

(5) Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) An overall summary description as to the method of compensation of participating physicians.

Subtitle B—Tricare Program

SEC. 711. ADDITION OF DEFINITION OF TRICARE PROGRAM TO TITLE 10.

Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) The term 'TRICARE program' means the managed health care program that is established by the Department of Defense under the authority of this chapter, principally section 1097 of this title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

SEC. 712. PLAN FOR EXPANSION OF MANAGED CARE OPTION OF TRICARE PROGRAM.

(a) PLAN FOR EXPANSION OF TRICARE PRIME.—The Secretary of Defense shall prepare a plan for the expansion of the managed care option of the TRICARE Program, known as TRICARE Prime, into areas of the United States located outside of the catchment areas of medical treatment facilities of the uniformed services, but in which the managed care option is a cost-effective alternative because of—

(1) the significant number of members of the uniformed services and covered beneficiaries

under chapter 55 of title 10, United States Code (including retired members of the Armed Forces and their dependents), who reside in the areas; and

(2) the presence in the areas of sufficient nonmilitary health care provider networks.

(b) ALTERNATIVES.—As an alternative to expansion of TRICARE Prime to areas of the United States in which there are few or no nonmilitary health care provider networks, the Secretary shall include in the plan required under subsection (a) an evaluation of the feasibility and cost-effectiveness of providing a member of the Armed Forces on active duty who is stationed in such an area, or whose dependents reside in such an area, with one or both of the following:

(1) A monetary stipend to assist the member in obtaining health care services for the member or the member's dependents.

(2) A reduction in the cost-sharing requirements applicable to the TRICARE program options otherwise available to the member to match the reduced cost-sharing responsibilities of the managed care option of the TRICARE program.

(c) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretary shall submit to Congress the plan required under subsection (a).

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

SEC. 722. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).".

SEC. 723. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. IMPROVEMENTS IN HEALTH CARE COVERAGE AND ACCESS FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM SOURCES OF CARE.

(a) SUPPLEMENTAL CARE PROGRAM.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following new paragraphs:

"(2)(A) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care for members of the armed forces under this subsection, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

"(B) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

"(3)(A) The Secretary of Defense may not require a member of the armed forces described in subparagraph (B) to receive routine primary medical care at a military medical treatment facility.

"(B) A member referred to in subparagraph (A) is a member of the armed forces on active duty who is entitled to medical care under this subsection and who—

"(i) receives a duty assignment described in subparagraph (C); and

"(ii) pursuant to the assignment of such duty, resides at a location that is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility adequate to provide the needed care.

"(C) A duty assignment referred to in subparagraph (B) means any of the following:

"(i) Permanent duty as a recruiter.

"(ii) Permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps.

"(iii) Permanent duty as a full-time adviser to a unit of a reserve component.

"(iv) Any other permanent duty designated by the Secretary concerned for purposes of this paragraph.".

(2) The amendments made by paragraph (1) shall apply with respect to coverage of medical care for, and the provision of such care to, a member of the Armed Forces under section 1074(c) of title 10, United States Code, on and after the later of the following:

(A) April 1, 1998.

(B) The date on which the TRICARE program is in place in the service area of the member.

(b) TEMPORARY AUTHORITY FOR MANAGED CARE EXPANSION TO MEMBERS ON ACTIVE DUTY AT CERTAIN REMOTE LOCATIONS.—(1) A member of the Armed Forces described in subsection (c) is entitled to receive care under the Civilian Health and Medical Program of the Uniformed Services. In connection with such care, the Secretary of Defense shall waive the obligation of the member to pay a deductible, copayment, or annual fee that would otherwise be applicable under that program for care provided to the members under the program.

(2) A member who is entitled under paragraph (1) to receive health care services under CHAMPUS shall receive such care from a network provider under the TRICARE program if such a provider is available in the service area of the member.

(3) Paragraph (1) shall take effect on the date of the enactment of this Act and shall expire with respect to a member upon the later of the following:

(A) The date that is one year after the date of the enactment of this Act.

(B) The date on which the amendments made by subsection (a) apply with respect to the coverage of medical care for, and provision of such care to, the member.

(c) ELIGIBLE MEMBERS.—A member referred to in subsection (b) is a member of the Armed Forces on active duty who—

(1) receives a duty assignment described in subsection (d); and

(2) pursuant to the assignment of such duty, resides at a location that is more than 50 miles, or approximately one hour of driving time, from—

(A) the nearest health care facility of the uniformed services adequate to provide the needed care under chapter 55 of title 10, United States Code; and

(B) the nearest source of the needed care that is available to the member under the TRICARE Prime plan.

(d) DUTY ASSIGNMENTS COVERED.—A duty assignment referred to in subsection (c)(1) means any of the following:

(1) Permanent duty as a recruiter.

(2) Permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps.

(3) Permanent duty as a full-time adviser to a unit of a reserve component of the Armed Forces.

(4) Any other permanent duty designated by the Secretary concerned for purposes of this subsection.

(e) PAYMENT OF COSTS.—Deductibles, copayments, and annual fees not payable by a member by reason of a waiver granted under the regulations prescribed pursuant to subsection (b) shall be paid out of funds available to the Department of Defense for the Defense Health Program.

(f) DEFINITIONS.—In this section:

(1) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

(2) The term "TRICARE Prime plan" means a plan under the TRICARE program that provides for the voluntary enrollment of persons for the receipt of health care services to be furnished in a manner similar to the manner in which health care services are furnished by health maintenance organizations.

SEC. 732. WAIVER OR REDUCTION OF COPAYMENTS UNDER OVERSEAS DENTAL PROGRAM.

Section 1076a(h) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "Secretary" and inserting in lieu thereof "Secretary of Defense"; and

(2) by adding at the end the following new sentence: "In the case of such an overseas dental plan, the Secretary may waive or reduce the copayments otherwise required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.".

SEC. 733. PREMIUM COLLECTION REQUIREMENTS FOR MEDICAL AND DENTAL INSURANCE PROGRAMS; EXTENSION OF DEADLINE FOR IMPLEMENTATION OF DENTAL INSURANCE PROGRAM FOR MILITARY RETIREES.

(a) PREMIUM COLLECTION FOR SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. To the maximum extent practicable, a member's share shall be deducted and withheld from the basic pay payable to the member for inactive duty training or basic pay payable to the member for active duty (if pay is available to the member). Such share shall be used to pay the premium for coverage by the dental insurance plan.".

(b) PREMIUM COLLECTION FOR RETIREE DENTAL INSURANCE PLAN.—Paragraph (2) of section 1076c(c) of such title is amended to read as follows:

"(2) The Secretary of Defense shall establish procedures for the collection of the premiums charged for coverage by the dental insurance plan. To the maximum extent practicable, the premiums payable by a member entitled to retired pay shall be deducted and withheld from the retired pay of the member (if pay is available to the member).".

(c) REPORT TO CONGRESS.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on the premium collection procedures established pursuant to paragraph (3) of section 1076b(b) of title 10, United States Code, and paragraph (2) of section 1076c(c) of such title. The report shall describe the extent to which premium collections are made under such paragraphs through deductions and withholding from pay.

(d) LIMITATION ON IMPLEMENTATION OF ALTERNATIVE COLLECTION PROCEDURES.—The Secretary of Defense may not implement procedures for collecting premiums under section 1076b(b)(3) of title 10, United States Code, or section 1076c(c)(2) of such title other than by deductions and withholding from pay until 120 days after the date that the Secretary submits a report to Congress describing the justifications for implementing such alternative procedures.

(e) EXTENSION OF DEADLINE FOR IMPLEMENTATION OF DENTAL INSURANCE PLAN FOR MILITARY RETIREES.—Section 703(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2590) is amended by striking "October 1, 1997" and inserting "April 1, 1998".

SEC. 734. DENTAL INSURANCE PLAN COVERAGE FOR RETIREES OF THE PUBLIC HEALTH SERVICE AND NOAA.

(a) ELIGIBILITY.—(1) Subsection (a) of section 1076c of title 10, United States Code, is amended by striking out "military retirees" and inserting in lieu thereof "retirees of the uniformed services".

(2) Subsection (b)(1) of such section is amended by striking out "Armed Forces" and inserting in lieu thereof "uniformed services".

(b) OFFICIALS RESPONSIBLE.—(1) Subsection (a) of such section (as amended by subsection (a)) is further amended by inserting ", in consultation with the other administering Secretaries," after "Secretary of Defense".

(2) Subsection (h) of such section is amended by striking out "Secretary of Transportation" and inserting in lieu thereof "other administering Secretaries".

SEC. 735. CONSISTENCY BETWEEN CHAMPUS AND MEDICARE IN PAYMENT RATES FOR SERVICES.

(a) CONFORMITY BETWEEN RATES.—Section 1079(h) of title 10, United States Code, is amended by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following new paragraph:

"(1) Except as provided in paragraphs (2) and (3), payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The Secretary of Defense shall determine the appropriate payment amount under this paragraph in consultation with the other administering Secretaries.".

(b) REDUCED RATES AUTHORIZED.—Paragraph (5) of such section is amended by adding at the end the following new sentence: "With the consent of the health care provider, the Secretary is also authorized to reduce the authorized payment for certain health care services below the amount otherwise required by the payment limitations under paragraph (1).".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (5), by striking out "paragraph (4), the Secretary" and inserting in lieu thereof "paragraph (2), the Secretary of Defense"; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively.

SEC. 736. USE OF PERSONAL SERVICES CONTRACTS FOR PROVISION OF HEALTH CARE SERVICES AND LEGAL PROTECTION FOR PROVIDERS.

(a) USE OF CONTRACTS OUTSIDE MEDICAL TREATMENT FACILITIES.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may also enter into personal services contracts to carry out other health care responsibilities of the Secretary (such as the provision of medical screening examinations at Military Entrance Processing Stations) at locations outside medical treatment facilities, as determined necessary pursuant to regulations prescribed by the Secretary. The Secretary may not enter into a contract under this paragraph after the end of the one-year period beginning on the date of the enactment of this paragraph.".

(b) DEFENSE OF SUITS.—Section 1089 of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: "This subsection shall also apply if the physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) involved is serving under a personal services contract entered into under section 1091 of this title."; and

(2) in subsection (f)—

(A) by inserting "(1)" after "(f)"; and

(B) by adding at the end the following new paragraph:

"(2) With respect to the Secretary of Defense and the Armed Forces Retirement Home Board, the authority provided by paragraph (1) also includes the authority to provide for reasonable attorney's fees for persons described in subsection (a), as determined necessary pursuant to regulations prescribed by the head of the agency concerned.".

(c) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit to Congress a report on the feasible alternative means for performing the medical screening examinations that are routinely performed at Military Entrance Processing Stations. The report shall contain a discussion of the feasibility and cost of the use of—

(1) the TRICARE system for the performance of the examinations; and

(2) each other alternative identified in the report.

SEC. 737. PORTABILITY OF STATE LICENSES FOR DEPARTMENT OF DEFENSE HEALTH CARE PROFESSIONALS.

Section 1094 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Notwithstanding any law regarding the licensure of health care providers, a health-care professional described in paragraph (2) may practice the health profession or professions of the health-care professional in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of whether the practice occurs in a health care facility of the Department of Defense, a civilian facility affiliated with the Department of Defense, or any other location authorized by the Secretary of Defense .

"(2) A health-care professional referred to in paragraph (1) is a member of the armed forces who—

"(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

"(B) is performing authorized duties for the Department of Defense.".

SEC. 738. STANDARD FORM AND REQUIREMENTS REGARDING CLAIMS FOR PAYMENT FOR SERVICES.

(a) CLARIFICATION OF EXISTING REQUIREMENTS.—Section 1106 of title 10, United States Code, is amended to read as follows:

"§1106. Submittal of claims: standard form; time limits

"(a) STANDARD FORM.—The Secretary of Defense, after consultation with the other administering Secretaries, shall prescribe by regulation a standard form for the submission of claims for the payment of health care services provided under this chapter.

"(b) TIME FOR SUBMISSION.—A claim for payment for services provided under this chapter shall be submitted as provided in such regulations not later than one year after the services are provided.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking out the item relating to section 1106 and inserting in lieu thereof the following new item:

"1106. Submittal of claims: standard form; time limits.".

SEC. 739. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2)(A) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other".

(c) REPORTS.—Subsection (c) of such section is amended—

(1) by striking paragraph (3); and

(2) by adding at the end the following new paragraphs:

"(3) Not later than January 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(4) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of the program at all of the designated treatment facilities under the program, including the treatment facilities referred to in paragraph (3).

"(5) Not later than May 1, 2000, the Secretary shall submit to the committees referred to in paragraph (3) a final report in accordance with the plan submitted pursuant to paragraph (2).".

Subtitle E—Other Matters

SEC. 741. CONTINUED ADMISSION OF CIVILIANS AS STUDENTS IN PHYSICIAN ASSISTANT TRAINING PROGRAM OF ARMY MEDICAL DEPARTMENT.

(a) CIVILIAN ATTENDANCE.—(1) Chapter 407 of title 10, United States Code, is amended by adding at the end the following new section:

"§4416. Academy of Health Sciences: admission of civilians in physician assistant training program

"(a) IN GENERAL.—The Secretary of the Army may, pursuant to an agreement entered into with an accredited institution of higher education—

"(1) permit students of the institution to attend the didactic portion of the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas; and

"(2) accept from the institution academic services to support the physician assistant training program at the Academy.

"(b) AGREEMENT FOR EXCHANGE OF SERVICES.—An agreement entered into with an institution of higher education under this section shall require the institution, in exchange for services provided under paragraph (1) of subsection (a), to provide academic services described in paragraph (2) of such subsection that the Secretary and authorized representatives of the institution consider appropriate.

"(c) SELECTION OF STUDENTS.—In consultation with the authorized representatives of the institution of higher education concerned, the Secretary shall prescribe the qualifications and methods of selection for students of the institution to receive instruction at the Academy under this section. The qualifications shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

"(d) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a student who receives instruction at the Academy under this section shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Academy.

"(e) LIMITATIONS.—The Secretary shall ensure the following:

"(1) That the Army Medical Department, in carrying out an agreement under this section, does not incur costs in excess of the costs that the department would incur to obtain, by means other than the agreement, academic services that are comparable to those provided by the institution pursuant to the agreement.

"(2) That attendance of civilian students at the Academy under this section does not cause a decrease in the number of members of the armed forces enrolled in the physician assistant training program at the Academy.

"(f) ANNUAL REPORT.—(1) Each year, the Secretary shall submit to Congress a report on the exchange of services under this section during the year. The report shall contain the following:

"(A) The number of civilian students who receive instruction at the Academy under this section.

"(B) An assessment of the benefits derived by the United States.

"(2) Reports are required under paragraph (1) only for years during which an agreement is in effect under this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4416. Academy of Health Sciences: admission of civilians in physician assistant training program.".

(b) EFFECT ON EXISTING DEMONSTRATION PROGRAM.—An agreement entered into under the demonstration program for the admission of civilians as physician assistant students at the Academy of Health Sciences, Fort Sam Houston, Texas, established pursuant to section 732 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2810) shall be treated as an agreement entered into under section 4416 of title 10, United States Code (as added by subsection (a)). The agreement may be extended in such manner and for such period as the parties to the agreement consider appropriate consistent with section 4416.

SEC. 742. PAYMENT FOR EMERGENCY HEALTH CARE OVERSEAS FOR MILITARY AND CIVILIAN PERSONNEL OF THE ON-SITE INSPECTION AGENCY.

(a) PAYMENT OF COSTS.—The Secretary of Defense may pay the costs of any emergency health care that—

(1) is needed by a member of the Armed Forces, civilian employee of the Department of Defense, or civilian employee of a contractor operating under a contract with the Department of Defense while the member or employee is performing temporary or permanent duty with the On-Site Inspection Agency outside the United States; and

(2) is furnished to such person during fiscal year 1998 by a source outside the United States.

(b) FUNDING.—Funds authorized to be appropriated for the expenses of the On-Site Inspection Agency for fiscal year 1998 by this Act shall be available to cover payments for emergency health care provided under subsection (a).

SEC. 743. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMOGORDO, NEW MEXICO.

(a) AUTHORITY.—(1) The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamogordo, New Mexico, under which the Secretary may furnish health care services to eligible individuals in a medical resource facility in Alamogordo, New Mexico, that is constructed and equipped, in part, using funds provided by the Secretary under the agreement.

(2) For purposes of this section:

(A) The term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any member of the uniformed services entitled to such care under section 1074(a) of that title.

(B) The terms "medical resource facility" and "facility" mean the medical resource facility to be constructed and equipped pursuant to the agreement authorized by paragraph (1).

(C) The term "Hospital" means Gerald Champion Hospital, Alamogordo, New Mexico.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall specify, at a minimum, the following:

(1) The relationship between the Hospital and the Secretary of the Air Force in the provision of health care services to eligible individuals in the medical resource facility, including—

(A) whether or not the Secretary and the Hospital are to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the managed care option of the TRICARE program known as TRICARE Prime.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds made available under subsection (c) that the Secretary will contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—(1) Of the amount authorized to be appropriated pursuant to section 301(4) for operation and maintenance for the Air Force, not more than $7,000,000 may be used by the Secretary of the Air Force to make a contribution toward the construction and equipping of the medical resource facility in the event that the Secretary enters into the agreement authorized by subsection (a). Notwithstanding any other provision of law, the Secretary may not use other sources of funds to make a contribution toward the construction or equipping of the facility.

(2) Notwithstanding subsection (b)(3) regarding the ownership and reimbursement issues to be addressed in the agreement authorized by subsection (a), the Secretary may not contribute funds made available under paragraph (1) toward the construction and equipping of the facility unless the agreement requires, in exchange for the contribution, that the Hospital provide health care services to eligible individuals without charge to the Secretary or at a reduced rate. The value of the services provided by the Hospital shall be at least equal to the amount of the contribution made by the Secretary, and the Hospital shall complete the provision of services equal in value to the Secretary's contribution within seven years after the facility becomes operational. The provision of additional discounted services to be provided by the Hospital shall be included in the agreement. The value and types of services to be provided by the Hospital shall be negotiated in accordance with principles of resource-sharing agreements under the TRICARE program.

(d) NOTICE AND WAIT.—The Secretary of the Air Force may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary of Defense submits to the congressional defense committees the report required by subsection (e).

(e) REPORT ON PROPOSED AGREEMENT.—The Secretary of Defense shall submit to Congress a report containing an analysis of, and recommendations regarding, the agreement proposed to be entered into under subsection (a), in *particular, the implications of the agreement on regional health care costs and its effect on implementation of the TRICARE program in the region. The report shall also include a copy of the agreement, the results of a cost-benefit analysis conducted by the Secretary of the Air Force with respect to the agreement, and such other information with respect to the agreement as the Secretary of Defense and the Secretary of the Air Force considers appropriate. The cost-benefit analysis shall consider the effects of the agreement on operation and maintenance and military construction requirements at Holloman Air Force Base, New Mexico.*

(f) Subsequent Reports.—If the Secretary of the Air Force enters into the agreement authorized by subsection (a), the Secretary shall submit to Congress an annual report containing a revised cost-benefit analysis of the consequences of the agreement as in effect during the year covered by the report, including a full accounting of any cost savings realized by the Department of the Air Force as a result of the agreement. A report shall be submitted for each year in which the agreement is in effect or until the Hospital provides the full value of health care services required under subsection (c)(2), whichever occurs first.

SEC. 744. DISCLOSURES OF CAUTIONARY INFORMATION ON PRESCRIPTION MEDICATIONS.

(a) Regulations Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the administering Secretaries referred to in section 1073 of title 10, United States Code, shall prescribe regulations to require each source described in subsection (d) that dispenses a prescription medication to a beneficiary under chapter 55 of such title to include with the medication the written cautionary information required by subsection (b).

(b) Information To Be Disclosed.—Information required to be disclosed about a medication under the regulations shall include appropriate cautions about usage of the medication, including possible side effects and potentially hazardous interactions with foods.

(c) Form of Information.—The regulations shall require that information be furnished in a form that, to the maximum extent practicable, is easily read and understood.

(d) Covered Sources.—The regulations shall apply to the following:

(1) Pharmacies and any other dispensers of prescription medications in medical facilities of the uniformed services.

(2) Sources of prescription medications under any mail order pharmaceuticals program provided by any of the administering Secretaries under chapter 55 of title 10, United States Code.

(3) Pharmacies paid under the Civilian Health and Medical Program of the Uniformed Services (including the TRICARE program).

(4) Pharmacies, and any other pharmaceutical dispensers, of designated providers referred to in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note).

SEC. 745. COMPETITIVE PROCUREMENT OF CERTAIN OPHTHALMIC SERVICES.

(a) Competitive Procurement Required.—Beginning not later than October 1, 1998, the Secretary of Defense shall competitively procure from private-sector sources, or other sources outside of the Department of Defense, all ophthalmic services related to the provision of single vision and multivision eyeware for members of the Armed Forces, retired members, and certain covered beneficiaries under chapter 55 of title 10, United States Code, who would otherwise receive such ophthalmic services through the Department of Defense.

(b) Exception.—Subsection (a) shall not apply to the extent that the Secretary of Defense determines that the use of sources within the Department of Defense to provide such ophthalmic services—

(1) is necessary to meet the readiness requirements of the Armed Forces; or

(2) is more cost effective.

(c) Completion of Existing Orders.—Subsection (a) shall not apply to orders for ophthalmic services received on or before September 30, 1998.

SEC. 746. COMPTROLLER GENERAL STUDY OF ADEQUACY AND EFFECT OF MAXIMUM ALLOWABLE CHARGES FOR PHYSICIANS UNDER CHAMPUS.

(a) Study Required.—The Comptroller General shall conduct a study regarding the adequacy of the maximum allowable charges for physicians established under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the effect of such charges on the participation of physicians in CHAMPUS. The study shall include an evaluation of the following:

(1) The methodology used by the Secretary of Defense to establish maximum allowable charges for physicians under CHAMPUS, and whether such methodology conforms to the requirements of section 1079(h) of title 10, United States Code.

(2) The differences between the established charges under CHAMPUS and reimbursement rates for similar services under title XVIII of the Social Security Act and other health care programs.

(3) The basis for physician complaints that the CHAMPUS established charges are too low.

(4) The difficultly of CHAMPUS in ensuring physician compliance with the CHAMPUS established charges in the absence of legal mechanisms to enforce compliance, and the effect of noncompliance on patient out-of-pocket expenses.

(5) The effect of the established charges under CHAMPUS on the participation of physicians in CHAMPUS, and the extent and success of Department of Defense efforts to increase physician participation in areas with low participation rates.

(b) Submission of Report.—Not later than March 1, 1998, the Comptroller General shall submit to Congress a report containing the results of the study required by subsection (a).

SEC. 747. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE PHARMACY PROGRAMS.

(a) Study.—Not later than March 31, 1998, the Comptroller General shall submit to Congress a study evaluating the pharmacy programs of the Department of Defense. The study shall examine the impact of such pharmacy programs on the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries under chapter 55 of title 10, United States Code, and shall include an examination of the following:

(1) The merits and feasibility of establishing a uniform formulary for military treatment facility pharmacies and civilian contractor pharmacy benefit administrators.

(2) The reasons that military treatment facilities deny covered beneficiaries access to pharmacy care and shift such beneficiaries to other sources of pharmacy care.

(3) The merits and feasibility of using private sector cost control mechanisms implemented by authorized civilian contractors in the Department of Defense medical programs, and the existence of any barriers to the use of such mechanisms, including factors that may undermine the incentives of such contractors to optimize treatment outcomes in managing the care of covered beneficiaries without exceeding budgeted resources.

(4) The cost impacts, if any, of the use of commercial managed care methods of furnishing pharmaceuticals to covered beneficiaries by TRICARE program contractors instead of procuring pharmaceuticals at discounted prices pursuant to section 8126 of title 38, United States Code.

(5) The existence of options for increasing the discounts available to TRICARE program contractors without undermining controls for preventing diversion of items procured by the Department of Defense to nonmilitary populations.

(b) Response to Study.—Not later than 90 days after the Comptroller General submits to Congress the study required by subsection (a), the Secretary of Defense shall submit to Congress a report on the feasibility and advisability of implementing changes to the pharmacy programs of the Department of Defense based on the findings and conclusions of the study.

SEC. 748. COMPTROLLER GENERAL STUDY OF NAVY GRADUATE MEDICAL EDUCATION PROGRAM.

(a) Study Required.—The Comptroller General shall conduct a study to evaluate the validity of the recommendations made by the Medical Education Policy Council of the Bureau of Medicine and Surgery of the Navy regarding restructuring the graduate medical education program of the Department of the Navy. The study shall specifically address the Council's recommendations relating to residency training conducted at Naval Medical Center, Portsmouth, Virginia, and National Naval Medical Center, Bethesda, Maryland.

(b) Submission of Report.—Not later than March 1, 1998, the Comptroller General shall submit to Congress and the Secretary of the Navy a report containing the results of the study required by subsection (a).

(c) Moratorium on Restructuring.—Until the report required by subsection (b) is submitted to Congress, the Secretary of the Navy may not make any change in the types of residency programs conducted under the Navy graduate medical education program or the locations at which such residency programs are conducted or otherwise restructure the Navy graduate medical education program.

SEC. 749. STUDY OF EXPANSION OF PHARMACEUTICALS BY MAIL PROGRAM TO INCLUDE ADDITIONAL MEDICARE-ELIGIBLE COVERED BENEFICIARIES.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the feasibility and advisability of expanding the category of persons eligible to participate in the demonstration project for the purchase of prescription pharmaceuticals by mail, as required by section 702(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1079 note), to include persons referred to in subsection (c) of section 1086 of title 10, United States Code, who are covered by subsection (d)(1) of such section and reside in the United States outside of the catchment area of a medical treatment facility of the uniformed services.

SEC. 750. COMPTROLLER GENERAL STUDY OF REQUIREMENT FOR MILITARY MEDICAL FACILITIES IN NATIONAL CAPITAL REGION.

(a) Study Required.—The Comptroller General shall conduct a study to evaluate the requirements for Army, Navy, and Air Force medical facilities in the National Capital Region (as defined in section 2674(f)(2) of title 10, United States Code). The study shall—

(1) specifically address requirements with respect to geography, facilities, integrated residencies, and medical environments; and

(2) provide specific recommendations with respect to how medical and health care provided by these facilities may be better coordinated to more efficiently serve, throughout the National Capital Region, members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code.

(b) SUBMISSION OF REPORT.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Secretary of Defense a report containing the results of the study required by subsection (a).

SEC. 751. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles for members of the Armed Forces and their dependents.

(b) POLICIES AND PROGRAMS TO BE ASSESSED.—The report under subsection (a) shall include an assessment of the effectiveness of the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, and service clubs, and for entertainment activities of the Department of Defense, relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and their dependents who choose to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles for members of the Armed Forces and their dependents.

SEC. 752. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program that is at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States has incurred a moral obligation to provide health care to members and former members of the Armed Forces who are entitled to retired or retainer pay (or its equivalent);

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with the availability of health care for such retirees within two years after the date of the enactment of this Act.

Subtitle F—Persian Gulf Illness

SEC. 761. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 762. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and dependents eligible by law) who suffer from a Gulf War illness.

(b) CONTENTS OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and dependents eligible by law) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and covered dependents eligible by law).

(c) FOLLOW-UP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 763. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions made by the Secretary of Defense (as required by section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note)) to the Physical Evaluation Board criteria used to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Gulf War illness.

SEC. 764. MEDICAL CARE FOR CERTAIN RESERVES WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§1074e. Medical care: certain Reserves who served in Southwest Asia during the Persian Gulf Conflict

"(a) ENTITLEMENT TO MEDICAL CARE.—A member of the armed forces described in subsection (b) is entitled to medical care for a qualifying Persian Gulf symptom or illness to the same extent and under the same conditions (other than the requirement that the member be on active duty) as a member of a uniformed service who is entitled to such care under section 1074(a) of this title.

"(b) COVERED MEMBERS.—Subsection (a) applies to a member of a reserve component who—

"(1) is a Persian Gulf veteran;

"(2) has a qualifying Persian Gulf symptom or illness; and

"(3) is not otherwise entitled to medical care for such symptom or illness under this chapter and is not otherwise eligible for hospital care and medical services for such symptom or illness under section 1710 of title 38.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Persian Gulf veteran' means a member of the armed forces who served on active duty in the Southwest Asia theater of operations during the Persian Gulf Conflict.

"(2) The term 'qualifying Persian Gulf symptom or illness' means, with respect to a member described in subsection (b), a symptom or illness—

"(A) that the member registered before September 1, 1997, in the Comprehensive Clinical Evaluation Program of the Department of Defense and that is presumed under section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1074 note) to be a result of service in the Southwest Asia theater of operations during the Persian Gulf Conflict; or

"(B) that the member registered before September 1, 1997, in the Persian Gulf War Veterans Health Registry maintained by the Department of Veterans Affairs pursuant to section 702 of the Persian Gulf War Veterans' Health Status Act (38 U.S.C. 527 note).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical care: certain Reserves who served in Southwest Asia during the Persian Gulf Conflict.".

SEC. 765. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074e (as added by section 764) the following new section:

"§1074f. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system described in subsection (a) shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment,

and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements with respect to the system are met.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074e (as added by section 764) the following new item:

"1074f. Medical tracking system for members deployed overseas.".

(b) REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress an analysis of the administrative implications of establishing and administering the medical tracking system required by section 1074f of title 10, United States Code, as added by subsection (a). The report shall include, for fiscal year 1999 and the 5 successive fiscal years, a separate analysis and specification of the projected costs and operational considerations for each of the following required aspects of the system:

(1) Predeployment medical examinations.

(2) Postdeployment medical examinations.

(3) Recordkeeping.

SEC. 766. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS OR DRUGS UNAPPROVED FOR THEIR APPLIED USE.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§1107. Notice of use of an investigational new drug or a drug unapproved for its applied use

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug or a drug unapproved for its applied use, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that health care providers who administer an investigational new drug or a drug unapproved for its applied use, or who are likely to treat members who receive such a drug, receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME OF NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug or drug unapproved for its applied use is first administered to the member, if practicable, but in no case later than 30 days after the drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the investigational new drug or drug unapproved for its applied use, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered is an investigational new drug or a drug unapproved for its applied use.

"(2) The reasons why the investigational new drug or drug unapproved for its applied use is being administered.

"(3) Information regarding the possible side effects of the investigational new drug or drug unapproved for its applied use, including any known side effects possible as a result of the interaction of such drug with other drugs or treatments being administered to the members receiving such drug.

"(4) Such other information that, as a condition of authorizing the use of the investigational new drug or drug unapproved for its applied use, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document—

"(1) the receipt by members of any investigational new drug or drug unapproved for its applied use; and

"(2) the notice required by subsection (a)(1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).

"(2) The term 'drug unapproved for its applied use' means a drug administered for a use not described in the approved labeling of the drug under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of an investigational new drug or a drug unapproved for its applied use.".

SEC. 767. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 768. SENSE OF CONGRESS REGARDING THE DEPLOYMENT OF SPECIALIZED UNITS FOR DETECTING AND MONITORING CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

It is the sense of Congress that the Secretary of Defense, in conjunction with the Chairman of the Joint Chiefs of Staff, should take such actions as are necessary to ensure that the units of the Armed Forces deployed in the theater of operations for each contingency operation or combat operation include specialized units with sufficient capability (including personnel with the appropriate training and expertise, and the appropriate equipment) to detect and monitor the presence of chemical, biological, and similar hazards to which members of the Armed Forces could be exposed in that theater during the operation.

SEC. 769. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 770. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the funds authorized to be appropriated in section 201(1) for research, development, test, and evaluation for the Army, the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

SEC. 771. SENSE OF CONGRESS CONCERNING GULF WAR ILLNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Americans served in the Persian Gulf Conflict of 1991 in defense of vital national security interests of the United States.

(2) It was known to United States intelligence and military commanders that biological and chemical agents were in theater throughout the conflict.

(3) An undetermined amount of these agents were released into theater.

(4) A large number of United States military veterans and allied veterans who served in the Southwest Asia theater of operations have been stricken with a variety of severe illnesses.

(5) Previous efforts to discern the causes of those illnesses have been inadequate, and those illnesses are affecting the health of both veterans and their families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all promising technology and treatments relating to Gulf War illnesses should be fully explored and tested to facilitate treatment for members of the Armed Forces and veterans who served the United States in the Persian Gulf conflict and are stricken with unexplainable illness.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Expansion of authority to enter into contracts crossing fiscal years to all severable service contracts not exceeding a year.

Sec. 802. Vesting of title in the United States under contracts paid under progress payment arrangements or similar arrangements.
Sec. 803. Restriction on undefinitized contract actions.
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Sec. 805. Increased price limitation on purchases of right-hand drive vehicles.
Sec. 806. Multiyear procurement contracts.
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Sec. 808. Limitation on allowability of compensation for certain contractor personnel.
Sec. 809. Elimination of certification requirement for grants.
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Sec. 811. Item-by-item and country-by-country waivers of domestic source limitations.

Subtitle B—Acquisition Assistance Programs

Sec. 821. One-year extension of pilot mentor-protege program.
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Subtitle C—Administrative Provisions

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Sec. 847. Repeal of requirement for contractor guarantees on major weapon systems.
Sec. 848. Requirements relating to micro-purchases.
Sec. 849. Promotion rate for officers in an acquisition corps.
Sec. 850. Use of electronic commerce in Federal procurement.
Sec. 851. Conformance of policy on performance based management of civilian acquisition programs with policy established for defense acquisition programs.
Sec. 852. Modification of process requirements for the solutions-based contracting pilot program.
Sec. 853. Guidance and standards for defense acquisition workforce training requirements.
Sec. 854. Study and report to Congress assessing dependence on foreign sources for resistors and capacitors.
Sec. 855. Department of Defense and Federal Prison Industries joint study.

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. EXPANSION OF AUTHORITY TO ENTER INTO CONTRACTS CROSSING FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§2410a. Severable service contracts for periods crossing fiscal years

"(a) AUTHORITY.—The Secretary of Defense, the Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable service contracts for periods crossing fiscal years.".

SEC. 802. VESTING OF TITLE IN THE UNITED STATES UNDER CONTRACTS PAID UNDER PROGRESS PAYMENT ARRANGEMENTS OR SIMILAR ARRANGEMENTS.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) VESTING OF TITLE IN THE UNITED STATES.—If a contract paid by a method authorized under subsection (a)(1) provides for title to property to vest in the United States, the title to the property shall vest in accordance with the terms of the contract, regardless of any security interest in the property that is asserted before or after the contract is entered into.".

SEC. 803. RESTRICTION ON UNDEFINITIZED CONTRACT ACTIONS.

(a) APPLICABILITY OF WAIVER AUTHORITY TO HUMANITARIAN OR PEACEKEEPING OPERATIONS.—Section 2326(b)(4) of title 10, United States Code, is amended to read as follows:

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if that head of an agency determines that the waiver is necessary in order to support any of the following operations:

"(A) A contingency operation.

"(B) A humanitarian or peacekeeping operation.".

(b) HUMANITARIAN OR PEACEKEEPING OPERATION DEFINED.—Section 2302(7) of such title is amended—

(1) by striking out "(7)(A)" and inserting in lieu thereof "(7)"; and

(2) by striking out "(B) In subparagraph (A), the" and inserting in lieu thereof "(8) The".

SEC. 804. LIMITATION AND REPORT ON PAYMENT OF RESTRUCTURING COSTS UNDER DEFENSE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2324 the following new section:

"§2325. Restructuring costs

"(a) LIMITATION ON PAYMENT OF RESTRUCTURING COSTS.—(1) The Secretary of Defense may not pay, under section 2324 of this title, a defense contractor for restructuring costs associated with a business combination of the contractor unless the Secretary determines in writing either—

"(A) that the amount of projected savings for the Department of Defense associated with the restructuring will be at least twice the amount of the costs allowed; or

"(B) that the amount of projected savings for the Department of Defense associated with the restructuring will exceed the amount of the costs allowed and that the business combination will result in the preservation of a critical capability that otherwise might be lost to the Department.

"(2) The Secretary may not delegate the authority to make a determination under paragraph (1) to an official of the Department of Defense below the level of an Assistant Secretary of Defense.

"(b) REPORT.—Not later than March 1 in each of 1998, 1999, 2000, 2001, and 2002, the Secretary of Defense shall submit to Congress a report that contains, with respect to business combinations occurring on or after August 15, 1994, the following:

"(1) For each defense contractor to which the Secretary has paid, under section 2324 of this title, restructuring costs associated with a business combination, a summary of the following:

"(A) An estimate of the amount of savings for the Department of Defense associated with the restructuring that has been realized as of the end of the preceding calendar year.

"(B) An estimate of the amount of savings for the Department of Defense associated with the restructuring that is expected to be achieved on defense contracts.

"(2) An identification of any business combination for which the Secretary has paid restructuring costs under section 2324 of this title during the preceding calendar year and, for each such business combination—

"(A) the supporting rationale for allowing such costs;

"(B) factual information associated with the determination made under subsection (a) with respect to such costs; and

"(C) a discussion of whether the business combination would have proceeded without the payment of restructuring costs by the Secretary.

"(3) For business combinations of major defense contractors that took place during the year preceding the year of the report—

"(A) an assessment of any potentially adverse effects that the business combinations could have on competition for Department of Defense contracts (including potential horizontal effects, vertical effects, and organizational conflicts of interest), the national technology and industrial base, or innovation in the defense industry; and

"(B) the actions taken to mitigate the potentially adverse effects.

"(c) DEFINITION.—In this section, the term 'business combination' includes a merger or acquisition.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2324 the following new item:

"2325. Restructuring costs.".

(b) GAO REPORTS.—(1) Not later than April 1, 1998, the Comptroller General shall—

(A) in consultation with appropriate officials in the Department of Defense—

(i) identify major market areas affected by business combinations of defense contractors since January 1, 1990; and

(ii) develop a methodology for determining the savings from business combinations of defense contractors on the prices paid on particular defense contracts; and

(B) submit to the congressional defense committees a report describing, for each major market area identified pursuant to subparagraph (A)(i), the changes in numbers of businesses competing for major defense contracts since January 1, 1990.

(2) Not later than December 1, 1998, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) Updated information on—

(i) restructuring costs of business combinations paid by the Department of Defense pursuant to certifications under section 818 of the National Defense Authorization Act for Fiscal Year 1995, and

(ii) savings realized by the Department of Defense as a result of the business combinations for which the payment of restructuring costs was so certified.

(B) An assessment of the savings from business combinations of defense contractors on the prices paid on a meaningful sample of defense contracts, determined in accordance with the methodology developed pursuant to paragraph (1)(A)(ii), as well as a description of the methodology.

(C) Any recommendations that the Comptroller General considers appropriate.

(3) In this subsection, the term "business combination" has the meaning given that term in section 2325(c) of title 10, United States Code, as added by subsection (a).

(c) EFFECTIVE DATE.—Section 2325(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to business combinations that occur after the date of the enactment of this Act.

(d) REPEAL OF SUPERSEDED PROVISIONS.—Subsections (a) and (g)(3) of section 818 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2324 note) are repealed.

SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES OF RIGHT-HAND DRIVE VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$30,000".

SEC. 806. MULTIYEAR PROCUREMENT CONTRACTS.

(a) REQUIREMENT FOR AUTHORIZATION BY LAW IN ACTS OTHER THAN APPROPRIATIONS ACTS.—(1) Subsection (i) of section 2306b of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) In the case of the Department of Defense, a multiyear contract in an amount equal to or greater than $500,000,000 may not be entered into for any fiscal year under this section unless the contract is specifically authorized by law in an Act other than an appropriations Act.".

(2) Paragraph (3) of section 2306b(i) of title 10, United States Code, as added by paragraph (1), shall not apply with respect to a contract authorized by law before the date of the enactment of this Act.

(b) CODIFICATION OF ANNUAL RECURRING MULTIYEAR PROCUREMENT REQUIREMENTS.—(1) Such section is further amended by adding at the end the following new subsection:

"(l) VARIOUS ADDITIONAL REQUIREMENTS WITH RESPECT TO MULTIYEAR DEFENSE CONTRACTS.—(1)(A) The head of an agency may not initiate a contract described in subparagraph (B) unless the congressional defense committees are notified of the proposed contract at least 30 days in advance of the award of the proposed contract.

"(B) Subparagraph (A) applies to the following contracts:

"(i) A multiyear contract—

"(I) that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract; or

"(II) that includes an unfunded contingent liability in excess of $20,000,000.

"(ii) Any contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year.

"(2) The head of an agency may not initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability.

"(3) The head of an agency may not initiate a multiyear procurement contract for any system (or component thereof) if the value of the multiyear contract would exceed $500,000,000 unless authority for the contract is specifically provided in an appropriations Act.

"(4) The head of an agency may not terminate a multiyear procurement contract until 10 days after the date on which notice of the proposed termination is provided to the congressional defense committees.

"(5) The execution of multiyear contracting authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

"(6) This subsection does not apply to the National Aeronautics and Space Administration or to the Coast Guard.

"(7) In this subsection, the term 'congressional defense committees' means the following:

"(A) The Committee on Armed Services of the Senate and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

"(B) The Committee on National Security of the House of Representatives and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1998.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "finds—" in the matter preceding paragraph (1) and inserting in lieu thereof "finds each of the following:";

(B) by capitalizing the initial letter of the first word in each of paragraphs (1) through (6);

(C) by striking out the semicolon at the end of paragraphs (1) through (4) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period.

(2) Subsection (d)(1) is amended by striking out "paragraph (1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (i)(1) is amended by striking "five-year" and inserting in lieu thereof "future-years".

SEC. 807. AUDIT OF PROCUREMENT OF MILITARY CLOTHING AND CLOTHING-RELATED ITEMS BY MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) AUDIT REQUIREMENT.—Not later than September 30, 1998, the Inspector General of the Department of Defense shall perform an audit of purchases of military clothing and clothing-related items in excess of the micro-purchase threshold by military installations during fiscal years 1996 and 1997 to determine the extent to which such installations procured military clothing and clothing-related items in violation of the Buy American Act (41 U.S.C. 10a et seq.) during those fiscal years.

(b) INSTALLATIONS TO BE AUDITED.—The audit under subsection (a)—

(1) shall include an audit of the procurement of military clothing and clothing-related items by a military installation of each of the Army, Navy, Air Force, and Marine Corps; and

(2) shall not cover procurements of clothing and clothing-related items by the Defense Logistics Agency.

(c) DEFINITION.—The term "micro-purchase threshold" has the meaning provided by section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)).

(d) REPORT.—Not later than October 31, 1998, the Inspector General of the Department of Defense shall submit to Congress a report on the results of the audit performed under subsection (a).

SEC. 808. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Subsection (l) of such section is amended by adding at the end the following:

"(4) The term 'compensation', for a year, means the total amount of wages, salary, bonuses and deferred compensation for the year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the year.

"(5) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the four most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components which report directly to the contractor's headquarters, the five most highly compensated employees in management positions at each such component.

"(6) The term 'fiscal year' means a fiscal year established by a contractor for accounting purposes.".

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Such section is further amended by adding at the end the following:

"(m) OTHER DEFINITIONS.—In this section:

"(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(2) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the four most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a corporation that has components which report directly to the corporate headquarters, the five most highly compensated individuals in management positions at each such component.

"(3) The term 'benchmark corporation', with respect to a fiscal year, means a publicly-owned United States corporation that has annual sales in excess of $50,000,000 for the fiscal year.

"(4) The term 'publicly-owned United States corporation' means a corporation organized under the laws of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States the voting stock of which is publicly traded.

"(5) The term 'fiscal year' means a fiscal year established by a contractor for accounting purposes.".

(2) The table of sections in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.".

(d) REGULATIONS.—Regulations implementing the amendments made by this section shall be published in the Federal Register not later than the effective date of the amendments under subsection (e).

(e) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date that is 90 days after the date of the enactment of this Act; and

(2) apply with respect to costs of compensation incurred after January 1, 1998, under covered contracts entered into before, on, or after the date of the enactment of this Act.

(f) EXCLUSIVE . APPLICABILITY.—Notwithstanding any other provision of law, no other limitation in law on the allowability of costs of compensation of senior executives under covered contracts shall apply to such costs of compensation incurred after January 1, 1998.

(g) DEFINITIONS.—In this section:

(1) The term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

(2) The terms "compensation" and "senior executive" have the meanings given such terms in section 2324(l) of title 10, United States Code, and section 306(m) of the Federal Property and Administrative Services Act of 1949.

SEC. 809. ELIMINATION OF CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "has certified to the granting agency that it will" and inserting in lieu thereof "agrees to"; and

(B) in paragraph (2), by striking out "certifies to the agency" and inserting in lieu thereof "agrees"; and

(2) in subsection (b)(1)—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking out "such certification by failing to carry out".

SEC. 810. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2405.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the repeal made by subsection (a) shall be effective with respect to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act.

(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 expired before such date;

(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny the claim, request, or demand) denied or dismissed the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

(C) the contractor released or releases the claim, request, or demand.

SEC. 811. ITEM-BY-ITEM AND COUNTRY-BY-COUNTRY WAIVERS OF DOMESTIC SOURCE LIMITATIONS.

(a) ITEM-BY-ITEM AND COUNTRY-BY-COUNTRY IMPLEMENTATION OF CERTAIN WAIVER AUTHORITY.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) IMPLEMENTATION OF CERTAIN WAIVER AUTHORITY.—(1) The Secretary of Defense may exercise the waiver authority described in paragraph (2) only if the waiver is made for a particular item listed in subsection (a) and for a particular foreign country.

"(2) This subsection applies to the waiver authority provided by subsection (d) on the basis of the applicability of paragraph (2) or (3) of that subsection.

"(3) The waiver authority described in paragraph (2) may not be delegated below the Under Secretary of Defense for Acquisition and Technology.

"(4) At least 15 days before the effective date of any waiver made under the waiver authority described in paragraph (2), the Secretary shall publish in the Federal Register and submit to the congressional defense committees a notice of the determination to exercise the waiver authority.

"(5) Any waiver made by the Secretary under the waiver authority described in paragraph (2) shall be in effect for a period not greater than one year, as determined by the Secretary.".

(b) EFFECTIVE DATE.—Subsection (i) of section 2534 of such title, as added by subsection (a), shall apply with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (d) of such section 2534, on the basis of the applicability of paragraph (2) or (3) of that subsection.

Subtitle B—Acquisition Assistance Programs

SEC. 821. ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

(a) ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.—Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out "1998" and inserting in lieu thereof "1999";

(2) in paragraph (2), by striking out "1999" and inserting in lieu thereof "2000"; and

(3) in paragraph (3), by striking out "1999" and inserting in lieu thereof "2000".

(b) STUDY ON IMPLEMENTATION OF PILOT MENTOR-PROTEGE PROGRAM.—(1) The Comptroller General shall conduct a study on the implementation of the Mentor-Protege Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) and the extent to which the program is achieving the purposes established under that section.

(2) The study also shall include the following:

(A) A review of the manner in which funds for the program have been obligated.

(B) An identification and assessment of the average amount spent by the Department of Defense on individual mentor-protege agreements and the correlation between levels of funding and the business development of the protege firms.

(C) An evaluation of the effectiveness of the incentives provided to mentor firms to participate in the program.

(D) An assessment of the success of the mentor-protege program in enhancing the business competitiveness and financial independence of protege firms.

(3) The Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study not later than March 31, 1998.

SEC. 822. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) CONTENT OF SUBCONTRACTING PLANS.—Subsection (b)(2) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended—

(1) by striking out "plan—" and inserting in lieu thereof "plan of a contractor—";

(2) by striking out subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (A) and by striking out the period at the end of such subparagraph and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.".

(b) EXTENSION OF PROGRAM.—Subsection (e) of such section is amended by striking out "September 30, 1998" in the second sentence and inserting in lieu thereof "September 30, 2000.".

Subtitle C—Administrative Provisions

SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410m. Retention of amounts collected from contractor during the pendency of contract dispute

"(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by a military department or Defense Agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

"(1) any settlement of the claim by the parties;

"(2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

"(3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

"(b) PERIOD OF AVAILABILITY.—(1) The period of availability of an amount under subsection (a), in connection with a claim—

"(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)) if, within that 180-day period—

"(i) no appeal on the claim is commenced at the Armed Services Board of Contract Appeals under section 7 of such Act; and

"(ii) no action on the claim is commenced in a court of the United States; or

"(B) if not expiring under subparagraph (A), expires—

"(i) in the case of a settlement of the claim, 180 days after the date of the settlement; or

"(ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

"(2) While available under this section, an amount may be obligated or expended only for a purpose described in subsection (a).

"(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be covered into the Treasury as miscellaneous receipts.

"(c) REPORTING REQUIREMENT.—Each year, the Under Secretary of Defense (Comptroller) shall submit to Congress a report on the amounts, if any, that are available for obligation pursuant to this section. The report shall include, at a minimum, the following:

"(1) The total amount available for obligation.

"(2) The total amount collected from contractors during the year preceding the year in which the report is submitted.

"(3) The total amount disbursed in such preceding year and a description of the purpose for each disbursement.

"(4) The total amount returned to the Treasury in such preceding year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

"2410m. Retention of amounts collected from contractor during the pendency of contract dispute.".

SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the *information is received by the Department of Defense.*

"(2)(A) Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Department of Defense if the information was submitted to the Department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement that includes a clause described in subsection (d) or another transaction authorized by subsection (a).

"(B) The information referred to in subparagraph (A) is the following:

"(i) A proposal, proposal abstract, and supporting documents.

"(ii) A business plan submitted on a confidential basis.

"(iii) Technical information submitted on a confidential basis.".

SEC. 833. UNIT COST REPORTS.

(a) Immediate Report Required Only for Previously Unreported Increased Costs.—Subsection (c) of section 2433 of title 10, United States Code, is amended by striking out "during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)" in the matter following paragraph (3).

(b) Immediate Report Not Required for Cost Variances or Schedule Variances of Major Contracts.—Subsection (c) of such section is further amended—

(1) by inserting "or" at the end of paragraph (1);

(2) by striking out "or" at the end of paragraph (2); and

(3) by striking out paragraph (3).

(c) Congressional Notification of Increased Cost Not Conditioned on Discovery Since Beginning of Fiscal Year.—Subsection (d)(3) of such section is amended by striking out "(for the first time since the beginning of the current fiscal year)" in the first sentence.

SEC. 834. PLAN FOR PROVIDING CONTRACTING INFORMATION TO GENERAL PUBLIC AND SMALL BUSINESSES.

(a) Requirement for Plan.—The Secretary of Defense shall develop a plan for improving the responsiveness of the Department of Defense to persons from the general public and small businesses seeking information on how to pursue contracting and technology development opportunities with the department. The plan shall include an assessment and recommendation on the designation of a central point of contact in the department to provide such information.

(b) Submission.—Not later than March 31, 1998, the Secretary shall submit the plan developed under subsection (a) to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 835. TWO-YEAR EXTENSION OF CREDITING OF CERTAIN PURCHASES TOWARD MEETING SUBCONTRACTING GOALS.

Section 2410d(c) of title 10, United States Code, is amended, effective as of September 30, 1997, by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

Subtitle D—Other Matters

SEC. 841. REPEAL OF CERTAIN ACQUISITION REQUIREMENTS AND REPORTS

(a) Repeal of Reporting Requirement for Nonmajor Acquisition Programs.—Section 2220(b) of title 10, United States Code, is amended by striking out "and nonmajor" in the first sentence.

(b) Repeal of Additional Approval Requirement Under Competition Exception for International Agreements.—Section 2304(f)(2)(E) of title 10, United States Code, is amended by striking out "and such document is approved by the competition advocate for the procuring activity".

(c) Content of Limited Selected Acquisition Reports.—Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(d) Repeal of Report Relating to Procurement Regulations.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended by striking out subsection (g).

SEC. 842. USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) Extension of Authority.—Subsection (g) of section 2681 of title 10, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2002".

(b) Revised Reporting Requirement.—Subsection (h) of such section is amended to read as follows:

"(h) Report.—Not later than March 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.".

SEC. 843. REQUIREMENT TO DEVELOP AND MAINTAIN LIST OF FIRMS NOT ELIGIBLE FOR DEFENSE CONTRACTS.

Section 2327 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) List of Firms Subject to Prohibition.—(1) The Secretary of Defense shall develop and maintain a list of all firms and subsidiaries of firms that the Secretary has identified as being subject to the prohibition in subsection (b).

"(2)(A) A person may request the Secretary to include on the list maintained under paragraph (1) any firm or subsidiary of a firm that the person believes to be owned or controlled by a foreign government described in subsection (b)(2). Upon receipt of such a request, the Secretary shall determine whether the conditions in paragraphs (1) and (2) of subsection (b) exist in the case of that firm or subsidiary. If the Secretary determines that such conditions do exist, the Secretary shall include the firm or subsidiary on the list.

"(B) A firm or subsidiary of a firm included on the list may request the Secretary to remove such firm or subsidiary from the list on the basis that it has been erroneously included on the list or its ownership circumstances have significantly changed. Upon receipt of such a request, the Secretary shall determine whether the conditions in paragraphs (1) and (2) of subsection (b) exist in the case of that firm or subsidiary. If the Secretary determines that such conditions do not exist, the Secretary shall remove the firm or subsidiary from the list.

"(C) The Secretary shall establish procedures to carry out this paragraph.

"(3) The head of an agency shall prohibit each firm or subsidiary of a firm awarded a contract by the agency from entering into a subcontract under that contract in an amount in excess of $25,000 with a firm or subsidiary included on the list maintained under paragraph (1) unless there is a compelling reason to do so. In the case of any subcontract requiring consent by the head of an agency, the head of the agency shall not consent to the award of the subcontract to a firm or subsidiary included on such list unless there is a compelling reason for such approval.

"(e) Distribution of List.—The Administrator of General Services shall ensure that the list developed and maintained under subsection (d) is made available to Federal agencies and the public in the same manner and to the same extent as the list of suspended and debarred contractors compiled pursuant to subpart 9.4 of the Federal Acquisition Regulation.".

SEC. 844. SENSE OF CONGRESS REGARDING ALLOWABILITY OF COSTS OF EMPLOYEE STOCK OWNERSHIP PLANS.

It is the sense of Congress that the Secretary of Defense should not disallow, under Department of Defense contracts, the following costs:

(1) Interest costs associated with deferred compensation employee stock ownership plans that were incurred before January 1, 1994.

(2) Costs related to employee stock ownership plan (ESOP) debt, control premiums, or marketability discounts associated with the valuation of ESOP stock of closely held companies that were incurred before January 1, 1995.

SEC. 845. EXPANSION OF PERSONNEL ELIGIBLE TO PARTICIPATE IN DEMONSTRATION PROJECT RELATING TO ACQUISITION WORKFORCE.

(a) Covered Personnel.—(1) Subsection (a) of section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is amended by adding before the period at the end the following: "and supporting personnel assigned to work directly with the acquisition workforce".

(2) Subsection (b)(3)(A) of such section is amended by inserting before the semicolon the following: "or involves a team of personnel more than half of which consists of members of the acquisition workforce and the remainder of which consists of supporting personnel assigned to work directly with the acquisition workforce".

(b) Commencement of Project.—Subsection (b)(3)(B) of such section is amended by striking out "this Act" and inserting in lieu thereof "the National Defense Authorization Act for Fiscal Year 1998".

(c) Limitation on Number of Participants.—Such section is further amended by adding at the end the following:

"(d) Limitation on Number of Participants.—The total number of persons who may participate in the demonstration project under this section may not exceed 95,000.".

SEC. 846. TIME FOR SUBMISSION OF ANNUAL REPORT RELATING TO BUY AMERICAN ACT.

Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2611; 41 U.S.C. 10b–3) is amended by striking out "120 days" and inserting in lieu thereof "90 days".

SEC. 847. REPEAL OF REQUIREMENT FOR CONTRACTOR GUARANTEES ON MAJOR WEAPON SYSTEMS.

(a) Repeal.—Section 2403 of title 10, United States Code, is repealed.

(b) Clerical and Conforming Amendments.—(1) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2403.

(2) Section 803 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2604; 10 U.S.C. 2430 note) is amended—

(A) in subsection (a), by striking out "2403,";

(B) by striking out subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

SEC. 848. REQUIREMENTS RELATING TO MICRO-PURCHASES.

(a) Requirement.—(1) Not later than October 1, 1998, at least 60 percent of all eligible purchases made by the Department of Defense for an amount less than the micro-purchase threshold shall be made through streamlined micro-purchase procedures.

(2) Not later than October 1, 2000, at least 90 percent of all eligible purchases made by the Department of Defense for an amount less than the micro-purchase threshold shall be made through streamlined micro-purchase procedures.

(b) Eligible Purchases.—The Secretary of Defense shall establish which purchases are eligible for purposes of subsection (a). In establishing which purchases are eligible, the Secretary may exclude those categories of purchases determined not to be appropriate or practicable for streamlined micro-purchase procedures.

(c) Plan.—Not later than March 1, 1998, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan to implement this section.

(d) Report.—Not later than March 1 in each of the years 1999, 2000, and 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this section. Each report shall include—

(A) the total dollar amount of all Department of Defense purchases for an amount less than the micro-purchase threshold in the fiscal year

preceding the year in which the report is submitted;

(B) the total dollar amount of such purchases that were considered to be eligible purchases;

(C) the total amount of such eligible purchases that were made through a streamlined micro-purchase method; and

(D) a description of the categories of purchases excluded from the definition of eligible purchases established under subsection (b).

(e) DEFINITIONS.—In this section:

(1) The term "micro-purchase threshold" has the meaning provided in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(2) The term "streamlined micro-purchase procedures" means procedures providing for the use of the Government-wide commercial purchase card or any other method for carrying out micro-purchases that the Secretary of Defense prescribes in the regulations implementing this subsection.

SEC. 849. PROMOTION RATE FOR OFFICERS IN AN ACQUISITION CORPS.

(a) REVIEW OF ACQUISITION CORPS PROMOTION SELECTIONS.—Upon the approval of the President or his designee of the report of a selection board convened under section 611(a) of title 10, United States Code, which considered members of an Acquisition Corps of a military department for promotion to a grade above O–4, the Secretary of the military department shall submit a copy of the report to the Under Secretary of Defense for Acquisition and Technology for review.

(b) REPORTING REQUIREMENT.—Not later than January 31 of each year, the Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the Under Secretary's assessment of the extent to which each military department is complying with the requirement set forth in section 1731(b) of title 10, United States Code.

(c) TERMINATION OF REQUIREMENTS.—This section shall cease to be effective on October 1, 2000.

SEC. 850. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) POLICY.—Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is amended to read as follows:

"SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

"(a) IN GENERAL.—The head of each executive agency, after consulting with the Administrator, shall establish, maintain, and use, to the maximum extent that is practicable and cost-effective, procedures and processes that employ electronic commerce in the conduct and administration of its procurement system.

"(b) APPLICABLE STANDARDS.—In conducting electronic commerce, the head of an agency shall apply nationally and internationally recognized standards that broaden interoperability and ease the electronic interchange of information.

"(c) AGENCY PROCEDURES.—The head of each executive agency shall ensure that systems, technologies, procedures, and processes established pursuant to this section—

"(1) are implemented with uniformity throughout the agency, to the extent practicable;

"(2) are implemented only after granting due consideration to the use or partial use, as appropriate, of existing electronic commerce and electronic data interchange systems and infrastructures such as the Federal acquisition computer network architecture known as FACNET;

"(3) facilitate access to Federal Government procurement opportunities, including opportunities for small business concerns, socially and economically disadvantaged small business concerns, and business concerns owned predominantly by women; and

"(4) ensure that any notice of agency requirements or agency solicitation for contract opportunities is provided in a form that allows convenient and universal user access through a single, Government-wide point of entry.

"(d) IMPLEMENTATION.—The Administrator shall, in carrying out the requirements of this section—

"(1) issue policies to promote, to the maximum extent practicable, uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may require departures from uniform procedures and processes in appropriate cases, when warranted because of the agency mission;

"(2) ensure that the head of each executive agency complies with the requirements of subsection (c) with respect to the agency systems, technologies, procedures, and processes established pursuant to this section; and

"(3) consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

"(e) REPORT.—Not later than March 1, 1998, and every year afterward through 2003, the Administrator shall submit to Congress a report setting forth in detail the progress made in implementing the requirements of this section. The report shall include the following:

"(1) A strategic plan for the implementation of a Government-wide electronic commerce capability.

"(2) An agency-by-agency summary of implementation of the requirements of subsection (c), including timetables, as appropriate, addressing when individual agencies will come into full compliance.

"(3) A specific assessment of compliance with the requirement in subsection (c) to provide universal public access through a single, Government-wide point of entry.

"(4) Beginning with the report submitted on March 1, 1999, an agency-by-agency summary of the volume and dollar value of transactions that were conducted using electronic commerce methods during the previous calendar year.

"(5) A discussion of possible incremental changes to the electronic commerce capability referred to in subsection (c)(4) to increase the level of government contract information available to the private sector, including an assessment of the advisability of including contract award information in the electronic commerce functional standard.

"(f) ELECTRONIC COMMERCE DEFINED.—For the purposes of this section, the term 'electronic commerce' means electronic techniques for accomplishing business transactions, including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfers, and electronic data interchange.".

(b) REPEAL OF REQUIREMENTS FOR IMPLEMENTATION OF FACNET CAPABILITY.—Section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) is repealed.

(c) REPEAL OF REQUIREMENT FOR GAO REPORT.—Section 9004 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 426a note) is repealed.

(d) REPEAL OF CONDITION FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) AMENDMENTS TO PROCUREMENT NOTICE REQUIREMENTS.—(1) Section 8(g)(1) of the Small Business Act (15 U.S.C. 637(g)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, Government-wide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(2) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, Government-wide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(3) The amendments made by paragraphs (1) and (2) shall be implemented in a manner consistent with any applicable international agreements.

(f) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended—

(A) in subsection (c)(4)—

(i) by striking out "the Federal acquisition computer network ('FACNET')" and inserting in lieu thereof "the electronic commerce"; and

(ii) by striking out "(as added by section 9001)"; and

(B) in subsection (e)(9)(A), by striking out ", or by dissemination through FACNET,".

(2) Section 5401 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1501) is amended—

(A) in subsection (a)—

(i) by striking out "through the Federal Acquisition Computer Network (in this section referred to as 'FACNET')"; and

(ii) by striking out the last sentence;

(B) in subsection (b)—

(i) by striking out "ADDITIONAL FACNET FUNCTIONS.—" and all that follows through "(41 U.S.C. 426(b)), the FACNET architecture" and inserting in lieu thereof "FUNCTIONS.—(1) The system for providing on-line computer access"; and

(ii) in paragraph (2), by striking out "The FACNET architecture" and inserting in lieu there for "The system for providing on-line computer access";

(C) in subsection (c)(1), by striking out "the FACNET architecture" and inserting in lieu thereof "the system for providing on-line computer access"; and

(D) by striking out subsection (d).

(3)(A) Section 2302c of title 10, United States Code, is amended to read as follows:

"§2302c. Implementation of electronic commerce capability

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each agency named in paragraphs (1), (5) and (6) shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to implement the capability within the Department of Defense.

"(3) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an agency referred to in paragraph (1) shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each agency named in paragraph (5) or (6) of section 2303 of this title shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 2304(g)(4) of such title 10 is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(4)(A) Section 302C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252c) is amended to read as follows:

“SEC. 302C. IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.

“(a) Implementation of Electronic Commerce Capability.—(1) The head of each executive agency shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

“(2) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an executive agency shall consult with the Administrator for Federal Procurement Policy.

“(b) Designation of Agency Official.—The head of each executive agency shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the executive agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).”.

(B) Section 303(g)(5) of the Federal Property and Administrative Services Act (41 U.S.C. 253(g)(5)) is amended by striking out “31(g)” and inserting in lieu thereof “31(f)”.

(g) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) The repeal made by subsection (c) of this section shall take effect on the date of the enactment of this Act.

SEC. 851. CONFORMANCE OF POLICY ON PERFORMANCE BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED FOR DEFENSE ACQUISITION PROGRAMS.

(a) Performance Goals.—Section 313(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(a)) is amended to read as follows:

“(a) Congressional Policy.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.”.

(b) Conforming Amendment to Reporting Requirement.—Section 6(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(k)) is amended by inserting “regarding major acquisitions that is” in the first sentence after “policy”.

SEC. 852. MODIFICATION OF PROCESS REQUIREMENTS FOR THE SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) Source Selection.—Paragraph (9) of section 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1492(c)) is amended—

(1) in subparagraph (A), by striking out “, and ranking of alternative sources,” and inserting in lieu thereof “or sources,”;

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “(or a longer period, if approved by the Administrator)” after “30 to 60 days”;

(B) in clause (i), by inserting “or sources” after “source”; and

(C) in clause (ii), by striking out “that source” and inserting in lieu thereof “the source whose offer is determined to be most advantageous to the Government”; and

(3) in subparagraph (C), by striking out “with alternative sources (in the order ranked)”.

(b) Time Management Discipline.—Paragraph (12) of such section is amended by inserting before the period at the end the following: “, except that the Administrator may approve the application of a longer standard period”.

SEC. 853. GUIDANCE AND STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

The Secretary of Defense shall develop appropriate guidance and standards to ensure that the Department of Defense will continue, where appropriate and cost-effective, to enter into contracts for the training requirements of sections 1723, 1724, and 1735 of title 10, United States Code, while maintaining appropriate control over the content and quality of such training.

SEC. 854. STUDY AND REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR RESISTORS AND CAPACITORS.

(a) Study.—The Secretary of Defense shall conduct a study of the capacitor and resistor industries in the United States and the degree of United States dependence on foreign sources for resistors and capacitors.

(b) Report.—Not later than May 1, 1998, the Secretary shall submit to Congress a report on the results of the study under subsection (a). The report shall include the following:

(1) An assessment of the industrial base for the production of resistors and capacitors within the United States and a projection of any changes in that base that are likely to occur after the implementation of relevant tariff reductions required by the Information Technology Agreement entered into at the World Trade Organization Ministerial in Singapore in December 1996.

(2) An assessment of the level of dependence on foreign sources for procurement of resistors and capacitors and a projection of the level of dependence on foreign sources that is likely to occur after the implementation of relevant tariff reductions required by the Information Technology Agreement.

(3) The implications for the national security of the United States of the projections reported under paragraphs (1) and (2).

(4) Recommendations for appropriate changes, if any, in defense procurement policies or other Federal policies based on such implications.

SEC. 855. DEPARTMENT OF DEFENSE AND FEDERAL PRISON INDUSTRIES JOINT STUDY.

(a) Study of Existing Procurement Procedures.—The Secretary of Defense and the Director of Federal Prison Industries shall jointly conduct a study of the procurement procedures, regulations, and statutes that govern procurement transactions between the Department of Defense and Federal Prison Industries.

(b) Report.—(1) The Secretary and the Director shall, not later than 180 days after the date of the enactment of this Act, submit to the committees listed in paragraph (2) a report containing the findings of the study and recommendations on the means to improve the efficiency and reduce the cost of transactions described in subsection (a).

(2) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Committee on the Judiciary of the Senate.

(B) The Committee on National Security and the Committee on the Judiciary of the House of Representatives.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Positions and Organizations and Other General Matters

Sec. 901. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters.
Sec. 902. Use of CINC Initiative Fund for force protection.
Sec. 903. Revision to required frequency for provision of policy guidance for contingency plans.
Sec. 904. Annual justification for Department of Defense advisory committees.
Sec. 905. Airborne reconnaissance management.
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Sec. 907. Coordination of Department of Defense criminal investigations and audits.

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Sec. 911. Reduction in personnel assigned to management headquarters and headquarters support activities.
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Subtitle C—Department of Defense Schools and Centers

Sec. 921. Professional military education schools.
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Subtitle D—Department of Defense Intelligence-Related Matters

Sec. 931. Transfer of certain military department programs from TIARA budget aggregation.
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Sec. 933. Protection of imagery, imagery intelligence, and geospatial information and data.
Sec. 934. POW/MIA intelligence analysis.

Subtitle A—Department of Defense Positions and Organizations and Other General Matters

SEC. 901. ASSISTANTS TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR NATIONAL GUARD MATTERS AND FOR RESERVE MATTERS.

(a) Establishment of Positions.—The Secretary of Defense shall establish the following positions within the Joint Staff:

(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

(b) Selection.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

(A) are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

(B) have had at least 10 years of federally recognized commissioned service in the National Guard; and

(C) are in a grade above the grade of colonel.

(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Naval Reserve, the Marine Corps Reserve or the Air Force Reserve who—

(A) are recommended for such selection by the Secretary of the military department concerned;

(B) have had at least 10 years of commissioned service in their reserve component; and

(C) are in a grade above the grade of colonel or, in the case of the Naval Reserve, captain.

(c) Term of Office.—Each Assistant to the Chairman under subsection (a) serves at the pleasure of the Chairman for a term of two years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

(d) Grade.—Each Assistant to the Chairman, while so serving, holds the grade of major general or, in the case of the Naval Reserve, rear admiral. Each such officer shall be considered to be serving in a position external to that officer's Armed Force for purposes of section 721 of title 10, United States Code, as added by section 501(a).

(e) DUTIES.—The Assistant to the Chairman for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman. The Assistant to the Chairman for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

(f) OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of reserve component officer representation within the Joint Staff is commensurate with the significant role of the reserve components within the Total Force.

(2) Not later than March 1, 1998, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the steps taken and being taken to implement this subsection.

(g) EFFECTIVE DATE.—The positions specified in subsection (a) shall be established by the Secretary of Defense not later than 60 days after the date of the enactment of this Act.

SEC. 902. USE OF CINC INITIATIVE FUND FOR FORCE PROTECTION.

Section 166a(b) of title 10, United States Code, is amended by adding at the end the following:

"(9) Force protection.".

SEC. 903. REVISION TO REQUIRED FREQUENCY FOR PROVISION OF POLICY GUIDANCE FOR CONTINGENCY PLANS.

Section 113(g)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "annually"; and

(2) in the second sentence, by inserting "be provided every two years or more frequently as needed and shall" after "Such guidance shall".

SEC. 904. ANNUAL JUSTIFICATION FOR DEPARTMENT OF DEFENSE ADVISORY COMMITTEES.

(a) ANNUAL JUSTIFICATION REQUIRED.—Chapter 7 of title 10, United States Code, is amended by adding after section 182, as added by section 382(a)(1), the following new section:

"§ 183. Advisory committees: annual justification required

"(a) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report of the Secretary under section 113(c) of this title a report on advisory committees of the Department of Defense. In each such report, the Secretary shall—

"(1) identify each advisory committee that the Secretary proposes to support, or that the Secretary is required by law or direction from the President to support, during the next fiscal year; and

"(2) for each committee identified under paragraph (1), set forth—

"(A) the justification or requirement for that committee; and

"(B) the projected cost to the Department of Defense to support that committee during the next fiscal year.

"(b) ADVISORY COMMITTEE DEFINED.—In this section, the term 'advisory committee' means an entity that is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 182, as added by section 382(a)(2), the following new item:

"183. Advisory committees: annual justification required.".

SEC. 905. AIRBORNE RECONNAISSANCE MANAGEMENT.

(a) REORGANIZATION OF DEFENSE AIRBORNE RECONNAISSANCE MANAGEMENT.—Not later than September 30, 1998, the Secretary of Defense shall reorganize the management of defense airborne reconnaissance within the Department Defense in accordance with the plan developed under subsection (b).

(b) PLAN AND REPORT.—(1) The Secretary of Defense shall develop a plan to reorganize the following organizations by transferring functions as required under subsections (c) and (d):

(A) The organization within the Department of Defense that is subordinate to the Under Secretary of Defense for Acquisition and Technology and known as the Defense Airborne Reconnaissance Office.

(B) The organization within the Department of Defense that is subordinate to the Secretary of the Navy and known as the Unmanned Aerial Vehicle Joint Program Office

(2) The Secretary shall submit to the congressional defense committees a report containing—

(A) the plan developed under paragraph (1); and

(B) an explanation of how the plan addresses the findings and recommendations in the final report of the Task Force on Defense Reform (established by the Secretary of Defense on May 14, 1997, and headed by the Deputy Secretary of Defense).

(3) The plan under paragraph (1) shall be developed, and the report under paragraph (2) shall be submitted, not later than March 1, 1998.

(c) TRANSFER OF CERTAIN FUNCTIONS TO SECRETARIES OF MILITARY DEPARTMENTS.—(1) Not later than September 30, 1998, the Secretary of Defense shall transfer to the Secretaries of the military departments those functions specified in paragraph (2) that were performed on the day before the date of the enactment this Act by the Defense Airborne Reconnaissance Office and the Unmanned Aerial Vehicle Joint Program Office.

(2) The functions referred to in paragraph (1) are the functions of the Defense Airborne Reconnaissance Office and the Unmanned Aerial Vehicle Joint Program Office relating to their responsibilities for acquisition of systems, budgeting, program management (for research, development, test, and evaluation, for procurement, for life-cycle support, and for operations), and related responsibilities for individual airborne reconnaissance programs.

(d) TRANSFER OF CERTAIN FUNCTIONS TO DEFENSE AIRBORNE RECONNAISSANCE OFFICE.—(1) Not later than September 30, 1998, the Secretary of Defense shall transfer to the Defense Airborne Reconnaissance Office those functions specified in paragraph (2) that were performed on the day before the date of the enactment of this Act by the Unmanned Aerial Vehicle Joint Program Office.

(2) The functions referred to in paragraph (1) are the functions of the Unmanned Aerial Vehicle Joint Program Office relating to its responsibilities for management and oversight of defense airborne reconnaissance architecture, requirements, and system interfaces (other than the responsibilities specified in subsection (c)(2)).

SEC. 906. TERMINATION OF THE ARMED SERVICES PATENT ADVISORY BOARD.

(a) TERMINATION OF BOARD.—The organization within the Department of Defense known as the Armed Services Patent Advisory Board is terminated. No funds available for the Department of Defense may be used for the operation of that Board after the effective date specified in subsection (c).

(b) TRANSFER OF FUNCTIONS.—All functions performed on the day before the date of the enactment of this Act by the Armed Services Patent Advisory Board (including performance of the responsibilities of the Department of Defense for security review of patent applications under chapter 17 of title 35, United States Code) shall be transferred to the Defense Technology Security Administration.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 907. COORDINATION OF DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS AND AUDITS.

(a) MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS.—(1) The heads of the military department criminal investigative organizations shall take such action as may be practicable to conserve the limited resources available to the military department criminal investigative organizations by sharing personnel, expertise, infrastructure, training, equipment, software, and other resources.

(2) The heads of the military department criminal investigative organizations shall meet on a regular basis to determine the manner in which and the extent to which the military department criminal investigative organizations will be able to share resources.

(b) DEFENSE AUDITING ORGANIZATIONS.—(1) The heads of the defense auditing organizations shall take such action as may be practicable to conserve the limited resources available to the defense auditing organizations by sharing personnel, expertise, infrastructure, training, equipment, software, and other resources.

(2) The heads of the defense auditing organizations shall meet on a regular basis to determine the manner in which and the extent to which the defense auditing organizations will be able to share resources.

(c) IMPLEMENTATION PLAN.—Not later than December 31, 1997, the Secretary of Defense shall submit to Congress a plan designed to maximize the resources available to the military department criminal investigative organizations and the defense auditing organizations, as required by this section.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "military department criminal investigative organizations" means—

(A) the Army Criminal Investigation Command;

(B) the Naval Criminal Investigative Service; and

(C) the Air Force Office of Special Investigations.

(2) The term "defense auditing organizations" means—

(A) the Office of the Inspector General of the Department of Defense;

(B) the Defense Contract Audit Agency;

(C) the Army Audit Agency;

(D) the Naval Audit Service; and

(E) the Air Force Audit Agency.

Subtitle B—Department of Defense Personnel Management

SEC. 911. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130a. Management headquarters and headquarters support activities personnel: limitation

"(a) LIMITATION.—Effective October 1, 2002, the number of management headquarters and

headquarters support activities personnel in the Department of Defense may not exceed 75 percent of the baseline number.

"(b) PHASED REDUCTION.—The number of management headquarters and headquarters support activities personnel in the Department of Defense—

"(1) as of October 1, 1998, may not exceed 95 percent of the baseline number;

"(2) as of October 1, 1999, may not exceed 90 percent of the baseline number;

"(3) as of October 1, 2000, may not exceed 85 percent of the baseline number; and

"(4) as of October 1, 2001, may not exceed 80 percent of the baseline number.

"(c) BASELINE NUMBER.—In this section, the term 'baseline number' means the number of management headquarters and headquarters support activities personnel in the Department of Defense as of October 1, 1997.

"(d) LIMITATION ON MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT PERSONNEL ASSIGNED TO THE UNITED STATES TRANSPORTATION COMMAND.—(1) Effective October 1, 1998, the number of management headquarters activities and management headquarters support activities personnel assigned to, or employed in, the United States Transportation Command may not exceed the number equal to 95 percent of the number of such personnel as of October 1, 1997.

"(2) For purposes of paragraph (1), the United States Transportation Command shall be considered to include the following:

"(A) The United States Transportation Command Headquarters.

"(B) The Air Mobility Command of the Air Force.

"(C) The Military Sealift Command of the Navy.

"(D) The Military Traffic Management Command of the Army.

"(E) The Defense Courier Service.

"(F) Any other element of the Department of Defense assigned to the United States Transportation Command.

"(3) The Secretary of Defense may waive or suspend operation of paragraph (1) in the event of a war or national emergency.

"(e) MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES PERSONNEL DEFINED.—In this section:

"(1) The term 'management headquarters and headquarters support activities personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in management headquarters activities or in management headquarters support activities.

"(2) The terms 'management headquarters activities' and 'management headquarters support activities' have the meanings given those terms in Department of Defense Directive 5100.73, entitled 'Department of Defense Management Headquarters and Headquarters Support Activities', as in effect on November 12, 1996.

"(f) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, management headquarters and headquarters support activities in order to comply with this section, the Secretary of Defense and the Secretaries of the military departments may not reassign functions in order to evade the requirements of this section.

"(g) FLEXIBILITY.—If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 2001 would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. The authority under this subsection may be used only once, with respect to a single fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"130a. Management headquarters and headquarters support activities personnel: limitation.".

(b) IMPLEMENTATION REPORT.—Not later than January 15, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to achieve the personnel reductions required by section 130a of title 10, United States Code, as added by subsection (a); and

(2) including the recommendations of the Secretary regarding—

(A) the revision, replacement, or augmentation of Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities", as in effect on November 12, 1996; and

(B) the revision of the definitions of the terms "management headquarters activities" and "management headquarters support activities" under that Directive so that those terms apply uniformly throughout the Department of Defense.

(c) DUTIES OF TASK FORCE ON DEFENSE REFORM TO INCLUDE CONSIDERATION OF MANAGEMENT HEADQUARTERS ACTIVITIES.—(1) The Secretary of Defense shall require that the areas of study of the Task Force on Defense Reform (established by the Secretary of Defense on May 14, 1997, and headed by the Deputy Secretary of Defense) include an examination of the missions, functions, and responsibilities of the various management headquarters activities and management headquarters support activities of the Department of Defense. In carrying out that examination of those activities, the Task Force shall identify areas of duplication in those activities and recommend to the Secretary options to streamline, reduce, and eliminate redundancies.

(2) The examination of the missions, functions, and responsibilities of the various management headquarters activities and management headquarters support activities of the Department of Defense under paragraph (1) shall include the following:

(A) An assessment of benefits of consolidation or selected elimination of Department of Defense management headquarters activities and management headquarters support activities.

(B) An assessment of the opportunities to streamline the management headquarters and management headquarters support infrastructure that were realized as a result of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) and the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) or as result of other management reform initiatives implemented administratively during the period from 1993 through 1997.

(C) An assessment of such other options for streamlining or restructuring the management headquarters and management headquarters support infrastructure as the Task Force considers appropriate and as can be carried out under existing provisions of law.

(3) Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on the results of the examination by the Task Force under this subsection. The Secretary shall include in the report any report to the Secretary from the Task Force with respect to the matters described in paragraphs (1) and (2).

(d) CODIFICATION OF PRIOR PERMANENT LIMITATION ON OSD PERSONNEL.—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end a new section 143 consisting of—

(A) a heading as follows:

"§143. Office of the Secretary of Defense personnel: limitation";

and

(B) a text consisting of the text of subsections (a) through (f) of section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2617).

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"143. Office of the Secretary of Defense personnel: limitation.".

(3) Section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2617) is repealed.

SEC. 912. DEFENSE ACQUISITION WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1998 so that the total number of such personnel as of October 1, 1998, is less than the total number of such personnel as of October 1, 1997, by at least the applicable number determined under paragraph (2).

(2)(A) The applicable number for purposes of paragraph (1) is 25,000. However, the Secretary of Defense may specify a lower number, which may not be less than 10,000, as the applicable number for purposes of paragraph (1) if the Secretary determines, and certifies to Congress not later than June 1, 1998, that an applicable number greater than the number specified by the Secretary would be inconsistent with the cost-effective management of the defense acquisition system to obtain best value equipment and would adversely affect military readiness.

(B) The Secretary shall include with such a certification a detailed explanation of each of the matters certified.

(C) The authority of the Secretary under subparagraph (A) may only be delegated to the Deputy Secretary of Defense.

(3) For purposes of this subsection, the term "defense acquisition personnel" means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992).

(b) REPORT ON SPECIFIC ACQUISITION POSITIONS PREVIOUSLY ELIMINATED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on reductions in the defense acquisition workforce made since fiscal year 1989. The report shall show aggregate reductions by fiscal year and shall show for each fiscal year reductions identified by specific job title, classification, or position. The report shall also identify those reductions carried out pursuant to law (and how the Secretary implemented any statutory requirement for such reductions, including definition of the workforce subject to the reduction) and those reductions carried out as a result of base closures and realignments under the so-called BRAC process. The Secretary shall include in the report a definition of the term "defense acquisition workforce" that is to be applied uniformly throughout the Department of Defense.

(c) IMPLEMENTATION PLAN TO STREAMLINE AND IMPROVE ACQUISITION ORGANIZATIONS.—(1) Not later than April 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan to streamline the acquisition organizations, workforce, and infrastructure of the Department of Defense. The Secretary shall

include with the report a detailed discussion of the recommendations of the Secretary based on the review under subsection (d) and the assessment of the Task Force on Defense Reform pursuant to subsection (e), together with a request for the enactment of any legislative changes necessary for implementation of the plan. The Secretary shall include in the report the results of the review under subsection (d) and the independent assessment of the Task Force on Defense Reform pursuant to subsection (e).

(2) In carrying out this subsection and subsection (d), the Secretary of Defense shall formally consult with the Chairman of the Joint Chiefs of Staff, the Director of Program Analysis and Evaluation, the Under Secretary of Defense (Comptroller), and the Under Secretary for Acquisition and Technology.

(d) REVIEW OF ACQUISITION ORGANIZATIONS AND FUNCTIONS.—The Secretary of Defense shall conduct a review of the organizations and functions of the Department of Defense acquisition activities and of the personnel required to carry out those functions. The review shall identify the following:

(1) Opportunities for cross-service, cross-functional arrangements within the military services and defense agencies.

(2) Specific areas of overlap, duplication, and redundancy among the various acquisition organizations.

(3) Opportunities to further streamline acquisition processes.

(4) Benefits of an enhanced Joint Requirements Oversight Council in the acquisition process.

(5) Alternative consolidation options for acquisition organizations.

(6) Alternative methods for performing industry oversight and quality assurance.

(7) Alternative options to shorten the procurement cycle.

(8) Alternative acquisition infrastructure reduction options within current authorities.

(9) Alternative organizational arrangements that capitalize on core acquisition competencies among the military services and defense agencies.

(10) Future acquisition personnel requirements of the Department.

(11) Adequacy of the Program, Plans, and Budgeting System in fulfilling current and future acquisition needs of the Department.

(12) Effect of technology and advanced management tools in the future acquisition system.

(13) Applicability of more flexible alternative approaches to the current civil service system for the acquisition workforce.

(14) Adequacy of Department of Defense Instruction numbered 5000.58 dated January 14, 1992.

(e) DUTIES OF TASK FORCE ON DEFENSE REFORM TO INCLUDE CONSIDERATION OF ACQUISITION ORGANIZATIONS.—(1) The Secretary of Defense shall require that the areas of study of the Task Force on Defense Reform (established by the Secretary of Defense on May 14, 1997, and headed by the Deputy Secretary of Defense) include an examination of the missions, functions, and responsibilities of the various acquisition organizations of the Department of Defense, including the acquisition workforce of the Department. In carrying out that examination of those organizations and that workforce, the Task Force shall identify areas of duplication in defense acquisition organization and recommend to the Secretary options to streamline, reduce, and eliminate redundancies.

(2) The examination of the missions, functions, and responsibilities of the various acquisition organizations of the Department of Defense under paragraph (1) shall include the following:

(A) An assessment of benefits of consolidation or selected elimination of Department of Defense acquisition organizations.

(B) An assessment of the opportunities to streamline the defense acquisition infrastructure that were realized as a result of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) and the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) or as result of other acquisition reform initiatives implemented administratively during the period from 1993 through 1997.

(C) An assessment of such other options for streamlining or restructuring the defense acquisition infrastructure as the Task Force considers appropriate and as can be carried out under existing provisions of law.

(3) Not later than March 1, 1998, the Task Force shall submit to the Secretary a report on the results of its review of the acquisition organizations of the Department of Defense, including any recommendations of the Task Force for improvements to those organizations.

(f) TECHNICAL REFERENCE CORRECTION.—Section 1721(c) of title 10, United States Code, is amended by striking out "November 25, 1988" and inserting in lieu thereof "November 12, 1996".

Subtitle C—Department of Defense Schools and Centers

SEC. 921. PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) COMPONENT INSTITUTIONS OF THE NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2165. National Defense University: component institutions

"(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

"(b) COMPONENT INSTITUTIONS.—The National Defense University consists of the following institutions:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Armed Forces Staff College.

"(4) The Institute for National Strategic Studies.

"(5) The Information Resources Management College.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2165. National Defense University: component institutions.".

(b) MARINE CORPS UNIVERSITY AS PROFESSIONAL MILITARY EDUCATION SCHOOL.—Subsection (d) of section 2162 of such title is amended to read as follows:

"(d) PROFESSIONAL MILITARY EDUCATION SCHOOLS.—This section applies to each of the following professional military education schools:

"(1) The National Defense University.

"(2) The Army War College.

"(3) The College of Naval Warfare.

"(4) The Air War College.

"(5) The United States Army Command and General Staff College.

"(6) The College of Naval Command and Staff.

"(7) The Air Command and Staff College.

"(8) The Marine Corps University.".

(c) REPEAL OF DUPLICATIVE DEFINITION.—Section 1595(d) of such title is amended—

(1) by striking out "(1)" before "In the case of"; and

(2) by striking out paragraph (2).

SEC. 922. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) INSTITUTION OF THE NATIONAL DEFENSE UNIVERSITY.—Subsection (b) of section 2165 of title 10, United States Code, as added by section 921(a)(1), is amended by adding at the end the following new paragraph:

"(6) The Center for Hemispheric Defense Studies.".

(b) CIVILIAN FACULTY MEMBERS.—Section 1595 of title 10, United States Code, is amended by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"(e) APPLICABILITY TO DIRECTOR AND DEPUTY DIRECTOR AT CERTAIN INSTITUTIONS.—In addition to the persons specified in subsection (a), this section also applies with respect to the Director and the Deputy Director of the following:

"(1) The George C. Marshall European Center for Security Studies.

"(2) The Asia-Pacific Center for Security Studies.

"(3) The Center for Hemispheric Defense Studies.".

SEC. 923. CORRECTION TO REFERENCE TO GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) CORRECTION TO REFERENCE TO NAME OF CENTER.—Subsection (a) of section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101–193; 8 U.S.C. 1430 note), is amended by striking out "the United States Army Russian Institute" and inserting in lieu thereof "the George C. Marshall European Center for Security Studies".

(b) SECTION HEADING.—The heading of such section is amended to read as follows:

"REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES".

Subtitle D—Department of Defense Intelligence Matters

SEC. 931. TRANSFER OF CERTAIN MILITARY DEPARTMENT PROGRAMS FROM TIARA BUDGET AGGREGATION.

(a) TRANSFER.—Effective March 1, 1998, the Secretary of Defense shall, for each program identified by the Secretary under subsection (c)(2), transfer the management and budgeting of funds for that program from the TIARA budget aggregation to a nonintelligence budget activity of the military department responsible for that program.

(b) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the policy of the Department of Defense that is used for determining the programs of the Department that are included within the TIARA budget aggregation. In conducting the assessment, the Secretary—

(1) shall consider whether the current policy is in need of revision to reflect changes in technology and battlefield use of TIARA systems;

(2) shall specifically consider the appropriateness of the continued inclusion in the TIARA budget aggregation of each of the programs described in subsection (e); and

(3) may consider the appropriateness of the continued inclusion in the TIARA budget aggregation of any other program (in addition to the programs described to in subsection (e)) that as of the date of the enactment of this Act is managed and budgeted as part of the TIARA budget aggregation.

(c) REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on the assessment carried out under section (b). The Secretary shall include in the report—

(1) a description of any proposed changes to Department of Defense policies for determining which programs are included in the TIARA budget aggregation; and

(2) identification of each program (among the programs considered pursuant to paragraphs (2) and (3) of subsection (b)) for which the management and budgeting of funds is to be transferred under subsection (a).

(d) IDENTIFICATION OF PROGRAMS.—(1) In specifying the programs to be included on the list under subsection (c)(2), the Secretary—

(A) shall (except as otherwise provided pursuant to a waiver under paragraph (2)) include each program described in subsection (e); and

(B) may include such additional programs considered in the assessment pursuant to subsection (b)(3) as the Secretary determines appropriate.

(2) The Secretary, after considering the results of the assessment under subsection (c), may waive the applicability of paragraph (1)(A) to any program described in subsection (e). The Secretary shall include in the report under subsection (c) identification of each such program for which the Secretary has granted such a waiver and supporting rationale for each waiver.

(e) COVERED PROGRAMS.—The programs described in this subsection are the following (each of which, as of the date of the enactment of this Act, is managed and budgeted as part of the TIARA budget aggregation):

(1) Each targeting or target acquisition program of the Department of Defense, including the Joint Surveillance and Target Attack Radar System (JSTARS) and the Advanced Deployable System.

(2) Each Tactical Warning and Attack Assessment program of the Department of Defense, including the Defense Support Program, the Space-Based Infrared Program, and early warning radars.

(3) Each tactical communications system of the Department of Defense, including the Joint Tactical Terminal.

(f) TIARA BUDGET AGGREGATION DEFINED.—For purposes of this section, the term "TIARA budget aggregation" means the aggregation of programs of the Department of Defense for which funds are managed and budgeted through a common designation as Tactical Intelligence and Related Activities (TIARA) of the Department of Defense.

SEC. 932. REPORT ON COORDINATION OF ACCESS OF COMMANDERS AND DEPLOYED UNITS TO INTELLIGENCE COLLECTED AND ANALYZED BY THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress makes the following findings:

(1) Coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces has proven to be inadequate.

(2) Procedures used to reconcile information among various intelligence community and Department of Defense data bases have proven to be inadequate and, being inadequate, have diminished the usefulness of that information and have precluded commanders and planners within the Armed Forces from fully benefiting from key information that should have been available to them.

(3) Excessive compartmentalization of responsibilities and information within the Department of Defense and the other elements of the intelligence community has resulted in inaccurate analysis of important intelligence material.

(4) Excessive restrictions on the distribution of information within the executive branch have disadvantaged units of the Armed Forces that would have benefited most from the information.

(5) Procedures used in the Department of Defense to ensure that critical intelligence information is provided to the right combat units in a timely manner failed during the Persian Gulf War and, as a result, information about potential chemical weapons storage locations did not reach the units that eventually destroyed those storage areas.

(6) A recent, detailed review of the events leading to and following the destruction of chemical weapons by members of the Armed Forces at Khamisiyah, Iraq, during the Persian Gulf War has revealed a number of inadequacies in the way the Department of Defense and the other elements of the intelligence community handled, distributed, recorded, and stored intelligence information about the threat of exposure of United States forces to chemical weapons and the toxic agents in those weapons.

(7) The inadequacy of procedures for recording the receipt of, and reaction to, intelligence reports provided by the intelligence community to combat units of the Armed Forces during the Persian Gulf War has caused it to be impossible to analyze the failures in transmission of intelligence-related information on the location of chemical weapons at Khamisiyah, Iraq, that resulted in the demolition of chemical weapons by members of the Armed Forces unaware of the hazards to which they were exposed.

(b) REPORT REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report that identifies the specific actions that have been taken or are being taken to ensure that there is adequate coordination of access of commanders of the combatant commands and deployed units of the Armed Forced to intelligence collected and analyzed by the intelligence community.

SEC. 933. PROTECTION OF IMAGERY, IMAGERY INTELLIGENCE, AND GEOSPATIAL INFORMATION AND DATA.

(a) PROTECTION OF INFORMATION ON CAPABILITIES.—Paragraph (1)(B) of section 455(b) of title 10, United States Code, is amended by inserting ", or capabilities," after "methods".

(b) PRODUCTS PROTECTED.—(1) Paragraph (2) of such section is amended to read as follows:

"(2) In this subsection, the term 'geodetic product' means imagery, imagery intelligence, or geospatial information.".

(2) Section 467(4) of title 10, United States Code, is amended—

(A) by inserting "and" at the end of subparagraph (A);

(B) in subparagraph (B), by striking out "and geodetic data; and" and inserting in lieu thereof "geodetic data, and related products."; and

(C) by striking out subparagraph (C).

SEC. 934. POW/MIA INTELLIGENCE ANALYSIS.

(a) INTELLIGENCE ANALYSIS.—The Director of Central Intelligence, in consultation with the Secretary of Defense, shall provide intelligence analysis on matters concerning prisoners of war and missing persons (as defined in chapter 76 of title 10, United States Code) to all departments and agencies of the Federal Government involved in such matters.

(b) USE OF INTELLIGENCE IN ANALYSIS OF POW/MIA CASES IN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Defense Prisoner of War/Missing Personnel Office of the Department of Defense takes into full account all intelligence regarding matters concering of prisoners of war and missing persons (as defined in chapter 76 of title 10, United States Code) in analyzing cases involving such persons.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authority for obligation of unauthorized fiscal year 1997 defense appropriations.
Sec. 1004. Authorization of prior emergency supplemental appropriations for fiscal year 1997.
Sec. 1005. Increase in fiscal year 1996 transfer authority.
Sec. 1006. Revision of authority for Fisher House trust funds.
Sec. 1007. Flexibility in financing closure of certain outstanding contracts for which a small final payment is due.
Sec. 1008. Biennial financial management improvement plan.
Sec. 1009. Estimates and requests for procurement and military construction for the reserve components.
Sec. 1010. Sense of Congress regarding funding for reserve component modernization not requested in President's budget.
Sec. 1011. Management of working-capital funds.
Sec. 1012. Authority of Secretary of Defense to settle claims relating to pay, allowances, and other benefits.
Sec. 1013. Payment of claims by members for loss of personal property due to flooding in Red River Basin.
Sec. 1014. Advances for payment of public services.
Sec. 1015. United States Man and the Biosphere Program limitation.

Subtitle B—Naval Vessels and Shipyards

Sec. 1021. Procedures for sale of vessels stricken from the Naval Vessel Register.
Sec. 1022. Authority to enter into a long-term charter for a vessel in support of the Surveillance Towed-Array Sensor (SURTASS) program.
Sec. 1023. Transfer of two specified obsolete tugboats of the Army.
Sec. 1024. Congressional review period with respect to transfer of ex-U.S.S. Hornet (CV–12) and ex-U.S.S. Midway (CV–41).
Sec. 1025. Transfers of naval vessels to certain foreign countries.
Sec. 1026. Reports relating to export of vessels that may contain polychlorinated biphenyls.
Sec. 1027. Conversion of defense capability preservation authority to Navy shipbuilding capability preservation authority.

Subtitle C—Counter-Drug Activities

Sec. 1031. Use of National Guard for State drug interdiction and counter-drug activities.
Sec. 1032. Authority to provide additional support for counter-drug activities of Mexico.
Sec. 1033. Authority to provide additional support for counter-drug activities of Peru and Colombia.
Sec. 1034. Annual report on development and deployment of narcotics detection technologies.

Subtitle D—Miscellaneous Report Requirements and Repeals

Sec. 1041. Repeal of miscellaneous reporting requirements.
Sec. 1042. Study of transfer of modular airborne fire fighting system.
Sec. 1043. Overseas infrastructure requirements.
Sec. 1044. Additional matters for annual report on activities of the General Accounting Office.
Sec. 1045. Eye safety at small arms firing ranges.
Sec. 1046. Reports on Department of Defense procedures for investigating military aviation accidents and for notifying and assisting families of victims.

Subtitle E—Matters Relating to Terrorism

Sec. 1051. Oversight of counterterrorism and antiterrorism activities; report.
Sec. 1052. Provision of adequate troop protection equipment for Armed Forces personnel engaged in peace operations; report on antiterrorism activities and protection of personnel.

Subtitle F—Matters Relating to Defense Property

Sec. 1061. Lease of nonexcess personal property of military departments.
Sec. 1062. Lease of nonexcess property of Defense Agencies.

Sec. 1063. Donation of excess chapel property to churches damaged or destroyed by arson or other acts of terrorism.
Sec. 1064. Authority of the Secretary of Defense concerning disposal of assets under cooperative agreements on air defense in Central Europe.
Sec. 1065. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
Sec. 1066. Transfer of B–17 aircraft to museum.
Sec. 1067. Report on disposal of excess and surplus materials.

Subtitle G—Other Matters

Sec. 1071. Authority for special agents of the Defense Criminal Investigative Service to execute warrants and make arrests.
Sec. 1072. Study of investigative practices of military criminal investigative organizations relating to sex crimes.
Sec. 1073. Technical and clerical amendments.
Sec. 1074. Sustainment and operation of the Global Positioning System.
Sec. 1075. Protection of safety-related information voluntarily provided by air carriers.
Sec. 1076. National Guard Challenge Program to create opportunities for civilian youth.
Sec. 1077. Disqualification from certain burial-related benefits for persons convicted of capital crimes.
Sec. 1078. Restrictions on the use of human subjects for testing of chemical or biological agents.
Sec. 1079. Treatment of military flight operations.
Sec. 1080. Naturalization of certain foreign nationals who serve honorably in the Armed Forces during a period of conflict.
Sec. 1081. Applicability of certain pay authorities to members of specified independent study organizations.
Sec. 1082. Display of POW/MIA flag.
Sec. 1083. Program to commemorate 50th anniversary of the Korean conflict.
Sec. 1084. Commendation of members of the Armed Forces and Government civilian personnel who served during the Cold War; certificate of recognition.
Sec. 1085. Sense of Congress on granting of statutory Federal charters.
Sec. 1086. Sense of Congress regarding military voting rights.
Sec. 1087. Designation of Bob Hope as an honorary veteran of the Armed Forces of the United States.
Sec. 1088. Five-year extension of aviation insurance program.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill H.R. 1119 of the One Hundred Fifth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORITY FOR OBLIGATION OF UNAUTHORIZED FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1997 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.—The term "fiscal year 1997 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208).

(2) FISCAL YEAR 1997 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1997 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

SEC. 1004. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18).

SEC. 1005. INCREASE IN FISCAL YEAR 1996 TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 100 Stat. 414) is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,100,000,000".

SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE TRUST FUNDS.

(a) CORRECTION TO ELIMINATE USE OF TERM ASSOCIATED WITH FUNDING AUTHORITIES.—Section 2221(c) of title 10, United States Code, is amended by striking out "or maintenance" each place it appears.

(b) CORPUS OF AIR FORCE TRUST FUND.—The Secretary of the Air Force shall deposit in the Fisher House Trust Fund, Department of the Air Force, an amount that the Secretary determines appropriate to establish the corpus of the fund.

SEC. 1007. FLEXIBILITY IN FINANCING CLOSURE OF CERTAIN OUTSTANDING CONTRACTS FOR WHICH A SMALL FINAL PAYMENT IS DUE.

(a) CLOSURE OF OUTSTANDING CONTRACTS.—The Secretary of Defense may make the final payment on a contract to which this section applies from the account established pursuant to subsection (d).

(b) COVERED CONTRACTS.—This section applies to any contract of the Department of Defense—

(1) that was entered into before December 5, 1990; and

(2) for which an unobligated balance of an appropriation that had been initially applied to the contract was canceled before December 5, 1990, pursuant to section 1552 of title 31, United States Code, as in effect before that date.

(c) AUTHORITY LIMITED TO SMALL FINAL PAYMENTS.—The Secretary may use the authority provided by this section only for a contract for which the amount of the final payment due is not greater than the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)).

(d) ACCOUNT.—The Secretary may establish an account for the purposes of this section. The Secretary may from time to time transfer into the account, from funds made available to the Department of Defense for procurement or for research, development, test, and evaluation, such amounts as the Secretary determines to be needed for the purposes of the account, except that the total of such transfers may not exceed $1,000,000. Amounts in the account may be used only for the purposes of this section.

(e) CLOSURE OF ACCOUNT.—When the Secretary determines that all contracts to which this section applies have been closed and there is no further need for the account established under subsection (d), the Secretary shall close the account. Any amounts remaining in the account shall be covered into the Treasury as miscellaneous receipts.

SEC. 1008. BIENNIAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.

(a) BIENNIAL PLAN.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2222. Biennial financial management improvement plan

"(a) BIENNIAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress a biennial strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 of each even-numbered year.

"(b) CONCEPT OF OPERATIONS.—Each plan under subsection (a) shall include a statement *of the Secretary of Defense's concept of operations for the financial management of the Department of Defense. Each such statement shall be a clear description of the manner in which the Department's financial management operations are carried out or will be carried out under the improvements set forth in the plan under subsection (a), including identification of operations that must be performed.*

"(c) Matters To Be Addressed in Plan.—(1) Each plan under subsection (a) shall address all aspects of financial management within the Department of Defense, including the finance systems, accounting systems, and data feeder systems of the Department that support financial functions of the Department.

"(2) For the purposes of paragraph (1), a data feeder system is an automated or manual system from which information is derived for a financial management system or an accounting system.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2222. Biennial financial management improvement plan.".

(b) Additional Content of First Plan.—The first financial management improvement plan submitted under section 2222 of title 10, United States Code (as added by subsection (a)), shall include the following:

(1) A description of the costs and benefits of integrating the various finance and accounting systems of the Department of Defense and reducing the total number of such systems, together with the Secretary's assessment of the feasibility of implementing such an integration.

(2) Identification of problems with the accuracy of data included in the finance systems, accounting systems, and data feeder systems that support financial functions of the Department of Defense, together with a description of the actions that the Secretary can take to address those problems.

(3) Identification of weaknesses in the internal controls of the systems referred to in paragraph (2), together with a description of the actions that the Secretary can take to address those weaknesses.

(4) A description of actions that the Secretary can take to eliminate negative unliquidated obligations, unmatched disbursements, and in-transit disbursements and to avoid such obligations and disbursements in the future.

(5) A description of the status of the efforts being undertaken in the Department to consolidate and eliminate—

(A) redundant or unneeded finance systems; and

(B) redundant or unneeded accounting systems.

(6) A description of efforts being undertaken to consolidate or eliminate redundant personnel data systems, acquisition data systems, asset accounting systems, time and attendance systems, and other data feeder systems of the Department.

(7) A description of efforts being undertaken to integrate the data feeder systems of the Department with the finance and accounting systems of the Department.

(8) A description of problems with the organization or performance of the Operating Locations and Service Centers of the Defense Finance and Accounting Service, together with a description of the actions the Secretary can take to address those problems.

(9) A description of the costs and benefits of reorganizing the Operating Locations and Service Centers of the Defense Finance and Accounting Service according to function, together with the Secretary's assessment of the feasibility of carrying out such a reorganization.

(10) A description of the costs and benefits of contracting for private-sector performance of specific functions currently performed by the Defense Finance and Accounting Service, together with the Secretary's assessment of the feasibility of contracting for such performance.

(11) A description of actions that can be taken to ensure that each comptroller position (and comparable position) in the Department of Defense, whether filled by a member of the Armed Forces or by a civilian employee, is held by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

(12) A description of any other change in the financial management structure of the Department or revision of the financial processes and business practices of the Department that the Secretary considers necessary to improve financial management in the Department.

(c) Additional Matters.—For each of the problems and actions identified pursuant to paragraphs (1) through (12) of subsection (b) or in any other part of the plan covered by that subsection, the Secretary shall include statements of objectives, performance measures, and schedules and shall specify the individual and organizational responsibilities.

(d) Definition.—In subsection (b), the term "data feeder system" has the meaning given that term in subsection (c)(2) of section 2222 of title 10, United States Code, as added by subsection (a).

SEC. 1009. ESTIMATES AND REQUESTS FOR PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS.

(a) Detailed Presentation in Future-Years Defense Program.—Section 10543 of title 10, United States Code, is amended—

(1) by inserting "(a) In General.—" before "The Secretary of Defense"; and

(2) by adding at the end the following:

"(b) Associated Annexes.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

"(1) procurement of each item of equipment to be procured for each reserve component; and

"(2) each military construction project to be carried out for each reserve component, together with the location of the project.

"(c) Report.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

"(2) In this subsection, the term 'average authorized amount', with respect to a fiscal year, means the average of—

"(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

"(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.".

(b) Prohibition.—The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.

SEC. 1010. SENSE OF CONGRESS REGARDING FUNDING FOR RESERVE COMPONENT MODERNIZATION NOT REQUESTED IN PRESIDENT'S BUDGET.

(a) Criteria.—It is the sense of Congress that, to the maximum extent practicable, Congress should authorize appropriations for procurement of reserve component modernization equipment for a fiscal year for equipment that is not included in the budget of the President for that fiscal year only if—

(1) there is a requirement for that equipment that has been validated by the Joint Requirements Oversight Council;

(2) procurement of that equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the current future-years defense program;

(3) procurement of that equipment is consistent with planned use of reserve component forces under Department of Defense war plans; and

(4) funds for that procurement, if authorized and appropriated for that fiscal year, could be obligated during that fiscal year.

(b) Consideration of Views of Chairman of Joint Chiefs of Staff.—It is further the sense of Congress that, in applying the criteria set forth in subsection (a) with respect to procurement of reserve component modernization equipment, Congress should obtain the views of the Chairman of the Joint Chiefs of Staff on whether, under Department of Defense war plans, that equipment is appropriate for procurement for, and assignment to, reserve component forces.

SEC. 1011. MANAGEMENT OF WORKING-CAPITAL FUNDS.

(a) Contracting for Capital Assets Procurement in Advance of Funds.—Section 2208 of title 10, United States Code, is amended by striking out subsection (k) and inserting in lieu thereof the following new subsection:

"(k)(1) Subject to paragraph (2), a contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) An unspecified minor military construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

(b) Use of Advance Billing.—Such section is further amended by adding at the end the following new subsection:

"(l)(1) An advance billing of a customer of a working-capital fund may be made if the Secretary of the military department concerned submits to Congress written notification of the advance billing within 30 days after the end of the month in which the advanced billing was made. The notification shall include the following:

"(A) The reasons for the advance billing.

"(B) An analysis of the effects of the advance billing on military readiness.

"(C) An analysis of the effects of the advance billing on the customer.

"(2) The Secretary of Defense may waive the notification requirements of paragraph (1)—

"(A) during a period war or national emergency; or

"(B) to the extent that the Secretary determines necessary to support a contingency operation.

"(3) In this subsection:

"(A) The term 'advance billing', with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a

customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

"(B) The term 'customer' means a requisitioning component or agency.".

(c) Fiscal Year Limitations.—(1) The total amount of advance billings for Department of the Navy working-capital funds and the Defense Business Operations Fund may not exceed—

(A) $1,000,000,000 for fiscal year 1998; and

(B) $800,000,000 for fiscal year 1999.

(2) For purposes of paragraph (1), the term "advance billing" has the meaning given such term in section 2208(l)(3) of title 10, United States Code, as added by subsection (b).

SEC. 1012. AUTHORITY OF SECRETARY OF DEFENSE TO SETTLE CLAIMS RELATING TO PAY, ALLOWANCES, AND OTHER BENEFITS.

Section 3702(e) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out "Comptroller General" and inserting in lieu thereof "Secretary of Defense"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) Payment of a claim settled under paragraph (1) shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid.".

SEC. 1013. PAYMENT OF CLAIMS BY MEMBERS FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN RED RIVER BASIN.

(a) Payment Authorized.—Notwithstanding section 3721(e) of title 31, United States Code, the Secretary of a military department may pay the claim of a member of the Armed Forces who resided (or whose dependents resided) in the vicinity of Grand Forks Air Force Base, North Dakota, during April and May 1997 for loss and damage to personal property incurred by the member as a direct result of the flooding in the Red River Basin during such months.

(b) Report on Department Policy.—The Secretary of Defense shall submit to Congress a report describing the Department of Defense policy regarding the payment of a claim by a member of the Armed Forces who is not assigned to quarters of the United States for losses and damage to personal property of the member incurred at the member's residence as a result of a natural disaster. The report shall include a description of the number of such claims received over the past 10 years, the number of claims paid, and the number of claims rejected. If the Secretary determines the Department of Defense should modify its policy in order to accept additional claims by members who are not assigned to quarters of the United States for losses and damage to personal property, the Secretary shall also include in the report any legislative changes that the Secretary considers necessary to enable the Secretary to implement the policy change.

SEC. 1014. ADVANCES FOR PAYMENT OF PUBLIC SERVICES.

(a) In General.—Subsection (a) of section 2396 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) public service utilities.".

(b) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries.".

SEC. 1015. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

During fiscal year 1998, the Secretary of Defense may not take any steps to carry out or support the United States Man and the Biosphere Program or any related project.

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. PROCEDURES FOR SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

"(c) Procedures for Sale.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section.

"(2) In such a case, the Secretary may—

"(A) sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after publicly advertising the sale of the vessel for a period of not less than 30 days; or

"(B) subject to paragraph (3), sell the vessel by competitive negotiation to the acceptable offeror who submits the offer that is most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).

"(3) Before entering into negotiations to sell a vessel under paragraph (2)(B), the Secretary shall publish notice of the intention to do so in the Commerce Business Daily sufficiently in advance of initiating the negotiations that all interested parties are given a reasonable opportunity to prepare and submit proposals. The Secretary shall afford an opportunity to participate in the negotiations to all acceptable offerors submitting proposals that the Secretary considers as having the potential to be the most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).".

SEC. 1022. AUTHORITY TO ENTER INTO A LONG-TERM CHARTER FOR A VESSEL IN SUPPORT OF THE SURVEILLANCE TOWED-ARRAY SENSOR (SURTASS) PROGRAM.

The Secretary of the Navy is authorized to enter into a contract in accordance with section 2401 of title 10, United States Code, for the charter, for a period through fiscal year 2003, of the vessel RV CORY CHOUEST (United States official number 933435) in support of the Surveillance Towed-Array Sensor (SURTASS) program.

SEC. 1023. TRANSFER OF TWO SPECIFIED OBSOLETE TUGBOATS OF THE ARMY.

(a) Authority To Transfer Vessels.—The Secretary of the Army may transfer the two obsolete tugboats of the Army described in subsection (b) to the Brownsville Navigation District, Brownsville, Texas.

(b) Vessels Covered.—Subsection (a) applies to the following two decommissioned tugboats of the Army, each of which is listed as of the date of the enactment of this Act as being surplus to the needs of the Army: the Normandy (LT–1971) and the Salerno (LT–1953).

(c) Transfers To Be at No Cost to United States.—A transfer authorized by this section shall be made at no cost to the United States.

(d) Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the transfers authorized by this section as the Secretary considers appropriate.

SEC. 1024. CONGRESSIONAL REVIEW PERIOD WITH RESPECT TO TRANSFER OF EX-U.S.S. HORNET (CV–12) AND EX-U.S.S. MIDWAY (CV–41).

(a) Reduction in Congressional Review Period.—In applying section 7306 of title 10, United States Code, with respect to the transfer of a vessel specified in subsection (c), subsection (d)(1)(B) of that section shall be applied by substituting "30 days" for "60 days".

(b) Waiver if Only One Qualified Entity Applies for Transfer of Vessel.—If in the case of a vessel specified in subsection (c) only a single qualified entity, as determined by the Secretary of the Navy, applies for transfer of the vessel, the Secretary may carry out the transfer of the vessel under section 7306 of title 10, United States Code, without regard to subsection (d)(1)(B) of that section. In such a case, the transfer may be made only after 10 days of continuous session of Congress (determined in the manner specified in section 7306(d)(2) of title 10, United States Code) have expired following the date on which the Secretary submits to Congress a certification that only a single qualified entity applied for transfer of the vessel.

(c) Covered Vessels.—This section applies to the following vessels (each of which is a decommissioned aircraft carrier):

(1) Ex-U.S.S. HORNET (CV–12).

(2) Ex-U.S.S. MIDWAY (CV–41).

SEC. 1025. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) Authority.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) To the Government of Brazil, the HUNLEY class submarine tender HOLLAND (AS 32).

(2) To the Government of Chile, the KAISER class oiler ISHERWOOD (T–AO 191).

(3) To the Government of Egypt:

(A) The following frigates of the KNOX class:

(i) The PAUL (FF 1080).

(ii) The MILLER (FF 1091).

(iii) The JESSE L. BROWN (FFT 1089).

(iv) The MOINESTER (FFT 1097).

(B) The following frigates of the OLIVER HAZARD PERRY class:

(i) The FAHRION (FFG 22).

(ii) The LEWIS B. PULLER (FFG 23).

(4) To the Government of Israel, the NEWPORT class tank landing ship PEORIA (LST 1183).

(5) To the Government of Malaysia, the NEWPORT class tank landing ship BARBOUR COUNTY (LST 1195).

(6) To the Government of Mexico, the KNOX class frigate ROARK (FF 1053).

(7) To the Taipei Economic and Cultural Representative Office in the United States (the Taiwan instrumentality that is designated pursuant to section 10(a) of the Taiwan Relations Act), the following frigates of the KNOX class:

(A) The WHIPPLE (FF 1062).

(B) The DOWNES (FF 1070).

(8) To the Government of Thailand, the NEWPORT class tank landing ship SCHENECTADY (LST 1185).

(b) Costs of Transfers.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(c) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which *the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.*

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1026. REPORTS RELATING TO EXPORT OF VESSELS THAT MAY CONTAIN POLYCHLORINATED BIPHENYLS.

(a) REPORTS REQUIRED.—Not later than March 1, 1998, the Secretary of the Navy (with respect to the Navy), the Administrator of the Maritime Administration (with respect to the Maritime Administration), and the Administrator of the Environmental Protection Agency (with respect to the Environmental Protection Agency) shall each submit to Congress a report on the implementation of the agreement between the Department of the Navy and the Environmental Protection Agency that became effective August 6, 1997, and that is titled "Export of Naval Vessels that May Contain Polychlorinated Biphenyls for Scrapping Outside the United States".

(b) CONTENTS OF REPORTS.—The reports required by subsection (a) shall address, at a minimum, the following:

(1) An assessment of the effects of the notification requirements regarding the export of vessels for scrapping, any impediments that those requirements may create for the export of vessels, and any changes to the agreement that may be required to address those impediments.

(2) An explanation of the process by which it is determined which solid items containing polychlorinated biphenyls are readily removable and must be removed before the export of a vessel for scrapping, what types of polychlorinated biphenyls have been determined to be readily removable pursuant to this process, any impediments that such determinations may create for the export of vessels, and any changes to the agreement that may be required to address those impediments or to ensure protection of human health and the environment.

(c) AMENDMENTS RELATING TO DISPOSAL OF OBSOLETE VESSELS FROM THE NATIONAL DEFENSE RESERVE FLEET.—Section 6 of the National Maritime Heritage Act of 1994 (Public Law 103–451; 108 Stat. 4776; 16 U.S.C. 5405) is amended—

(1) in subsections (a)(1) and (b)(2)—

(A) by inserting "or 510(i)" after "508"; and

(B) by inserting "or 1160(i)" after "1158";

(2) in subsection (b)(2), by striking out "first 6" and inserting in lieu thereof "first 8"; and

(3) in subsection (c)(1)(A), by striking out "1999" and inserting in lieu thereof "2001".

SEC. 1027. CONVERSION OF DEFENSE CAPABILITY PRESERVATION AUTHORITY TO NAVY SHIPBUILDING CAPABILITY PRESERVATION AUTHORITY.

(a) IN GENERAL.—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§7315. Preservation of Navy shipbuilding capability

"(a) SHIPBUILDING CAPABILITY PRESERVATION AGREEMENTS.—The Secretary of the Navy may enter into an agreement, to be known as a 'shipbuilding capability preservation agreement', with a shipbuilder under which the cost reimbursement rules described in subsection (b) shall be applied to the shipbuilder under a Navy contract for the construction of a ship. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy objectives set forth in section 2501(b) of this title.

"(b) COST REIMBURSEMENT RULES.—The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

"(1) The Secretary of the Navy shall, in determining the reimbursement due a shipbuilder for its indirect costs of performing a contract for the construction of a ship for the Navy, allow the shipbuilder to allocate indirect costs to its private sector work only to the extent of the shipbuilder's allocable indirect private sector costs, subject to paragraph (3).

"(2) For purposes of paragraph (1), the allocable indirect private sector costs of a shipbuilder are those costs of the shipbuilder that are equal to the sum of the following:

"(A) The incremental indirect costs attributable to such work.

"(B) The amount by which the revenue attributable to such private sector work exceeds the sum of—

"(i) the direct costs attributable to such private sector work; and

"(ii) the incremental indirect costs attributable to such private sector work.

"(3) The total amount of allocable indirect private sector costs for a contract covered by the agreement may not exceed the amount of indirect costs that a shipbuilder would have allocated to its private sector work during the period covered by the agreement in accordance with the shipbuilder's established accounting practices.

"(c) AUTHORITY TO MODIFY COST REIMBURSEMENT RULES.—The cost reimbursement rules set forth in subsection (b) may be modified by the Secretary of the Navy for a particular agreement if the Secretary determines that modifications are appropriate to the particular situation to facilitate achievement of the policy set forth in section 2501(b) of this title.

"(d) APPLICABILITY.—(1) An agreement entered into with a shipbuilder under subsection (a) shall apply to each of the following Navy contracts with the shipbuilder:

"(A) A contract that is in effect on the date on which the agreement is entered into.

"(B) A contract that is awarded during the term of the agreement.

"(2) In a shipbuilding capability preservation agreement applicable to a shipbuilder, the Secretary may agree to apply the cost reimbursement rules set forth in subsection (b) to allocations of indirect costs to private sector work performed by the shipbuilder only with respect to costs that the shipbuilder incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under a contract between the shipbuilder and a private sector customer of the shipbuilder that became effective on or after January 26, 1996.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7315. Preservation of Navy shipbuilding capability.".

(b) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements as authorized by section 7315 of title 10, United States Code, as added by subsection (a).

(c) REPORT.—Not later than February 15, 1998, the Secretary of the Navy shall submit to Congress a report on applications for shipbuilding capability preservation agreements under section 7315 of title 10, United States Code, as added by subsection (a). The report shall specify the number of the applications received, the number of the applications approved, and a discussion of the reasons for disapproval of any application disapproved.

(d) REPEAL OF SUPERSEDED PROVISION.—Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393; 10 U.S.C. 2501 note) is repealed.

Subtitle C—Counter-Drug Activities

SEC. 1031. USE OF NATIONAL GUARD FOR STATE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) RELATIONSHIP TO TRAINING AND READINESS.—Subsection (b) of section 112 of title 32, United States Code, is amended—

(1) by inserting "(1)" before "Under regulations"; and

(2) by adding at the end the following new paragraphs:

"(2) To ensure that the use of units and personnel of the National Guard of a State pursuant to a State drug interdiction and counter-drug activities plan is not detrimental to the training and readiness of such units and personnel, the requirements of section 2012(d) of title 10 shall apply in determining the drug interdiction and counter-drug activities that units and personnel of the National Guard of a State may perform.

"(3) Section 508 of this title, regarding the provision of assistance to certain specified youth and charitable organizations, shall apply in any case in which a unit or member of the National Guard of a State is proposed to be used pursuant to a State drug interdiction and counter-drug activities plan to provide to an organization specified in subsection (d) of such section any of the services described in subsection (b) of such section or services regarding counter-drug education.".

(b) ENGINEER-TYPE ACTIVITIES.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) certify that any engineer-type activities (as defined by the Secretary of Defense) under the plan will be performed only by units and members of the National Guard;".

(c) ANNUAL REPORT.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

"(1) The number of members of the National Guard excluded under subsection (e) from the computation of end strengths.

"(2) A description of the drug interdiction and counter-drug activities conducted under State drug interdiction and counter-drug activities plans referred to in subsection (c) with funds provided under this section.

"(3) An accounting of the amount of funds provided to each State.

"(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform activities under the State drug interdiction and counter-drug activities plans.".

(d) CONFORMING AMENDMENTS.—Subsection (e) of such section is amended—

(1) by striking out "(1)" before "Members"; and

(2) by striking out paragraph (2).

SEC. 1032. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) EXTENSION OF AUTHORITY; CONSULTATION OF SECRETARY OF STATE.—Subsection (a) of section 1031 of the National Defense Authorization

Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637), is amended—

(1) by striking out "fiscal year 1997" and inserting in lieu thereof "fiscal years 1997 and 1998"; and

(2) by inserting after the first sentence the following new sentence: "In providing support to the Government of Mexico under this section, the Secretary of Defense shall consult with the Secretary of State.".

(b) EXTENSION OF AVAILABILITY OF FUNDS.—Subsection (d) of such section is amended—

(1) by striking out "not more than" and inserting in lieu thereof "an amount not to exceed"; and

(2) by adding at the end the following new sentences: "Funds made available for fiscal year 1997 under this subsection and unobligated by September 30, 1997, may be obligated during fiscal year 1998. No funds are authorized to be appropriated for fiscal year 1998 for the provision of support under this section.".

SEC. 1033. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.

(a) AUTHORITY TO PROVIDE SUPPORT.—Subject to subsection (f), during fiscal years 1998 through 2002, the Secretary of Defense may provide either or both of the foreign governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. In providing support to a government under this section, the Secretary of Defense shall consult with the Secretary of State. The support provided under the authority of this section shall be in addition to support provided to the governments under any other provision of law.

(b) GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—The foreign governments eligible to receive counter-drug support under this section are as follows:

(1) The Government of Peru.

(2) The Government of Colombia.

(c) TYPES OF SUPPORT.—The authority under subsection (a) is limited to the provision of the following types of support to a government named in subsection (b):

(1) The types of support specified in paragraphs (1), (2), and (3) of section 1031(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637).

(2) The transfer of riverine patrol boats.

(3) The maintenance and repair of equipment of the government that is used for counter-drug activities.

(d) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to the provision of support under this section.

(e) FISCAL YEAR 1998 FUNDING; LIMITATION ON OBLIGATIONS.—(1) Of the amount authorized to be appropriated under section 301(20) for drug interdiction and counter-drug activities, an amount not to exceed $9,000,000 shall be available for the provision of support under this section.

(2) Amounts made available to carry out this section shall remain available until expended, except that the total amount obligated and expended under this section may not exceed $20,000,000 during any of the fiscal years 1999 through 2002.

(f) CONDITION ON PROVISION OF SUPPORT.—(1) The Secretary of Defense may not obligate or expend funds during a fiscal year to provide support under this section to a government named in subsection (b) until the end of the 15-day period beginning on the date on which the Secretary submits to the congressional committees the written certification described in subsection (g) for that fiscal year.

(2) In the case of the first fiscal year in which support is to be provided under this section to a government named in subsection (b), the obligation or expenditure of funds under this section to provide support to that government shall also be subject to the condition that—

(A) the Secretary submit to the congressional committees the riverine counter-drug plan described in subsection (h); and

(B) a period of 60 days expires after the date on which the report is submitted.

(3) In the case of subsequent fiscal years in which support is to be provided under this section to a government named in subsection (b), the obligation or expenditure of funds under this section to provide support to that government shall also be subject to the condition that the Secretary submit to the congressional committees any revision of the counter-drug plan described in subsection (h) applicable to that government.

(4) For purposes of this subsection, the term "congressional committees" means the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(g) REQUIRED CERTIFICATION.—The written certification required by subsection (f)(1) for a fiscal year is a certification of the following with respect to each government to receive support under this section:

(1) That the provision of the support to the government will not adversely affect the military preparedness of the United States Armed Forces.

(2) That the equipment and materiel provided as support will be used only by officials and employees of the government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(3) That the government has certified to the Secretary of Defense that—

(A) the equipment and material provided as support will be used only by the officials and employees referred to in paragraph (2);

(B) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(C) the equipment and materiel will be used only for the purposes intended by the United States Government.

(4) That the government has implemented, to the satisfaction of the Secretary of Defense, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(5) That the departments, agencies, and instrumentalities of the government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(6) That the government will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(7) That the government will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(h) RIVERINE COUNTER-DRUG PLAN.—The Secretary of Defense, in consultation with the Secretary of State, shall prepare for fiscal year 1998 (and revise as necessary for subsequent fiscal years) a riverine counter-drug plan involving the governments named in subsection (b) to which support will be provided under this section. The plan for a fiscal year shall include the following with respect to each government to receive support under this section:

(1) A detailed security assessment, including a discussion of the threat posed by illicit drug traffickers in the foreign country.

(2) An evaluation of previous and ongoing riverine counter-drug operations by the government.

(3) An assessment of the monitoring of past and current assistance provided by the United States under this section to the government to ensure the appropriate use of such assistance.

(4) A description of the centralized management and coordination among Federal agencies involved in the development and implementation of the plan.

(5) A description of the roles and missions and coordination among agencies of the government involved in the development and implementation of the plan.

(6) A description of the resources to be contributed by the Department of Defense and the Department of State for the fiscal year or years covered by the plan and the manner in which such resources will be utilized under the plan.

(7) For the first fiscal year in which support is to be provided under this section, a schedule for establishing a riverine counter-drug program that can be sustained by the government within five years, and for subsequent fiscal years, a description of the progress made in establishing and carrying out the program.

(8) A reporting system to measure the effectiveness of the riverine counter-drug program.

(9) A detailed discussion of how the riverine counter-drug program supports the national drug control strategy of the United States.

SEC. 1034. ANNUAL REPORT ON DEVELOPMENT AND DEPLOYMENT OF NARCOTICS DETECTION TECHNOLOGIES.

(a) REPORT REQUIREMENT.—Not later than December 1st of each year, the Director of the Office of National Drug Control Policy shall submit to Congress and the President a report on the development and deployment of narcotics detection technologies by Federal agencies. Each such report shall be prepared in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of the Treasury.

(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include—

(1) a description of each project implemented by a Federal agency relating to the development or deployment of narcotics detection technology;

(2) the agency responsible for each project described in paragraph (1);

(3) the amount of funds obligated or expended to carry out each project described in paragraph (1) during the fiscal year in which the report is submitted or during any fiscal year preceding the fiscal year in which the report is submitted;

(4) the amount of funds estimated to be obligated or expended for each project described in paragraph (1) during any fiscal year after the fiscal year in which the report is submitted to Congress; and

(5) a detailed timeline for implementation of each project described in paragraph (1).

Subtitle D—Miscellaneous Report Requirements and Repeals

SEC. 1041. REPEAL OF MISCELLANEOUS REPORTING REQUIREMENTS.

(a) REQUIREMENT FOR NOTICE OF CONVERSION OF CERTAIN HEATING SYSTEMS AT INSTALLATIONS

IN EUROPE.—Section 2690(b) of title 10, United States Code, is amended by striking out "unless the Secretary—" and all that follows and inserting in lieu thereof the following: "unless the Secretary determines that the conversion—

"(1) is required by the government of the country in which the facility is located; or

"(2) is cost-effective over the life cycle of the facility.".

(b) REPORT ON AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING.—Section 2823 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(c) REPORT ON STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1933; 10 U.S.C. 2431 note), is repealed.

(d) ELIMINATION OF REQUIREMENT FOR QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONERS.—(1) Section 1412(g) of the National Defense Authorization Act for Fiscal Year 1986 (50 U.S.C. 1521(g)) is amended—

(A) by striking out paragraph (3);

(B) by striking out the last sentence of paragraph (4); and

(C) by redesignating paragraph (4) (as so amended) as paragraph (3).

(2) Section 153(b) of the National Defense Authorization Act for Fiscal Year 1996 (50 U.S.C. 1521 note) is amended—

(A) by striking out "QUARTERLY" in the heading; and

(B) by striking out paragraphs (4) and (5).

SEC. 1042. STUDY OF TRANSFER OF MODULAR AIRBORNE FIRE FIGHTING SYSTEM.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report evaluating the feasibility of transferring jurisdiction over units of the Modular Airborne Fire Fighting System from the Department of Agriculture to the Department of Defense.

SEC. 1043. OVERSEAS INFRASTRUCTURE REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military forces have been withdrawn from the Philippines.

(2) United States military forces are to be withdrawn from Panama by 2000.

(3) There continues to be local opposition to the continued presence of United States military forces in Okinawa.

(4) The Quadrennial Defense Review lists "the loss of U.S. access to critical facilities and lines of communication in key regions" as one of the so-called "wild card" scenarios covered in the review.

(5) The National Defense Panel states that "U.S. forces' long-term access to forward bases, to include air bases, ports, and logistics facilities, cannot be assumed".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should develop alternatives to the current arrangement for forward basing of the Armed Forces outside the United States, including alternatives to the existing infrastructure for forward basing of forces and alternatives to the existing international agreements that provide for basing of United States forces in foreign countries; and

(2) because the Pacific Rim continues to emerge as a region of significant economic and military importance to the United States, a continued presence of the Armed Forces in that region is vital to the capability of the United States to timely protect its interests in the region.

(c) REPORT REQUIRED.—Not later than March 31, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the overseas infrastructure requirements of the Armed Forces.

(d) CONTENT.—The report shall contain the following:

(1) The quantity and types of forces that the United States must station in each region of the world in order to support the current national military strategy of the United States.

(2) The quantity and types of forces that the United States will need to station in each region of the world in order to meet the expected or potential future threats to the national security interests of the United States.

(3) The requirements for access to, and use of, air space and ground maneuver areas in each such region for training for the quantity and types of forces identified for the region pursuant to paragraphs (1) and (2).

(4) A list of the international agreements, currently in force, that the United States has entered into with foreign countries regarding the basing of United States forces in those countries and the dates on which the agreements expire.

(5) A discussion of any anticipated political opposition or other opposition to the renewal of any of those international agreements.

(6) A discussion of future overseas basing requirements for United States forces, taking into account expected changes in national security strategy, national security environment, and weapons systems.

(7) The expected costs of maintaining the overseas infrastructure for foreign based forces of the United States, including the costs of constructing any new facilities that will be necessary overseas to meet emerging requirements relating to the national security interests of the United States.

(e) FORM OF REPORT.—The report may be submitted in a classified or unclassified form.

SEC. 1044. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other Member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

SEC. 1045. EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study under subsection (a)(1) shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later than January 1, 1998, and is completed not later than six months after the date on which it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

SEC. 1046. REPORTS ON DEPARTMENT OF DEFENSE PROCEDURES FOR INVESTIGATING MILITARY AVIATION ACCIDENTS AND FOR NOTIFYING AND ASSISTING FAMILIES OF VICTIMS.

(a) REPORT ON AVIATION ACCIDENT INVESTIGATION PROCEDURES.—Not later than February 1, 1998, the Secretary of Defense shall submit to Congress a report on the advisability of establishing a process for investigating Department of Defense aviation accidents that combines accident investigation with safety investigation into a single, public investigation process, similar to the accident investigation process of the National Transportation Safety Board. The report shall include a discussion of the advantages and disadvantages of adopting such an investigation process.

(b) REPORT ON FAMILY ASSISTANCE.—Not later than April 2, 1998, the Secretary of Defense shall submit to Congress a report on assistance provided by the Department of Defense to families of casualties among military and civilian personnel of the department in the case of aviation accidents involving such personnel. The report shall include—

(1) a discussion of the adequacy and effectiveness of the family notification procedures of the Department of Defense, including the procedures of the military departments; and

(2) a description of the assistance provided to members of the families of such personnel.

(c) REPORT BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL.—Not later than December 1, 1997, the Inspector General of the Department of Defense shall review the procedures of the Federal Aviation Administration and the National Transportation Safety Board for providing information and assistance to members of families of casualties of nonmilitary aviation accidents and shall submit to Congress a report on the review. The report shall include a discussion of the following:

(1) Designation of an experienced non-profit organization to provide assistance in meeting the needs of families of accident casualties.

(2) An assessment of the system and procedures for providing families with information on accidents and accident investigations.

(3) Protection of members of families from unwanted solicitations relating to the accident.

(4) A recommendation regarding whether the procedures reviewed (including the matters discussed under paragraphs (1), (2), and (3)) or similar procedures should be adopted by the Department of Defense for use by the Department in providing information and assistance to members of families of casualties of military aviation accidents and, if the recommendation is not to adopt such procedures, a detailed justification for the recommendation.

(d) UNCLASSIFIED FORM OF REPORTS.—The reports under this section shall be submitted in unclassified form.

Subtitle E—Matters Relating to Terrorism

SEC. 1051. OVERSIGHT OF COUNTERTERRORISM AND ANTITERRORISM ACTIVITIES; REPORT.

(a) OVERSIGHT OF COUNTERTERRORISM AND ANTITERRORISM ACTIVITIES.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) establish a reporting system for executive agencies with respect to the budget and expenditure of funds by such agencies for the purpose of carrying out counterterrorism and antiterrorism programs and activities; and

(2) using such reporting system, collect information on—

(A) the budget and expenditure of funds by executive agencies during the current fiscal year for purposes of carrying out counterterrorism and antiterrorism programs and activities; and

(B) the specific programs and activities for which such funds were expended.

(b) REPORT.—Not later that March 1 of each year, the President shall submit to Congress a report in classified and unclassified form (using the information described in subsection (a)(2)) describing, for each executive agency and for the executive branch as a whole, the following:

(1) The amounts proposed to be expended for counterterrorism and antiterrorism programs and activities for the fiscal year beginning in the calendar year in which the report is submitted.

(2) The amounts proposed to be expended for counterterrorism and antiterrorism programs and activities for the fiscal year in which the report is submitted and the amounts that have already been expended for such programs and activities for that fiscal year.

(3) The specific counterterrorism and antiterrorism programs and activities being implemented, any priorities with respect to such programs and activities, and whether there has been any duplication of efforts in implementing such programs and activities.

SEC. 1052. PROVISION OF ADEQUATE TROOP PROTECTION EQUIPMENT FOR ARMED FORCES PERSONNEL ENGAGED IN PEACE OPERATIONS; REPORT ON ANTITERRORISM ACTIVITIES AND PROTECTION OF PERSONNEL.

(a) PROTECTION OF PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces engaged in a peace operation are provided adequate troop protection equipment for that operation.

(b) SPECIFIC ACTIONS.—In taking actions under subsection (a), the Secretary shall—

(1) identify the additional troop protection equipment, if any, required to equip a division (or the equivalent of a division) with adequate troop protection equipment for peace operations; and

(2) establish procedures to facilitate the exchange or transfer of troop protection equipment among units of the Armed Forces.

(c) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Department of Defense to be responsible for—

(1) ensuring the appropriate allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

(2) monitoring the availability, status or condition, and location of such equipment.

(d) TROOP PROTECTION EQUIPMENT DEFINED.—In this section, the term "troop protection equipment" means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

(e) REPORT ON ANTITERRORISM ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND PROTECTION OF PERSONNEL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, in classified and unclassified form, on antiterrorism activities of the Department of Defense and the actions taken by the Secretary under subsections (a), (b) and (c). The report shall include the following:

(1) A description of the programs designed to carry out antiterrorism activities of the Department of Defense, any deficiencies in those programs, and any actions taken by the Secretary to improve implementation of such programs.

(2) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces overseas against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(3) An assessment of the procedures of the Department of Defense for determining accountability, if any, in the command structure of the Armed Forces in instances in which a terrorist attack results in the loss of life at an overseas military installation or facility.

(4) A detailed description of the roles of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the combatant commanders in providing guidance and support with respect to the protection of members of the Armed Forces deployed overseas against terrorist attack (both before and after the November, 1995 bombing in Riyadh, Saudi Arabia) and how these roles have changed since the June 25, 1996, terrorist bombing at Khobar Towers in Dhahran, Saudi Arabia.

(5) A description of the actions taken by the Secretary of Defense under subsections (a), (b), and (c) to provide adequate troop protection equipment for units of the Armed Forces engaged in a peace operation.

Subtitle F—Matters Relating to Defense Property

SEC. 1061. LEASE OF NONEXCESS PERSONAL PROPERTY OF MILITARY DEPARTMENTS.

(a) RECEIPT OF FAIR MARKET VALUE.—Subsection (b)(4) of section 2667 of title 10, United States Code, is amended by striking out ", in the case of the lease of real property,".

(b) COMPETITIVE SELECTION.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If a proposed lease under subsection (a) involves only personal property, the lease term exceeds one year, and the fair market value of the lease interest exceeds $100,000, as determined by the Secretary concerned, the Secretary shall use competitive procedures to select the lessee.

"(2) Not later than 45 days before entering into a lease described in paragraph (1), the Secretary concerned shall submit to Congress written notice describing the terms of the proposed lease and the competitive procedures used to select the lessee.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2667. Leases: non-excess property of military departments".

(2) The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following new item:

"2667. Leases: non-excess property of military departments.".

(d) CONFORMING AMENDMENT.—Section 2490a(f)(2) of title 10, United States Code, is amended by striking out "section 2667(g)" and inserting in lieu thereof "section 2667(h)".

SEC. 1062. LEASE OF NONEXCESS PROPERTY OF DEFENSE AGENCIES.

(a) LEASE AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following new section:

"§2667a. Leases: non-excess property of Defense Agencies

"(a) LEASE AUTHORITY.—Whenever the Secretary of Defense considers it advantageous to the United States, the Secretary may lease to such lessee and upon such terms as the Secretary considers will promote the national defense or to be in the public interest, personal property that is—

"(1) under the control of a Defense Agency;

"(2) not for the time needed for public use; and

"(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(b) LIMITATION, TERMS, AND CONDITIONS.—A lease under subsection (a)—

"(1) may not be for more than five years unless the Secretary of Defense determines that a lease for a longer period will promote the national defense or be in the public interest;

"(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(3) shall permit the Secretary to revoke the lease at any time, unless the Secretary determines that the omission of such a provision will promote the national defense or be in the public interest;

"(4) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the fair market value of the lease interest, as determined by the Secretary; and

"(5) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(c) COMPETITIVE SELECTION.—(1) If the term of a proposed lease under subsection (a) exceeds one year and the fair market value of the lease interest exceeds $100,000, as determined by the Secretary of Defense, the Secretary shall use competitive procedures to select the lessee.

"(2) Not later than 45 days before entering into a lease described in paragraph (1), the Secretary shall submit to Congress a written notice describing the terms of the proposed lease and the competitive procedures used to select the lessee.

"(d) DISPOSITION OF MONEY RENT.—Money rentals received pursuant to a lease entered into by the Secretary of Defense under subsection (a) shall be deposited in a special account in the Treasury established for the Defense Agency whose property is subject to the lease. Amounts *in a Defense Agency's special account shall be available, to the extent provided in appropriations Acts, solely for the maintenance, repair, restoration, or replacement of the leased property.".*

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2667 the following new item:

"2667a. Leases: non-excess property of Defense Agencies.".

SEC. 1063. DONATION OF EXCESS CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) Authority to Donate.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§2580. Donation of excess chapel property

"(a) Authority to Donate.—The Secretary of a military department may donate personal property specified in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary of Defense.

"(b) Property Covered.—(1) The property authorized to be donated under subsection (a) is furniture and other personal property that—

"(A) is in, or was formerly in, a chapel under the jurisdiction of the Secretary of a military department and closed or being closed; and

"(B) is determined by the Secretary to be excess to the requirements of the armed forces.

"(2) No real property may be donated under this section.

"(c) Donees Not To Be Charged.—No charge may be imposed by the Secretary of a military department on a donee of property under this section in connection with the donation. However, the donee shall agree to defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2580. Donation of excess chapel property.".

SEC. 1064. AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) General Authorities.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) Definition of European Air Defense Agreements.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

SEC. 1065. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE AMMUNITION AND AMMUNITION COMPONENTS.

(a) Authority.—(1) Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

"(a) Authority To Sell Outside DoD.—The Secretary of the Army may sell to an eligible purchaser described in subsection (c) ammunition or ammunition components that are excess, obsolete, or unserviceable and have not been demilitarized if—

"(1) the purchaser enters into an agreement, in advance, with the Secretary—

"(A) to demilitarize the ammunition or components; and

"(B) to reclaim, recycle, or reuse the component parts or materials; or

"(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

"(b) Method of Sale.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may use procedures other than competitive procedures in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

"(c) Eligible Purchasers.—To be eligible to purchase excess, obsolete, or unserviceable ammunition or ammunition components under this section, the purchaser shall be a licensed manufacturer (as defined in section 921(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components sought to be purchased.

"(d) Hold Harmless Agreement.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

"(e) Verification of Demilitarization.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include on-site verification of demilitarization activities.

"(f) Consideration.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

"(g) Relationship to Arms Export Control Act.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

"(h) Definitions.—In this section:

"(1) The term 'excess, obsolete, or unserviceable', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

"(2) The term 'demilitarize', with respect to ammunition or ammunition components—

"(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

"(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.".

(b) Review of Initial Sales.—(1) For each of the first three fiscal years during which the Secretary of the Army sells ammunition or ammunition components under the authority of section 4687 of title 10, United States Code, as added by subsection (a), the Director of the Army Audit Agency shall conduct a review of sales under such section to ensure that—

(A) purchasers that enter into an agreement under subsection (a)(1) of such section to demilitarize the purchased ammunition or ammunition components fully comply with the agreement; and

(B) purchasers that are authorized under subsection (a)(2) of such section to use the purchased ammunition or ammunition components actually use the ammunition or ammunition components in the manner proposed.

(2) Not later than 180 days after the end of each fiscal year in which the review is conducted, the Secretary of the Army shall submit to Congress a report containing the results of the review for the fiscal year covered by the report.

SEC. 1066. TRANSFER OF B–17 AIRCRAFT TO MUSEUM.

(a) Authority.—The Secretary of the Air Force may convey, without consideration to the Planes of Fame Museum, Chino, California (in this section referred to as the "museum"), all right, title, and interest of the United States in and to the B–17 aircraft known as the "Picadilly Lilly", an aircraft that has been in the possession of the museum since 1959. Such a conveyance shall be made by means of a conditional deed of gift.

(b) Condition of Aircraft.—The Secretary may not convey ownership of the aircraft under subsection (a) until the Secretary determines that the museum has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) Reverter Upon Transfer of Ownership or Possession.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary of the Air Force; and

(2) a condition that if the Secretary of the Air Force determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other

party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, including costs of determining compliance with subsection (b), shall be borne by the museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon conveyance of ownership of the B–17 aircraft specified in subsection (a) to the museum, the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1067. REPORT ON DISPOSAL OF EXCESS AND SURPLUS MATERIALS.

(a) REPORT REQUIRED.—Not later than January 31, 1998, the Secretary of Defense shall submit to Congress a report on the actions that have been taken or are planned to be taken within the Department of Defense to address problems with the sale or other disposal of materials that are excess or surplus to the needs of the Department of Defense.

(b) REQUIRED CONTENT.— At a minimum, the report shall address the following issues:

(1) The effort to standardize the coding of military equipment for demilitarization at all stages of the process, from initial acquisition through disposal.

(2) The changes underway to improve the methods used for the demilitarization of military equipment.

(3) Recent efforts to improve the accuracy of coding performed by Government employees and contractor employees.

(4) Recent efforts to improve the enforcement of the penalties that are applicable to Government employees and contractor employees who fail to comply with rules or procedures applicable to the demilitarization of military equipment.

(5) The methods of oversight and enforcement used by the Department of Defense to review the demilitarization of military equipment by the purchasers of the equipment.

(6) The current and planned controls designed to prevent the inappropriate transfer of excess military equipment outside the United States.

(7) The current procedures used by the Department, including repurchase, to recover military equipment that is sold or otherwise disposed of without appropriate action having been taken to demilitarize the equipment or to provide for demilitarization of the equipment.

(8) The legislative changes, if any, that would be necessary to improve the recovery rate under the procedures identified under paragraph (7).

(c) IDENTIFICATION OF FREQUENT ERRORS AND MISUSE.—Based on fiscal year 1997 findings, the Secretary of Defense shall identify in the report—

(1) the 50 categories of military equipment that most frequently received an erroneous demilitarization code; and

(2) the categories of military equipment that are particularly vulnerable to improper use after disposal.

Subtitle G—Other Matters

SEC. 1071. AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

"§1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests

"(a) AUTHORITY.—The Secretary of Defense may authorize any DCIS special agent described in subsection (b)—

"(1) to execute and serve any warrant or other process issued under the authority of the United States; and

"(2) to make arrests without a warrant—

"(A) for any offense against the United States committed in the presence of that agent; and

"(B) for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any DCIS special agent whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

"(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.

"(d) DCIS SPECIAL AGENT DEFINED.—In this section, the term 'DCIS special agent' means an employee of the Department of Defense who is a special agent of the Defense Criminal Investigative Service (or any successor to that service).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following new item:

"1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests.".

SEC. 1072. STUDY OF INVESTIGATIVE PRACTICES OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS RELATING TO SEX CRIMES.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of the policies, procedures, and practices of the military criminal investigative organizations for the conduct of investigations of complaints of sex crimes and other criminal sexual misconduct arising in the Armed Forces.

(2) The Secretary shall provide for the study to be conducted by the National Academy of Public Administration. The amount of a contract for the study may not exceed $2,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider each of the following matters:

(1) The need (if any) for greater organizational independence and autonomy for the military criminal investigative organizations than exists under current chain-of-command structures within the military departments.

(2) The authority of each of the military criminal investigative organizations to investigate allegations of sex crimes and other criminal sexual misconduct and the policies of those organizations for carrying out such investigations.

(3) The training (including training in skills and techniques related to the conduct of interviews) provided by each of those organizations to agents or prospective agents responsible for conducting or providing support to investigations of alleged sex crimes and other criminal sexual misconduct, including—

(A) the extent to which that training is comparable to the training provided by the Federal Bureau of Investigation and other civilian law enforcement agencies; and

(B) the coordination of training and investigative policies related to alleged sex crimes and other criminal sexual misconduct of each of those organizations with the Federal Bureau of Investigation and other civilian Federal law enforcement agencies.

(4) The procedures and relevant professional standards of each military criminal investigative organization with regard to recruitment and hiring of agents, including an evaluation of the extent to which those procedures and standards provide for—

(A) sufficient screening of prospective agents based on background investigations; and

(B) obtaining sufficient information about the qualifications and relevant experience of prospective agents.

(5) The advantages and disadvantages of establishing, within each of the military criminal investigative organizations or within the Defense Criminal Investigative Service only, a special unit for the investigation of alleged sex crimes and other criminal sexual misconduct.

(6) The clarity of guidance for, and consistency of investigative tactics used by, each of the military criminal investigative organizations for the investigation of alleged sex crimes and other criminal sexual misconduct, together with a comparison with the guidance and tactics used by the Federal Bureau of Investigation and other civilian law enforcement agencies for such investigations.

(7) The number of allegations of agent misconduct in the investigation of sex crimes and other criminal sexual misconduct for each of those organizations, together with a comparison with the number of such allegations concerning agents of the Federal Bureau of Investigation and other civilian law enforcement agencies for such investigations.

(8) The procedures of each of the military criminal investigative organizations for administrative identification (known as "titling") of persons suspected of committing sex crimes or other criminal sexual misconduct, together with a comparison with the comparable procedures of the Federal Bureau of Investigation and other civilian Federal law enforcement agencies for such investigations.

(9) The accuracy, timeliness, and completeness of reporting of sex crimes and other criminal sexual misconduct by each of the military criminal investigative organizations to the National Crime Information Center maintained by the Department of Justice.

(10) Any recommendation for legislation or administrative action to revise the organizational or operational arrangements of the military criminal investigative organizations or to alter recruitment, training, or operational procedures, as they pertain to the investigation of sex crimes and other criminal sexual misconduct.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than one year after the date of the enactment of this Act. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not

later than 30 days after the date on which the report is submitted to the Secretary under paragraph (1).

(d) Military Criminal Investigative Organization Defined.—For the purposes of this section, the term "military criminal investigative organization" means any of the following:

(1) The Army Criminal Investigation Command.

(2) The Naval Criminal Investigative Service.

(3) The Air Force Office of Special Investigations.

(4) The Defense Criminal Investigative Service.

(e) Criminal Sexual Misconduct Defined.—For the purposes of this section, the term "criminal sexual misconduct" means conduct by a member of the Armed Forces involving sexual abuse, sexual harassment, or other sexual misconduct that constitutes an offense under the Uniform Code of Military Justice.

SEC. 1073. TECHNICAL AND CLERICAL AMENDMENTS.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are each amended by striking out "471" in the item relating to chapter 23 and inserting in lieu thereof "481".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, are each amended by striking out "2540" in the item relating to chapter 152 and inserting in lieu thereof "2541".

(3) Section 116(b)(2) is amended by striking out "such subsection" and inserting in lieu thereof "subsection (a)".

(4) Section 129c(e)(1) is amended by striking out "section 115a(g)(2)" and inserting in lieu thereof "section 115a(e)(2)".

(5) Section 193(d)(1) is amended by striking out "performs" and inserting in lieu thereof "perform".

(6) Section 382(g) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997" and inserting in lieu thereof "September 23, 1996".

(7) Section 443(b)(1) is amended by striking out the period at the end and inserting in lieu thereof a semicolon.

(8) Section 445 is amended—

(A) by striking out "(1)" before "Except with";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(C) by striking out "(2)" before "Whenever it appears" and inserting in lieu thereof "(b) Injunctive Relief.—"; and

(D) by striking out "paragraph (1)" and inserting in lieu thereof "subsection (a)".

(9) Section 858b(a)(1) is amended in the first sentence by striking out "forfeiture" and all that follows through "due that member" and inserting in lieu thereof "forfeiture of pay, or of pay and allowances, due that member".

(10) The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X of chapter 47 is amended by striking out "Art.".

(11) Section 943(c) is amended—

(A) by capitalizing the initial letter of the third word of the subsection heading;

(B) in the second sentence, by striking out "Court" and inserting in lieu thereof "court"; and

(C) in the third sentence, by striking out "such positions" and inserting in lieu thereof "positions referred to in the preceding sentences".

(12) Section 954 is amended by striking out "this" and inserting in lieu thereof "his".

(13) Section 971(b)(4) is amended by capitalizing the first letter of the fifth and sixth words.

(14) Section 972(b) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996" in the matter preceding paragraph (1) and inserting in lieu thereof "February 10, 1996".

(15) Section 976(f) is amended by striking out "shall," and all that follows and inserting in lieu thereof "shall be fined under title 18 or imprisoned not more than 5 years, or both, except that, in the case of an organization (as defined in section 18 of such title), the fine shall not be less than $25,000.".

(16) Section 977 is amended—

(A) in subsection (c), by striking out "Beginning on October 1, 1996, not more than" and inserting in lieu thereof "Not more than"; and

(B) in subsection (d)(2), by striking out "before October 1, 1996," and all that follows through "so assigned" the second place it appears.

(17) Section 1078a(g)(4)(B)(iii)(II) is amended by striking out "section 1447(8)" and inserting in lieu thereof "section 1447(13)".

(18) Section 1129(c) is amended—

(A) by striking out "the date of the enactment of this section," and inserting in lieu thereof "November 30, 1993,"; and

(B) by striking out "before the date of the enactment of this section or" and inserting in lieu thereof "before such date or".

(19) Section 1151(b) is amended by capitalizing the first letter of the second word in the subsection heading.

(20) Section 1152(g) is amended by inserting "(1)" before "The Secretary may".

(21) Section 1143(d) is amended by striking out "section 806(a)(2) of the Military Family Act of 1985" and inserting in lieu thereof "section 1784(a)(2) of this title".

(22) Section 1174(a)(1) is amended by striking out ", 1177,".

(23) Section 1406 is amended—

(A) by striking out "3962(b)" in footnote number 3 in the table in subsection (b)(1) and in footnote number 1 in the table in subsection (c)(1) and inserting in lieu thereof "3962"; and

(B) by striking out "8962(b)" in footnote number 3 in the table in subsection (b)(1) and in footnote number 1 in the table in subsection (e)(1) and inserting in lieu thereof "8962".

(24) Section 1408(d) is amended—

(A) by decapitalizing the first letter of the fifth word in the subsection heading;

(B) by redesignating the second paragraph (6) as paragraph (7); and

(C) in paragraph (7), as so redesignated, by striking out "out-of State" in subparagraph (A) and inserting in lieu thereof "out-of-State".

(25) Section 1408(g) is amended by decapitalizing the first letter of the second and ninth words in the subsection heading.

(26) Section 1444a(b) is amended by striking out "section 1455(c)" and inserting in lieu thereof "section 1455(d)(2)".

(27) Section 1448 is amended by capitalizing the first letter of the third word of the section heading.

(28) Section 1451(a)(2) is amended by inserting a period in the paragraph heading before the one-em dash.

(29) Section 1452 is amended—

(A) in subsection (a)(1)(A), by striking out "providing" in the matter preceding clause (i) and inserting in lieu thereof "provided"; and

(B) in subsection (e), by striking out "section 8339(i)" and "section 8331(b)" and inserting in lieu thereof "section 8339(j)" and "section 8341(b)", respectively.

(30) Section 1504(i)(1) is amended by striking out "this subsection" and inserting in lieu thereof "this section".

(31) Section 1599c(c)(1)(F) is amended by striking out "Sections 106(f)" and inserting in lieu thereof "Sections 106(e)".

(32) Section 1613(a) is amended by striking out "1604" and inserting in lieu thereof "1603".

(33) Section 1763 is amended—

(A) by striking out "On and after October 1, 1993, the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense"; and

(B) by striking out "secretaries" and inserting in lieu thereof "Secretaries".

(34) Section 1792 is amended—

(A) in subsection (a)(1), by striking out the comma after "implementing"; and

(B) in subsection (d)(2), by striking out "section 1794" and inserting in lieu thereof "section 1784".

(35) Section 2010(e) is repealed.

(36) Section 2107a(g) is amended by inserting "the" after "August 1, 1979, as a member of".

(37) Section 2109(c)(1)(A) is amended by striking out "section 2106(b)(6)" and inserting in lieu thereof "section 2104(b)(6)".

(38) Section 2114(h) is amended by striking out "section 2123(e)(1)" and inserting in lieu thereof "section 2123(e)".

(39) Section 2198(c) is amended by striking out "identified in" and all that follows through the period at the end and inserting in lieu thereof "that is identified under section 2505 of this title as critical for attaining the national security objectives set forth in section 2501(a) of this title.".

(40) Section 2249a(a)(1) is amended by striking out "50 App. 2405(j)" and inserting in lieu thereof "50 U.S.C. App. 2405(j)(1)(A)".

(41) Section 2302d(a)(2) is amended by striking out "procurement of" and inserting in lieu thereof "procurement for the system is estimated to be".

(42) Section 2304(c)(5) is amended by striking out "subsection (j)" and inserting in lieu thereof "subsection (k)".

(43) Section 2304(f) is amended—

(A) in paragraph (1)(B)(iii), by striking out "(6)(C)" and inserting in lieu thereof "(6)(B)"; and

(B) in paragraph (6)—

(i) by striking out subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph by striking out "paragraph (1)(B)(iv)" and inserting in lieu thereof "paragraph (1)(B)(iii)".

(44) Section 2305a(a) is amended by striking out "(41 U.S.C." and inserting in lieu thereof "(40 U.S.C.".

(45) Section 2306(h) is amended by inserting "for the purchase of property" after "Multiyear contracting authority".

(46) Section 2306a(a)(5) is amended by striking out "subsection (b)(1)(B)" and inserting in lieu thereof "subsection (b)(1)(C)".

(47) Section 2306b is amended by striking out "this subsection" in the first sentence of subsection (k) and inserting in lieu thereof "this section".

(48)(A) The heading of section 2306b is amended to read as follows:

"§2306b. Multiyear contracts: acquisition of property".

(B) The item relating to such section in the table of sections at the beginning of chapter 137 is amended to read as follows:

"2306b. Multiyear contracts: acquisition of property.".

(49) Section 2315(a) is amended by striking out "the Information Technology Management Reform Act of 1996" and inserting in lieu thereof "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)".

(50) Section 2371a is amended by inserting "Defense" before "Advanced Research Projects Agency".

(51) Section 2375(c) is amended—

(A) by striking out "provisions relating to exceptions" and inserting in lieu thereof "a provision relating to an exception"; and

(B) by striking out "section 2306a(d)" and inserting in lieu thereof "section 2306a(b)".

(52) Section 2401a(a) is amended by striking out "leasing of such vehicles" and inserting in lieu thereof "such leasing".

(53) Section 2491(8) is amended by striking out "that appears" and all that follows through the period at the end and inserting in lieu thereof "that is identified under section 2505 of this title as critical for attaining the national security objectives set forth in section 2501(a) of this title.".

(54) Section 2533(a) is amended by striking out the first closing parenthesis after "41 U.S.C. 10a".

(55) Section 2534(b)(3) is amended by striking out "(a)(3)(A)(ii)" and inserting in lieu thereof "(a)(3)(A)(iii)".

(56) Section 2554(c)(1) is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 23, 1996".

(57) Section 2645(a)(1)(B) is amended by striking out "on which" after "the date on which".

(58) Section 2684(b) is amended by striking out ", United States Code,".

(59) Section 2694(b)(1)(D) is amended by striking out "executive ageny" and inserting in lieu thereof "executive agency".

(60) Section 2878(d)(4) is amended by striking out "11401" and inserting in lieu thereof "11411".

(61) Section 2885 is amended by striking out "five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996" and inserting in lieu thereof "on February 10, 2001".

(62) Sections 4342(a)(10), 6954(a)(10), and 9342(a)(10) are amended by striking out "Marianas" and inserting in lieu thereof "Mariana".

(63) Section 7606(e) is amended by striking out "sections" and inserting in lieu thereof "section".

(64) Section 7902(b)(8) is amended by inserting "United States" before "Geological Survey".

(65) Section 8038(e) is amended by striking out "(1)".

(66) The item relating to section 8069 in the table of sections at the beginning of chapter 807 is amended by striking out "Nurse Corps" and inserting in lieu thereof "nurses".

(67) Section 12733(3) is amended—

(A) by inserting a comma after "(B)"; and

(B) by striking out "in which the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997 occurs" and inserting in lieu thereof "that includes September 23, 1996,".

(68) Section 14317(d) is amended by striking out "section 14314" in the first sentence and inserting in lieu thereof "section 14315".

(b) TITLE 37, UNITED STATES CODE.—Section 205(d) of title 37, United States Code, is amended by striking out the period after "August 1, 1979" and inserting in lieu thereof a comma.

(c) PUBLIC LAW 104–201.—Effective as of September 23, 1996, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) is amended as follows:

(1) Section 324(b)(2) (110 Stat. 2480) is amended by inserting after "In this subsection" the following: "and subsection (c)".

(2) Section 367 (110 Stat. 2496) is amended—

(A) in subsection (a), by striking out "Subchapter II of chapter" and inserting in lieu thereof "Chapter"; and

(B) in subsection (b), by striking out "subchapter" and inserting in lieu thereof "chapter".

(3) Section 371(a) (110 Stat. 2499) is amended by striking out "Section 559(a)(1)" and inserting in lieu thereof "Section 559".

(4) Section 531(a) (110 Stat. 2517) is amended by inserting "of title 10, United States Code," before "is amended".

(5) Section 614(b)(2)(B) (110 Stat. 2544) is amended by striking out "the period" and inserting in lieu thereof "the semicolon".

(6) Section 802(1) (110 Stat. 2604) is amended by striking out "1995" in the first quoted matter therein and inserting in lieu thereof "1996".

(7) Section 829(c) (110 Stat. 2612) is amended—

(A) in paragraph (2), by striking out "Section 2502(b)" and inserting in lieu thereof "Section 2502(c)"; and

(B) by redesignating paragraph (3) as subparagraph (C) of paragraph (2).

(8) Section 1116(b) (110 Stat. 2686) is amended by striking out "section 1122" and inserting in lieu thereof "section 1111".

(9) Section 1606 (110 Stat. 2737) is amended—

(A) in subsection (a)(1)—

(i) by striking out the comma before "or are"; and

(ii) by inserting a semicolon after "Secretary of Defense";

(B) in subsection (b)(1)(A), by striking out "Secretary of each" and inserting in lieu thereof "secretary of each"; and

(C) in subsection (b)(2)(B), by inserting a semicolon after "Defense".

(d) OTHER ANNUAL DEFENSE AUTHORIZATION ACTS.—

(1) Effective as of February 10, 1996, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) is amended as follows:

(A) Section 321(a)(2)(A) (110 Stat. 251) is amended by striking out "2710(d)" and inserting in lieu thereof "2701(d)".

(B) Section 356(d)(3) (110 Stat. 271) is amended by striking out "or" after "to any provision" and inserting in lieu thereof "of".

(C) Section 533(b) (110 Stat. 315) is amended by inserting before the period at the end the following: "and the amendments made by subsection (b), effective as of October 5, 1994".

(D) Section 703(b) (110 Stat. 372) is amended by striking out "Such paragraph" and inserting in lieu thereof "Such section".

(E) Section 1501 (110 Stat. 500) is amended—

(i) in subsection (d)(1), by striking out "337(b)" and "2717" and inserting in lieu thereof "377(b)" and "2737", respectively; and

(ii) in subsection (f)(2), by inserting "of the Reserve Officer Personnel Management Act" before "shall take".

(2) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(A) Section 812(c) (10 U.S.C. 1723 note) is amended by inserting "and Technology" after "for Acquisition".

(B) Section 1091(l)(3) (32 U.S.C. 501 note) is amended by striking out "the day preceding the date of the enactment of this Act" and inserting in lieu thereof "October 19, 1994".

(C) Section 4471 (10 U.S.C. 2501 note) is amended by realigning subsection (e) so as to be flush to the left margin.

(3) Section 807(b)(2)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2320 note) is amended by inserting before the period the following: "and Technology".

(4) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended as follows:

(A) Section 1205 (10 U.S.C. 1746 note) is amended by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(B) Section 2905 (10 U.S.C. 2687 note) is amended—

(i) in subsection (b)(7), by striking out "4331" in subparagraphs (K)(iii) and (L)(iv)(III) and inserting in lieu thereof "4321"; and

(ii) in subsection (f)(3), by striking out "section 2873(a)" and inserting in lieu thereof "section 2883(a)".

(C) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(B), by striking out "Defense Subcommittees" and inserting in lieu thereof "Subcommittee on Defense"; and

(ii) in subsection (f)(2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(5) Section 1121(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 10 U.S.C. 113 note) is amended by striking out "under this section—" and all that follow through "fiscal year 1990" and inserting in lieu thereof "under this section may not exceed 5,000 during any fiscal year".

(6) Section 204(e)(3) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out "section 2873(a)" and inserting in lieu thereof "section 2883(a)".

(e) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5315 is amended—

(A) in the item relating to the Chief Information Officer of the Department of the Interior, by inserting "the" before "Interior"; and

(B) in the item relating to the Chief Information Officer of the Department of the Treasury, by inserting "the" before "Treasury".

(2) Section 5316 is amended by striking out "Atomic Energy" after "Assistant to the Secretary of Defense for" and inserting in lieu thereof "Nuclear and Chemical and Biological Defense Programs".

(f) ACT OF AUGUST 10, 1956.—Section 3(a)(3) of the Act of August 10, 1956 (33 U.S.C. 857a) is amended by striking out "1374,".

(g) ACQUISITION POLICY STATUTES.—

(1) Section 309 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259) is amended by striking out "and" at the end of subsection (b)(2).

(2) The Office of Federal Procurement Policy Act is amended as follows:

(A) The item relating to section 27 in the table of contents in section 1(b) is amended to read as follows:

"Sec. 27. Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information.".

(B) Section 6(d) (41 U.S.C. 405(d)) is amended—

(i) by striking out the period at the end of paragraph (5)(J) and inserting in lieu thereof a semicolon;

(ii) by moving paragraph (6) two ems to the left; and

(iii) in paragraph (12), by striking out "small business" and inserting in lieu thereof "small businesses".

(C) Section 35(b)(2) (41 U.S.C. 431(b)(2)) is amended by striking out "commercial" and inserting in lieu thereof "commercially available".

(3) Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsections (d) and (e) by striking out "(as in effect on September 30, 1995)" each place it appears.

(4) Subsections (d)(1) and (e) of section 16 of the Small Business Act (15 U.S.C. 645) are each amended by striking out "concerns" and inserting in lieu thereof "concern".

(h) AMENDMENTS TO CONFORM CHANGE IN SHORT TITLE OF INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT OF 1996.—

(1) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended in subsections (a)(4) and (b)(2) by striking out "Information Technology Management Reform Act of 1996" and inserting in lieu thereof "Clinger-Cohen Act of 1996 (40 U.S.C. 1441)".

(2) Section 612(f) of title 28, United States Code, is amended by striking out "the Information Technology Management Reform Act of 1996" and inserting in lieu thereof "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)".

(3) Section 310(b) of title 38, United States Code, is amended by striking out "the Information Technology Management Reform Act of 1996" and inserting in lieu thereof "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)".

(4) Section 6(b) of the Computer Security Act of 1987 (40 U.S.C. 1441 note) is amended by striking out "Information Technology Management Reform Act of 1996" and inserting in lieu thereof "Clinger-Cohen Act of 1996 (40 U.S.C. 1441)".

(5) Chapter 35 of title 44, United States Code, is amended—

(A) in section 3502(9)—

(i) by striking out "the Information Technology Management Reform Act of 1996" and inserting in lieu thereof "the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)"; and

(ii) by inserting "(40 U.S.C. 1452)" after "that Act";

(B) in section 3504(h)(2), by striking out "the Information Technology Management Reform Act of 1996" and inserting in lieu thereof "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)"; and

(C) in sections 3504(g)(2), 3504(g)(3), 3504(h)(1)(B), and 3518(d) by striking out "Information Technology Management Reform Act of 1996" and inserting in lieu thereof "Clinger-Cohen Act of 1996 (40 U.S.C. 1441)".

(i) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1074. SUSTAINMENT AND OPERATION OF THE GLOBAL POSITIONING SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Global Positioning System (consisting of a constellation of satellites and associated facilities capable of providing users on earth with a highly precise statement of their location on earth) makes significant contributions to the attainment of the national security and foreign policy goals of the United States, the safety and efficiency of international transportation, and the economic growth, trade, and productivity of the United States.

(2) The infrastructure for the Global Positioning System (including both space and ground segments of the infrastructure) is vital to the effectiveness of United States and allied military forces and to the protection of the national security interests of the United States.

(3) In addition to having military uses, the Global Positioning System has essential civil, commercial, and scientific uses.

(4) As a result of the increasing demand of civil, commercial, and scientific users of the Global Positioning System—

(A) there has emerged in the United States a new commercial industry to provide Global Positioning System equipment and related services to the many and varied users of the system; and

(B) there have been rapid technical advancements in Global Positioning System equipment and services that have contributed significantly to reductions in the cost of the Global Positioning System and increases in the technical capabilities and availability of the system for military uses.

(5) It is in the national interest of the United States for the United States—

(A) to support continuation of the multiple-use character of the Global Positioning System;

(B) to promote broader acceptance and use of the Global Positioning System and the technological standards that facilitate expanded use of the system for civil purposes;

(C) to coordinate with other countries to ensure (i) efficient management of the electromagnetic spectrum used by the Global Positioning System, and (ii) protection of that spectrum in order to prevent disruption of signals from the system and interference with that portion of the electromagnetic spectrum used by the system; and

(D) to encourage open access in all international markets to the Global Positioning System and supporting equipment, services, and techniques.

(b) INTERNATIONAL COOPERATION.—Congress urges the President to promote the security of the United States and its allies, the public safety, and commercial interests by taking the following steps:

(1) Undertaking a coordinated effort within the executive branch to seek to establish the Global Positioning System, and augmentations to the system, as a worldwide resource.

(2) Seeking to enter into international agreements to establish signal and service standards that protect the Global Positioning System from disruption and interference.

(3) Undertaking efforts to eliminate any barriers to, and other restrictions of foreign governments on, peaceful uses of the Global Positioning System.

(4) Requiring that any proposed international agreement involving nonmilitary use of the Global Positioning System or any augmentation to the system not be agreed to by the United States unless the proposed agreement has been reviewed by the Secretary of State, the Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce (acting as the Interagency Global Positioning System Executive Board established by Presidential Decision Directive NSTC–6, dated March 28, 1996).

(c) FISCAL YEAR 1998 PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.—None of the funds authorized to be appropriated under this Act may be used to support the operation and maintenance or enhancement of a satellite navigation system operated by a foreign country.

(d) IN GENERAL.—(1) Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

"CHAPTER 136—PROVISIONS RELATING TO SPECIFIC PROGRAMS

"Sec.

"2281. Global Positioning System.

"§2281. Global Positioning System

"(a) SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.—The Secretary of Defense shall provide for the sustainment of the capabilities of the Global Positioning System (hereinafter in this section referred to as the 'GPS'), and the operation of basic GPS services, that are beneficial for the national security interests of the United States. In doing so, the Secretary shall—

"(1) develop appropriate measures for preventing hostile use of the GPS so as to make it unnecessary for the Secretary to use the selective availability feature of the system continuously while not hindering the use of the GPS by the United States and its allies for military purposes; and

"(2) ensure that United States armed forces have the capability to use the GPS effectively despite hostile attempts to prevent the use of the system by such forces.

"(b) SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.—The Secretary of Defense shall provide for the sustainment and operation of the GPS Standard Positioning Service for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees. In doing so, the Secretary—

"(1) shall provide for the sustainment and operation of the GPS Standard Positioning Service in order to meet the performance requirements of the Federal Radionavigation Plan prepared jointly by the Secretary of Defense and the Secretary of Transportation pursuant to subsection (c);

"(2) shall coordinate with the Secretary of Transportation regarding the development and implementation by the Government of augmentations to the basic GPS that achieve or enhance uses of the system in support of transportation;

"(3) shall coordinate with the Secretary of Commerce, the United States Trade Representative, and other appropriate officials to facilitate the development of new and expanded civil and commercial uses for the GPS;

"(4) shall develop measures for preventing hostile use of the GPS in a particular area without hindering peaceful civil use of the system elsewhere; and

"(5) may not agree to any restriction on the Global Positioning System proposed by the head of a department or agency of the United States outside the Department of Defense in the exercise of that official's regulatory authority that would adversely affect the military potential of the Global Positioning System.

"(c) FEDERAL RADIONAVIGATION PLAN.—The Secretary of Defense and the Secretary of Transportation shall jointly prepare the Federal Radionavigation Plan. The plan shall be revised and updated not less often than every two years. The plan shall be prepared in accordance with the requirements applicable to such plan as first prepared pursuant to section 507 of the International Maritime Satellite Telecommunications Act (47 U.S.C. 756). The plan, and any amendment to the plan, shall be published in the Federal Register.

"(d) BIENNIAL REPORT.—(1) Not later than 30 days after the end of each even-numbered fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Global Positioning System. The report shall include a discussion of the following matters:

"(A) The operational status of the system.

"(B) The capability of the system to satisfy effectively (i) the military requirements for the system that are current as of the date of the report, and (ii) the performance requirements of the Federal Radionavigation Plan.

"(C) The most recent determination by the President regarding continued use of the selective availability feature of the system and the expected date of any change or elimination of the use of that feature.

"(D) The status of cooperative activities undertaken by the United States with the governments of other countries concerning the capability of the system or any augmentation of the system to satisfy civil, commercial, scientific, and military requirements, including a discussion of the status and results of activities undertaken under any regional international agreement.

"(E) Any progress made toward establishing GPS as an international standard for consistency of navigational service.

"(F) Any progress made toward protecting GPS from disruption and interference.

"(G) The effects of use of the system on national security, regional security, and the economic competitiveness of United States industry, including the Global Positioning System equipment and service industry and user industries.

"(2) In preparing the parts of each such report required under subparagraphs (D), (E), (F), and (G) of paragraph (1), the Secretary of Defense shall consult with the Secretary of State, the Secretary of Commerce, and the Secretary of Transportation.

"(e) DEFINITIONS.—In this section:

"(1) The term 'basic GPS services' means the following components of the Global Positioning System that are operated and maintained by the Department of Defense:

"(A) The constellation of satellites.

"(B) The navigation payloads that produce the Global Positioning System signals.

"(C) The ground stations, data links, and associated command and control facilities.

"(2) The term 'GPS Standard Positioning Service' means the civil and commercial service provided by the basic Global Positioning System as defined in the 1996 Federal Radionavigation Plan (published jointly by the Secretary of Defense and the Secretary of Transportation in July 1997).".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended by inserting after the item relating to chapter 134 the following new item:

"136. Provisions Relating to Specific Programs .... 2281".

SEC. 1075. PROTECTION OF SAFETY-RELATED INFORMATION VOLUNTARILY PROVIDED BY AIR CARRIERS.

(a) AUTHORITY TO PROTECT INFORMATION.—Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) AUTHORITY TO PROTECT SAFETY-RELATED INFORMATION VOLUNTARILY PROVIDED BY AN AIR CARRIER.—(1) Subject to paragraph (2), the Secretary of Defense may (notwithstanding any other provision of law) withhold from public disclosure safety-related information that is provided to the Secretary voluntarily by an air carrier for the purposes of this section.

"(2) Information may be withheld under paragraph (1) from public disclosure only if the Secretary determines that—

"(A) the disclosure of the information would inhibit an air carrier from voluntarily providing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

"(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

"(3) If the Secretary provides to the head of another agency safety-related information described in paragraph (1) with respect to which the Secretary has made a determination described in paragraph (2), the head of that agency shall (notwithstanding any other provision of law) withhold the information from public disclosure unless the disclosure is specifically authorized by the Secretary.".

(b) APPLICABILITY.—Subsection (h) of section 2640 of title 10, United States Code, as added by subsection (a), shall apply with respect to requests for information made on or after the date of the enactment of this Act.

SEC. 1076. NATIONAL GUARD CHALLENGE PROGRAM TO CREATE OPPORTUNITIES FOR CIVILIAN YOUTH.

(a) PROGRAM AUTHORITY.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 509. National Guard Challenge Program of opportunities for civilian youth

"(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a National Guard civilian youth opportunities program (to be known as the 'National Guard Challenge Program') to use the National Guard to provide military-based training, including supervised work experience in community service and conservation projects, to civilian youth who cease to attend secondary school before graduating so as to improve the life skills and employment potential of such youth.

"(b) CONDUCT OF THE PROGRAM.—The Secretary of Defense shall provide for the conduct of the National Guard Challenge Program in such States as the Secretary considers to be appropriate, except that Federal expenditures under the program may not exceed $50,000,000 for any fiscal year.

"(c) PROGRAM AGREEMENTS.—(1) To carry out the National Guard Challenge Program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard, under which the Governor or the commanding general will establish, organize, and administer the National Guard Challenge Program in the State.

"(2) The agreement may provide for the Secretary to provide funds to the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard Challenge Program.

"(d) MATCHING FUNDS REQUIRED.—The amount of assistance provided under this section to a State program of the National Guard Challenge Program may not exceed—

"(1) for fiscal year 1998, 75 percent of the costs of operating the State program during that year;

"(2) for fiscal year 1999, 70 percent of the costs of operating the State program during that year;

"(3) for fiscal year 2000, 65 percent of the costs of operating the State program during that year; and

"(4) for fiscal year 2001 and each subsequent fiscal year, 60 percent of the costs of operating the State program during that year.

"(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—A school dropout from secondary school shall be eligible to participate in the National Guard Challenge Program. The Secretary of Defense shall prescribe the standards and procedures for selecting participants from among school dropouts.

"(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (c) and subject to the approval of the Secretary of Defense, a person selected for training in the National Guard Challenge Program may receive the following benefits in connection with that training:

"(A) Allowances for travel expenses, personal expenses, and other expenses.

"(B) Quarters.

"(C) Subsistence.

"(D) Transportation.

"(E) Equipment.

"(F) Clothing.

"(G) Recreational services and supplies.

"(H) Other services.

"(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

"(2) In the case of a person selected for training in the National Guard Challenge Program who afterwards becomes a member of the Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 158 of such Act (42 U.S.C. 12618).

"(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which the National Guard Challenge Program is conducted may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for the program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of this title for not longer than the period of the program.

"(2) A Governor participating in the National Guard Challenge Program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out the National Guard Challenge Program in that State.

"(3) Civilian employees of the National Guard performing services for the National Guard Challenge Program and contractor personnel performing such services may be required, when appropriate to achieve the purposes of the program, to be members of the National Guard and to wear the military uniform.

"(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the National Guard Challenge Program.

"(2) Activities under the National Guard Challenge Program shall be considered noncombat activities of the National Guard for purposes of section 710 of this title.

"(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the National Guard Challenge Program shall be considered an employee of the United States for the purposes of the following provisions of law:

"(A) Subchapter I of chapter 81 of title 5 (relating to compensation of Federal employees for work injuries).

"(B) Section 1346(b) and chapter 171 of title 28 and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

"(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

"(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (c), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

"(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS–2 of the General Schedule under section 5332 of title 5; and

"(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the National Guard Challenge Program is terminated.

"(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

"(j) SUPPLEMENTAL RESOURCES.—To carry out the National Guard Challenge Program in a State, the Governor of the State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement funds made available under the program out of other resources (including gifts) available to the Governor or the commanding general. The Governor or the commanding general may accept, use, and dispose of gifts or donations of money, other property, or services for the National Guard Challenge Program.

"(k) REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the design, conduct, and effectiveness of the National Guard Challenge Program during the preceding fiscal year. In preparing the report, the Secretary shall coordinate with the Governor of each State in which the National Guard Challenge Program is carried out and, if the program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

"(l) DEFINITIONS.—In this section:

"(1) The term 'State' includes the Commonwealth of Puerto Rico, the territories, and the District of Columbia.

"(2) The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"509. National Guard Challenge Program of opportunities for civilian youth.".

SEC. 1077. DISQUALIFICATION FROM CERTAIN BURIAL-RELATED BENEFITS FOR PERSONS CONVICTED OF CAPITAL CRIMES.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§985. Persons convicted of capital crimes: denial of certain burial-related benefits

"(a) PROHIBITION OF PERFORMANCE OF MILITARY HONORS.—The Secretary of a military department and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors at the funeral or burial of a person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.

"(b) DISQUALIFICATION FROM BURIAL IN MILITARY CEMETERIES.—A person convicted of a capital offense under Federal law is not entitled to or eligible for, and may not be provided, burial in—

"(1) Arlington National Cemetery;

"(2) the Soldiers' and Airmen's National Cemetery; or

"(3) any other cemetery administered by the Secretary of a military department or the Secretary of Defense.

"(c) DEFINITIONS.—In this section:

"(1) The term 'capital offense' means an offense for which the death penalty may be imposed.

"(2) The term 'burial' includes inurnment.

"(3) The term 'State' includes the District of Columbia and any commonwealth or territory of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"985. Persons convicted of capital crimes: denial of certain burial-related benefits.".

(b) APPLICABILITY.—Section 985 of title 10, United States Code, as added by subsection (a), applies with respect to persons dying after January 1, 1997.

SEC. 1078. RESTRICTIONS ON THE USE OF HUMAN SUBJECTS FOR TESTING OF CHEMICAL OR BIOLOGICAL AGENTS.

(a) PROHIBITED ACTIVITIES.—The Secretary of Defense may not conduct (directly or by contract)—

(1) any test or experiment involving the use of a chemical agent or biological agent on a civilian population; or

(2) any other testing of a chemical agent or biological agent on human subjects.

(b) EXCEPTIONS.—Subject to subsections (c), (d), and (e), the prohibition in subsection (a) does not apply to a test or experiment carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, or research activity.

(2) Any purpose that is directly related to protection against toxic chemicals or biological weapons and agents.

(3) Any law enforcement purpose, including any purpose related to riot control.

(c) INFORMED CONSENT REQUIRED.—The Secretary of Defense may conduct a test or experiment described in subsection (b) only if informed consent to the testing was obtained from each human subject in advance of the testing on that subject.

(d) PRIOR NOTICE TO CONGRESS.—Not later than 30 days after the date of final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense (whether directly or under contract) involving the use of human subjects for the testing of a chemical agent or a biological agent, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth a full accounting of those plans, and the experiment or study may then be conducted only after the end of the 30-day period beginning on the date such report is received by those committees.

(e) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(f) REPORT AND CERTIFICATION.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following new paragraph:

"(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with—

"(A) a detailed justification for the testing;

"(B) a detailed explanation of the purposes of the testing;

"(C) a description of each chemical or biological agent tested; and

"(D) the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.".

(g) REPEAL OF SUPERSEDED PROVISION OF LAW.—Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520), is repealed.

SEC. 1079. TREATMENT OF MILITARY FLIGHT OPERATIONS.

No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code.

SEC. 1080. NATURALIZATION OF CERTAIN FOREIGN NATIONALS WHO SERVE HONORABLY IN THE ARMED FORCES DURING A PERIOD OF CONFLICT.

(a) IN GENERAL.—Section 329(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1440(a)(1)) is amended—

(1) by inserting ", reenlistment, extension of enlistment," after "at the time of enlistment"; and

(2) by inserting "or on board a public vessel owned or operated by the United States for noncommercial service," after "United States, the Canal Zone, American Samoa, or Swains Island,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to enlistments, reenlistments, extensions of enlistment, and inductions of persons occurring on or after the date of the enactment of this Act.

SEC. 1081. APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF SPECIFIED INDEPENDENT STUDY ORGANIZATIONS.

(a) APPLICABILITY OF CERTAIN PAY AUTHORITIES.—(1) An individual who is a member of a commission or panel specified in subsection (b) and is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the commission or panel is not subject to the provisions of that section with respect to such membership.

(2) An individual who is a member of a commission or panel specified in subsection (b) and is a member or former member of a uniformed service is not subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission or panel.

(b) SPECIFIED ENTITIES.—Subsection (a) applies—

(1) effective as of September 23, 1996, to members of the National Defense Panel established by section 924 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2626); and

(2) effective as of October 9, 1996, to members of the Commission on Servicemembers and Veterans Transition Assistance established by section 701 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3346; 38 U.S.C. 545 note).

SEC. 1082. DISPLAY OF POW/MIA FLAG.

(a) REQUIRED DISPLAY.—The POW/MIA flag shall be displayed at the locations specified in subsection (c) on POW/MIA flag display days. Such display shall serve (1) as the symbol of the Nation's concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for, and (2) as the symbol of the Nation's commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

(b) DAYS FOR FLAG DISPLAY.—(1) For purposes of this section, POW/MIA flag display days are the following:

(A) Armed Forces Day, the third Saturday in May.

(B) Memorial Day, the last Monday in May.

(C) Flag Day, June 14.

(D) Independence Day, July 4.

(E) National POW/MIA Recognition Day.

(F) Veterans Day, November 11.

(2) In addition to the days specified in paragraph (1), POW/MIA flag display days include—

(A) in the case of display at medical centers of the Department of Veterans Affairs (required by subsection (c)(7)), any day on which the flag of the United States is displayed; and

(B) in the case of display at United States Postal Service post offices (required by subsection (c)(8)), the last business day before a day specified in paragraph (1) that in any year is not itself a business day.

(c) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of the POW/MIA flag under subsection (a) are the following:

(1) The Capitol.

(2) The White House.

(3) The Korean War Veterans Memorial and the Vietnam Veterans Memorial.

(4) Each national cemetery.

(5) The buildings containing the official office of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(6) Each major military installation, as designated by the Secretary of Defense.

(7) Each medical center of the Department of Veterans Affairs.

(8) Each United States Postal Service post office.

(d) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to paragraph (1) of subsection (c) is in addition to the display of that flag in the Rotunda of the Capitol pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

(e) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the POW/MIA flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

(f) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the POW/MIA flag.

(g) POW/MIA FLAG DEFINED.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101–355 (36 U.S.C. 189).

(h) REGULATIONS FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the head of each department, agency, or other establishment responsible for a location specified in subsection (c) (other than the Capitol) shall prescribe such regulations as necessary to carry out this section.

(i) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section.

(j) REPEAL OF SUPERSEDED LAW.—Section 1084 of Public Law 102–190 (36 U.S.C. 189 note) is repealed.

SEC. 1083. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN CONFLICT.

(a) COMMEMORATIVE PROGRAM.—The Secretary of Defense may conduct a program to commemorate the 50th anniversary of the Korean conflict. In conducting the commemorative program, the Secretary may coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons in commemoration of the Korean conflict.

(b) COMMEMORATIVE ACTIVITIES.—The commemorative program may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean conflict;

(2) to thank and honor veterans of the Korean conflict and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean conflict;

(4) to highlight advances in technology, science, and medicine related to military research conducted during the Korean conflict;

(5) to recognize the contributions and sacrifices made by the allies of the United States in the Korean conflict; and

(6) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(c) NAMES AND SYMBOLS.—The Secretary of Defense shall have the sole and exclusive right to use the names "The Department of Defense Korean Conflict Commemoration", and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(d) COMMEMORATIVE ACCOUNT.—(1) There is established in the Treasury an account to be known as the "Department of Defense Korean Conflict Commemoration Account", which shall be administered by the Secretary of Defense. There shall be deposited into the account all proceeds derived from the Secretary's use of the exclusive rights described in subsection (c). The Secretary may use funds in the account only for the purpose of conducting the commemorative program.

(2) Not later than 60 days after completion of all activities and ceremonies conducted as part of the commemorative program, the Secretary shall submit to Congress a report containing an accounting of all of the funds deposited into and expended from the account or otherwise expended under this section, and of any funds remaining in the account. Unobligated funds remaining in the account on that date shall be held in the account until transferred by law.

(e) ACCEPTANCE OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program.

(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(f) LIMITATION ON EXPENDITURES.—Total expenditures to carry out the commemorative program may not exceed $100,000.

SEC. 1084. COMMENDATION OF MEMBERS OF THE ARMED FORCES AND GOVERNMENT CIVILIAN PERSONNEL WHO SERVED DURING THE COLD WAR; CERTIFICATE OF RECOGNITION.

(a) FINDINGS.—The Congress finds the following:

(1) During the period of the Cold War, from the end of World War II until the collapse of the Soviet Union in 1991, the United States and the Soviet Union engaged in a global military rivalry.

(2) This rivalry, potentially the most dangerous military confrontation in the history of mankind, has come to a close without a direct superpower military conflict.

(3) Military and civilian personnel of the Department of Defense, personnel in the intelligence community, members of the foreign service, and other officers and employees of the United States faithfully performed their duties during the Cold War.

(4) Many such personnel performed their duties while isolated from family and friends and served overseas under frequently arduous conditions in order to protect the United States and achieve a lasting peace.

(5) The discipline and dedication of those personnel were fundamental to the prevention of a superpower military conflict.

(b) CONGRESSIONAL COMMENDATION.—The Congress hereby commends the members of the Armed Forces and civilian personnel of the Government who contributed to the historic victory in the Cold War and expresses its gratitude and appreciation for their service and sacrifices of .

(c) CERTIFICATES OF RECOGNITION.—The Secretary of Defense shall prepare a certificate recognizing the Cold War service of qualifying members of the Armed Forces and civilian personnel of the Department of Defense and other Government agencies contributing to national security, as determined by the Secretary, and shall provide the certificate to such members and civilian personnel upon request.

SEC. 1085. SENSE OF CONGRESS ON GRANTING OF STATUTORY FEDERAL CHARTERS.

(a) FINDINGS.—Congress finds that the practice of providing by statute Federal charters to certain nonprofit organizations—

(1) may be perceived as implying a Government imprimatur of approval of those organizations; and

(2) may mistakenly lead to public perception that the United States ensures the integrity and worthiness of those organizations.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that because of the perceived implicit Government imprimatur of approval conveyed by enactment of a Federal charter for an organization, such a charter should be granted only in the rarest and most extraordinary cases; and

(2) that no statutory Federal charter should be enacted after the enactment of this Act unless the charter is approved by Congress upon favorable report by the committees of jurisdiction of the respective Houses.

SEC. 1086. SENSE OF CONGRESS REGARDING MILITARY VOTING RIGHTS.

(a) FINDINGS.—Congress finds that—

(1) members of the Armed Forces have a fundamental right to vote in Federal, State, and local elections; and

(2) an extended absense of a member of the Armed Forces from the place of the member's residency or domicile due to military or naval orders is not of itself grounds to consider the member's residency or domicile as lost or changed.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in consultation with the Attorney General, should review how best to protect the right of members of the Armed Forces to vote in Federal, State, and local elections while taking into account the right of States to prescribe requirements for voter registration. Such a review should include an assessment of challenges to military voting rights and consideration of possible legislative remedies to ensure that, for purposes of voting in Federal, State, and local elections, a member of the Armed Forces who is absent from a State in compliance with military or naval orders is not, solely by reason of that absence, considered to have lost or changed residency or domicile.

SEC. 1087. DESIGNATION OF BOB HOPE AS AN HONORARY VETERAN OF THE ARMED FORCES OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) In its more than 200 years of existence as a nation, the United States has never conferred on any person the status of being an honorary veteran of the Armed Forces of the United States.

(2) Status as an honorary veteran of the Armed Forces of the United States is and should remain an extraordinary honor not lightly conferred nor frequently granted.

(3) The lifetime of accomplishments and service of Leslie Townes (Bob) Hope on behalf of

members of the Armed Forces of the United States fully justifies the conferring of that status.

(4) Bob Hope attempted to enlist in the Armed Forces to serve his country during World War II but was informed that the greatest service he could provide his country was as a civilian entertainer for the troops.

(5) During World War II, the Korean Conflict, the Vietnam War, the Persian Gulf War, and the Cold War, Bob Hope travelled to visit and entertain millions of members of the Armed Forces in numerous countries, on ships at sea, and in combat zones ashore.

(6) Bob Hope has been awarded the Congressional Gold Medal, the Presidential Medal of Freedom, the Distinguished Service Medal of each of the branches of the Armed Forces and more than 100 other citations and awards from national veterans service organizations and civic and humanitarian organizations.

(7) Bob Hope has given unselfishly of himself for over half a century to be with American service members on foreign shores, working tirelessly to bring a spirit of humor and cheer to millions of service members during their loneliest moments, and has, thereby, extended to them for the American people a touch of home away from home.

(b) Designation of Bob Hope as Honorary Veteran.—Congress—

(1) extends its gratitude, on behalf of the American people, to Leslie Townes (Bob) Hope, of the State of California, for his lifetime of accomplishments and service on behalf of members of the Armed Forces of the United States; and

(2) hereby confers upon him the status of being an honorary veteran of the Armed Forces of the United States.

SEC. 1088. FIVE-YEAR EXTENSION OF AVIATION INSURANCE PROGRAM.

(a) Extension.—Section 44310 of title 49, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2002".

(b) Effective Date.—This section shall take effect as of September 30, 1997.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Use of prohibited constraints to manage Department of Defense personnel.
Sec. 1102. Veterans' preference status for certain veterans who served on active duty during the Persian Gulf War.
Sec. 1103. Repeal of deadline for placement consideration of involuntarily separated military reserve technicians.
Sec. 1104. Rate of pay of Department of Defense overseas teachers upon transfer to General Schedule position.
Sec. 1105. Garnishment and involuntary allotment.
Sec. 1106. Extension and revision of voluntary separation incentive pay authority.
Sec. 1107. Use of approved fire-safe accommodations by Government employees on official business.
Sec. 1108. Navy higher education pilot program regarding administration of business relationships between Government and private sector.
Sec. 1109. Authority for Marine Corps University to employ civilian faculty members.

SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE DEPARTMENT OF DEFENSE PERSONNEL.

Section 129 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Not later than February 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the management of the civilian workforce under the jurisdiction of that official.

"(2) Each report of an official under paragraph (1) shall contain the following:

"(A) The official's certification (i) that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and (ii) that, during the 12 months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.

"(B) A description of how the civilian workforce is managed.

"(C) A detailed description of the analytical tools used to determine civilian workforce requirements during the 12-month period referred to in subparagraph (A).".

SEC. 1102. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERSIAN GULF WAR.

(a) Definition of Veteran for Purposes of Preference Eligible Status.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by inserting "or" at the end of subparagraph (B); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) served on active duty as defined by section 101(21) of title 38 in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992;"; and

(2) in paragraph (3)(B), by inserting "or (C)" after "paragraph (1)(B)".

(b) Additional Points.—Section 3309(2) of such title is amended by striking "2108(3)(A)" and inserting "2108(3)(A)–(B)".

(c) Technical Amendments.—Section 2108(1)(B) of such title is further amended—

(1) by striking "the date of enactment of the Veterans' Education and Employment Assistance Act of 1976," and inserting "October 15, 1976,"; and

(2) by striking "511(d) of title 10" and inserting "12103(d) of title 10".

SEC. 1103. REPEAL OF DEADLINE FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) Repeal of Deadline.—Section 3329(b) of title 5, United States Code, is amended by striking out "not later than 6 months after the date of the application".

(b) Technical Correction.—Such section is further amended by striking out "a position described in subsection (c)" the second place it appears.

SEC. 1104. RATE OF PAY OF DEPARTMENT OF DEFENSE OVERSEAS TEACHERS UPON TRANSFER TO GENERAL SCHEDULE POSITION.

(a) Prevention of Excessive Increases.—Section 5334(d) of title 5, United States Code, is amended by striking out "20 percent" and all that follows and inserting in lieu thereof "an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.".

(b) Effective Date and Savings Provision.—(1) The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date under paragraph (1), the rate of pay of that person determined under that section (as in effect on that day) may not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service of more than three days on or after that day.

SEC. 1105. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.";

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

SEC. 1106. EXTENSION AND REVISION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

(a) Remittance to CSRS Fund.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(h)(1)(A) In addition to any other payment that it is required to make under subchapter III of chapter 83 or chapter 84, the Department of Defense shall remit to the Office of Personnel Management an amount equal to 15 percent of the final basic pay of each covered employee.

"(B) If the employee is one with respect to whom a remittance would otherwise be required under section 4(a) of the Federal Workforce Restructuring Act of 1994 based on the separation involved, the remittance under this subsection shall be instead of the remittance otherwise required under such section 4(a).

"(2) Amounts remitted under paragraph (1) shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(3) For the purposes of this subsection—

"(A) the term 'covered employee' means an employee who is subject to subchapter III of chapter 83 or chapter 84 and to whom a voluntary separation incentive has been paid under this section on the basis of a separation occurring on or after October 1, 1997; and

"(B) the term 'final basic pay' has the meaning given such term in section 4(a)(2) of the Federal Workforce Restructuring Act of 1994.".

(b) Extension of Authority.—(1) Subsection (e) of section 5597 of title 5, United States Code, is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking out "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1107. USE OF APPROVED FIRE-SAFE ACCOMMODATIONS BY GOVERNMENT EMPLOYEES ON OFFICIAL BUSINESS.

(a) Percentage Use Requirement.—Section 5707a of title 5, United States Code, is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(2) by inserting after the section heading the following new subsection:

"(a)(1) For the purpose of making payments under this chapter for lodging expenses incurred

in a State, each agency shall ensure that not less than 90 percent of the commercial-lodging room nights for employees of that agency for a fiscal year are booked in approved places of public accommodation.

"(2) Each agency shall establish explicit procedures to satisfy the percentage requirement of paragraph (1).

"(3) An agency shall be considered to be in compliance with the percentage requirement of paragraph (1) until September 30, 2002, and after that date if travel arrangements of the agency, whether made for civilian employees, members of the uniformed services, or foreign service personnel, are made through travel management processes designed to book commercial lodging in approved places of public accommodation, whenever available.".

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) For purposes of this section:

"(1) The term 'agency' does not include the government of the District of Columbia.

"(2) The term 'approved places of public accommodation' means hotels, motels, and other places of public accommodation that are listed by the Director of the Federal Emergency Management Agency as meeting the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225).

"(3) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), as redesignated by subsection (a)(1)—

(A) by striking out "places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974" and inserting in lieu thereof "approved places of public accommodation"; and

(B) by striking out "as defined in section 4 of the Federal Fire Prevention and Control Act of 1974";

(2) in subsection (c), as redesignated by subsection (a)(1), by striking out "does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974" and inserting in lieu thereof "is not an approved place of public accommodation"; and

(3) in subsection (e), as redesignated by subsection (a)(1)—

(A) by striking out "encourage" and inserting in lieu thereof "facilitate the ability of"; and

(B) by striking out "places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974" and inserting in lieu thereof "approved places of public accommodation".

(d) REPORT BY FEDERAL EMERGENCY MANAGEMENT AGENCY.—Not later than six months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit to Congress a report describing the procedures to be used to ensure that all approved places of public accommodation (within the meaning of section 5707a(f)(2) of title 5, United States Code, as added by subsection (b)) appear on the national master list maintained by the Director under section 28(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2224(b)) of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the fire prevention and control guidelines described in section 29 of such Act (15 U.S.C. 2225).

(e) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report describing the measures that have been taken and will be taken by Federal agencies to comply with the requirement that not less than 90 percent of the commercial-lodging room nights for employees of each Federal agency for a fiscal year are booked in approved places of public accommodation, as specified in section 5707a(a) of title 5, United States Code, as added by subsection (a). Measures to satisfy such requirement may include the use of contract travel agents, automated booking systems, and data developed from travel payment systems. The Administrator shall prepare the report in consultation with the heads of the Federal agencies subject to such requirement.

SEC. 1108. NAVY HIGHER EDUCATION PILOT PROGRAM REGARDING ADMINISTRATION OF BUSINESS RELATIONSHIPS BETWEEN GOVERNMENT AND PRIVATE SECTOR.

(a) PILOT PROJECT AUTHORIZED.—During fiscal years 1998 through 2002, the Secretary of the Navy may establish and conduct a pilot program of graduate-level higher education regarding the administration of business relationships between the Government and the private sector.

(b) PURPOSE.—The purpose of the pilot program is to make available to employees of the Naval Undersea Warfare Center, employees of the Naval Sea Systems Command, and employees of the Acquisition Center for Excellence of the Navy (upon establishment of such Acquisition Center), a curriculum of graduate-level higher education leading to the award of a graduate degree designed to prepare participants effectively to meet the challenges of administering Government contracting and other business relationships between the United States and private sector businesses in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures (including governmental organizations, policies, and procedures recommended in the National Performance Review).

(c) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—(1) The Secretary of the Navy may enter into an agreement with an institution of higher education to assist the Naval Undersea Warfare Center with the development of the curriculum for the pilot program, to offer courses and provide instruction and materials to participants to the extent provided for in the agreement, to provide such other assistance in support of the program as may be provided for in the agreement, and to award a graduate degree under the program.

(2) To be eligible to enter into an agreement under paragraph (1), an institution of higher education must have an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) CURRICULUM.—The curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include courses that are—

(A) typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) necessary for meeting educational qualification requirements for certification as an acquisition program manager.

(e) DISTANCE LEARNING OPTION.—The Secretary of the Navy may include as part of the pilot program policies and procedures for offering distance learning instruction by means of telecommunications, correspondence, or other methods for off-site receipt of instruction.

(f) REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary of the Navy shall submit to Congress a report containing—

(1) an assessment by the Secretary of the value of the program for meeting the purpose of the program and the desirability of permanently establishing a similar program for other employees of the Department of Defense; and

(2) such other information and recommendations regarding the program as the Secretary considers appropriate.

(g) LIMITATION ON FUNDING SOURCE.—Any funds required for the pilot program for a fiscal year shall be derived only from the appropriation "Operation and Maintenance, Navy" for that fiscal year.

SEC. 1109. AUTHORITY FOR MARINE CORPS UNIVERSITY TO EMPLOY CIVILIAN FACULTY MEMBERS.

(a) EXPANDED AUTHORITY.—Subsections (a) and (c) of section 7478 of title 10, United States Code, are amended by striking out "at the Marine Corps Command and Staff College" and inserting in lieu thereof "of the Marine Corps University".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The item relating to such section in the table of sections at the beginning of chapter 643 of such title is amended to read as follows:

"7478. Naval War College and Marine Corps University: civilian faculty members.".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—United States Armed Forces in Bosnia and Herzegovina

Sec. 1201. Findings.
Sec. 1202. Sense of Congress.
Sec. 1203. Withdrawal of United States ground forces from Republic of Bosnia and Herzegovina.
Sec. 1204. Secretary of Defense reports on tasks carried out by United States forces.
Sec. 1205. Presidential report on situation in Republic of Bosnia and Herzegovina.
Sec. 1206. Definitions.

Subtitle B—Export Controls on High Performance Computers

Sec. 1211. Export approvals for high performance computers.
Sec. 1212. Report on exports of high performance computers.
Sec. 1213. Post-shipment verification of export of high performance computers.
Sec. 1214. GAO study on certain computers; end user information assistance.
Sec. 1215. Congressional committees.

Subtitle C—Other Matters

Sec. 1221. Defense burdensharing.
Sec. 1222. Temporary use of general purpose vehicles and nonlethal military equipment under acquisition and cross servicing agreements.
Sec. 1223. Sense of Congress and reports regarding financial costs of enlargement of the North Atlantic Treaty Organization.
Sec. 1224. Sense of Congress regarding enlargement of the North Atlantic Treaty Organization.
Sec. 1225. Sense of the Congress relating to level of United States military personnel in the East Asia and Pacific region.

Sec. 1226. Report on future military capabilities and strategy of the People's Republic of China.
Sec. 1227. Sense of Congress on need for Russian openness on the Yamantau Mountain project.
Sec. 1228. Assessment of the Cuban threat to United States national security.
Sec. 1229. Report on Helsinki Joint statement.
Sec. 1230. Commendation of Mexico on free and fair elections.
Sec. 1231. Sense of Congress regarding Cambodia.
Sec. 1232. Congratulating Governor Christopher Patten of Hong Kong.

Subtitle A—United States Armed Forces in Bosnia and Herzegovina

SEC. 1201. FINDINGS.

The Congress finds the following:

(1) United States Armed Forces were deployed to the Republic of Bosnia and Herzegovina as part of the North Atlantic Treaty Organization (NATO) Implementation Force (IFOR) to implement the military aspects of the Dayton Peace Agreement.

(2) The military aspects of the Dayton Peace Agreement have been successfully implemented to date with the military forces of the warring factions successfully separated and a cessation in the hostilities that resulted in the deaths of hundreds of thousands of Bosnians.

(3) Implementation of the civil aspects of the Dayton Peace Agreement has lagged far behind the schedule for such implementation envisioned in the Agreement with the result that United States Armed Forces have undertaken a prolonged engagement in the Republic of Bosnia and Herzegovina.

(4) On December 13, 1995, the President stated in a letter to Congress, "NATO and U.S. military commanders believe, and I expect, that the military mission can be accomplished in about a year. Twelve months will allow IFOR time to complete the military tasks assigned in the Dayton agreement and to establish a secure environment, in which political and economic reconstruction efforts by the parties and international civilian agencies can take hold. Within one year, we expect that the military provisions of the Dayton agreement will have been carried out, implementation of the civilian aspects and economic reconstruction will have been firmly launched, free elections will have been held under international supervision and a stable military balance will have been established."

(5) Notwithstanding a number of assurances relating to the accomplishment of the military mission in the Republic of Bosnia and Herzegovina by December 1996, the President, on November 15, 1996, announced his decision to extend the presence of United States forces in the Republic of Bosnia and Herzegovina to participate in the NATO Stabilization Force (SFOR) until June 1998.

(6) Despite initial projections by the Department of Defense that the costs of United States operations in the Republic of Bosnia and Herzegovina would total $1,500,000,000, the projected cost of United States operations in the Republic of Bosnia and Herzegovina through June 1998 is estimated to exceed $7,000,000,000.

(7) The fiscal year 1998 estimate of the Department of Defense for operations in the Republic of Bosnia and Herzegovina assumes that the level of military forces participating in SFOR will be reduced soon after the start of the fiscal year.

(8) The President and the Secretary of Defense have stated that United States forces are to be withdrawn from the Republic of Bosnia and Herzegovina by the end of June 1998.

SEC. 1202. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in the Republic of Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available for the Alliance, may be an ideal instrument for a follow-on force for the Republic of Bosnia and Herzegovina;

(3) a NATO-led force without the participation of United States ground combat forces in the Republic of Bosnia and Herzegovina may be suitable for a follow-on force for the Republic of Bosnia and Herzegovina if the European Security and Defense Identity is not sufficiently developed or is otherwise considered inappropriate for such a mission;

(4) the United States may decide to provide appropriate support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should urge them strongly to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led SFOR if needed to maintain peace and stability in the Republic of Bosnia and Herzegovina; and

(6) the President should consult with the Congress with respect to any support to be provided to a Western European Union-led or NATO-led follow-on force in the Republic of Bosnia and Herzegovina after June 30, 1998.

SEC. 1203. WITHDRAWAL OF UNITED STATES GROUND FORCES FROM REPUBLIC OF BOSNIA AND HERZEGOVINA .

(a) LIMITATION.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1998 or any subsequent fiscal year may be used for the deployment of any United States ground combat forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, not later than May 15, 1998, and after consultation with the bipartisan leadership of the two Houses of Congress, transmits to Congress a certification—

(1) that the continued presence of United States ground combat forces, after June 30, 1998, in the Republic of Bosnia and Herzegovina is required in order to meet the national security interests of the United States; and

(2) that after June 30, 1998, it will remain United States policy that United States ground forces will not serve as, or be used as, civil police in the Republic of Bosnia and Herzegovina.

(b) REPORT.—The President shall submit with the certification under subsection (a) a report that includes the following:

(1) The reasons why that presence is in the national security interest of the United States.

(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and other areas of the former Yugoslavia after that date.

(3) The expected duration of any such deployment.

(4) The mission and objectives of the United States Armed Forces to be deployed in and around the Republic of Bosnia and Herzegovina and other areas of the former Yugoslavia after June 30, 1998.

(5) The exit strategy of such forces.

(6) The incremental costs associated with any such deployment.

(7) The effect of such deployment on the morale, retention, and effectiveness of United States armed forces.

(8) A description of the forces from other nations involved in a follow-on mission, shown on a nation-by-nation basis.

(9) A description of the command and control arrangement established for United States forces involved in a follow-on mission.

(10) An assessment of the expected threats to United States forces involved in a follow-on mission.

(11) The plan for rotating units and personnel to and from the Republic of Bosnia and Herzegovina during a follow-on mission, including the level of participation by reserve component units and personnel.

(12) The mission statement and operational goals of the United States forces involved in a follow-on mission.

(c) REQUEST FOR SUPPLEMENTAL APPROPRIATIONS.—The President shall transmit to Congress with a certification under subsection (a) a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any continued deployment beyond June 30, 1998.

(d) CONSTRUCTION WITH PRESIDENT'S CONSTITUTIONAL AUTHORITY.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

(e) CONSTRUCTION WITH APPROPRIATIONS PROVISION.—The provisions of this section are enacted, and shall be applied, as supplemental to (and not in lieu of) the provisions of section 8132 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56).

SEC. 1204. SECRETARY OF DEFENSE REPORTS ON TASKS CARRIED OUT BY UNITED STATES FORCES.

(a) REQUIREMENT FOR TWO REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) not later than December 15, 1997, a report identifying each activity being carried out, as of December 1, 1997, by covered United States forces in the Republic of Bosnia and Herzegovina; and

(2) not later than April 15, 1998, a report identifying each activity being carried out, as of April 1, 1998, by covered United States forces in the Republic of Bosnia and Herzegovina.

(b) COVERED UNITED STATES FORCES.—For purposes of this section, covered United States forces in the Republic of Bosnia and Herzegovina are United States ground forces in the Republic of Bosnia and Herzegovina that are assigned to the multinational peacekeeping force known as the Stabilization Force (SFOR) or any other multinational peacekeeping force that is the successor to the SFOR.

(c) MATTERS TO BE INCLUDED.—The Secretary shall include in each report under subsection (a), for each activity identified under that subsection, the following:

(1) The number of United States military personnel involved in the performance of that activity.

(2) Whether forces assigned to the SFOR (or successor multinational peacekeeping force) from other nations also participated in that activity.

(3) The justification for using military forces rather than civilian organizations to perform that activity.

(4) In the case of activities that (as determined by the Secretary) are considered to be supporting tasks, as that term is used in paragraph 3 of Article VI of Annex 1-A to the General Framework Agreement for Peace in Bosnia and Herzegovina, the justification for using military forces.

(5) The likelihood that each such activity will have to be carried out by United States military forces after June 30, 1998.

SEC. 1205. PRESIDENTIAL REPORT ON SITUATION IN REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) REQUIREMENT.—Not later than February 1, 1998, the President shall submit to Congress a

report on the political and military conditions in the Republic of Bosnia and Herzegovina. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include a discussion of the following:

(1) An assessment of the progress made in implementing the civil, economic, and political aspects of the Dayton Peace Agreement.

(2) An identification of the specific steps taken to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to forces of the member-states of the Western European Union or to a NATO-led force without the participation of United States ground combat forces in the Republic of Bosnia and Herzegovina.

(3) A detailed discussion of the proposed role and involvement of the United States in supporting peacekeeping activities in the Republic of Bosnia and Herzegovina following the withdrawal of United States ground combat forces from the Republic of Bosnia and Herzegovina.

(4) A detailed explanation and timetable for carrying out the commitment to withdraw all United States ground forces from the Republic of Bosnia and Herzegovina by June 30, 1998, including the planned date of commencement and completion of the withdrawal.

(5) The military and political considerations that will affect the decision to carry out such a transition.

(6) Any plan to maintain or expand other Bosnia-related operations (such as the operations designated as Operation Deliberate Guard) if tensions in the Republic of Bosnia and Herzegovina remain sufficient to delay reductions of United States military forces participating in the Stabilization Force and the estimated cost associated with each such operation.

SEC. 1206. DEFINITIONS.

As used in this subtitle:

(1) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(2) IMPLEMENTATION FORCE.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(3) STABILIZATION FORCE.—The term "Stabilization Force" means the NATO-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

(4) FOLLOW-ON MISSION.—The term "follow-on mission" means a mission involving the deployment of ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after June 30, 1998 (other than as described in section 1203(b)).

(5) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

Subtitle B—Export Controls on High Performance Computers

SEC. 1211. EXPORT APPROVALS FOR HIGH PERFORMANCE COMPUTERS.

(a) PRIOR APPROVAL OF EXPORTS AND REEXPORTS.—The President shall require that no digital computer with a composite theoretical performance level of more than 2,000 millions of theoretical operations per second (MTOPS) or with such other composite theoretical performance level as may be established subsequently by the President under subsection (d), may be exported or reexported without a license to a country specified in subsection (b) if the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, or the Director of the Arms Control and Disarmament Agency objects, in writing, to such export or reexport. Any person proposing to export or reexport such a digital computer shall so notify the Secretary of Commerce, who, within 24 hours after receiving the notification, shall transmit the notification to the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency.

(b) COVERED COUNTRIES.—For purposes of subsection (a), the countries specified in this subsection are the countries listed as "Computer Tier 3" eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997, subject to modification by the President under subsection (e).

(c) TIME LIMIT.—Written objections under subsection (a) to an export or reexport shall be raised within 10 days after the notification is received under subsection (a). If such a written objection to the export or reexport of a computer is raised, the computer may be exported or reexported only pursuant to a license issued by the Secretary of Commerce under the Export Administration Regulations of the Department of Commerce, without regard to the licensing exceptions otherwise authorized under section 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997. If no objection is raised within the 10-day period, the export or reexport is authorized.

(d) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE.—The President, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency, may establish a new composite theoretical performance level for purposes of subsection (a). Such new level shall not take effect until 180 days after the President submits to the congressional committees designated in section 1215 a report setting forth the new composite theoretical performance level and the justification for such new level. Each report shall, at a minimum—

(1) address the extent to which high performance computers of a composite theoretical level between the level established in subsection (a) or such level as has been previously adjusted pursuant to this section and the new level, are available from other countries;

(2) address all potential uses of military significance to which high performance computers at the new level could be applied; and

(3) assess the impact of such uses on the national security interests of the United States.

(e) ADJUSTMENT OF COVERED COUNTRIES.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency, may add a country to or remove a country from the list of covered countries in subsection (b), except that a country may be removed from the list only in accordance with paragraph (2).

(2) DELETIONS FROM LIST OF COVERED COUNTRIES.—The removal of a country from the list of covered countries under subsection (b) shall not take effect until 120 days after the President submits to the congressional committees designated in section 1215 a report setting forth the justification for the deletion.

(3) EXCLUDED COUNTRIES.—A country may not be removed from the list of covered countries under subsection (b) if—

(A) the country is a "nuclear-weapon state" (as defined by Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons) and the country is not a member of the North Atlantic Treaty Organization; or

(B) the country is not a signatory of the Treaty on the Non-Proliferation of Nuclear Weapons and the country is listed on Annex 2 to the Comprehensive Nuclear Test-Ban Treaty.

(f) CLASSIFICATION.—Each report under subsections (d) and (e) shall be submitted in an unclassified form and may, if necessary, have a classified supplement.

SEC. 1212. REPORT ON EXPORTS OF HIGH PERFORMANCE COMPUTERS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall provide to the congressional committees specified in section 1215 a report identifying all exports of digital computers with a composite theoretical performance of more than 2,000 millions of theoretical operations per second (MTOPS) to all countries since January 25, 1996. For each export, the report shall identify—

(1) whether an export license was applied for and whether one was granted;

(2) the date of the transfer of the computer;

(3) the United States manufacturer and exporter of the computer;

(4) the MTOPS level of the computer; and

(5) the recipient country and end user.

(b) ADDITIONAL INFORMATION ON EXPORTS TO CERTAIN COUNTRIES.—In the case of exports to countries specified in subsection (c), the report under subsection (a) shall identify the intended end use for the exported computer and the assessment by the executive branch of whether the end user is a military end user or an end user involved in activities relating to nuclear, chemical, or biological weapons or missile technology. Information provided under this subsection may be submitted in classified form if necessary.

(c) COVERED COUNTRIES.—For purposes of subsection (b), the countries specified in this subsection are—

(1) the countries listed as "Computer Tier 3" eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997; and

(2) the countries listed in section 740.7(e) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

SEC. 1213. POST-SHIPMENT VERIFICATION OF EXPORT OF HIGH PERFORMANCE COMPUTERS.

(a) REQUIRED POST-SHIPMENT VERIFICATION.—The Secretary of Commerce shall conduct post-shipment verification of each digital computer with a composite theoretical performance of more than 2,000 millions of theoretical operations per second (MTOPS) that is exported from the United States, on or after the date of the enactment of this Act, to a country specified in subsection (b).

(b) COVERED COUNTRIES.—For purposes of subsection (a), the countries specified in this subsection are the countries listed as "Computer Tier 3" eligible countries in section 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997, subject to modification by the President under section 1211(e).

(c) ANNUAL REPORT.—The Secretary of Commerce shall submit to the congressional committees specified in section 1215 an annual report on the results of post-shipment verifications conducted under this section during the preceding year. Each such report shall include a list of all such items exported from the United States to such countries during the previous year and, with respect to each such export, the following:

(1) The destination country.

(2) The date of export.

(3) The intended end use and intended end user.

(4) The results of the post-shipment verification.

(d) EXPLANATION WHEN VERIFICATION NOT CONDUCTED.—If a post-shipment verification

has not been conducted in accordance with subsection (a) with respect to any such export during the period covered by a report, the Secretary shall include in the report for that period a detailed explanation of the reasons why such a post-shipment verification was not conducted.

SEC. 1214. GAO STUDY ON CERTAIN COMPUTERS; END USER INFORMATION ASSISTANCE.

(a) IN GENERAL.—The Comptroller General of the United States shall submit to the congressional committees specified in section 1215 a study of the national security risks relating to the sale of computers with a composite theoretical performance of between 2,000 and 7,000 millions of theoretical operations per second (MTOPS) to end users in countries specified in subsection (c). The study shall also analyze any foreign availability of computers described in the preceding sentence and the impact of such sales on United States exporters.

(b) END USER INFORMATION ASSISTANCE TO EXPORTERS.—The Secretary of Commerce shall establish a procedure by which exporters may seek information on questionable end users in countries specified in subsection (c) who are seeking to obtain computers described in subsection (a).

(c) COVERED COUNTRIES.—For purposes of subsections (a) and (b), the countries specified in this subsection are the countries listed as "Computer Tier 3" eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

SEC. 1215. CONGRESSIONAL COMMITTEES.

For purposes of sections 1211(d), 1212(a), 1213(c), and 1214(a) the congressional committees specified in those sections are the following:

(1) The Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

(2) The Committee on International Relations and the Committee on National Security of the House of Representatives.

Subtitle C—Other Matters

SEC. 1221. DEFENSE BURDENSHARING.

(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(b) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (a) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation fees or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation, consistent with the terms of such agreement.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (a);

(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(d) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

SEC. 1222. TEMPORARY USE OF GENERAL PURPOSE VEHICLES AND NONLETHAL MILITARY EQUIPMENT UNDER ACQUISITION AND CROSS SERVICING AGREEMENTS.

Section 2350(1) of title 10, United States Code, is amended by striking out "other items" in the second sentence and all that follows through "United States Munitions List" and inserting in lieu thereof "other nonlethal items of military equipment which are not designated as significant military equipment on the United States Munitions List promulgated".

SEC. 1223. SENSE OF CONGRESS AND REPORTS REGARDING FINANCIAL COSTS OF ENLARGEMENT OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In a report to Congress in February 1997 on the rationale, benefits, costs, and implications of North Atlantic Treaty Organization enlargement the Secretary of Defense estimated that the financial cost to the United States of such enlargement will be modest, totaling between $2,000,000,000 and $2,600,000,000 for the period from 1997 through 2009.

(2) A study by the RAND Corporation published in 1996 calculated that the total financial cost to the United States of such enlargement will be between $5,000,000,000 and $6,000,000,000 over the same period.

(3) A March 1996 report by the Congressional Budget Office on the financial costs of enlarging the North Atlantic Treaty Organization alliance estimated the United States share of alliance enlargement costs to be between $4,800,000,000 and $18,900,000,000 through 2010, depending upon political developments in Europe.

(4) An August 1997 report by the General Accounting Office reviewing the financial cost estimates of the Secretary of Defense concluded that North Atlantic Treaty Organization enlargement could entail additional costs beyond those included in the Secretary's estimate and questioned the validity of the Secretary's estimate due to the lack of supporting cost documentation and the inclusion of cost elements not related to NATO enlargement.

(5) The North Atlantic Alliance is scheduled to complete its analysis of the military requirements for the integration of Poland, the Czech Republic, and Hungary into the Alliance in December 1997.

(6) The North Atlantic Alliance is also scheduled to complete in December 1997 its financial cost estimate of the military requirements related to the integration of those nations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the analysis of the North Atlantic Alliance of the military requirements relating to NATO enlargement and of the financial costs to the Alliance of NATO enlargement will be one of the major factors in the consideration by the Senate of the ratification of instruments to approve the admission of new member nations to the Alliance and by Congress for the authorization and appropriation of the funding for the costs associated with such enlargement.

(c) REPORT ASSESSING NATO COST ANALYSIS.—Not later than March 31, 1998, the Secretary of Defense shall submit to Congress a report providing—

(1) an assessment of the analysis by the North Atlantic Alliance of the military requirements

related to NATO enlargement and of the estimate of the financial costs to the NATO Alliance for the integration of Poland, the Czech Republic, and Hungary into the Alliance;

(2) a description of the analytical means used to determine such requirements and costs; and

(3) a general assessment of the additional military requirements and costs that would result from a significantly increased threat.

(b) REPORT ON DEPARTMENT OF DEFENSE COSTS.—(1) The Secretary of Defense shall submit to Congress, in conjunction with the submission of the President's budget for fiscal year 1999, a report on Department of Defense costs for NATO enlargement. The report shall include a detailed estimate of such costs for fiscal year 1998 that identifies all appropriations, by budget activity, for the military departments and other elements of the Department of Defense to support NATO enlargement.

(2) The Secretary of Defense shall include in the budget justification materials submitted to Congress by the Secretary in support of the budget of Department of Defense for fiscal year 1999 complete and detailed descriptions and estimates of the amounts provided in that budget for the costs of NATO enlargement.

SEC. 1224. SENSE OF CONGRESS REGARDING ENLARGEMENT OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (title VI of the matter enacted in section 101(c) of division A of Public Law 104–208; 22 U.S.C. 1928 note).

(3) The United States has supported the position that the process of enlarging NATO will continue after the first round of invitations in July 1997.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and appear to be striving to meet the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania and Slovenia to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria and consistent with NATO security objectives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that North Atlantic Treaty Organization should be commended—

(1) for having committed to review the process of enlarging the Organization in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

SEC. 1225. SENSE OF CONGRESS RELATING TO LEVEL OF UNITED STATES MILITARY PERSONNEL IN THE EAST ASIA AND PACIFIC REGION.

(a) FINDINGS.—Congress finds the following:

(1) The stability of the Asia-Pacific region is a matter of vital national interest affecting the well-being of all Americans.

(2) The nations of the Pacific Rim collectively represent the United States largest trading partner and are expected to account for almost one-third of the world's economic activity by the start of the next century.

(3) The increased reliance by the United States on trade and Middle East oil sources has reinforced United States security interests in the Southeast Asia shipping lanes through the South China Sea and the key straits of Malacca, Sunda, Lombok, and Makassar.

(4) The South China Sea is an important area for United States Navy ships passing from the Pacific to the Indian Ocean and the Persian Gulf.

(5) Maintaining freedom of navigation in the South China Sea is an important interest of the United States.

(6) The threats of proliferation of weapons of mass destruction, the emerging nationalism amidst long-standing ethnic and national rivalries, and the unresolved territorial disputes combine to create a political landscape of potential instability and conflict in this region that could jeopardize the interests of the United States and the safety of United States nationals.

(7) A critical component of the East Asia strategy of the United States is maintaining forward deployed forces in Asia to ensure broad regional stability, to help to deter aggression, to lessen the pressure for arms races, and to contribute to the political and economic advances of the region from which the United States benefits.

(8) The forward presence of the United States in Northeast Asia enables the United States to respond to regional contingencies, to protect sea lines of communication, to sustain influence, and to support operations as distant as operations in the Persian Gulf.

(9) The military forces of the United States serve to prevent the political or economic control of the Asia-Pacific region by a rival, hostile power or coalition of such powers, thus preventing any such group from obtaining control over the vast resources, enormous wealth, and advanced technology of the region.

(10) Allies of the United States in the region can base their defense planning on a reliable American security commitment, a reduction of which could stimulate an arms buildup in the region.

(11) The Joint Announcement of the United States-Japan Security Consultative Committee of December 1996, acknowledged that "the forward presence of U.S. forces continues to be an essential element for pursuing our common security objectives".

(12) The United States and Japan signed the United States-Japan Security Declaration in April 1996, in which the United States reaffirmed its commitment to maintain this level of 100,000 United States military personnel in the region.

(13) The United States military presence is recognized by the nations of the region as serving stability and enabling United States engagement.

(14) The nations of East Asia and the Pacific consider the commitment of the forces of the United States to be so vital to their future that they scrutinize actions of the United States for any sign of weakened commitment to the security of the region.

(15) The reduction of forward-based military forces could negatively affect the ability of the United States to contribute to the maintenance of peace and stability of the Asia and Pacific region.

(16) Recognizing that while the United States must consider the overall capabilities of its forces in its decisions to deploy troops, nevertheless any reduction in the number of forward-based troops may reduce the perception of American capability and commitment in the region that cannot be completely offset by modernization of the remaining forces.

(17) During time of crisis, deployment of forces to East Asia, even though such forces were previously removed from the area, might be deemed to be an act of provocation that could be used as a pretext by a hostile power for armed aggression within the region, and the existence of that possibility might hinder such a deployment.

(18) Proposals to reduce the forward presence of the United States in the East Asia region or subordinate security interests to United States domestic budgetary concerns can erode the perception of the commitment of the United States to its alliances and interests in the region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should maintain at least approximately 100,000 United States military personnel in the East Asia and Pacific region until such time as there is a peaceful and permanent resolution to the major security and political conflicts in the region.

SEC. 1226. REPORT ON FUTURE MILITARY CAPABILITIES AND STRATEGY OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the pattern of military modernization of the People's Republic of China. The report shall address the probable course of military-technological development in the People's Liberation Army and the development of Chinese security strategy and military strategy, and of military organizations and operational concepts, through 2015.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese security strategy and military strategy.

(2) Trends in Chinese strategy regarding the political goals of the People's Republic of China in the Asia-Pacific region and its political and military presence in other regions of the world, including Central Asia, Southwest Asia, Europe, and Latin America.

(3) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit an emerging Revolution in Military Affairs or to conduct preemptive strikes.

(4) Efforts by the People's Republic of China to enhance its capabilities in the area of nuclear weapons development.

(5) Efforts by the People's Republic of China to develop long-range air-to-air or air defense missiles that would provide the capability to target special support aircraft such as Airborne Warning and Control System (AWACS) aircraft, Joint Surveillance and Target Attack Radar System (JSTARS) aircraft, or other command and control, intelligence, airborne early warning, or electronic warfare aircraft.

(6) Efforts by the People's Republic of China to develop a capability to conduct "information warfare" at the strategic, operational, and tactical levels of war.

(7) Development by the People's Republic of China of capabilities in the area of electronic warfare.

(8) Efforts by the People's Republic of China to develop a capability to establish control of space or to deny access and use of military and commercial space systems in times of crisis or war, including programs to place weapons in space or to develop earth-based weapons capable of attacking space-based systems.

(9) Trends that would lead the People's Republic of China toward the development of advanced intelligence, surveillance, and reconnaissance capabilities, including gaining access to commercial or third-party systems with military significance.

(10) Efforts by the People's Republic of China to develop highly accurate and stealthy ballistic and cruise missiles, including sea-launched cruise missiles, particularly in numbers sufficient to conduct attacks capable of overwhelming projected defense capabilities in the Asia-Pacific region.

(11) Development by the People's Republic of China of command and control networks, particularly those capable of battle management of long-range precision strikes.

(12) Efforts by the People's Republic of China in the area of telecommunications, including common channel signaling and synchronous digital hierarchy technologies.

(13) Development by People's Republic of China of advanced aerospace technologies with military applications (including gas turbine "hot section" technologies).

(14) Programs of the People's Republic of China involving unmanned aerial vehicles, particularly those with extended ranges or loitering times or potential strike capabilities.

(15) Exploitation by the People's Republic of China for military purposes of the Global Positioning System or other similar systems (including commercial land surveillance satellites), with such analysis and forecasts focusing particularly on indications of an attempt to increase the accuracy of weapons or situational awareness of operating forces.

(16) Development by the People's Republic of China of capabilities for denial of sea control, including such systems as advanced sea mines, improved submarine capabilities, or land-based sea-denial systems.

(17) Efforts by the People's Republic of China to develop its anti-submarine warfare capabilities.

(18) Continued development by the People's Republic of China of follow-on forces, particularly forces capable of rapid air or amphibious assault.

(19) Efforts by the People's Republic of China to enhance its capabilities in such additional areas of strategic concern as the Secretary identifies.

(c) Analysis of Implications of Sales of Products and Technologies to Entities in China.—The report under subsection (a) shall include, with respect to each area for analyses and forecasts specified in subsection (b)—

(1) an assessment of the military effects of sales of United States and foreign products and technologies to entities in the People's Republic of China; and

(2) the potential threat of developments related to such effects to United States strategic interests.

(d) Submission of Report.—The report shall be submitted to Congress not later than March 15, 1998.

SEC. 1227. SENSE OF CONGRESS ON NEED FOR RUSSIAN OPENNESS ON THE YAMANTAU MOUNTAIN PROJECT.

(a) Findings.—Congress finds as follows:

(1) The United States and Russia have been working since the end of the Cold War to achieve a strategic relationship based on cooperation and openness between the two nations.

(2) This effort to establish a new strategic relationship between the two nations has resulted in the conclusion or agreement in principle on a number of far-reaching agreements, including START I, II, and III, a revision in the Conventional Forces in Europe Treaty, and a series of other agreements (such as the Comprehensive Test Ban Treaty and the Chemical Weapons Convention), designed to further reduce bilateral threats and limit the proliferation of weapons of mass destruction.

(3) These far-reaching agreements were based on the understanding between the United States and Russia that there would be a good faith effort on both sides to comply with the letter and spirit of the agreements.

(4) Reports indicate that Russia has been pursuing construction of a massive underground facility of unknown purpose at Yamantau Mountain and the city of Mezhgorye (formerly the settlements of Beloretsk-15 and Beloretsk-16) that is designed to survive a nuclear war and appears to exceed reasonable defense requirements.

(5) The Yamantau Mountain project does not appear to be consistent with the lowering of strategic threats, openness, and cooperation that is the basis of the post-Cold War strategic partnership between the United States and Russia.

(6) The United States has allowed senior Russian military and government officials to have access to key strategic facilities of the United States by providing tours of the North American Air Defense (NORAD) command at Cheyenne Mountain and the United States Strategic Command (STRATCOM) headquarters in Omaha, Nebraska, among other sites, and by providing extensive briefings on the operations of those facilities.

(b) Sense of Congress.—It is the sense of Congress that the Russian government—

(1) should provide to the United States Government a written explanation with sufficient detail (including drawings and diagrams) of the purpose and operational concept of the completed and planned facilities at Yamantau Mountain to support a high confidence judgment by the United States that the design of the Yamantau facility is consistent with official Russian government explanations; and

(2) should allow a United States delegation, to include officials of the executive branch and Members of Congress, to have access to the Yamantau Mountain project and buildings and facilities surrounding the project.

SEC. 1228. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

(a) Findings.—Congress makes the following findings:

(1) Cuba has maintained a hostile policy in its relations with the United States for over 35 years.

(2) The United States, as a sovereign nation, must be able to respond to any Cuban provocation and defend the people and territory of the United States against any attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States during which countless numbers of those Cubans lost their lives on the high seas.

(4) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required significant efforts and the expenditure of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(5) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(6) Since that attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) Review and Assessment.—The Secretary of Defense shall carry out a comprehensive review and assessment of—

(1) Cuban military capabilities; and

(2) the threats to the national security of the United States that may be posed by Cuba, including—

(A) such unconventional threats as (i) encouragement of massive and dangerous migration, and (ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) Report.—Not later than March 31, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the review and assessment. The report shall include the following:

(1) The Secretary's assessment of the capabilities and threats referred to in subsection (b), including each of the threats described in paragraph (2) of that subsection.

(2) A discussion of the results of the review and assessment, including an assessment of the contingency plans developed by the Secretary to counter any threat posed by Cuba to the United States.

(d) Consultation on Review and Assessment.—In performing the review and assessment and in preparing the report, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the commander of the United States Southern Command, and the heads of other appropriate departments and agencies of the United States.

SEC. 1229. REPORT ON HELSINKI JOINT STATEMENT.

(a) Requirement.—Not later than March 31, 1998, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Helsinki Joint Statement on future reductions in nuclear forces. The report shall address the United States approach (including verification implications) to implementing the Helsinki Joint Statement, in particular, as that Statement relates to the following:

(1) Lower aggregate levels of strategic nuclear warheads.

(2) Measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads.

(3) Deactivation of strategic nuclear delivery vehicles.

(4) Measures relating to nuclear long-range sea-launched cruise missiles and tactical nuclear systems.

(5) Issues related to transparency in nuclear materials.

(b) Definition.—For purposes of this section, the term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

SEC. 1230. COMMENDATION OF MEXICO ON FREE AND FAIR ELECTIONS.

(a) Findings.—Congress makes the following findings:

(1) On July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican States.

(2) For the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution.

(3) More than 52,000,000 Mexican citizens registered to vote.

(4) Eight political parties registered to participate in the those elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD).

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections.

(6) Since 1994, Mexican law has permitted international observers to be a part of the election process.

(7) With 84 percent of the ballots counted, PRI candidates received 38 percent of the vote for seats in the Chamber of Deputies, while PRD and PAN candidates received 52 percent of the combined vote.

(8) PRD candidate Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President.

(9) PAN members will now serve as governors in seven of Mexico's 31 States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the recent elections in Mexico were conducted in a free, fair, and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his administration; and

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute of Mexico, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

SEC. 1231. SENSE OF CONGRESS REGARDING CAMBODIA.

(a) FINDINGS.—Congress makes the following findings:

(1) During the 1970s and 1980s, Cambodia was wracked by political conflict, war, and violence, including genocide perpetrated by the Khmer Rouge from 1975 to 1979.

(2) The 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict set the stage for a process of political accommodation and national reconciliation among Cambodia's warring parties.

(3) The international community engaged in a massive effort involving more than $2,000,000,000 to ensure peace, democracy, and prosperity in Cambodia following the Paris Accords.

(4) The Cambodian people clearly demonstrated their support for democracy when 90 percent of eligible Cambodian voters participated in United Nations-sponsored elections in 1993.

(5) Since the 1993 elections, Cambodia has made economic progress, as shown by the recent decision of the Association of Southeast Asian Nations (ASEAN) to extend membership in the Association to Cambodia.

(6) Tensions within the ruling Cambodian coalition have erupted into violence.

(7) In March 1997, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on political demonstrators supportive of the Funcinpec and the Khmer Nation Party.

(8) During June 1997, fighting erupted in Phnom Penh between forces loyal to First Prime Minister Prince Ranariddh and Second Prime Minister Hun Sen.

(9) On July 5, 1997, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent coup d'état.

(10) Forces loyal to Hun Sen have executed former Interior Minister Ho Sok and approximately 40 other political opponents loyal to Prince Ranariddh.

(11) Democracy and stability in Cambodia are threatened by the continued use of violence and other extralegal means to resolve political tensions.

(12) In response to the July 1997 coup in Cambodia referred to in paragraph (9)—

(A) the President has suspended all direct assistance to the Cambodian Government; and

(B) the Association of Southeast Asian Nations (ASEAN) has decided to delay indefinitely admission of Cambodia to membership in the Association.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the parties in Cambodia should immediately cease the use of violence;

(2) the United States should take all necessary steps to ensure the safety of United States citizens in Cambodia;

(3) the United States should call an emergency meeting of the United Nations Security Council to consider all options to restore peace and democratic governance in Cambodia;

(4) the United States and the Association of Southeast Àsian Nations should work together to take immediate steps to restore democracy and the rule of law in Cambodia;

(5) United States assistance to the Government of Cambodia should remain suspended until violence ends, the democratically elected Government is restored to power, and the necessary steps have been taken to ensure that the elections scheduled for 1998 take place; and

(6) the United States should take all necessary steps to encourage other donor nations to suspend assistance as part of a multilateral effort.

SEC. 1232. CONGRATULATING GOVERNOR CHRISTOPHER PATTEN OF HONG KONG.

(a) FINDINGS.—Congress makes the following findings:

(1) His Excellency Christopher F. Patten, the former Governor of Hong Kong, was the twenty-eighth and last British Governor of the dependent territory of Hong Kong before that territory reverted back to the People's Republic of China on July 1, 1997.

(2) Christopher Patten was a superb administrator and an inspiration to the people whom he governed.

(3) During Christopher Patten's five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30 percent in real terms.

(4) Christopher Patten presided over a capable and honest civil service.

(5) During the tenure of Christopher Patten as Governor of Hong Kong, common crime declined and the political climate was positive and stable.

(6) The legacy of Christopher Patten to Hong Kong is the expansion of democracy in Hong Kong's legislative council and a tireless devotion to the rights, freedoms, and welfare of the people of Hong Kong.

(7) Christopher Patten fulfilled the commitment of the British Government to "put in place a solidly based democratic administration" in Hong Kong before July 1, 1997.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that Christopher F. Patten, the last British Governor of the dependent territory of Hong Kong—

(1) served his country with great honor and distinction in that capacity; and

(2) deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

TITLE XIII—ARMS CONTROL AND RELATED MATTERS

Sec. 1301. Presidential report concerning detargeting of Russian strategic missiles.
Sec. 1302. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1303. Assistance for facilities subject to inspection under the Chemical Weapons Convention.
Sec. 1304. Transfers of authorizations for high-priority counterproliferation programs.
Sec. 1305. Advice to the President and Congress regarding the safety, security, and reliability of United States nuclear weapons stockpile.
Sec. 1306. Reconstitution of commission to assess the ballistic missile threat to the United States.
Sec. 1307. Sense of Congress regarding the relationship between United States obligations under the Chemical Weapons Convention and environmental laws.
Sec. 1308. Extension of counterproliferation authorities for support of United Nations Special Commission on Iraq.
Sec. 1309. Annual report on moratorium on use by Armed Forces of antipersonnel landmines.

SEC. 1301. PRESIDENTIAL REPORT CONCERNING DETARGETING OF RUSSIAN STRATEGIC MISSILES.

(a) REQUIRED REPORT.—Not later than January 1, 1998, the President shall submit to Congress a report concerning detargeting of Russian strategic missiles. The report shall address each of the following:

(1) Whether a Russian ICBM that was formerly, but is no longer, targeted at a site in the United States would be automatically retargeted at a site in the United States in the event of the accidental launch of the missile.

(2) Whether missile detargeting would prevent or significantly reduce the possibility of an unauthorized missile launch carried out by the Russian General Staff and prevent or significantly reduce the consequences to the United States of such a launch.

(3) Whether missile detargeting would pose a significant obstacle to an unauthorized launch carried out by an operational level below the Russian General Staff if missile operators at such an operational level acquired missile launch codes or had the technical expertise to override missile launch codes.

(4) The plausibility of an accidental launch of a Russian ICBM, compared to the possibility of a deliberate missile launch, authorized or unauthorized, resulting from Russian miscalculation, overreaction, or aggression.

(5) The national security benefits derived from detargeting United States and Russian ICBMs.

(6) The relative consequences to the United States of an unauthorized or accidental launch of a Russian ICBM that has been detargeted and one that has not been detargeted.

(b) DEFINITIONS.—For purposes of subsection (a):

(1) The term "Russian ICBM" means an intercontinental ballistic missile of the Russian Federation.

(2) The term "accidental launch" means a missile launch resulting from mechanical failure.

SEC. 1302. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B–52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

(b) Waiver Authority.—If the START II Treaty enters into force during fiscal year 1998, the Secretary of Defense may waive the application of the limitation under subsection (a) to the extent that the Secretary determines necessary in order to implement the treaty.

(c) Funding Limitation on Early Deactivation.—(1) If the limitation under subsection (a) ceases to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1998 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (a) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection and subsection (d), a substantial early deactivation is an action during fiscal year 1998 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (a) by—

(A) removing nuclear warheads from those systems; or

(B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:

(A) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(B) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement and, based upon that assessment, the determination of the President specifically as to whether the procedures for monitoring and verification of compliance by Russia with the terms of the agreement are adequate or inadequate.

(D) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner and whether the agreement will require early deactivations of strategic forces by the United States to be carried out substantially more rapidly than deactivations of strategic forces by Russia.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the United States and the Russian Federation at various stages during deactivation and upon completion, including a determination by the President specifically as to whether the proposed early deactivations will adversely affect strategic stability.

(d) Further Limitation on Strategic Force Reductions.—(1) Amounts available to the Department of Defense for fiscal year 1998 to implement an agreement that results in a substantial early deactivation during fiscal year 1998 of strategic forces may not be obligated for that purpose if in the report under subsection (c)(3) the President determines any of the following:

(A) That procedures for monitoring and verification of compliance by Russia with the terms of the agreement are inadequate.

(B) That the agreement will require early deactivations of strategic forces by the United States to be carried out substantially more rapidly than deactivations of strategic forces by Russia.

(C) That the proposed early deactivations will adversely affect strategic stability.

(2) The limitation in paragraph (1), if effective by reason of a determination by the President described in paragraph (1)(B), shall cease to apply 30 days after the date on which the President notifies Congress that the early deactivations under the agreement are in the national interest of the United States.

(e) Contingency Plan for Sustainment of Systems.—(1) Not later then February 15, 1998, the Secretary of Defense shall submit to Congress a plan for the sustainment beyond October 1, 1999, of United States strategic nuclear delivery systems and alternative Strategic Arms Reduction Treaty force structures in the event that a strategic arms reduction agreement subsequent to the Strategic Arms Reduction Treaty does not enter into force before 2004.

(2) The plan shall include a discussion of the following matters:

(A) The actions that are necessary to sustain the United States strategic nuclear delivery systems, distinguishing between the actions that are planned for and funded in the future-years defense program and the actions that are not planned for and funded in the future-years defense program.

(B) The funding necessary to implement the plan, indicating the extent to which the necessary funding is provided for in the future-years defense program and the extent to which the necessary funding is not provided for in the future-years defense program.

(f) START Treaties Defined.—In this section:

(1) The term "Strategic Arms Reduction Treaty" means the Treaty Between the United States of America and the United Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START), signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

SEC. 1303. ASSISTANCE FOR FACILITIES SUBJECT TO INSPECTION UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) Assistance Authorized.—Upon the request of the owner or operator of a facility that is subject to a routine inspection or a challenge inspection under the Chemical Weapons Convention, the Secretary of Defense may provide technical assistance to that owner or operator related to compliance of that facility with the Convention. Any such assistance shall be provided through the On-Site Inspection Agency of the Department of Defense.

(b) Reimbursement Requirement.—The Secretary may provide assistance under subsection (a) only to the extent that the Secretary determines that the Department of Defense will be reimbursed for costs incurred in providing the assistance. The United States National Authority may provide such reimbursement from amounts available to it. Any such reimbursement shall be credited to amounts available for the On-Site Inspection Agency.

(c) Definitions.—In this section:

(1) The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

(2) The term "facility that is subject to a routine inspection" means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term "challenge inspection" means an inspection conducted under Article IX of the Convention.

(4) The term "United States National Authority" means the United States National Authority established or designated pursuant to Article VII, paragraph 4, of the Convention.

SEC. 1304. TRANSFERS OF AUTHORIZATIONS FOR HIGH-PRIORITY COUNTERPROLIFERATION PROGRAMS.

(a) Authority.—(1) Subject to paragraph (2), the Secretary of Defense may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 to any counterproliferation program, project, or activity described in subsection (b).

(2) A transfer of authorizations may be made under this section only upon determination by the Secretary of Defense that such action is necessary in the national interest.

(3) Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) Programs to Which Tranfers May Be Made.—The authority under subsection (a) applies to any counterproliferation program, project, or activity of the Department of Defense identified as an area for progress in the most recent annual report of the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note).

(c) Limitation on Total Amount.—The total amount of authorizations transferred under the authority of this section may not exceed $50,000,000.

(d) Other Limitations and Requirements.—The provisions of subsection (b), (c), and (d) of section 1001 shall apply to a transfer under this section in the same manner as they apply to a transfer under subsection (a) of that section.

(e) Construction With General Transfer Authority.—The authority provided by this section is in addition to the transfer authority provided in section 1001.

SEC. 1305. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) Findings.—Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear weapons stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 42 U.S.C. 2121 note) required the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was incorporated in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 42 U.S.C. 2121 note) also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear weapons stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain and certify the safety, security, effectiveness, and reliability of the nuclear weapons stockpile without testing will require utilization of new and sophisticated computational capabilities and diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the safety and reliability of the United States nuclear weapons stockpile into the future. Whereas in the past laboratory and diagnostic tools were used in conjunction with nuclear testing, in the future they will provide, under the Department of Energy's stockpile stewardship plan, the sole basis for assessing past test data and for making judgments on phenomena observed in connection with the aging of the stockpile.

(9) Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 42 U.S.C. 7274o) requires that the directors of the nuclear weapons laboratories and the nuclear weapons production plants submit a report to the Assistant Secretary of Energy for Defense Programs if they identify a problem that has significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, that the Assistant Secretary must transmit that report, along with any comments, to the congressional defense committees and to the Secretary of Energy and the Secretary of Defense, and that the Joint Nuclear Weapons Council advise Congress regarding its analysis of any such problems.

(10) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(11) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information regarding the certification referred to in paragraph (10).

(12) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(13) It is essential that the President receive well-informed, objective, and honest opinions, including dissenting views, from his advisers and technical experts regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, effective, and reliable nuclear weapons stockpile; and

(B) as long as other nations control or actively seek to acquire nuclear weapons, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through a program of stockpile stewardship, carried out at the nuclear weapons laboratories and nuclear weapons production plants.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against the vital interests of the United States;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to implement an effective and robust deterrent strategy; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security, effectiveness, and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADDITION OF PRESIDENT TO RECIPIENTS OF REPORTS BY HEADS OF LABORATORIES AND PLANTS.—Section 3159(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 42 U.S.C. 7274o) is amended—

(1) by striking out "committees and" and inserting in lieu thereof "committees,"; and

(2) by inserting before the period at the end the following: ", and to the President".

(d) TEN-DAY TIME LIMIT FOR TRANSMITTAL OF REPORT.—Section 3159(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 42 U.S.C. 7274o) is amended by striking out "As soon as practicable" and inserting in lieu thereof "Not later than 10 days".

(e) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—In addition to a director of a nuclear weapons laboratory or a nuclear weapons production plant (under section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 42 U.S.C. 7274o)), any member of the Joint Nuclear Weapons Council or the commander of the United States Strategic Command may also submit to the President, the Secretary of Defense, the Secretary of Energy, or the congressional defense committees advice or opinion regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile.

(f) EXPRESSION OF INDIVIDUAL VIEWS.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory or a nuclear weapons production plant, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile.

(g) DEFINITIONS.—In this section:

(1) The term "representative of the President" means the following:

(A) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) The term "nuclear weapons laboratory" means any of the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(3) The term "nuclear weapons production plant" means any of the following:

(A) The Pantex Plant, Texas.

(B) The Savannah River Site, South Carolina.

(C) The Kansas City Plant, Missouri.

(D) The Y–12 Plant, Oak Ridge, Tennessee.

SEC. 1306. RECONSTITUTION OF COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE UNITED STATES.

(a) INITIAL ORGANIZATION REQUIREMENTS.—Section 1321(g) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2712) is amended—

(1) in paragraph (1), by striking out "not later than 45 days after the date of the enactment of this Act" and inserting in lieu thereof "not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998"; and

(2) in paragraph (2)—

(A) by striking out "30 days" and inserting in lieu thereof "60 days"; and

(B) by striking out ", but not earlier than October 15, 1996".

(b) FUNDING.—Section 1328 of such Act (110 Stat. 2714) is amended by inserting "and fiscal year 1998" after "for fiscal year 1997".

SEC. 1307. SENSE OF CONGRESS REGARDING THE RELATIONSHIP BETWEEN UNITED STATES OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION AND ENVIRONMENTAL LAWS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Chemical Weapons Convention requires the destruction of the United States stockpile of lethal chemical agents and munitions by April 29, 2007 (not later than 10 years after the Convention's entry into force).

(2) The President has substantial authority under existing law to ensure that—

(A) the technologies necessary to destroy the stockpile are developed;

(B) the facilities necessary to destroy the stockpile are constructed; and

(C) Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.

(3) The Comptroller General has concluded (in GAO Report NSIAD 97018 of February 1997) that—

(A) obtaining the necessary Federal and State permits that are required under Federal environmental laws and regulations for building and operating the chemical agents and munitions destruction facilities is among the most unpredictable factors in the chemical demilitarization program; and

(B) program cost and schedule are largely driven by the degree to which States and local communities are in agreement with proposed disposal methods and whether those methods meet environmental concerns.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President—

(1) should use the authority of the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and

(2) while carrying out the obligations of the United States under the Convention, should encourage negotiations between appropriate Federal officials and officials of the State and local governments concerned to attempt to meet their concerns regarding compliance with Federal and State environmental laws and regulations and other concerns about the actions being taken to carry out those obligations.

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—For the purposes of this section, the terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 1308. EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS SPECIAL COMMISSION ON IRAQ.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking out "or" after "fiscal year 1996," and by inserting ", or $15,000,000 for fiscal year 1998" before the period at the end; and

(2) in subsection (f), by striking out "1997" and inserting in lieu thereof "1998".

SEC. 1309. ANNUAL REPORT ON MORATORIUM ON USE BY ARMED FORCES OF ANTI-PERSONNEL LANDMINES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has stated its support for a ban on antipersonnel landmines that is global in scope and verifiable.

(2) On May 16, 1996, the President announced that the United States, as a matter of policy, would eliminate its stockpile of non-self-destructing antipersonnel landmines, except those used for training purposes and in Korea, and that the United States would reserve the right to use self-destructing antipersonnel landmines in the event of conflict.

(3) On May 16, 1996, the President also announced that the United States would lead an effort to negotiate an international treaty permanently banning the use of all antipersonnel landmines.

(4) The United States is currently participating at the United Nations Conference on Disarmament in negotiations aimed at achieving a global ban on the use of antipersonnel landmines.

(5) On August 18, 1997, the administration agreed to participate in international negotiations sponsored by Canada (the so-called "Ottawa process") designed to achieve a treaty that would outlaw the production, use, and sale of antipersonnel landmines.

(6) On September 17, 1997, the President announced that the United States would not sign the antipersonnel landmine treaty concluded in Oslo, Norway, by participants in the Ottawa process because the treaty would not provide a geographic exception to allow the United States to stockpile and use antipersonnel landmines in Korea or an exemption that would preserve the ability of the United States to use mixed antitank mine systems which could be used to deter an armored assault against United States forces.

(7) The President also announced a change in United States policy whereby the United States—

(A) would no longer deploy antipersonnel landmines, including self-destructing antipersonnel landmines, by 2003, except in Korea;

(B) would seek to field alternatives by that date, or by 2006 in the case of Korea;

(C) would undertake a new initiative in the United Nations Conference on Disarmament to establish a global ban on the transfer of antipersonnel landmines; and

(D) would increase its current humanitarian demining activities around the world.

(8) The President's decision would allow the continued use by United States forces of self-destructing antipersonnel landmines that are used as part of a mixed antitank mine system.

(9) Under existing law (as provided in section 580 of Public Law 104–107; 110 Sat 751), on February 12, 1999, the United States will implement a one-year moratorium on the use of antipersonnel landmines by United States forces except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should not implement a moratorium on the use of antipersonnel landmines by United States Armed Forces in a manner that would endanger United States personnel or undermine the military effectiveness of United States Armed Forces in executing their missions; and

(2) the United States should pursue the development of alternatives to self-destructing antipersonnel landmines.

(c) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report concerning antipersonnel landmines. Each such report shall include the Secretary's description of the following:

(1) The military utility of the continued deployment and use by the United States of antipersonnel landmines.

(2) The effect of a moratorium on the production, stockpiling, and use of antipersonnel landmines on the ability of United States forces to deter and defend against attack on land by hostile forces, including on the Korean peninsula.

(3) Progress in developing and fielding systems that are effective substitutes for antipersonnel landmines, including an identification and description of the types of systems that are being developed and fielded, the costs associated with those systems, and the estimated timetable for developing and fielding those systems.

(4) The effect of a moratorium on the use of antipersonnel landmines on the military effectiveness of current antitank mine systems.

(5) The number and type of pure antipersonnel landmines that remain in the United States inventory and that are subject to elimination under the President's September 17, 1997, declaration on United States antipersonnel landmine policy.

(6) The number and type of mixed antitank mine systems that are in the United States inventory, the locations where they are deployed, and their effect on the deterrence and warfighting ability of United States Armed Forces.

(7) The effect of the elimination of pure antipersonnel landmines on the warfighting effectiveness of the United States Armed Forces.

(8) The costs already incurred and anticipated of eliminating antipersonnel landmines from the United States inventory in accordance with the policy enunciated by the President on September 17, 1997.

(9) The benefits that would result to United States military and civilian personnel from an international treaty banning the production, use, transfer, and stockpiling of antipersonnel landmines.

TITLE XIV—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec. 1401. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1402. Funding allocations.
Sec. 1403. Prohibition on use of funds for specified purposes.
Sec. 1404. Limitation on use of funds for projects related to START II Treaty until submission of certification.
Sec. 1405. Limitation on use of funds for chemical weapons destruction facility.
Sec. 1406. Limitation on use of funds for destruction of chemical weapons.
Sec. 1407. Limitation on use of funds for storage facility for Russian fissile material.
Sec. 1408. Limitation on use of funds for weapons storage security.
Sec. 1409. Report on issues regarding payment of taxes, duties, and other assessments on assistance provided to Russia under Cooperative Threat Reduction programs.
Sec. 1410. Availability of funds.

SEC. 1401. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for fiscal year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 1998 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 1998 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

SEC. 1402. FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the fiscal year 1998 Cooperative Threat Reduction funds, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $77,900,000.

(2) For strategic nuclear arms elimination in Ukraine, $76,700,000.

(3) For fissile material containers in Russia, $7,000,000.

(4) For planning and design of a chemical weapons destruction facility in Russia, $35,400,000.

(5) For dismantlement of biological and chemical weapons facilities in the former Soviet Union, $20,000,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $57,700,000.

(7) For weapons storage security in Russia, $36,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $41,000,000.

(9) For activities designated as Defense and Military-to-Military Contacts in Russia, Ukraine, and Kazakhstan, $8,000,000.

(10) For military-to-military programs of the United States that focus on countering the threat of proliferation of weapons of mass destruction and that include the security forces of the independent states of the former Soviet Union other than Russia, Ukraine, Belarus, and Kazakstan, $2,000,000.

(11) For activities designated as Other Assessments/Administrative Support $20,500,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraphs (2) and (3), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts appropriated for the purposes stated in any of paragraphs (3) through (11) of subsection (a) in excess of 115 percent of the amount stated in those paragraphs.

(c) LIMITED WAIVER OF 115 PERCENT CAP ON OBLIGATION IN EXCESS OF AMOUNTS AUTHORIZED FOR FISCAL YEARS 1996 AND 1997.—(1) The limitation in subsection (b)(1) of section 1202 of the National Defense Authorization Act For Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469), that provides that the authority provided in that sentence to obligate amounts specified for Cooperative Threat Reduction purposes in excess of the amount specified for each such purpose in subsection (a) of that section may not exceed 115 percent of the amounts specified, shall not apply with respect to subsection (a)(1) of such section for purposes of strategic offensive weapons elimination in Russia or the Ukraine.

(2) The limitation in subsection (b)(1) of section 1502 of the National Defense Authorization Act For Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2732), that provides that the authority provided in that sentence to obligate amounts specified for Cooperative Threat Reduction purposes in excess of the amount specified for each such purpose in subsection (a) of that section may not exceed 115 percent of the amounts specified, shall not apply with respect to subsections (a)(2) and (a)(3) of such section.

SEC. 1403. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 1998 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any prior fiscal year and remaining available for obligation, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

SEC. 1404. LIMITATION ON USE OF FUNDS FOR PROJECTS RELATED TO START II TREATY UNTIL SUBMISSION OF CERTIFICATION.

No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for strategic offensive arms elimination projects in Russia related to the START II Treaty (as defined in section 1302(f)) until 30 days after the date on which the Secretary of Defense submits to Congress a certification in writing that—

(1) implementation of the projects would benefit the national security interest of the United States; and

(2) Russia has agreed in an implementing agreement to share the cost for the projects.

SEC. 1405. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

(a) LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF NOTIFICATIONS TO CONGRESS.—No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for planning and design of a chemical weapons destruction facility until 15 days after the date that is the later of the following:

(1) The date on which the Secretary of Defense submits to Congress notification of an agreement between the United States and Russia with respect to such chemical weapons destruction facility that includes—

(A) an agreement providing for a limitation on the financial contribution by the United States for the facility;

(B) an agreement that the United States will not pay the costs for infrastructure determined by Russia to be necessary to support the facility; and

(C) an agreement on the location of the facility.

(2) The date on which the Secretary of Defense submits to Congress notification that the Government of Russia has formally approved a plan—

(A) that allows for the destruction of chemical weapons in Russia; and

(B) that commits Russia to pay a portion of the cost for the facility.

(b) PROHIBITION ON USE OF FUNDS FOR FACILITY CONSTRUCTION.—No fiscal year 1998 Cooperative Threat Reduction funds authorized to be obligated in section 1402(a)(4) for planning and design of a chemical weapons destruction facility in Russia may be used for construction of such facility.

SEC. 1406. LIMITATION ON USE OF FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities (including activities for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility) until the President submits to Congress a written certification under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is either of the following certifications by the President:

(1) A certification that—

(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

(2) A certification that the national security interests of the United States could be undermined by a United States policy not to carry out chemical weapons destruction activities under the Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this or any other Act for fiscal year 1998.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

SEC. 1407. LIMITATION ON USE OF FUNDS FOR STORAGE FACILITY FOR RUSSIAN FISSILE MATERIAL.

No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for planning, design, or construction of a storage facility for Russian fissile material until 15 days after the date that is the later of the following:

(1) The date on which the Secretary of Defense submits to Congress notification that an implementing agreement between the United States and Russia has been entered into that specifies the total cost to the United States for the facility.

(2) The date on which the Secretary submits to Congress notification that an agreement has been entered into between the United States and Russia incorporating the principle of transparency with respect to the use of the facility.

SEC. 1408. LIMITATION ON USE OF FUNDS FOR WEAPONS STORAGE SECURITY.

No fiscal year 1998 Cooperative Threat Reduction funds intended for weapons storage security activities in Russia may be obligated or expended until—

(1) the Secretary of Defense submits to Congress a report on the status of negotiations between the United States and Russia on audits and examinations with respect to weapons storage security; and

(2) 15 days have elapsed following the date that the report is submitted.

SEC. 1409. REPORT ON ISSUES REGARDING PAYMENT OF TAXES, DUTIES, AND OTHER ASSESSMENTS ON ASSISTANCE PROVIDED TO RUSSIA UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on issues regarding payment of taxes, duties, and other assessments on assistance provided to Russia under Cooperative Threat Reduction programs. The report shall include the following:

(1) A description of any disputes between the United States and Russia with respect to payment by the United States of taxes, duties and other assessments on assistance provided to Russia under a Cooperative Threat Reduction program, including a description of the nature of each dispute, the amount of payment disputed, whether the dispute was resolved, and if the dispute was resolved, the means by which the dispute was resolved.

(2) A description of the actions taken by the Secretary to prevent disputes in the future between the United States and Russia with respect to payment by the United States of taxes, duties, and other assessments on assistance provided to Russia under a Cooperative Threat Reduction program.

(3) A description of any agreement between the United States and Russia with respect to payment by the United States of taxes, duties, or other assessments on assistance provided to Russia under a Cooperative Threat Reduction program.

(4) Any proposals of the Secretary for actions that should be taken to prevent disputes between the United States and Russia with respect to payment by the United States of taxes, duties, or other assessments on assistance provided to Russia under a Cooperative Threat Reduction program.

SEC. 1410. AVAILABILITY OF FUNDS.

Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

TITLE XV—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

Sec. 1501. Recognition and grant of Federal charter.
Sec. 1502. Powers.
Sec. 1503. Purposes.
Sec. 1504. Service of process.
Sec. 1505. Membership.
Sec. 1506. Board of directors.
Sec. 1507. Officers.
Sec. 1508. Restrictions.
Sec. 1509. Liability.
Sec. 1510. Maintenance and inspection of books and records.
Sec. 1511. Audit of financial transactions.
Sec. 1512. Annual report.
Sec. 1513. Reservation of right to alter, amend, or repeal charter.
Sec. 1514. Tax-exempt status required as condition of charter.
Sec. 1515. Termination.
Sec. 1516. Definition of State.

SEC. 1501. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1502. POWERS.

The Air Force Sergeants Association (in this title referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1503. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1504. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1505. MEMBERSHIP.

Except as provided in section 1508(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1506. BOARD OF DIRECTORS.

Except as provided in section 1508(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1507. OFFICERS.

Except as provided in section 1508(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1508. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1509. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1510. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1511. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

"(79) Air Force Sergeants Association.".

SEC. 1512. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1511. The annual report shall not be printed as a public document.

SEC. 1513. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1514. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1515. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1516. DEFINITION OF STATE.

For purposes of this title, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Correction in authorized uses of funds, Fort Irwin, California.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$27,000,000
Arizona	Fort Huachuca	$20,000,000
California	Fort Irwin	$11,150,000
	Naval Weapons Station, Concord	$23,000,000
Colorado	Fort Carson	$47,300,000
Georgia	Fort Gordon	$22,000,000
	Hunter Army Air Field, Fort Stewart	$54,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$53,600,000
	Fort Knox	$7,200,000
Missouri	Fort Leonard Wood	$3,200,000
New Jersey	Fort Monmouth	$2,050,000
New Mexico	White Sands Missile Range	$6,900,000
New York	Fort Drum	$24,400,000
North Carolina	Fort Bragg	$17,700,000
Oklahoma	Fort Sill	$25,000,000
South Carolina	Naval Weapons Station, Charleston	$7,700,000
Texas	Fort Bliss	$7,700,000
	Fort Hood	$27,200,000
	Fort Sam Houston	$16,000,000
Virginia	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
	Fort Story	$2,050,000
Washington	Fort Lewis	$33,000,000
CONUS Classified	Classified Location	$6,500,000
	Total	$598,750,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Ansbach	$22,000,000
	Heidelberg	$8,800,000
	Mannheim	$6,200,000
	Military Support Group, Kaiserslautern	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Overseas Classified	Overseas Classified	$37,000,000
	Total	$156,100,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Fort Huachuca	55 Units	$8,000,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Maryland	Fort Meade	56 Units	$7,900,000
New Jersey	Picatinny Arsenal	35 Units	$7,300,000
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000
	Fort Hood	130 Units	$18,800,000
		Total	$101,650,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $9,550,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $86,100,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,010,466,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $435,350,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $156,100,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $7,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,577,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $197,300,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,145,339,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $22,000,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of ail projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $14,400,000 (the balance of the amount authorized under section 2101(a) for the construction of the Force XXI Soldier Development School at Fort Hood, Texas);

(3) $24,000,000 (the balance of the amount authorized under section 2101(a) for rail yard expansion at Fort Carson, Colorado);

(4) $43,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a disciplinary barracks at Fort Leavenworth, Kansas);

(5) $42,500,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks at Hunter Army Airfield, Fort Stewart, Georgia);

(6) $17,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks at Fort Sill, Oklahoma);

(7) $14,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a missile software engineering facility at Redstone Arsenal, Alabama); and

(8) $8,500,000 (the balance of the amount authorized under section 2101(a) for the construction of an aerial gunnery range at Fort Drum, New York).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized in such paragraphs, reduced by $36,600,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States.

SEC. 2105. CORRECTION IN AUTHORIZED USES OF FUNDS, FORT IRWIN, CALIFORNIA.

The Secretary of the Army may carry out a military construction project at Fort Irwin, California, to construct a heliport for the National Training Center at Barstow-Daggett, California, using the following amounts:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3029) for a military construction project involving the construction of an air field at Fort Irwin, as authorized by section 2101(a) of such Act (108 Stat. 3027).

(2) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 524) for a military construction project involving the construction of an air field at Fort Irwin, as authorized by section 2101(a) of such Act (110 Stat. 523).

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization of military construction project at Naval Station, Pascagoula, Mississippi, for which funds have been appropriated.
Sec. 2206. Increase in authorization for military construction projects at Naval Station Roosevelt Roads, Puerto Rico.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$12,250,000
	Navy Detachment, Camp Navajo	$11,426,000
California	Marine Corps Air Station, Camp Pendleton	$14,020,000
	Marine Corps Air Station, Miramar	$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	$3,810,000
	Marine Corps Base, Camp Pendleton	$60,069,000
	Naval Air Facility, El Centro	$11,000,000
	Naval Air Station, North Island	$19,600,000
	Naval Amphibious Base, Coronado	$10,100,000
	Naval Construction Battalion Center, Port Hueneme	$3,200,000
Connecticut	Naval Submarine Base, New London	$21,960,000
Florida	Naval Air Station, Jacksonville	$3,480,000
	Naval Air Station, Whiting Field	$1,300,000
	Naval Station, Mayport	$17,940,000
Hawaii	Fort DeRussey	$9,500,000
	Marine Corps Air Station, Kaneohe Bay	$19,000,000
	Naval Communications and Telecommunications Area Master Station Eastern Pacific, Honolulu	$3,900,000
	Naval Station, Pearl Harbor	$25,000,000
Illinois	Naval Training Center, Great Lakes	$41,220,000
Indiana	Naval Surface Warfare Center, Crane	$4,120,000
Maryland	Naval Electronics System Command, St. Ingoes	$2,610,000
Mississippi	Naval Air Station, Meridian	$7,050,000
North Carolina	Marine Corps Air Station, Cherry Point	$8,800,000
	Marine Corps Air Station, New River	$19,900,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	$8,900,000
South Carolina	Marine Corps Air Station, Beaufort	$17,730,000
	Marine Corps Reserve Detachment Parris Island	$3,200,000
Texas	Naval Air Station, Corpus Christi	$800,000
Virginia	AEGIS Training Center, Dahlgren	$6,600,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Fleet Combat Training Center, Dam Neck	$7,000,000
	Naval Air Station, Norfolk	$18,240,000
	Naval Air Station, Oceana	$28,000,000
	Naval Amphibious Base, Little Creek	$8,685,000
	Naval Shipyard, Norfolk, Portsmouth	$29,410,000
	Naval Station, Norfolk	$18,850,000
	Naval Surface Warfare Center, Dahlgren	$13,880,000
	Naval Weapons Station, Yorktown	$14,547,000
Washington	Naval Air Station, Whidbey Island	$1,100,000
	Puget Sound Naval Shipyard, Bremerton	$4,400,000
	Total	$521,297,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Administrative Support Unit, Bahrain	$30,100,000
Guam	Naval Communications and Telecommunications Area Master Station Western Pacific, Guam	$4,050,000
Italy	Naval Air Station, Sigonella	$21,440,000
	Naval Support Activity, Naples	$8,200,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$2,330,000
	Total	$66,120,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
California	Marine Corps Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
	Naval Complex, San Diego	94 Units	$13,500,000
Hawaii	Naval Complex, Pearl Harbor	72 Units	$13,000,000
Louisiana	Naval Complex, New Orleans	100 Units	$11,930,000
Texas	Naval Complex, Kingsville and Corpus Christi	212 Units	$22,250,000
Washington	Naval Air Station, Whidbey Island	102 Units	$16,000,000
		Total	$175,196,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,100,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $203,536,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,027,339,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $521,297,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $66,120,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,460,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $46,489,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $393,832,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of a bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766), $5,200,000.

(7) For construction of a bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767), $14,600,000.

(8) For construction of a large anecohic chamber facility at Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $9,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (8) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $8,463,000, which represents the combination of project savings in military family housing construction resulting from favorable bids,

reduced overhead costs, and cancellations due to force structure changes; and

(2) $8,700,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States.

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT NAVAL STATION, PASCAGOULA, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766) is amended—

(1) by striking out the amount identified as the total and inserting in lieu thereof "$594,982,000"; and

(2) by inserting after the item relating to Stennis Space Center, Mississippi, the following new item:

	"Naval Station, Pascagoula	$4,990,000".

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding the paragraphs, by striking out "$2,213,731,000" and inserting in lieu thereof "$2,218,721,000"; and

(2) in paragraph (1), by striking out "$579,312,000" and inserting in lieu thereof "$584,302,000".

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended—

(1) by striking out the amount identified as the total and inserting in lieu thereof "$66,150,000"; and

(2) in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "$23,600,000" and inserting in lieu thereof "$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "$14,100,000" and inserting in lieu thereof "$14,600,000".

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of military construction project at McConnell Air Force Base, Kansas, for which funds have been appropriated.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$14,874,000
Alaska	Clear Air Station	$67,069,000
	Eielson Air Force Base	$13,764,000
	Elmendorf Air Force Base	$6,100,000
	Indian Mountain	$1,991,000
Arizona	Luke Air Force Base	$10,000,000
Arkansas	Little Rock Air Force Base	$3,400,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base	$26,876,000
Colorado	Buckley Air National Guard Base	$6,718,000
	Falcon Air Force Station	$10,551,000
	Peterson Air Force Base	$4,081,000
	United States Air Force Academy	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$9,643,000
Georgia	Moody Air Force Base	$6,800,000
	Robins Air Force Base	$27,763,000
Idaho	Mountain Home Air Force Base	$30,669,000
Kansas	McConnell Air Force Base	$14,519,000
Louisiana	Barksdale Air Force Base	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri	Whiteman Air Force Base	$17,419,000
Montana	Malmstrom Air Force Base	$4,500,000
Nevada	Nellis Air Force Base	$1,950,000
New Jersey	McGuire Air Force Base	$18,754,000
New Mexico	Kirtland Air Force Base	$20,300,000
North Carolina	Pope Air Force Base	$10,956,000
North Dakota	Grand Forks Air Force Base	$8,560,000
	Minot Air Force Base	$5,200,000
Ohio	Wright-Patterson Air Force Base	$19,350,000
Oklahoma	Altus Air Force Base	$11,000,000
	Tinker Air Force Base	$9,655,000
	Vance Air Force Base	$7,700,000
South Carolina	Shaw Air Force Base	$6,072,000
South Dakota	Ellsworth Air Force Base	$6,600,000
Tennessee	Arnold Air Force Base	$20,650,000
Texas	Dyess Air Force Base	$10,000,000
	Laughlin Air Force Base	$4,800,000
	Randolph Air Force Base	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia	Langley Air Force Base	$4,031,000
Washington	Fairchild Air Force Base	$20,316,000
	McChord Air Force Base	$6,470,000
CONUS Classified	Classified Location	$6,175,000
	Total	$559,085,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000
Portugal	Lajes Field, Azores	$4,800,000
United Kingdom	Royal Air Force, Lakenheath	$11,400,000
Overseas Classified	Classified Location	$29,100,000
	Total	$89,345,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
California	Edwards Air Force Base	51 Units	$8,500,000
	Travis Air Force Base	70 Units	$9,714,000
	Vandenberg Air Force Base	108 Units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 Units	$5,100,000
Florida	MacDill Air Force Base	58 Units	$10,000,000
	Tyndall Air Force Base	32 Units	$4,200,000
Georgia	Robins Air Force Base	60 Units	$6,800,000
Idaho	Mountain Home Air Force Base	60 Units	$11,032,000
Kansas	McConnell Air Force Base	19 Units	$2,951,000
	McConnell Air Force Base	Ancillary Facility	$581,000
Mississippi	Columbus Air Force Base	50 Units	$6,200,000
	Keesler Air Force Base	40 Units	$5,000,000
Montana	Malmstrom Air Force Base	100 Units	$17,842,000
New Mexico	Kirtland Air Force Base	180 Units	$20,900,000
North Dakota	Grand Forks Air Force Base	42 Units	$7,936,000
Texas	Dyess Air Force Base	70 Units	$10,503,000
	Goodfellow Air Force Base	3 Units	$500,000
	Lackland Air Force Base	50 Units	$7,400,000
Wyoming	F. E. Warren Air Force Base	52 Units	$6,853,000
		Total	$159,943,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,971,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $123,795,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,791,640,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $559,085,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $89,345,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $44,880,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $295,709,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $23,858,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(2) $12,300,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States.

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended—

(1) by striking out the amount identified as the total and inserting in lieu thereof "$610,534,000"; and

(2) in the amount column of the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENTS.—Section 2304(a) of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000" and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000".

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
Sec. 2403. Improvements to military family housing units.

Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Clarification of authority relating to fiscal year 1997 project at Naval Station, Pearl Harbor, Hawaii.
Sec. 2407. Correction in authorized uses of funds, McClellan Air Force Base, California.
Sec. 2408. Modification of authority to carry out certain fiscal year 1995 projects.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Commissary Agency	Fort Lee, Virginia	$9,300,000
Defense Finance and Accounting Service	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
	Naval Station, Pearl Harbor, Hawaii	$10,000,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$7,000,000
	Redstone Arsenal, Alabama	$32,700,000
Defense Logistics Agency	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond (DLA), Virginia	$5,200,000
	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Truax Field, Wisconsin	$4,500,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facilities Office	Fort Campbell, Kentucky	$13,600,000
	Fort Detrick, Maryland	$4,650,000
	Fort Lewis, Washington	$5,000,000
	Hill Air Force Base, Utah	$3,100,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Lackland Air Force Base, Texas	$3,000,000
	Marine Corps Combat Development Command, Quantico, Virginia	$19,000,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Naval Air Station, Pensacola, Florida	$2,750,000
	Naval Station, Everett, Washington	$7,500,000
	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000
	Robins Air Force Base, Georgia	$19,000,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
National Security Agency	Fort Meade, Maryland	$29,700,000
Special Operations Command	Eglin Auxiliary Field 9, Florida	$8,550,000
	Fort Benning, Georgia	$12,314,000
	Fort Bragg, North Carolina	$9,800,000
	Mississippi Army Ammunition Plant, Mississippi	$9,900,000
	Naval Station, Pearl Harbor, Hawaii	$7,400,000
	Naval Amphibious Base, Coronado, California	$7,400,000
	Total	$407,890,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installation and location outside the United States, and in the amount, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Logistics Agency	Defense Fuel Support Point, Guam	$16,000,000
	Total	$16,000,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,900,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,743,670,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $407,890,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $16,000,000.

(3) For military construction projects at Anniston Army Depot, Alabama, ammunition demilitarization facility, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of the Public Law 102-484; 106 Stat. 2587), which was originally authorized as an Army construction project, but which became a Defense Agencies

construction project by reason of the amendments made by section 142 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2689), $9,900,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408(2) of this Act, $57,427,000.

(6) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 535), $14,200,000.

(7) For military construction projects at Naval Hospital, Portsmouth, Virginia, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $17,000,000.

(8) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $4,000,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $26,075,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $48,850,000.

(11) For energy conservation projects authorized by section 2404, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000 of which not more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (13) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $1,200,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States.

SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO FISCAL YEAR 1997 PROJECT AT NAVAL STATION, PEARL HARBOR, HAWAII.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended in the item relating to Special Operations Command, Naval Station, Ford Island, Pearl Harbor, Hawaii, in the installation or location column by striking out "Naval Station, Ford Island, Pearl Harbor, Hawaii" and inserting in lieu thereof "Naval Station, Pearl Harbor, Hawaii".

SEC. 2407. CORRECTION IN AUTHORIZED USES OF FUNDS, MCCLELLAN AIR FORCE BASE, CALIFORNIA.

(a) AUTHORITY TO USE PRIOR YEAR FUNDS.—The Secretary of Defense may carry out the military construction projects referred to in subsection (b), in the amounts specified in that subsection, using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3042) for a military construction project involving the upgrade of the hospital facility at McClellan Air Force Base, California, as authorized by section 2401 of such Act (108 Stat. 3040).

(b) COVERED PROJECTS.—Funds available under subsection (a) may be used for military construction projects as follows:

(1) Construction of an addition to the Aeromedical Clinic at Anderson Air Base, Guam, $3,700,000.

(2) Construction of an occupational health clinic facility at Tinker Air Force Base, Oklahoma, $6,500,000.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$115,000,000" in the amount column and inserting in lieu thereof "$134,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof "$187,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $152,600,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authorization of military construction projects for which funds have been appropriated.
Sec. 2603. Army Reserve construction project, Camp Williams, Utah.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $113,750,000; and

(B) for the Army Reserve, $66,267,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $47,329,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $190,444,000; and

(B) for the Air Force Reserve, $30,243,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a)(1)(B) is reduced by $7,900,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2602. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) ARMY NATIONAL GUARD, HILO, HAWAII.—Paragraph (1)(A) of section 2601 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2780) is amended by striking out "$59,194,000" and inserting in lieu thereof "$65,094,000" to account for a project involving additions and alterations to an Army aviation support facility in Hilo, Hawaii.

(b) NAVAL AND MARINE CORPS RESERVE, NEW ORLEANS.—Paragraph (2) of such section is amended by striking out "$32,779,000" and inserting in lieu thereof "$37,579,000" to account for a project for the construction of a bachelor enlisted quarters at Naval Air Station, New Orleans, Louisiana.

SEC. 2603. ARMY RESERVE CONSTRUCTION PROJECT, CAMP WILLIAMS, UTAH.

With regard to the military construction project for the Army Reserve concerning construction of a reserve center and organizational maintenance shop at Camp Williams, Utah, to be carried out using funds appropriated pursuant to the authorization of appropriations in section 2601(a)(1)(B), the Secretary of the Army shall enter into an agreement with the State of Utah under which the State agrees to provide financial or in-kind contributions toward land acquisition, site preparation, and relocation costs in connection with the project.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1994 projects.
Sec. 2704. Extension of authorizations of certain fiscal year 1993 projects.
Sec. 2705. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2706. Extension of availability of funds for construction of relocatable over-the-horizon radar, Naval Station Roosevelt Roads, Puerto Rico.

Sec. 2707. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of such Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant	$4,000,000
	Indian Head Naval Surface Warfare Center	Denitrification/Acid Mixing Facility	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters	$6,480,000
Washington	Naval Station, Everett	New Construction (Housing Office)	$780,000
CONUS Classified	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units)	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility	$2,450,000
	Pope Air Force Base	Fire Training Facility	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility	$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building	$5,100,000
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility	$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop	$3,910,000
	Camp Roberts	Combat Pistol Range	$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160, 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2201 or 2601 of such Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility	$1,450,000

Army National Guard: Extension of 1994 Project Authorization

State	Installation or Location	Project	Amount
New Mexico	White Sands Missile Range	MATES	$3,570,000

SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), the authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of such Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000

Army National Guard: Extension of 1993 Project Authorization

State	Installation or Location	Project	Amount
Alabama	Union Springs	Armory	$813,000

SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of such Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities	$7,500,000

SEC. 2706. EXTENSION OF AVAILABILITY OF FUNDS FOR CONSTRUCTION OF RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

Amounts appropriated under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2615), and transferred to the "Military Construction, Navy" appropriation for construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall remain available for that purpose until the later of—

(1) October 1, 1998; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

SEC. 2707. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Use of mobility enhancement funds for unspecified minor construction.
Sec. 2802. Limitation on use of operation and maintenance funds for facility repair projects.
Sec. 2803. Leasing of military family housing, United States Southern Command, Miami, Florida.

Sec. 2804. Use of financial incentives provided as part of energy savings and water conservation activities.
Sec. 2805. Congressional notification requirements regarding use of Department of Defense housing funds for investments in nongovernmental entities.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in ceiling for minor land acquisition projects.
Sec. 2812. Permanent authority regarding conveyance of utility systems.
Sec. 2813. Administrative expenses for certain real property transactions.
Sec. 2814. Screening of real property to be conveyed by Department of Defense.
Sec. 2815. Disposition of proceeds from sale of Air Force Plant 78, Brigham City, Utah.
Sec. 2816. Fire protection and hazardous materials protection at Fort Meade, Maryland.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Consideration of military installations as sites for new Federal facilities.
Sec. 2822. Adjustment and diversification assistance to enhance performance of military family support services by private sector sources.
Sec. 2823. Security, fire protection, and other services at property formerly associated with Red River Army Depot, Texas.
Sec. 2824. Report on closure and realignment of military installations.
Sec. 2825. Sense of Senate regarding utilization of savings derived from base closure process.
Sec. 2826. Prohibition against certain conveyances of property at Naval Station, Long Beach, California.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. [S2820. Land conveyance, Army Reserve Center, Greensboro, Alabama.
Sec. 2832. [H2831. Land conveyance, James T. Coker Army Reserve Center, Durant, Oklahoma.
Sec. 2833. Land conveyance, Gibson Army Reserve Center, Chicago, Illinois.
Sec. 2834. Land conveyance, Fort A. P. Hill, Virginia.
Sec. 2835. Land conveyances, Fort Dix, New Jersey.
Sec. 2836. Land conveyances, Fort Bragg, North Carolina.
Sec. 2837. Land conveyance, Hawthorne Army Ammunition Depot, Mineral County, Nevada.
Sec. 2838. Expansion of land conveyance authority, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2839. Modification of land conveyance, Lompoc, California.
Sec. 2840. Modification of land conveyance, Rocky Mountain Arsenal, Colorado.
Sec. 2841. Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina.

PART II—NAVY CONVEYANCES

Sec. 2851. Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine.
Sec. 2852. Land conveyance, Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.
Sec. 2853. Correction of lease authority, Naval Air Station, Meridian, Mississippi.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. [H2861. Land transfer, Eglin Air Force Base, Florida.
Sec. 2862. [H2863. Land conveyance, March Air Force Base, California.
Sec. 2863. [H2864/S2818. Land conveyance, Ellsworth Air Force Base, South Dakota.
Sec. 2864. Land conveyance, Hancock Field, Syracuse, New York.
Sec. 2865. Land conveyance, Havre Air Force Station, Montana, and Havre Training Site, Montana.
Sec. 2866. Land conveyance, Charleston Family Housing Complex, Bangor, Maine.
Sec. 2867. Study of land exchange options, Shaw Air Force Base, South Carolina.

Subtitle E—Other Matters

Sec. 2871. Repeal of requirement to operate Naval Academy dairy farm.
Sec. 2872. Long-term lease of property, Naples, Italy.
Sec. 2873. [H2883. Designation of military family housing at Lackland Air Force Base, Texas, in honor of Frank Tejeda, a former Member of the House of Representatives.
Sec. 2874. Fiber-optics based telecommunications linkage of military installations.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. USE OF MOBILITY ENHANCEMENT FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION.

(a) CONGRESSIONAL NOTIFICATION.—Subsection (b)(1) of section 2805 of title 10, United States Code, is amended by adding at the end the following new sentence: "This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.".

(b) RESTRICTION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) The limitations specified in paragraph (1) shall not apply to an unspecified minor military construction project if the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.".

(c) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(1)—

(A) by striking out "minor military construction projects" in the first sentence and inserting in lieu thereof "unspecified minor military construction projects";

(B) by striking out "A minor" in the second sentence and inserting in lieu thereof "An unspecified minor"; and

(C) by striking out "a minor" in the last sentence and inserting in lieu thereof "an unspecified minor";

(2) in subsection (b)(1), by striking out "A minor" and inserting in lieu thereof "An unspecified minor";

(3) in subsection (b)(2), by striking out "a minor" and inserting in lieu thereof "an unspecified minor"; and

(4) in subsection (c), by striking out "unspecified military" each place it appears and inserting in lieu thereof "unspecified minor military".

SEC. 2802. LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR FACILITY REPAIR PROJECTS.

Section 2811 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(d) CONGRESSIONAL NOTIFICATION.—When a decision is made to carry out a repair project under this section with an estimated cost in excess of $10,000,000, the Secretary concerned shall submit to the appropriate committees of Congress a report containing—

"(1) the justification for the repair project and the current estimate of the cost of the project; and

"(2) the justification for carrying out the project under this section.

"(e) REPAIR PROJECT DEFINED.—In this section, the term 'repair project' means a project to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose.".

SEC. 2803. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.

(a) LEASES TO EXCEED MAXIMUM RENTAL.—Section 2828(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) and (4)";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) The Secretary of the Army may lease not more than eight housing units in the vicinity of Miami, Florida, for key and essential personnel, as designated by the Secretary, for the United States Southern Command for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation, including security enhancements) exceeds the expenditure limitations in paragraphs (2) and (3). The total amount for all leases under this paragraph may not exceed $280,000 per year, and no lease on any individual housing unit may exceed $60,000 per year.".

(b) CONFORMING AMENDMENT.—Paragraph (5) of such section, as redesignated by subsection (a)(2), is amended by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraphs (2), (3), and (4)".

SEC. 2804. USE OF FINANCIAL INCENTIVES PROVIDED AS PART OF ENERGY SAVINGS AND WATER CONSERVATION ACTIVITIES.

(a) ENERGY SAVINGS.—Section 2865 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking out "and financial incentives described in subsection (d)(2)";

(B) in paragraph (2), by striking out "section 2866(b)" both places it appears and inserting in lieu thereof "section 2866(a)(3)"; and

(C) by adding at the end the following new paragraph:

"(3) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for management of water demand or water conservation under section 2866(a)(2) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged."; and

(2) in subsection (f), by adding at the end the following new sentence: "The Secretary shall also include in each report the types and amount of financial incentives received under subsection (d)(2) and section 2866(a)(2) of this

title during the period covered by the report and the appropriation account or accounts to which the incentives were credited.''.

(b) Water Conservation.—Section 2866(b) of such title is amended to read as follows:

''(b) Use of Financial Incentives and Water Cost Savings.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in section 2865(b)(3) of this title.

''(2) Water cost savings realized under subsection (a)(3) shall be used as provided in section 2865(b)(2) of this title.''.

SEC. 2805. CONGRESSIONAL NOTIFICATION REQUIREMENTS REGARDING USE OF DEPARTMENT OF DEFENSE HOUSING FUNDS FOR INVESTMENTS IN NONGOVERNMENTAL ENTITIES.

Section 2875 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Congressional Notification Required.—Amounts in the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund may be used to make a cash investment under this section in a nongovernmental entity only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the investment to the appropriate committees of Congress.''.

Subtitle B—Real Property And Facilities Administration

SEC. 2811. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) Increase.—Section 2672 of title 10, United States Code, is amended by striking out ''$200,000'' both places it appears in subsection (a) and inserting in lieu thereof ''$500,000''.

(b) Clerical Amendments.—(1) The section heading for such section is amended to read as follows:

''§2672. Acquisition: interests in land when cost is not more than $500,000''.

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2672 and inserting in lieu thereof the following new item:

''2672. Acquisition: interests in land when cost is not more than $500,000.''.

SEC. 2812. PERMANENT AUTHORITY REGARDING CONVEYANCE OF UTILITY SYSTEMS.

(a) In General.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

''§2688. Utility systems: conveyance authority

''(a) Conveyance Authority.—The Secretary of a military department may convey a utility system, or part of a utility system, under the jurisdiction of the Secretary to a municipal, private, regional, district, or cooperative utility company or other entity. The conveyance may consist of all right, title, and interest of the United States in the utility system or such lesser estate as the Secretary considers appropriate to serve the interests of the United States.

''(b) Selection of Conveyee.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under such subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

''(c) Consideration.—(1) The Secretary concerned shall require as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest of the United States conveyed. The consideration may take the form of—

''(A) a lump sum payment; or

''(B) a reduction in charges for utility services provided by the utility or entity concerned to the military installation at which the utility system is located.

''(2) If the utility services proposed to be provided as consideration under paragraph (1) are subject to regulation by a Federal or State agency, any reduction in the rate charged for the utility services shall be subject to establishment or approval by that agency.

''(d) Treatment of Payments.—(1) A lump sum payment received under subsection (c) shall be credited, at the election of the Secretary concerned—

''(A) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

''(B) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

''(C) to an appropriation of the military department available for improvements to other utility systems.

''(2) Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

''(e) Notice-and-Wait Requirement.—The Secretary concerned may not make a conveyance under subsection (a) until—

''(1) the Secretary submits to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) demonstrating that—

''(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

''(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

''(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

''(f) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

''(g) Utility System Defined.—(1) In this section, the term 'utility system' means any of the following:

''(A) A system for the generation and supply of electric power.

''(B) A system for the treatment or supply of water.

''(C) A system for the collection or treatment of wastewater.

''(D) A system for the generation or supply of steam, hot water, and chilled water.

''(E) A system for the supply of natural gas.

''(F) A system for the transmission of telecommunications.

''(2) The term 'utility system' includes the following:

''(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

''(B) Easements and rights-of-ways associated with a system referred to in that paragraph.

''(h) Limitation.—This section shall not apply to projects constructed or operated by the Army Corps of Engineers under its civil works authorities.''.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

''2688. Utility systems: conveyance authority.''.

SEC. 2813. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) Acceptance Authorized.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions

''(a) Authority To Accept.—In connection with a real property transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may accept amounts provided by the person or entity to cover administrative expenses incurred by the Secretary in entering into the transaction.

''(b) Covered Transactions.—Subsection (a) applies to the following transactions:

''(1) The exchange of real property.

''(2) The grant of an easement over, in, or upon real property of the United States.

''(3) The lease or license of real property of the United States.

''(c) Use of Amounts Collected.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.''.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 159 of such title is amended by adding at the end the following new item:

''2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions.''.

SEC. 2814. SCREENING OF REAL PROPERTY TO BE CONVEYED BY DEPARTMENT OF DEFENSE.

(a) Requirement.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2695, as added by section 2813, the following new section:

''§2696. Screening of real property for further Federal use before conveyance

''(a) Screening Requirement.—The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services has screened the property for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

''(b) Time for Screening.—(1) Before the end of the 30-day period beginning on the date of the enactment of a provision of law authorizing or requiring the conveyance of a parcel of real property by the Secretary concerned, the Administrator of General Services shall complete the screening required by paragraph (1) with regard to the real property and notify the Secretary concerned of the results of the screening. The notice shall include—

''(A) the name of the Federal agency requesting transfer of the property;

''(B) the proposed use to be made of the property by the Federal agency; and

''(C) the fair market value of the property, including any improvements thereon, as estimated by the Administrator.

''(2) If the Administrator fails to complete the screening and notify the Secretary concerned within such period, the Secretary concerned shall proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance.

''(c) Notice of Further Federal Use.—If the Administrator of General Services notifies the Secretary concerned under subsection (b) that further Federal use of a parcel of real property authorized or required to be conveyed by any provision of law is requested by a Federal agency, the Secretary concerned shall submit a copy of the notice to Congress.

"(d) CONGRESSIONAL DISAPPROVAL.—If the Secretary concerned submits a notice under subsection (c) with regard to a parcel of real property, the Secretary concerned may not proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance if Congress enacts a law rescinding the conveyance authority or requirement before the end of the 180-day period beginning on the date on which the Secretary concerned submits the notice.

"(e) EXCEPTED CONVEYANCE AUTHORITIES.—The screening requirements of this section shall not apply to real property authorized or required to be conveyed under any of the following provisions of law:

"(1) Section 2687 of this title.

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(6) Any specific provision of law authorizing or requiring the transfer of administrative jurisdiction over a parcel of real property between Federal agencies.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2695, as added by section 2813, the following new item:

"2696. Screening of real property for further Federal use before conveyance.".

(b) APPLICABILITY.—Section 2696 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1997.

SEC. 2815. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.

Notwithstanding section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the special account in the Treasury (established under section 204(h)(2) of such Act) as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall be available, to the extent provided in appropriations Acts, to the Secretary of the Air Force for facility maintenance, facility repair, and environmental restoration at other industrial plants of the Air Force.

SEC. 2816. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers regarding Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONSIDERATION OF MILITARY INSTALLATIONS AS SITES FOR NEW FEDERAL FACILITIES.

(a) 1988 LAW.—Section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this title as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

"(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

"(iii) This subparagraph shall apply during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 and ending on July 31, 2001.".

(b) 1990 LAW.—Section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this part as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

"(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

"(iii) This subparagraph shall apply during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 and ending on July 31, 2001.".

SEC. 2822. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in enhancing the capabilities of the government to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the Department to provide such services is adversely affected by an action described in paragraph (1).".

SEC. 2823. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(b) REIMBURSEMENT.—The agreement under subsection (a) shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(c) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under subsection (b) as reimbursement for services provided under the agreement entered into under subsection (a) shall be credited to the appropriations providing funds for the services. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

SEC. 2824. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) REPORT.—(1) The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs and savings attributable to the rounds of base closures and realignments conducted under the base closure laws and on the need, if any, for additional rounds of base closures and realignments.

(2) For purposes of this section, the term "base closure laws" means—

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (to the extent available for prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure laws.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the estimates of costs and savings submitted to the Defense Base Closure and Realignment Commission as part of the base closure process.

(3) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(4) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(5) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the military installations of the Armed Forces with respect to all military installations of the Armed Forces;

(B) as a percentage of the total capacity of the military installations of each Armed Force with respect to the military installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of military installations with respect to military installations of such type.

(6) An assessment of the effect of the previous base closure rounds on military capabilities and the ability of the Armed Forces to fulfill the National Military Strategy.

(7) A description of the types of military installations that would be recommended for closure or realignment in the event of one or more additional base closure rounds, set forth by Armed Force.

(8) The criteria to be used by the Secretary in evaluating military installations for closure or realignment in such event.

(9) The methodologies to be used by the Secretary in identifying military installations for closure or realignment in such event.

(10) An estimate of the costs and savings that the Secretary believes will be achieved as a result of the closure or realignment of military installations in such event, set forth by Armed Force and by year.

(11) An assessment of whether the costs and estimated savings from one or more future rounds of base closures and realignments, currently unauthorized, are already contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs and savings.

(c) METHOD OF PRESENTING INFORMATION.—The statement and comparison required by paragraphs (1) and (2) of subsection (b) shall be set forth by Armed Force, type of facility, and fiscal year, and include the following:

(1) Operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at military installations to which functions are transferred as a result of the closure or realignment of other installations.

(2) Military construction costs, including costs associated with rehabilitating, expanding, and constructing facilities to receive personnel and equipment that are transferred to military installations as a result of the closure or realignment of other installations.

(3) Environmental cleanup costs, including costs associated with assessments and restoration.

(4) Economic assistance costs, including—

(A) expenditures on Department of Defense demonstration projects relating to economic assistance;

(B) expenditures by the Office of Economic Adjustment; and

(C) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance.

(5) To the extent information is available, unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program.

(6) Costs associated with military health care.

(7) Savings attributable to changes in military force structure.

(8) Savings due to lower support costs with respect to military installations that are closed or realigned.

(d) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(e) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(f) PROHIBITION ON USE OF FUNDS.—Except as necessary to prepare the report required subsection (a), no funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for the purposes of planning for, or collecting data in anticipation of, an authorization providing for procedures under which the closure and realignment of military installations may be accomplished, until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); and

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (e).

(g) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

SEC. 2825. SENSE OF SENATE REGARDING UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since 1988, the Department of Defense has conducted four rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumed a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to the modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to the modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section 2824 should be made available to the Department of Defense solely for purposes of the modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

SEC. 2826. PROHIBITION AGAINST CERTAIN CONVEYANCES OF PROPERTY AT NAVAL STATION, LONG BEACH, CALIFORNIA.

(a) PROHIBITION AGAINST DIRECT CONVEYANCE.—In disposing of real property in connection with the closure of Naval Station, Long Beach, California, under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of the Navy may not convey any portion of the property (by sale, lease, or other method) to the China Ocean Shipping Company or any legal successor or subsidiary of that Company (in this section referred to as "COSCO").

(b) PROHIBITION AGAINST INDIRECT CONVEYANCE.—The Secretary of the Navy shall impose as a condition on each conveyance of real property located at Naval Station, Long Beach, California, the requirement that the property may not be subsequently conveyed (by sale, lease, or other method) to COSCO.

(c) REVERSIONARY INTEREST.—If the Secretary of the Navy determines at any time that real property located at Naval Station, Long Beach, California, and conveyed under the Defense Base Closure and Realignment Act of 1990 has been conveyed to COSCO in violation of subsection (b) or is otherwise being used by COSCO in violation of such subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have immediate right of entry thereon.

(d) NATIONAL SECURITY REPORT AND DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Federal Bureau of Investigation shall separately submit to the President and the congressional defense committees a report regarding the potential national security implications of conveying property described in subsection (a) to COSCO. Each report shall specifically identify any increased risk of espionage, arms smuggling, or other illegal activities that could result from a conveyance to COSCO and recommend appropriate action to address any such risk.

(e) WAIVER AUTHORITY.—(1) The President may waive the prohibitions contained in this section with respect to a conveyance of property described in subsection (a) to COSCO if the President determines that—

(A) appropriate action has been taken to address any increased national security risk identified in the reports required by subsection (d); and

(B) the conveyance would not adversely affect national security or significantly increase the counter-intelligence burden on the intelligence community.

(2) Any waiver under paragraph (1) shall take effect 30 days after the date on which the President notifies the Speaker of the House of Representatives and the President of the Senate of

the President's determination to use the waiver authority provided under this subsection.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, JAMES T. COKER ARMY RESERVE CENTER, DURANT, OKLAHOMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Big Five Community Services, Incorporated, a nonprofit organization operating in Durant, Oklahoma, all right, title, and interest of the United States in and to a parcel of real property located at 1500 North First Street in Durant, Oklahoma, and containing the James T. Coker Army Reserve Center, if the Secretary determines that the Reserve Center is excess to the needs of the Armed Forces.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that Big Five Community Services, Incorporated, retain the conveyed property for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by Big Five Community Services, Incorporated.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, GIBSON ARMY RESERVE CENTER, CHICAGO, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Lawndale Business and Local Development Corporation (in this section referred to as the "Corporation"), a nonprofit organization organized in the State of Illinois, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 4454 West Cermak Road in Chicago, Illinois, and contains the Gibson Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Corporation—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for economic redevelopment purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for economic redevelopment purposes, as required by subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, FORT A. P. HILL, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Caroline County, Virginia (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 10 acres located at Fort A. P. Hill, Virginia. The purpose of the conveyance is to permit the County to establish a solid waste transfer and recycling facility on the property.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall permit the Army, at no cost to the Army, to dispose of not less than 1,800 tons of solid waste annually at the facility established on the conveyed property. The obligation of the County to accept solid waste under this subsection shall not commerce until after the solid waste transfer and recycling facility on the conveyed property becomes operational, and the establishment of a solid waste collection and transfer site on the .36-acre parcel described in subsection (d)(2) shall not be construed to impose the obligation.

(c) DISCLAIMER.—The United States shall not be responsible for the provision or cost of utilities or any other improvements necessary to carry out the conveyance under subsection (a) or to establish or operate the solid waste transfer and recycling facility intended for the property.

(d) REVERSION.—(1) Except as provided in paragraph (2), if the Secretary determines that a solid waste transfer and recycling facility is not operational, before December 31, 1999, on the real property conveyed under subsection (a), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Paragraph (1) shall not apply with respect to a parcel of approximately .36 acres of the approximately 10-acre parcel to be conveyed under subsection (a), which is included in the larger conveyance to permit the County to establish a solid waste collection and transfer site for residential waste.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCES, FORT DIX, NEW JERSEY.

(a) CONVEYANCES AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the Borough of Wrightstown, New Jersey (in this section referred to as the "Borough"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 39.69 acres located at Fort Dix, New Jersey, for the purpose of permitting the Borough to develop the parcel for economic purposes.

(2) The Secretary may convey, without consideration, to the New Hanover Board of Education (in this section referred to as the "Board"), all right, title, and interest of the United States in and to an additional parcel of real property (including improvements thereon) at Fort Dix consisting of approximately five acres for the purpose of permitting the Board to develop the parcel for educational purposes.

(b) CONDITIONS OF CONVEYANCE.—(1) The conveyance under subsection (a)(1) shall be subject to the condition that the Borough—

(A) use the conveyed property, directly or through an agreement with a public or private entity, for economic development purposes; or

(B) convey the property to an appropriate public or private entity for use for such purposes.

(2) The conveyance under subsection (a)(2) shall be subject to the condition that Board develop and use the conveyed property for educational purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the real property conveyed under subsection (a)(1) is not being used for economic development purposes, as required by subsection (b)(1), all right, title, and interest in and to the property conveyed under subsection (a)(1), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) If the Secretary determines at any time that the real property conveyed under subsection (a)(2) is not being used for educational purposes, as required by subsection (b)(2), all right, title, and interest in and to the property conveyed under subsection (a)(2), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey in connection with the conveyance under subsection (a)(1) shall be borne by the Borough, and the cost of the survey in connection with the conveyance under subsection (a)(2) shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCES, FORT BRAGG, NORTH CAROLINA.

(a) CONVEYANCES AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the Town of Spring Lake, North Carolina (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 50 acres located at Fort Bragg, North Carolina.

(2) The Secretary may convey, without consideration, to Harnett County, North Carolina (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon), known as Tract No. 404-2, consisting of approximately 157 acres located at Fort Bragg.

(3) The Secretary may convey, at fair market value, to the County all right, title, and interest

of the United States in and to a parcel of real property (including improvements thereon), known as Tract No. 404–1, consisting of approximately 137 acres located at Fort Bragg.

(b) Conditions of Conveyance.—(1) The conveyance under subsection (a)(1) shall be subject to the condition that the Town use the conveyed property for access to a waste treatment facility and for economic development purposes.

(2) The conveyance under subsection (a)(2) shall be subject to the condition that County develop and use the conveyed property for educational purposes.

(c) Reversion.—(1) If the Secretary determines at any time that the real property conveyed under subsection (a)(1) is not being used in accordance with subsection (b)(1), all right, title, and interest in and to the property conveyed under subsection (a)(1), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) If the Secretary determines at any time that the real property conveyed under subsection (a)(2) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under subsection (a)(2), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey in connection with the conveyance under subsection (a)(1) shall be borne by the Town, and the cost of the survey in connection with the conveyances under paragraphs (2) and (3) of subsection (a) shall be borne by the County.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area, for the purpose of permitting the County to develop the parcel for economic purposes.

(b) Conditions of Conveyance.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. EXPANSION OF LAND CONVEYANCE AUTHORITY, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) Additional Conveyance.—Subsection (a) of section 2858 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 571) is amended—

(1) by inserting "(1)" before "The Secretary of the Army"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may also convey to the State, without consideration, an additional parcel of real property at the Indiana Army Ammunition Plant consisting of approximately 500 acres located along the Ohio River.".

(b) Conforming Amendments.—Such section is further amended by striking out "conveyance" both places it appears in subsections (b) and (d) and inserting in lieu thereof "conveyances".

SEC. 2839. MODIFICATION OF LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(a) Change in Authorized Uses of Land.—Section 834(b)(1) of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1526), is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following new subparagraphs:

"(A) for educational and recreational purposes;

"(B) for open space; or".

(b) Conforming Deed Changes.—With respect to the land conveyance made pursuant to section 834 of the Military Construction Authorization Act, 1985, the Secretary of the Army shall execute and file in the appropriate office or offices an amended deed or other appropriate instrument effectuating the changes to the authorized uses of the conveyed property resulting from the amendment made by subsection (a).

SEC. 2840. MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of Public Law 102–402 (106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "The Administrator shall convey the transferred property to Commerce City, Colorado, for consideration in an amount equal to the fair market value of the property (as determined jointly by the Administrator and the City).".

SEC. 2841. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) Correction of Conveyee.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) Conforming Amendments.—Subsections (b) and (c) of such section are each amended by striking out "the County" and inserting in lieu thereof "the Board".

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) Conveyance Authorized.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) Condition of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the District use the conveyed property for educational purposes.

(c) Reversion.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) Interim Lease.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.

(a) Conveyance Authorized.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

(2)(A) As part of the conveyance authorized in paragraph (1), the Secretary may convey to the County such improvements, equipment, fixtures, and other personal property (including special tooling equipment and special test equipment) located on the parcels as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the County to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels for purposes of the conveyance authorized by this paragraph.

(b) Condition of Conveyance.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic redevelopment purposes or such other public purposes as the County determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(c) Reversion.—If, during the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), the Secretary determines that the conveyed real

property is not being used for a purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) Interim Lease.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. CORRECTION OF LEASE AUTHORITY, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

(a) Correction of Lessee.—Subsection (a) of section 2837 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2798) is amended—

(1) by striking out "State of Mississippi (in this section referred to as the 'State')" and inserting in lieu thereof "County of Lauderdale, Mississippi (in this section referred to as the 'County')"; and

(2) by striking out "The State" and inserting in lieu thereof "The County".

(b) Conforming Amendments.—Subsections (b) and (c) of such section are amended by striking out "State" each place it appears and inserting in lieu thereof "County".

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND TRANSFER, EGLIN AIR FORCE BASE, FLORIDA.

(a) Transfer.—The real property withdrawn by Executive Order 4525, dated October 1, 1826, which consists of approximately 440 acres of land at Cape San Blas, Gulf County, Florida, and any improvements thereon, is transferred from the administrative jurisdiction of the Secretary of Transportation to the administrative jurisdiction of the Secretary of the Air Force, without reimbursement. Executive Order 4525 is revoked, and the transferred real property shall be administered by the Secretary of the Air Force pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and such other laws as may be applicable to Federal real property.

(b) Use of Property.—The real property transferred under subsection (a) may be used in conjunction with operations at Eglin Air Force Base, Florida.

(c) Legal Description.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force. The cost of the survey shall be borne by the Secretary of the Air Force.

SEC. 2862. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA.

(a) Conveyance Authorized.—(1) The Secretary of the Air Force may convey to Air Force Village West, Incorporated (in this section referred to as the "Corporation"), of Riverside, California, all right, title, and interest of the United States in and to a parcel of real property located at March Air Force Base, California, and consisting of approximately 75 acres, as more fully described in subsection (c).

(2) If the Secretary does not make the conveyance authorized by paragraph (1) to the Corporation on or before January 1, 2006, the Secretary shall convey the real property instead to the March Joint Powers Authority, the redevelopment authority established for March Air Force Base.

(b) Consideration.—As consideration for the conveyance under subsection (a)(1), the Corporation shall pay to the United States an amount equal to the fair market value of the real property, as determined by the Secretary.

(c) Land Description.—The real property to be conveyed under subsection (a) is contiguous to land conveyed to the Corporation pursuant to section 835 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1527), and lies within sections 27, 28, 33, and 34 of Township 3 South, Range 4 West, San Bernardino Base and Meridian, County of Riverside, California. The exact acreage and legal description of the real property shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the party receiving the property.

(d) Technical Corrections Regarding Previous Conveyance.—Section 835 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1527), is amended—

(1) in subsection (b), by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)"; and

(2) in subsection (c), by striking out "Clark Street," and all that follows through the period and inserting in lieu thereof "Village West Drive, on the west by Allen Avenue, on the south by 8th Street, and the north is an extension of 11th Street between Allen Avenue and Clark Street.".

SEC. 2863. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) Covered Property.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) Conditions of Conveyance.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in subsection (b)(1)(A), together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) Reversion.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being used in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property (including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) Legal Description.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) Conveyance Authorized.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If, at the time of the conveyance authorized by paragraph (1), the property to be conveyed is under the jurisdiction of the Administrator of General Services rather than the Secretary, the Administrator shall make the conveyance.

(b) Condition of Conveyance.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) Reversion.—If the Secretary (or the Administrator in the event the conveyance is made by the Administrator) determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary (or the Administrator in the event the conveyance is made by the Administrator). The cost of the survey shall be borne by the County.

(e) Additional Terms and Conditions.—The Secretary (or the Administrator in the event the conveyance is made by the Administrator) may require such additional terms and conditions in

connection with the conveyance under subsection (a) as the Secretary or the Administrator, as the case may be, considers appropriate to protect the interests of the United States.

SEC. 2865. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the portion of the property conveyed under subsection (a) which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest in and to such property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2866. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2867. STUDY OF LAND EXCHANGE OPTIONS, SHAW AIR FORCE BASE, SOUTH CAROLINA.

Section 2874 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 583) is amended by adding at the end the following new subsection:

"(g) STUDY OF EXCHANGE OPTIONS.—To facilitate the use of a land exchange to acquire the real property described in subsection (a), the Secretary shall conduct a study to identify real property in the possession of the Air Force (located in the State of South Carolina or elsewhere) that satisfies the requirements of subsection (b)(2), is acceptable to the party holding the property to be acquired, and is otherwise suitable for exchange under this section. Not later than three months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary shall submit to Congress a report containing the results of the study.".

Subtitle E—Other Matters

SEC. 2871. REPEAL OF REQUIREMENT TO OPERATE NAVAL ACADEMY DAIRY FARM.

(a) OPERATION.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§6976. Operation of Naval Academy dairy farm

"(a) DISCRETION REGARDING CONTINUED OPERATION.—(1) Subject to paragraph (2), the Secretary of the Navy may terminate or reduce the dairy or other operations conducted at the Naval Academy dairy farm located in Gambrills, Maryland.

"(2) Notwithstanding the termination or reduction of operations at the Naval Academy dairy farm under paragraph (1), the real property containing the dairy farm (consisting of approximately 875 acres)—

"(A) may not be declared to be excess real property to the needs of the Navy or transferred or otherwise disposed of by the Navy or any Federal agency; and

"(B) shall be maintained in its rural and agricultural nature.

"(b) LEASE AUTHORITY.—(1) Subject to paragraph (2), to the extent that the termination or reduction of operations at the Naval Academy dairy farm permit, the Secretary of the Navy may lease the real property containing the dairy farm, and any improvements and personal property thereon, to such persons and under such terms as the Secretary considers appropriate. In leasing any of the property, the Secretary may give a preference to persons who will continue dairy operations on the property.

"(2) Any lease of property at the Naval Academy dairy farm shall be subject to a condition that the lessee maintain the rural and agricultural nature of the leased property.

"(c) EFFECT OF OTHER LAWS.—Nothing in section 6971 of this title shall be construed to require the Secretary of the Navy or the Superintendent of the Naval Academy to operate a dairy farm for the Naval Academy in Gambrills, Maryland, or any other location.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6976. Operation of Naval Academy dairy farm.".

(b) CONFORMING REPEAL OF EXISTING REQUIREMENTS.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309), is repealed.

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting "(if any)" before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting "(if any)" after "Academy dairy".

SEC. 2872. LONG-TERM LEASE OF PROPERTY, NAPLES ITALY.

(a) AUTHORITY.—Subject to subsection (d), the Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The authority of the Secretary to enter into a lease under subsection (a) is available only to the extent or in the amount provided in advance in appropriations Acts.

SEC. 2873. DESIGNATION OF MILITARY FAMILY HOUSING AT LACKLAND AIR FORCE BASE, TEXAS, IN HONOR OF FRANK TEJEDA, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The military family housing developments to be constructed at two locations on Government property at Lackland Air Force Base, Texas, under the authority of subchapter IV of chapter 169 of title 10, United States Code, shall be designated by the Secretary of the Air Force, at an appropriate time, as follows:

(1) The eastern development shall be designated as "Frank Tejeda Estates East".

(2) The western development shall be designated as ''Frank Tejeda Estates West''.

SEC. 2874. FIBER-OPTICS BASED TELECOMMUNICATIONS LINKAGE OF MILITARY INSTALLATIONS.

(a) Installation Required.—In at least one metropolitan area of the United States containing multiple military installations of one or more military departments or Defense Agencies, the Secretary of Defense shall provide for the installation of fiber-optics based telecommunications technology to link as many of the installations in the area as practicable in a telecommunications network. The Secretary shall use a full and open competitive process, consistent with section 2304 of title 10, United States Code, to provide for the installation of the telecommunications network through one or more new contracts.

(b) Features of Network.—The telecommunications network shall provide direct access to local and long distance telephone carriers, allow for transmission of both classified and unclassified information, and take advantage of the various capabilities of fiber-optics based telecommunications technology.

(c) Time for Request for Bids or Proposals.—Not later than March 30, 1998, the Secretary of Defense shall release a final request for bids or proposals to provide the telecommunications network or networks described in subsection (a).

(d) Report on Implementation.—Not later than December 31, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsection (c), including the metropolitan area or areas selected for the installation of a fiber-optics based telecommunications network, the current telecommunication costs for the Department of Defense in the selected area or areas, the estimated cost of the fiber-optics based network, and potential areas for the future use of fiber-optics based networks.

TITLE XXIX—SIKES ACT IMPROVEMENT

Sec. 2901. Short title.
Sec. 2902. Definition of Sikes Act for purposes of amendments.
Sec. 2903. Codification of short title of Act.
Sec. 2904. Preparation of integrated natural resources management plans.
Sec. 2905. Review for preparation of integrated natural resources management plans.
Sec. 2906. Transfer of wildlife conservation fees from closed military installations.
Sec. 2907. Annual reviews and reports.
Sec. 2908. Cooperative agreements.
Sec. 2909. Federal enforcement.
Sec. 2910. Natural resources management services.
Sec. 2911. Definitions.
Sec. 2912. Repeal of superseded provision.
Sec. 2913. Technical amendments.
Sec. 2914. Authorizations of appropriations.

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Sikes Act Improvement Act of 1997''.

SEC. 2902. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.

In this title, the term ''Sikes Act'' means the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to as the ''Sikes Act''.

SEC. 2903. CODIFICATION OF SHORT TITLE OF ACT.

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Sikes Act'.''.

SEC. 2904. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) In General.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking out subsection (a) and inserting in lieu thereof the following new subsection:

''(a) Authority of Secretary of Defense.—

''(1) Program.—

''(A) In general.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

''(B) Integrated natural resources management plan.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

''(2) Cooperative preparation.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

''(3) Purposes of program.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

''(A) the conservation and rehabilitation of natural resources on military installations;

''(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

''(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

''(4) Effect on other law.—Nothing in this title—

''(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

''(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

''(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.''.

(b) Conforming Amendments.—Title I of the Sikes Act is amended—

(1) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out ''cooperative plan'' each place it appears and inserting in lieu thereof ''integrated natural resources management plan'';

(2) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resources management plan'';

(3) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resources management plans'';

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking out ''Cooperative plans'' and inserting in lieu thereof ''Integrated natural resources management plans'';

(5) in section 102 (16 U.S.C. 670b), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resources management plan'';

(6) in section 103 (16 U.S.C. 670c), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resources management plan'';

(7) in section 106(a) (16 U.S.C. 670f(a)), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resources management plans''; and

(8) in section 106(c) (16 U.S.C. 670f(c)), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resources management plans''.

(c) Required Elements of Plans.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking out ''(b) Each cooperative'' and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

''(b) Required Elements of Plans.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

''(1) shall, to the extent appropriate and applicable, provide for—

''(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

''(B) fish and wildlife habitat enhancement or modifications;

''(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

''(D) integration of, and consistency among, the various activities conducted under the plan;

''(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

''(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

''(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

''(H) enforcement of applicable natural resource laws (including regulations);

''(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

''(J) such other activities as the Secretary of the military department determines appropriate;'';

(2) in paragraph (2), by adding ''and'' at the end;

(3) by striking out paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking out ''collect the fees therefor,'' and inserting in lieu thereof ''collect, spend, administer, and account for fees for the permits,''.

SEC. 2905. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) Definitions.—In this section, the terms ''military installation'' and ''United States'' have the meanings provided in section 100 of the Sikes Act (as added by section 2911).

(b) Review of Military Installations.—

(1) Review.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan

under section 101 of the Sikes Act (as amended by this title) is appropriate; and

(B) submit to the Secretary of Defense a report on the determinations.

(2) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than three years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act (as amended by this title); or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this title.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).

SEC. 2906. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 2904(c)(4)) is amended by inserting before the period at the end the following: ", unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes".

SEC. 2907. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

"(f) REVIEWS AND REPORTS.—

"(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

"(A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

"(C) an assessment of the extent to which the plans comply with this title.

"(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

"(3) DEFINITION OF COMMITTEES.—In this subsection, the term 'committees' means—

"(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

"(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.".

SEC. 2908 COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary of a military department";

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b) MULTIYEAR AGREEMENTS.—Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.".

SEC. 2909. FEDERAL ENFORCEMENT.

Title I of the Sikes Act is amended—

(1) by redesignating section 106 (16 U.S.C. 670f) as section 108; and

(2) by inserting after section 105 (16 U.S.C. 670e) the following new section:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.".

SEC. 2910. NATURAL RESOURCES MANAGEMENT SERVICES.

Title I of the Sikes Act is amended by inserting after section 106 (as added by section 2909) the following new section:

"SEC. 107. NATURAL RESOURCES MANAGEMENT SERVICES.

"To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resources management personnel and natural resources law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.".

SEC. 2911. DEFINITIONS.

Title I of the Sikes Act is amended by inserting before section 101 (16 U.S.C. 670a) the following new section:

"SEC. 100. DEFINITIONS.

"In this title:

"(1) MILITARY INSTALLATION.—The term 'military installation'—

"(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

"(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

"(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means the one or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

"(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.".

SEC. 2912. REPEAL OF SUPERSEDED PROVISION.

Section 2 of the Act of October 27, 1986 (Public Law 99–561; 16 U.S.C. 670a–1), is repealed.

SEC. 2913. TECHNICAL AMENDMENTS.

Title I of the Sikes Act, as amended by this title, is amended—

(1) in the heading for the title, by striking out "MILITARY RESERVATIONS" and inserting in lieu thereof "MILITARY INSTALLATIONS";

(2) in section 101(b)(3) (16 U.S.C. 670a(b)(3)), as redesignated by section 2904(c)(4)—

(A) in subparagraph (A), by striking out "the reservation" and inserting in lieu thereof "the installation"; and

(B) in subparagraph (B), by striking out "the military reservation" and inserting in lieu thereof "the military installation";

(3) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out "a military reservation" and inserting in lieu thereof "a military installation"; and

(B) in paragraph (2), by striking out "the reservation" and inserting in lieu thereof "the installation";

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking "the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)" and inserting "chapter 63 of title 31, United States Code";

(5) in section 102 (16 U.S.C. 670b), by striking out "military reservations" and inserting in lieu thereof "military installations"; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out "military reservations" and inserting in lieu thereof "military installations"; and

(B) by striking out "such reservations" and inserting in lieu thereof "the installations".

SEC. 2914. AUTHORIZATIONS OF APPROPRIATIONS.

(a) CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 2909(1)) are each amended by striking out "1983" and all that follows through "1993," and inserting in lieu thereof "1998 through 2003,".

(b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out "the sum of $10,000,000" and all that follows through "to enable the Secretary of the Interior" and inserting in lieu thereof "$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior"; and

(2) in subsection (b), by striking out "the sum of $12,000,000" and all that follows through "to enable the Secretary of Agriculture" and inserting in lieu thereof "$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.

Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Memorandum of understanding for use of national laboratories for ballistic missile defense programs.
Sec. 3132. Defense environmental management privatization projects.
Sec. 3133. International cooperative stockpile stewardship.
Sec. 3134. Modernization of enduring nuclear weapons complex.
Sec. 3135. Tritium production.
Sec. 3136. Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site.
Sec. 3137. Limitations on use of funds for laboratory directed research and development purposes.
Sec. 3138. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets.
Sec. 3139. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.
Sec. 3140. Limitation on use of funds for subcritical nuclear weapons tests.
Sec. 3141. Limitation on use of certain funds until future use plans are submitted.

Subtitle D—Other Matters

Sec. 3151. Plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3152. Repeal of obsolete reporting requirements.
Sec. 3153. Study and funding relating to implementation of workforce restructuring plans.
Sec. 3154. Report and plan for external oversight of national laboratories.
Sec. 3155. University-based research collaboration program.
Sec. 3156. Stockpile stewardship program.
Sec. 3157. Reports on advanced supercomputer sales to certain foreign nations.
Sec. 3158. Transfers of real property at certain Department of Energy facilities.
Sec. 3159. Requirement to delegate certain authorities to site manager of Hanford Reservation.
Sec. 3160. Submittal of biennial waste management reports.
Sec. 3161. Department of Energy Security Management Board.
Sec. 3162. Submittal of annual report on status of security functions at nuclear weapons facilities.
Sec. 3163. Modification of authority on Commission on Maintaining United States Nuclear Weapons Expertise.
Sec. 3164. Land transfer, Bandelier National Monument.
Sec. 3165. Final settlement of Department of Energy community assistance obligations with respect to Los Alamos National Laboratory, New Mexico.
Sec. 3166. Sense of Congress regarding the Y–12 Plant in Oak Ridge, Tennessee.
Sec. 3167. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
Sec. 3168. Improvements to Greenville Road, Livermore, California.
Sec. 3169. Report on alternative system for availability of funds.
Sec. 3170. Report on remediation under the Formerly Utilized Sites Remedial Action Program.

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,867,150,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,387,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,288,290,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,810,000, to be allocated as follows:

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $197,800,000, to be allocated as follows:

Project 96–D–111, national ignition facility, location to be determined, $197,800,000.

(3) For technology transfer and education, $65,250,000, to be allocated as follows:

(A) For technology transfer, $56,250,000.

(B) For education, $9,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,052,150,000, to be allocated as follows:

(1) For operation and maintenance, $1,891,265,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $160,885,000, to be allocated as follows:

Project 98–D–123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98–D–125, tritium extraction facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98–D–126, accelerator production of tritium, various locations, $67,865,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97–D–124, steam plant wastewater treatment facility upgrade, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,000,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92–D–126, replace emergency notification system, various locations, $3,200,000.

Project 88–D–122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $250,000,000.

(d) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by $22,608,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,010,973,000, of which $388,000,000 shall be allocated to the uranium enrichment decontamination and decommissioning fund.

(b) DEFENSE ENVIRONMENTAL MANAGEMENT CLOSURE PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for closure projects in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $875,000,000, to be allocated as follows:

Project 98–CLR–1, Rocky Flats Closure Site, Denver, Colorado, $648,400,000.

Project 98–CLR–2, Fernald Environmental Management Project, Fernald, Ohio, $226,600,000.

(c) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,571,644,000, to be allocated as follows:

(1) For operation and maintenance, $1,490,876,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition,

modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $80,768,000, to be allocated as follows:

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96–D–408, waste management upgrades, various locations, $8,200,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Y–12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(d) Technology Development.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $220,000,000.

(e) Nuclear Materials and Facilities Stabilization.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,256,821,000, to be allocated as follows:

(1) For operation and maintenance, $1,176,114,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $80,707,000, to be allocated as follows:

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97–D–451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97–D–470, environmental monitoring laboratory/health physics site support facility, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $2,927,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $14,985,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, South Carolina, $2,713,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $602,000.

(f) Program Direction.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $345,751,000.

(g) Policy and Management.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $20,000,000.

(h) Environmental Science Program.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for the environmental science program in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $55,000,000.

(i) Defense Environmental Management Privatization.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental management privatization projects in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $224,700,000, to be allocated as follows:

Project 98–PVT–1, contact handled transuranic waste transportation, Carlsbad, New Mexico, $21,000,000.

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $27,000,000.

Project 98–PVT–3, waste pits remedial action, Fernald, Ohio, $25,000,000.

Project 98–PVT–4, spent nuclear fuel transfer and storage, Savannah River, South Carolina, $25,000,000.

Project 98–PVT–5, waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98–PVT–6, Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

Project 97–PVT–1, tank waste remediation system phase 1, Hanford, Washington, $115,000,000.

(j) Adjustment.—The total amount authorized to be appropriated pursuant to this section for subsections (a) through (h) is the sum of the amounts authorized to be appropriated in those subsections reduced by $50,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) In General.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,642,310,000, to be allocated as follows:

(1) For verification and control technology, $478,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $234,600,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $25,000,000.

(4) For emergency management, $20,000,000.

(5) For program direction, $78,900,000.

(6) For worker and community transition assistance, $61,159,000, to be allocated as follows:

(A) For worker and community transition, $57,659,000.

(B) For program direction, $3,500,000.

(7) For fissile materials control and disposition, $103,451,000, to be allocated as follows:

(A) For operation and maintenance, $99,451,000.

(B) For program direction, $4,000,000.

(8) For environment, safety, and health, defense, $94,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $74,000,000.

(B) For program direction, $20,000,000.

(9) For the Office of Hearings and Appeals, $1,900,000.

(10) For nuclear energy, $47,000,000, to be allocated as follows:

(A) For nuclear technology research and development (electrometallurgical), $12,000,000.

(B) For international nuclear safety (Soviet-designed reactors), $35,000,000.

(11) For naval reactors development, $670,500,000, to be allocated as follows:

(A) For operation and maintenance, $635,920,000.

(B) For program direction, $20,080,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $14,500,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $5,700,000.

Project 97–D–201, advanced test reactor secondary coolant refurbishment, Idaho National Engineering Laboratory, Idaho, $4,600,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $1,100,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

(12) For independent assessment of Department of Energy projects, $15,000,000.

(b) Adjustment.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in paragraphs (1) through (12) of subsection (a) reduced by $6,047,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) In General.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) Report.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Limitations.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) In General.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) Report to Congress.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) Limitation.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement for Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) In General.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) Exception for Program Direction Funds.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2000.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) Notification.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) Definitions.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A project listed in subsection (c) or (e) of section 3102 being carried out by the office.

(B) A program referred to in subsection (a), (c), (d), or (e) of section 3102 being carried out by the office.

(C) A project or program not described in subparagraph (A) or (B) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) Duration of Authority.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1997, and ending on September 30, 1998.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. MEMORANDUM OF UNDERSTANDING FOR USE OF NATIONAL LABORATORIES FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) Memorandum of Understanding.—The Secretary of Energy and the Secretary of Defense shall enter into a memorandum of understanding for the purpose of improving and facilitating the use by the Secretary of Defense of the expertise of the national laboratories for the ballistic missile defense programs of the Department of Defense.

(b) Assistance.—The memorandum of understanding shall provide that the Secretary of Defense shall request such assistance with respect to the ballistic missile defense programs of the Department of Defense as the Secretary of Defense and the Secretary of Energy determine can be provided through the technical skills and experience of the national laboratories, using such financial arrangements as the Secretaries determine are appropriate.

(c) Activities.—The memorandum of understanding shall provide that the national laboratories shall carry out those activities necessary to respond to requests for assistance from the Secretary of Defense referred to in subsection (b). Such activities may include the identification of technical modifications and test techniques, the analysis of physics problems, the consolidation of range and test activities, and the analysis and simulation of theater missile defense deployment problems.

(d) National Laboratories.—For purposes of this section, the national laboratories are—

(1) the Lawrence Livermore National Laboratory, Livermore, California;

(2) the Los Alamos National Laboratory, Los Alamos, New Mexico; and

(3) the Sandia National Laboratories, Albuquerque, New Mexico.

SEC. 3132. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

(a) Authority To Enter into Contracts.—The Secretary of Energy may, using funds authorized to be appropriated by section 3102(i) for a project referred to in that section, enter into a contract that—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract;

(3) requires the contractor to bear any of the costs of the construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance specifications in the contract.

(b) Notice and Wait.—(1) The Secretary may not enter into a contract under subsection (a), exercise an authorization to proceed with such a contract or extend any contract period for such a contract by more than one year until 30 days after the date on which the Secretary submits to the congressional defense committees a report with respect to the contract.

(2) Except as provided in paragraph (3), a report under paragraph (1) with respect to a contract shall set forth—

(A) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(B) any performance specifications in the contract;

(C) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(D) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(E) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(F) the site services or other support to be provided the contractor by the Department under the contract;

(G) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(H) if the contract provides for financing of the project by an entity or entities other than the United States, a detailed comparison of the costs of financing the project through such entity or entities with the costs of financing the project by the United States;

(I) the schedule for the contract;

(J) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(K) an estimate and justification of the cost savings; if any, to be realized through the contract, including the assumptions underlying the estimate;

(L) the effect of the contract on any ancillary schedules applicable to the facility concerned, including milestones in site compliance agreements; and

(M) the plans for maintaining financial and programmatic accountability for activities under the contract.

(3) In the case of a contract under subsection (a) at the Hanford Reservation, the report under paragraph (1) shall set forth—

(A) the matters specified in paragraph (2); and

(B) if the contract contemplates two pilot vitrification plants—

(i) an analysis of the basis for the selection of each of the plants in lieu of a single pilot vitrification plant; and

(ii) a detailed comparison of the costs to the United States of two pilot plants with the costs to the United States of a single pilot plant.

(c) Cost Variations.—(1)(A) The Secretary may not enter into a contract for a project referred to in subparagraph (B), or obligate funds attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(B) Subparagraph (A) applies to the following:

(i) A project authorized by section 3102(i).

(ii) A project authorized by section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2824) for which a contract has not been entered into as of the date of enactment of this Act.

(2) The Secretary may not obligate funds attributable to the capital portion of the cost of a contract entered into before such date for a project authorized by such section 3103 whenever the current estimated cost of the project equals or exceeds 110 percent of the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(d) Use of Funds for Termination of Contract.—Not later than 15 days before the Secretary obligates funds available for a project authorized by section 3102(i) to terminate the contract for the project under subsection (a), the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) Annual Report on Contracts.—(1) Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract referred to in paragraph (2) during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(2) A contract referred to in paragraph (1) is the following:

(A) A contract under subsection (a) for a project referred to in that subsection.

(B) A contract under section 3103 of the National Defense Authorization Act for Fiscal Year 1997.

(f) Assessment of Contracting Without Sufficient Appropriations.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts for defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

SEC. 3133. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) Funding Prohibition.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) Exceptions.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3134. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.

(a) Funding.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $85,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) Limitation on Availability.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) Report on Allocation of Funds.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a) for the program referred to in that subsection.

SEC. 3135. TRITIUM PRODUCTION.

(a) Tritium Production Decision.—(1) Not later than December 31, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the so-called "upload hedge" component of the nuclear weapons stockpile.

(B) The activities of the Department of Energy relating to the evaluation and demonstration of

technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in paragraph (1);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(b) Reports on Decision.—(1) Upon making a final decision under paragraph (1) of subsection (a), the Secretary shall submit to the congressional defense committees a report on the final decision. The report shall include an assessment of how the selected technology addresses the items taken into account under paragraph (2) of that subsection.

(2) If the Secretary determines that it is not possible to make the final decision by the date specified in paragraph (1) of subsection (a), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(c) Limitation on Availability of Funds.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) January 31, 1999; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (a).

SEC. 3136. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.

(a) Funding.—Of the funds authorized to be appropriated pursuant to section 3102(e), not more than $47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) Requirement for Continuing Operations at Savannah River Site.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

SEC. 3137. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.

(a) General Limitations.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) Limitation in Fiscal Year 1998 Pending Submittal of Annual Report.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) Submittal Date for Annual Report on Laboratory Directed Research and Development Program.—Paragraph (1) of section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b) is amended by striking out "The Secretary of Energy shall annually submit" and inserting in lieu thereof "Not later than February 1 each year, the Secretary of Energy shall submit".

(d) Assessment of Funding Level for Laboratory Directed Research and Development.—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(c)).

(e) Definition.—In this section, the term "laboratory directed research and development" has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

SEC. 3138. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) Purpose.—The purpose of this section is to encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of defraying the costs of such disposal or utilization.

(b) Use of Proceeds To Defray Costs.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(c) Covered Transactions.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina, that is under the jurisdiction of the Defense Environmental Management Program.

(2) The sale of precious metals that are under the jurisdiction of the Defense Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, that are under the jurisdiction of the Defense Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site that are under the jurisdiction of the Defense Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Defense Environmental Technology Site, Colorado, that is under the jurisdiction of the Defense Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee, that are under the jurisdiction of the Defense Environmental Management Program.

(d) Applicability of Disposal Authority.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(e) Report.—Not later than January 31, 1999, the Secretary shall submit to the congressional defense committees a report on amounts retained by the Secretary under subsection (b) during fiscal year 1998.

SEC. 3139. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) Repeal of Requirement for EPA Study.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) Extension of Authority.—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 3140. LIMITATION ON USE OF FUNDS FOR SUBCRITICAL NUCLEAR WEAPONS TESTS.

(a) Limitation.—The Secretary of Energy may not conduct any subcritical nuclear weapons tests using funds appropriated or otherwise available to the Secretary for fiscal year 1998 until the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a detailed report on the use of the funds available to the Secretary for fiscal years 1996 and 1997 to conduct such tests.

(b) Exception.—Subsection (a) shall not apply to the use of funds covered by that subsection for subcritical nuclear weapons tests if the Secretary—

(1) determines that the use of such funds for such tests is urgently required to meet national security interests; and

(2) notifies Congress of that determination before using such funds for such tests.

SEC. 3141. LIMITATION ON USE OF CERTAIN FUNDS UNTIL FUTURE USE PLANS ARE SUBMITTED.

(a) Limitation.—(1) Subject to paragraph (2), the Secretary of Energy may not use more than 80 percent of the funds available to the Secretary pursuant to the authorization of appropriations in section 3102(g) until the Secretary submits the plans described in subsection (b).

(2) The limitation in paragraph (1) shall cease to be in effect if the Secretary submits, by March 15, 1998, the report described in subsection (c).

(b) Plans.—The plans referred to in subsection (a)(1) are the draft future use plan and the final future use plan required under section 3153(f) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2840; 42 U.S.C. 7274k note).

(c) Report.—If the Secretary is unable to submit all of the plans described in subsection (b) by the deadlines set forth in such section 3153(f), the Secretary shall submit to Congress a report containing, for each plan that will not be submitted by the applicable deadline—

(1) the status of the plan;

(2) the reasons why the plan cannot be submitted by the applicable deadline; and

(3) the date by which the plan will be submitted.

Subtitle D—Other Matters

SEC. 3151. PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) Plan Requirement.—The Secretary of Energy shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

(b) Plan Elements.—The plan and each update of the plan shall set forth the following:

(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.

(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary of Energy is assessing the lifetime, and requirements for lifetime extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile.

(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

(c) Annual Submission of Plan to Congress.—The Secretary of Energy shall submit to Congress the plan developed under subsection (a) not later than March 15, 1998, and shall submit an updated version of the plan not later than March 15 of each year thereafter. The plan shall be submitted in both classified and unclassified form.

SEC. 3152. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

(a) Annual Report on Activities of the Atomic Energy Commission.—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) Annual Report on Weapons Activities Budgets.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

(c) Annual Update of Master Plan for Nuclear Weapons Stockpile.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) Annual Report on Weapons Activities Budgets.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) Annual Report on Stockpile Stewardship Program.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out "and the 60-day period referred to in subsection (e)(2)(A)(ii)".

(f) Annual Report on Development of Tritium Production Capacity.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2639) is repealed.

(g) Annual Report on Research Relating to Defense Waste Cleanup Technology Program.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(h) Quarterly Report on Major DoE National Security Programs.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) Annual Report on Nuclear Test Ban Readiness Program.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

SEC. 3153. STUDY AND FUNDING RELATING TO IMPLEMENTATION OF WORKFORCE RESTRUCTURING PLANS.

(a) Study Requirement.—The Secretary of Energy shall conduct a study on the effects of workforce restructuring plans for defense nuclear facilities developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(b) Matters Covered by Study.— The study shall cover the four-year period preceding the date of the enactment of this Act and shall include the following:

(1) An analysis of the number of jobs created by any employee retraining, education, and reemployment assistance and any community impact assistance provided in each workforce restructuring plan developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993.

(2) An analysis of other benefits provided pursuant to such plans, including any assistance provided to community reuse organizations.

(3) A description of the funds expended, and the funds obligated but not expended, pursuant to such plans as of the date of the report.

(4) A description of the criteria used since October 23, 1992, in providing assistance pursuant to such plans.

(5) A comparison of any similar benefits provided—

(A) pursuant to such a plan to employees whose employment at the defense nuclear facility covered by the plan is terminated; and

(B) to employees whose employment at a facility where more than 50 percent of the revenues are derived from contracts with the Department of Defense has been terminated as a result of cancellation, termination, or completion of contracts with the Department of Defense and the employees whose employment is terminated constitute more than 15 percent of the employees at that facility.

(c) Conduct of Study.—(1) The study shall be conducted through a contract with an independent private auditing firm.

(2) The Secretary of Energy may not enter into any contract for the conduct of the study until the Secretary submits a notification of the proposed contract award to the congressional defense committees.

(3) The Secretary of Energy and the Secretary of Defense shall each ensure that any firm conducting the study is provided access to all documents in the possession of the Department of Energy or the Department of Defense, as the case may be, that are relevant to the study, including documents in the possession of the Inspector General of the Department of Energy or the Inspector General of the Department of Defense.

(d) Report on Study.—The Secretary of Energy shall submit a report to Congress on the results of the study not later than March 31, 1998.

(e) Limitation on Use of Funds for Local Impact Assistance.—(1) None of the funds authorized to be appropriated to the Department of Energy pursuant to section 3103(6) may be used for local impact assistance pursuant to a plan under section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) until—

(A) with respect to assistance referred to in section 3161(c)(6)(A) of such Act, the Secretary of Energy coordinates with, provides a copy of the plan to, and obtains the approval of the Secretary of Labor; and

(B) with respect to assistance referred to in section 3161(c)(6)(C) of such Act, the Secretary of Energy coordinates with, provides a copy of the plan to, and obtains the approval of the Secretary of Commerce.

(2) For purposes of paragraph (1), if the Secretary of Labor or the Secretary of Commerce does not disapprove a plan within 60 days after receiving a copy of the plan, the plan is deemed to be approved.

(f) Semiannual Report to Congress of Local Impact Assistance.—The Secretary of Energy shall submit to Congress every six months a report setting forth a description of, and the amount or value of, all local impact assistance provided during the preceding six months under section 3161(c)(6) of the National Defense Authorization Act of 1993 (42 U.S.C. 7274h(c)(6)).

(g) Effect on USEC Privatization Act.—Nothing in this section shall be construed as diminishing or affecting the obligations of the Secretary of Energy under section 3110(a)(5) of the USEC Privatization Act (Public Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

(h) Definition.—In this section, the term "defense nuclear facility" has the meaning provided the term "Department of Energy defense nuclear facility" in section 3163 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274j).

SEC. 3154. REPORT AND PLAN FOR EXTERNAL OVERSIGHT OF NATIONAL LABORATORIES.

(a) Report.—Not later than July 1, 1999, the Secretary of Energy shall submit to Congress a report on the external oversight of the national laboratories.

(b) Matters Covered.—The report shall contain the following:

(1) A description of the external oversight practices at the national laboratories and an analysis of the effectiveness of such practices, including the effect of such practices on the productivity of the laboratories and the research conducted by the laboratories.

(2) Recommendations regarding the continuation, consolidation, or discontinuation of the external oversight practices described in paragraph (1), and the rationale for the recommendations.

(3) Recommendations for any new external oversight practices that should be implemented, and the rationale for the recommendations.

(4) A plan for carrying out the recommendations.

(c) National Laboratories Covered.—For purposes of this section, the national laboratories are—

(1) the Lawrence Livermore National Laboratory, Livermore, California;

(2) the Los Alamos National Laboratory, Los Alamos, New Mexico; and

(3) the Sandia National Laboratories, Albuquerque, New Mexico.

SEC. 3155. UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.

(a) Findings.—Congress makes the following findings:

(1) The maintenance of scientific and engineering competence in the United States is vital to long-term national security and the defense and national security missions of the Department of Energy.

(2) Engaging the universities and colleges of the Nation in research on long-range problems of vital national security interest will be critical to solving the technology challenges faced within the defense and national security programs of the Department of Energy in the next century.

(3) Enhancing collaboration among the national laboratories, universities and colleges, and industry will contribute significantly to the performance of these Department of Energy missions.

(b) Program.—The Secretary of Energy shall establish a university program at a location that can develop the most effective collaboration among national laboratories, universities and colleges, and industry in support of scientific and engineering advancement in key Department of Energy defense and national security program areas.

(c) Funding.—Of the funds authorized to be appropriated in this title to the Department of Energy for fiscal year 1998, the Secretary shall make $5,000,000 available for the establishment and operation of the program under subsection (b).

SEC. 3156. STOCKPILE STEWARDSHIP PROGRAM.

(a) Findings.—Congress makes the following findings:

(1) Eliminating the threat posed by nuclear weapons to the United States is an important national security goal.

(2) As long as nuclear threats remain, the nuclear deterrent of the United States must be effective and reliable.

(3) A safe, secure, effective, and reliable United States nuclear stockpile is central to the current nuclear deterrence strategy of the United States.

(4) The Secretary of Energy has undertaken a stockpile stewardship and management program to ensure the safety, security, effectiveness, and reliability of the nuclear weapons stockpile of the United States, consistent with all United States treaty requirements and the requirements of the nuclear deterrence strategy of the United States.

(5) It is the policy of the current administration that new nuclear warhead designs are not required to effectively implement the nuclear deterrence strategy of the United States.

(b) Policy.—It is the policy of the United States that—

(1) activities of the stockpile stewardship program shall be directed toward ensuring that the United States possesses a safe, secure, effective, and reliable nuclear stockpile, consistent with the national security requirements of the United States; and

(2) stockpile stewardship activities of the United States shall be conducted in conformity with the terms of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Test Ban Treaty signed by the President on September 24, 1996, when and if that treaty enters into force.

SEC. 3157. REPORTS ON ADVANCED SUPERCOMPUTER SALES TO CERTAIN FOREIGN NATIONS.

(a) Reports.—The Secretary of Energy shall require that any company that is a participant in the Accelerated Strategic Computing Initiative (ASCI) program of the Department of Energy report to the Secretary and to the Secretary of Defense each sale by that company to a country designated as a Tier III country of a computer capable of operating at a speed in excess of 2,000 millions theoretical operations per second (MTOPS). The report shall include a description of the following with respect to each such sale:

(1) The anticipated end-use of the computer sold.

(2) The software included with the computer.

(3) Any arrangement under the terms of the sale regarding—

(A) upgrading the computer;

(B) servicing the computer; or

(C) furnishing spare parts for the computer.

(b) Covered Countries.—For purposes of this section, the countries designated as Tier III countries are the countries listed as "computer tier 3" eligible countries in part 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997 (or any successor list).

(c) Quarterly Submission of Reports.—The Secretary of Energy shall require that reports under subsection (a) be submitted quarterly.

(d) Annual Report.—The Secretary of Energy shall submit to Congress an annual report containing all information received under subsection (a) during the preceding year. The first annual report shall be submitted not later than July 1, 1998.

SEC. 3158. TRANSFERS OF REAL PROPERTY AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) Transfer Regulations.—(1) The Secretary of Energy shall prescribe regulations for the transfer by sale or lease of real property at Department of Energy defense nuclear facilities for the purpose of permitting the economic development of the property.

(2) The Secretary of Energy may not transfer real property under the regulations prescribed under paragraph (1) until—

(A) the Secretary submits a notification of the proposed transfer to the congressional defense committees; and

(B) a period of 30 days has elapsed following the date on which the notification is submitted.

(b) Indemnification.—(1) Except as provided in paragraph (3) and subject to subsection (c), in the sale or lease of real property pursuant to the regulations prescribed under subsection (a), the Secretary of Energy may hold harmless and indemnify a person or entity described in paragraph (2) against any claim for injury to person or property that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located. Before entering into any agreement for such a sale or lease, the Secretary shall notify the person or entity that the Secretary has authority to provide indemnification to the person or entity under this subsection. The Secretary shall include in any agreement for such a sale or lease a provision stating whether indemnification is or is not provided.

(2) Paragraph (1) applies to the following persons and entities:

(A) Any State that acquires ownership or control of real property of a defense nuclear facility.

(B) Any political subdivision of a State that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(c) Conditions.—(1) No indemnification on a claim for injury may be provided under this section unless the person or entity making a request for the indemnification—

(A) notifies the Secretary of Energy in writing within two years after such claim accrues;

(B) furnishes to the Secretary copies of pertinent papers received by the person or entity;

(C) furnishes evidence or proof of the claim;

(D) provides, upon request by the Secretary, access to the records and personnel of the person or entity for purposes of defending or settling the claim; and

(E) begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(2) For purposes of paragraph (1)(A), the date on which a claim accrues is the date on which the person asserting the claim knew (or reasonably should have known) that the injury to person or property referred to in subsection (b)(1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located.

(d) Authority of Secretary of Energy.—(1) In any case in which the Secretary of Energy determines that the Secretary may be required to indemnify a person or entity under this section for any claim for injury to person or property referred to in subsection (b)(1), the Secretary may settle or defend the claim on behalf of that person or entity.

(2) In any case described in paragraph (1), if the person or entity that the Secretary may be required to indemnify does not allow the Secretary to settle or defend the claim, the person or entity may not be indemnified with respect to that claim under this section.

(e) Relationship to Other Law.—Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) Definitions.—In this section:

(1) The term "defense nuclear facility" has the meaning provided by the term "Department of Energy defense nuclear facility" in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(2) The terms "hazardous substance", "release", and "pollutant or contaminant" have the meanings provided by section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 3159. REQUIREMENT TO DELEGATE CERTAIN AUTHORITIES TO SITE MANAGER OF HANFORD RESERVATION.

Section 3173(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2848; 42 U.S.C. 7274k) is amended—

(1) in paragraph (1)—

(A) by striking out "In addition" and inserting in lieu thereof "Except as provided in paragraph (5), in addition"; and

(B) by striking out "Act," and inserting in lieu thereof "subtitle,"; and

(2) by adding at the end the following new paragraph:

"(5) In the case of the Hanford Reservation, Richland, Washington, the Secretary shall delegate to the Site Manager the authority described

in paragraph (1) for fiscal year 1998. The Secretary may withdraw the delegated authority if the Secretary—

"(A) determines that the Site Manager of the Hanford Reservation has misused or misapplied that authority; and

"(B) the Secretary submits to Congress a notification of the Secretary's intent to withdraw the authority.".

SEC. 3160. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k(b)(2)(B)) is amended by striking out "odd-numbered year after 1995" and inserting in lieu thereof "odd-numbered year after 1997".

SEC. 3161. DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.

(a) ESTABLISHMENT.—(1) The Secretary of Energy shall establish a board to be known as the "Department of Energy Security Management Board" (in this section referred to as the "Board").

(2) The Board shall advise the Secretary on policy matters, operational concerns, strategic planning, personnel, budget, procurement, and development of priorities relating to the security functions of the Department of Energy.

(b) MEMBERS.—The Board shall be comprised of—

(1) the Secretary of Energy, who shall serve as chairman;

(2) the Director of the Office of Nonproliferation and National Security of the Department of Energy;

(3) the Assistant Secretary of Energy for Environmental Management;

(4) the Assistant Secretary of Energy for Defense Programs;

(5) the Assistant Secretary of Energy for Environment, Safety, and Health;

(6) the Associate Deputy Secretary of Energy for Field Management;

(7) three individuals selected by the Secretary of Defense and appointed by the Secretary of Energy;

(8) an individual selected by the Director of the Federal Bureau of Investigation and appointed by the Secretary of Energy; and

(9) an individual selected by the Director of Central Intelligence and appointed by the Secretary of Energy.

(c) APPOINTMENTS.—(1) The Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence shall consult with the Secretary of Energy in selecting individuals for appointment under paragraphs (7), (8), and (9), respectively, of subsection (b).

(2) The Secretary of Energy may not appoint as a member of the Board under paragraph (7), (8), or (9) of subsection (b) an officer or employee of the Department of Energy, an employee of a contractor or subcontractor of the Department, or an individual under contract with the Department.

(3) The Secretary of Energy shall appoint members of the Board under paragraphs (7), (8), and (9) of subsection (b) not later than January 15, 1998.

(d) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(B) All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this section.

(g) TERMINATION.—The Board shall terminate on October 31, 2000.

(h) SECURITY FUNCTIONS DEFINED.—In this section, the term "security functions" means all Department of Energy activities related to the safeguarding and security of nuclear weapons and materials, protection of classified and unclassified controlled nuclear information, and physical and personnel security.

SEC. 3162. SUBMITTAL OF ANNUAL REPORT ON STATUS OF SECURITY FUNCTIONS AT NUCLEAR WEAPONS FACILITIES.

(a) IN GENERAL.—Not later than September 1 each year, the Secretary of Energy shall submit to the congressional defense committees the report entitled "Annual Report to the President on the Status of Safeguards and Security of Domestic Nuclear Weapons Facilities", or any successor report to such report.

(b) REQUIREMENT RELATING TO REPORTS THROUGH FISCAL YEAR 2000.—The Secretary shall include with each report submitted under subsection (a) in fiscal years 1998 through 2000 any comments on such report by the members of the Department of Energy Security Management Board established under section 3161 that such members consider appropriate.

SEC. 3163. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended, effective January 1, 1998—

(1) in subparagraph (C), by adding at the end the following new sentence: "The chairman may be designated once five members of the Commission have been appointed under subparagraph (A)."; and

(2) by adding at the end the following:

"(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C).".

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out "March 15, 1998," and inserting in lieu thereof "March 15, 1999,".

SEC. 3164. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled "Boundary Map, Bandelier National Monument", No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

SEC. 3165. FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE OBLIGATIONS WITH RESPECT TO LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the "County"), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the "Pueblo"), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction of the Secretary at the Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), the Secretary of the Interior, on behalf of the Pueblo and for the County, shall submit to the Secretary of Energy an agreement between the Secretary of the Interior and the County that allocates between the Secretary of the Interior and the County the parcels to which the United States has fee title.

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

SEC. 3166. SENSE OF CONGRESS REGARDING THE Y-12 PLANT IN OAK RIDGE, TENNESSEE.

It is the sense of Congress that the Y-12 Plant in Oak Ridge, Tennessee, should be used as a national prototype center and that other executive agencies should utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

SEC. 3167. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by this title, $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance educational activities in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico (in this section referred to as the "Foundation").

(b) USE OF FUNDS.—(1) The Foundation shall utilize funds provided under subsection (a) the basis of, or as a contribution to, an endowment fund for the Foundation.

(2) The Foundation shall use the income generated from investments in the endowment fund that are attributable to the payment made under subsection (a) to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(c) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) The amount of, and a schedule for, payments to the Foundation by the Secretary that are in addition to the payment provided under subsection (a).

(2) A plan to ensure that the Secretary makes no other payments to support the educational activities referred to in subsection (b)(2) after September 30, 2002.

SEC. 3168. IMPROVEMENTS TO GREENVILLE ROAD, LIVERMORE, CALIFORNIA.

From amounts authorized to be appropriated or otherwise made available to the Department of Energy by this title, funds shall be available for improvements to Greenville Road, Livermore, California, as follows:

(1) $3,500,000 in fiscal year 1998.

(2) $3,300,000 in fiscal year 1999.

SEC. 3169. REPORT ON ALTERNATIVE SYSTEM FOR AVAILABILITY OF FUNDS.

(a) REPORT.—Not later than October 1, 1998, the Secretary of Energy shall submit to Congress a report assessing how the Department of Energy could carry out a transition from a no-year funding system to a limited-period funding system.

(b) MATTERS COVERED.—The report shall cover the following matters:

(1) A conceptual proposal on how the no-year funding system could be phased out.

(2) An estimate of the cost of making the transition to a limited-period funding system.

(3) A description of the programmatic effects that could occur if the no-year funding system is eliminated.

(4) A delineation of activities for which the no-year funding system should be retained.

(c) DEFINITIONS.—In this section:

(1) The term "no-year funding system" means a funding system in which funds are available to the Department of Energy until expended.

(2) The term "limited-period funding system" means a funding system in which funds are available to the Department of Energy for a limited period of time.

SEC. 3170. REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing information responding to the following questions regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site?

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities?

(3) For each site, how much will it cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination?

(4) How many sites potentially involve private parties that could be held responsible for remediation costs, including remediation costs related to offsite contamination?

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolve the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites?

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis?

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Report on external regulation of defense nuclear facilities.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REPORT ON EXTERNAL REGULATION OF DEFENSE NUCLEAR FACILITIES.

(a) REPORTING REQUIREMENT.—The Defense Nuclear Facilities Safety Board (in this section referred to as the "Board") shall prepare a report and make recommendations on its role in the Department of Energy's decision to establish external regulation of defense nuclear facilities. The report shall include the following:

(1) An assessment of the value of and the need for the Board to continue to perform the functions specified under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

(2) An assessment of the relationship between the functions of the Board and a proposal by the Department of Energy to place Department of Energy defense nuclear facilities under the jurisdiction of external regulatory agencies.

(3) An assessment of the functions of the Board and whether there is a need to modify or amend such functions.

(4) An assessment of the relative advantages and disadvantages to the Department and the public of continuing the functions of the Board with respect to Department of Energy defense nuclear facilities and replacing the activities of the Board with external regulation of such facilities.

(5) A list of all existing or planned Department of Energy defense nuclear facilities that are similar to facilities under the regulatory jurisdiction of the Nuclear Regulatory Commission.

(6) A list of all Department of Energy defense nuclear facilities that are in compliance with all applicable Department of Energy orders, regulations, and requirements relating to the design, construction, operation, and decommissioning of defense nuclear facilities.

(7) A list of all Department of Energy defense nuclear facilities that have implemented, pursuant to an implementation plan, recommendations made by the Board and accepted by the Secretary of Energy.

(8) A list of Department of Energy defense nuclear facilities that have a function related to Department weapons activities.

(9)(A) A list of each existing defense nuclear facility that the Board determines—

(i) should continue to stay within the jurisdiction of the Board for a period of time or indefinitely; and

(ii) should come under the jurisdiction of an outside regulatory authority.

(B) An explanation of the determinations made under subparagraph (A).

(10) For any existing facilities that should, in the opinion of the Board, come under the jurisdiction of an outside regulatory authority, the date when this move would occur and the period of time necessary for the transition.

(11) A list of any proposed Department of Energy defense nuclear facilities that should come under the Board's jurisdiction.

(12) An assessment of regulatory and other issues associated with the design, construction, operation, and decommissioning of facilities that are not owned by the Department of Energy but which would provide services to the Department of Energy.

(13) An assessment of the role of the Board, if any, in privatization projects undertaken by the Department.

(14) An assessment of the role of the Board, if any, in any tritium production facilities.

(15) An assessment of the comparative advantages and disadvantages to the Department of Energy in the event some or all Department of Energy defense nuclear facilities were no longer included in the functions of the Board and were regulated by the Nuclear Regulatory Commission.

(16) A comparison of the cost, as identified by the Nuclear Regulatory Commission, that would be incurred at a gaseous diffusion plant to comply with regulations issued by the Nuclear Regulatory Commission, with the cost that would be incurred by a gaseous diffusion plant if such a plant was considered to be a Department of Energy defense nuclear facility as defined by chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C 2286 et seq.).

(b) COMMENTS ON REPORT.—Before submission of the report to Congress under subsection (c), the Board shall transmit the report to the Secretary of Energy and the Nuclear Regulatory Commission. The Secretary and the Commission shall provide their comments on the report to both the Board and to Congress.

(c) SUBMISSION TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Board shall provide to Congress an interim report on the status of the implementation of this section. Not later than one year after the date of the enactment of this Act, and not earlier than 30 days after receipt of comments from the Secretary of Energy and the Nuclear Regulatory Commission under subsection (b), the Board shall submit to Congress the report required under subsection (a).

(d) DEFINITION.—In this section, the term "Department of Energy defense nuclear facility" has the meaning provided by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Disposal of beryllium copper master alloy in National Defense Stockpile.
Sec. 3304. Disposal of titanium sponge in National Defense Stockpile.
Sec. 3305. Disposal of cobalt in National Defense Stockpile.
Sec. 3306. Required procedures for disposal of strategic and critical materials.
Sec. 3307. Return of surplus platinum from the Department of the Treasury.

SEC. 3301. DEFINITIONS.

In this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

(3) The term "Market Impact Committee" means the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $73,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF BERYLLIUM COPPER MASTER ALLOY IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZATION.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of all beryllium copper master alloy from the National Defense Stockpile as part of continued efforts to modernize the Stockpile.

(b) PRECONDITION FOR DISPOSAL.—Before beginning the disposal of beryllium copper master alloy under subsection (a), the National Defense Stockpile Manager shall certify to Congress that the disposal of beryllium copper master alloy will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical material needs of the United States.

(c) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of beryllium copper master alloy under subsection (a), the National Defense Stockpile Manager shall consult with the Market Impact Committee to ensure that the disposal of beryllium copper master alloy does not disrupt the domestic beryllium industry.

(d) EXTENDED SALES CONTRACTS.—The National Defense Stockpile Manager shall provide for the use of long-term sales contracts for the disposal of beryllium copper master alloy under subsection (a) so that the domestic beryllium industry can re-absorb this material into the market in a gradual and nondisruptive manner. However, no such contract shall provide for the disposal of beryllium copper master alloy over a period longer than eight years, beginning on the date of the commencement of the first contract under this section.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

(f) BERYLLIUM COPPER MASTER ALLOY DEFINED.—For purposes of this section, the term "beryllium copper master alloy" means an alloy of nominally four percent beryllium in copper.

SEC. 3304. DISPOSAL OF TITANIUM SPONGE IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the National Defense Stockpile Manager shall dispose of 34,800 short tons of titanium sponge contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) and excess to stockpile requirements.

(b) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of titanium sponge under subsection (a), the National Defense Stockpile Manager shall consult with the Market Impact Committee to ensure that the disposal of titanium sponge does not disrupt the domestic titanium industry.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

SEC. 3305. DISPOSAL OF COBALT IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsections (b) and (c), the President shall dispose of cobalt contained in the National Defense Stockpile so as to result in receipts to the United States in amounts equal to—

(1) $20,000,000 during fiscal year 2003;
(2) $30,000,000 during fiscal year 2004;
(3) $34,000,000 during fiscal year 2005;
(4) $34,000,000 during fiscal year 2006; and
(5) $34,000,000 during fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantity of cobalt authorized for disposal by the President under subsection (a) may not exceed 14,058,014 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of cobalt under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of cobalt; or

(2) avoidable loss to the United States.

(d) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as result of the disposal of cobalt under subsection (a) shall be deposited into the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

SEC. 3306. REQUIRED PROCEDURES FOR DISPOSAL OF STRATEGIC AND CRITICAL MATERIALS.

Section 6(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(b)) is amended in the first sentence by striking out "materials from the stockpile shall be made by formal advertising or competitive negotiation procedures." and inserting in lieu thereof "strategic and critical materials from the stockpile shall be made in accordance with the next sentence.".

SEC. 3307. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.

(a) Return of Platinum to Stockpile.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and required to be returned shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) Alternative Transfer of Funds.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

(c) Responsibility for Costs.—The return of platinum under subsection (a) by the Secretary of the Treasury shall be made without the expenditure of any funds available to the Department of Defense. The Secretary of the Treasury shall be responsible for all costs incurred in connection with the return, such as transportation, storage, testing, refining, or casting costs.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1998.
Sec. 3403. Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves.
Sec. 3404. Transfer of jurisdiction, Naval Oil Shale Reserves Numbered 1 and 3.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1998.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1998, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

Section 2 of Public Law 96–137 (42 U.S.C. 7156a) is repealed.

SEC. 3404. TRANSFER OF JURISDICTION, NAVAL OIL SHALE RESERVES NUMBERED 1 AND 3.

(a) Transfer Required.—Chapter 641 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production

"(a) Transfer Required.—(1) Upon the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands included within Oil Shale Reserve Numbered 1 and those public domain lands included within the undeveloped tracts of Oil Shale Reserve Numbered 3.

"(2) Not later than one year after the date of the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

"(3) Notwithstanding the transfer of jurisdiction, the Secretary of Energy shall continue to be responsible for all environmental restoration, waste management, and environmental compliance activities that are required under Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

"(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other provisions of this chapter shall cease to apply with respect to the transferred lands.

"(b) Authority To Lease.—(1) Beginning on the date of the enactment of this section, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserves Numbered 1 and 3 (including the developed tract of Oil Shale Reserve Numbered 3). Any such lease shall be made in accordance with the requirements of the Mineral Leasing Act (30 U.S.C. 181 et seq.) regarding the lease of oil and gas lands and shall be subject to valid existing rights.

"(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

"(c) Management.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

"(d) Transfer of Existing Equipment.—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, gathering line, or related equipment owned by the United States on the lands transferred under subsection (a) and suitable for use in the exploration, development, or production of petroleum on the lands.

"(e) Cost Minimization.—The cost of any environmental assessment required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with a proposed lease under this section shall be paid out of unobligated amounts available for administrative expenses of the Bureau of Land Management.

"(f) Treatment of Receipts.—(1) Notwithstanding section 35 of the Mineral Leasing Act (30 U.S.C. 191), all moneys received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be covered into the Treasury of the United States and shall not be subject to distribution to the States pursuant to subsection (a) of such section 35. Subject to a specific authorization and appropriation for this purpose, such moneys may be used for reimbursement of environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the lands transferred under subsection (a).

"(2) The period referred to in this subsection is the period beginning on the date of the enactment of this section and ending on the date on which the Secretary of Energy and the Secretary of the Interior jointly certify to Congress that the sum of the moneys deposited in the Treasury under paragraph (1) is equal to the total of the following:

"(A) The cost of all environmental restoration, waste management, and environmental compliance activities incurred by the United States with respect to the lands transferred under subsection (a).

"(B) The cost to the United States to originally install wells, gathering lines, and related equipment on the transferred lands and any other cost incurred by the United States with respect to the lands.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production.".

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.

Subtitle B—Facilitation of Panama Canal Transition

Sec. 3511. Short title; references.
Sec. 3512. Definitions relating to canal transition.

Part I—Transition Matters Relating to Commission Officers and Employees

Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.
Sec. 3522. Post-Canal transfer personnel authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal travel regulation.
Sec. 3525. Enhanced recruitment and retention authorities.
Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

Part II—Transition Matters Relating to Operation and Administration of Canal

Sec. 3541. Establishment of procurement system and Board of Contract Appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
Sec. 3543. Time limitations on filing of claims for damages.

Sec. 3544. Tolls for small vessels.
Sec. 3545. Date of actuarial evaluation of FECA liability.
Sec. 3546. Appointment of notaries public.
Sec. 3547. Commercial services.
Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
Sec. 3550. Technical and conforming amendments.

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1998".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) In General.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) Limitations.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) Short Title.—This subtitle may be cited as the "Panama Canal Transition Facilitation Act of 1997".

(b) References.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

"(d) For purposes of this Act:

"(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

"(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.".

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) Authority for Dual Role.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

"(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.".

(b) Waiver of Ethics and Reporting Requirements.—Such section is further amended by adding at the end the following new subsection:

"(d) If before the Canal Transfer Date the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

"(1) during any period during which that individual serves as both Administrator of the Commission and the Administrator of the Panama Canal Authority—

"(A) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

"(B) that individual, with respect to participation in any particular matter as the Administrator of the Panama Canal Commission, is not subject to section 208(a) of title 18, United States Code, insofar as that section would otherwise apply to that matter only because the matter will have a direct and predictable effect on the financial interest of the Panama Canal Authority;

"(C) that individual is not subject to sections 203 and 205 of title 18, United States Code, with respect to official acts performed as an agent or attorney for or otherwise representing the Panama Canal Authority; and

"(D) that individual is not subject to sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority; and

"(2) effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, that individual is not subject to section 207 of title 18, United States Code, with respect to acts done in carrying out official duties as Administrator of the Panama Canal Authority.".

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) Waiver of Certain Post-employment Restrictions for Commission Personnel Becoming Employees of the Panama Canal Authority.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

"(e)(1) Section 207 of title 18, United States Code, does not apply to a covered individual with respect to acts done in carrying out official duties as an officer or employee of the Panama Canal Authority.

"(2) For purposes of paragraph (1), a covered individual is an officer or employee of the Panama Canal Authority who was an officer or employee of the Commission (other than the Administrator) and whose employment with the Commission terminated at noon on the Canal Transfer Date.

"(3) This subsection is effective as of the Canal Transfer Date.".

(b) Consent of Congress for Acceptance by Reserve and Retired Members of the Uniformed Services of Employment by Panama Canal Authority.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

"(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

"(A) Retired members of the uniformed services.

"(B) Members of a reserve component of the armed forces.

"(C) Members of the Commissioned Reserve Corps of the Public Health Service.

"(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).".

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) Repeal of Limitations on Commission Authority.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) Savings Provision.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

"(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

"(1) as provided in a collective bargaining agreement;

"(2) as a result of an adverse action against the officer or employee; or

"(3) pursuant to a voluntary demotion.".

(c) Cross-Reference Amendments.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out "1215" and inserting in lieu thereof "1202".

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out "1215" and "1217" and inserting in lieu thereof "1202" and "1217(a)", respectively.

(d) Nonapplicability to Agencies in Panama Other Than Panama Canal Commission.—Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "or the Panama Canal Act Amendments of 1996" and inserting in lieu thereof ", the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104–201; 110 Stat. 2860), or the Panama Canal Transition Facilitation Act of 1997".

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) Repeal of Applicability of Title 5 Provisions.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) Conforming Amendments.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out "Notwithstanding paragraph (1), an" and inserting in lieu thereof "An"; and

(ii) striking out "referred to in paragraph (1)" and inserting in lieu thereof "who is a citizen of the Republic of Panama".

(2) The heading of such section is amended to read as follows:

"AIR TRANSPORTATION".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) Recruitment, Relocation, and Retention Bonuses.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out "for the same or similar work performed in the United States by individuals employed by the Government of the United States" and inserting in lieu thereof "of the individual to whom the compensation is paid"; and

(3) by inserting after subsection (b) the following new subsections:

"(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

"(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment established in the agreement. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus.

"(3) A recruitment or relocation bonus under this subsection may be paid as a lump sum. A bonus under this subsection may not be considered to be part of the basic pay of an employee.

"(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

"(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

"(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

"(2) A retention bonus under this subsection—

"(A) shall be in a fixed amount;

"(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

"(C) may not be considered to be part of the basic pay of an employee.

"(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

(b) Educational Services.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out "and persons" and inserting in lieu thereof ", to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons".

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

"TRANSITION SEPARATION INCENTIVE PAYMENTS

"Sec. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

"(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

"(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

"(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

"(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

"(A) the positions to be affected, identified by occupational category and grade level;

"(B) the number and amounts of separation incentive payments to be offered; and

"(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

"(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

"(4) such a payment—

"(A) may be in an amount determined by the Commission not to exceed $25,000; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

"(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

"(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

"(6) the provisions of subsection (f) of section 663 shall not apply.

"(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

"(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

"(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Supervisory Board of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

"(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

"(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

"(A) If bargaining efforts do not result in an agreement, either party may timely request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

"(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and the Federal Mediation and Conciliation Service shall immediately notify the Federal Services Impasses Panel of the Federal Labor Relations Authority, which shall decide the impasse.

"(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which notice under subparagraph (B) is received by the Panel (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

"(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

"(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.".

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) Availability of Revolving Fund.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

"(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).".

(b) Stylistic Amendments.—Such section is further amended—

(1) by striking out "for—" in the matter preceding paragraph (1) and inserting in lieu thereof "for the following purposes:";

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

"Chapter 1—Procurement

"Procurement System

"Sec. 3101. (a) Panama Canal Acquisition Regulation.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

"(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

"(B) uses efficient commercial standards of practice; and

"(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

"(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

"(b) Supplement to Regulation.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

"(c) Waiver Authority.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

"(2) For purposes of paragraph (1), the Commission may not waive—

"(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

"(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

"(C) civil rights, environmental, or labor laws.

"(d) Consultation With Administrator for Federal Procurement Policy.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

"(e) Effective Date.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

"Panama Canal Board of Contract Appeals

"Sec. 3102. (a) Establishment.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

"(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

"(b) Exclusive Jurisdiction To Decide Appeals.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

"(c) Exclusive Jurisdiction To Decide Protests.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

"(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

"(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

"(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

"(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

"(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

"(d) Procedures.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

"(e) Commencement.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

"(f) Transition.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

"(g) Other Functions.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.".

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

"(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

"(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.".

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) Filing of Administrative Claims With Commission.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out "within 2 years after" and all that follows through "of 1985," and inserting in lieu thereof "within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

(b) Filing of Judicial Actions.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out "one year" the first place it appears and inserting in lieu thereof "180 days"; and

(2) by striking out "claim, or" and all that follows through "of 1985," and inserting in lieu thereof "claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out "supply ships, and yachts" and inserting in lieu thereof "and supply ships"; and

(2) by adding at the end the following new sentence: "Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.".

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out "Upon the termination of the Panama Canal Commission" and inserting in lieu thereof "By March 31, 1998".

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

"(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

"(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

"(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.".

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out "President" and inserting in lieu thereof "Commission".

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306(a) (22 U.S.C. 3714b(a)) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.

"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" the second place it appears and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

TITLE XXXVI—MARITIME ADMINISTRATION

Sec. 3601. Authorization of appropriations for fiscal year 1998.
Sec. 3602. Repeal of obsolete annual report requirement concerning relative cost of shipbuilding in the various coastal districts of the United States.
Sec. 3603. Provisions relating to maritime security fleet program.
Sec. 3604. Authority to utilize replacement vessels and capacity.
Sec. 3605. Authority to convey National Defense Reserve Fleet vessel.
Sec. 3606. Determination of gross tonnage for purposes of tank vessel double hull requirements.

SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

Funds are hereby authorized to be appropriated for fiscal year 1998, to be available without fiscal year limitation if so provided in appropriations Act, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $70,000,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $39,000,000 of which—

(A) $35,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,000,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3602. REPEAL OF OBSOLETE ANNUAL REPORT REQUIREMENT CONCERNING RELATIVE COST OF SHIPBUILDING IN THE VARIOUS COASTAL DISTRICTS OF THE UNITED STATES.

(a) REPEAL.—Section 213 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1123), is amended by striking out paragraph (c).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out "on—" in the matter preceding paragraph (a) and inserting in lieu thereof "on the following:";

(2) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively;

(3) by striking out the semicolon at the end of each of those paragraphs and inserting in lieu thereof a period; and

(4) by realigning those paragraphs so as to be indented 2 ems from the left margin.

SEC. 3603. PROVISIONS RELATING TO MARITIME SECURITY FLEET PROGRAM.

(a) AUTHORITY OF CONTRACTORS TO OPERATE SELF-PROPELLED TANK VESSELS IN NONCONTIGUOUS DOMESTIC TRADES.—Section 656(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187e(b)) is amended by inserting "(1)" after "(b)", and by adding at the end the following new paragraph:

"(2) Subsection (a) shall not apply to operation by a contractor of a self-propelled tank vessel in a noncontiguous domestic trade, or to ownership by a contractor of an interest in a self-propelled tank vessel that operates in a noncontiguous domestic trade.".

(b) RELIEF FROM DELAY IN CERTAIN OPERATIONS FOLLOWING DOCUMENTATION.—Section 652(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1187a(c)) is amended by adding at the end the following: "The restrictions of section 901(b)(1) of this Act concerning the building, rebuilding, or documentation of a vessel in a foreign country shall not apply to a vessel for any day the operator of that vessel is receiving payments under an operating agreement under this subtitle.".

SEC. 3604. AUTHORITY TO UTILIZE REPLACEMENT VESSELS AND CAPACITY.

Section 653(d)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187b(d)(1)) is amended to read as follows:

"(1) a contractor or other person that commits to make available a vessel or vessel capacity under the Emergency Preparedness Program or another primary sealift readiness program approved by the Secretary of Defense may, during the activation of that vessel or capacity under that program, operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for the activated vessel or capacity; and".

SEC. 3605. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and *interest of the United States Government in and to the vessel GOLDEN BEAR (United States official number 239932) to the Artship Foundation, located in Oakland, California (in this section referred to as the "recipient"), for use as a multi-cultural center for the arts.*

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 3606. DETERMINATION OF GROSS TONNAGE FOR PURPOSES OF TANK VESSEL DOUBLE HULL REQUIREMENTS.

Section 3703a of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) For the purposes of this section and except as otherwise provided in paragraphs (2) and (3) of this subsection, the gross tonnage of a vessel shall be the gross tonnage that would have been recognized by the Secretary on July 1, 1997, as the tonnage measured under section 14502 of this title, or as an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(2)(A) The Secretary may waive the application of paragraph (1) to a tank vessel if—

"(i) the owner of the tank vessel applies to the Secretary for the waiver before January 1, 1998;

"(ii) the Secretary determines that—

"(I) the owner of the tank vessel has entered into a binding agreement to alter the tank vessel in a shipyard in the United States to reduce the gross tonnage of the tank vessel by converting a portion of the cargo tanks of the tank vessel into protectively located segregated ballast tanks; and

"(II) that conversion will result in a significant reduction in the risk of a discharge of oil;

"(iii) at least 60 days before the date of the issuance of the waiver, the Secretary—

"(I) publishes notice that the Secretary has received the application and made the determinations required by clause (ii), including a description of the agreement entered into pursuant to clause (ii)(I); and

"(II) provides an opportunity for submission of comments regarding the application; and

"(iv) the alterations referred to in clause (ii)(I) are completed before the later of—

"(I) the date by which the first special survey of the tank vessel is required to be completed after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998; or

"(II) July 1, 1999.

"(B) A waiver under subparagraph (A) shall not be effective after the expiration of the 3-year period beginning on the first date on which the tank vessel would have been prohibited by subsection (c) from operating if the alterations referred to in subparagraph (A)(ii)(I) were not made.

"(3) This subsection does not apply to a tank vessel that, before July 1, 1997, had undergone, or was the subject of a contract for, alterations that reduce the gross tonnage of the tank vessel, as shown by reliable evidence acceptable to the Secretary.".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
JOEL HEFLEY,
JIM SAXTON,
STEVE BUYER,
TILLIE K. FOWLER,
JOHN M. MCHUGH,
JAMES M. TALENT,
TERRY EVERETT,
(except for sections 355, 356, and 358–367),
ROSCOE G. BARTLETT,
HOWARD "BUCK" MCKEON,
RON LEWIS,
J.C. WATTS, Jr.,
SAXBY CHAMBLISS,
BOB RILEY,
IKE SKELTON,
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,
(except for the increase over the President's request for research and development of a space-based laser and the statement of managers on this program),
SOLOMON P. ORTIZ,
OWEN PICKETT,
GENE TAYLOR,
NEIL ABERCROMBIE,
MARTIN T. MEEHAN,
JANE HARMAN,
PAUL MCHALE,
PATRICK J. KENNEDY,
ROD BLAGOJEVICH,
VIC SNYDER,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

PORTER J. GOSS,
JERRY LEWIS,
NORM DICKS,

As additional conferees from the Committee on Commerce for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided that Mr. Oxley is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment:

MICHAEL G. OXLEY,

Provided that Mr. Bilirakis is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment:

MIKE BILIRAKIS,

Provided that Mr. Tauzin is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of section 1064 of the Senate amendment.

BILLY TAUZIN,

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 374, 658, and 3143 of the House bill, and sections 664 of the Senate amendment, and modifications committed to conference:

BILL GOODLING,
HARRIS W. FAWELL,
LORETTA SANCHEZ,

Provided that Mr. Riggs is appointed in lieu of Mr. Fawell for consideration of section 658 of the House bill and section 664 of the Senate amendment:

FRANK RIGGS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of section 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference:

DAN BURTON,
STEPHEN HORN,

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
BOB NEY,

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference:

HENRY J. HYDE,
LAMAR SMITH,

As additional conferees from the Committee on Resources, for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914 and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference:

DON YOUNG,
BILLY TAUZIN,

Provided that Mr. Delahunt is appointed in lieu of Mr. Miller of California for consideration of sections 2901–2914 of the House bill and sections 381–392 of the Senate amendment.

WILLIAM DELAHUNT,

As additional conferees from the Committee on Science, for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
KEN CALVERT,
GEORGE E. BROWN, Jr.,

Provided that Mr. Rohrabacher is appointed in lieu of Mr. Calvert for consideration of section 1064 of the Senate amendment:

DANA ROHRABACHER,

As additional conferees from the Committee on Transportation and Infrastructure for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
WAYNE T. GILCHREST,
ROBERT A. BORSKI,

As additional conferees from the Committee on Veterans' Affairs for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
MIKE BILIRAKIS,
JOSEPH P. KENNEDY,
Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
JOHN MCCAIN,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
RICK SANTORUM,
OLYMPIA SNOWE,
PAT ROBERTS,
CARL LEVIN,
TED KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
ROBERT C. BYRD,
CHUCK ROBB,
JOE LIEBERMAN,
MAX CLELAND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for defense activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and the civil defense that have budget authority implications of $268.2 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is provided in appropriations acts.

In order to relate the conference recommendations to the Budget Resolution, matter in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1998 and, in addition, summarizes the implications of the conference action for the budget totals for national defense (budget function 050).

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

DIVISION A TITLE I PROCUREMENT	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement	FY 1998 BA Request	BA Implications House	BA Implications Senate	BA Implications Conference
Aircraft Procurement, Army	1,162,459	1,535,264	1,394,459	153,774	1,316,233	1,162,459	1,535,264	1,394,459	1,316,233
Missile Procurement, Army	1,178,151	1,176,516	1,223,851	(435,512)	742,639	1,178,151	1,176,516	1,223,851	742,639
Procurement of Weapons and Tracked Combat Vehicles, Army	1,065,707	1,519,527	1,179,107	231,934	1,297,641	1,065,707	1,519,527	1,179,107	1,297,641
Procurement of Ammunition, Army	890,902	1,093,802	1,043,202	120,291	1,011,193	890,902	1,093,802	1,043,202	1,011,193
Other Procurement, Army	2,455,030	2,640,277	2,875,730	111,178	2,566,208	2,455,030	2,640,277	2,875,730	2,566,208
Aircraft Procurement, Navy	6,085,965	6,172,950	6,482,265	351,365	6,437,330	6,085,965	6,172,950	6,482,265	6,437,330
Weapons Procurement, Navy	1,136,293	1,214,687	1,200,393	(46,850)	1,089,443	1,136,293	1,214,687	1,200,393	1,089,443
Procurement of Ammunition, Navy and Marine Corps	336,797	470,355	369,797	27,947	364,744	336,797	470,355	369,797	364,744
Shipbuilding and Conversion, Navy	7,438,158	7,654,977	8,593,358	757,111	8,195,269	7,438,158	7,654,977	8,593,358	8,195,269
Other Procurement, Navy	2,825,500	3,073,432	3,137,700	145,367	2,970,867	2,825,500	3,073,432	3,137,700	2,970,867
Procurement, Marine Corps	374,306	442,807	554,806	85,775	460,081	374,306	442,807	554,806	460,081
Aircraft Procurement, Air Force	5,817,847	6,770,900	6,048,915	607,902	6,425,749	5,817,847	6,770,900	6,048,915	6,425,749
Procurement of Ammunition, Air Force	403,984	436,984	420,784	(5,450)	398,534	403,984	436,984	420,784	398,534
Missile Procurement, Air Force	2,557,741	2,389,183	2,411,241	(181,440)	2,376,301	2,557,741	2,389,183	2,411,241	2,376,301
Other Procurement, Air Force	6,561,253	6,574,096	6,798,453	(17,673)	6,543,580	6,561,253	6,574,096	6,798,453	6,543,580
Procurement, Defense-wide	1,695,085	1,836,989	1,749,285	362,065	2,057,150	1,695,085	1,836,989	1,749,285	2,057,150
Procurement, National Guard and Reserve Equipment	0	700,355	653,000	643,000	643,000	0	700,355	653,000	643,000
Chemical Agents and Munitions Destruction, Army									
Operation & Maintenance	472,200	472,200	467,200	(10,000)	462,200	472,200	472,200	467,200	462,200
Procurement	82,200	82,200	77,200	(10,000)	72,200	82,200	82,200	77,200	72,200
Research, Development, Test & Evaluation	66,300	56,300	70,300	0	66,300	66,300	56,300	70,300	66,300
Procurement, Defense Health Program	274,068	279,068	274,068	0	274,068	0	0	0	0
Procurement, Office of the Inspector General	1,800	1,800	1,800	0	1,800	0	0	0	0
Defense Export Loan Guarantee Program	1,231	1,231	1,231	0	1,231	1,231	1,231	1,231	1,231
Total Procurement	42,882,977	46,595,900	47,028,145	2,890,784	45,773,761	42,607,109	46,315,032	46,752,277	45,497,893

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement	FY 1998 BA Request	BA Implications		
							House	Senate	Conference
TITLE II									
RESEARCH, DEVELOPMENT, TEST & EVALUATION									
Research, Development, Test & Evaluation, Army	4,510,843	4,752,913	4,745,462	122,652	4,633,495	4,510,843	4,752,913	4,745,462	4,633,495
Research, Development, Test & Evaluation, Navy	7,611,022	7,946,996	7,812,972	163,855	7,774,877	7,611,022	7,946,996	7,812,972	7,774,877
Research, Development, Test & Evaluation, Air Force	14,451,379	14,659,736	14,302,264	(112,445)	14,338,934	14,451,379	14,659,736	14,302,264	14,338,934
Research, Development, Test & Evaluation, Defense-wide	9,069,680	9,611,013	9,796,780	476,399	9,546,079	9,071,680	9,613,013	9,798,780	9,548,079
Operational Test & Evaluation, Defense	23,384	23,384	31,384	4,000	27,384	23,384	23,384	31,384	27,384
Developmental Test & Evaluation, Defense	268,183	279,683	268,183	(10,000)	258,183	268,183	279,683	268,183	258,183
FFRDC Reduction	0	0	0	(42,000)	(42,000)	0	0	0	(42,000)
Total Research, Development, Test & Evaluation	35,934,491	37,273,725	36,957,045	602,461	36,536,952	35,936,491	37,275,725	36,959,045	36,538,952
TITLE III									
OPERATION AND MAINTENANCE & WORKING CAPITAL FUNDS									
Operation and Maintenance, Army	17,215,484	17,185,034	17,194,284	(40,895)	17,174,589	17,215,484	17,185,034	17,194,284	17,174,589
Operation and Maintenance, Navy	21,581,130	21,372,699	21,681,330	366,526	21,947,656	21,581,130	21,372,699	21,681,330	21,947,656
Operation and Maintenance, Marine Corps	2,305,345	2,381,245	2,379,445	119,300	2,424,645	2,305,345	2,381,245	2,379,445	2,424,645
Operation and Maintenance, Air Force	18,910,785	18,745,985	18,861,685	262,200	19,172,985	18,910,785	18,745,985	18,861,685	19,172,985
Operation and Maintenance, Defense-wide	10,403,938	10,030,057	10,260,838	(161,331)	10,242,607	10,403,938	10,030,057	10,260,838	10,242,607
Operation and Maintenance, Army Reserve	1,192,891	1,202,891	1,212,891	15,000	1,207,891	1,192,891	1,202,891	1,212,891	1,207,891
Operation and Maintenance, Navy Reserve	834,711	849,711	834,711	12,000	846,711	834,711	849,711	834,711	846,711
Operation and Maintenance, Marine Corps Reserve	110,366	110,366	110,366	6,000	116,366	110,366	110,366	110,366	116,366
Operation and Maintenance, Air Force Reserve	1,624,420	1,629,120	1,631,200	6,780	1,631,200	1,624,420	1,629,120	1,631,200	1,631,200
Operation and Maintenance, Army National Guard	2,258,932	2,266,432	2,288,932	52,500	2,311,432	2,258,932	2,266,432	2,288,932	2,311,432
Operation and Maintenance, Air National Guard	2,991,219	2,985,969	3,004,282	8,563	2,999,782	2,991,219	2,985,969	3,004,282	2,999,782
Office of the Inspector General	136,580	136,580	136,580		136,580	138,380	138,380	138,380	138,380
United States Court of Appeals for the Armed Forces	6,952	6,952	6,952		6,952	6,952	6,952	6,952	6,952
Environmental Restoration, Army	377,337	377,337	350,337	(2,000)	375,337	377,337	377,337	350,337	375,337
Environmental Restoration, Navy	277,500	277,500	257,500	(2,000)	275,500	277,500	277,500	257,500	275,500
Environmental Restoration, Air Force	378,900	378,900	351,900	(2,000)	376,900	378,900	378,900	351,900	376,900
Environmental Restoration, Defense-Wide	27,900	27,900	25,900	(1,000)	26,900	27,900	27,900	25,900	26,900
Environmental Restoration, Formerly Used Defense Sites	202,300	202,300	188,300		202,300	202,300	202,300	188,300	202,300
Overseas Humanitarian, Disaster, & Civic Aid	80,130	50,000	40,130	(33,000)	47,130	80,130	50,000	40,130	47,130

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement	FY 1998 BA Request	BA Implications		
							House	Senate	Conference
Drug Interdiction and Counter-drug Activities, Defense	652,582	661,671	660,882	14,300	666,882	652,582	661,671	660,882	666,882
Defense Health Program	9,766,582	9,975,382	9,954,782	191,200	9,957,782	10,040,650	10,254,450	10,228,850	10,231,850
Former Soviet Union Threat Reduction	382,200	284,700	382,200		382,200	382,200	284,700	382,200	382,200
Overseas Military Investment Recovery		0	0		0	30,322	30,322	30,322	30,322
Disposal of DoD Real Property		0	0		0	41,687	41,687	41,687	41,687
Lease of DoD Real Property		0	0		0	22,533	22,533	22,533	22,533
Payment to Kaho' Olawe Island Fund	10,000	10,000	10,000		10,000	10,000	10,000	10,000	10,000
Restoration of Rocky Mountain Arsenal		0	0		0	5,000	5,000	5,000	5,000
National Science Center, Army		0	0		0	120	120	120	120
Overseas Contingency Operation Transfer Fund	1,467,500	1,467,500	1,467,500	(213,600)	1,253,900	1,467,500	1,467,500	1,467,500	1,253,900
Defense Burdensharing-Allies/Nato		0	0		0	92,000	92,000	92,000	92,000
Subtotal Operation and Maintenance	93,195,684	92,616,231	93,292,927	598,543	93,794,227	93,663,214	93,088,761	93,760,457	94,261,757
REVOLVING FUNDS									
Defense Working Capital Fund (DECA)	33,400	971,952	33,400	938,552	971,952	33,400	971,952	33,400	971,952
Military Commisary Revolving Fund	938,552	0	938,552	(938,552)	0	938,552	0	938,552	0
National Defense Sealift Fund	1,191,426	1,181,626	516,126	(131,478)	1,059,948	1,191,426	1,181,626	516,126	1,059,948
National Defense Stockpile Transaction Fund (Routine & Ongoing Sales)			0		0	(150,000)	(150,000)	(150,000)	(150,000)
National Defense Stockpile Transaction Fund (Excess of Routine Sales)			0		0	(120,000)	(120,000)	(120,000)	(120,000)
Subtotal Working Capital Funds	2,163,378	2,153,578	1,488,078	(131,478)	2,031,900	1,893,378	1,883,578	1,218,078	1,761,900
Total Operation and Maintenance & Working Capital Funds	95,359,062	94,769,809	94,781,005	467,065	95,826,127	95,556,592	94,972,339	94,978,535	96,023,657
TITLES IV-V-VI MILITARY PERSONNEL									
Total Military Personnel	69,473,762	69,539,862	69,244,962	(3,257)	69,470,505	69,473,762	69,539,862	69,244,962	69,470,505

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement	FY 1998 BA Request	BA Implications		
							House	Senate	Conference
GENERAL PROVISIONS									
DIVISION B									
MILITARY CONSTRUCTION									
Military Construction, Army	595,277	706,027	631,277	103,250	698,527	595,277	706,027	631,277	698,527
Military Construction, Navy	540,106	675,806	601,114	131,460	671,566	540,106	675,806	601,114	681,066
Military Construction, Air Force	495,782	638,447	666,032	178,615	674,397	495,782	638,447	666,032	674,397
Military Construction, Defense-wide	673,633	613,233	680,003	(28,391)	645,242	673,633	613,233	680,003	645,242
Military Construction, Army National Guard	45,098	45,098	170,577	68,652	113,750	45,098	45,098	170,577	113,750
Military Construction, Air National Guard	60,225	137,275	191,169	130,219	190,444	60,225	137,275	191,169	190,444
Military Construction, Army Reserve	39,112	69,831	87,640	27,155	66,267	39,112	69,831	87,640	66,267
Military Construction, Naval Reserve	13,921	40,561	21,213	33,408	47,329	13,921	40,561	21,213	47,329
Military Construction, Air Force Reserve	14,530	34,443	36,680	15,713	30,243	14,530	34,443	36,680	30,243
Base Realignment and Closure II, III, IV	2,060,854	2,060,854	2,060,854	0	2,060,854	2,060,854	2,060,854	2,060,854	2,060,854
NATO Infrastructure	176,300	166,300	152,600	(23,700)	152,600	176,300	166,300	152,600	152,600
Total Military Construction	4,714,838	5,187,875	5,299,159	636,381	5,351,219	4,714,838	5,187,875	5,299,159	5,360,719
FAMILY HOUSING									
Family Housing Construction, Army	143,000	200,400	176,915	54,300	197,300	143,000	200,400	176,915	197,300
Family Housing Support, Army	1,148,937	1,148,937	1,143,286	(34,298)	1,114,639	1,148,937	1,148,937	1,143,286	1,114,639
Family Housing Construction, Navy and Marine Corps	278,933	400,715	321,306	106,436	385,369	278,933	400,715	321,306	385,369
Family Housing Support, Navy and Marine Corps	976,504	976,504	976,504	(6,100)	970,404	976,504	976,504	976,504	970,404
Family Housing Construction, Air Force	253,128	341,409	297,183	42,581	295,709	253,128	341,409	297,183	295,709
Family Housing Support, Air Force	830,234	830,234	830,234	(8,700)	821,534	830,234	830,234	830,234	821,534
Family Housing Construction, Defense-wide	4,950	4,950	4,950	0	4,950	4,950	4,950	4,950	4,950
Family Housing Support, Defense-wide	32,724	32,724	32,724	(100)	32,624	32,724	32,724	32,724	32,624
Total Family Housing	3,668,410	3,935,873	3,783,102	154,119	3,822,529	3,668,410	3,935,873	3,783,102	3,822,529

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

DIVISION C TITLE XXXI-XXXII	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement	FY 1998 BA Request	BA Implications House	BA Implications Senate	BA Implications Conference
ATOMIC ENERGY DEFENSE ACTIVITIES (053)									
Weapons Activities	3,576,255	3,966,050	4,018,450	570,437	4,146,692	3,576,255	3,966,050	4,018,450	4,146,692
Defense Environmental Restoration and Waste Management	5,052,499	5,283,270	5,087,274	477,390	5,529,889	5,052,499	5,283,270	5,087,274	5,529,889
Defense Nuclear Waste Disposal	190,000	190,000	190,000	0	190,000	190,000	190,000	190,000	190,000
Other Defense Actitivities	1,605,981	1,512,551	1,633,981	30,282	1,636,263	1,605,981	1,512,551	1,633,981	1,636,263
Defense Asset Acquisition	2,166,859	0	0	(2,166,859)	0	2,166,859	0	0	0
Defense Environmental Privatization	1,006,000	0	274,700	(1,006,000)	0	1,006,000	0	274,700	0
Defense Nuclear Facilities Safety Board	17,500	17,500	17,500	0	17,500	17,500	17,500	17,500	17,500
Total Atomic Energy Defense Activities (053)	13,615,094	10,969,371	11,221,905	(2,094,750)	11,520,344	13,615,094	10,969,371	11,221,905	11,520,344
Recapitulation									
Department of Defense (Division A)	243,650,292	248,179,296	248,011,157	3,957,053	247,607,345	243,573,954	248,102,958	247,934,819	247,531,007
Department of Defense (Division B)	8,383,248	9,123,748	9,082,261	790,500	9,173,748	8,383,248	9,123,748	9,082,261	9,183,248
Net Other Funds	6,000	1,000	300	(5,600)	400	282,000	277,000	276,300	276,400
Transfer Authority sec 1001 [Memo Entry]	2,500,000	2,000,000	2,500,000	(500,000)	2,000,000	0	2,000,000	2,500,000	2,000,000
Offsetting Receipts	0	0	0	0	0	(1,251,000)	(1,251,000)	(1,251,000)	(1,251,000)
Total Department of Defense Military (051)	252,039,540	257,304,044	257,093,718	4,741,953	256,781,493	250,988,202	256,252,706	256,042,380	255,739,655
Total Atomic Energy Defense Activities (053)	13,615,094	10,969,371	11,221,905	(2,094,750)	11,520,344	13,615,094	10,969,371	11,221,905	11,520,344
Total Defense Related Activities (054)	42,000	0	0	(42,000)	0	978,881	936,881	936,881	936,881
TOTAL NATIONAL DEFENSE FUNCTION (050)	265,696,634	268,273,415	268,315,623	2,605,203	268,301,837	265,582,177	268,158,958	268,201,166	268,196,880

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Defense Authorization and Appropriations Committees of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1998 contained an authorization of $42,883.0 million for Procurement in the Department of Defense. The House bill would authorize $46,595.9 million. The Senate amendment would authorize $47,028.1 million. The conferees recommended an authorization of $45,773.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
PROCUREMENT					
Aircraft Procurement, Army	1,162,459	1,535,264	1,394,459	153,774	1,316,233
Missile Procurement, Army	1,178,151	1,176,516	1,223,851	(435,512)	742,639
Procurement of Weapons and Tracked Combat Vehicles, Army	1,065,707	1,519,527	1,179,107	231,934	1,297,641
Procurement of Ammunition, Army	890,902	1,093,802	1,043,202	120,291	1,011,193
Other Procurement, Army	2,455,030	2,640,277	2,875,730	111,178	2,566,208
Aircraft Procurement, Navy	6,085,965	6,172,950	6,482,265	351,365	6,437,330
Weapons Procurement, Navy	1,136,293	1,214,687	1,200,393	(46,850)	1,089,443
Procurement of Ammunition, Navy and Marine Corps	336,797	470,355	369,797	27,947	364,744
Shipbuilding and Conversion, Navy	7,438,158	7,654,977	8,593,358	757,111	8,195,269
Other Procurement, Navy	2,825,500	3,073,432	3,137,700	145,367	2,970,867
Procurement, Marine Corps	374,306	442,807	554,806	85,775	460,081
Aircraft Procurement, Air Force	5,817,847	6,770,900	6,048,915	607,902	6,425,749
Procurement of Ammunition, Air Force	403,984	436,984	420,784	(5,450)	398,534
Missile Procurement, Air Force	2,557,741	2,389,183	2,411,241	(181,440)	2,376,301
Other Procurement, Air Force	6,561,253	6,574,096	6,798,453	(17,673)	6,543,580
Procurement, Defense-wide	1,695,085	1,836,989	1,749,285	362,065	2,057,150
Procurement, National Guard and Reserve Equipment	0	700,355	653,000	643,000	643,000
Chemical Agents and Munitions Destruction, Army					
Operation & Maintenance	472,200	472,200	467,200	(10,000)	462,200
Procurement	82,200	82,200	77,200	(10,000)	72,200
Research, Development, Test & Evaluation	66,300	56,300	70,300	0	66,300

Summary of National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
Procurement, Defense Health Program	274,068	279,068	274,068	0	274,068
Procurement, Office of the Inspector General	1,800	1,800	1,800	0	1,800
Defense Export Loan Guarantee Program	1,231	1,231	1,231	0	1,231
Total Procurement	42,882,977	46,595,900	47,028,145	2,890,784	45,773,761

Overview

The budget request for fiscal year 1998 contained an authorization of $1.162.5 million for Aircraft Procurement, Army in the Department of Defense. The House bill would authorize $1,535.3 million. The Senate amendment would authorize $1,394.5 million. The conferees recommended an authorization of $1,316.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
1	ARL (TIARA)		41,048		41,048		41,048				41,048
2	C-XX (MEDIUM RANGE) AIRCRAFT		-		-	5	23,000	5	23,000	5	23,000
3	GUARDRAIL COMMON SENSOR (TIARA)		3,388		3,388		3,388				3,388
3a	SHORT RANGE, UAV				20,000						-
	ROTARY										
4	AH-64 ATTACK HELICOPTER (APACHE)		-		-		-				-
5	UH-60 BLACKHAWK (MYP)	18	246,131	30	342,131	36	373,431	10	89,000	28	335,131
5	LESS: ADVANCE PROCUREMENT (PY)		(62,900)		(62,900)		(62,900)				(62,900
6	ADVANCE PROCUREMENT (CY)		25,000		25,000		25,000				25,000
	CH-47 CARGO HELICOPTER (MYP)		-		-	2	45,000				-
7	HELICOPTER NEW TRAINING		-		-		-				-
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
8	GUARDRAIL MODS (TIARA)		15,613		15,613		15,613				15,613
9	AHIF MODS		451		451		451				451
10	AH-64 MODS		41,168		41,168		41,168				41,168
11	CH-47 CARGO HELICOPTER MODS (MYP)		63,854		63,854		63,854				63,854
12	C-12 CARGO AIRPLANE MODS		613		6,613		613		6,000		6,613
13	OH-58 MODS		748		748		748				748
14	C-20 AIRCRAFT MODS		853		853		853				853
15	LONGBOW		497,358		525,858		497,358				497,358
15	LESS: ADVANCE PROCUREMENT (PY)		(22,526)		(22,526)		(22,526)				(22,526
16	ADVANCE PROCUREMENT (CY)		36,932		36,932		36,932				36,932
17	UH-1 MODS		4,679		4,679		2,679		(2,000)		2,679
18	UH-60 MODS		14,353		14,353		14,353				14,353
19	KIOWA WARRIOR		38,822		213,822		53,822		15,000		53,822
20	EH-60 QUICKFIX MODS		38,140		38,140		38,140				38,140
21	AIRBORNE AVIONICS		42,860		42,860		42,860				42,860
22	ASE MODS		4,578		19,578		12,678		14,500		19,078
23	MODIFICATIONS < $2.0M		1,735		1,735		1,735				1,735
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
24	SPARES AND REPAIR PARTS		27,546		27,546		27,546				27,546
	SUPPORT EQUIPMENT AND FACILITIES										
	GROUND SUPPORT AVIONICS										

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
25	AIRCRAFT SURVIVABILITY EQUIPMENT		905		15,705		905		7,400		8,305
	OTHER SUPPORT										
26	AIRBORNE COMMAND & CONTROL		-		-		-				-
27	AVIONICS SUPPORT EQUIPMENT		2,701		2,701		2,701				2,701
28	TRAINING DEVICES		-		18,600		18,600		13,300		13,300
29	COMMON GROUND EQUIPMENT		30,636		30,636		27,636		(3,000)		27,636
30	AIRCREW INTEGRATED SYSTEMS		12,472		12,472		12,472				12,472
31	AIR TRAFFIC CONTROL		5,802		5,802		5,802				5,802
32	INDUSTRIAL FACILITIES		2,049		2,049		2,049				2,049
32a	DMPE				5,700						-
33	AIRBORNE COMMUNICATIONS		47,450		47,450		47,450				47,450
34	CLOSED ACCOUNT ADJUSTMENT		-		-		-				-
35	ADVISORY AND ASSISTANCE SERVICES				(6,795)				(1,426)		(1,426)
	ECONOMIC ASSUMPTIONS								(8,000)		(8,000)
	TOTAL AIRCRAFT PROCUREMENT, ARMY		1,162,459		1,535,264		1,394,459		153,774		1,316,233

FUNDING EXPLANATIONS

UH-60 blackhawk

The budget request included $246.1 million to procure 18 UH-60 Blackhawk helicopters.

The House bill would authorize an increase of $96.0 million for an additional 12 aircraft.

The Senate amendment would authorize an increase of $127.3 million for 18 additional aircraft.

The conferees agree to authorize an increase of $89.0 million for 10 additional aircraft, of which $6.0 million would be used to procure kits to configure UH-60Q medical evacuation aircraft.

Kiowa warrior

The budget request included $38.8 million for Kiowa Warrior helicopter modifications.

The House bill would authorize an increase of $175.0 million to procure 21 aircraft.

The Senate amendment would authorize an additional $15.0 million for safety modifications to existing aircraft.

The House recedes.

Aircraft survivability equipment modifications

The budget request included $4.6 million to support aircraft survivability equipment modifications.

The House bill would authorize an increase of $15.0 million for laser detection sets for Army aircraft.

The Senate amendment would authorize an additional $8.1 million for testing and integration of the suite of integrated radio frequency countermeasures and the suite of integrated infrared countermeasures systems.

The conferees agree to authorize a total of $19.1 million for aircraft survivability equipment modifications, of which $7.0 million would be for laser detection sets and $7.5 million for advanced threat infrared countermeasures.

Aircraft survivability equipment

The budget request included $0.9 million to procure aircraft survivability equipment.

The House bill would authorize an increase of $14.8 million to procure upgrades to the aircraft survivability equipment trainer (ASET) IV system.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $7.4 million for ASET IV upgrades.

Training devices

The budget request included no funds for aircraft training devices.

The House bill and the Senate amendment would authorize an increase of $18.6 million to procure upgrades to flight simulators used in the Korean theater.

The conferees agree to authorize an increase of $13.3 million for these critical simulator upgrades.

Overview

The budget request for fiscal year 1998 contained an authorization of $1.178.2 million for Missile Procurement, Army in the Department of Defense. The House bill would authorize $1,176.5 million. The Senate amendment would authorize $1,223.9 million. The conferees recommended an authorization of $742.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	MISSILE PROCUREMENT, ARMY										
	OTHER MISSILES										
	SURFACE-TO-AIR MISSILE SYSTEM										
1	PATRIOT SYSTEM SUMMARY (MYP)	52	349,109	52	349,109	52	349,109	(52)	(349,109)		-
2	AVENGER SYSTEM SUMMARY		-		-		15,000		7,400		7,400
	AIR-TO-SURFACE MISSILE SYSTEM										-
3	HELLFIRE SYS SUMMARY	1,465	279,687	1,465	279,687	1,465	268,987	(265)	(30,700)	1,200	248,987
	ANTI-TANK/ASSAULT MISSILE SYSTEM										-
4	JAVELIN (AAWS-M) SYS SUM (MYP)	1,080	153,112	1,080	153,112	1,080	153,112			1,080	153,112
4	LESS: ADVANCE PROCUREMENT (PY)		(10,000)		(10,000)		(10,000)				(10,000)
5	ADVANCE PROCUREMENT (CY)		-		-		-				-
6	TOW 2 SYSTEM SUMMARY		1,326		1,326		1,326				1,326
7	MLRS ROCKET		2,863		2,863		14,863		12,000		14,863
8	MLRS LAUNCHER SYSTEMS	29	102,649	29	102,649	29	127,749	9	13,100	38	115,749
9	ARMY TACTICAL MSL SYS (ATACMS) (MYP)	153	114,494	153	103,724	153	109,494			153	114,494
9	LESS: ADVANCE PROCUREMENT (PY)		(16,680)		(16,680)		(16,680)				(16,680)
10	ADVANCE PROCUREMENT (CY)		-		-		-				-
11	ATACMS/BAT		-		-		-				-
12	BAT	305	85,208	305	85,208	305	85,208	(305)	(85,208)		-
12a	EFOG-M										
	MODIFICATION OF MISSILES										
	MODIFICATIONS										
13	PATRIOT MODS		20,825		20,825		20,825				20,825
14	STINGER MODS		12,411		21,711		21,711		9,300		21,711
15	ITAS/TOW MODS		62,755		69,755		62,755				62,755
16	DRAGON MODS		-		-		-				-
17	MLRS MODS		2,188		2,188		2,188				2,188
17a	AVENGER MODS				13,300						-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
18	SPARES AND REPAIR PARTS		11,381		11,381		11,381				11,381
	SUPPORT EQUIPMENT AND FACILITIES										
	SUPPORT EQUIPMENT AND FACILITIES										
19	AIR DEFENSE TARGETS		998		998		998				998
20	ITEMS LESS THAN $2.0M (MISSILES)		954		954		954				954
21	MISSILE DEMILITARIZATION		1,507		1,507		1,507				1,507
22	PRODUCTION BASE SUPPORT		3,364		3,364		3,364				3,364
23	ADVISORY AND ASSISTANCE SERVICES				(20,465)				(4,295)		(4,295)

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	ECONOMIC ASSUMPTIONS								(8,000)		(8,000)
	TOTAL MISSILE PROCUREMENT, ARMY		1,178,151		1,176,516		1,223,851		(435,512)		742,639

Avenger

The budget request included no funds for procurement of Avenger missile systems.

The House bill would authorize an increase of $13.3 million for Avenger slew-to-cue modifications.

The Senate amendment would authorize an increase of $15.0 million to the budget request: $13.0 million for Avenger slew-to-cue modifications; and $2.0 million for Avenger table top trainers for the Army National Guard.

The conferees agree to authorize $7.4 million for Avenger slew-to-cue modifications.

Hellfire

The budget request included $279.7 million for procurement of Hellfire missile systems.

The House bill would support the budget request.

The Senate amendment would reduce the budget request by $10.7 million.

The conferees agree to reduce the Hellfire missile program by $30.7 million.

Multiple launch rocket system rocket

The budget request included $2.9 million for procurement of Multiple Launch Rocket System (MLRS) rockets.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $12.0 million for procurement of extended range MLRS rockets.

The House recedes.

Multiple launch rocket system launcher

The budget request included $102.6 million to support procurement of Multiple Launch Rocket System (MLRS) launchers.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $25.1 million for MLRS launchers necessary to accelerate Army plans to convert MLRS force structure to a new 2 X 9 configuration.

The conferees agree to authorize $115.7 million for this program. This total includes $25.1 million for additional launchers and a transfer of $12.0 million to MLRS extended range rockets.

Brilliant anti-armor submunition

The budget request included $85.2 million for procurement of Brilliant Anti-Armor Submunition (BAT) submunitions.

The House bill and Senate amendment would authorize the budget request.

The conferees are concerned about the Army's procurement of basic BAT munitions prior to production and fielding of the objective preplanned product improvement (P3I) BAT system. While the conferees understand that the Army plans to use the basic BAT as a bridge to the P3I system for development and fielding of the Block II Army Tactical Missile System, it is clear that the basic BAT system is solely an interim solution and cannot meet the entire range of system requirements. The conferees agree to eliminate funding for the basic BAT munition. The conferees, in support of an alternative to procuring basic BAT munitions, agree to authorize a transfer of $35.0 million to PE 64768A in order to accelerate development and production of the P3I BAT.

Overview

The budget request for fiscal year 1998 contained an authorization of $1,065.7 million for Weapons and Tracked Combat Vehicles Procurement, Army in the Department of Defense. The House bill would authorize $1,519.5 million. The Senate amendment would authorize $1,179.1 million. The conferees recommended an authorization of $1,297.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request Qty	FY 98 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Change Qty	Conference Change Cost	Conference Agreement Qty	Conference Agreement Cost
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
	TRACKED COMBAT VEHICLES										
1	ABRAMS TRNG DEV MOD		2,222		2,222		2,222				2,222
2	BRADLEY BASE SUSTAINMENT		125,591		125,591		187,991		95,000		220,591
3	BRADLEY FVS TRAINING DEVICES		1,417		1,417		1,417				1,417
4	HAB TRAINING DEVICES		-		-		-				-
5	BRADLEY FVS TRAINING DEVICES (MOD)		-		-		-				-
6	FIELD ARTILLERY AMMUNITION SUPPORT VEH		-		-		-	36	40,000	36	40,000
7	ARMORED COMBAT EARTHMOVER		-	54	52,400		-				-
8	ABRAMS TANK TRAINING DEVICES		13,351		13,351		13,351				13,351
9	M1 ABRAMS TANK SERIES (MYP)		-		-		-				-
10	COMMAND & CONTROL VEHICLE	5	30,897	5	30,897	5	30,897			5	30,897
	MODIFICATION OF TRACKED COMBAT VEHICLES										
11	CARRIER, MOD		20,244		64,844		40,244		20,000		40,244
12	FIST VEHICLE (MOD)		14,656		14,656		14,656				14,656
13	BFVS SERIES (MOD)		61,232		181,232		61,232				61,232
14	HOWITZER, MED SP FT 155MM M109A6 (MOD)		18,706		129,706		18,706	36	56,000	36	74,706
15	HOWITZER, MED SP FT 155MM M109A5 (MOD)		-		-		-				-
16	FAASV PIP TO FLEET		1,922		83,022		1,922				1,922
17	IMPROVED RECOVERY VEHICLE (M88 MOD)		28,601		56,401		28,601		4,000		32,601
18	BREACHER SYSTEM (MOD)		-		-		-				-
19	HEAVY ASSAULT BRIDGE (HAB) SYS (MOD)		42,205		42,205		42,205				42,205
20	M1 ABRAMS TANK (MOD)		29,843		29,843		32,843				29,843
21	ABRAMS UPGRADE PROGRAM		328,628		328,628		328,628				328,628
21a	ADV PROCURMENT-ABRAMS UPGRADE PROGRAM		266,228		266,228		266,228				266,228
22	MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		1,030		1,030		1,030				1,030
	SUPPORT EQUIPMENT AND FACILITIES										
23	ITEMS LESS THAN $2.0M (TCV-WTCV)		139		139		139				139
24	PRODUCTION BASE SUPPORT (TCV-WTCV)		8,942		8,942		8,942				8,942
25	REGIONAL MAINTENANCE TRAINING SITES-EQUIP		-		-		-				-
	WEAPONS AND OTHER COMBAT VEHICLES										
	WEAPONS AND OTHER COMBAT VEHICLES										
26	PERSONAL DEFENSE WEAPON (ROLL)		-		-		-				-
27	ARMOR MACHINE GUN, 7.62MM M240 SERIES		-	2,100	20,000		-	1,500	15,000	1,500	15,000
28	MACHINE GUN, 5.56MM (SAW)	406	5,569	406	5,569	406	5,569			406	5,569
29	GRENADE LAUNCHER, AUTO, 40MM, MK19-3		-		-		13,000		8,000		8,000
30	MORTAR, 120MM		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
31	M16 RIFLE	11,297	5,089	11,297	5,089	11,297	5,089			11,297	5,089
32	5.56 CARBINE M4	7,484	5,089	7,484	7,089	7,484	5,089			7,484	5,089
	MODIFICATION OF WEAPONS AND OTHER COMBAT VEH										
33	M4 CARBINE MODS		2,152		2,152		2,152				2,152
34	MEDIUM MACHINE GUNS (MODS)		-		-		15,000				-
35	M119 MODIFICATIONS		4,977		4,977		4,977				4,977
36	M16 RIFLE MODS		7,603		7,603		7,603				7,603
37	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV)		1,406		1,406		1,406				1,406
	SUPPORT EQUIPMENT AND FACILITIES										
38	ITEMS LESS THAN $2.0M (WOCV-WTCV)		1,215		1,215		1,215				1,215
39	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,195		6,195		6,195				6,195
40	INDUSTRIAL PREPAREDNESS		5,758		5,758		5,758				5,758
41	SMALL ARMS (SOLDIER ENH PROG)		4,178		4,178		4,178				4,178
	SPARE AND REPAIR PARTS										
	SPARES										
42	SPARES AND REPAIR PARTS (WTCV)		20,622		20,622		20,622				20,622
43	ADVISORY AND ASSISTANCE SERVICES				(5,080)				(1,066)		(1,066)
	ECONOMIC ADJUSTMENTS								(5,000)		(5,000)
	TOTAL PROCUREMENT OF W&TCV, ARMY		1,065,707		1,519,527		1,179,107		231,934		1,297,641

Bradley base sustainment

The budget request included $125.6 million to upgrade Bradley Fighting Vehicles (BFV).

The House bill would authorize the budget request but would also authorize $120.0 million for A0 to A2 Operation Desert Storm (ODS) upgrades for the Army National Guard (ARNG) in the BFV funding line.

The Senate amendment would authorize an increase of $62.4 million to maintain low-rate production rates for A3 upgrades necessary prior to full scale production in 1999.

The conferees agree to authorize an increase of $95.0 million for BFV ODS upgrades for the ARNG.

Field artillery ammunition support vehicle

The budget request included no funds for Field Artillery Ammunition Support Vehicles (FAASV).

The House bill would authorize an increase of $81.1 million to procure 72 FAASV systems.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $40.0 million for the FAASV systems necessary to support Army National Guard artillery modernization.

M109A6 paladin howitzer

The budget request included $18.7 million for Paladin howitzer artillery system support.

The House bill would authorize an increase of $111.0 million to procure 72 Paladin howitzer systems.

The Senate amendment would authorize the budget request.

The Senate recedes with an amendment that would authorize an increase of $56.0 million for no less than 36 Paladin systems.

The conferees agree to authorize $74.7 million for the M109A6 Paladin in support of Army National Guard artillery modernization.

Improved recovery vehicle

The budget request included $28.6 million for Improved Recovery Vehicle (IRV) program support.

The House bill would authorize an increase of $27.8 million to procure an additional 12 vehicles.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $32.6 million for IRV system requirements.

Overview

The budget request for fiscal year 1998 contained an authorization of $336.8 million for Ammunition Procurement, Navy and Marine Corps in the Department of Defense. The House bill would authorize $470.4 million. The Senate amendment would authorize $369.8 million. The conferees recommended an authorization of $364.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference			
								Change		Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP										
	PROC AMMO, NAVY										
	NAVY AMMUNITION										
1	GENERAL PURPOSE BOMBS		12,849		12,849		12,849				12,849
2	JDAM	668	38,520	668	38,520	668	38,520			668	38,520
3	2.75 INCH ROCKETS		15,833		15,833		15,833				15,833
4	MACHINE GUN AMMUNITION		7,823		7,823		7,823				7,823
5	PRACTICE BOMBS		41,766		41,766		41,766				41,766
6	CARTRIDGES & CART ACTUATED DEVICES		24,373		24,373		24,373				24,373
7	AIRCRAFT ESCAPE ROCKETS		8,544		8,544		8,544				8,544
8	AIR EXPENDABLE COUNTERMEASURES		22,724		22,724		22,724				22,724
9	MARINE LOCATION MARKERS		655		655		655				655
10	JATOS		4,517		4,517		4,517				4,517
11	5 INCH/54 GUN AMMUNITION		27,669		27,669		27,669				27,669
12	CIWS AMMUNITION		467		467		467				467
13	76MM GUN AMMUNITION		3,446		3,446		3,446				3,446
14	OTHER SHIP GUN AMMUNITION		4,499		4,499		4,499				4,499
15	SMALL ARMS & LANDING PARTY AMMO		7,756		7,756		7,756				7,756
16	PYROTECHNIC AND DEMOLITION		10,216		10,216		10,216				10,216
17	MINE NEUTRALIZATION DEVICES		6,321		6,321		6,321				6,321
18	SHIP EXPENDABLE COUNTERMEASURES		-		-		-				-
19	CANCELLED ACCOUNT ADJUSTMENTS (87)		-		-		-				-
19a	20 MM PGU-28				7,000				1,750		1,750
	PROC AMMO, MC										
	MARINE CORPS AMMUNITION										
20	5.56 MM, ALL TYPES		33,000		36,000		36,000		3,000		36,000
21	7.62 MM, ALL TYPES		2,900		8,900		2,900		3,000		5,900
22	LINEAR CHARGES, ALL TYPES		2,290		13,790		2,290		7,500		9,790
22a	CHARGE DEMO ASSEMBLY				-						-
23	.50 CALIBER		1,700		1,700		1,700				1,700
24	40 MM, ALL TYPES		5,701		16,301		10,701		1,500		7,201
25	60 MM HE M888		-		-		-				-
26	81 MM HE		-		-		-				-
27	81MM, ALL TYPES		-		-		-				-
28	81 MM SMOKE SCREEN		-		-		-				-
29	120MM, ALL TYPES		15,481		48,881		15,481				15,481
30	120MM TPCSDS-T M865		-		5,200		-				-
31	120 MM TP-T M831		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line				House		Senate		Conference			
		FY 98 Request		Authorized		Authorized		Change		Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
32	155MM CHG. PROP. RED BAG		-		-		-				-
33	FUZE, ET, XM762		-		7,000		-		3,500		3,500
34	CTG 25MM, ALL TYPES		2,181		3,281		2,181				2,181
35	9 MM ALL TYPES		3,684		3,684		3,684				3,684
36	GRENADES, ALL TYPES		2,882		6,282		2,882				2,882
37	ROCKETS, ALL TYPES		15,047		15,047		25,047		10,000		25,047
38	DEMOLITION MUNITIONS, ALL TYPES		600		43,900		15,600				600
39	FUZE, ALL TYPES		-		3,500		-				-
40	NON LETHALS		2,000		2,000		2,000				2,000
41	AMMO MODERNIZATION		9,888		9,888		9,888				9,888
42	ITEMS LESS THAN $2 MIL		1,465		1,465		1,465				1,465
43	ADVISORY AND ASSISTANCE SERVICES				(1,442)				(303)		(303)
	ECONOMIC ASSUMPTIONS								(2,000)		(2,000)
	TOTAL PROC OF AMMUNITION, NAVY & MARINE CORP		336,797		470,355		369,797		27,947		364,744

Overview

The budget request for fiscal year 1998 contained an authorization of $7,438.2 million for Shipbuilding and Conversion Procurement, Navy in the Department of Defense. The House bill would authorize $7,655.0 million. The Senate amendment would authorize $8,593.4 million. The conferees recommended an authorization of 8,195.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SHIPBUILDING & CONVERSION, NAVY										
	OTHER WARSHIPS										
	OTHER WARSHIPS										
	CARRIER REPLACEMENT PROGRAM										
	ADVANCED PROCUREMENT/CONSTRUCTION CVN-77				-		345,000		50,000		50,000
1	SSN-21		153,444		153,444		153,444				153,444
1	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
2	NEW SSN	1	3,296,374	1	3,296,374	1	3,311,374			1	3,296,374
2	LESS: ADVANCE PROCUREMENT (PY)		(981,471)		(981,471)		(981,471)				(981,471)
3	ADVANCE PROCUREMENT (CY)		284,859		284,859		284,859				284,859
	CVN-77 (AP)										-
4	CVN REFUELING OVERHAULS	1	2,136,625	1	2,130,025	1	2,136,625			1	2,136,625
4	LESS: ADVANCE PROCUREMENT (PY)		(521,622)		(521,622)		(521,622)				(521,622)
5	ADVANCE PROCUREMENT (CY)		92,855		92,855		92,855		(46,000)		46,855
6	CGN REFUELING OVERHAULS		-		-		-				-
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	DDG-51	3	2,788,839	3	2,788,839	4	3,508,839	1	720,000	4	3,508,839
7	LESS: ADVANCE PROCUREMENT (PY)		(123,072)		(123,072)		(123,072)				(123,072)
8	ADVANCE PROCUREMENT (CY)		157,806		157,806		157,806				157,806
	AMPHIBIOUS SHIPS										
	AMPHIBIOUS SHIPS										
9	COMPLETION OF LSD-52		-		-		-				-
10	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)		-		-		-				-
10	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
11	LPD-17		-		185,000		-		100,000		100,000
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGR										
	AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM COST										
12	AE(CONV)		-		-		-				-
13	OCEANOGRAPHIC SHIPS		-		-	1	75,200				-
13	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
13a	TAGS 65			1	75,200						-
14	ADVANCE PROCUREMENT (CY)		-		-		-		16,000		16,000
15	SERVICE CRAFT		33,859		33,859		33,859				33,859
16	LCAC LANDING CRAFT		-		17,300		-		17,300		17,300
17	OUTFITTING		28,140		21,140		28,140		(7,000)		21,140
18	FAST PATROL CRAFT		-		20,000		-				-
19	POST DELIVERY		90,177		81,177		90,177		(9,000)		81,177
20	AFS (CONV)		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
21	FIRST DESTINATION TRANSPORTATION		1,345		1,345		1,345				1,345
22	ADVISORY AND ASSISTANCE SERVICES				(58,081)				(12,189)		(12,189)
	ECONOMIC ASSUMPTIONS								(72,000)		(72,000)
	TOTAL SHIPBUILDING & CONVERSION, NAVY		7,438,158		7,654,977		8,593,358		757,111		8,195,269

LPD–18

The budget request included no funds for the LPD–18.

The House bill would authorize $185.0 million for advance procurement of this type ship.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $100.0 million for the advance procurement of one LPD–17 class ship.

Oceanographic survey ship

The budget request included no funds for an additional oceanographic survey ship.

The House bill and Senate amendment would authorize $75.2 million for one TAGS-65 oceanographic survey ship.

The conferees agree to authorize $16.0 million advance procurement for one TAGS–65 oceanographic survey ship.

Overview

The budget request for fiscal year 1998 contained an authorization of $2,825.5 million for Other Procurement, Navy in the Department of Defense. The House bill would authorize $3,073.4 million. The Senate amendment would authorize $3,137.7 million. The conferees recommended an authorization of $2,970.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER PROCUREMENT, NAVY										
	SHIPS SUPPORT EQUIPMENT										
	SHIP PROPULSION EQUIPMENT										
1	LM-2500 GAS TURBINE		7,548		7,548		7,548		(2,000)		5,548
2	ALLISON 501K GAS TURBINE		5,897		5,897		5,897				5,897
3	STEAM PROPULSION IMPROVEMENT		541		541		541				541
4	OTHER PROPULSION EQUIPMENT		12,077		12,077		12,077				12,077
	GENERATORS										
5	OTHER GENERATORS		1,810		1,810		1,810				1,810
	PUMPS										
6	OTHER PUMPS		444		444		444				444
	PROPELLERS										
7	SUBMARINE PROPELLERS		-		-		-				-
8	OTHER PROPELLERS AND SHAFTS		1,496		1,496		39,796				1,496
	NAVIGATION EQUIPMENT										
9	OTHER NAVIGATION EQUIPMENT		31,552		49,552		49,552		10,500		42,052
	UNDERWAY REPLENISHMENT EQUIPMENT										
10	UNDERWAY REPLENISHMENT EQUIPMENT		8,189		8,189		8,189				8,189
	PERISCOPES										
11	SUB PERISCOPES & IMAGING EQUIP		32,131		32,131		32,131				32,131
	OTHER SHIPBOARD EQUIPMENT										
12	FIREFIGHTING EQUIPMENT		14,081		37,081		14,081		5,000		19,081
13	COMMAND AND CONTROL SWITCHBOARD		8,049		8,049		8,049				8,049
14	POLLUTION CONTROL EQUIPMENT		156,775		150,495		147,975		(21,000)		135,775
15	SUBMARINE SILENCING EQUIPMENT		4,285		4,285		4,285				4,285
16	SUBMARINE BATTERIES		9,043		9,043		9,043		(600)		8,443
17	SSN21 CLASS SUPPORT EQUIPMENT		6,442		6,442		6,442				6,442
18	STRATEGIC PLATFORM SUPPORT EQUIP		6,435		6,435		6,435				6,435
19	DSSP EQUIPMENT		7,269		7,269		7,269				7,269
20	MINESWEEPING EQUIPMENT		4,940		4,940		4,940				4,940
21	HM&E ITEMS UNDER $2 MILLION		51,059		51,059		51,059				51,059
22	SURFACE IMA		2,026		2,026		2,026				2,026
23	RADIOLOGICAL CONTROLS		163		163		163				163
24	MINI/MICROMINI ELECTRONIC REPAIR		495		495		495				495
	REACTOR PLANT EQUIPMENT										
25	REACTOR POWER UNITS		108,542		108,542		108,542				108,542
26	REACTOR COMPONENTS		193,880		180,880		193,880		(13,000)		180,880
	OCEAN ENGINEERING										

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request Qty	FY 98 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Change Qty	Conference Change Cost	Conference Agreement Qty	Conference Agreement Cost
27	DIVING AND SALVAGE EQUIPMENT		4,860		4,860		4,860				4,860
28	EOD UNDERWATER EQUIPMENT		9,050		9,050		9,050				9,050
	SMALL BOATS										
29	STANDARD BOATS		4,932		4,932		4,932				4,932
	TRAINING EQUIPMENT										
30	OTHER SHIPS TRAINING EQUIPMENT		1,815		1,815		1,815				1,815
	PRODUCTION FACILITIES EQUIPMENT										
31	PRODUCTION SUPPORT FACILITIES		353		353		353				353
32	OPERATING FORCES IPE		888		888		888				888
	OTHER SHIP SUPPORT										
33	NUCLEAR ALTERATIONS		74,053		74,053		74,053				74,053
34	MODERNIZATION SUPPORT		-		-		-				-
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	SHIP RADARS						-				
35	AN/SPS-40		669		669		669				669
36	AN/SPS-48		230		230		230				230
37	AN/SPS-49		13,401		13,401		13,401				13,401
38	AN/SYS-()		-		-		-				-
39	MK-23 TARGET ACQUISITION SYSTEM		1,923		1,923		1,923				1,923
40	RADAR SUPPORT		1,708		23,708		10,708		22,000		23,708
41	SURFACE ELECTRO-OPTICAL SYSTEM		-		-		-				-
42	TISS		13,703		13,703		13,703				13,703
	SHIP SONARS										
43	SURFACE SONAR SUPPORT EQUIPMENT		3,810		3,810		3,810				3,810
44	AN/SQQ-89 SURF ASW COMBAT SYSTEM		16,628		16,628		16,628		(400)		16,228
45	SSN ACOUSTICS		77,953		85,953		77,953		8,000		85,953
46	SURFACE SONAR WINDOWS AND DOME		-		6,000		-		6,000		6,000
47	SONAR SUPPORT EQUIPMENT		5,430		5,430		5,430				5,430
48	SONAR SWITCHES AND TRANSDUCERS		11,574		11,574		11,574				11,574
	ASW ELECTRONIC EQUIPMENT										
49	SUBMARINE ACOUSTIC WARFARE SYSTEM		4,259		4,259		4,259				4,259
50	SSTD		344		12,944		344				344
51	ACOUSTIC COMMUNICATIONS		412		412		412				412
52	FIXED SURVEILLANCE SYSTEM		15,175		15,175		15,175				15,175
53	SURTASS		7,108		7,108		7,108				7,108
54	ASW OPERATIONS CENTER		5,255		5,255		5,255				5,255
55	CARRIER ASW MODULE		16		16		16				16
	ELECTRONIC WARFARE EQUIPMENT										

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
56	AN/SLQ-32		2,119		2,119		2,119				2,119
57	AN/WLR-1		-		-		-				-
58	INFORMATION WARFARE SYSTEMS		3,781		3,781		3,781				3,781
59	EW SUPPORT EQUIPMENT		4,216		4,216		4,216				4,216
60	C-3 COUNTERMEASURES		6,891		6,891		6,891		(300)		6,591
	RECONNAISSANCE EQUIPMENT										
61	COMBAT DF		10,473		10,473		10,473		(4,600)		5,873
62	OUTBOARD		11,674		11,674		11,674				11,674
63	BATTLE GROUP PASSIVE HORIZON EXTEN		50,221		50,221		50,221		(2,800)		47,421
	SUBMARINE SURVEILLANCE EQUIPMENT										
64	AN/WLQ-4		4,479		4,479		4,479				4,479
65	SUBMARINE SUPPORT EQUIPMENT PROG		6,904		6,904		6,904				6,904
	OTHER SHIP ELECTRONIC EQUIPMENT										
66	NAVY TACTICAL DATA SYSTEM		14,335		24,335		14,335		10,000		24,335
67	COOPERATIVE ENGAGEMENT CAPABILITY		-		114,800		74,800		75,000		75,000
68	JMCIS AFLOAT		22,403		22,403		34,403		6,000		28,403
69	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		49,710		49,710		114,410		31,000		80,710
70	ATDLS		16,991		16,991		16,991		(1,600)		15,391
71	MINESWEEPING SYSTEM REPLACEMENT		15,848		15,848		15,848				15,848
72	SHALLOW WATER MCM		-		-		-				-
73	EMSP (MYP)		-		-		-				-
74	NAVSTAR GPS RECEIVERS (SPACE)		5,006		5,006		5,006				5,006
75	HF LINK-11 DATA TERMINALS		-		-		-				-
76	ARMED FORCES RADIO AND TV		15,665		15,665		15,665				15,665
77	STRATEGIC PLATFORM SUPPORT EQUIP		7,499		7,499		7,499				7,499
	TRAINING EQUIPMENT										
78	OTHER SPAWAR TRAINING EQUIPMENT		3,569		3,569		3,569				3,569
79	OTHER TRAINING EQUIPMENT		24,529		24,529		24,529				24,529
	AVIATION ELECTRONIC EQUIPMENT										
80	MATCALS		9,726		9,726		9,726				9,726
81	SHIPBOARD AIR TRAFFIC CONTROL		2,971		2,971		2,971				2,971
82	AUTOMATIC CARRIER LANDING SYSTEM		13,200		13,200		13,200		(1,000)		12,200
83	NATIONAL AIR SPACE SYSTEM		2,239		2,239		2,239				2,239
84	TACAN		-		-		-				-
85	AIR STATION SUPPORT EQUIPMENT		9,495		9,495		9,495				9,495
86	MICROWAVE LANDING SYSTEM		5,311		5,311		5,311				5,311
87	FACSFAC		7,001		7,001		7,001				7,001
88	ID SYSTEMS		11,293		11,293		11,293		(2,100)		9,193

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
89	SURFACE IDENTIFICATION SYSTEMS		-		-		-				-
90	TAC A/C MISSION PLANNING SYS(TAMPS)		15,722		15,722		15,722				15,722
	OTHER SHORE ELECTRONIC EQUIPMENT										
91	JMCIS ASHORE		3,393		3,393		3,393				3,393
92	JMCIS OED		343		343		343				343
93	TADIX-B		5,239		5,239		5,239				5,239
94	NATIONAL IMAGERY SUPPORT		-		-		-				-
95	JMCIS TACTICAL/MOBILE		2,888		2,888		2,888				2,888
96	RADIAC		6,093		6,093		6,093				6,093
97	GPETE		7,461		7,461		7,461				7,461
98	INTEG COMBAT SYSTEM TEST FACILITY		3,877		3,877		7,877				3,877
99	CALIBRATION STANDARDS		2,075		2,075		2,075				2,075
100	EMI CONTROL INSTRUMENTATION		4,984		4,984		4,984				4,984
101	SHORE ELEC ITEMS UNDER $2 MILLION		3,425		3,425		3,425				3,425
	SHIPBOARD COMMUNICATIONS										
102	SHIPBOARD TACTICAL COMMUNICATIONS		24,497		24,497		24,497				24,497
103	PORTABLE RADIOS		2,375		2,375		2,375				2,375
104	SINCGARS		7,426		7,426		7,426				7,426
105	SHIP COMMUNICATIONS AUTOMATION		25,799		25,799		49,799		4,000		29,799
106	SHIP COMM ITEMS UNDER $2 MILLION		12,374		12,374		12,374				12,374
	SUBMARINE COMMUNICATIONS										
107	SHORE LF/VLF COMMUNICATIONS		7,751		7,751		7,751				7,751
108	SUBMARINE COMMUNICATION EQUIPMENT		37,239		37,239		37,239				37,239
109	ADVANCED VLF RECEIVER		7,643		7,643		7,643				7,643
	SATELLITE COMMUNICATIONS										
110	SATCOM SHIP TERMINALS (SPACE)		107,608		107,608		122,808		2,000		109,608
111	SATCOM SHORE TERMINALS (SPACE)		4,987		4,987		4,987				4,987
	SHORE COMMUNICATIONS										
112	JCS COMMUNICATIONS EQUIPMENT		2,603		2,603		2,603				2,603
113	NSIPS		-		-		-				-
114	JEDMICS		-		-		-				-
115	GCCS EQUIPMENT		1,560		1,560		1,560				1,560
116	NAVAL SHORE COMMUNICATIONS		72,465		72,465		96,465		12,000		84,465
	CRYPTOGRAPHIC EQUIPMENT										
117	SECURE VOICE SYSTEM		-		-		-				-
118	SECURE DATA SYSTEM		-		-		-				-
119	INFO SYSTEMS SECURITY PROGRAM (ISSP)		31,667		31,667		39,667		3,000		34,667
120	KEY MANAGEMENT SYSTEMS		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	CRYPTOLOGIC EQUIPMENT										
121	CRYPTOLOGIC COMMUNICATIONS EQUIP		7,122		7,122		7,122				7,122
	OTHER ELECTRONIC SUPPORT										
122	ELEC ENGINEERED MAINT (NAVSEA)		-		-		-				-
	DRUG INTERDICTION SUPPORT										
123	OTHER DRUG INTERDICTION SUPPORT		-		-		-				-
	AVIATION SUPPORT EQUIPMENT										
	SONOBUOYS										
124	AN/SSQ-36 (BT)		1,402		2,902		1,402		350		1,752
125	AN/SSQ-53 (DIFAR)		28,382		52,082		47,382		19,000		47,382
126	AN/SSQ-62 (DICASS)		24,291		32,891		31,291		7,000		31,291
127	AN/SSQ-101 (ADAR)		-		-		-				-
128	AN/SSQ-110		-		5,000		-				-
129	SIGNAL, UNDERWATER SOUND (SUS)		672		3,172		672				672
129a	AN/SSQ-57				4,500				500		500
	AIRCRAFT SUPPORT EQUIPMENT										
130	WEAPONS RANGE SUPPORT EQUIPMENT		4,858		14,358		4,858		6,000		10,858
131	EXPEDITIONARY AIRFIELDS		1,252		1,252		1,252				1,252
132	AIRCRAFT REARMING EQUIPMENT		10,356		10,356		10,356				10,356
133	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		29,630		29,630		29,630				29,630
134	PREDATOR UAV (DARP)		-		-		-				-
135	PIONEER UAV (DARP)		-		-		-				-
136	METEOROLOGICAL EQUIPMENT		17,816		17,816		17,816				17,816
137	OTHER PHOTOGRAPHIC EQUIPMENT		805		805		805				805
138	AVIATION LIFE SUPPORT		15,345		15,345		15,345		(2,700)		12,645
139	AIRBORNE MINE COUNTERMEASURES		20,192		27,692		20,192		7,500		27,692
140	LAMPS MK III SHIPBOARD EQUIPMENT		5,805		5,805		5,805		(1,245)		4,560
141	REWSON PHOTOGRAPHIC EQUIPMENT		693		693		693				693
142	STOCK SURVEILLANCE EQUIPMENT		1,586		1,586		1,586				1,586
143	OTHER AVIATION SUPPORT EQUIPMENT		6,165		6,165		6,165				6,165
144	SAFETY & SURVIVABILITY ITEMS		-		-		-				-
	ORDNANCE SUPPORT EQUIPMENT										
	SHIP GUN SYSTEM EQUIPMENT										
145	GUN FIRE CONTROL EQUIPMENT		9,753		9,753		9,753				9,753
	SHIP MISSILE SYSTEMS EQUIPMENT										
146	MK-92 FIRE CONTROL SYSTEM		906		906		906				906
147	HARPOON SUPPORT EQUIPMENT		243		243		243				243
148	TARTAR SUPPORT EQUIPMENT		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
149	POINT DEFENSE SUPPORT EQUIPMENT		-		-		-				-
150	AIRBORNE ECM/ECCM		-		-		-				-
151	ENGAGEMENT SYSTEMS SUPPORT		6,881		6,881		6,881				6,881
152	NATO SEASPARROW		6,866		6,866		14,866		6,000		12,866
153	RAM GMLS		68,292		68,292		68,292				68,292
154	SHIP SELF DEFENSE SYSTEM		5,841		5,841		5,841				5,841
155	AEGIS SUPPORT EQUIPMENT		26,813		34,813		26,813		(5,700)		21,113
156	SURFACE TOMAHAWK SUPPORT EQUIPMENT		65,502		65,502		65,502		(200)		65,302
157	SUBMARINE TOMAHAWK SUPPORT EQUIP		1,425		1,425		1,425				1,425
158	VERTICAL LAUNCH SYSTEMS		7,591		7,591		7,591				7,591
	FBM SUPPORT EQUIPMENT										
159	STRATEGIC PLATFORM SUPPORT EQUIP		2,312		2,312		2,312				2,312
160	STRATEGIC MISSILE SYSTEMS EQUIP		231,528		231,528		231,528		(2,800)		228,728
	ASW SUPPORT EQUIPMENT										
161	SSN COMBAT CONTROL SYSTEMS		20,511		20,511		20,511				20,511
162	SUBMARINE ASW SUPPORT EQUIPMENT		3,442		3,442		3,442				3,442
163	SURFACE ASW SUPPORT EQUIPMENT		5,929		5,929		5,929				5,929
164	ASW RANGE SUPPORT EQUIPMENT		3,551		3,551		3,551				3,551
	OTHER ORDNANCE SUPPORT EQUIPMENT										
165	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		7,521		7,521		7,521				7,521
166	UNMANNEL SEABORNE TARGET		4,271		4,271		4,271		(2,000)		2,271
167	ANTI-SHIP MISSILE DECOY SYSTEM		24,696		24,696		33,696		9,000		33,696
168	INDUSTRIAL FACILITIES (CALIBRATION EQUIPMENT)		1,373		1,373		1,373				1,373
169	STOCK SURVEILLANCE EQUIPMENT		1,292		1,292		1,292				1,292
	OTHER EXPENDABLE ORDNANCE										
170	PYROTECHNIC AND DEMOLITION (SOF)		-		-		-				-
171	FLEET MINE SUPPORT EQUIPMENT		5,269		5,269		5,269				5,269
172	SURFACE TRAINING DEVICE MODS		4,829		4,829		4,829				4,829
173	SUBMARINE TRAINING DEVICE MODS		23,025		23,025		23,025				23,025
174	INDUSTRIAL DEPOT MAINTENANCE		-		-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT										
	CIVIL ENGINEERING SUPPORT EQUIPMENT										
175	ARMORED SEDANS		274		274		274				274
176	PASSENGER CARRYING VEHICLES	194	5,689	194	5,689	194	5,689			194	5,689
177	SPECIAL PURPOSE VEHICLES		2,795		2,795		2,795				2,795
178	GENERAL PURPOSE TRUCKS		-		-		-				-
179	TRAILERS/TRUCK TRACTORS		-		-		-				-
180	EARTH MOVING EQUIPMENT		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
181	CONSTRUCTION & MAINTENANCE EQUIP		3,700		3,700		3,700		-		3,700
182	FIRE FIGHTING EQUIPMENT		1,543		1,543		1,543				1,543
183	TACTICAL VEHICLES		2,459		2,459		2,459				2,459
184	WEIGHT HANDLING EQUIPMENT		-		-		-				-
185	AMPHIBIOUS EQUIPMENT		6,233		6,233		6,233		-		6,233
186	COMBAT CONSTRUCTION SUPPORT EQUIP		245		245		245				245
187	MOBILE UTILITIES SUPPORT EQUIPMENT		1,160		1,160		1,160				1,160
188	COLLATERAL EQUIPMENT		530		530		530				530
189	OCEAN CONSTRUCTION EQUIPMENT		332		332		332				332
190	POLLUTION CONTROL EQUIPMENT		28,650		28,650		28,650		(3,600)		25,050
191	OTHER CIVIL ENG SUPPORT EQUIPMENT		-		-		-				
	SUPPLY SUPPORT EQUIPMENT										
	SUPPLY SUPPORT EQUIPMENT										
192	FORKLIFT TRUCKS		6,328		6,328		6,328				6,328
193	OTHER MATERIALS HANDLING EQUIPMENT		2,063		2,063		2,063				2,063
194	OTHER SUPPLY SUPPORT EQUIPMENT		-		-		-				-
195	FIRST DESTINATION TRANSPORTATION		3,930		3,930		3,930				3,930
196	SPECIAL PURPOSE SUPPLY SYSTEMS		44,207		44,207		44,207				44,207
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT										
	TRAINING DEVICES										
197	TRAINING SUPPORT EQUIPMENT		2,065		2,065		2,065				2,065
198	TRAINING DEVICE MODIFICATIONS		-		-		-				-
	COMMAND SUPPORT EQUIPMENT										
199	COMMAND SUPPORT EQUIPMENT		15,915		15,915		15,915				15,915
200	EDUCATION SUPPORT EQUIPMENT		-		-		-				-
	PORT SECURITY UNIT EQUIPTMENT		-		-		-				-
201	MEDICAL SUPPORT EQUIPMENT		-		-		-				-
202	INTELLIGENCE SUPPORT EQUIPMENT		22,449		22,749		22,449				22,449
203	OPERATING FORCES SUPPORT EQUIPMENT		4,743		4,743		4,743				4,743
204	NAVAL RESERVE SUPPORT EQUIPMENT		-		-		-				-
205	ENVIRONMENTAL SUPPORT EQUIPMENT		15,678		15,678		21,678		6,000		21,678
206	PHYSICAL SECURITY EQUIPMENT		-		-		-				-
207	INDUSTRIAL DEPOT MAINTENANCE EQUIP		-		-		-				-
	OTHER										-
208	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
209	CANCELLED ACCOUNT ADJUSTMENT (88)		-		-		-				-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
210	SPARES AND REPAIR PARTS		248,717		248,717		228,717		(20,000)		228,717
211	ADVISORY AND ASSISTANCE SERVICES				(18,288)				(3,838)		(3,838)
	ECONOMIC ASSUMPTION								(19,000)		(19,000)
	TOTAL OTHER PROCUREMENT, NAVY		2,825,500		3,073,432		3,137,700		145,367		2,970,867

AN/WSN–7 inertial navigation system

The budget request included $31.6 million for navigation equipment, including $12.3 million for the procurement of nine AN/WSN–7 ring laser gyros (RLGs).

The House bill and the Senate amendment would authorize an increase of $18.0 million for procurement and installation of 18 additional WSN–7 RLGs.

The conferees agree to authorize an increase of $10.5 million for procurement and installation of additional WSN–7 RLGs.

Self-contained breathing apparatus

The budget request included $14.1 million for fire fighting equipment, but did not include funding for procurement of oxygen breathing apparatuses used for shipboard firefighting.

The House bill would authorize an increase of $23.0 million to begin outfitting the fleet with self-contained breathing apparatuses (SCBAs), a non-developmental, commercial off-the-shelf more user-friendly and efficient shipboard firefighting system to replace the antiquated oxygen-breathing apparatus (OBA).

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $5.0 million for procurement of SCBAs.

Pollution control equipment

The budget request included $156.8 million for pollution control equipment.

The House bill would authorize a decrease of $6.3 million because an equivalent amount of excess fiscal year 1997 funds is available to meet fiscal year 1998 program requirements.

The Senate amendment would authorize a decrease of $8.8 million due to reduced requirements resulting from ship deactivations.

The conferees agree to authorize $135.8 million, a decrease of $21.0 million, for pollution control equipment.

AN/BPS–16 submarine navigation radar

The budget request included no funds for the procurement of AN/BPS–16 or AN/BPS–15H submarine navigation radar.

The House bill would authorize $9.0 million for the AN/BPS–16 submarine navigation radar to initiate the backfit of the radar on the Trident submarine fleet.

The Senate amendment would authorize $9.0 million for the procurement of additional AN/BPS–15H radar sets for installation into Trident class submarines and for use as training and refit facility assets.

The conferees agree to authorize $9.0 million for AN/BPS–15H radar navigation sets.

Cooperative engagement capability

The budget request included no funds for procurement of cooperative engagement capability (CEC) equipment.

The House bill would authorize $114.8 million to restore the Navy's CEC fielding plan by procuring and installing CEC shipsets for two aircraft carrier battle groups.

The Senate amendment would authorize $74.8 million to procure and install CEC battle group equipment.

The conferees agree to authorize an increase of $75.0 million for procurement and installation of CEC battle group equipment.

Information Technology–21

The budget request included no funds for Information Technology–21 (IT–21).

The Senate amendment would authorize an increase of $157.2 million for IT–21. Of this amount $147.9 would be for procurement and installation of IT–21 related equipment and $9.3 million would be for related operations and maintenance funding. These funds would provide an initial impetus to the IT–21 initiative and assist the Navy to achieve its goal of a fully outfitted fleet by the year 2000.

The House bill would authorize the budget request.

The conferees agree to authorize a total IT–21 procurement increase of $58.0 million as follows:

(1) JMCIS Afloat $6.0 million;

(2) Naval Tactical Command Support System $31.0 million;

(3) Ship Communications Automation $4.0 million;

(4) SATCOM Ship Terminals (Space) $2.0 million;

(5) Naval Shore Communications $12.0 million; and

(6) Information Systems Security Program $3.0 million

Sonobuoy procurement

The Budget request included $54.8 million for the procurement of AN/SSQ–36, AN/SSQ–53E, and AN/SSQ–62E sonobuoys and Signal, Underwater Sound (SUS) Systems. The budget request included no funds for the AN/SSQ–57 or the AN/SSQ–110 sonobuoys.

The House bill would authorize an increase of $45.8 million to be distributed as follows: $1.5 million for AN/SSQ–36; $23.7 million for AN/SSQ–53; $4.5 million for AN/SSQ–57 retrofits; $8.6 million for SSQ–62; $5.0 million for AN/SSQ–110 shallow-water upgrades; and $2.5 million for Signal, Underwater Sound (SUS).

The Senate amendment would authorize increases of $19.0 million for AN/SSQ–53E and $7.0 million for AN/SSQ–62E sonobuoys.

The conferees agree to authorize the following increases to the budget request: $0.3 million for AN/SSQ–36; $19.0 million for AN/SSQ–53; $7.0 million for SSQ–62; and $0.5 million for AN/SSQ–57.

Mobile remote emitter simulator

The budget request included $4.9 million for weapons range support, but did not include any funding to procure Mobile Remote Emitter Simulator (MRES) system.

The House bill would authorize an increase of $9.5 million to procure two MRES systems for the Atlantic test range component of the Naval Air Warfare Center.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $6.0 million for MRES.

NATO sea sparrow missile system low light level television

The budget request included no funds for the NATO Sea Sparrow missile system low light level television (LLTV) charged coupled device (CCD) ordnance alternation (ORDALT).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $8.0 million above the budget request for the procurement of additional CCD ORDALT kits.

The conferees agree to an increase of $6.0 million for the procurement of additional CCD ORDALT kits.

AEGIS support equipment

The budget request included $26.8 million for AEGIS support equipment.

The House bill would authorize an increase of $8.0 million to backfit the computer-aided submode training lesson authorizing system (CLASS) on AEGIS cruisers and destroyers and to expand CLASS to other systems such as cooperative engagement capability, joint maritime command information system, and global command and control system.

The Senate amendment would authorize the budget request.

The conferees agree to authorize a $21.1 million for AEGIS support equipment.

Overview

The budget request for fiscal year 1998 contained an authorization of $374.3 million of Marine Corps Procurement, Navy in the Department of Defense. The House bill would authorize $442.8 million. The Senate amendment would authorize $554.8 million. The conferees recommended an authorization of $460.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT, MARINE CORPS										
	WEAPONS AND COMBAT VEHICLES										
	TRACKED COMBAT VEHICLES										
1	AAV7A1 PIP		13,520		13,520		13,520				13,520
2	LAV PIP		600		600		600				600
3	LIGHT ARMORED VEHICLE		6,727		6,727		6,727				6,727
4	MODIFICATION KITS (TRKD VEH)		4,483		4,483		4,483				4,483
5	ITEMS UNDER $2M (TRKD VEH)		99		99		99				99
	ARTILLERY AND OTHER WEAPONS										
6	MOD KITS (ARTILLERY)		1,787		1,787		1,787				1,787
7	ITEMS UNDER $2M (ALL OTHER)		810		810		810				810
8	MARINE ENHANCEMENT PROGRAM		1,513		1,513		1,513				1,513
	WEAPONS										
9	155MM LIGHTWEIGHT TOWED HOWITZER		-		-		-				-
	GUIDED MISSILES AND EQUIPMENT										
	GUIDED MISSILES										
10	HAWK MOD		3,475		3,475		3,475				3,475
11	JAVELIN (MYP)	194	44,146	380	61,146	380	61,146	186	17,000	380	61,146
11	LESS. ADVANCE PROCUREMENT (PY)		(2,000)		(2,000)		(2,000)				(2,000)
12	ADVANCE PROCUREMENT (CY)		-		-		-				-
13	PEDESTAL MOUNTED STINGER (PMS) (MYP)		217		217		217				217
14	PREDATOR (SRAW)		-		-		-				
	OTHER SUPPORT										
15	MODIFICATION KITS		842		842		842				842
16	ITEMS LESS THAN $2 MILLION		-		-		-				-
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	MANPACK RADIOS										
17	MANPACK RADIOS AND EQUIP		-		-		-				-
	TELEPHONE AND TELETYPE EQUIPMENT										
18	JOINT TACT INFO DIST SYS (CL I)		-		-		-				-
	REPAIR AND TEST EQUIPMENT										
19	AUTO TEST EQUIP SYS		12.121		12,121		12,121				12,121
20	GENERAL PURPOSE ELECTRONIC TEST EQUIP		9,142		9,142		9,142				9,142
	OTHER COMM/ELEC EQUIPMENT										
21	SINGLE CHAN GRD & AIR RADIO		-		-		-				-
	OTHER SUPPORT (TEL)										
22	MODIFICATION KITS (TEL)		-		-		-				-
23	ITEMS LESS THAN $2M (TEL)		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
24	TACTICAL AIR OPER MODULE (TAOM)		-		-		-				-
25	ADVANCED TACT AIR COMMAND CENTER		-		-		-				-
26	MULTI-SERV ADF FIELD ART TACTICAL DATA SYS		-		-		-				-
27	TACTICAL COMBAT OPERATIONS SYS		-		-		-				-
	INTELL/COMM EQUIPMENT (NON-TEL)										
28	AN/TPQ-36 FIRE FINDER RADAR UPGRADE		172		172		172				172
29	INTELLIGENCE SUPPORT EQUIPMENT		16,413		17,205		16,413		792		17,205
30	MOD KITS (INTEL)		5,824		5,824		5,824				5,824
31	ITEMS LESS THAN $2M (INTELL)		631		631		631				631
	REPAIR AND TEST EQUIPMENT (NON-TEL)										
32	GENERAL PRUPOSE MECHANICAL TMDE		2,179		2,179		2,179				2,179
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
33	NIGHT VISION EQUIPMENT		-		-		7,000		7,000		7,000
34	ADP EQUIPMENT		-		-		-				-
	OTHER SUPPORT (NON-TEL)										
35	COMMAND POST SYSTEMS		13,923		13,923		13,923				13,923
36	MANEUVER C2 SYSTEMS		15,690		15,690		15,690				15,690
37	RADIO SYSTEMS		16,907		16,907		16,907				16,907
38	COMM SWITCHING & CONTROL SYSTEMS		44,741		44,741		44,741				44,741
39	COMM & ELEC INFRASTRUCTURE SUPPORT		41,809		84,409		66,609		24,800		66,609
40	MOD KITS MAGTF C41		22,974		22,974		23,374				22,974
41	ITEMS < $2M MAGTF C41		371		371		371				371
42	MODIFICATION KITS (OTHER)		1,734		1,734		1,734				1,734
43	ITEMS < $2M (OTHER)		3,018		3,018		3,018				3,018
44	AIR OPERATIONS C2 SYSTEMS		9,371		9,371		9,371				9,371
45	MARINE ENHANCEMENT PROGRAM		-		-		-				-
46	MODIFICATION KITS (NONTEL)		-		-		-				-
47	ITEMS LESS THAN $2M (NONTEL)		-		-		-				-
	SUPPORT VEHICLES										
	ADMINISTRATIVE VEHICLES										
48	COMMERCIAL PASSENGER VEHICLES	40	1,276	40	1,276	40	1,276			40	1,276
49	COMMERCIAL CARGO VEHICLES		6,946		6,946		6,946				6,946
	TACTICAL VEHICLES										
50	5/4T TRUCK HMMWV (MYP)		696		696		55,696		30,000		30,696
51	MEDIUM TACTICAL VEHICLE REPLACEMENT		-		-		-				-
52	LOGISTICS VEHICLE SYSTEM REP		-		-		-				-
53	TRAILERS		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER SUPPORT										
54	MODIFICATION KITS		-		-		6,200				-
55	ITEMS LESS THAN $2 MIL		594		594		594				594
	ENGINEER AND OTHER EQUIPMENT										
	ENGINEER AND OTHER EQUIPMENT										
56	ENVIRONMENTAL CONTROL EQUIP ASSORT		1,968		1,968		1,968				1,968
57	BULK LIQUID EQUIPMENT		7,913		7,913		7,913				7,913
58	ADVANCED DEMOLITION KITS		-		-		-				-
59	POWER EQUIPMENT ASSORTED		3,627		3,627		25,727				3,627
60	SHOP EQ CONTACT MAINTENANCE (SECM)		-		-		12,200				-
61	CANCELLED ACCOUNT ADJUSTMENT (87)		-		-		-				-
62	CANCELLED ACCOUNT ADJUSTMENTS (88)		-		-		-				-
	MATERIALS HANDLING EQUIPMENT										
63	COMMAND SUPPORT EQUIPMENT		613		613		613				613
64	AMPHIBIOUS RAID EQUIPMENT		-		-		1,600				-
65	PHYSICAL SECURITY EQUIPMENT		1,514		1,514		1,514				1,514
66	GARRISON MOBILE ENGR EQUIP		2,998		2,998		2,998				2,998
67	TELEPHONE SYSTEM		-		-		-				-
68	WAREHOUSE MODERNIZATION		1,584		1,584		1,584				1,584
69	MATERIAL HANDLING EQUIP		5,241		5,241		5,241				5,241
70	FIRST DESTINATION TRANSPORTATION		1,396		1,396		1,396				1,396
	GENERAL PROPERTY										
71	FIELD MEDICAL EQUIPMENT		1,081		1,081		16,081		10,000		11,081
72	TRAINING DEVICES		10,585		10,585		19,785				10,585
73	CONTAINER FAMILY		6,191		6,191		6,191				6,191
	OTHER SUPPORT										
74	MODIFICATION KITS		1,215		1,215		1,215				1,215
75	ITEMS LESS THAN $2 MIL		714		714		10,714				714
75a	ABOVE-GROUND FUEL STORAGE TANKS				2,000						-
76	DRUG INTERDICTION		-		-		-				-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
77	SPARES AND REPAIR PARTS		24,915		24,915		24,915				24,915
78	MARINE ENHANCEMENT PROGRAM				10,000						-
79	ADVISORY AND ASSISTANCE SERVICES				(3,891)				(817)		(817)
	ECONOMIC ASSUMPTIONS								(3,000)		(3,000)
	TOTAL, PROCUREMENT, MARINE CORPS		374,306		442,807		554,806		85,775		460,081

Light tactical wheeled vehicle replacement

The budget request included $0.7 million to support the Marine Corps High Mobility Multipurpose Wheeled Vehicle (HMMWV) program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $55.0 million to accelerate a planned replacement program for a deteriorating HMMWV fleet.

The conferees agree to authorize an increase of $30.0 million.

Chemical/biological incident response force equipment

The budget request included $1.1 million for field medical equipment and no funding for chemical/biological incident response force (CBIRF) equipment.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $15.0 million for procurement of CBIRF equipment.

The conferees agree to authorize an increase of $10.0 million for CBIRF requirements for a total of $11.1 million for Marine Corps field medical equipment procurement.

MK-19 grenade launcher

The budget request included no funds for the MK-19 grenade launcher.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $13.0 million to maintain production of the MK-19 grenade launchers.

The conferees agree to authorize a total of $8.0 million for the MK-19 grenade launcher.

Overview

The budget request for fiscal year 1998 contained an authorization of $890.9 million for Ammunition Procurement, Army in the Department of Defense. The House bill would authorize $1,093.8 million. The Senate amendment would authorize $1,043.2 million. The conferees recommended an authorization of $1,011.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference			
								Change		Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, ARMY										
	AMMUNITION										
	SMALL/MEDIUM CAL AMMUNITION										
1	CTG, 5.56MM, ALL TYPES		63,588		65,988		66,088		1,400		64,988
2	CTG 5.56MM ARMOR PIERCING XM995	1,406	1,976	1,406	1,976	1,406	1,976			1,406	1,976
3	CTG, 7.62MM, ALL TYPES		1,136		7,136		1,636		3,000		4,136
4	CTG 7.62MM ARMOR PIERCING XM993	1,013	1,994	1,013	1,994	1,013	1,994			1,013	1,994
5	CTG, 9MM, ALL TYPES		4,229		4,229		4,229				4,229
6	CTG, .45 CAL, ALL TYPES		73		73		73				73
7	CTG, .50 CAL, ALL TYPES		19,977		20,177		20,077		200		20,177
8	CTG CAL .50 API MK211 MOD 0	286	1,994	286	1,994	286	1,994			286	1,994
9	CTG, 20MM, ALL TYPES		-		-		-				-
10	CTG, 25MM, ALL TYPES		88,166		88,166		88,166				88,166
11	CTG, 30MM, ALL TYPES		10,357		10,357		10,357				10,357
12	CTG, 40MM, ALL TYPES		26,203		26,203		26,203				26,203
	MORTAR AMMUNITION										
13	CTG MORTAR 60MM 1/10 PRAC M766		-		-		-				-
14	CTG MORTAR 60MM ILLUM M721/M767		-		-		-				-
15	CTG MORTAR 60MM SMOKE WP M722	23	4,744	23	4,744	23	4,744			23	4,744
16	CTG MORTAR 60MM HE M720		-		-		-				-
17	CTG MORTAR 81MM ILLUM M853A1		-		-		-				-
18	CTG MORTAR 81MM SMOKE RP M819		-		-		-				-
19	CTG MORTAR 81MM PRAC 1/10 RANGE M880		-		-		-				-
20	CTG MORTAR 120MM FULL RANGE PRACTICE M931	59	24,432	59	24,432	59	24,432			59	24,432
21	0CTG MORTAR 120MM HE M934 W/MO FUZE	32	29,908	32	38,908	32	49,908		9,000	32	38,908
22	CTG MORTAR 120MM ILLUM XM930 W/MTSQ FZ		-		3,000		-		3,000		3,000
23	CTG MORTAR 120MM SMOKE M929 W/MO FUZE		-		-		-				-
	TANK AMMUNITION										
24	CTG 120MM APFSDS-T M829A2/M829E3	21	72,920	21	72,920	21	72,920			21	72,920
25	CTG 120MM HEAT-MP-T M830A1		-		-		-				-
26	CTG TANK 120MM TP-T M831/M831A1	80	52,226	80	62,026	80	62,026		9,800	80	62,026
27	CTG TANK 120MM TPCSDS-T M865	184	111,653	184	124,453	184	124,353		7,700	184	119,353
	ARTILLERY AMMUNITION										
28	CTG ARTY 75MM BLANK M337A1	70	2,964	70	2,964	70	2,964			70	2,964
29	CTG ARTY 105MM DPICM XM915		-		-		-		10,000		10,000
30	PROJ ARTY 155MM SMOKE WP M825		12,586		12,586		12,586				12,586
31	PROJ ARTY 155MM HE M795		-		50,000		-		36,000		36,000
32	PROJ ARTY 155MM SADARM M898	507	67,909	507	67,909	507	67,909			507	67,909

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
32a	PROJ ARTY 105MM HERA				20,000						-
32b	PROJ ARTY 105MM DPICM				10,000						-
	ARTILLERY FUZES										
33	FUZE MULTI OPTION		-		20,000		20,000		15,000		15,000
33a	FUZE ARTY M767		-		-						-
	MINES										
34	MINE, TRAINING, ALL TYPES		-		-		-				-
35	MINE AT/AP M87 (VOLCANO)		-		12,000		-		12,000		12,000
36	WIDE AREA MUNITIONS	215	15,323	215	15,323	215	15,323			215	15,323
	ROCKETS										
37	BUNKER DEFEATING MUNITION (BDM)		-		10,000		-		8,000		8,000
38	ROCKET, HYDRA 70, ALL TYPES		12,067		49,267		48,267		25,200		37,267
	OTHER AMMUNITION										
39	DEMOLITION MUNITIONS, ALL TYPES		18,766		28,766		18,766				18,766
40	GRENADES, ALL TYPES		14,637		14,637		14,637				14,637
41	SIGNALS, ALL TYPES		7,862		7,862		7,862				7,862
42	SIMULATORS, ALL TYPES		4,573		5,073		15,073				4,573
42a	SELECTABLE LIGHTWEIGHT ATTACK MUNITION				-						-
42b	SIMULATOR ANTI TANK M27				-						-
	MISCELLANEOUS										
43	AMMO COMPONENTS, ALL TYPES		4,823		4,823		4,823				4,823
44	CAD/PAD ALL TYPES		1,087		1,087		1,087				1,087
45	ITEMS LESS THAN $2 MILLION		819		819		819				819
46	AMMUNITION PECULIAR EQUIPMENT		8,627		8,627		8,627				8,627
47	FIRST DESTINATION TRANSPORTATION (AMMO)		6,558		6,558		6,558				6,558
	AMMUNITION PRODUCTION BASE SUPPORT										
	PRODUCTION BASE SUPPORT										
48	PROVISION OF INDUSTRIAL FACILITIES		45,857		45,857		45,857		(21,000)		24,857
49	COMPONENTS FOR PROVE-OUT		-		-		-				-
50	LAYAWAY OF INDUSTRIAL FACILITIES		16,750		16,750		16,750				16,750
51	MAINTENANCE OF INACTIVE FACILITIES		23,000		23,000		23,000				23,000
52	CONVENTIONAL AMMO DEMILITARIZATION		106,118		96,118		106,118		(13,000)		93,118
53	ARMS INITIATIVE		5,000		5,000		45,000		20,000		25,000
	ADVISORY AND ASSISTANCE SERVICES								(9)		(9)
	ECONOMIC ASSUMPTIONS								(6,000)		(6,000)
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		890,902		1,093,802		1,043,202		120,291		1,011,193

Overview

The budget request for fiscal year 1998 contained an authorization of $2,455.0 million for Other Procurement, Army in the Department of Defense. The House bill would authorize $2,640.3 million. The Senate amendment would authorize $2,875.7 million. The conferees recommended an authorization of $2,566.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER PROCUREMENT, ARMY										
	TACTICAL AND SUPPORT VEHICLES										
	TACTICAL VEHICLES										
1	TACTICAL TRAILERS/DOLLY SETS		8,053		8,053		8,053				8,053
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T	350	9,361	350	9,361	350	9,361	(307)	(7,361)	43	2,000
3	SEMITRAILER LB 40T M870A1 (CCE)	3	991	3	991	3	991			3	991
4	SEMITRAILER, TANK, 5000G	74	7,581	74	7,581	74	7,581	(50)	(4,581)	24	3,000
5	SEMITRAILER, TANK, 7500G, BULKHAUL	231	10,408	231	10,408	231	10,408	(187)	(7,408)	44	3,000
6	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2C	51	4,296	51	4,296	51	4,296			51	4,296
7	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	774	66,233	1,134	104,933	1,889	141,233	965	65,000	1,739	131,233
8	FAMILY OF MEDIUM TACTICAL VEH (MYP)	1,506	209,446	1,506	199,446	1,506	253,446			1,506	209,446
9	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)		9,071	96	54,071		137,071		105,000		114,071
10	ARMORED SECURITY VEHICLES (COMBAT SPT) TACTIC	25	9,470	25	9,470	25	9,470			25	9,470
11	TRUCK, TRACTOR, LINE HAUL, M915/M916	293	36,079	293	18,079	293	36,079	(293)	(36,079)		-
12	TRUCK, TRACTOR, YARD TYPE, M878 (C/S)		-		-		-				-
13	MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV SLEP		-		-		-				-
14	HMMWV ESP		-		-		-				-
15	MODIFICATION OF IN SVC EQUIP		3,610		3,610		3,610				3,610
16	ITEMS LESS THAN $2.0M (TAC VEH)		189		189		189				189
	NON-TACTICAL VEHICLES										
17	HEAVY ARMORED SEDAN		-		-		-				-
18	PASSENGER CARRYING VEHICLES		-		-		-				-
19	GENERAL PURPOSE VEHICLES		-		-		-				-
20	SPECIAL PURPOSE VEHICLES		-		-		-				-
	SUPPORT EQUIPMENT AND FACILITIES										
21	SYSTEM FIELDING SUPPORT PEO		1,876		1,876		1,876				1,876
22	PROJECT MANAGEMENT SUPPORT		596		596		596				596
23	SYSTEM FIELDING SUPPORT (TACOM)		934		934		934				934
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	COMM - JOINT COMMUNICATIONS										
24	JCSE EQUIPMENT (USREDCOM)		3,075		3,075		3,075				3,075
	COMM - SATELLITE COMMUNICATIONS										
25	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPAC		87,643		87,643		87,643		(2,000)		85,643
26	SAT TERM, EMUT (SPACE)	207	7,264	207	7,264	207	7,264	(102)	(1,200)	105	6,064
27	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	17	6,796	17	6,796	17	6,796	(3)	(1,200)	14	5,596
28	GROUND COMMAND POST		589		589		589				589
29	SMART-T (SPACE)		22,762		22,762		22,762				22,762
30	SCAMP (SPACE)		4,305		16,605		4,305		12,300		16,605

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference			
								Change		Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
31	0GLOBAL BRDCST SVC - GBS		4,967		4,967		4,967				4,967
32	MOD OF IN-SVC EQUIP (TAC SAT)		2,021		2,021		2,021				2,021
	COMM - COMBAT SUPPORT COMM										
33	MSE MOD IN SERVICE		-		-		-				-
	COMM - C3 SYSTEM										
34	COMMAND CENTER IMPROVEMENT PROG (CCIP)		-		-		-				-
35	SOUTHCOM HQ RELOCATION		-		-		-				-
36	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		17,315		17,315		17,315				17,315
	COMM - COMBAT COMMUNICATIONS										
37	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		57,165		94,565		94,465		10,300		67,465
38	MOBILE SUBSCRIBER EQUIP (MSE)		-		-		-				-
39	SINCGARS FAMILY		290,164		290,164		290,164				290,164
40	JOINT TACTICAL AREA COMMS SYS		10,684		10,684		10,684				10,684
41	ACUS MOD PROGRAM (WIN-T/T)		82,391		92,391		115,391		23,000		105,391
42	TAC RADIO		-		-		-				-
43	C-E CONTINGENCY/FIELDING EQUIP		2,023		2,023		2,023				2,023
44	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS		1,003		1,003		1,003				1,003
45	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		5,677		5,677		5,677				5,677
46	MEDICAL COMMUNICATIONS FOR CBT CASUALTY CARE		-		-		-				-
	COMM - INTELLIGENCE COMM										
47	JWICS CONNECTIVITY		-		-		-				-
48	CI AUTOMATION ARCHITECTURE		2,297		2,297		2,297				2,297
49	CI CONUS BASED LAN		-		-		-				-
	INFORMATION SECUTITY										
50	TSEC - ARMY KEY MGT SYS (AKMS)		4,714		4,714		4,714				4,714
51	INFORMATION SYSTEM SECURITY PROGRAM - ISSP		10,208		10,208		15,708		3,500		13,708
	COMM - LONG HAUL COMMUNICATIONS										
52	TERRESTRIAL TRANSMISSION		20,811		20,811		20,811				20,811
53	BASE SUPPORT COMMUNICATIONS		1,053		1,053		1,053				1,053
54	ARMY DISN ROUTER		2,991		2,991		2,991				2,991
55	ELECTROMAG COMP PROG (EMCP)		469		469		469				469
56	WW TECH CON IMP PROG (WWTCIP)		944		944		944				944
	COMM - BASE COMMUNICATIONS										
57	INFORMATION SYSTEMS		20,498		20,498		20,498				20,498
58	DEFENSE MESSAGE SYSTEM (DMS)		7,962		7,962		7,962				7,962
59	LOCAL AREA NETWORK (LAN)		17,576		17,576		17,576				17,576
60	PENTAGON INFORMATION MGT AND TELECOM		28,249		28,249		28,249				28,249
	ELECT EQUIP - NAT FOR INT PROG (NFIP)										

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
61	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		3,897		3,897		3,897				3,897
62	GENERAL DEFENSE INTELL PROG (GDIP)		18,856		20,256		18,856		500		19,356
63	ITEMS LESS THAN $2.0M (INTEL SPT) - TIARA		-		2,800		-		2,800		2,800
	ELECT EQUIP - TACT INT REL ACT (TIARA)										
64	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		7,772		16,772		7,772		9,000		16,772
65	JTT/CIBS-M (TIARA)	56	11,438	56	11,438	56	11,438			56	11,438
66	IEW - GND BASE COMMON SENSORS (TIARA)		26,817		26,817		26,817		(26,817)		-
67	JOINT STARS (ARMY) (TIARA)		118,873		118,873		118,873				118,873
68	NATO-AGS		26,153		26,153		26,153				26,153
69	INTEGRATED BROADCAST TERMINAL MODS (TIARA)		3,294		3,294		3,294				3,294
70	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	4	7,465	4	7,465	4	7,465			4	7,465
71	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		-		-		-				-
72	TACTICAL EXPLOITATION OF NATIONAL CAPABILITIE		1,679		1,679		1,679				1,679
73	JOINT TACTICAL GROUND STATION		-		-		-				-
74	JOINT TACTICAL GROUND STATION MODS		2,913		2,913		2,913				2,913
75	TROJAN (TIARA)		3,828		3,828		3,828				3,828
76	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		1,676		1,676		1,676				1,676
77	ITEMS LESS THAN $2.0M (TIARA)		526		526		526				526
	ELECT EQUIP - ELECTRONIC WARFARE (EW)										
78	SHORTSTOP		-		9,000		-		6,000		6,000
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		2,325		2,325		2,325				2,325
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)										
80	SENTINEL	12	41,014	26	61,314	12	61,214		20,200	12	61,214
81	NIGHT VISION DEVICES		85,312		116,112		121,312		26,400		111,712
82	ARTILLERY ACCURACY EQUIP		4,548		4,548		4,548				4,548
83	MOD OF IN-SVC EQUIP (TAC SURV)		1,223		9,223		1,223				1,223
84	COMPUTER BALLISTICS: MORTAR XM-23		-		6,900		-				-
85	INTEGRATED MET SYS SENSORS (IMETS) - TIARA	2	1,379	2	1,379	2	1,379			2	1,379
86	SHF TERM		14,328		14,328		14,328				14,328
	ELECT EQUIP - TACTICAL C2 SYSTEMS										
87	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	253	33,245	253	33,245	253	33,245			253	33,245
88	FIRE SUPPORT ADA CONVERSION		3,306		3,306		3,306				3,306
89	CMBT SVC SUPT CONTROL SYS (CSSCS)	50	5,759	50	5,759	50	5,759			50	5,759
90	FAAD C2	3	13,080	3	23,080	3	13,080			3	13,080
91	FORWARD ENTRY DEVICE (FED)		2,382		18,682		2,382				2,382
92	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,978		1,978		1,978				1,978
93	LOGTECH		3,358		15,058		3,358		10,000		13,358
94	TC AIMS II		2,197		2,197		2,197				2,197

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
95	ISYSCON EQUIPMENT		10,645		10,645		10,645				10,645
96	MANEUVER CONTROL SYSTEM (MCS)	145	15,699	145	15,699	145	15,699	(145)	(15,699)		-
97	STAMIS TACTICAL COMPUTERS (STACOMP)	1,615	36,124	1,615	36,124	1,615	69,124			1,615	36,124
98	STANDARD INTEGRATED CMD POST SYSTEM		26,551		26,551		26,551				26,551
	ELECT EQUIP - AUTOMATION										
99	ARMY TRAINING XX1 MODERNIZATION		25,238		25,238		25,238				25,238
100	AUTOMATED DATA PROCESSING EQUIP		125,099		138,099		125,099		7,000		132,099
101	RESERVE COMPONENT AUTOMATION SYS (RCAS)		114,323		90,323		84,323				114,323
	ELECT EQUIP - AUDIO VISUAL SYS (A/V)										
102	AFRTS		459		459		459				459
103	ITEMS LESS THAN $2.0M (A/V)		2,624		2,624		2,624				2,624
	ELECT EQUIP-TEST MEAS&DIAG EQUIP (TMDE)										
104	CALIBRATION SETS EQUIPMENT		-		-		-				-
105	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		-		-		-				-
106	TMDE MODERNIZATION (TMOD)		-		-		-				
	ELECT EQUIP - SUPPORT										
107	INSTALLATION C4 UPGRADE (ICU)		-		-		-				-
108	PRODUCTION BASE SUPPORT (C-E)		418		418		418				418
	OTHER SUPPORT EQUIPMENT										
	CHEMICAL DEFENSIVE EQUIPMENT										
109	GEN SMK MECH:MTRZD DUAL PURP M56	70	12,560	70	12,560	70	12,560			70	12,560
110	GENERATOR, SMOKE, MECH M58	34	9,159	34	9,159	34	9,159			34	9,159
111	GEN SET, SMOKE, MECH: PUL JET, M157 SERIES		-		-	-	-				-
112	LT VEH OBSCURANT SMK SYS	486	2,164	486	2,164	486	2,164			486	2,164
	BRIDGING EQUIPMENT										
113	RIBBON BRIDGE		4,200		4,200		4,200				4,200
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
114	DISPENSER, MINE M139		-		-		-				-
115	METALLIC MINE DETECTOR, VEHICLE MOUNTED	10	12,574	10	12,574	10	12,574			10	12,574
116	BN COUNTERMINE SIP		3,357		3,357		3,357				3,357
	COMBAT SERVICE SUPPORT EQUIPMENT										
117	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		1,468		1,468		1,468				1,468
118	KITCHEN, CONTAINERIZED, FIELD		-		-		-				-
119	SANITATION CENTER, FIELD FEEDING		-		-		-				-
120	TRUCK, FIREFIGHTING, MULTI-PURPOSE		-		-		-				-
121	ARMY SPACE HEATER, 120,000 BTU (ASH)	94	930	94	930	94	930			94	930
122	LAUNDRY ADVANCED SYSTEM (LADS)		-		-		-				-
123	CONTAINERIZED SELF SERVICE LAUNDRY		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
124	FLOODLIGHT SET, ELEC, TRL MTD, 3 LIGHTS		-		-		-				-
125	SOLDIER ENHANCEMENT		1,709		1,709		1,709				1,709
126	LAND WARRIOR		-		-		-				-
127	FORCE PROVIDER	2	11,633	2	11,633	2	11,633			2	11,633
128	REFRIGERATION EQUIPMENT		-		-		-				-
129	ITEMS LESS THAN $2.0M (CSS-EQ)		2,020		2,020		2,020				2,020
	PETROLEUM EQUIPMENT										
130	TANK ASSEMBLY FAB COLL POL 50000 G		-		-		-				-
131	FORWARD AREA REFUELING EQUIPMENT (FARE)		-		-		-				-
132	GROUND FUEL PETROLEUM TESTING KIT		-		-		-				-
133	TANK ASSEMBLY FAB COLLAPSIBLE POL 10000G	116	949	116	949	116	949			116	949
134	TANK ASSY, FAB COLLAPS, 20,000 GAL POL		-		-		-				-
135	TANK/PUMP UNIT LIQ DISP F/TRK MOUNTING		-		-		-				-
136	TANK UNIT TRLR MTD 600 GAL		-		-		-				-
137	3000 GAL FABRIC TANK		-		-		-				-
138	AVIATION FUEL TESTING KIT		-		-		-				-
139	FILTER SEPARATOR, 350 GPM		-		-		-				-
140	LAB PETROLEUM MODULAR BASE		-		-		-				-
141	FUEL SYSTEM SUPPLY POINT, 60000 GALLON		-		-		-				-
142	PUMP ASSY, REGULATED, 350 GPM		-		-		-				-
143	50 GPM PUMP, AUXILLARY UTILITY		-		-		-				-
144	PUMP ASSY, UNREGULATED, 350 GPM		-		-		-				-
145	HOSELINE OUTFIT FUEL HANDLING		-		-		-				-
146	INLAND PETROLEUM DISTRIBUTION SYSTEM		1,037		1,037		1,037				1,037
147	FORWARD AREA REFUELING SYS ADV AVIATION		-		-		-				-
148	HEMTT AVIATION REFUELING SYSTEM		-		-		-				-
149	ITEMS LESS THAN $2.0M (POL)		6,275		6,275		6,275				6,275
	WATER EQUIPMENT										
150	WATER PURIF UNIT REV OS 3000 GPH		-		-		-				-
151	FWD AREA WTR POINT SUP SYSTEM		-		-		-				-
152	SMALL MOBILE WATER CHILLER (SMWC)		-		-		-				-
153	ITEMS LESS THAN $2.0M (WATER EQ)		2,862		2,862		2,862				2,862
	MEDICAL EQUIPMENT										
154	COMBAT SUPPORT MEDICAL		11,808		11,808		11,808				11,808
	MAINTENANCE EQUIPMENT										
155	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	28	1,635	28	1,635	28	1,635			28	1,635
156	WELDING SHOP, TRAILER MTD		-		-		-				-
157	ITEMS LESS THAN $2.0M (MAINT EQ)		1,167		1,167		1,167				1,167

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	CONSTRUCTION EQUIPMENT										
158	DIST, BITUM MATATERIAL 1500G TRK MTD (CC		-		-		-				-
159	ROLLER, VIBRATORY, SELF-PROPELLED (CCE)	90	6,072	90	6,072	90	6,072			90	6,072
160	HYDRAULIC EXCAVATOR	11	2,825	11	2,825	11	2,825			11	2,825
161	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS	23	8,885	23	8,885	23	8,885			23	8,885
162	TRUCK, DUMP, 20T (CCE)		-		-		39,000				-
163	TRUCK, CONCRETE, 8 CU YD (CCE)		-		-		-				-
164	CRUSHING/SCREENING PLANT, 150 TPH		-		-		-				-
165	CRANE, WHEEL MTD, 25T, 3/4 CU YD, RT	22	6,055	22	6,055	22	6,055			22	6,055
166	ITEMS LESS THAN $2.0M (CONST EQUIP)		845		845		845				845
	RAIL FLOAT CONTAINERIZATION EQUIPMENT										
167	PUSHER TUG, SMALL	2	6,755	2	6,755	2	6,755			2	6,755
168	FLOATING CRANE, 100-250 TON	1	14,073	1	14,073	1	14,073			1	14,073
169	CONTAINERIZED MAINTENANCE FACILITY		-		-		-				-
170	CAUSEWAY SYSTEMS		-		-		-				-
171	RAILWAY CAR, FLAT, 100 TON	165	17,755	165	17,755	165	17,755	(165)	(17,755)		-
172	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		9,165		9,165		9,165				9,165
	GENERATORS										
173	GENERATORS AND ASSOCIATED EQUIP		7,706		7,706		38,706				7,706
174	TRUCK, FORK LIFT, DE, PT, RT, 50000 LB		-		-		-				-
175	ALL TERRAIN LIFTING ARTICULATING SYSTEM	34	3,554	34	3,554	34	3,554			34	3,554
176	ROUGH TERRAIN CONTAINER CRANE		-		-		-				-
177	ITEMS LESS THAN $2.0M (MHE)		1,724		1,724		1,724				1,724
	TRAINING EQUIPMENT										
178	COMBAT TRAINING CENTERS SUPPORT		26,724		26,724		26,724				26,724
179	TRAINING DEVICES, NONSYSTEM		49,668		53,668		49,668		4,000		53,668
180	SIMNET/CLOSE COMBAT TACTICAL TRAINER		92,968		81,468		71,468		(38,368)		54,600
181	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER		19,860		19,860		19,860				19,860
	TEST MEASURE AND DIG EQUIPMENT (TMD)										
182	CALIBRATION SETS EQUIPMENT		6,572		6,572		6,572				6,572
183	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		14,828		14,828		14,828				14,828
184	TMDE MODERNIZATION (TMOD)		6,572		6,572		6,572				6,572
	OTHER SUPPORT EQUIPMENT										
185	RECONFIGURABLE SIMULATORS		13,823		13,823		13,823				13,823
186	PHYSICAL SECURITY SYSTEMS (OPA3)		6,472		6,472		6,472				6,472
187	SYSTEM FIELDING SUPPORT (OPA-3)		4,941		4,941		4,941				4,941
188	BASE LEVEL COM'L EQUIPMENT		4,283		4,283		4,283				4,283
189	SHED PROFILOMETER		2,988		2,988		2,988				2,988

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
190	ELECTRONIC REPAIR SHELTER	3	5,678	3	5,678	3	5,678			3	5,678
191	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		16,659		16,659		16,659				16,659
192	PRODUCTION BASE SUPPORT (OTH)		2,241		2,241		2,241				2,241
193	DEPOT MAINTENANCE OF OTHER END ITEMS		24,819		-		24,819		(24,819)		-
194	SPECIAL EQUIPMENT FOR USER TESTING		14,922		14,922		35,122				14,922
195	TRACTOR VAPOR		4,243		4,243		4,243				4,243
196	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	SPARE AND REPAIR PARTS										
	OPA1										
197	INITIAL SPARES - TSV		101		101		101				101
	OPA2										
198	INITIAL SPARES - C&E		53,284		53,284		53,284				53,284
	OPA3										
199	INITIAL SPARES - OTHER SUPPORT EQUIP		852		852		852				852
200	ADVISORY AND ASSISTANCE SERVICES				(13,034)		(30,000)		(2,735)		(2,735)
	GUN LAYING POSITIONING SYSTEM		-		-				6,000		6,000
	RADIO FREQUENCY TECHNOLOGY		-		-		-		1,200		1,200
	LIGHTWEIGHT LASER DESIGNATOR/RANGFE FINDER		-		-		-				-
	COMBAT SYNTHETIC TRAINING ASSESMENT RANGE		-		-		-				-
	ARMY AIRBORNE COMAND & CONTROL SYSTEM		-		-		-				-
	AVENGER SLEW TO CLUE		-		-		-				-
	PALLETIZED LOADING SYSTEM ENHANCED		-		-		-		3,000		3,000
	ECONOMIC ASSUMPTIONS								(18,000)		(18,000)
	TOTAL OTHER PROCUREMENT, ARMY		2,455,030		2,640,277		2,875,730		111,178		2,566,208

Semitrailers

The budget request included funds for a variety of semitrailer requirements.

The conferees note program delays for several semitrailer procurements. In consideration of these delays, the conferees agree to funding reductions of $7.4 million for 22.5 ton semitrailer/container transporters; $4.6 million for 5,000 gallon tank semitrailers; and $7.4 million for 7,500 gallon bulkhaul semitrailers. In addition, the conferees agree to authorize $2.0 million for 22.5 ton semitrailer/container transporters; $3.0 million for 5,000 gallon tank semitrailers; and $3.0 million for 7,500 gallon bulkhaul semitrailers.

High mobility multi-purpose wheeled vehicle

The budget request included $66.2 million for High Mobility Multi-Purpose Wheeled Vehicle (HMMWV) production.

The House bill would authorize an increase of $38.7 million for 360 up-armored HMMWVs.

The Senate amendment would authorize an increase of $75.0 million to maintain minimum production levels of HMMWVs.

The conferees agree to authorize an increase of $65.0 million for HMMWV production.

Family of heavy tactical vehicles

The budget request included $9.1 million for Family of Heavy Tactical Vehicles (FHTV) production support.

The House bill would authorize an increase of $45.0 million to procure 96 Heavy Equipment Transporters (HETS) for the Army National Guard.

The Senate amendment would authorize an increase of $128.0 million to maintain minimum production levels of FHTVs. This funding would include $50.0 million for the Palletized Load System (PLS); $45.0 million for HETS; and $33.0 million for Heavy Expanded Mobility Tactical Truck (HEMTT) wreckers.

The conferees agree to authorize an increase of $105.0 million for FHTV. Of this amount, $45.0 million is for HETS and the remaining $60.0 million is for HEMTT wreckers and PLS.

Truck, tractor, line haul, M915/M916

The budget request included $36.1 million to procure M915/916 line haul tractors.

The House bill would reduce the request by $18.0 million to achieve a more moderate rate of production.

The Senate amendment would authorize the budget request.

The conferees understand that there has been a delay in the 7,500 gallon bulkhaul semitrailer program, which is the type of trailer towed by the M915/916 line haul tractor series. Accordingly the conferees believe that revised Army requirements can be met at lower average procurement rates than previously planned and therefore agree to eliminate funding for these tractors in fiscal year 1998. Further, the Secretary of the Army is directed to review requirements for this equipment and restructure the program to achieve an annual procurement rate consistent with revised requirements beginning in fiscal year 1999.

Defense satellite communications system

The budget request included $87.6 million for defense satellite communications system requirements.

The House bill and Senate amendment would authorize the budget request.

The conferees note the budget request included funding for acceleration of the production of a universal modem system. The conferees understand that required testing for this system will not be complete until late 1999. Therefore, the conferees agree to reduce program funding by $2.0 million.

Satellite terminals

The budget request included $7.3 million for satellite communication terminals.

The House bill and Senate amendment would authorize the budget request.

The conferees note the savings achieved from a joint Army/Air Force procurement in 1997. The conferees believe that these savings should be used to offset funding requirements for fiscal year 1998. Therefore, the conferees agree to reduce program funding by $1.2 million.

NAVSTAR global positioning system

The budget request included $6.8 million for NAVSTAR Global Positioning System (GPS) equipment.

The House bill and Senate amendment would authorize the budget request.

The conferees have been informed that both price and quantities budgeted for NAVSTAR GPS equipment were reduced in 1997. Additionally, the conferees understand that program management reductions have also yielded savings. The conferees believe these savings should be used to offset funding requirements for fiscal year 1998. Therefore, the conferees agree to reduce funding for this program by $1.2 million.

Army data distribution system

The budget request included $57.2 million to procure data distribution systems, including $7.0 million for joint tactical information distribution system (JTIDS) terminals.

The House bill would authorize an increase of $37.4 million to procure an additional 1,092 enhanced position location reporting system (EPLRS) radios.

The Senate amendment would authorize an increase of $37.3 million for 1,092 EPLRS radios.

The conferees agree to authorize an increase of $30.4 million for EPLRS radios and transfer $20.1 million for JTIDS terminals to ballistic missile defense procurement.

The conferees agree to authorize $67.5 million for critical data distribution systems.

Area common user system modernization program

The budget request included $82.4 million for Area Common User System (ACUS) modernization.

The House bill would authorize an increase of $10.0 million to procure tactical communications technologies for evaluation by Force XXI experimental forces.

The Senate amendment would authorize an increase of $33.0 million to support ongoing modifications to the ACUS and support migration to the Army's Warfighter Information Network.

The conferees agree to authorize an increase of $23.0 million for ACUS.

Information system security program

The budget request included $10.2 million to procure information system security devices.

The House bill would support the budget request.

The Senate amendment would authorize an increase of $5.5 million to support minimum production requirements for 400 Airterm KY-100 devices.

The conferees agree to authorize an increase of $3.5 million for Airterm KY-100 devices.

Ground based common sensors

The budget request included $26.8 million for ground based common sensors.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to eliminate funding in fiscal year 1998 based on the Army decision to reschedule the initial operational test and evaluation for this program.

Shortstop

The budget request included no funds for the Shortstop electronic protection system (SEPS).

The House bill would authorize an increase of $9.0 million to procure 42 additional SEPS needed in Korea.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $6.0 million for SEPS devices needed by U.S. forces in Korea.

Night vision

The budget request included $85.3 million for night vision systems.

The House bill would authorize an increase of $30.8 million that would be used to procure additional systems: $17.0 million for AN/PVS-7 night vision goggle systems; $5.4 million for ANVIS 25mm image intensifiers; and $8.4 million for night vision driver viewers for the M113A3.

The Senate amendment would authorize an increase of $36.0 million that would be used to procure additional night vision systems: $8.0 million for AN/PEQ-2 aiming light systems; $17.0 million for AN/PVS-7 night vision goggle systems; $10.0 million for AN/PAS-13 thermal weapon sight systems; and $1.0 million for 2,900 borelights.

The conferees agree to authorize an increase of $26.4 million for night vision equipment: $11.0 million for AN/PVS-7 systems; $5.5 million for AN/PEQ-2 aiming light systems; $6.9 million for AN/PAS-13 thermal weapon sights; $2.0 million for light weight video systems; and $1.0 million for borelights.

LOGTECH

The budget request included $3.4 million for LOGTECH systems.

The House bill would authorize an increase of $11.7 million to procure additional radio frequency (RF) tagging systems.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $10.0 million for additional RF tagging equipment.

Maneuver control system

The budget request included $15.7 million for the maneuver control system (MCS).

The House bill and Senate amendment would authorize the budget request.

The conferees note a history of significant problems with the Army's efforts to develop the software requirements for this program and corresponding delays in scheduled operational testing. The conferees also note that this system failed two of four development testing activities. Until MCS meets all the established system requirements and the Army validates corrective actions through requisite testing, the conferees agree to eliminate further funding for this program.

Automated data processing equipment

The budget request included $125.1 million for Automated Data Processing Equipment (ADPE).

The House bill would authorize an increase of $13.0 million to procure additional Sustaining Base Information Services (SBIS) hardware.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $7.0 million of SBIS hardware.

Railway car, flat, 100 ton

The budget request included $17.8 million for procurement of 100 ton railway cars.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to eliminate fiscal year 1998 funding for procurement of railway cars. The conferees note that the Army was able to take advantage of an unanticipated opportunity to procure 86% of its rail car requirement in calendar year 1997.

Training devices, nonsystem

The budget request included $49.7 million for nonsystem training devices.

The House bill would authorize an additional $4.0 million for four fire training systems.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.0 million for four fire fighter training systems.

Close combat tactical trainers

The budget request included $92.9 million for simulation network close combat tactical trainers (CCTT).

The House bill would authorize a decrease of $11.5 million due to the delay in initial operation test and evaluation for the close combat tactical training systems.

The Senate amendment would authorize a decrease of $10.0 million for procurement of training system components and would authorize a transfer of an additional $11.5 million to PE 64780A to resolve software problems.

The conferees agree to authorize a decrease of $38.4 million in procurement funding for the program. Included in this reduction is the transfer of $10.5 million to PE 64780A.

Overview

The budget request for fiscal year 1998 contained an authorization of $6,086.0 million for Aircraft Procurement, Navy in the Department of Defense. The House bill would authorize $6,173.0 million. The Senate amendment would authorize $6,482.3 million. The conferees recommended an authorization of $6,437.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
	COMBAT AIRCRAFT										
1	AV-8B (V/STOL)HARRIER	11	300,067	12	333,067	12	389,667	1	6,242	12	306,309
1	LESS: ADVANCE PROCUREMENT (PY)		(22,419)		(22,419)		(22,419)				(22,419)
2	ADVANCE PROCUREMENT (CY)		18,914		18,914		18,914		(1,014)		17,900
3	F/A-18C/D (FIGHTER) HORNET		-		-		-				-
3	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
4	F/A-18E/F (FIGHTER) HORNET	20	2,389,793	TBD	1,637,600	20	2,389,793			20	2,389,793
4	LESS: ADVANCE PROCUREMENT (PY)		(288,693)		(288,693)		(288,693)				(288,693)
5	ADVANCE PROCUREMENT (CY)		90,475		90,475		90,475				90,475
6	V-22 (MEDIUM LIFT)	5	597,085	7	786,385	6	687,085	2	155,000	7	752,085
6	LESS: ADVANCE PROCUREMENT (PY)		(125,078)		(125,078)		(125,078)				(125,078)
7	ADVANCE PROCUREMENT (CY)		69,659		69,659		69,659		(7,535)		62,124
8	AH-1W (HELICOPTER) SEA COBRA		-		-		-				-
9	SH-60B (ASW HELICOPTER) SEAHAWK		-		-		-				-
10	E-2C (EARLY WARNING) HAWKEYE	3	257,009	4	325,009	4	325,009	1	68,000	4	325,009
10	LESS: ADVANCE PROCUREMENT (PY)		(20,535)		(20,535)		(20,535)				(20,535)
11	ADVANCE PROCUREMENT (CY)		19,481		19,481		19,481				19,481
	AIRLIFT AIRCRAFT										
	AIRLIFT AIRCRAFT										
12	CH-60 HELICOPTER		-		-		-				-
12	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
13	ADVANCE PROCUREMENT (CY)		31,837		31,837		31,837		(31,837)		-
	TRAINER AIRCRAFT										
	TRAINER AIRCRAFT										
14	T-45TS (TRAINER) GOSHAWK	12	269,762	18	369,762	18	371,762	3	45,423	15	315,185
14	LESS: ADVANCE PROCUREMENT (PY)		(25,802)		(25,802)		(25,802)				(25,802)
15	ADVANCE PROCUREMENT (CY)		6,235		6,235		6,235				6,235
16	T-39		-		-		-				-
	OTHER AIRCRAFT										
	OTHER AIRCRAFT										
17	KC-130J		-	3	179,700		-	2	120,000	2	120,000
18	HH-60H (HELICOPTER)		-		-		-				-
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
19	EA-6 SERIES		86,783		154,783		111,783		15,000		101,783
20	AV-8 SERIES		32,647		32,647		32,647				32,647

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
21	F-14 SERIES		290,500		290,500		290,500		(3,300)		287,200
22	ADVERSARY		115		115		115				115
23	ES-3 SERIES		5,233		5,233		5,233				5,233
24	F-18 SERIES		156,213		156,213		156,213				156,213
25	H-46 SERIES		33,480		33,480		33,480				33,480
26	AH-1W SERIES		34,518		34,518		34,518				34,518
27	H-53 SERIES		35,704		35,704		45,704		10,000		45,704
28	SH-60 SERIES		74,300		74,300		74,300				74,300
29	H-1 SERIES		18,489		12,889		12,889		(5,600)		12,889
30	H-3 SERIES		1,417		1,417		1,417				1,417
31	EP-3 SERIES		4,386		4,586		4,386				4,386
32	P-3 SERIES		164,907		268,807		182,207		50,300		215,207
33	S-3 SERIES		44,606		44,606		44,606				44,606
34	E-2 SERIES		49,073		49,173		49,073				49,073
35	TRAINER A/C SERIES		7,919		7,919		7,919				7,919
36	C-2A		19,159		19,259		19,159				19,159
37	C-130 SERIES		12,645		12,645		12,645				12,645
38	FEWSG		537		537		537				537
39	CARGO/TRANSPORT A/C SERIES		29,911		29,911		29,911		(4,000)		25,911
40	E-6 SERIES		96,344		96,344		96,344				96,344
41	EXECUTIVE HELICOPTERS SERIES		22,763		22,763		22,763				22,763
42	SPECIAL PROJECT AIRCRAFT		16,527		16,527		16,527				16,527
42a	CONTRACT AERIAL REFUELING				6,000						-
43	T-45 SERIES		5,442		5,442		5,442				5,442
44	POWER PLANT CHANGES		13,972		13,972		13,972		1,600		15,572
45	MISC FLIGHT SAFETY CHANGES		-		-		-				-
46	COMMON ECM EQUIPMENT		32,855		122,855		32,855				32,855
47	COMMON AVIONICS CHANGES		131,599		121,599		131,599		(1,200)		130,399
47a	AN/AWW-13				9,000						-
	AIRCRAFT SPARES AND REPAIR PARTS										
	AIRCRAFT SPARES AND REPAIR PARTS										
48	SPARES AND REPAIR PARTS		740,214		802,214		740,214				740,214
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE										
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES										
49	CANCELLED ACCOUNT ADJUSTMENTS (M)		-		-		-				-
50	CANCELLED ACCOUNT ADJUSTMENTS (88)		-		-		-				-
51	COMMON GROUND EQUIPMENT		287,114		274,114		287,114		(13,000)		274,114
52	AIRCRAFT INDUSTRIAL FACILITIES		17,585		17,585		17,585				17,585

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference			
								Change		Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
53	WAR CONSUMABLES		16,014		16,014		16,014				16,014
54	OTHER PRODUCTION CHARGES		10,185		10,185		10,185				10,185
55	SPECIAL SUPPORT EQUIPMENT		23,302		23,302		23,302				23,302
56	FIRST DESTINATION TRANSPORTATION		1,717		1,717		1,717				1,717
57	ADVISORY AND ASSISTANCE SERVICES				(41,522)				(8,714)		(8,714)
	ECONOMIC ASSUMPTIONS								(44,000)		(44,000)
	TOTAL AIRCRAFT PROCUREMENT, NAVY		6,085,965		6,172,950		6,482,265		351,365		6,437,330

AV–8H Harrier remanufacture

The budget request included $300.1 million to procure 11 AV–8B remanufactured aircraft for the Marine Corps. The fiscal year 1997 plan for AV–8B remanufacture in fiscal year 1998 called for a procurement of 12 aircraft in fiscal year 1998. However, the budget request for fiscal year 1998 included 11 aircraft, a further indication of the Department of Defense's inability to execute its own previously stated procurement program.

The House bill would authorize an increase of $33.0 million for an additional aircraft.

The Senate amendment would authorize an increase of $89.6 million, including $24.6 million for an additional aircraft remanufacture and $65.0 million for training simulators.

The conferees agree to authorize an increase of $6.2 million for an additional AV–8B remanufacture. The conferees understand that an additional remanufacture can be funded with this increase through program savings.

T–45TS Goshawk

The budget request included $269.8 million for 12 T–45 trainer aircraft and $6.2 million for advance procurement of 12 T–45C aircraft in fiscal year 1999.

The House bill would authorize an increase of $100.0 million for the procurement of six additional aircraft.

The Senate amendment would authorize an increase of $102.0 million for the same purpose.

The conferees note with concern the recent grounding of the T–2 trainers because of flight control malfunctions. The T–2s are being replaced by the T–45. Accordingly, the conferees agree to authorize $315.2 million, an increase of $45.4 million to accelerate fielding of the T–45 by increasing the fiscal year 1998 acquisition from 12 to 15 aircraft.

EA–6 Series

The budget request included $86.8 million for EA–6B modifications.

The House bill would authorize an increase of $68.0 million, including $50.0 million for 10 wing center sections (WCS) and $18.0 million to continue the turbine engine blade containment system (TEBS).

The Senate amendment would authorize an increase of $25.0 million to incorporate a low risk, affordable upgrade to the EA–6B in conjunction with modifications already underway to counter the new family of threats.

The conferees agree to authorize an increase of $25.0 million to replace the WCS of 5 additional EA–6Bs. The increase of $25.0 million for WCS is partially offset by a $10.0 million reduction for late obligations, resulting in a net increase of $15.0 million for EA–6B modifications. The conferees urge the Secretary of the Navy to provide funds to complete the WCS modifications in the fiscal year 1999 budget request.

P–3C anti-surface warfare improvement program

The budget request included $164.9 million for P–3 series modifications, $74.7 million of which is for the procurement of four anti-surface warfare improvements program (AIP) kits, and $41.3 million of which is for 11 sustained readiness program (SRP) kits.

The House bill would authorize an increase of $56.6 million for an additional eight AIP kits and an increase of $35.1 million to procure 17 additional shipsets of SRP kits. In addition, the House would authorize an increase of $11.0 million for light weight environmentally sealed parachute assemblies (LESPA) and an increase of $1.4 million for oil debris detection systems (ODDS).

The Senate amendment would authorize an increase of $17.3 million for the procurement of two P–3C AIP kits and direct the Secretary of the Navy to formally evaluate the advisability of renegotiating the P–3C AIP contract to eliminate the cost penalties that are being incurred as a consequence of current Navy budgeting practices.

The conferees agree to authorize the following increases to the budget request: $25.0 million for sustained readiness program (SRP) kits, $17.3 million for anti-surface warfare improvement program (AIP) kits, and $8.0 million for light weight environmentally sealed parachute assemblies.

Power plant changes

The budget request included $14.0 million for power plant changes.

The House bill would authorize an increase of $1.6 million to incorporate the oil debris detection system (ODDS) on the P–3, E–2 and C–2 fleets, with $1.4 million for the P–3 and $100,000 for the E–2 and C–2 fleets. The House bill would apportion the increase for ODDS in individual aircraft modification accounts. The ODDS is an on-board detection system that alerts air crews to the presence of metal chips in engines and propeller gear boxes, allowing flights to be terminated prior to catastrophic failure of critical components.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.6 million in the power plant changes budget line item for the incorporation of ODDS in P–3, E–2, and C–2 fleets.

Common Avionics Changes

The budget request included $131.6 million for common avionics changes, but did not contain any funding to procure AN/AWW–13 guided weapon control monitor sets. The AN/AWW–13 provides the data link capability for F/A–18 series aircraft to employ the precision-guided Walleye and the Stand-off Land Attack Missiles.

The Senate amendment would authorize the budget request.

The House bill would authorize an additional $9.0 million to continue AN/AWW–13 production. The House bill would also provide an additional $4.0 million in PE 64215N for integration of the ground proximity warning system (GPWS) into the Navy/Marine Corps helicopters fleets.

The conferees agree to authorize $130.4 million, which includes an additional $6.0 million to continue AN/AWW–13 production and $4.0 million for GPWS integration. These increases are offset by a $10.0 million reduction for late obligations and a $1.2 million reduction for systems engineering growth in other programs funded in this budget line.

Overview

The budget request for fiscal year 1998 contained an authorization of $1,136.3 million for Weapons Procurement, Navy in the Department of Defense. The House bill would authorize $1,214.7 million. The Senate amendment would authorize $1,200.4 million. The conferees recommended an authorization of $1,089.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	WEAPONS PROCUREMENT, NAVY										
	BALLISTIC MISSILES										
	BALLISTIC MISSILES										
1	TRIDENT II	7	309,130	7	309,130	7	309,130	(2)	(65,000)	5	244,130
1	LESS: ADVANCE PROCUREMENT (PY)		(16,882)		(16,882)		(16,882)				(16,882)
2	ADVANCE PROCUREMENT (CY)		47,021		47,021		47,021				47,021
	SUPPORT EQUIPMENT AND FACILITIES										
3	MISSILE INDUSTRIAL FACILITIES		2,143		2,143		2,143				2,143
	OTHER MISSILES										
	STRATEGIC MISSILES										
4	TOMAHAWK	65	51,820	65	51,820	65	91,820			65	51,820
5	ESSM		15,529		15,529		15,529		(5,000)		10,529
	TACTICAL MISSILES										
6	AMRAAM	100	57,066	100	57,066	100	57,066			100	57,066
7	HARPOON		-		-		-				-
8	JSOW	113	58,665	150	68,665	113	58,665	37	5,000	150	63,665
9	STANDARD MISSILE	127	196,492	127	196,492	127	196,492		(15,400)	127	181,092
10	RAM	100	44,082	100	44,082	100	44,082			100	44,082
11	PENGUIN		-		-		15,000		7,500		7,500
12	AERIAL TARGETS		72,923		72,923		66,723		(7,000)		65,923
13	DRONES AND DECOYS		298		298		298				298
14	OTHER MISSILE SUPPORT		18,294		18,294		18.294				18,294
14a	HELLFIRE			700	37,500			700	20,000	700	20,000
	MODIFICATION OF MISSILES										
15	TOMAHAWK MODS		-		-		-				-
16	SPARROW MODS		-		-		-				-
17	SIDEWINDER MODS		333		333		333				333
18	HARPOON MODS		21,694		21,694		21,694				21,694
19	OTHER MISSILE MODS		-		-		-				-
20	STANDARD MISSILES MODS		35,601		68,601		50,901		15,300		50,901
	SUPPORT EQUIPMENT AND FACILITIES										
21	WEAPONS INDUSTRIAL FACILITIES		34,932		25,932		34,932		(4,500)		30,432
22	FLEET SATELLITE COMM (MYP) (SPACE)		-		-		-				-
	ORDNANCE SUPPORT EQUIPMENT										
23	ORDNANCE SUPPORT EQUIPMENT		5,264		5,264		5,264				5,264
	TORPEDOES AND RELATED EQUIPMENT										
	TORPEDOES AND RELATED EQUIPMENT										
24	ASW TARGETS		685		685		685				685

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
25	VERTICAL LAUNCHED ASROC (VLA)		-		-		-				-
	MOD OF TORPEDOES AND RELATED EQUIP										
26	MK-46 TORPEDO MODS		274		274		274				274
27	MK-48 TORPEDO ADCAP MODS		55,392		55,392		55,392				55,392
	SUPPORT EQUIPMENT										
28	TORPEDO SUPPORT EQUIPMENT		25,509		25,509		25,509				25,509
29	ASW RANGE SUPPORT		11,847		11,847		11,847				11,847
	DESTINATION TRANSPORTATION										
30	FIRST DESTINATION TRANSPORTATION		2,008		2,008		2,008				2,008
	OTHER WEAPONS										
	GUNS AND GUN MOUNTS										
31	SMALL ARMS AND WEAPONS		994		994		994				994
	MODIFICATION OF GUNS AND GUN MOUNTS										
32	CIWS MODS		9,990		29,990		9,990		15,000		24,990
33	5/54 GUN MOUNT MODS		241		241		241				241
34	MK-75 76MM GUN MOUNT MODS		-		-		-				-
35	MODS UNDER $2 MILLION		1,320		1,320		1,320				1,320
	SUPPORT EQUIPMENT										
36	PIONEER		3,962		3,962		3,962		3,000		6,962
	OTHER										
37	PIONEER		42,723		42,723		42,723				42,723
38	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
39	PRIOR YEAR DEFICIENCIES		-		-		-				-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
40	SPARES AND REPAIR PARTS		26,943		26,943		26,943		(5,000)		21,943
41	ADVISORY AND ASSISTANCE SERVICES				(13,106)				(2,750)		(2,750)
	ECONOMIC ASSUMPTIONS								(8,000)		(8,000)
	TOTAL WEAPONS PROCUREMENT, NAVY		1,136,293		1,214,687		1,200,393		(46,850)		1,089,443

Tactical Tomahawk

The Department of the Navy and the Department of Defense advised the conferees of a proposal by the current prime Tomahawk contractor to upgrade the capability and reduce the production unit cost of the Tomahawk cruise missile. The upgraded missile, a variant of the current Tomahawk (known as "Tactical Tomahawk" or the "Tomahawk Block IV+"), would include several enhancements to improve the tactical responsiveness of the missile. The Navy and the contractor would attempt to reduce Tomahawk missile unit cost by exploiting commercial manufacturing practices for the missile. Overall, the Navy is projecting that the Department could achieve life cycle cost savings for the Tactical Tomahawk of approximately $400.0 million, compared to similar costs for the currently planned Tomahawk Block IV missile system. The conferees also understand that the initial operational capability (IOC), fiscal year 2002, for the improved Tomahawk would be approximately two years later than the IOC for Tomahawk Block IV, fiscal year 2000.

Under the Navy's proposal, the Department would use approximately $25.0 million in additional fiscal year 1998 research and development and other procurement funding to begin the effort. The conferees understand that the Department wants to implement such a program as early as possible in fiscal year 1998. In fact, the Navy had asked the conferees for the authority to divert these funds from the Weapons Procurement, Navy account by terminating the last year of the multi-year contract for procurement of the Tomahawk Block III missile.

In general, the conferees support the concept of a program to upgrade the capabilities of the Tomahawk missile and to reduce the missile's unit cost. However, there are acquisition strategy and funding issues that must be addressed before the conferees would agree to such a proposal. Such questions include whether: (1) this program should be a sole source award to the current prime contractor; (2) the Navy and whichever prime contractor may be selected for such a program should evaluate subsystem alternatives such as engines on a "least cost" or "best value" basis; and (3) buying the last increment of missiles on the current contract is less important than beginning a new program earlier.

If the Secretary of Defense decides that starting the program in fiscal year 1998 is critical, the Secretary of Defense may submit a reprogramming request to transfer fiscal year 1998 funds that would be necessary to implement an alternative approach for the Tomahawk program. The conferees expect that such a request would include more detailed supporting rationale upon which the recommendation is based and would address the acquisition strategy and funding issues involved.

Joint Standoff Weapon

The budget request included $58.7 million for 113 Joint Standoff Weapon (JSOW) missiles for the Navy. No funds were requested to procure JSOW missiles for the Air Force until fiscal year 1999.

The House bill would authorize an increase of $10.0 million for the Navy to procure 37 additional missiles and an increase of $29.0 million for the Air Force to initiate procurement of 100 missiles.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $5.0 million for the Navy to procure a total of up to 150 JSOW, and an increase of $19.0 million for the Air Force to initiate acquisition of up to 100 JSOW.

Penguin missile program

The budget request included no funds for procurement of Penguin missiles.

The House bill would approve the request.

The Senate amendment would authorize an increase of $15.0 million for procurement of additional missiles to satisfy outstanding inventory objectives and sustain procurement of the Penguin missile during fiscal year 1998 to reduce costs by achieving labor learning and production stability.

The conferees agree to authorize an increase of $7.5 million for procurement of Penguin missiles.

Hellfire II missiles

The budget request included no funds for Hellfire missiles for the Navy or Marine Corps.

The House bill would authorize $37.5 million for 700 Hellfire II missiles to address a shortfall in Navy and Marine Corps inventory requirements.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $20.0 million for procurement of Hellfire II missiles for the Navy and Marine Corps.

Close-in weapon system surface mode upgrade

The budget request included $10.0 million for procurement of close-in weapon system (CIWS), but did not include any funding to procure surface mode upgrade kits for this system.

The House bill would authorize an increase of $20.0 million to procure CIWS upgrade kits for both surface combatants and other ships equipped with this system.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $15.0 million for procurement of CIWS surface-mode upgrade kits.

Pioneer logistic support

The budget request included $4.0 million for support of Pioneer unmanned aerial vehicle (UAV).

The Senate amendment would authorize an increase of $3.0 million to continue common automatic recovery system (CARS) logistic support in the Procurement, Defense-Wide account.

The House bill would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million for logistic support in the Weapons Procurement, Navy Pioneer budget line item.

Overview

The budget request for fiscal year 1998 contained an authorization of $5,817.8 million for Aircraft Procurement, Air Force in the Department of Defense. The House bill would authorize $6,770.9 million. The Senate amendment would authorize $6,048.9 million. The conferees recommended an authorization of $6,425.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request Qty	FY 98 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Change Qty	Conference Change Cost	Conference Agreement Qty	Conference Agreement Cost
	AIRCRAFT PROCUREMENT, AIR FORCE										
	COMBAT AIRCRAFT										
	STRATEGIC OFFENSIVE										
1	B-1B		10,851		10,851		10,851				10,851
2	B-2A		174,086		505,286		174,086		156,914		331,000
	TACTICAL FORCES										
3	ADVANCED TACTICAL FIGHTER		-		-		-				-
3	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
4	ADVANCE PROCUREMENT (CY)		80,864		80,864		-		(6,000)		74,864
5	F-15A	3	159,000	3	159,000	6	259,800	2	67,300	5	226,300
5	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
6	ADVANCE PROCUREMENT (CY)		11,000		11,000		11,000				11,000
7	F-16 C/D (MYP)		-	3	66,000		-	3	66,000	3	66,000
	AIRLIFT AIRCRAFT										
	TACTICAL AIRLIFT										
8	C-17 (MYP)	9	2,169,111	9	2,169,111	9	2,169,111		(21,700)	9	2,147,411
8	LESS: ADVANCE PROCUREMENT (PY)		(245,800)		(245,800)		(245,800)				(245,800)
9	ADVANCE PROCUREMENT (CY)		278,200		278,200		278,200				278,200
10	EC-130J		-	1	49,900		-	1	49,900	1	49,900
	OTHER AIRLIFT										
11	C-130J	1	49,928	1	342,928		-	(1)	(25,928)		24,000
12	WC-130J		-		-		-	2	132,850	2	132,850
12a	C-130J Logistics		-		-		48,000				-
	TRAINER AIRCRAFT										
	OPERATIONAL TRAINERS										
13	JPATS	18	65,415	22	77,615	22	77,615	4	12,200	22	77,615
14	TANKER, TRANSPORT, TRAINER SYSTEM		-		-		-				-
	OTHER AIRCRAFT										
	HELICOPTERS										
15	HH-60G		-		-		-				-
	MISSION SUPPORT AIRCRAFT										
16	CIVIL AIR PATROL A/C	27	2,645	27	2,645	27	2,645			27	2,645
17	SMALL VCX (C-37)		-		-		-				-
18	LARGE VCX (C-32A)	2	190,116	2	190,116	2	190,116			2	190,116
19	DRUG INTERDICTION		-		-		-				-
	OTHER AIRCRAFT										
20	E-8C	1	380,949	1	380,949	1	380,949		(1,700)	1	379,249
20	LESS: ADVANCE PROCUREMENT (PY)		(66,958)		(66,958)		(66,958)				(66,958)

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
21	ADVANCE PROCUREMENT (CY)		22,400		22,400		22,400				22,400
22	PREDATOR UAV	15	116,506	15	146,506	15	116,506		25,000	15	141,506
	MODIFICATION OF INSERVICE AIRCRAFT										
	STRATEGIC AIRCRAFT										
23	B-2A MODS		13,853		13,853		13,853				13,853
24	B-1B MODS		114,245		138,245		114,245				114,245
25	B-52 MODS		28,907		28,907		28,907				28,907
26	F-117 MODS		28,296		28,296		28,296				28,296
	TACTICAL AIRCRAFT										
27	A-10 MODS		24,971		24,971		24,971				24,971
28	F/RF-4 MODS		-		-		-				-
29	F-15 MODS		169,568		169,568		264,968		11,800		181,368
30	F-16 MODS		216,158		216,158		224,818		(7,000)		209,158
30a	F-16 DIGITAL TERRAIN SYSTEM				20,000						-
31	EF-111 MODS		236		236		236				236
32	T/AT-37 MODS		95		95		95				95
	AIRLIFT AIRCRAFT										
33	C-5 MODS		83,036		83,036		83,036				83,036
34	C-9 MODS		16,323		16,323		16,323				16,323
35	C-17 MODS		59,053		59,053		59,053				59,053
36	C-21 MODS		6,911		6,911		6,911				6,911
37	C-22 MODS		276		276		276				276
38	C-STOL MODS		51		51		51				51
39	C-137 MODS		2,262		2,262		2,262				2,262
40	C-141 MODS		30,705		30,705		30,705				30,705
	TRAINER AIRCRAFT										
41	T-1 MODS		6,974		6,974		6,974				6,974
42	T-3 MODS		100		100		100				100
43	T-38 MODS		14,806		14,806		14,806				14,806
44	T-41 MODS		100		100		100				100
45	T-43 MODS		10,256		10,256		10,256				10,256
	OTHER AIRCRAFT										
46	KC-10 MODS		14,533		14,533		14,533				14,533
47	C-12 MODS		4,680		4,680		4,680				4,680
48	C-18 MODS		272		272		272				272
49	C-20 MODS		6,535		6,535		6,535				6,535
50	VC-25A MOD		10,760		10,760		10,760				10,760
51	C-130 MODS		94,511		94,511		94,511		24,700		119,211

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference			
								Change		Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
52	C-135 MODS		137,861		137,861		137,861				137,861
53	E-3 MODS		134,659		134,659		134,659		(2,500)		132,159
54	E-4 MODS		11,385		11,385		11,385				11,385
55	E-8 MODS		-		-		-				-
56	H-1 MODS		2,778		3,578		2,778		800		3,578
57	H-60 MODS		16,852		16,852		16,852				16,852
58	OTHER AIRCRAFT MODS		33,065		33,065		33,065				33,065
	OTHER MODIFICATIONS										
59	CLASSIFIED PROJECTS MODS		7,552		7,552		7,552				7,552
	PASSENGER SAFETY MODIFICATIONS						-		50,000		50,000
60	DARP MODS		67,136		139,136		96,136		77,000		144,136
60a	GLOBAL AIR TRAFFIC MANAGEMENT				67,700		-				-
	AIRCRAFT SPARES AND REPAIR PARTS										
	AIRCRAFT SPARES + REPAIR PARTS										
61	SPARES AND REPAIR PARTS		350,010		350,010		350,010				350,010
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES										
	COMMON SUPPORT EQUIPMENT										
62	COMMON SUPPORT EQUIPMENT		151,238		151,238		151,238				151,238
	POST PRODUCTION SUPPORT										
63	A-10 POST PROD SUPP		2,753		2,753		2,753				2,753
64	B-2A POST PROD SUPP		-		-		-				-
65	C-5 POST PROD SUPP		-		-		-				-
66	F-15 POST PROD SUPP		8,089		8,089		8,089		(1,800)		6,289
67	F-16 POST PROD SUPP		22,402		22,402		22,402		16,000		38,402
	INDUSTRIAL PREPAREDNESS										
68	INDUSTRIAL PREPAREDNESS		25,855		25,855		25,855				25,855
	WAR CONSUMABLES										
69	WAR CONSUMABLES		67,565		67,565		67,565		(4,000)		63,565
	OTHER PRODUCTION CHARGES										
70	MISC PRODUCTION CHARGES		275,804		275,804		275,804				275,804
71	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	COMMON ECM EQUIPMENT										
72	COMMON ECM EQUIPMENT		4,564		4,564		4,564				4,564
	DARP										
73	DARP		141,493		146,493		209,293		29,000		170,493
74	ADVISORY AND ASSISTANCE SERVICES				(18,747)				(3,934)		(3,934)
	ECONOMIC ASSUMPTIONS								(37,000)		(37,000)
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE		5,817,847		6,770,900		6,048,915		607,902		6,425,749

F-15E

The budget request included $159.0 million to continue the procurement of F-15E strike aircraft.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $100.8 million for procurement of an additional three F-15E aircraft.

The conferees agree to authorize an increase of $67.3 million to procure an additional two F-15E aircraft.

C-130J

The budget request included $49.9 million for the procurement of one C-130J aircraft.

The House bill would authorize an increase of $522.6 million for an additional nine aircraft.

The Senate amendment would authorize an increase of $371.1 million for five additional aircraft and associated logistic support.

The conferees agree to authorize a total of $527.5 million for eight additional C-130J aircraft and support as shown below:

C-130 PROGRAMS

[Dollars in millions]

Type	Budget request		House bill		Senate bill		Conference agreement	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
KC-130J			+3	+179.7			+2	+120.0
WC-130J					+3	+177.0	+2	+132.8
EC-130J			+1	+49.9	+1	+70.5	+1	+74.6
C-130J	1	49.9	+5	+293.0	−1	−49.9	−1	−49.9
C-130J ANG					+2	+95.8	+4	+226.0
Logistics:								
WC-130J						+29.7		
C-130J						+48.0		+24.0
Total	1	49.9	+9	+522.6	+5	+371.1	+8	+527.5

Predator Unmanned Aerial Vehicle

The budget request included $116.5 million for 15 Predator unmanned aerial vehicles (UAV).

The House bill would authorize an increase of $30.0 million for the procurement of attrition UAV and spares.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $25.0 million.

F-15 modifications

The budget request included $169.6 million for F-15 modifications.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $95.4 million, including $72.6 million to restore a reduction in F-15 modifications made by the Air Force in its budget request, and $22.8 million to accelerate by one year the incorporation of the PW-220E engine program.

The conferees agree to authorize $181.4 million: an increase of $11.8 million, for F-15 modifications; a decrease of $5.0 million for terminated upgrades; an increase of $12.8 million for the PW-220E engine program; and an increase of $4.0 million for data link acceleration.

F-16 modifications

The budget request included $216.2 million for F-16 modifications.

The House bill would authorize an increase of $20.0 million for a digital terrain system (DTS).

The Senate amendment would authorize an increase of $8.6 million to procure non-developmental item (NDI) systems that incorporate in one pod the targeting and navigation functions of the low-altitude navigation and targeting infrared for night (LANTIRN) pods.

The conferees agree to authorize $209.2 million for F-16 modifications, a decrease of $7.0 million from the budget request. The $7.0 million reduction is the result of a reduction of $13.0 million for global positioning system (GPS), a reduction of $6.0 million for late obligations, offset by an increase of $12.0 million for DTS.

Passenger safety and global air traffic management

Although the budget request included funds to modify some Air Force aircraft to comply with global air traffic management (GATM) requirements, there was no specific request for either GATM or passenger safety modifications for Air Force aircraft.

The House bill would authorize an increase of $67.7 million for GATM, but no increase for passenger safety modifications.

The Senate amendment would authorize the budget request. The Senate report (S. Rept. 105-29) included specific direction to the Secretary of Defense to encourage the use of commercial off-the-shelf (COTS) technology and non-developmental item (NDI) solutions to GATM requirements.

The conferees agree to authorize an increase of $17.5 million for the modification of Air Force aircraft to comply with GATM requirements, and $32.5 million for passenger safety modifications, to include initiation of navigation safety phase II modifications, the traffic collision avoidance system (TCAS), and the ground proximity warning system (GPWS), as directed by the Secretary of Defense. The conferees expect the Air Force to include in the fiscal year 1999 budget request and the Future Years Defense Program (FYDP) sufficient funding to complete these required upgrades.

Defense Airborne Reconnaissance Program

Procurement for the Defense Airborne Reconnaissance Program (DARP) is contained in a number of procurement lines, distributed among the individual services and the defense-wide procurement account. The budget request included:

(1) $67.1 million in Aircraft Procurement, Air Force (APAF) line 60;

(2) $141.5 million in APAF, line 73;

(3) $12.8 million in Other Procurement, Air Force (OPAF), line 111; and

(4) $97.5 million in Procurement, Defense-wide (PDW), line 7.

The conferees agree to authorize increases in DARP procurement as shown below:

DEFENSE AIRBORNE RECONNAISSANCE PROCUREMENT PROGRAMS

[In millions of dollars]

Program	Budget request	Proposed change		Conference agreement
		House	Senate	
Rivet Joint mods	61.1			61.1
Rivet Joint technology transfer		20.0	20.0	5.6
Combat Sent mods	6.0			6.0
RC-135 re-engining		52.0		27.4
RJ Sensors and spares				35.0
SR-71 mods			9.0	9.0
Subtotal—APAF 60	67.1	72.0	29.0	144.1
Budget Request	141.5			141.5
RC-135 re-engining			54.8	0
Senior Glass			13.0	24.0
SYERS		5.0		5.0
Subtotal—APAF 73	141.5	5.0	67.8	170.5
DARP RC 135	12.8			12.8
RJ Sensors and spares		35.0		
Subtotal—OPAF 111	12.8	35.0		12.8
DARP	97.4			97.4
Common automatic recovery system			5.0	
Subtotal—PDW 7	97.4		5.0	97.4

Theater airborne warning system

The budget request included no funds for the Theater Airborne Warning System (TAWS) program, which is designed to equip the existing fleet of Rivet Joint aircraft with a medium-wave infrared sensor for ballistic missile detection.

The House bill and Senate amendment would authorize an increase of $20.0 million for the TAWS program.

The conferees agree to authorize an increase of $5.6 million for the demonstration phase of the TAWS program. If this phase of the program proves to be successful, the conferees would be supportive of moving into the procurement phase in order to equip the Rivet Joint fleet with this capability.

Overview

The budget request for fiscal year 1998 contained an authorization of $404.0 million for Ammunition Procurement, Air Force in the Department of Defense. The House bill would authorize $437.0 million. The Senate amendment would authorize $420.8 million. The conferees recommended an authorization of $398.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	PROCUREMENT OF AMMO, AIR FORCE										
	ROCKETS										
1	2.75 INCH ROCKET MOTOR	23,718	8,856	23,718	8,856	23,718	8,856			23,718	8,856
2	2.75" ROCKET HEAD SIGNATURE	13,940	919	13,940	919	13,940	919			13,940	919
3	ITEMS LESS THAN $2,000,000		50		50		50				50
	CARTRIDGES										
4	5.56 MM	23,273	7,590	23,273	7,590	23,273	7,590			23,273	7,590
5	~~20MM TRAINING~~		-		-		-				-
5a	20MM PGU-28				7,000				1,750		1,750
6	~~30 MM TRAINING~~	3,278	27,447	3,278	27,447	3,278	27,447			3,278	27,447
7	CARTRIDGE CHAFF RR-180	845	12,088	845	12,088	845	12,088			845	12,088
8	CARTRIDGE CHAFF RR-188		-		-		-				-
9	SIGNAL MK-4 MOD 3	596	1,122	596	1,122	596	1,122			596	1,122
10	ITEMS LESS THAN $2,000,000		4,097		4,097		4,097				4,097
	BOMBS										
11	MK-82 INERT/BDU-50	30,672	22,218	30,672	22,218	30,672	22,218			30,672	22,218
12	TIMER ACTUATOR FIN FUZE		-		-		-				-
13	GBU-28 HARD TARGET PENETRATOR		-		16,800		16,800		8,400		8,400
14	BOMB PRACTICE 25 POUND	397,760	5,613	397,760	5,613	397,760	5,613			397,760	5,613
15	2000 LB HE BOMB MK-84		-		-		-				-
16	~~MK-84 BOMB-EMPTY~~	994	2,482	994	2,482	994	2,482			994	2,482
17	SENSOR FUZED WEAPON	556	153,861	556	163,061	556	153,861			556	153,861
18	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-		-				-
19	TTU-373A DIGITAL TEST SET		-		-		-				-
20	JOINT DIRECT ATTACK MUNITION	2,673	61,307	2,673	61,307	2,673	61,307		(5,000)	2,673	56,307
21	WIND CORRECTED MUNITIONS DISPENSER	280	19,871	280	19,871	280	19,871		(7,600)	280	12,271
22	CBU-89 GATOR INERT		-		-		-				-
23	ITEMS LESS THAN $2,000,000		167		167		167				167
	~~ITEMS LESS THAN $2,000,000~~										
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	~~FLARE, IR MJU-7B~~										
25	ASTE (INFRARED EXPENDABLE)		-		-		-				-
26	FLARE, IR MJU-7B	662,280	14,698	662,280	14,698	662,280	14,698			662,280	14,698
27	PARACHUTE FLARE LUU-2 B/B		-		-		-				-
28	MJU-23 FLARE		-		-		-				-
29	~~MJU-10B~~	190,824	11,477	190,824	11,477	190,824	11,477			190,824	11,477
30	M-206 CARTRIDGE FLARE	1,099,600	17,507	1,099,600	17,507	1,099,600	17,507			1,099,600	17,507

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request Qty	FY 98 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Change Qty	Conference Change Cost	Conference Agreement Qty	Conference Agreement Cost
31	CAD/PAD		12,821		12,821		12,821				12,821
32	INITIAL SPARES		-		-		-				-
33	REPLENISHMENT SPARES		979		979		979				979
34	MODIFICATIONS		149		149		149				149
35	ITEMS LESS THAN $2,000,000		4,608		4,608		4,608				4,608
	FUZES										
36	JOINT PROGRAMMABLE FUSE(JPF)	1,170	5,880	1,170	5,880	1,170	5,880			1,170	5,880
37	HARD TARGET SMART FUZE		-		-		-				-
	WEAPONS										
	SMALL ARMS										
38	M-16 A2 RIFLE		6,009		6,009		6,009				6,009
39	9MM COMPACT PISTOL	260	183	260	183	260	183			260	183
40	M-9 PISTOL	2,265	1,127	2,265	1,127	2,265	1,127			2,265	1,127
41	ITEMS LESS THAN $2M		858		858		858				858
	ECONOMIC ASSUMPTIONS								(3,000)		(3,000)
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE		403,984		436,984		420,784	-	(5,450)		398,534

Overview

The budget request for fiscal year 1998 contained an authorization of $2,557.7 million for Missile Procurement, Air Force in the Department of Defense. The House bill would authorize $2,389.2 million. The Senate amendment would authorize $2,411.2 million. The conferees recommended an authorization of $2,376.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	MISSILE PROCUREMENT, AIR FORCE										
	BALLISTIC MISSILES										
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC										
1	MISSILE REPLACEMENT EQ-BALLISTIC		27,604		27,604		27,604				27,604
	OTHER MISSILES										
	STRATEGIC										
2	HAVE NAP		-		39,000		-		25,000		25,000
3	ADVANCED CRUISE MISSILE		843		843		843				843
	TACTICAL										
4	JOINT STANDOFF WEAPON		1,139		30,139		1,139		19,000		20,139
5	AMRAAM	173	117,768	173	117,768	173	117,768		(10,600)	173	107,168
6	AGM-130 POWERED GBU-15		1,539		42,539		1,539		23,461		25,000
	TARGET DRONES										
7	TARGET DRONES		25,718		25,718		25,718				25,718
	INDUSTRIAL FACILITIES										
8	MISSILE INDUSTRIAL FACILITIES		3,492		3,492		3,492				3,492
	MISSILE REPLACEMENT EQUIPMENT - OTHER										
9	MISSILE REPLACEMENT EQ-OTHER		-		-		-				-
	MODIFICATION OF INSERVICE MISSILES										
	CLASS IV										
10	CONVENTIONAL ALCM		-		18,800		-				-
11	PEACEKEEPER(M-X)		5,250		5,250		5,250				5,250
12	AIM-9 SIDEWINDER		-		-		-				-
13	MM III MODIFICATIONS		106,899		106,899		106,899				106,899
14	AGM-88A HARM		-		-		-				-
15	MODIFICATIONS UNDER $2.0M		199		199		199				199
15a	AGM-65 MAVERICK				11,000				8,000		8,000
	SPARES AND REPAIR PARTS										
	MISSILE SPARES + REPAIR PARTS										
16	SPARES AND REPAIR PARTS		28,808		28,808		28,808				28,808
	OTHER SUPPORT						-				
	SPACE PROGRAMS										
17	SPACEBORNE EQUIP (COMSEC)		9,304		9,304		9,304				9,304
18	GLOBAL POSITIONING (MYP) SPACE	3	191,312	3	191,312	3	191,312			3	191,312
18	LESS: ADVANCE PROCUREMENT (PY)		(27,475)		(27,475)		(27,475)				(27,475)
19	ADVANCE PROCUREMENT (CY)		-		-		-				-
20	NUDET DETECTION SYSTEM		1,194		1,194		1,194				1,194
20	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
21	INERTIAL UPPER STAGES SPACE		49,990		49,990		49,990				49,990
22	TITAN SPACE BOOSTERS SPACE		555,304		473,304		455,304		(91,000)		464,304
23	MEDIUM LAUNCH VEHICLE SPACE	4	205,983	4	196,183	4	205,983		(9,000)	4	196,983
23	LESS: ADVANCE PROCUREMENT (PY)		(40,200)		(40,200)		(40,200)				(40,200)
24	ADVANCE PROCUREMENT (CY)		52,715		52,715		52,715				52,715
25	DEF METEOROLOGICAL SAT PROG SPACE		35,243		35,243		35,243				35,243
26	DEFENSE SUPPORT PROGRAM (MYP) SPACE		113,708		113,708		113,708		(5,000)		108,708
27	DEFENSE SATELLITE COMM SYSTEM SPACE		89,930		89,930		89,930				89,930
27	LESS: ADVANCE PROCUREMENT (PY)		(13,496)		(13,496)		(13,496)				(13,496)
28	ADVANCE PROCUREMENT (CY)		-		-		-				-
29	M-16 A2 RIFLE		-		-		-				-
	SPECIAL PROGRAMS										
30	SPECIAL UPDATE PROGRAMS		241,570		241,570		241,570				241,570
31	SPECIAL PROGRAMS		773,400		597,400		726,900		(115,000)		658,400
32	ADVISORY AND ASSISTANCE SERVICES				(39,558)				(8,301)		(8,301)
	ECONOMIC ASSUMPTIONS								(18,000)		(18,000)
	TOTAL MISSILE PROCUREMENT, AIR FORCE		2,557,741		2,389,183		2,411,241		(181,440)		2,376,301

AGM-130 powered GBU-15

The budget request included $1.5 million for AGM-130 management, administration, and contractor support.

The House bill would authorize an increase of $41.0 million for the procurement of 100 AGM-130 missiles.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $25.0 million, an increase of $23.5 million for AGM-130.

AGM-65 Maverick

The budget request included no funds for AGM-65 modifications.

The House bill would authorize $11.0 million for AGM-65 modifications.

The Senate amendment would authorize the budget request.

The conferees understand that early-generation models of the AGM-65 require upgrading to further extend their longevity. The conferees are aware that the gap between the completion of testing and the beginning of production could significantly increase the cost of the upgrade, as well as unacceptably delay its fielding. Therefore, the conferees agree to authorize an increase of $8.0 million to eliminate any gap with low-rate production and to ensure a smooth transition to full-rate production, which the conferees assume will occur in fiscal year 1999.

Overview

The budget request for fiscal year 1998 contained an authorization of $6,561.3 million for Other Procurement, Air Force in the Department of Defense. The House bill would authorize $6,574.1 million. The Senate amendment would authorize $6,798.5 million. The conferees recommended an authorization of $6,543.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request Qty	FY 98 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Change Qty	Conference Change Cost	Conference Agreement Qty	Conference Agreement Cost
	OTHER PROCUREMENT, AIR FORCE										
	VEHICULAR EQUIPMENT										
	PASSENGER CARRYING VEHICLES										
1	SEDAN, 4 DR 4X2	88	1,520	88	1,520	88	1,520			88	1,520
2	STATION WAGON, 4X2	7	120	7	120	7	120			7	120
3	BUSES	17	929	17	929	17	929			17	929
4	AMBULANCES	3	247	3	247	3	247			3	247
5	LAW ENFORCEMENT VEHICLE	80	1,603	80	1,603	80	1,603			80	1,603
6	ARMORED SEDAN	1	232	1	232	1	232			1	232
	CARGO + UTILITY VEHICLES										
7	TRUCK, CARGO-UTILITY, 3/4T, 4X4	154	4,414	154	4,414	154	4,414			154	4,414
8	TRUCK, CARGO-UTILITY, 1/2T, 4X2	106	2,575	106	2,575	106	2,575			106	2,575
9	TRUCK, PICKUP, 1/2T, 4X2	292	4,006	292	4,006	292	4,006			292	4,006
10	TRUCK, PICKUP, COMPACT	206	2,681	206	2,681	206	2,681			206	2,681
11	TRUCK MULTI-STOP 1 TON 4X2	301	8,219	301	8,219	301	8,219			301	8,219
12	TRUCK CARRYALL	150	3,548	150	3,548	150	3,548			150	3,548
13	COMMERCIAL UTILITY CARGO VEHICLE	43	1,451	43	1,451	43	1,451			43	1,451
14	TRUCK, CARGO, M-35, SLEP		-		-	-	-				-
15	MEDIUM TACTICAL VEHICLE	21	2,594	21	2,594	21	2,594			21	2,594
16	HIGH MOBILITY VEHICLE (MYP)	100	5,165	100	5,165	100	5,165			100	5,165
17	TRUCK TRACTOR, OVER 5T	27	1,916	27	1,916	27	1,916			27	1,916
18	CAP VEHICLES		746		746		746				746
19	ITEMS LESS THAN $2,000,000		5,025		5,025		5,025		(1,400)		3,625
	SPECIAL PURPOSE VEHICLES										
20	TRUCK TANK FUEL R-11		-		-		-				-
21	HMMWV, ARMORED	125	24,181	125	24,181	125	24,181			125	24,181
22	TRACTOR, TOW, FLIGHTLINE	124	3,837	124	3,837	124	3,837			124	3,837
23	ITEMS LESS THAN $2,000,000		6,738		6,738		6,738		(544)		6,194
	FIRE FIGHTING EQUIPMENT										
24	TRUCK CRASH P-19	7	2,048	7	2,048	7	2,048			7	2,048
25	TRUCK CRASH P-23		-		-		-				-
26	HEAVY RESCUE VEHICLE		-		-		-				-
27	ITEMS LESS THAN $2,000,000		3,652		3,652		3,652				3,652
	MATERIALS HANDLING EQUIPMENT										
28	TRUCK, F/L 10,000 LB	26	1,758	26	1,758	26	1,758			26	1,758
29	60K A/C LOADER	60	83,143	60	83,143	60	83,143			60	83,143
30	NEXT GENERATION SMALL LOADER(NGSL)		-		-		-				-
31	ITEMS LESS THAN $2,000,000		2,148		2,148		2,148				2,148

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	BASE MAINTENANCE SUPPORT										
32	TRUCK, DUMP 5CY	32	2,087	32	2,087	32	2,087			32	2,087
33	MODIFICATIONS		200		200		200				200
34	ITEMS LESS THAN $2,000,000		3,833		3,833		3,833				3,833
	CANCELLED ACCOUNT ADJUSTM										
35	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP										
	COMM SECURITY EQUIPMENT(COMSEC)										
36	COMSEC EQUIPMENT		27,494		27,494		27,494				27,494
37	MODIFICATIONS (COMSEC)		476		476		476				476
	INTELLIGENCE PROGRAMS										
38	INTELLIGENCE DATA HANDLING SYS		20,739		27,039		20,739		3,600		24,339
39	INTELLIGENCE TRAINING EQUIPMENT		2,473		2,473		2,473				2,473
40	INTELLIGENCE COMM EQUIP		7,644		7,644		7,644				7,644
41	ITEMS LESS THAN $2,000,000		-		-		-				-
	ELECTRONICS PROGRAMS										
42	NATIONAL AIRSPACE SYSTEM		16,615		16,615		16,615				16,615
43	THEATER AIR CONTROL SYS IMPROVEMENT		38,329		38,329		38,329				38,329
44	WEATHER OBSERV/FORCAST		18,013		22,013		18,013		4,000		22,013
45	STRATEGIC COMMAND AND CONTROL		20,505		20,505		20,505				20,505
46	CHEYENNE MOUNTAIN COMPLEX		737		737		737				737
47	TAC SIGINT SUPPORT		4,114		9,114		4,114		2,000		6,114
48	DRUG INTERDICTION PROGRAM		-		-		-				-
	SPECIAL COMM-ELECTRONICS PROJECTS										
49	AUTOMATIC DATA PROCESSING EQUIP		36,105		36,105		36,105				36,105
50	AF GLOBAL COMMAND & CONTROL SYS		7,319		7,319		7,319				7,319
51	MOBILITY COMMAND AND CONTROL		6,728		6,728		6,728				6,728
52	AIR FORCE PHYSICAL SECURITY SYSTEM		15,112		15,112		15,112				15,112
53	COMBAT TRAINING RANGES		13,272		13,272		13,272				13,272
54	MINIMUM ESSENTIAL EMERGENCY COMM NET		3,488		3,488		3,488				3,488
55	FORCE PROTECTION/ANTI-TERRORISM		54,439		54,439		54,439				54,439
56	C3 COUNTERMEASURES		14,904		14,904		14,904		(1,900)		13,004
57	JOINT SURVEILLANCE SYSTEM		-		-		-				-
58	BASE LEVEL DATA AUTO PROGRAM		46,778		46,778		46,778				46,778
59	THEATER BATTLE MGT C2 SYS		48,989		48,989		48,989				48,989
	AIR FORCE COMMUNICATIONS										
60	INFORMATION TRANSMISSION SYSTEMS		10,889		10,889		10,889				10,889
61	BASE INFORMATION INFRASTRUCTURE		88,945		88,945		88,945				88,945

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
62	USCENTCOM		4,031		4,031		4,031				4,031
63	AUTOMATED TELECOMMUNICATIONS PRG		15,900		15,900		15,900				15,900
	DISA PROGRAMS										
64	DEFENSE SUPPORT PROGRAM SPACE		-		-		-				-
65	NAVSTAR GPS SPACE		3,129		3,129		3,129				3,129
66	DEFENSE METEOROLOGICAL SAT PROG SPAC		11,898		11,898		11,898				11,898
67	NUDET DETECTION SYS (NDS) SPACE		7,995		7,995		7,995				7,995
68	AF SATELLITE CONTROL NETWORK SPACE		32,197		23,197		32,197		(9,100)		23,097
69	EASTERN/WESTERN RANGE I&M SPACE		81,957		81,957		81,957				81,957
70	MILSATCOM SPACE		20,353		20,353		20,353				20,353
71	SPACE MODS SPACE		18,932		18,932		18,932				18,932
	ORGANIZATION AND BASE										
72	TACTICAL C-E EQUIPMENT		16,968		16,968		54,968		18,000		34,968
73	COMBAT SURVIVOR/EVADER LOCATER RADIO		5,731		5,731		5,731				5,731
74	RADIO EQUIPMENT		12,844		19,344		12,844		6,500		19,344
75	TV EQUIPMENT (AFRTV)		2,112		2,112		2,112				2,112
76	CCTV/AUDIOVISUAL EQUIPMENT		3,969		3,969		3,969				3,969
77	BASE COMM INFRASTRUCTURE		30,874		30,874		30,874				30,874
78	CAP COM & ELECT		387		387		387				387
79	ITEMS LESS THAN $2,000,000		8,960		8,960		8,960				8,960
	MODIFICATIONS										
80	COMM ELECT MODS		53,260		53,260		53,260				53,260
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP										
	TEST EQUIPMENT										
81	BASE/ALC CALIBRATION PACKAGE		10,468		10,468		10,468				10,468
82	PRIMARY STANDARDS LABORATORY PACKAGE		1,665		1,665		1,665				1,665
83	ITEMS LESS THAN $2,000,000		9,627		9,627		9,627				9,627
	PERSONAL SAFETY AND RESCUE EQUIP										
84	NIGHT VISION GOGGLES		2,371		2,371		2,371				2,371
85	BREATHING APPARATUS TWO HOUR		-		-		-				-
86	UNIVERSAL WATER ACTIVATED REL SYS		-		-		-				-
87	ITEMS LESS THAN $2,000,000		3,509		3,509		3,509				3,509
	DEPOT PLANT + MATERIALS HANDLING EQ										
88	MECHANIZED MATERIAL HANDLING EQUIP		10,747		10,747		10,747				10,747
89	ITEMS LESS THAN $2,000,000		3,980		3,980		3,980				3,980
	ELECTRICAL EQUIPMENT										
90	GENERATORS-MOBILE ELECTRIC		3,692		3,692		3,692				3,692
91	FLOODLIGHTS SET TYPE NF2D		7,696		7,696		7,696		(1,500)		6,196

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
92	ITEMS LESS THAN $2,000,000		3,968		3,968		3,968				3,968
	BASE SUPPORT EQUIPMENT										
93	BASE PROCURED EQUIPMENT		6,855		6,855		6,855				6,855
94	MEDICAL/DENTAL EQUIPMENT		13,295		13,295		13,295		(2,600)		10,695
95	ENVIRONMENTAL PROJECTS		1,000		1,000		1,000				1,000
96	AIR BASE OPERABILITY		4,214		4,214		4,214				4,214
97	PALLET AIR CARGO		1,189		1,189		1,189				1,189
98	NET ASSEMBLY, 108"X88"		2,998		2,998		2,998				2,998
99	BLADDERS FUEL		2,749		2,749		2,749				2,749
99a	ABOVE-GROUND FUEL STORAGE TANKS				2,000						-
100	AERIAL BULK FUEL DELIVERY SYSTEM		2,097		2,097		2,097				2,097
101	PHOTOGRAPHIC EQUIPMENT		6,063		6,063		6,063				6,063
102	PRODUCTIVITY INVESTMENTS		5,980		5,980		5,980				5,980
103	MOBILITY EQUIPMENT		26,524		26,524		26,524				26,524
104	DEPLOYMENT/EMPLOYMENT CONTAINERS		2,013		2,013		2,013				2,013
105	SPATIAL DISORIENTATION DEMONSTRATOR		-		-		-				-
106	AIR CONDITIONERS		9,627		9,627		9,627				9,627
107	ITEMS LESS THAN $2,000,000		9,731		9,731		9,731				9,731
	SPECIAL SUPPORT PROJECTS										
108	INTELLIGENCE PRODUCTION ACTIVITY		60,572		65,572		63,672		(10,500)		50,072
109	TECH SURV COUNTERMEASURES EQ		1,998		1,998		1,998				1,998
110	DARP		-		-		-				-
111	DARP RC135		12,778		47,778		12,778				12,778
112	DARP, MRIGS		66,279		66,279		66,279				66,279
113	SELECTED ACTIVITIES		5,003,960		4,939,710		5,200,060		12,100		5,016,060
114	SPECIAL UPDATE PROGRAM		174,830		174,830		174,830				174,830
115	INDUSTRIAL PREPAREDNESS		1,243		1,243		1,243				1,243
116	MODIFICATIONS		193		193		193				193
117	FIRST DESTINATION TRANSPORTATION		15,351		91,631		15,351				15,351
	SPARE AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
118	SPARES AND REPAIR PARTS		55,771		55,771		55,771				55,771
	Civil Air Patrol										
119	ADVISORY AND ASSISSTANCE SERVICES				(53,987)				(11,329)		(11,329)
	ECONOMIC ASSUMPTIONS								(25,000)		(25,000)
	TOTAL OTHER PROCUREMENT, AIR FORCE		6,561,253		6,574,096		6,798,453		(17,673)		6,543,580

Theater deployable communications

The budget request included $17.0 million for the procurement of tactical communications and electronics equipment.

The House bill would authorize an increase of $25.0 million for theater deployable communications equipment as part of its National Guard and Reserve Equipment package.

The Senate amendment would authorize an increase $38.0 million for theater deployable communications equipment.

The conferees agree to authorize an increase of $18.0 million for procurement of theater deployable communications equipment.

Overview

The budget request for fiscal year 1998 contained an authorization of $1,695.1 million for Defense-wide Procurement in the Department of Defense. The House bill would authorize $1,837.0 million. The Senate amendment would authorize $1,749.3 million. The conferees recommended an authorization of $2,057.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference			
								Change		Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT										
	MAJOR EQUIPMENT, OSD/WHS										
1	MOTOR VEHICLES		-		-		-				
2	MAJOR EQUIPMENT, OSD		104,601		104,601		104,601				104,601
3	MAJOR EQUIPMENT, WHS		18,956		18,956		18,956				18,956
4	ARMED FORCE INFORMATION SERVICE		8,037		8,037		8,037				8,037
5	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY		1,609		1,609		1,609				1,609
6	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION		688		688		688				688
7	DARP		97,452		97,452		102,452				97,452
8	CORPORATE INFORMATION MANAGEMENT		-		-		-				
	MAJOR EQUIPMENT, NSA										
10	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		14,380		47,684		14,380				14,380
	MAJOR EQUIPMENT, DSWA										
11	VEHICLES		218		218		218				218
12	OTHER MAJOR EQUIPMENT		17,199		17,199		17,199				17,199
	MAJOR EQUIPMENT, DISA										
13	WWMCCS ADP SYSTEMS		3,748		3,748		3,748				3,748
14	MOBILE SATELLITE SYSTEM TECHNOLOGIES		9,990		9,990		9,990				9,990
15	INFORMATION SYSTEMS SECURITY		19,585		69,585		19,585				19,585
16	CONTINUITY OF OPERATIONS		4,637		4,637		4,637				4,637
17	JOINT C4ISR		-		-		-				-
18	DEFENSE MESSAGE SYSTEM		44,470		44,470		44,470				44,470
19	GLOBAL COMBAT SUPPORT SYSTEM		5,889		5,889		5,889				5,889
20	PLANS & PROGRAM ANALYSIS SUPPORT CENTER		3,900		3,900		3,900				3,900
21	ITEMS LESS THAN $2 MILLION		7,461		7,461		7,461		7,200		14,661
22	DRUG INTERDICTION SUPPORT		-		-		-				
	MAJOR EQUIPMENT, DIA										
	MAJOR EQUIPMENT, DLA										
24	DEFENSE SUPPORT ACTIVITIES		21,814		21,814		21,814				21,814
24a	AUTOMATED DOCUMENT CONVERSION SYSTEM				30,000				20,000		20,000
24b	ALL-TORSO BODY ARMOR				30,000						-
	MAJOR EQUIPMENT, DMA										
25	AUTOMATED INFORMATION SYSTEM EQUIPMENT		-		-		-				-
26	VEHICLES		-		-		-				-
27	OTHER CAPITAL EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, DIS										
28	VEHICLES	258	3,100	258	3,100	258	3,100			258	3,100

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
29	OTHER CAPITAL EQUIPMENT		1,837		1,837		1,837				1,837
	MAJOR EQUIPMENT, DCAA										
30	ITEMS LESS THAN $2 MILLION		3,786		3,786		3,786				3,786
	MAJOR EQUIPMENT, DSPO										
31	MAJOR EQUIPMENT , DSPO		19,334		14,334		19,334				19,334
	MAJOR EQUIPMENT, TJS										
32	MAJOR EQUIPMENT, TJS		46,847		46,847		46,847		(10,000)		36,847
	ON-SITE INSPECTION AGENCY										
33	VEHICLES		-		-		-				-
34	OTHER CAPITAL EQUIPMENT		112		112		112				112
	BALLISTIC MISSILE DEFENSE ORGANIZATION										
35	PATRIOT PAC-3		-		-		-	52	349,109	52	349,109
36	C4I		-		-		-				-
37	HAWK BN/C3 MODS		-		-		-				-
38	NAVY AREA TBDM PROGRAM		-		-		-		15,400		15,400
38a	BMC3		-		-		-		20,100		20,100
	CENTRAL IMAGERY OFFICE										
	NATIONAL IMAGERY AND MAPPING AGENCY										
	DEFENSE COMMISSARY AGENCY, DECA										
41	EQUIPMENT		1,970		1,970		1,970				1,970
	SPECIAL OPERATIONS COMMAND										
	AVIATION PROGRAMS										
42	RADIO FREQUENCY MOBILE ELECTRONIC TEST SET		-		-		-				-
43	SOF ROTARY WING UPGRADES		36,042		36,042		76,542				36,042
44	SOF TRAINING SYSTEMS		3,352		3,352		3,352				3,352
45	MC-130H COMBAT TALON II		34,656		34,656		34,656				34,656
46	AC-130U GUNSHIP ACQUISITION		55,105		55,105		55,105				55,105
47	C-130 MODIFICATIONS		96,592		96,592		96,592				96,592
47	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
48	OH-6 PROCUREMENT & MODIFICATIONS		7,997		7,997		7,997				7,997
49	AIRCRAFT SUPPORT		3,041		3,041		3,041				3,041
	SHIPBUILDING										
50	PC,CYCLONE CLASS		-		-		-				-
51	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		43,200		43,200		43,200		(34,300)		8,900
51	LESS: ADVANCE PROCUREMENT (PY)		(4,400)		(4,400)		(4,400)				(4,400)
52	ADVANCE PROCUREMENT (CY)		2,465		2,465		2,465		(2,100)		365
53	MK VIII MOD 1 - SEAL DELIVERY VEHICLE	3	2,229	3	2,229	3	2,229			3	2,229
54	SUBMARINE CONVERSION		20,043		20,043		20,043				20,043

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line No.		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
54	LESS: ADVANCE PROCUREMENT (PY)		(2,886)		(2,886)		(2,886)				(2,886)
55	ADVANCE PROCUREMENT (CY)		-		-		-				-
56	MK V SPECIAL OPERATIONS CRAFT (MK V SOC)	6	36,402	6	36,402	6	36,402			6	36,402
	AMMUNITION PROGRAMS										
57	SOF ORDNANCE ACQUISITION		17,202		17,202		17,202				17,202
58	SOF ORDNANCE REPLENISHMENT		33,379		33,379		35,379				33,379
58a	REMOTE ACTIVATION MUNITION SYSTEMS		-		-				1,000		1,000
	OTHER PROCUREMENT PROGRAMS										
59	LIGHT STRIKE VEHICLE		-		-		-				-
60	MARITIME EQUIPMENT MODIFICATIONS		9,807		9,807		9,807				9,807
61	NAVAL SPECIAL WARFARE RIGID INFLATABLE BOAT		18,121		18,121		18,121				18,121
62	SPARES AND REPAIR PARTS		42,538		42,538		42,538				42,538
63	COMM EQUIPMENT & ELECTRONICS		57,406		57,406		57,406				57,406
64	SOF INTELLIGENCE SYSTEMS		21,175		21,175		23,175		2,000		23,175
65	SOF SMALL ARMS & WEAPONS		10,269		10,269		12,669		1,000		11,269
66	SOF MARITIME EQUIPMENT		598		598		598				598
	SOLDIER ENHANCEMENT PROGRAM				-		-				-
67	DRUG INTERDICTION		-		-		-				-
68	ANTI-TERRORISM/COUNTER-TERRORISM		-		-		-				-
69	MISCELLANEOUS EQUIPMENT		5,646		5,646		5,646				5,646
70	SOF PLANNING AND REHEARSAL SYSTEM (SOFPARS)		568		568		568				568
71	CLASSIFIED PROGRAMS		108,339		108,339		112,539		4,200		112,539
72	PSYOP EQUIPMENT		10,280		10,280		10,280				10,280
	CHEMICAL/BIOLOGICAL DEFENSE										
	CBDF										
73	PROTECTIVE MASK		-		-		-				-
74	INDIVIDUAL PROTECTION		64,855		64,855		64,855				64,855
75	DECONTAMINATION		24		24		24				24
76	IMPROVED CHEM AGENT MONITOR (ICAM)		-		-		-				-
77	NBC RECON SYS (NBCRS) MODS		-		-		-				-
78	M17 DECON MODS		-		-		-				-
79	POCKET RADIAC AN/UDR - 13		-		-		-				-
80	REMOTE CHEM AGT ALARM (RSCAAL)		-		-		-				-
81	JOINT BIO DEFENSE PROGRAM		65,432		65,432		65,432				65,432
82	COLLECTIVE PROTECTION		17,316		17,316		17,316				17,316
83	CB PROTECTIVE SHELTER (CBPS)		-		-		-				-
84	CONTAMINATION AVOIDANCE		62,383		62,383		62,383				62,383
85	JOINT BIO DEFENSE PRGM		-		-		-				-

TITLE I - PROCUREMENT

(Dollars In Thousands)

Line		FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
No.		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
86	CHME/BIO DEFENSE EQ (AF)		-		-		-				-
87	CHEM WARFARE DETECTORS		-		-		-				-
	DEFENSE-WIDE										
	DEFENSE-WIDE										
88	DEFENSE-WIDE PROGRAM		-		-		-				-
999	CLASSIFIED PROGRAMS		354,289		359,289		352,389		750		355,039
89	ADVISORY AND ASSISTANCE SERVICES				(1,400)				(294)		(294)
	ECONOMIC ASSUMPTIONS								(12,000)		(12,000)
	TOTAL, PROCUREMENT, DEFENSE-WIDE		1,695,085		1,836,989		1,749,285		362,065		2,057,150

Automated document conversion system

The budget request included no funds for the automated document conversion system (ADCS).

The House bill would authorize $30.0 million for ADCS.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $20.0 million for ADCS.

Advanced SEAL delivery system

The budget request included $43.2 million for the special operations Advanced SEAL Delivery System program.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to a total authorization of $8.9 million and the transfer of $34.3 million to PE 116404BB, as discussed in Title II of this conference agreement.

Night firing scopes

The budget request included $10.3 million for special operations small arms procurement.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.4 million for night vision scopes for the M4 carbine.

The conferees agree to authorize an increase of $1.0 million for night vision scopes.

Overview

The budget request for fiscal year 1998 contained no authorization for National Guard and Reserve Procurement in the Department of Defense. The House bill would authorize $700.4 million. The Senate amendment would authorize $653.0 million. The conferees recommended an authorization of $643.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Overview

The conferees recognize the increasingly critical role that reserve component forces play in worldwide deployments and are concerned about current and prior year levels of funding for reserve component modernization. It is essential that both active and reserve component leadership work together to identify total force modernization requirements and ensure that these requirements are funded. The conferees strongly encourage the Department of Defense to work closely with each of the military departments to ensure the modernization of the reserve components.

The budget request included $968.5 million, as shown in the table below, for National Guard and Reserve equipment.

National Guard and Reserve Equipment and Aircraft

	Millions
Procurement of WTCV, Army	$22.1
Procurement of Ammunition, Army	143.8
Other Procurement, Army	382.9
Aircraft Procurement, Navy	35.1
Procurement of Ammunition (Navy & Marine Corps)	6.0
Other Procurement, Navy	3.9
Procurement, Marine Corps	17.9
Aircraft Procurement, Air Force	238.2
Procurement of Ammunition, Air Force	29.5
Other Procurement, Air Force	89.2
Department of Defense total	968.5

The conferees agree to authorize funding increases for reserve component programs as follows:

	Millions
UH–60 Blackhawk	$89.0
M109A6 Paladin	56.0
Field Artillery Ammunition Support Vehicles	40.0
Heavy Equipment Transporter vehicles	45.0
Bradley Fighting Vehicle upgrades	95.0
Theater Deployable Communications	18.0
Airborne Mine Counter-Measure equipment	7.5
KC–135 re-engining	52.0
F–16 Improved Avionics Intermediate Shop	16.0
C–130 aircraft	433.4
Total increase	851.9

Additionally, the conferees agree to authorize an increase of $365.0 million to the budget request for National Guard and Reserve miscellaneous equipment:

	Millions
Army Reserve Miscellaneous	$75.0
Navy Reserve Miscellaneous	80.0
Marine Corps Reserve Miscellaneous	65.0
Air Force Reserve Miscellaneous	50.0
Army National Guard Miscellaneous	70.0
Air National Guard Miscellaneous	25.0
Total Miscellaneous equipment	365.0

The conferees direct that the miscellaneous funding be allocated exclusively by reserve component chiefs and that reserve component chiefs give priority consideration to the following items: medium truck extended service programs; carrier modifications; CH–47 helicopters; multiple launch rocket systems; Avenger air defense systems (including table top trainers); training simulator devices; night vision equipment; mobile backscatter truck inspection system; heavy expanded mobility tactical truck (HEMTT) wrecker; HEMTT fuel tanker conversion kit; all terrain crane (20 ton); Atlas 10K variable reach forklift; barge derrick; reverse osmosis water purification unit, 3 thousand gallons per hour; 5KW generator set; MK–19 grenade machine gun; F/A–18 modifications; C–9 replacement aircraft; SH–60B Seahawk helicopter; mobile inshore underwater van upgrades; logistics vehicle system (LVS); MK 48 front power unit; LVS rear body units; F/A–18+ modifications; CH–53E helicopters; F–16 situational awareness data link; F–16 laser designator/targeting pods; A–10 situational awareness data link; A–10 electronic warfare management system; F–16 upgraded data transfer unit; HH–60 helicopter self protection system; F–16 electronic warfare management system; ALQ–131 multiplexer bus interface; C–130 integrated electronic warfare suite; enhanced flightline security systems; combat arms training equipment; C–5 simulator; vibration management enhancement program; 5 ton truck; maneuver control system; CH–47D full authority digital engine control; small arms engagement skills trainers; CH–47D fuel cells; M917 dump trucks; B–1 enhancements; F–16/A–10 digital transfer cartridge; and F–16 C/D onboard oxygen generating system.

Funding allocated by reserve component chiefs for miscellaneous equipment must meet the following criteria:

(1) there is a requirement for the equipment that has been validated by the Joint Requirements Oversight Council;

(2) that such equipment is included for reserve component modernization in the future-years defense program;

(3) that such equipment is consistent with the use of reserve component forces called for in Department warplans; and

(4) the funds can be obligated during the fiscal year for which funds have been authorized and appropriated.

Overall, the conferees agree to authorize a total of $2.2 billion for National Guard and Reserve equipment and aircraft.

Overview

The budget request for fiscal year 1998 contained an authorization of $620.7 million for Chemical Agent and Munitions Destruction, Army in the Department of Defense. The House bill would authorize $610.7 million. The Senate amendment would authorize $614.7 million. The conferees recommended an authorization of $600.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE I - PROCUREMENT
(Dollars In Thousands)

	FY 98 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
CHEM AGENTS & MUNITIONS DESTRUCTION, DEF										
CHEM AGENTS & MUNITIONS DESTRUCT-RDT&E										
RESEARCH AND DEVELOPMENT										
CHEM DEMILITARIZATION - RDTE		66,300		56,300		70,300				66,300
CHEM AGENTS & MUNITIONS DESTRUCT-PROC										
PROCUREMENT										
CHEM DEMILITARIZATION - PROC		82,200		82,200		77,200		(10,000)		72,200
CHEM AGENTS & MUNITIONS DESTRUCT-O&M										
OPERATION AND MAINTENANCE										
CHEM DEMILITARIZATION - O&M		472,200		472,200		467,200		(10,000)		462,200
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION, DEF		620,700		610,700		614,700		(20,000)		600,700

Legislative Provisions Adopted

Subtitle A—Authorization of Appropriations

Chemical agents and munitions destruction program (sec. 107)

The budget request included $620.7 million for the defense chemical agents and munitions destruction program, to include: $472.2 million for operation and maintenance; $82.2 million for procurement; and $66.3 million for research and development. Additionally, the budget request included $131.6 million for military construction.

The House bill contained a provision (sec. 107) that would authorize $610.7 million for the chemical agents and munitions destruction program.

The Senate amendment contained a provision (sec. 107) that would authorize $614.7 million for the chemical agents and munitions destruction program, including an increase of $4.0 million for research and development to expedite and accelerate the development and fielding of critical advanced sensors that are part of the Army's mobile munitions assessment system.

The Senate recedes with an amendment.

The conferees agree to a provision (sec. 107) that would authorize $600.7 million for the defense chemical agents and munitions destruction program, to include: $72.2 million for procurement; $462.2 million for operation and maintenance; and $66.3 million for research and development. Of the amount authorized for research and development, $4.0 million shall be available to expedite and accelerate the development and fielding of critical advanced sensors that are part of the Army's mobile munitions assessment system.

Conduct of the chemical agents and munitions destruction program

Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106), directed the Secretary of Defense to conduct an assessment of the chemical stockpile disposal program and to consider measures that could be taken to reduce program costs, while continuing to ensure the maximum protection of the public, the workers, and the environment. Section 152 also required the Secretary to report the results of the assessment to the Congress with the submission of the fiscal year 1998 defense budget request. Consideration of the use of alternative demilitarization technologies (other than incineration) was to be specifically addressed.

The conferees support the Department of Defense (DOD) position and the National Research Council recommendation that the Army proceed with the current baseline incineration program until the evaluation of alternative chemical munitions destruction technologies is concluded. The conferees note the progress made in chemical demilitarization operations at Johnston Atoll and Tooele, Utah, the approval of environmental permits, and the award of the chemical demilitarization facility construction contract at Umatilla, Oregon, and the status of the environmental permitting process for the chemical demilitarization sites at Anniston, Alabama, and Pine Bluff Arsenal, Arkansas.

The conferees support the Department's decision to continue efforts to develop chemical neutralization technologies for destruction of the chemical agents at the bulk-only chemical storage sites. The conferees urge the appropriate and expeditious pursuit of any necessary National Environmental Policy Act (NEPA) analysis of the research and development efforts to support pilot testing of these alternative technologies for use at Aberdeen Proving Ground, Maryland, and Newport Chemical Depot, Indiana.

The conferees also agree with plans by the Department to assess the feasibility of alternative technologies for destruction of lethal chemical agents associated with assembled chemical munitions and would support the demonstration of those alternatives deemed feasible for potential use at the chemical demilitarization sites at Pueblo, Colorado, and Lexington-Blue Grass Army Depot, Kentucky. As required by Section 142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), the conferees expect the Secretary of Defense to submit a report to the Congress by December 31, 1997, that identifies the status of the assessment, the technologies that appear to be feasible, the plans for further assessment and demonstration of these technologies, and the potential impact on the cost and schedule for completion of destruction operations at Pueblo and Lexington-Blue Grass.

The conferees understand that a major aspect of the chemical non-stockpile materiel project is the development of a system for disposal of the chemical agent identification kits, which have been classified as chemical weapons/agents for the purpose of the chemical disposal program, rather than hazardous waste. The conferees direct the Secretary of Defense to conduct an assessment of its policy, which includes chemical agent identification kits in the chemical agent demilitarization program, the current plans for disposal, and the potential changes in policy and disposal alternatives that could result in significant reductions in the cost of the nonstockpile program with no reduction in overall program safety. The assessment shall be conducted in coordination with the National Research Council. The results of the assessment and the Secretary's decision should be provided to the congressional defense committees by March 31, 1998.

Chemical stockpile emergency preparedness program (CSEPP)

The conferees note the actions taken by the DOD and the Army to improve management of the chemical weapons demilitarization program and to make the program more responsive to community concerns. The conferees believe that the Army and the DOD must continue to emphasize the involvement of the communities with chemical stockpile storage sites that are part of the program's decision-making process. The conferees also note progress in improving emergency preparedness planning and preparations by both states and local communities near the chemical stockpile storage sites, but believe that continued effort is required.

Section 1076(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) directed the Secretary of the Army to submit a report to the Congress that would assess the successful implementation of site specific integrated product and process teams (IPT) as a management tool for the chemical stockpile emergency preparedness program (CSEPP). On July 9, 1997, the Secretary of Defense advised the Congress that the Army and the Federal Emergency Management Agency (FEMA) had reached an agreement on the implementation and establishment of the site-specific IPTs, and advised the Congress of changes in the management of the CSEPP. The conferees understand that under the terms of the agreement between the Army and FEMA, the State and local community governments would be given the flexibility they need to implement the emergency preparedness program. Under the agreement, funding for, and the conduct of on-post emergency preparedness and technical support for on-post and off-post emergency preparedness will remain the responsibility of the Army. FEMA will assume responsibility and accountability for working with State and local governments to enhance the required off-site emergency preparedness capabilities within established resources. The conferees are aware that the Director of FEMA intends to empower the FEMA regional offices with the primary responsibility and accountability for working with the State and local communities, and to restructure FEMA headquarters operations to create a more efficient and cost-effective management structure.

The conferees understand that the Army and FEMA believe that legislative authority is necessary to codify the agreement between the Army and FEMA. The conferees note that FEMA already possesses considerable authority for off-site emergency preparedness under existing law and that the fiscal year 1998 budget contained no formal proposal to establish a separate defense-related activities program account for FEMA. The conferees direct the Secretary of Defense to submit any proposed legislative changes and the budget for the CSEPP in the fiscal year 1999 DOD budget request. The congressional defense committees will review any proposed legislation and the budget request for CSEPP during consideration of the fiscal year 1999 budget request, as well as progress made in emergency preparedness, the implementation of the site-specific IPT, and the working relationships among Federal, State, and local authorities involved in the CSEPP.

Subtitle B—Army Programs

Army helicopter modernization plan (sec. 111)

The Senate amendment contained a provision (sec. 111) that would require the Army to provide a plan to the Congress that would address current and future helicopter modernization requirements and proposed funding. Specifically, the provision would require the Army to report on the following:

(1) A detailed assessment of the Army's present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component and reserve component aircraft in the fleet;

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft;

(3) An analysis of requirements and funding proposed for extended service plans or service life extension plans for fleet aircraft;

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft;

(5) The implications of the plan for the defense industrial base;

The provision would require the Secretary of the Army to certify that the plan would be funded in the Future Years Defense Program submitted to Congress in Fiscal Year 1998 and would limit the obligation of funds to no more than 25 percent of the amounts authorized to be appropriated for helicopter modifications or upgrades until 30 days after the aircraft modernization plan is provided to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the obligation of funds to 80 percent of funds authorized for helicopter modifications and would require the Secretary of the Army to design the plan so that it could be funded within the funding levels expected to be available for Army aircraft programs in the next Future Years Defense Program.

Multiyear procurement authority for specified Army programs (sec. 112)

The Senate amendment contained a provision (sec. 112) that would authorize the Secretary of the Army to enter into a multiyear procurement contract, beginning with fiscal year 1998, for the procurement of the AH-64D fire control radar system. The Senate amendment contained an additional provision (sec. 113) that would authorize the Secretary of the Army to enter into a multiyear procurement contract, beginning with fiscal year 1998, for the procurement of trucks associated with the family of medium tactical wheeled vehicles.

The House bill contained no similar provisions.

The House recedes.

M113 vehicle modifications (sec. 113)

The conferees agree to a legislative provision (sec. 113) that would make available $35.2 million only for procurement and installation of A3 upgrade kits for the M113 vehicle.

Subtitle C—Navy Programs

New Attack Submarine program (sec. 121)

The budget request included $284.8 million for advance procurement of components for future nuclear attack submarines, and proposed a change in the acquisition strategy contained in the National Defense Authorization Act for Fiscal Year 1997 that directed competition between two submarine shipbuilders. The proposed change in strategy includes a contractor teaming agreement to build the first four new attack submarines.

The House bill authorized the budget request and contained no provision on submarine teaming.

The Senate amendment contained a provision (sec. 121) that would authorize the Secretary of the Navy to enter into a contract or contracts for the construction of four nuclear attack submarines under the terms of a teaming arrangement between Electric Boat and Newport News Shipbuilding.

The House recedes.

CVN-77 nuclear aircraft carrier program (sec. 122)

The budget request included no funding for CVN-77.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 122) that would:

(1) authorize $345.0 million for procurement and construction of components for the CVN-77 aircraft carrier and authorize the Secretary of the Navy to enter into a contract or contracts with the carrier shipbuilder for such purposes;

(2) authorize $35.0 million for research, development, test, and evaluation of technologies that have potential for use in the CVN-77; and

(3) direct the Secretary to structure the procurement of the CVN-77 so that the carrier is acquired for an amount not to exceed $4.6 billion, with allowances for adjustments to this amount due to:

(a) outfitting and post delivery costs,

(b) inflation occurring after or compliance with changes in Federal, state, or local laws enacted after September 30, 1997,

(c) increases or decreases in costs attributable to new technology built into CVN-77 as compared to the technology built into the baseline design of the CVN-76, and

(d) increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the so-called Smart Buy proposal on which the projected savings are based.

The House recedes with an amendment which would:

(1) authorize the Secretary of the Navy to procure the CVN-77 subject to the availability of appropriations for that purpose;

(2) authorize $50.0 million for advance procurement and advance construction of components for the CVN-77 and authorize the Secretary of the Navy to enter into a contract or contracts for such purposes;

(3) permit the Secretary of Defense to transfer up to $295.0 million to the CVN-77 program and allow this transfer to be made in addition to the transfer authority limit provided for elsewhere in the National Defense Authorization Act for Fiscal Year 1998;

(4) direct the Secretary of the Navy to obligate and expend the funds available for advance procurement and advance construction of carrier components for the CVN-77 in fiscal year 1998 in a manner that is designed to result in cost savings that will meet a cost limitation of $4.6 billion for the procurement of that vessel;

(5) direct the Secretary of Defense to make plans to attain the cost savings in the funding plan presented to Congress by the ship builder in March 1997; and

(6) direct the Secretary of the Navy to structure and manage the CVN-77 procurement program so that the $4.6 billion cost limitation is not exceeded, except for adjustments to this amount resulting from:

(a) outfitting and post delivery costs,

(b) inflation occurring after or compliance with changes in Federal, state, or local laws enacted after September 30, 1997,

(c) increases or decreases in costs attributable to new technology built into CVN-77 as compared to the technology built into the baseline design of the CVN-76, and

(d) increases or decreases in costs resulting from changes the Secretary proposes in the funding plan on which the projected savings are based.

The conferees support construction of the CVN-77 and believe that initiating advance procurement for it in fiscal year 1998, rather than in fiscal year 2000 as currently projected in the Future Years Defense Program (FYDP), has the potential to produce considerable savings if additional funds are provided in fiscal years 1998 through 2001. Therefore, the conferees strongly encourage the Secretary of Defense to make available up to $295.0 million in fiscal year 1998 and to include in the FYDP accompanying the fiscal year 1999 budget request the funding necessary to achieve the savings required to remain within the $4.6 billion cost limitation.

Exclusion from cost limitation for Seawolf submarine program (sec. 123)

The Senate amendment contained a provision (sec. 123) that would reaffirm the existing cost cap for Seawolf submarines but would make it clear that certain costs associated with now canceled Seawolf submarines should not be taken into account.

The House bill contained no similar provision.

The House recedes with an amendment that would exclude from the cost limitation for the Seawolf submarine program $272.4 million initial class design costs that were previously allocated to other canceled ships in the class. The amendment would also require the Inspector General of the Department of Defense to determine whether:

(1) the request of the Secretary of the Navy for exclusion of $745.4 million of the costs associated with canceled submarines is justified; and

(2) any further exclusions from or increases to the cost cap will be required.

The Inspector General shall report the findings to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than March 30, 1998.

Subtitle D—Air Force Programs

Authorization for B-2 bomber program (sec. 131)

The budget request included $174.1 million for modification of aircraft on order or already in the inventory to the Block 30 configuration.

The House bill would authorize an increase of $331.2 million for long lead funding for an additional nine aircraft above the 21 already authorized.

The Senate amendment would authorize the budget request and included a provision (sec. 131) that would prohibit the use of any funds to procure any additional B-2 bomber aircraft or to maintain any part of bomber industrial base solely for the purpose of preserving the option to procure additional B-2 bomber aircraft in the future.

The Senate recedes with an amendment.

The conferees agree to authorize $331.2 million to be used either for long lead activities related to the procurement of additional B-2 aircraft, or for modification and repair of the existing fleet of B-2 bomber aircraft, depending on the President's determination of the requirement for additional B-2 aircraft.

The provision would also direct the Secretary of Defense to ensure that all appropriate actions are taken to preserve the options of the President until submission of the report required by section 8131 of the Department of Defense Appropriations Act for fiscal year 1998.

ALR radar warning receivers (sec. 132)

The Senate amendment contained a provision (sec. 132) that would require a study of the comparative effectiveness of upgrading the ALR-69 radar warning receiver and further acquisition of the ALR-56M radar warning receiver.

The House bill contained no similar provision.

The House recedes.

Analysis of requirements for replacement of engines on military aircraft derived from Boeing 707 aircraft (sec. 133)

The Senate amendment contained a provision (sec. 142) that would require a study of re-engining priorities, options, and benefits for military aircraft derived from Boeing 707 type aircraft.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the requirements for the study.

Subtitle E—Other Matters

Pilot program on sales of manufactured articles and services of certain army industrial facilities without regard to availability from domestic sources (sec. 141)

The Senate amendment contained a provision (sec. 143) that would authorize Army industrial facilities to sell articles or services to an entity that will incorporate those articles or services into a weapon system to be procured by the Department of Defense or will use those articles or services to manufacture weapon systems that will be ultimately procured by the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize a two-year pilot program for not more than three facilities and require a review by the Inspector General of the Department of Defense.

NATO Joint Surveillance/Target Attack Radar System (sec. 142)

The Senate amendment contained a provision (sec. 144) that would allow the Secretary of Defense to initiate contracts for Phase I of a NATO Alliance Ground Surveillance (NATO AGS) capability based on the Joint Surveillance/Target Attack Radar System (JSTARS) following the conclusion of a cooperative project agreement for a NATO AGS. The Senate amendment would also authorize the transfer of funds from U.S. JSTARS to the NATO AGS program, and would allow for the modification of two Air Force JSTARS aircraft into a NATO configuration.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on obligation of funds for the Seawolf submarine program

The House bill contained a provision (sec. 121) that would prohibit the obligation of more than 50 percent of the fiscal year 1998 funds authorized and appropriated for the Seawolf submarine until the Secretary of the Navy certifies that not less than 50 percent of the New Attack Submarine technology insertion opportunities for the first four submarines were included in the Future Years Defense Program accompanying the fiscal year 1999 budget request.

The Senate amendment contained no similar provision.

Having received written assurance from the Secretary that the fiscal year 1999 budget request will comply with the provision in the House bill, the House recedes.

Reduction in authorization of appropriations

The Senate amendment contained a provision (sec. 110) that would reduce funds available to the Department of Defense for Advisory and Assistance Services by $30.0 million.

The House bill contained no similar provision.

The Senate recedes.

Airborne self-protection jammer

The Senate amendment contained a provision (sec. 124) that would place a limitation on the resumption of serial production of the Airborne Self-Protection Jammer, pending a certification by the Secretary of Defense.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on use of funds for acquisition or alteration of private drydocks

The Senate amendment contained a provision (sec. 141) that would prevent the use of DOD funds for the expansion of private drydocks.

The House bill contained no similar provision.

The Senate recedes.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Overview

The budget request for fiscal year 1998 contained an authorization of $35,934.5 million for Research and Development in the Department of Defense. The House bill would authorize $37,273.7 million. the Senate amendment would authorize $36,957.0 million. The conferees recommended an authorization of $36,537.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
RESEARCH, DEVELOPMENT, TEST & EVALUATION					
Research, Development, Test & Evaluation, Army	4,510,843	4,752,913	4,745,462	122,652	4,633,495
Research, Development, Test & Evaluation, Navy	7,611,022	7,946,996	7,812,972	163,855	7,774,877
Research, Development, Test & Evaluation, Air Force	14,451,379	14,659,736	14,302,264	(112,445)	14,338,934
Research, Development, Test & Evaluation, Defense-wide	9,069,680	9,611,013	9,796,780	476,399	9,546,079
Operational Test & Evaluation, Defense	23,384	23,384	31,384	4,000	27,384
Developmental Test & Evaluation, Defense	268,183	279,683	268,183	(10,000)	258,183
FFRDC Reduction	0	0	0	(42,000)	(42,000)
Total Research, Development, Test & Evaluation	35,934,491	37,273,725	36,957,045	602,461	36,536,952

Overview

The budget request for fiscal year 1998 contained an authorization of $4,510.8 million for Army, Research and Development in the Department of Defense. The House bill would authorize $4,752.9 million. The Senate amendment would authorize $4,745.5 million. The conferees recommended an authorization of $4,633.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		RESEARCH DEVELOPMENT TEST & EVAL ARMY					
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	15,113	15,113	15,113	(1,000)	14,113
0601102A	2	DEFENSE RESEARCH SCIENCES	138,165	138,165	138,665		123,298
		Gender and Racial Integration			[+500]		
		Scientific Problems with Military Applications				(4,867)	
		Program Reduction				(10,000)	
0601104A	3	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	45,576	47,476	47,876		46,576
		Electromechanics and Hypervelocity Physics		[+1,900]		1,000	
		Advanced Telecommunication and Information Distribution Research Center			[+2,300]	[2,300]	
0602104A	4	TRACTOR ROSE					
0602105A	5	MATERIALS TECHNOLOGY	9,811	9,811	13,811		12,811
		Hardened Materials/Advanced Composite Shrouds			[+4,000]	3,000	
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	19,294	26,794	19,294		26,794
		PDCUE		[+2,500]		2,500	
		Passive MMW Camera		[+5,000]		5,000	
0602122A	7	TRACTOR HIP	7,242	7,242	7,242		7,242
0602211A	8	AVIATION TECHNOLOGY	27,282	27,282	27,282		22,982
		Program Reduction				(4,300)	
0602270A	9	EW TECHNOLOGY	16,528	16,528	16,528		16,528
0602303A	10	MISSILE TECHNOLOGY	22,335	22,335	22,335		22,335
0602308A	11	MODELING AND SIMULATION TECHNOLOGY	21,059	21,059	21,059		21,059
0602601A	12	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	33,112	44,112	37,112		40,612
		National Automotive Center		[+3,000]	[+4,000]	4,000	
		High Output Diesel Engine		[+1,000]		1,000	
		Alternative Vehicle Propulsion		[+7,000]		2,500	
0602618A	13	BALLISTICS TECHNOLOGY	33,317	38,317	38,317		37,317
		Liquid Propellant Technology		[+5,000]	[+5,000]	4,000	
0602622A	14	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,739	4,739	4,739		3,739
		Program Reduction				(1,000)	
0602623A	15	JOINT SERVICE SMALL ARMS PROGRAM	4,786	4,786	4,786		4,786
0602624A	16	WEAPONS AND MUNITIONS TECHNOLOGY	26,980	26,980	26,980		28,876

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		Program Reduction				(1,104)	
		Plastic Cased Ammunition				3,000	
0602705A	17	ELECTRONICS AND ELECTRONIC DEVICES	20,192	28,192	20,192		23,192
		Field Battery Recharging Cap (TPV)		[+5,000]		1,500	
		AAzinc battery manufacturing		[+3,000]		1,500	
0602709A	18	NIGHT VISION TECHNOLOGY	17,304	17,304	17,304		17,304
0602712A	19	COUNTERMINE SYSTEMS	10,598	13,598	10,598		10,598
		Countermine Technology		[+3,000]			
0602716A	20	HUMAN FACTORS ENGINEERING TECHNOLOGY	14,256	19,356	14,256		17,256
		Medteams		[+5,100]		3,000	
0602720A	21	ENVIRONMENTAL QUALITY TECHNOLOGY	17,519	35,119	32,219		36,519
		Computer-based Land Management Model		[+4,900]		4,000	
		Bioremediation, Education, Science, Technology (BEST) Program		[+4,000]		4,000	
		Plasma Energy Pyrolysis System (PEPS)		[+8,700]	[+8,700]	6,000	
		Radford Environmental Development (REDMAP) and Management Programs			[+6,000]	5,000	
0602782A	22	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	16,838	16,838	16,838		16,838
0602783A	23	COMPUTER AND SOFTWARE TECHNOLOGY	679	679	679		679
0602784A	24	MILITARY ENGINEERING TECHNOLOGY	36,422	36,422	41,422		37,422
		Energy Efficient Military Applications			[+4,000]		
		Cold Weather Research			[+1,000]	1,000	
0602785A	25	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	9,014	9,014	9,314		9,014
		Gender and Racial Integration			[+300]		
0602786A	26	LOGISTICS TECHNOLOGY	17,689	17,689	17,689		17,689
0602787A	27	MEDICAL TECHNOLOGY	74,684	80,184	74,684		78,184
		Life Support for Trauma & Transport		[+1,000]			
		Persian Gulf Illness Clinical trials		[+4,500]			
		Nuitrition Research				3,500	
0602789A	28	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	1,255	1,255	1,255		1,255
0603001A	29	LOGISTICS ADVANCED TECHNOLOGY	35,469	37,469	35,469		35,469
		Infrared Suppression Fabrics		[+2,000]			
0603002A	30	MEDICAL ADVANCED TECHNOLOGY	10,677	16,477	15,277		13,177

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		Telemedicine Technology		[+2,300]			
		Virtual Reality Emergency Medical Telemedicine (VREMT)		[+3,500]		2,500	
		Intravenous Membrane Oxygenator (IMO)			[+1,000]		
		MRE Nutrition Research			[+3,600]		
0603003A	31	AVIATION ADVANCED TECHNOLOGY	31,330	44,330	31,330		76,330
		Short Range UAV		[+5,000]			
		SCRAM JET DevV		[+8,000]			
		Outrider UAV				45,000	
0603004A	32	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	18,255	26,255	18,255		18,255
		Electro-rheological Fluids Recoil for Future Artillery Systems		[+5,000]			
		Plastic Cased Ammunition		[+3,000]			
0603005A	33	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	32,685	35,685	41,685		38,642
		CAV ATD Composites		[+2,000]		2,000	
		CAV ATD Electric Drives		[+1,000]			
		Metal Matrix Composites			[+9,000]	6,500	
		Program Reduction				(2,543)	
0603006A	34	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	19,688	21,688	23,688		21,688
		Tactical Internet Command and Control Protection		[+2,000]			
		Wave Net Technology			[+4,000]	2,000	
0603007A	35	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	3,003	3,003	4,303		3,003
		Gender and Racial Integration			[+1,300]		
0603009A	36	TRACTOR HIKE	14,350	14,350	14,350		14,350
0603013A	37	TRACTOR DIRT	3,393	3,393	3,393		3,393
0603017A	38	TRACTOR RED	5,572	5,572	5,572		5,572
0603020A	39	TRACTOR ROSE	9,204	9,204	11,204		11,204
		Classified Program			[+2,000]	2,000	
0603105A	40	MILITARY HIV RESEARCH	2,713	2,713	2,713		2,713
0603238A	41	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECH DEMO	11,664	11,664	11,664		11,664
0603270A	42	EW TECHNOLOGY	8,182	8,182	8,182		8,182
0603313A	43	MISSILE AND ROCKET ADVANCED TECHNOLOGY	117,139	65,439	117,139		93,839
		EFOG-M		[-57,700]		(26,300)	

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		Future Missile Technology Integration Program		[+6,000]		3,000	
0603322A	44	TRACTOR CAGE	6,412	6,412	6,412		6,412
0603606A	45	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	19,332	24,332	25,932		27,032
		Countermine Technology Development		[+5,000]		5,000	
		Vehicular Mounted Mine Detection System			[+6,600]	2,700	
0603607A	46	JOINT SERVICE SMALL ARMS PROGRAM	4,754	11,754	4,754		9,254
		Objective Individual Combat Weapon		[+5,500]		3,000	
		Warhead Development (ALAWS Technology)		[+1,500]		1,500	
0603654A	47	LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	13,000	13,000	13,000	(8,000)	5,000
0603710A	48	NIGHT VISION ADVANCED TECHNOLOGY	19,299	19,299	19,299		19,299
0603734A	49	MILITARY ENGINEERING ADVANCED TECHNOLOGY	12,231	12,231	12,231		12,231
0603772A	50	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	19,970	19,970	19,970		19,970
0603018A	51	TRACTOR TREAD					
0603308A	52	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	24,138	21,638	81,138		75,638
		Missile Defense Battle Integration CTR		[+14,000]	[+22,000]	17,000	
		Transfer Tactical High Energy Laser To BMDO Cooperative Programs		[-16,500]			
		Tactical High Energy Laser			[+35,000]	34,500	
0603619A	53	LANDMINE WARFARE AND BARRIER - ADV DEV	18,882	21,882	18,882		18,882
		Countermine Systems Advanced Development		[+3,000]			
0603627A	54	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV					
0603639A	55	ARMAMENT ENHANCEMENT INITIATIVE	40,313	60,313	40,313		38,313
		TERM-KE		[+20,000]		15,000	
		Smart Top Attack				(17,000)	
0603640A	56	ARTILLERY PROPELLANT DEVELOPMENT	8,521	8,521	8,521		8,521
0603645A	57	ARMORED SYSTEM MODERNIZATION - ADV DEV	2,007	2,007	2,007		2,007
0603649A	58	ENGINEER MOBILITY EQUIPMENT ADVANCED DEVELOPMENT					
0603653A	59	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	8,982	8,982	8,982		8,982
0603713A	60	ARMY DATA DISTRIBUTION SYSTEM	21,214	21,214	21,214		21,214
0603745A	61	TACTICAL ELECTRONIC SUPPORT SYSTEMS - ADV DEV					
0603747A	62	SOLDIER SUPPORT AND SURVIVABILITY	7,557	7,557	7,557		7,557
0603766A	63	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	20,920	20,920	20,920		20,920

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0603774A	64	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	2,939	2,939	2,939		2,939
0603790A	65	NATO RESEARCH AND DEVELOPMENT	13,168	13,168	13,868	(4,000)	9,168
		NATO Research And Development			[+700]		
0603801A	66	AVIATION - ADV DEV	7,132	12,132	7,132		12,132
		Retinal Display Technology For AICH/Virtual Retinal Display		[+5,000]	[+5,000]	5,000	
0603802A	67	WEAPONS AND MUNITIONS - ADV DEV					
0603804A	68	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	6,783	6,783	6,783		6,783
0603805A	69	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	7,673	7,673	7,673		7,673
0603807A	70	MEDICAL SYSTEMS - ADV DEV	6,765	11,765	6,765		6,765
		Life Support for Trauma & Transport		[+5,000]			
0603851A	71	TRACTOR CAGE (DEM/VAL)	1,948	1,948	1,948		1,948
0603854A	72	ARTILLERY SYSTEMS - DEM/VAL	324,380	324,380	324,380		324,380
0603856A	73	SCAMP BLOCK II DEM/VAL	73	73	73		73
0603889A	74	COUNTERDRUG RDT&E PROJECTS					
0604201A	75	AIRCRAFT AVIONICS	21,669	21,669	21,669		21,669
0604220A	76	ARMED, DEPLOYABLE OH-58D					
0604223A	77	COMANCHE	282,009	322,009	282,009		282,009
		Comanche		[+40,000]			
0604270A	78	EW DEVELOPMENT	66,212	66,212	66,212		66,212
0604321A	79	ALL SOURCE ANALYSIS SYSTEM	24,045	27,545	27,245		27,245
		ASAS Software Upgrade Program		[+3,500]			
		Advanced Fusion Technology Insertion			[+3,200]	3,200	
0604325A	80	FOLLOW-ON TO TOW	13,949	13,949	13,949		13,949
0604328A	81	TRACTOR CAGE	11	11	11		11
0604604A	82	MEDIUM TACTICAL VEHICLES	3,729	3,729	3,729		3,729
0604609A	83	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV					
0604611A	84	JAVELIN	8,018	8,018	8,018		8,018
0604619A	85	LANDMINE WARFARE	19,800	19,800	19,800		19,800
0604622A	86	FAMILY OF HEAVY TACTICAL VEHICLES		1,300			1,300
		Enhanced Safety Products		[+1,300]		1,300	
0604633A	87	AIR TRAFFIC CONTROL	1,705	1,705	1,705		1,705

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0604640A	88	ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	8,867	8,867	8,867		8,867
0604641A	89	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	2,687	2,687	2,687		2,687
0604642A	90	LIGHT TACTICAL WHEELED VEHICLES	9,909	9,909	9,909		0
		Program Reduction				(9,909)	
0604645A	91	ARMORED SYSTEMS MODERNIZATION (ASM)-ENG. DEV.					
0604649A	92	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	56,196	56,196	56,196		52,196
		Breacher				(4,000)	
0604710A	93	NIGHT VISION SYSTEMS - ENG DEV	33,456	33,456	33,456		33,456
0604713A	94	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	55,964	55,964	55,964		55,964
0604715A	95	NON-SYSTEM TRAINING DEVICES - ENG DEV	76,749	76,749	76,749		76,749
0604716A	96	TERRAIN INFORMATION - ENG DEV	2,942	2,942	2,942		2,942
0604726A	97	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	1,946	1,946	1,946		1,946
0604739A	98	INTEGRATED BROADCAST SERVICE	4,499	4,499	4,499		4,499
0604740A	99	TACTICAL SURVEILLANCE SYSTEM - ENG DEV					
0604741A	100	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV	18,350	18,350	23,350		18,350
		Force XXI Air Defense Tactical Operations Center			[+5,000]		
0604746A	101	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,582	4,882	2,582		4,882
		Integrated Family Of Test Equipment		[+2,300]		2,300	
0604760A	102	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENG DEVELOPMENT	20,895	20,895	20,895		20,895
0604766A	103	TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES - EMD (TIARA)	19,113	17,913	19,113		19,113
		TENCAP		[-1,200]			
0604768A	104	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	202,302	202,302	202,302		237,302
		BAT P3I				35,000	
0604770A	105	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	6,940	6,940	6,940		6,940
0604778A	106	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	419	419	419		419
0604780A	107	COMBINED ARMS TACTICAL TRAINER (CATT)	2,823	2,823	14,323		13,323
		CATT Reliability Improvement			[+11,500]	10,500	
0604801A	108	AVIATION - ENG DEV	5,109	5,109	5,109		5,109
0604802A	109	WEAPONS AND MUNITIONS - ENG DEV	3,577	3,577	3,577		3,577
0604804A	110	LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	28,039	28,039	28,039		28,039
0604805A	111	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	11,052	16,052	25,052		11,052

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		Force XXI Architecture		[+5,000]	[+14,000]		
0604807A	112	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIP - ENG DEV	4,483	4,483	4,483		4,483
0604808A	113	LANDMINE WARFARE/BARRIER - ENG DEV	22,605	22,605	22,605		8,732
		Airborne Standoff Minefield Detection System				(13,873)	
0604814A	114	SENSE AND DESTROY ARMAMENT MISSILE - ENG DEV	22,372	22,372	22,372		11,494
		SADARM P3I				(10,878)	
0604816A	115	LONGBOW - ENG DEV					
0604817A	116	COMBAT IDENTIFICATION	19,784	19,784	19,784		19,784
0604818A	117	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	20,022	20,022	20,022		20,022
0604820A	118	RADAR DEVELOPMENT					
0604823A	119	FIREFINDER	2,564	2,564	10,564		2,564
		AN/TPQ-37 P3I			[+8,000]		
0604854A	120	ARTILLERY SYSTEMS - EMD					
0604256A	121	THREAT SIMULATOR DEVELOPMENT	14,004	14,004	14,004		14,004
0604258A	122	TARGET SYSTEMS DEVELOPMENT	11,688	11,688	11,688		11,688
0604759A	123	MAJOR T&E INVESTMENT	40,449	40,449	40,449		40,449
0605103A	124	RAND ARROYO CENTER	17,576	17,576	17,576		17,576
0605301A	125	ARMY KWAJALEIN ATOLL	138,769	138,769	138,769		124,769
		Program Reduction				(14,000)	
0605502A	126	SMALL BUSINESS INNOVATIVE RESEARCH					
0605601A	127	ARMY TEST RANGES AND FACILITIES	122,117	122,117	122,117		122,117
0605602A	128	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	33,184	33,184	33,184		33,184
0605604A	129	SURVIVABILITY/LETHALITY ANALYSIS	32,330	39,030	32,330		32,330
		Information Operations/Warfare Survivability Analysis		[+6,700]			
0605605A	130	DOD HIGH ENERGY LASER TEST FACILITY	14,952	14,952	24,952		24,952
		HELSTF Test Center Support			[+10,000]	10,000	
0605606A	131	AIRCRAFT CERTIFICATION	2,919	2,919	2,919		2,919
0605702A	132	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,434	6,434	6,434		6,434
0605706A	133	MATERIEL SYSTEMS ANALYSIS	29,707	29,707	29,707		29,707
0605709A	134	EXPLOITATION OF FOREIGN ITEMS	7,762	7,762	7,762		7,762
0605712A	135	SUPPORT OF OPERATIONAL TESTING	81,672	81,672	81,672		81,672

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0605801A	136	PROGRAMWIDE ACTIVITIES	86,208	86,208	82,208		82,208
		Infrastructure Reduction			[-4,000]	(4,000)	
0605802A	137	INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT	1,581	1,581	0		0
		Program Reduction			[-1,581]	(1,581)	
0605803A	138	TECHNICAL INFORMATION ACTIVITIES	15,451	15,451	16,951		15,451
		Gender and Racial Integration			[+1,500]		
0605805A	139	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	6,317	6,317	6,317		10,317
		Conventional Munitions Demilitarization Blast Chamber				4,000	
0605853A	140	ENVIRONMENTAL CONSERVATION	1,778	1,778	1,778		1,778
0605854A	141	POLLUTION PREVENTION	5,353	5,353	5,353		5,353
0605856A	142	ENVIRONMENTAL COMPLIANCE	51,378	51,378	51,378		55,378
		Fuel Cell Military Applications Development				4,000	
0605876A	143	MINOR CONSTRUCTION (RPM) - RDT&E	4,393	4,393	4,393		4,393
0605878A	144	MAINTENANCE AND REPAIR (RPM) - RDT&E	85,119	85,119	85,119		85,119
0605879A	145	REAL PROPERTY SERVICES (RPS) - RDT&E	88,945	88,945	88,945		88,945
0605896A	146	BASE OPERATIONS - RDT&E	231,653	231,653	231,653		231,653
0605898A	147	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	4,837	4,837	4,837		4,837
0909999A	148	FINANCING FOR CANCELED ACCOUNT ADJUSTMENTS					
0603778A	149	MLRS PRODUCT IMPROVEMENT PROGRAM	26,678	26,678	26,678		26,678
0102419A	150	AEROSTAT JOINT PROJECT OFFICE	86,193	86,193	86,193		35,000
		Program Reduction				(51,193)	
0203726A	151	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	39,039	51,039	39,039		39,039
		Adv Field Artillery Tactical Data System		[+12,000]			
0203735A	152	COMBAT VEHICLE IMPROVEMENT PROGRAMS	136,520	156,620	156,520		159,020
		AN/VVR-1 Laser Detector		[+8,000]		4,000	
		HTI Field Emission Flat Panel Display For Abrams		[+2,000]	[+12,000]	12,000	
		Slew-To-Cue		[+10,100]			
		M1A1 SEP			[+8,000]	6,500	
0203740A	153	MANEUVER CONTROL SYSTEM	25,641	25,641	25,641		25,641
0203744A	154	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	2,609	22,609	32,609		22,609
		CH-47 Improved Cargo Helicopter		[+20,000]	[+30,000]	20,000	

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0203752A	155	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	2,940	2,940	2,940		2,940
0203758A	156	DIGITIZATION	156,960	156,960	167,960		65,560
		Applique			[+11,000]	2,600	
		Force XXI Initiatives Transfer				(100,000)	
		Tactical Internet				6,000	
0203801A	157	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	17,412	34,112	27,412		31,412
		Stinger Block II		[+6,700]		4,000	
		PAC-3 Missile Upgrades		[+10,000]			
		Patriot Anti-Cruise Missile Program			[+10,000]	10,000	
0203802A	158	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	1,255	4,455	1,255		1,255
		ATACMS		[+3,200]			
0203806A	159	TRACTOR RUT	2,111	2,111	2,111		2,111
0203808A	160	TRACTOR CARD	6,690	6,690	6,690		6,690
0208010A	161	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	8,983	8,983	8,983		8,983
0208053A	162	JOINT TACTICAL GROUND SYSTEM	3,195	3,195	3,195		3,195
0301359A	163	SPECIAL ARMY PROGRAM	5,547	9,717	5,547		7,547
		Special Army Program		[+4,170]		2,000	
0303140A	164	INFORMATION SYSTEMS SECURITY PROGRAM	9,647	12,147	9,647		12,147
		Health Care Infomation Protection Demonstration		[+2,500]		2,500	
0303142A	165	SATCOM GROUND ENVIRONMENT (SPACE)	57,827	57,827	57,827		56,227
		SMART-T Polar Modification				(1,600)	
0303150A	166	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	15,045	16,645	15,045		15,045
		European Command Global Command and Control System		[+1,600]			
0305114A	167	TRAFFIC CONTROL, APPROACH & LANDING SYS-FY 1987 AND PRIOR (H)	750	750	750		750
0305128A	168	SECURITY AND INVESTIGATIVE ACTIVITIES	500	500	500		500
0708045A	169	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	44,326	59,326	44,326		59,326
		Munitions Manufacturing Technology		[+15,000]		15,000	
1001018A	170	NATO JOINT STARS	13,500	13,500	13,500		13,500
XXXXX		FORCE XXI INITIATIVE				38,900	38,900
XXXXX		STRIKER				3,900	3,900
XXXXX		MORTAR FIRE CONTROL				10,000	10,000

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XXXXX		RADIO FREQUENCY				1,700	1,700
XXXXX		LIGHTWEIGHT LASER DESIGNATOR/RANGE FINDER				2,800	2,800
XXXXX		COMBAT SYNTHETIC TRAINING ASSESSMENT RANGE				5,400	5,400
XXXXX		ARMY AIRBORNE COMMAND & CONTROL SYTEM				11,000	11,000
	XXX	OFFSET FOR FACIAL RECOGNITION TECHNOLOGY (PE 63122D)			(5,000)		
		Economic Assumptions				(17,000)	(17,000)
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL ARMY	4,510,843	4,752,913	4,745,462	122,652	4,633,495

FUNDING EXPLANATIONS

University and industry research centers

The budget request included $45.5 million in PE 61104A for university and industry research centers.

The House bill would authorize an increase of $1.9 million in PE 61104A for electromechanics and hypervelocity physics.

The Senate amendment would authorize an increase of $2.3 million in PE 61104A for the Army federated laboratory advanced telecommunications and information distribution research program (ATIRP).

The conferees agree to authorize an increase of $1.0 million for electromechanics and hypervelocity physics. The conferees also agree to authorize $2.3 million of the remaining funds for the establishment of the ATIRP.

Combat vehicle and automotive advanced technology

The budget request included $33.1 million for Combat Vehicle and Automotive Advanced Technology (PE 62601A).

The House bill authorized an increase of $11.0 million for a variety of innovative research projects.

The Senate amendment would authorize an increase of $4.0 million for the National Automotive Center to fund cooperative contracts using matching funds (PE 62601A).

The conferees agree to authorize $40.612 million in PE 62601A, an increase of $7.5 million: $4.0 million for continued funding of cooperative and dual-use contracts to integrate commercial automotive technology into Army vehicles; $1.0 million for completion of the High Output Diesel Engine (HODE) project; and $2.5 million for new alternative vehicle propulsion efforts with industry and academia, including, but not limited to, innovation or improvements related to diesel, internal combustion, fuel cell, and electric propulsion technologies.

The conferees commend the National Automotive Center for its efforts to improve the automotive technology available in Army ground vehicle systems while reducing the operating and support costs, particularly through the use of affordable commercial technology, competitive procedures, and matching funds from industry.

Plastic cased ammunition

The budget request included $18.2 million in PE 63004A for weapons and munitions advanced technology.

The House bill would authorize an increase of $8.0 million in PE 63004A: $5.0 million for electro-rheological fluids recoil for future artillery systems; and $3.0 million for plastic cased ammunition.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million for plastic cased ammunition research in PE 62624A. The conferees also agree to authorize a reduction of $1.1 million, without prejudice, in PE 62624A.

Electronics and electronic devices

The budget request included $20.2 million in PE 62705A for research and development in electronics and electronic devices.

The House bill would authorize an increase of $5.0 million for field battery recharging capability (thermophotovoltaic) research and $3.0 million for battery manufacturing technology.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase: $1.5 million for field battery recharging capability (thermophotovoltaic) research; and $1.5 million for manufacturing technology research associated with AA zinc batteries for military applications.

Bioremediation, education, science, and technology program

The budget request included $17.5 million for environmental quality technology within PE 62720A. The budget request included no funds in that program element for the bioremediation, education, science, and technology program (BEST), which supports multidisciplinary research and education in bioremediation science.

The House bill would authorize an additional $4.0 million in PE 62720A for the BEST program.

The Senate amendment would authorize the budget request.

The Senate recedes.

The conferees expect that the use of additional funds for BEST will provide a direct benefit to the Department of Defense efforts in the area of bioremediation.

Plasma energy pyrolysis system

The budget request included $17.5 million for environmental technology in PE 62720A. No funding was specifically identified for the Plasma Energy Pyrolysis System (PEPS) technology.

The House bill and Senate amendment would authorize $8.7 million for PEPS technology.

The conferees agree to an increase of $6.0 million in PE 62720A for the ongoing joint effort between the U.S. Army Environmental Center/Environmental Technology Division and the Tennessee Valley Authority/Muscle Shoals Environmental Research Center to develop, demonstrate, and validate the PEPS technology.

The purpose of PEPS is to develop plasma technology as a method of producing heat for the breakdown of waste materials. The Muscle Shoals Environmental Research Center provides a level of technical expertise that stems from forty years of experience in working with electric arc furnaces, a thermal process similar to PEPS. For that reason, the participation of the Muscle Shoals Environmental Research Center is a necessary element of PEPS. However, the conferees direct that no more than 15 percent of the PEPS funds be made available for the participation of the Muscle Shoals Environmental Research Center.

The goals of the PEPS program are to evaluate the capability of plasma technology for the destruction of hazardous components, verify slag suitability for regular landfill disposal, identify potential hazards associated with the process emissions, and develop qualified cost estimates for the future use of the process on large scale operations. The conferees direct the Secretary of the Army to report to the congressional defense committees on the progress made in meeting these goals with fiscal year 1998 funds.

Radford Environmental Development and Management Program

The budget request included $17.5 million for environmental quality technology within PE 62720A. No funding was specifically identified to support the development of an integrated environmental and pollution prevention management and control system through the Radford Environmental Development and Management Program (REDMAP).

The House bill would direct the Secretary of the Army to ensure adequate support for the REDMAP initiative within funds authorized for environmental quality technology.

The Senate amendment would authorize an increase of $5.0 million in PE 62720A to support REDMAP.

The conferees agree to authorize an increase of $5.0 million in PE 62720A for REDMAP. The conferees note that some of the basic research necessary for REDMAP has already been accomplished through the Facility Environmental Management and Monitoring System (FEMMS) at Tobyhanna Army Depot, Pennsylvania. The conferees expect that REDMAP will use relevant information developed through FEMMS.

Military engineering technology

The budget request included $36.4 million in PE 62784A for military engineering technology.

The Senate amendment would authorize an increase of $5.0 million in PE 62784A: $1.0 million to enhance research in combat support, combat engineering, and base facility construction, operations, and maintenance at locations subject to cold weather; and $4.0 million for energy efficient military applications.

The House bill would authorize the budget request.

The conferees agree to an increase of $1.0 million in PE 62784A for cold weather research. The conferees also agree to an increase of $4.0 million in PE 65856A for fuel cell military applications as mentioned elsewhere in the report.

Medical advanced technology

The budget request included $10.6 million in PE 63002A for medical advanced technology.

The House bill would authorize an increase of $5.8 million in PE 63002A: $3.5 million for virtual reality emergency medical telemedicine (VREMT); and $2.3 million for telemedicine technology.

The Senate amendment would authorize an increase of $4.6 million in PE 63002A: $1.0 million for intravenous membrane oxygenator; and $3.6 million for Meals Ready-to-Eat nutrition research.

The conferees agree to authorize an increase of $2.5 million for VREMT. The conferees also agree to authorize an increase of $3.5 million for nutrition research in PE 62787A.

Combat vehicle and automotive advanced technology

The budget request included $32.7 million to develop combat vehicle and automotive technologies.

The House bill would authorize an increase of $3.0 million to support development of advanced composite materiel and electric drive technology.

The Senate amendment would authorize an increase of $9.0 million to further explore aluminum metal matrix technologies.

The conferees agree to authorize a total of $38.7 million in PE 63005A. Of this amount, $2.0 million is for advanced composite materiel development and $6.5 million is for aluminum metal matrix technologies.

Information systems technology, superiority, and security

The budget request included $544.4 million for information systems and information technology research, development, test, and evaluation. Of that amount, $306.0 million was for information security research, development, test, and evaluation.

The House bill would authorize the following increases to the budget request:

(1) $2.0 million in PE 63006A for tactical internet command and control protection;

(2) $6.7 million in PE 65604A for information operations/warfare survivability analysis of command, control, communications, and computers/information electronic warfare systems;

(3) $1.6 million in PE 33150A for development and application of information protection measures for the Army's component of the global command and control systems for the U.S. European Command; and

(4) $2.7 million in PE 33140F for the Air Force information protection program.

The House report (H. Rept. 105–132) would also direct the Secretary of Defense to provide to the congressional defense committees, with the submission of the fiscal year 1999 budget request, an assessment of the progress in the Department's information systems security program that addresses the current status of the program, specific actions being taken on the recommendations of the 1996 Defense Science Board Task Force on Information Warfare-Defense, and additional actions that should be taken to assure the increased security and integrity of the Defense information infrastructure. The House report would also require the Secretary to address measures necessary to assure the integrity of those elements of the National Information Infrastructure on which the Defense Information Infrastructure depends, and to identify any additional resources and legislative authority which might be required.

The Senate amendment would authorize the budget request. The House recedes from its recommendation for additional funding. The conferees, however, share the views expressed in the House report regarding the need to treat information technology as a vital strategic resource, and the need to address the potential vulnerabilities of the information infrastructure. The conferees direct the Secretary of Defense to submit to the congressional defense committees the assessment of the Department's information systems security program as discussed in the House report.

Missile and rocket advanced technology

The budget request included $117.1 million to develop missile technologies.

The House bill would authorize a decrease of $57.7 million for the enhanced fiber-optic guided missile (EFOG–M) program.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $31.4 million to continue development of EFOG–M technologies and complete the advanced concept technology demonstration (ACTD) planned for fiscal year 1998. The conferees further direct that funds provided for the ACTD be used exclusively for that activity and not for procurement of additional missiles beyond those required for the evaluation. The conferees also agree to authorize an additional $3.0 million for the future missile technology insertion program for a total authorization of $93.8 million for PE 63313A.

Landmine warfare and barrier advanced technology

The budget request included $19.3 million to develop landmine detection technologies.

The House bill would authorize an additional $5.0 million for countermine technologies.

The Senate amendment would authorize an additional $6.6 million to support development and testing of vehicular mounted mine detector technologies.

The conferees agree to authorize $27.0 million in PE 63606A, an increase of $2.7 million for the vehicular mounted mine detection system and an additional $5.0 million for countermine technology development.

Joint service small arms program

The budget request included $4.8 million to conduct joint development of future small arms requirements.

The House bill would authorize an increase of $7.0 million to support development of the objective individual combat weapon (OICW) and advanced light anti-armor weapon system (ALAWS) technology.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.5 million in PE 63607A. Of this amount, $3.0 million is for OICW and $1.5 million is for ALAWS technology.

Armament enhancement initiative

The budget request included $40.3 million to develop future generation main battle tank armaments.

The House bill would authorize an additional $20.0 million for accelerated development of the tank extended range munition-kinetic energy (TERM–KE).

The Senate amendment would authorize the budget request.

The conferees agree to authorize a total of $38.3 million for the Armament Enhancement Initiative (PE 63639A). The conferees note an Army decision to terminate the Smart Target Activated Fire and Forget (STAFF) munition and pursue further development of the Tank Extended Range Munition-Kinetic Energy (TERM–KE). The conferees, therefore, agree to authorize a decrease of $17.0 million for STAFF and an increase of $15.0 million for TERM–KE.

Aviation-advanced development

The budget request included $7.1 million to develop aviation technologies.

The House bill would authorize an additional $5.0 million for development of retinal display technologies.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $12.1 million in PE 63801A.

All source analysis system

The budget request included $24.0 million to continue development of the All Source Analysis System (ASAS).

The House bill would authorize an increase of $3.5 million for software upgrades.

The Senate amendment would authorize an increase of $3.2 million to expand advanced fusion technology efforts.

The House recedes.

Light tactical wheeled vehicles

The budget request included $9.9 million to develop light tactical wheeled vehicle technologies.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $9.9 million in PE 64642A and direct the Army to report on future light tactical wheeled vehicle requirements. The conferees note the Army has failed to provide a clear and definitized plan that addresses future light tactical vehicle requirements and are unsure about the future direction of Army wheeled vehicle programs.

Engineer mobility equipment development program

The budget request included $56.2 million to support improvements to engineer mobility equipment (PE 64649A).

The House bill and Senate amendment would authorize the budget request.

The conferees agree to a total authorization of $52.2 million in PE 64649A, a decrease of $4.0 million. The conferees note that the engineer mobility equipment development program has suffered from late obligation and system management problems.

Automatic test equipment

The budget request included $2.6 million to develop automatic test equipment technologies.

The House bill would authorize an increase of $2.3 million for Integrated Family of Test Equipment (IFTE) technology development.

The Senate amendment authorized the budget request.

The Senate recedes.

Tactical exploitation of national capabilities

The budget request included $107.2 million for the various Tactical Exploitation of National Capabilities (TENCAP) and related research and development projects within the military services' Tactical Intelligence and Related Activities aggregation and the Joint Military Intelligence Program.

The House bill would authorize a decrease in these individual accounts by approximately 10 percent.

The Senate amendment would authorize the budget request.

The House recedes.

The conferees agree that the tactical "operationalization" of space has become relatively commonplace within military doctrine, planning, and execution, and that specialized TENCAP projects to inform, educate, and provide improved space-related capabilities should be reviewed for possible reduction or reorientation. While the conferees fully support the TENCAP program, they believe there may be a need to begin to reduce and phase out the specialized projects to exploit space and national capabilities. Such exploitation should be the focus of new programs from the outset of their development.

Therefore, the conferees direct the Secretary of Defense to submit a report to the congressional defense and intelligence committees by March 15, 1998, describing the Secretary's assessment of the continuing utility of the TENCAP program, and recommendations for evolving or phasing out the existing TENCAP program.

Combined arms tactical trainer

The budget request included $2.8 million to develop combined arms tactical trainer (CATT) technologies.

The House bill would authorize the budget request.

The Senate amendment would authorize the transfer of $11.5 million from procurement to PE 64780A to resolve software problems associated with these trainers.

The conferees agree to authorize $13.3 million in PE 64780A.

Landmine warfare/barrier-engineering development

The budget request included $22.6 million to develop minefield detection technologies.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $13.9 million in PE 64808A for development work associated with the airborne standoff minefield detection system (ASTAMIDS) as technical difficulties with this technology have been identified and the system is not ready to enter engineering and manufacturing development (EMD).

Sense and destroy armament missile-engineering development

The budget request included $22.4 million to continue development of the sense and destroy armament missile (SADARM).

The House bill and Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $10.9 million for the SADARM program. The conferees note the program has suffered from technical difficulties associated with development of the baseline munition. The conferees support the SADARM program but believe the baseline system testing scheduled for calendar year 1998 should be completed prior to funding preplanned product improvement work.

Fuel cells

The budget request included no funding for fuel cell technology.

The House bill would authorize an increase of $1.8 million in PE 63712N to establish a cooperative research and development effort for a cost-shared demonstration of proton exchange membrane fuel cell technology and an increase of $3.5 million in PE 63513N to continue the program for design of a full scale ships service molten carbonate fuel cell power plant and demonstration of a 500 kilowatt molten carbonate fuel cell.

The Senate amendment would authorize an increase of $1.75 million in PE 63712N to establish a cooperative research and development effort between the Naval Surface Warfare Center (NSWC) in Crane, Indiana and private industry. The Senate amendment also provided for an increase of $4.0 million in PE 62784A for additional technology development of energy efficient military applications between the U.S. Army Corps of Engineers, Construction Engineering Research Laboratories and private industry. In each instance, the Senate amendment directed participants from the private sector to contribute an amount of funding that is equivalent to the Federal funding level.

The conferees agree to authorize an increase of $1.75 million in PE 63712N, as discussed in the House report (H. Rept. 105–132) and the Senate report (S. Rept. 105–29), an increase of $3.5 million in PE 63513N for continuation of molten carbonate fuel cell development, as discussed in the House report, and an increase of $4.0 million in PE 65856A for additional technology development of energy efficient military applications, as discussed in the Senate report.

The conferees note that over the course of several budget cycles there have been numerous funding adds for development and utilization of fuel cell technology. The conferees believe that there is an absence of a clearly defined strategy and implementation program for the development and application of advanced fuel cell technology and other energy efficient applications for the Department of Defense (DOD). The conferees direct the Secretary of Defense to develop a strategy to address a broader spectrum of interests and applications of fuel cell technology within the military departments. The conferees expect that the strategy will include private sector contribution in an amount that is, at a minimum, equal to the Federal funding level for the continuation and development of fuel cell technology.

The conferees are also aware that the Department of Energy (DOE) has been involved in the development and application of advanced fuel cell technology. The conferees direct the Secretary of Defense to work with the Secretary of Energy in the development of a common strategy to avoid duplication of effort between the two departments.

The conferees direct the Secretary of Defense to report to the congressional defense committees by March 31, 1998 on the overall science and technology strategy for the development and application of advanced fuel cell technology and other energy efficient applications by the defense agencies and military departments. Moreover, the report should explain the common strategy developed by the Secretaries of Defense and Energy in this area.

Combat vehicle improvement program

The budget request included $136.5 million to develop combat vehicle improvements to existing systems.

The House bill would authorize an increase of $20.1 million for combat vehicle improvement purposes.

The Senate amendment would authorize an increase of $20.0 million for combat vehicle improvement purposes.

The conferees agree to authorize an increase of $22.5 million in PE 23735A for a total of $159.0 million. Of this amount, $12.0 million is for development of field emission display units for armored vehicles; $4.0 million is for development of AN/VVR-1 Laser Warning Receivers; and $6.5 million is for the M1 system enhancement program (SEP).

Aircraft modification/product improvement program

The budget request included $2.6 million to support improvements to existing aircraft systems.

The House bill would authorize an increase of $20.0 million for the improved cargo helicopter (ICH) program.

The Senate amendment would authorize an increase of $30.0 million for ICH.

The conferees agree to authorize an increase of $20.0 million for ICH in PE 23744 for a total of $22.6 million.

Digitization

The budget request included $157.0 million to support Army digitization efforts.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $11.0 million for outstanding digitization requirements.

The conferees note concerns expressed by defense appropriations subcommittees regarding the funding of certain Army digitization activities in the Digitization program element (PE 23758A) of the Army Research and Development budget request.

The conferees agree to reallocate $100.0 million from the Army request for digitization funding as follows:

Research, Development, Test and Evaluation, Army

	In millions
Digitization:	
Applique	$2.6
Tactical Internet	6.0
Other:	
Force XXI Initiatives	38.9
Striker	3.9
Mortar Fire Control	10.0
Radio Frequency Technology	1.7
Light Weight Laser Designator	2.8
Combat Synthetic Training Assessment Range	5.4
Airborne Command & Control System	11.0
Missile Procurement, Army:	
Avenger Slew-to-Cue	7.4
Other Procurement, Army:	
Gun Laying Positioning System	6.0
PLS Enhanced	3.0
Radio Frequency Technology	1.2

The conferees encourage the Army to further develop a clear and comprehensive digitization program that depicts requirements, funding, and timelines associated with the ultimate goal of fielding a digitized Corps early in the next century and to consult with the congressional defense committees concerning that program. The conferees expect that this effort will be fully funded in future budget submissions and that congressional defense committees will be notified of proposed acquisitions and activities. The conferees agree to authorize $65.6 million for digitization in PE 23758A.

Missile/air defense product improvement program

The budget request included $17.4 million to support improvements to existing air defense systems.

The House bill would authorize an increase of $16.7 million, $10.0 million for Patriot PAC-3 development and $6.7 million for the Stinger Block II development effort.

The Senate amendment would authorize an increase of $10.0 million for Patriot anti-cruise missile (PACM) development.

The conferees agree to authorize $31.4 million, an increase of $14.0 million in PE 23801A, $10.0 million for the completion of the PACM development effort and $4.0 million for the Stinger Block II program.

Healthcare information protection demonstration

The budget request included $9.6 million in PE 33140A for the Army's information systems security program.

The House bill would authorize an increase of $2.5 million to initiate a demonstration program for military healthcare information protection that would be consistent with national healthcare and information initiatives, and would direct the Secretary of the Army to report to the congressional defense committees on related matters.

The Senate amendment would authorize the budget request.

The Senate recedes.

End item industrial preparedness activities

The budget request included $44.3 in PE 78045A for the Army's manufacturing technology program.

The House bill would authorize an increase of $15.0 million for munitions manufacturing technology.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $15.0 million in PE 78045A to accelerate key munitions manufacturing technologies in composites, electronics, energetics, power supplies, and metal parts, as recommended in the House report (H. Rept. 105–132). The conferees intend this funding to be used to reduce the cost of future munitions and to enable both government- and contractor-owned munitions production facilities to produce research quantities and production quantities of munitions concurrently; to adopt design changes and product improvements more rapidly; and to make short production runs more feasible and less costly.

Overview

The budget request for fiscal year 1998 contained an authorization of $7,611.0 million for Navy, Research and Development in the Department of Defense. The House bill would authorize $7,947.0 million. The Senate amendment would authorize $7,813.0 million. The conferees recommended an authorization of $7,774.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		RESEARCH DEVELOPMENT TEST & EVAL NAVY					
0601152N	1	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	15,834	15,834	15,834		14,683
		Program Reduction				(1,151)	
0601153N	2	DEFENSE RESEARCH SCIENCES	366,283	376,783	366,283		334,463
		Marine Mammal Research Program		[+500]			
		Molecular Design		[+10,000]		8,000	
		Program Reduction				(39,820)	
0602111N	3	SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	32,273	42,273	32,273		29,273
		Free Electron Laser		[+9,000]			
		Integrated High Payoff Rocket Propulsion Technology Program		[+1,000]			
		Program Reduction				(3,000)	
0602121N	4	SURFACE SHIP TECHNOLOGY	46,859	59,359	52,859		49,359
		Power Electronic Building Blocks (PEBB)		[+6,000]	[+6,000]	6,000	
		Power Node Control Centers		[+1,500]		1,500	
		Micro-electromechanical Systems (MEMS)		[+5,000]			
		Program Reduction				(5,000)	
0602122N	5	AIRCRAFT TECHNOLOGY	23,590	23,590	23,590		22,590
		Program Reduction				(1,000)	
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	13,043	13,043	13,043		13,043
0602232N	7	COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY	65,566	65,566	65,566		56,566
		Program Reduction				(9,000)	
0602233N	8	READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	31,762	30,313	31,762		28,762
		GAO Recommended Reduction		[-1,449]		(3,000)	
0602234N	9	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	76,653	81,653	76,653		67,653
		Advanced Carbon Fiber Technology		[+2,000]	[+2,000]	2,000	
		Cryogenic Electronics Technology		[+3,000]			
		Vacuum Electronics			[-4,000]	(3,000)	
		Titanium Processing			[+2,000]	2,000	
		Program Reduction				(10,000)	
0602270N	10	ELECTRONIC WARFARE TECHNOLOGY	22,810	22,810	22,810		21,810
		Program Reduction				(1,000)	

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0602314N	11	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	51,033	51,033	51,033		46,033
		Program Reduction				(5,000)	
0602315N	12	MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	42,737	45,737	42,737		42,737
		Mine Countermeasures Autonomous System Technology		[+3,000]			
0602435N	13	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	48,211	77,211	64,211		64,211
		Arctic Climate Observations		[+3,000]		2,000	
		Autonomous Underwater Vehicle and Sonar Development		[+10,000]		2,000	
		National Oceanographic Partnerships Program		[+16,000]	[+16,000]	12,000	
0602633N	14	UNDERSEA WARFARE WEAPONRY TECHNOLOGY	35,736	35,736	39,736		34,736
		Submarine ASW Defensive Weapon			[+4,000]	3,000	
		Program Reduction				(4,000)	
0603217N	15	AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	35,093	31,093	35,093		28,693
		Integrated High Performance Rocket Propulsion Technology		[+1,000]		1,000	
		Land Attack Standard Missile (LASM) Offset		[-5,000]			
		Program Reduction				(7,400)	
0603238N	16	PRECISION STRIKE AND AIR DEFENSE	43,320	43,320	43,320		39,320
		Program Reduction				(4,000)	
0603270N	17	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	18,144	18,144	18,144		17,144
		Program Reduction				(1,000)	
0603508N	18	SHIP PROPULSION SYSTEM	39,737	39,737	49,737		49,737
		Project "M"		[+5,000]		5,000	
		Land Attack Standard Missile (LASM) Offset		[-5,000]			
		Program Reduction				(5,000)	
		Composite Helicopter Hangar			[+10,000]	10,000	
0603640M	19	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	34,178	58,978	49,178		53,678
		Commandant's Warfighting Laboratory		[+19,800]	[+15,000]	17,500	
		Low-Cost Close Range Unmanned Aerial Vehicles		[+5,000]			
		Common Automatic Recovery System (CARS)			[+2,000]	2,000	
0603706N	20	MEDICAL DEVELOPMENT	18,332	23,413	20,832		19,213
		Freeze Dried Blood		[+2,500]	[+2,500]	1,500	
		Medical Mobile Monitor		[+4,000]		2,000	

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		GAO Recommended Reduction		[-1,419]		(1,419)	
		Fleet Health Reduction				(1,200)	
0603707N	21	MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	18,812	18,812	18,812		16,812
		Program Reduction				(2,000)	
0603712N	22	ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	18,249	19,999	19,999		17,999
		Proton Exchange Membrane Fuel Cells		[+1,750]	[+1,750]	1,750	
		Program Reduction				(2,000)	
0603747N	23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	54,785	63,785	54,785		49,385
		Littoral ASW Tech Demo		[+5,000]		3,000	
		Submarine ASW Defensive Weapon		[+4,000]			
		Program Reduction				(8,400)	
0603782N	24	SHALLOW WATER MCM DEMOS	41,602	42,352	41,602		38,352
		Beach and Surf Zone Obstacle Clearance		[+750]		750	
		Program Reduction				(4,000)	
0603792N	25	ADVANCED TECHNOLOGY TRANSITION	87,285	91,285	76,285		71,285
		Mantech Offset			[-15,000]		
		High Frequency Surface Wave Radar		[+4,000]	[+4,000]	4,000	
		Program Reduction				(20,000)	
0603794N	26	C3 ADVANCED TECHNOLOGY	23,768	23,768	23,768		22,368
		Program Reduction				(1,400)	
0603207N	27	AIR/OCEAN TACTICAL APPLICATIONS	16,017	16,017	16,017		16,017
0603208N	28	TRAINING SYSTEM AIRCRAFT					
0603216N	29	AVIATION SURVIVABILITY	7,859	8,127	7,859		10,859
		Aircrew Common Ejection Seats		[+1,500]			
		GAO Recommended Reduction		[-1,232]			
		Visualization Architecture		[+3,000]		3,000	
0603254N	30	ASW SYSTEMS DEVELOPMENT	22,869	26,669	22,869		24,869
		Air-Deployed Low Frequency Projector		[+3,800]		2,000	
0603261N	31	TACTICAL AIRBORNE RECONNAISSANCE	10,607	10,607	10,607		10,607
0603382N	32	ADVANCED COMBAT SYSTEMS TECHNOLOGY	5,232	5,232	5,232		5,232
0603451N	33	TACTICAL SPACE OPERATIONS					

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0603502N	34	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	58,231	76,431	76,431		73,631
		Integrated Combat Weapon System		[+10,300]	[+10,300]	7,500	
		Remote Minehunting System		[+7,900]	[+7,900]	7,900	
0603504N	35	ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	61,122	62,422	61,122		62,422
		Light Weight Wide Aperture Array		[+4,000]		4,000	
		GAO Recommended Reduction		[-2,700]		(2,700)	
0603506N	36	SURFACE SHIP TORPEDO DEFENSE		9,800			0
		Surface Ship Torpedo Defense System Development		[+9,800]			
0603512N	37	CARRIER SYSTEMS DEVELOPMENT	98,587	10,187	98,587		20,587
		CV(X) Carrier System Development		[-88,400]		(78,000)	
0603513N	38	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	19,194	22,694	19,194		22,694
		Carbonate Fuel Cells		[+3,500]		3,500	
0603514N	39	SHIP COMBAT SURVIVABILITY	7,050	7,050	7,050		7,050
0603525N	40	PILOT FISH	118,728	118,728	118,728		118,728
0603528N	41	NON-ACOUSTIC ANTI-SUBMARINE WARFARE (ASW)					
0603536N	42	RETRACT JUNIPER	9,776	9,776	9,776		9,776
0603542N	43	RADIOLOGICAL CONTROL	3,030	3,030	3,030		3,030
0603553N	44	SURFACE ASW	5,704	5,704	5,704		5,704
0603561N	45	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	59,067	162,067	74,067		114,000
		Advanced Submarine System		[+103,000]		54,933	
		Advanced Submarine Technology			[+15,000]		
0603562N	46	SUBMARINE TACTICAL WARFARE SYSTEMS	4,931	4,931	4,931		4,931
0603563N	47	SHIP CONCEPT ADVANCED DESIGN	16,198	16,198	16,198		16,198
0603564N	48	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	38,682	38,682	55,682		53,682
		CVN-77 Research & Development			[+17,000]		
		Cruiser Modifications				15,000	
0603570N	49	ADVANCED NUCLEAR POWER SYSTEMS	125,357	125,357	125,357		125,357
0603573N	50	ADVANCED SURFACE MACHINERY SYSTEMS	49,741	49,741	49,741		47,741
		Intercooled Recuperative Engine (ICR)				(2,000)	
0603576N	51	CHALK EAGLE	137,442	137,442	137,442		137,442
0603582N	52	COMBAT SYSTEM INTEGRATION	7,739	7,739	7,739		7,739

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0603609N	53	CONVENTIONAL MUNITIONS	34,190	42,190	34,190		38,390
		Optical Correlator		[+8,000]		4,200	
0603610N	54	ADVANCED WARHEAD DEVELOPMENT (MK-50)	2,012	2,012	2,012		0
		Transfer to Lighweight Torpedo Development				(2,012)	
0603611M	55	MARINE CORPS ASSAULT VEHICLES	60,134	70,134	70,234		68,134
		Advanced Amphibious Assault Vehicles		[+10,000]	[+10,100]	8,000	
0603612M	56	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV					0
0603635M	57	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	36,464	40,064	36,464		40,064
		Lightweight 155MM Howitzer		[+3,600]		3,600	
0603654N	58	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,701	10,701	10,701		10,701
0603658N	59	COOPERATIVE ENGAGEMENT	139,229	189,229	148,729		172,229
		Low Cost Common Equipment Set		[+15,000]		15,000	
		CEC Agent Transfer		[+5,000]	[+5,000]		
		E-2C & P-3 CEC Integration		[+20,000]		10,000	
		CEC - SSDS Integration		[+5,000]		5,000	
		CEC Joint Integration/Marine Hawk		[+5,000]	[+4,500]	3,000	
0603711N	60	FLEET TACTICAL DEVELOPMENT					
0603713N	61	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	12,658	12,658	12,658		12,658
0603721N	62	ENVIRONMENTAL PROTECTION	52,401	52,401	52,401		52,401
0603724N	63	NAVY ENERGY PROGRAM	4,159	4,159	4,159		4,159
0603725N	64	FACILITIES IMPROVEMENT	1,720	4,720	1,720		4,720
		Composite Engineered Materials		[+3,000]		3,000	
0603734N	65	CHALK CORAL	94,358	94,358	94,358		94,358
0603746N	66	RETRACT MAPLE	120,033	120,033	120,033		120,033
0603748N	67	LINK PLUMERIA	29,433	29,433	29,433		29,433
0603751N	68	RETRACT ELM	21,822	21,822	21,822		21,822
0603755N	69	SHIP SELF DEFENSE - DEM/VAL	9,961	9,961	9,961		9,961
0603785N	70	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE ASSESSMENT	11,706	11,706	11,706		11,706
0603787N	71	SPECIAL PROCESSES	81,439	81,439	81,439		81,439
0603790N	72	NATO RESEARCH AND DEVELOPMENT	13,330	13,330	13,330	(3,330)	10,000
0603795N	73	LAND ATTACK TECHNOLOGY	37,809	87,909	77,909		60,809

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		Extended Range Guided Munitions		[+15,100]	[+15,100]	8,000	
		Navy Tactical Missile System		[+20,000]	[+20,000]	10,000	
		Land Attack Standard Missile		[+10,000]	[+5,000]	3,000	
		Micro-Electro-Mechanical Systems Guidance and Control		[+5,000]		2,000	
0603800N	74	JOINT STRIKE FIGHTER (JSF) - DEM/VAL	448,855	468,855	476,855		463,855
		JSF Alternate Engine			[+28,000]	15,000	
		JSF Alternative Engine-Increase Navy Program Emphasis		[+20,000]			
0603851M	75	NONLETHAL WEAPONS - DEM/VAL	16,807,	16,807	20,107		16,807
		Non-Lethal Weapons Technology			[+3,300]		
0603852N	76	ARSENAL SHIP					
0603860N	77	JOINT PRECISION APPROACH AND LANDING SYSTEM - DEM/VAL	2,993	2,993	2,993		2,993
0604327N	78	HARDENED TARGET MUNITIONS	4,987	4,987	4,987		4,987
0604707N	79	SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENG SUPPORT	4,705	4,705	9,705		7,705
		Advanced Communications and Information Technology Initiative			[+5,000]	3,000	
0603208N	80	TRAINING SYSTEM AIRCRAFT	403	403	403		403
0603266N	81	AH-1T COMPOSITE ROTOR BLADE (H)					
0604212N	82	OTHER HELO DEVELOPMENT	73,354	88,354	88,354		125,191
		Lt Airborne Multi-Purpose Sys Helicopter Program		[+15,000]		15,000	
		CH-60 development				31,837	
		Parametric Airborne Dipping Sonar			[+10,000]	5,000	
		SH-60B Ku Band Data Link			[+5,000]		
0604214N	83	AV-8B AIRCRAFT - ENG DEV	11,034	11,034	11,034		11,034
0604215N	84	STANDARDS DEVELOPMENT	36,297	40,297	36,297		36,297
		Ground Proximity Warning System		[+4,000]			
0604217N	85	S-3 WEAPON SYSTEM IMPROVEMENT	4,735	4,735	4,735		930
		Common Support Aircraft				(3,805)	
0604218N	86	AIR/OCEAN EQUIPMENT ENGINEERING	6,129	6,129	6,129		6,129
0604221N	87	P-3 MODERNIZATION PROGRAM	3,191	15,191	3,191		13,191
		P-3 Maritime Patrol Aircraft Modernization Program		[+12,000]		10,000	
0604231N	88	TACTICAL COMMAND SYSTEM	31,518	41,518	31,518		36,518
		JSTARS-JMCIS Integration		[+10,000]		5,000	

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0604245N	89	H-1 UPGRADES	80,735	86,335	86,335		86,335
		UH-1N/AH-1W Cockpit Commonality		[+5,600]	[+5,600]	5,600	
0604261N	90	ACOUSTIC SEARCH SENSORS	16,947	20,947	16,947		18,947
		Advanced Ranging Source		[+4,000]		2,000	
0604262N	91	V-22A	529,495	529,495	529,495		529,495
0604264N	92	AIR CREW SYSTEMS DEVELOPMENT	12,111	12,111	12,111		12,111
0604270N	93	EW DEVELOPMENT	101,803	119,603	116,803		99,127
		Precision Targeting and Location System		[+2,800]		2,000	
		F/A-18C/D IDECM		[+15,000]	[+15,000]		
		Joint Emitter Targeting System				(2,000)	
		ICAP III Late Award				(2,676)	
0604307N	94	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	87,934	85,133	116,434		110,134
		GAO Recommended Reduction		[-2,801]		(2,800)	
		High Power Discriminator			[+35,000]	25,000	
		IRST Offset			[-6,500]		
0604310N	95	ARSENAL SHIP	102,994	0	127,994		35,000
		Arsenal Ship		[-102,994]		(67,994)	
		Maritime Fire Support Demonstrator Risk Reduction			[+25,000]		
0604311N	96	LPD-17 CLASS SYSTEMS INTEGRATION	471	471	471		471
0604312N	97	TRI-SERVICE STANDOFF ATTACK MISSILE	9,644	9,644	9,644		5,456
		JASSM Reduction				(4,188)	
0604366N	98	STANDARD MISSILE IMPROVEMENTS	549	549	549		549
0604373N	99	AIRBORNE MCM	16,503	16,503	16,503		16,503
0604503N	100	SSN-688 AND TRIDENT MODERNIZATION	42,294	57,294	67,294		57,294
		Submarine Combat System Multi-Purpose Processor		[+15,000]	[+25,000]	15,000	
0604504N	101	AIR CONTROL	9,298	9,298	9,298		9,298
0604507N	102	ENHANCED MODULAR SIGNAL PROCESSOR	3,462	3,462	3,462		3,462
0604512N	103	SHIPBOARD AVIATION SYSTEMS	9,225	9,225	9,225		9,225
0604516N	104	SHIP SURVIVABILITY	6,081	6,081	6,081		6,081
0604518N	105	COMBAT INFORMATION CENTER CONVERSION	11,325	11,325	11,325		11,325
0604524N	106	SUBMARINE COMBAT SYSTEM	23,701	23,701	23,701		18,701

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		AN/BSY-2 Tech/OpEval Postponement				(5,000)	
0604558N	107	NEW DESIGN SSN	311,076	328,076	311,076		319,076
		Advanced Submarine Tactical Electronic Combat System		[+17,000]		8,000	
0604561N	108	SSN-21 DEVELOPMENTS	49,542	49,542	66,542		49,542
		Seawolf Shock Test			[+17,000]		
0604562N	109	SUBMARINE TACTICAL WARFARE SYSTEM	45,663	45,663	45,663		45,663
0604567N	110	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	75,713	92,713	100,713		92,713
		CVN-77 Research and Development		[+17,000]		17,000	
		Cruiser Conversion			[+25,000]		
0604574N	111	NAVY TACTICAL COMPUTER RESOURCES	4,794	4,794	4,794		4,794
0604601N	112	MINE DEVELOPMENT	2,815	2,815	2,815		2,815
0604603N	113	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	28,890	28,890	28,890		28,890
0604610N	114	LIGHTWEIGHT TORPEDO DEVELOPMENT	17,290	17,290	17,290		19,302
		Lightweight Hybrid Torpedo Software				2,012	
0604612M	115	MARINE CORPS MINE COUNTERMEASURES SYSTEMS - ENG DEV	950	950	950		950
0604618N	116	JOINT DIRECT ATTACK MUNITION	12,714	12,714	12,714		12,714
0604654N	117	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	6,613	6,613	6,613		6,613
0604703N	118	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,022	1,022	1,022		1,022
0604710N	119	NAVY ENERGY PROGRAM	2,088	2,088	2,088		2,088
0604719M	120	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS					
0604721N	121	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	4,531	4,531	4,531		4,531
0604727N	122	JOINT STANDOFF WEAPON SYSTEMS	71,526	80,526	71,526		80,526
		JSOW Unitary Warhead Acceleration		[+9,000]		9,000	
0604755N	123	SHIP SELF DEFENSE - EMD	132,270	132,270	166,270		152,270
		Infrared Search and Track			[+13,000]	4,000	
		CEC/ACDS/SSDS Integration			[+19,000]		
		NULKA Future EMS Adaptation			[+2,000]	2,000	
		QRCC				10,000	
		Wallops Island Test Operations/Integrated Ship Self Defense Test Site				4,000	
0604771N	124	MEDICAL DEVELOPMENT	3,620	3,620	3,620		3,620
0604777N	125	NAVIGATION/ID SYSTEM	50,370	50,370	50,370		50,370

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0604784N	126	DISTRIBUTED SURVEILLANCE SYSTEM	33,048	43,448	67,048		43,448
		Advanced Deployable System		[+10,400]	[+44,000]	10,400	
		Classified Program			[-10,000]		
0604256N	127	THREAT SIMULATOR DEVELOPMENT	12,860	12,860	12,860		12,860
0604258N	128	TARGET SYSTEMS DEVELOPMENT	48,308	48,308	48,308		45,408
		Non-Cooperative Airborne Vector Scorer Cancellation				(2,900)	
0604759N	129	MAJOR T&E INVESTMENT	33,236	44,836	33,236		33,236
		Integrated Ship Self Defense Test Site		[+8,600]			
		Visualization Architecture and Technology		[+3,000]			
0605152N	130	STUDIES AND ANALYSIS SUPPORT - NAVY	8,755	8,755	8,755		6,679
		Program Reduction				(2,076)	
0605154N	131	CENTER FOR NAVAL ANALYSES	43,476	43,476	43,476		43,476
0605155N	132	FLEET TACTICAL DEVELOPMENT	2,747	2,747	2,747		2,747
0605502N	133	SMALL BUSINESS INNOVATIVE RESEARCH					
0605804N	134	TECHNICAL INFORMATION SERVICES	8,763	8,763	8,763		3,263
		Program Reduction				(5,500)	
0605853N	135	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	24,305	24,305	19,305		19,305
		Infrastructure Reduction			[-5,000]	(5,000)	
0605856N	136	STRATEGIC TECHNICAL SUPPORT	2,110	2,110	2,110		2,110
0605861N	137	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	57,591	57,591	57,591		55,961
		Program Reduction				(1,630)	
0605862N	138	RDT&E INSTRUMENTATION MODERNIZATION	8,546	8,546	8,546		8,546
0605863N	139	RDT&E SHIP AND AIRCRAFT SUPPORT	48,596	48,596	48,596		48,596
0605864N	140	TEST AND EVALUATION SUPPORT	263,934	265,934	251,934		246,934
		Navy Safety and Survivability Enhancements		[+2,000]		1,000	
		Infrastructure Reduction			[-12,000]	(18,000)	
0605865N	141	OPERATIONAL TEST AND EVALUATION CAPABILITY	9,107	9,107	9,107		9,107
0605866N	142	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,783	2,783	2,783		2,783
0605867N	143	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	11,941	10,919	11,941		11,941
		TENCAP		[-1,022]			
0605871M	144	MARINE CORPS TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES					

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0605873M	145	MARINE CORPS PROGRAM WIDE SUPPORT	8,207	8,207	8,207		8,207
0909999N	146	FINANCING FOR CANCELED ACCOUNT ADJUSTMENTS					
0101221N	147	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	44,419	44,419	44,419		44,419
0101224N	148	SSBN SECURITY TECHNOLOGY PROGRAM	24,726	24,726	24,726		24,726
0101226N	149	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,058	14,058	6,058		6,058
		AN/WLY-1 Submarine Regional Warfare System		[+8,000]			
0101402N	150	NAVY STRATEGIC COMMUNICATIONS					
0204136N	151	F/A-18 SQUADRONS	316,976	207,776	316,976		293,976
		F/A-18E/F Super Hornet		[-114,200]		(26,000)	
		F-18F TARP		[+5,000]		3,000	
0204152N	152	E-2 SQUADRONS	64,852	74,852	64,852		64,852
		E-2 Eight-Blade Composite Propeller System		[+10,000]			
0204163N	153	FLEET TELECOMMUNICATIONS (TACTICAL)	19,336	19,336	23,036		19,336
		Joint/Combined Military/Civilian Networked Applications			[+3,700]		
0204229N	154	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	93,359	91,500	93,359		91,500
		GAO Recommended Reduction		[-1,859]		(1,859)	
0204311N	155	INTEGRATED SURVEILLANCE SYSTEM	9,882	13,882	9,882		9,882
		Surtass Low Frequency Active		[+4,000]			
0204413N	156	AMPHIBIOUS TACTICAL SUPPORT UNITS	672	672	672		672
0204571N	157	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	58,956	36,456	58,956		63,956
		Battle Force Tactical Trainer Secure Interface		[+5,000]		5,000	
		Consolidated Training Systems Development		[-27,500]			
0204575N	158	ELECTRONIC WARFARE (EW) READINESS SUPPORT	1,626	1,626	1,626		1,626
0205601N	159	HARM IMPROVEMENT	6,169	41,169	6,169		41,169
		AARGM		[+35,000]		35,000	
0205604N	160	TACTICAL DATA LINKS	41,375	41,375	41,375		41,375
0205620N	161	SURFACE ASW COMBAT SYSTEM INTEGRATION	7,991	7,991	7,991		7,991
0205632N	162	MK-48 ADCAP	10,786	10,786	10,786		10,786
0205633N	163	AVIATION IMPROVEMENTS	60,025	60,025	35,025		51,025
		FY97 ARRGM Funding Offset			[-25,000]		
		New Start Initiatives Deferral				(9,000)	

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0205658N	164	NAVY SCIENCE ASSISTANCE PROGRAM					
0205667N	165	F-14 UPGRADE	11,704	11,704	11,704		11,704
0205675N	166	OPERATIONAL NUCLEAR POWER SYSTEMS	55,998	55,998	55,998		55,998
0206313M	167	MARINE CORPS COMMUNICATIONS SYSTEMS	38,296	48,196	38,996		45,296
		Tactical Hand Held Radio		[+2,000]		2,000	
		Tactical Remote Sensors		[+1,500]			
		Marine Common Hardware Suite		[+700]	[+700]		
		Tactical Electronic Reconnaissance Processing & Intelligence Systems		[+1,000]			
		TENCAP		[-300]			
		Close Range UAV Data Link		[+5,000]		5,000	
0206623M	168	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	12,568	17,518	12,568		14,668
		Marine Enhancement Program		[+700]			
		AN/VVR-1 Laser Warning Receiver		[+4,250]		2,100	
0206624M	169	MARINE CORPS COMBAT SERVICES SUPPORT	5,048	10,048	5,048		5,048
		Light Strike Vehicle		[+5,000]			
0206625M	170	MARINE CORPS INTELLIGENCE/ELECTRONICS WARFARE SYSTEMS					
0206626M	171	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS					
0207161N	172	TACTICAL AIM MISSILES	60,079	60,079	60,079		60,079
0207163N	173	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	5,700	5,700	5,700		5,700
0301303N	174	MARITIME INTELLIGENCE	[---]	[---]	[---]		[---]
0301327N	175	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[---]	[---]	[---]		[---]
0303109N	176	SATELLITE COMMUNICATIONS (SPACE)	17,026	17,026	17,026		17,026
0303140N	177	INFORMATION SYSTEMS SECURITY PROGRAM	20,291	20,291	20,291		20,291
0303150N	178	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	498	498	498		498
0304111N	179	SPECIAL ACTIVITIES	[---]	[---]	[---]		[---]
0305154N	180	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	[---]	[---]	[---]		[---]
0305160N	181	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	3,165	3,165	3,165	(1,967)	1,198
0305192N	182	JOINT MILITARY INTELLIGENCE PROGRAMS	2,412	2,412	2,412		2,412
0305207N	183	MANNED RECONNAISSANCE SYSTEMS	344	344	344		344
0305889N	184	COUNTERDRUG INTELLIGENCE SUPPORT					
0305927N	185	NAVAL SPACE SURVEILLANCE	399	399	399		399

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0708011N	186	INDUSTRIAL PREPAREDNESS	0	0	50,000		55,000
		Manufacturing Technology Programs		[0]	[+50,000]	55,000	
XXXXXX	999	CLASSIFIED PROGRAMS	488,489	531,489	488,489	6,500	494,989
		Undistributed Reduction			(225,000)		0
		Economic Assumptions				(18,000)	(18,000)
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL NAVY	7,611,022	7,946,996	7,812,972	163,855	7,774,877

Defense research sciences

The budget request included $366.3 million in PE 61153N for Navy defense research sciences.

The House bill would authorize an increase of $10.0 million to continue the program of basic research in molecular design materials science that was initiated in 1994.

The Senate amendment would authorize the budget request.

The conferees agree to an increase of $8.0 million in PE 61153N. Further, the conferees agree with the direction contained in the House report (H. Rept. 105–132) with regard to the molecular design materials science program. The Secretary of the Navy shall conduct an assessment of the goals, objectives, and progress in the program, future directions and funding requirements, and report the results of the assessment to the congressional defense committees by March 15, 1998.

Marine mammal research program

The budget request included $366.3 million in PE 61153N for Navy Defense Research Sciences, including $137.1 million to support basic research in ocean sciences.

The House bill would authorize an increase of $500,000 to continue the Navy's cooperative marine mammal research program.

The Senate amendment would authorize the budget request.

The House recedes.

The conferees direct the Secretary of the Navy to submit to the congressional defense committees, by March 1, 1998, a report on the research being conducted in the marine mammal research program, the technological implications of this research to Navy sonar requirements, and future plans for the program.

Power electronic building blocks

The budget request included $46.9 million in PE 62121N for applied research in surface ship technology.

The House bill and the Senate amendment would authorize an increase of $6.0 million for power electronic building block (PEBB) technology.

The conferees agree to an increase of $6.0 million in PE 62121N for the acceleration of the PEBB program to provide electric power system options for future shipboard designs that include electric drive and for meeting reduced manning goals through automation of ship systems. The conferees urge the use of virtual prototyping for simulation and evaluation of advanced concept electrical systems in this effort.

Power node control centers

The budget request included $46.8 million in PE 62121N for applied research in surface ship and submarine, hull, mechanical, and electronic technology, logistics technology, and environmental protection for all Navy platforms and shore facilities.

The House bill would authorize an increase of $1.5 million in PE 62121N to continue the development of power node control centers for advanced integrated electrical distribution system fault detection, switching, reconfiguration, and control of shipboard electrical systems.

The Senate amendment would authorize the budget request.

The Senate recedes.

Second source for carbon fibers

The budget request included $76.7 million in PE 62234N for materials, electronics, and computer technologies.

The House bill and the Senate amendment would authorize an increase of $2.0 million in PE 62234N to complete the qualification of new processes for aviation platforms and the development of a second source for carbon fibers.

The conferees agree to authorize an increase of $2.0 million in PE 62334N to continue and complete the program initiated in fiscal year 1997 to address new materials processes such as resin transfer molding and to establish second source qualification procedures for advanced composites used in naval aircraft and prepreg systems.

Titanium processing technology

The budget request included $76.7 million in PE 62234N for materials, electronics, and computer technologies.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.0 million in PE 62234N to support the development of the plasma quench process for use in the production of ultrafine titanium powder and in the injection molding process.

The House recedes.

The conferees direct that all applicable competitive procedures be used in the award of contracts or other agreements under this program, and that cost sharing requirements for non-federal participants be utilized where appropriate.

Arctic climate observations

The budget request included $48.2 million in PE 62435N for applied research in oceanographic and atmospheric technologies. The request included no funds for continuation of the ocean climate research program.

The House bill would authorize an increase of $3.0 million in PE 62435N to support the second year of the arctic oceanographic observation program, a four-year, cooperative program for the utilization of underwater acoustic techniques to determine ocean climate and acoustic characteristics in a large ocean basin.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $2.0 million to continue the program for investigation of the use of long-range underwater sound transmissions to detect and monitor changes in the ocean, as described in the House report (H. Rept. 105–132).

National Oceanographic Partnership Program

The budget request included $48.2 million in PE 62435N for applied research in oceanographic and atmospheric technology.

The House bill and Senate amendment would authorize an increase of $16.0 million in PE 62435N for the National Oceanographic Partnership Program (NOPP).

The conferees agree to an increase of $12.0 million in PE 62435N to maintain the momentum of the program until additional funds for support of the program can be included in the budget requests of other participating agencies and departments.

The conferees further direct the Secretary of Defense to coordinate with the Secretaries of Commerce, Energy, and Interior, the Director of the National Science Foundation, the Administrators of the National Aeronautics and Space Administration and the Environmental Protection Agency on funding levels required in future budget requests for continuation of the NOPP. The conferees direct the Secretary of Defense to provide a report to the congressional defense committees by February 28, 1998 on the funding for the program identified in the fiscal year 1998 budget requests of participating agencies and the Department of Defense.

Antisubmarine warfare technology

The budget request included $35.7 million in PE 62633N for undersea warfare weaponry technology.

The House bill would authorize an increase of $4.0 million in PE 63747N to mature the development of hydrodynamics and propulsion technologies for the 6.25" torpedo vehicle and expand guidance and control technologies.

The Senate amendment would authorize an increase of $4.0 million in PE 62633N to accelerate technology leading to the development of a quick reaction antisubmarine/anti-torpedo weapon needed for close-range engagements and for the protection of surface ships and submarines from torpedo attack.

The conferees agree to authorize an increase of $3.0 million in PE 62633N for antisubmarine warfare technologies applicable to quick reaction antisubmarine systems, as recommended in the House report (H. Rept. 105–132) and the Senate report (S. Rept. 105–29). The additional funding should be used to mature hydrodynamics, propulsion, and guidance and control technologies for the 6.25" torpedo vehicle to accelerate its development and introduction into the fleet.

Composite helicopter hangar

The budget request included no funds for composite helicopter hangars.

The House bill authorized the budget request.

The Senate amendment would authorize an increase of $10.0 million above the budget request in PE 63508N to begin a developmental effort to design and fabricate the outer shell of a DDG–51 helicopter hangar structure using composite materials.

The conferees agree to authorize an increase of $10.0 million in PE 63508N for development of a composite helicopter hangar development and a general reduction of $5.0 million to PE 63508N.

Project "M"

The budget request included $39.7 million in PE 63508N for technologies for submarine and surface ship handling, machinery, and engineering systems.

The House bill authorized an increase of $5.0 million to continue the Navy's program for transition, development and demonstration of advanced quieting technology developed under the Defense Advanced Research Project Agency Project "M".

The Senate amendment authorized the budget request.

The conferees agree to authorize a $5.0 million increase for Project "M".

Marine Corps advanced technology demonstration

The budget request included $34.2 million to support the Marine Corps advanced technology demonstration (ATD).

The House bill would authorize an increase of $19.8 million to support the Commandant's Warfighting Laboratory. The House bill would also provide $5.0 million for a low-cost, close-range unmanned aerial vehicle (UAV) project.

The Senate amendment would authorize an increase of $15.0 million for the Commandant's Warfighting Laboratory.

The conferees agree to authorize an increase of $19.5 million in PE 63640M. Of this amount, $17.5 million is for the Commandant's Warfighting Laboratory and $2.0 million is for the common automatic recovery system for a total of $53.7 million in this program element.

Freeze-dried blood research project

The budget request included $18.3 million in PE 63706N for medical development programs.

The House bill and Senate amendment would authorize an increase of $2.5 million for the freeze-dried blood research project.

The conferees agree to authorize an increase of $1.5 million in PE 63706N to continue research on freeze-dried blood processes to develop a safe and reliable supply of blood for combat casualties. The conferees recognize the commercial potential of this technology and urge the Navy to pursue dual-use application and cost-sharing in this program to the maximum extent practicable.

Littoral antisubmarine warfare technology demonstration

The budget request included $54.8 million in PE 63747N for advanced development of undersea warfare advanced technology, including $30.9 million for shallow water surveillance advanced technology.

The House bill would authorize an increase of $5.0 million in PE 63747N for continued development, demonstration, and evaluation of the technology for a mobile, high power broadband acoustic surveillance source that is based upon the adaptation of commercial-off-the-shelf (COTS) air-gun technology that was developed originally for the oil exploration industry.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million for the continuation of the COTS air-gun technology demonstration and evaluation program and understand that this will lead to a decision by the Navy on whether to proceed with the development of COTS air-gun technology as an acoustic surveillance source.

Beach and surf zone obstacle clearance

The budget request included $41.6 million in PE 63782N for advanced development and demonstration of technology for shallow water mine counter-measures.

The House bill would authorize an increase of $750,000 to complete the additional testing required for determination of the GPU–5 gunpod's capability to breach beach and surf zone obstacles safely, quickly, and decisively when mounted on an air-cushion landing craft.

The Senate amendment would authorize the budget request.

The Senate recedes.

High frequency surface wave radar

The budget request included $87.2 million in PE 63792N for the advanced technology transition program.

The House bill and Senate amendment would authorize an increase of $4.0 million for high frequency surface wave radar (HFSWR) advanced technology demonstration.

The conferees agree to an increase of $4.0 million in PE 63792N to complete the HFSWR demonstration.

Visualization architecture and technology

The budget request included $7.8 million for advanced technology in aviation survivability (PE 63216N) and $33.2 million for major test and evaluation investments (PE 64759N).

The House bill would authorize an increase of $3.0 million in PE 64759N for visualization architecture and technology that would focus on development of data display technologies, enhanced situational awareness, and other capabilities required to enhance the ability of developmental and operational testers to assess complex, dynamic air combat testing and operations.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million in PE 63216N for visualization architecture and technology. The conferees direct that all applicable competitive procedures be used in the award of contracts or other agreements under this program, and that cost-sharing requirements for non-federal participants be utilized, where appropriate.

Antisubmarine warfare systems development

The budget request included $22.9 million in PE 63254N for development of antisubmarine warfare systems.

The House bill would authorize an increase of $3.8 million to complete demonstration/validation of sonobuoy geo-positioning system integration and transducer enhancements for improving the shallow water antisubmarine warfare effectiveness of the air deployed low frequency projector.

The Senate amendment would authorize the budget request.

The conferees agree to authorize a $2.0 million increase in PE 63254N for improving the shallow water antisubmarine warfare effectiveness of the air deployed low frequency projector.

CV(X) carrier system development

The budget request included $98.6 million in PE 63512N for future aircraft carrier research and development.

The House bill would authorize a decrease of $88.4 million for CV(X) carrier system development. The House report (H. Rept. 105–132) expressed the belief that it would be neither fiscally nor technically prudent to increase advanced carrier systems research and development for the CV(X) to the degree sought by the Navy. The report also expressed the belief that increased emphasis should be placed on the research and development program for the CVN–77 to provide a transition to the CV(X).

The Senate amendment would authorize the budget request.

The conferees agree to authorize $20.6 million in PE 63512N, a reduction of $78.0 million for future aircraft carrier research and development.

The conferees encourage the Chief of Naval Operations to define the operational requirement for the CV(X) aircraft carrier program and develop a road map for the CV(X) research, development, test and evaluation program to ensure the capabilities of the CV(X) meet that requirement.

Advanced submarine systems development

The budget request included $59.1 million in PE 63561N for innovative research and development in submarine technologies and their subsequent evaluation, demonstration, and validation for submarine platforms, in order to increase the submarine technology base and provide subsystem design options that are not currently feasible.

The House bill would authorize an increase of $103.0 million for development (in parallel with development of the New Attack Submarine(NAS)) of a large-scale vehicle (LSV) demonstrator that would not be limited by form (hull or appendages) or by a single hull design, and would also direct the Secretary of the Navy to issue a competitive solicitation for the demonstrator to the shipyards not currently involved in the design or future construction of the NAS. The House bill would further direct the transfer to the submarine large scale demonstrator of funds in the Future Years Defense Program accompanying the fiscal year 1998 budget for the Arsenal Ship demonstrator.

The Senate amendment would authorize an increase of $15.0 million to accelerate the development of what are now considered far-term technologies, such as an advanced propulsor, rim driven motors, and advanced hull forms.

The conferees agree to authorize an increase of $54.9 million. The Secretary of the Navy is authorized to pursue a third demonstrator that is not limited by form or single hull design and issue a competitive solicitation to all responsible sources for such a demonstrator. To avoid costly oversights and conflicts between the LSV builder and the technology providers, the Secretary of the Navy should ensure that the NAS shipbuilders are participants, as appropriate, in the process of including new technologies into the LSV.

The Secretary of the Navy should provide the congressional defense committees not later than the time at which the fiscal year 1999 defense budget request is submitted a report detailing the Navy's plans for LSV development.

Cruiser conversion program design

The budget request included $38.6 million for ship preliminary design and feasibility studies in PE 63564N.

The House bill would authorize the budget request.

The Senate amendment would authorize a $25.0 million increase in PE 64567N to initiate planning for mid-life conversion of Aegis cruisers and reduce schedule risk on development of DD–21.

The conferees agree to authorize a $15.0 million increase in PE 63564N to initiate the cruiser conversion program. The conferees direct the Secretary of the Navy to provide a report on the cruiser conversion plan to the congressional defense committees with the submission of the fiscal year 1999 defense budget request.

Intercooled recuperated gas turbine engine

The budget request included $49.7 million in PE 63573N for the Navy's advanced surface machinery program, including $32.3 million to continue development of the intercooled recuperated (ICR) gas turbine engine.

The House bill would authorize the budget request. The House report (H. Rept. 105–132) would direct the Secretary of the Navy to report an assessment of the progress in the ICR engine program.

The Senate amendment would also authorize the budget request. The Senate report (S. Rept. 105–29) would direct the Secretary of the Navy to prepare and submit a plan that makes provisions for at-sea testing, completion of development, and introduction of the ICR engine into the fleet.

The conferees agree to authorize a reduction to the budget request for the ICR program of $2.0 million, without prejudice. The conferees direct the Secretary of the Navy to conduct an assessment of the progress in the ICR engine program and plans for its continuation. The assessment shall address the technical progress in the program, future plans for engine testing and qualification (including plans for testing at land-based test sites and at-sea), options for completion of development and introduction of the ICR engine into the fleet if testing proves successful, the status of agreements with the United Kingdom and participating countries regarding the conduct of, and funding for, continuation of the program, and budget estimates of the costs necessary to complete the program. The results of the assessment shall be reported to the congressional defense committees with the submission of the fiscal year 1999 defense budget request.

Automatic target recognition/optical correlation

The budget request included $34.2 million in PE 63609N for Navy conventional munitions development, $26.2 million in PE 63601F for Air Force conventional weapons technology, and $4.8 million in PE 63232D for automatic target recognition.

The House bill would authorize an increase of $8.0 million in PE 63609N for development and demonstration of a miniature optical correlator for automatic target recognition and improved aimpoint selection for the Standard Missile, and an increase of $3.5 million in PE 63601F for the development and demonstration of a miniature optical correlator for automatic target recognition and aimpoint selection for the AGM–130 missile.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.2 million in PE 63609N and an increase of $1.5 million in PE 63601F for the development and demonstration of optical correlation technology, as described in the House report (H. Rept. 105–132). The increase in PE 63601F is offset by a reduction of $3.0 million for next generation air-to-air threats.

Marine Corps assault vehicles

The budget request included $60.1 million to support the development of the advanced amphibious assault vehicle (AAAV).

The House bill would authorize an increase of $10.0 million to meet additional development requirements.

The Senate amendment would authorize an increase of $10.1 million for the AAAV.

The conferees agree to authorize an increase of $8.0 million for a total of $68.1 million in PE 63611M.

Marine Corps ground combat/support systems

The budget request included $36.5 million to support development of Marine Corps ground combat systems.

The House bill would authorize an increase of $3.6 million to support development requirements for the lightweight 155mm howitzer.

The Senate amendment would authorize the budget request.

The Senate recedes.

Cooperative engagement capability

The budget request included $139.2 million in PE 63658N for the cooperative engagement capability (CEC).

The House bill would authorize a total increase of $50.0 million in PE 63658N for the CEC program: $15.0 million to continue the accelerated development of the low cost common equipment set; $5.0 million to support transfer of the CEC design and development agent to industry; $20.0 million to accelerate integration of the CEC into Navy E–2C and P–3 aircraft; $5.0 million to initiate development of an integrated capability between CEC and the ship self defense program (SSDS); and $5.0 million to accelerate joint service integration and demonstration of CEC with the Army's Patriot and the Marine Corps' Hawk air defense missile systems.

The Senate amendment would authorize an increase of $9.5 million in PE 63658N to:

(1) $5.0 million to continue the transition of design responsibility from its developer to the CEC procurement contractor; and

(2) $4.5 million to continue integration of CEC into the Marine Corps Hawk missile system.

The Senate amendment would also authorize $5.0 million in PE 64212N to initiate development of a Ku-band data link kit for the SH–60B helicopter to avoid CEC interference.

The conferees agree to authorize an increase of $33.0 million in PE 63658N as follows:

(1) $15.0 million for low cost common equipment sets;

(2) $10.0 million for P–3 and E–2C integration;

(3) $5.0 million for CEC–SSDS integration; and

(4) $3.0 million for CEC–Hawk missile system integration.

The conferees agree not to authorize an increase in PE 64212N for the SH–60B Ku-band data link.

Composite engineered materials

The budget request included $1.7 million in PE 63725N for advanced development of materials, electronics and computer technologies.

The House bill would authorize an increase of $3.0 million to complete the shore facilities materials program in cost-shared research on carbon fiber-reinforced, recycled thermoplastic engineered lumber.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million to complete the shore facilities materials program in cost-shared research on carbon fiber-reinforced, recycled thermoplastic engineered lumber.

Land attack systems technology

The budget request included $37.8 million in PE 63795N for development, demonstration, and validation of land attack systems technology for naval ship-to-shore fire support.

The House bill would authorize the following increases:

(1) $15.1 million to complete the development and commence the integration of a fire control system to support the initial operational capability of the advanced 5″/62 caliber gun and the extended range guided munition;

(2) $10.0 million for flight test demonstration and risk reduction for the land attack Standard missile;

(3) $20.0 million for program definition and risk reduction activities to permit the Navy tactical missile system (NTACMS) to begin accelerated engineering and manufacturing development in fiscal year 1999; and

(4) $5.0 million to continue the microelectromechanical systems (MEMS) technology guidance and control risk reduction program.

The Senate amendment would authorize the following increases:

(1) $15.1 million for the continued development of the naval surface fire support warfare control system (NWCS);

(2) $5.0 million to pursue a flight demonstration program for the land attack Standard missile; and

(3) $20.0 million for developing NTACMS.

The conferees agree to authorize the following increases to PE 63795N:

(1) $8.0 million to complete the extended range guided munition development and commence the integration of a fire control system;

(2) $3.0 million to pursue a flight demonstration program for the land attack Standard missile;

(3) $10.0 million for developing NTACMS; and

(4) $2.0 million for MEMS.

The conferees are concerned that the Navy is pushing systems to flight test to meet surface fire support requirements without an initial analysis of whether the systems are capable of meeting Naval surface fire support requirements. In addition, a number of mature systems, sub-systems and components appear to be capable of fulfilling surface fire support requirements without further development. However, without the basic analysis which would allow the Navy to narrow the field of candidates intelligently, too many systems are moving toward fulfilling the same requirement and too many opportunities to take advantage of developed systems are being missed. To correct these deficiencies, the conferees strongly encourage the Navy to conduct the basic analysis necessary to move forward with a focused effort to meet the surface fire support requirement. To accomplish this, the conferees suggest the Navy evaluate the concept of a virtual land attack warfare development center that would electronically link existing expertise while avoiding expensive travel costs. The Navy should consider using funding from prime systems for meeting the surface fire support analytical requirement, including Standard missile, Navy tactical missile system, and Tomahawk. The conferees believe the Navy needs to conduct this analysis to eliminate redundancy and take advantage of mature technologies to make progress in meeting naval surface fire support requirements.

Nonlethal weapons and technologies of mass protection program

The budget request included $16.8 million for the nonlethal weapons (NLW) and technologies program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $3.3 million to address underfunding by the Department of Defense in support of nonlethal weapons technologies research and development program.

The Senate recedes.

The Senate report (S. Rpt. 105–29) expressed the view that the Department of Defense should continue to focus its efforts on developing weapons and technologies to assist U.S. military forces, who are increasingly involved in non-traditional military situations, with the necessary tools and flexibility to manage, shape, deter, or contain future conflicts across the operational spectrum. The conferees note the recent decision by the Department of Defense to ship nonlethal weapons and technologies to U.S. ground forces participating in the North Atlantic Treaty Organization (NATO) Stabilization Force (SFOR) during the recent violent confrontations between American forces and Bosnian Serb demonstrators.

The conferees commend the military services for their efforts in the NLW area and encourage the Department of Defense (DOD) to increase its investments in the research, development, and procurement of nonlethal weapons and technologies, as well as associated doctrinal and training initiatives. Further, the conferees expect the DOD to provide the funds necessary to fulfill the requirements for nonlethal weapons and technologies identified by the military services, rather than requiring the military services to fund NLW programs out of their existing budgets.

CH–60 helicopter development

The budget request included $31.8 million for CH–60 helicopter advance procurement.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to authorize a transfer of $31.8 million from Aircraft Procurement, Navy to PE 64212N to enable the Navy to conduct non-recurring engineering efforts, including drawings for engineering development.

Parametric airborne dipping sonar

The budget request included no funds for the parametric airborne dipping sonar (PADS).

The Senate amendment would authorize an increase of $10.0 million in PE 64212N for the continued development of PADS.

The House bill authorized the budget request.

The conferees agree to authorize an increase of $5.0 million increase for PADS in PE 64212N.

P–3 maritime patrol aircraft modernization program

The budget request included $3.2 million in PE 64221N to continue engineering and manufacturing development of upgrades to the P–3C aircraft system to enhance surface and surface tracking, classification, and attack capabilities.

The House bill would authorize an increase of $12.0 million to continue and accelerate the integration of anti-surface warfare improvement program (AIP) sensors to reduce operator workload, modernize the operator-machine interface to take advantage of new displays and controls, provide additional sensor integration/enhancements, improve/automate tactical planning aids, and provide for multi-sensor data correlation and fusion.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $10.0 million in PE 64221N for the P–3C maritime patrol aircraft modernization program as recommended in the House report (H. Rept. 105–132).

The conferees note the continuing disparity between the operational requirements of the unified commanders-in-chief (CINCs) and the Navy's plans for modernization of the P–3C fleet. The conferees direct the Secretary of the Navy to provide an assessment of the implications of this disparity to the congressional defense committees with the submission of the fiscal year 1999 defense budget request.

H–1 upgrades

The budget request included $80.7 million to support H–1 upgrades.

The House bill and Senate amendment would authorize a transfer of $5.6 million from the H–1 program in Navy procurement to support efforts to provide for a common cockpit in PE 64245N.

The conferees agree to authorize the transfer of $5.6 million from the H–1 upgrade program to PE 64245N for a total of $86.3 million in that program element. The conferees agree to authorize a total of $12.9 million for H–1 modifications.

Advanced ranging source

The budget request included $16.9 million in PE 64261N for engineering and manufacturing development of acoustic search sensors.

The House bill would authorize an increase of $4.0 million to accelerate the development of alternative shallow water-capable sound sources in the advanced extended echo ranging (AEER) program and ensure that unique acoustic technology is available for the advanced ranging source (ARS) and air deployed low frequency project (ADLFP) comparative program testing.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $2.0 million for the purposes identified in the House report (H. Rept. 105–132).

High Power Discriminator

The budget request included no funds in PE 64307N to begin development of a High Power Discriminator (HPD).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $35.0 million for the HPD Program.

The conferees agree to authorize an increase of $25.0 million for the HPD Program in PE 64307N.

The conferees support the concept of using existing X-Band radar technology in support of the Navy's theater ballistic missile defense effort. The proposed HPD would consist of a solid state X-Band radar for long-range acquisition and discrimination for theater ballistic missile defense and cruise missile defense. This concept would leverage the significant investment already made in the Army's ground-based radar.

Maritime fire support demonstrator/arsenal ship

The budget request included $102.9 million in PE 64310N for the Navy and $47.2 million in PE 63763E for the Defense Advanced Research Projects Agency (DARPA) to continue development of the arsenal ship demonstrator. The budget request also included $55.0 million in PE 64567N for the Navy's next generation surface combatant, SC–21.

The House bill would authorize no funding for the arsenal ship program. It would direct the Under Secretary of Defense (Acquisition and Technology) and the Secretary of the Navy to review the acquisition strategy for the SC–21 program and determine whether or not a prototyping strategy is appropriate for the new surface combatant.

The Senate amendment would authorize an increase of $25.0 million in PE 64310N to ensure that sufficiently robust funding is available early in Phase III, the construction phase for the arsenal ship (now redesignated the maritime fire support demonstrator (MFSD)), for schedule risk reduction and to promote the introduction of new technologies into the demonstrator.

The conferees agree to authorize $35.0 million in PE 64310N and no funding in PE 63673E to continue the MFSD program, a total reduction of $105.2 million. The reduction reflects the concerns stated in the fiscal year 1997 and the fiscal year 1998 reports by the congressional defense committees and in the statement of managers which accompanied the conference report on H.R. 3230 (H. Rept. 104–724).

As noted in the House report (H. Rept. 105–132), the Navy's original concept for the arsenal ship was for the development and demonstration of a "proof-of-principle strike warfare ship" that would establish a new paradigm for the development and construction of Navy ships. A stealthy, highly survivable, heavily armed, and minimum manpower fire support ship, the arsenal ship demonstrator would be the prototype of a force of up to six such ships, each armed with as many as 500 vertical launch cells.

The Senate report (S. Rept. 105–29) noted that the Navy's concept for execution of the land attack mission has evolved from delivery of massive firepower from a limited number of single-mission hulls to delivery of fires by a closely interconnected, distributed network of multi-mission surface combatants. This evolution is reflected in the preferred option identified in the SC–21 cost and operational effectiveness analysis: a multi-mission destroyer optimized for land attack, the DD–21. The Navy has stated that the MFSD lies on the critical path to successful development of a DD–21 design in time to begin lead ship construction in fiscal year 2004. The Navy believes that all the technologies identified in the arsenal ship concept development phase will be relevant to the DD–21, and that the MFSD will also serve as a test-bed for emerging technologies following completion of the initial demonstration with the fleet in 2001. The conferees are deeply concerned that, although the stated purpose of the original arsenal ship demonstrator program changed significantly with the Navy's announcement of the new MFSD strategy in April 1997, the DARPA and the Navy continue to pursue the MFSD program without any apparent near-term change in the original program direction and without addressing the issues that have been previously raised by the congressional defense committees. The conferees understand that the program now under contract continues to focus on the development and demonstration of the arsenal ship concept, not on the maritime fire support demonstrator and its relationship to DD–21.

The conferees note the views expressed in the House report that the differences in ship size and mission capability between the Arsenal Ship and DD–21, as conceived, could yield two separate development programs and that the overlapping schedules for the demonstrator and the DD–21 program do not provide sufficient opportunity for the experience gained from the demonstrator to provide maximum benefit to design and construction of the DD–21.

The conferees believe that, if the MFSD program is to be relevant, the program must focus on the development and demonstration of new processes and procedures for the development and construction of Navy ships, and on the development and demonstration of technologies that might be used in the DD-21 or in other future Navy ship construction programs. The demonstrator program must be structured to achieve these ends and the development and demonstration of the technologies to be evaluated on the demonstrator must be explicitly defined, programmed, and funded. The conferees do not believe that the MFSD, as a demonstrator and test bed, should be funded in a program element for engineering and manufacturing development.

Therefore, the conferees direct the Secretary of Defense to prepare and submit to the congressional defense committees a plan for the development, demonstration, and evaluation of the MFSD and for development, demonstration, and evaluation of the various technologies that will be demonstrated and evaluated on the demonstrator. The technologies should include those being considered for incorporation in the detailed design of the DD-21, for subsequent technology insertion into the DD-21 program, or for use in other future naval ship construction programs. The plan shall include the management structure, program plan, schedule, and funding required for development of the MFSD and for development, demonstration and evaluation of each of the technologies under consideration. The conferees further direct that of the funds authorized to be appropriated for the MFSD program in fiscal year 1998, not more than 50 percent may be obligated until the plan is provided to the Congress.

The conferees also direct that any program to convert the MFSD to an operational surface combatant will require completion of a Milestone II/IV review and decision by the Secretary of Defense that formally addresses the same issues regarding the requirement and program for the MFSD that have been previously raised by the congressional defense committees with regard to the arsenal ship.

Multi-purpose processor

The budget request included $42.3 million in PE 64503N for SSN-688 and TRIDENT modernization, including $33.5 million for submarine sonar improvement. However, the budget request included no funds for the multi-purpose processor (MPP).

The House bill would authorize an increase of $15.0 million for advanced development and rapid introduction of the MPP into the U.S. submarine fleet.

The Senate amendment would authorize an increase of $25.0 million above the budget request in PE 64503N to be used as an SBIR follow-on for advanced development of MPP transportable software technology, technology insertion, advanced processor software builds, and for providing MPP units and training throughout the fleet and the Navy research and development community.

The conferees agree to authorize an increase of $15.0 million for the SBIR follow-on for advanced development of MPP transportable software technology, technology insertion, advanced processor software builds, and for providing MPP units and training.

Advanced submarine tactical electronic combat system

The budget request included $311.1 million in PE 64558N to continue engineering and manufacturing development for the New Attack Submarine (NSSN), including $95.8 million for NSSN combat system development.

The House bill would authorize an increase of $17.0 million in PE 64558N to restore the deferred elements of the advanced submarine tactical electronic combat system (ASTECS) and the integrated electronic support measures mast (IEM), ASTECS/IEM program.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $8.0 million in PE 64558N to restore the deferred elements of the ASTECS/IEM program.

CVN-77 research and development

The budget request included $17.9 million in PE 64567N for aircraft carrier contract design for the CVN-77.

The House bill would authorize an increase of $17.0 million to accelerate the evaluation of maturing advanced technologies for potential incorporation into the design of the CVN-77.

The Senate amendment would authorize an increase of $17.0 million in PE 63564N.

The conferees agree to authorize an increase of $17.0 million in PE 64567N to be used only for CVN-77 research, development, test and evaluation to accelerate the evaluation of maturing advanced technologies for potential incorporation into the design of CVN-77.

Ship self-defense system

The budget request included $132.3 million in PE 64755N for the Navy's ship self defense program including $8.2 million for continued development of the NULKA active countermeasures decoy.

The House bill would authorize an increase of $8.6 million to activate the integrated ship self-defense test site at Wallops Island, and would direct the Secretary of the Navy to provide $6.0 million from available funds to refurbish and install an AN/SPS-48E air search radar at the test site. The House bill would direct the Secretary of the Navy to reassess the requirement for close-in defense of Navy surface ships and report the results of the assessment and the plan for meeting the requirement to the congressional defense committees by February 28, 1998. Fiscal year 1998 funds would not be authorized to be obligated for the rolling airframe missile (RAM) upgrade program until 30 days after the congressional defense committees receive the Secretary's report.

The Senate amendment would authorize an increase of $34.0 million in PE 64755N, including:

(1) $19.0 to pursue the system integration needed to integrate the cooperative engagement capability (CEC), the advanced combat direction system (ACDS), and the ship self-defense system (SSDS) local area networks to create a single tactical picture and a central integrated combat direction system;

(2) $2.0 million for continued development of the NULKA decoy; and

(3) $13.0 million for accelerating the infrared search and track program (IRST).

The conferees agree to authorize the following ship self-defense increases to PE 64755N:

(1) $10.0 million to pursue the system integration needed to integrate the cooperative engagement capability (CEC), the advanced combat direction system (ACDS), and the ship self-defense system (SSDS) local area networks to create a single tactical picture and a central integrated combat direction for a quick reaction combat capability (QRCC);

(2) $4.0 million to activate the integrated ship self-defense test site at Wallops Island;

(3) $2.0 million for continued NULKA development; and

(4) $4.0 million to accelerate the IRST program.

The conferees direct the Secretary of the Navy to assess the requirement for close-in defense of Navy surface ships as discussed in the House report (H. Rept. 105-132), and to report the results of that assessment and the plans for meeting the requirement to the congressional defense committees by February 28, 1998.

Safety and survivability enhancements

The budget request included $263.9 million in PE 65864N for test and evaluation support.

The House bill would authorize an increase of $2.0 million to continue the program for procurement, test, and alveolation of commercial off-the-shelf non-development items (COTS NDI) that have high potential for contributing to safety of flight, fire fighting, damage control, emergency preparedness ashore, survival at sea, and chemical/biological warfare defense. The additional funds would permit the program to assess COTS NDI that are new to the industrial marketplace.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.0 million in PE 65864N for Navy safety and survivability enhancements.

E-2 eight-blade composite propeller system

The budget request included $64.9 million in PE 24152N for development of pre-planned product improvements in E-2C aircraft and weapon system capabilities, involving $39.4 million for E-2C mission system improvements.

The House bill would authorize an increase of $10.0 million to initiate a 24 month program for development and demonstration of an eight-blade composite propeller system for the E-2C.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request. The conferees understand that the Navy has advertised for bids and plans to award a contract to develop a new eight-blade composite propeller for the E-2C and C-2A aircraft to address existing system limitations and reduce maintenance and operations costs. The conferees direct the Secretary of the Navy to ensure that the solicitation and contract award process for the award of such a contract complies with Federal Acquisition Regulations.

Battle force tactical trainer

The budget request included $59.0 million in PE 24571N for consolidated training systems development, including $2.9 million for continued development of the battle force tactical training (BFTT) system.

The House bill would authorize an increase of $5.0 million for the integration of ship and battle force electronic surveillance systems into the BFTT system.

The Senate amendment would authorize the budget request.

The Senate recedes.

Joint tactical combat training system

The budget request included $59.0 million in PE 24571N for consolidated training systems development, including $33.6 million for continued development of the joint tactical combat training system (JTCTS). The JTCTS is a Navy-led, joint Air Force/Navy program for the development of fixed, transportable, and mobile range instrumentation for shore-based tactical air crew training and for deployable, at-sea naval expeditionary force training.

The House bill would authorize a reduction of $27.5 million to the budget request for JTCTS and would direct the Secretary of the Navy, in coordination with the Secretary of the Air Force, to conduct an assessment of the JTCTS requirement and development program and report the results of the assessment to the congressional defense committees by December 31, 1997.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request for the JTCTS program. The conferees understand that JTCTS is an Acquisition Category and an Office of the Secretary of Defense (OSD) special interest program, and that a thorough assessment and baseline review of the program was successfully completed in May 1997 by the Secretary of the Navy, the Secretary of the Air Force, a senior OSD review team and the Defense Test and Training Steering Group. The conferees further understand that the Navy Fleet commanders in chief have endorsed the JTCTS as their number two training range priority. The conferees also understand that the design of JTCTS provides a neck-down strategy for replacement of existing legacy training and test range instrumentation that will result in considerable savings when the planned transition to JTCTS begins in fiscal year 2000. The conferees strongly support the development and fielding of common training and test range instrumentation systems for the Air Force and the Navy and encourage the Secretary of Defense to ensure the maintenance of the schedule for development of JTCTS. The results of the program assessment directed in the House Report (H. Rept. 105–132) and any revisions to the program baseline, funding requirements, and schedule should be forwarded to the congressional defense committees by January 31, 1998.

Marine Corps communications systems

The budget request included $38.3 million to support development of Marine Corps communications systems.

The House bill would authorize an increase of $9.9 million to support development of Marine Corps communication system requirements. Of this amount, $2.0 million was for the tactical hand-held radio; $1.5 million was for tactical remote sensors; $0.7 million was for Marine common hardware suite (MCHS); $1.0 million was for the tactical electronic reconnaissance processor and intelligence systems; $5.0 million was for close-range unmanned aerial vehicle (UAV) data links; and a $0.3 million decrement was for the TENCAP program.

The Senate amendment would authorize an increase of $0.7 million for MCHS.

The conferees agree to authorize an increase of $7.0 million for a total of $45.3 million in PE 26313M. Of this amount, $2.0 million is for the tactical hand-held radios and $5.0 million is for the close-range UAV data link.

Marine Corps ground combat/supporting arms systems

The budget request included $12.6 million for Marine Corps ground combat system development initiatives.

The House bill would authorize an increase of $5.0 million in PE 26623M. Of this amount, $4.3 million would be used to integrate and test the AN/VVR–1 laser warning receiver on the M1A1 Abrams tank and $0.7 million would be used to support the development of Marine Corps clothing requirements.

The Senate amendment would support the budget request.

The conferees agree to authorize an increase of $2.1 million in PE 26623M for the integration and testing of the AN/VVR–1 laser warning receiver on the Marine Corps M1A1 tank.

Manufacturing technology programs

The budget request included no funds for the Navy's manufacturing technology (MANTECH) program.

The House bill would authorize funding for the MANTECH program through section 211 of Title II, as noted elsewhere.

The Senate amendment would authorize an increase of $50.0 million in PE 78011N in order to address funding shortfalls in the MANTECH program for fiscal year 1998. The Senate amendment also required the Secretary of the Navy to provide a report to the congressional defense committees on his plan to strengthen and stabilize funding for the Navy MANTECH program.

The conferees agree to an increase of $55.0 million in PE 78011N for the MANTECH program. The conferees are once again disappointed in the Navy's budget request for the manufacturing technology (MANTECH) program. The program has traditionally focused on making weapon systems and equipment more affordable through the application of advanced manufacturing methods to weapon systems production. In this time of severe budget constraints, the conferees expect the Navy to make every effort to pursue programs directed at lowering the long-term cost of weapon systems.

Overview

The budget request for fiscal year 1998 contained an authorization of $14,451.4 million for Air Force, Research and Development in the Department of Defense. The House bill would authorize $14,659.7 million. The Senate amendment would authorize $14,302.3 million. The conferees recommended an authorization of $14,338.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		RESEARCH DEVELOPMENT TEST & EVAL AF					
0601102F	1	DEFENSE RESEARCH SCIENCES	226,832	226,832	226,832		204,249
		Program Reduction				(18,000)	
		Math and Computer Science				(2,755)	
		Electronics				(1,828)	
0602102F	2	MATERIALS	70,224	70,224	70,224		70,224
0602201F	3	AEROSPACE FLIGHT DYNAMICS	60,509	60,509	60,509		60,509
0602202F	4	ARMSTRONG LAB EXPLORATORY DEVELOPMENT	76,102	76,102	76,102		76,102
0602203F	5	AEROSPACE PROPULSION	69,303	69,303	69,303		60,577
		Turbine Engine Technology				(6,861)	
		High Thermal Stability Hydrocarbon Fuel				(1,865)	
0602204F	6	AEROSPACE AVIONICS	69,401	69,401	69,401		62,144
		Photonic and A-to-D Technology				(2,701)	
		Inertial Navigation Unit Components				(3,216)	
		Program Reduction				(1,340)	
0602269F	7	HYPERSONIC TECHNOLOGY PROGRAM	9,840	9,840	9,840		9,840
0602601F	8	PHILLIPS LAB EXPLORATORY DEVELOPMENT	111,136	117,136	126,136		116,259
		IHPRPT		[+6,000]		4,750	
		Reusable Space Launch Technology			[+10,000]		
		HAARP			[+5,000]	5,000	
		Tactical Missile Propulsion				(3,127)	
		Coherent Laser Diode Arrays				(1,500)	
0602602F	9	CONVENTIONAL MUNITIONS	40,772	40,772	40,772		40,772
0602702F	10	COMMAND CONTROL AND COMMUNICATIONS	86,067	89,067	86,067		88,567
		Protein-Based Ultra-High Density Memory		[+3,000]		2,500	
0603106F	11	LOGISTICS SYSTEMS TECHNOLOGY	15,338	15,338	15,338		15,338
0603108F	12	INTEGRATED DATA SYSTEMS	19,753	19,753	19,753		19,753
0603112F	13	ADVANCED MATERIALS FOR WEAPON SYSTEMS	20,596	20,596	20,596		20,596
0603202F	14	AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	30,564	30,564	30,564		24,785
		Aircraft propulsion subsystem				(3,533)	
		Program Reduction				(2,246)	

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0603203F	15	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	26,507	26,507	26,507		26,507
0603205F	16	FLIGHT VEHICLE TECHNOLOGY	5,766	5,766	5,766		5,766
0603211F	17	AEROSPACE STRUCTURES	15,032	15,032	15,032		10,423
		Program Reduction				(4,609)	
0603216F	18	AEROSPACE PROPULSION AND POWER TECHNOLOGY	37,014	37,014	37,014		35,183
		Advanced Turbine Engine Gas Generator		[-1,831]		(1,831)	
0603227F	19	PERSONNEL, TRAINING AND SIMULATION TECHNOLOGY	6,147	6,147	6,147		6,147
0603231F	20	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	17,204	19,204	17,204		20,704
		Ejection Seats		[+2,000]		3,500	
0603238F	21	GLOBAL SURVEILLANCE AND COMMUNICATION TECHNOLOGY					
0603245F	22	FLIGHT VEHICLE TECHNOLOGY INTEGRATION	7,795	7,795	7,795		6,423
		Program Reduction				(1,372)	
0603253F	23	ADVANCED AVIONICS INTEGRATION	12,716	12,716	12,716		12,716
0603270F	24	ELECTRONIC COMBAT TECHNOLOGY	25,621	39,621	39,621		30,621
		ALR-69M Radar Warning Receiver		[+14,000]	[+14,000]	5,000	
0603302F	25	SPACE AND MISSILE ROCKET PROPULSION	16,247	47,747	16,247		17,747
		Space Plane		[+15,000]			
		Scorpius		[+15,000]			
		IHPRPT		[+1,500]		1,500	
0603311F	26	BALLISTIC MISSILE TECHNOLOGY			8,300		4,800
		Missile Technology Demonstrations			[+8,300]	4,800	
0603401F	27	ADVANCED SPACECRAFT TECHNOLOGY	40,846	60,846	110,846		93,346
		Solar Thermionics Orbital Transfer Vehicle		[+20,000]	[+10,000]	7,500	
		Clementine 2			[+50,000]	30,000	
		Military Spaceplane			[+10,000]	10,000	
		Low Cost Launch Technology				5,000	
0603410F	28	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	3,151	3,151	3,151		3,151
0603601F	29	CONVENTIONAL WEAPONS TECHNOLOGY	26,227	29,727	26,227		24,687
		Optical Correlator		[+3,500]		1,500	
		Next Generation Air-to-Air Threats				(3,040)	
0603605F	30	ADVANCED WEAPONS TECHNOLOGY	41,238	56,238	56,238		49,238

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		Autonomous Free-Flight Dispenser System		[+15,000]			
		Geo-Space Object Imaging			[+15,000]	10,000	
		High Energy Laser Technology				(2,000)	
0603707F	31	WEATHER SYSTEMS TECHNOLOGY	2,036	2,036	2,036		2,036
0603723F	32	ENVIRONMENTAL ENGINEERING TECHNOLOGY	4,084	4,084	4,084		4,084
0603726F	33	C3I SUBSYSTEM INTEGRATION	9,922	9,922	9,922		9,922
0603728F	34	ADVANCED COMPUTING TECHNOLOGY	5,613	5,613	5,613		5,613
0603789F	35	C3 ADVANCED DEVELOPMENT	12,897	12,897	13,297		13,297
		Tactical ATM Prototype			[+400]	400	
0305176F	36	COMBAT SURVIVOR EVADER LOCATOR					
0603260F	37	INTELLIGENCE ADVANCED DEVELOPMENT	4,738	4,738	4,738		4,738
0603319F	38	AIRBORNE LASER TECHNOLOGY	157,136	157,136	157,136		157,136
0603430F	39	ADVANCED MILSATCOM (SPACE)	41,448	41,448	41,448		41,000
		Program Reduction				(448)	
0603432F	40	POLAR ADJUNCT (SPACE)	29,585	29,585	29,585		15,000
		Program Reduction				(14,585)	
0603434F	41	NATIONAL POLAR-ORBITING OP ENVIRONMENTAL SATELLITE SYS (SPACE)	51,504	51,504	51,504		34,004
		Program Reduction				(17,500)	
0603441F	42	SPACE BASED INFRARED ARCHITECTURE (SPACE) - DEM/VAL	222,401	222,401	222,401		217,401
		Program Reduction				(5,000)	
0603617F	43	COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	7,650	7,650	7,650		7,650
0603742F	44	COMBAT IDENTIFICATION TECHNOLOGY	1,395	1,395	1,395		1,395
0603790F	45	NATO RESEARCH AND DEVELOPMENT	13,433	13,433	15,433	(2,433)	11,000
0603800F	46	JOINT STRIKE FIGHTER (JSF) - DEM/VAL	458,052	431,052	458,052		458,052
		JSF		[-27,000]			
0603851F	47	INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL	32,837	49,337	32,837		49,337
		Conventional Ballistic Missile		[+16,500]		16,500	
0603852F	48	C-130J - DEM/VAL	3,968	3,968	3,968		3,968
0603853F	49	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)- DEM/VAL	63,260	63,260	63,260		63,260
0603854F	50	GLOBAL BROADCAST SERVICE	56,977	56,977	56,977		56,977
0603855F	51	SPACE ARCHITECT OFFICE					

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0604237F	52	VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT			8,000		6,000
		Variable Stability In-Flight Simulator Test Aircraft			[+8,000]	6,000	
0604327F	53	HARDENED TARGET MUNITIONS	4,981	4,981	4,981		4,981
0208030F	54	WAR RESERVE MATERIEL - AMMUNITION					
0604201F	55	INTEGRATED AVIONICS PLANNING AND DEVELOPMENT	16,494	16,494	16,494		16,494
0604218F	56	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	741	741	741		741
0604222F	57	NUCLEAR WEAPONS SUPPORT	4,782	4,782	4,782		4,782
0604226F	58	B-1B	216,886	216,886	216,886		212,886
		CMUP Engineering Change Order Reduction				(4,000)	
0604227F	59	TRAINING SYSTEMS DEVELOPMENT	4,305	4,305	4,305		4,305
0604231F	60	C-17 PROGRAM					
0604233F	61	SPECIALIZED UNDERGRADUATE PILOT TRAINING	80,238	80,238	80,238		72,238
		JPATS GBTS contract savings				(5,000)	
		T-38 Contract Protest Delay				(3,000)	
0604239F	62	F-22 EMD	2,071,234	2,071,234	1,651,234		2,077,234
		F-22 EMD			[-420,000]		
		Out-of-Production Parts Redesign				6,000	
0604240F	63	B-2 ADVANCED TECHNOLOGY BOMBER	355,750	355,750	377,550		355,750
0604243F	64	MANPOWER, PERSONNEL AND TRAINING DEVELOPMENT	4,534	4,534	4,534		4,534
0604249F	65	NIGHT/PRECISION ATTACK					
0604268F	66	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM					
0604270F	67	EW DEVELOPMENT	78,465	78,465	78,465		73,465
		F-15 IDECM Contract Award Delay				(3,000)	
		F-15 CMWS Cancellation				(2,000)	
0604321F	68	COMBAT INTELLIGENCE SYSTEM -EMD					
0604441F	69	SPACE BASED INFRARED ARCHITECTURE (SPACE) - EMD	338,413	338,413	338,413		338,413
0604479F	70	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	676,690	676,690	676,690		676,690
0604480F	71	GLOBAL POSITIONING SYSTEM BLOCK IIF (SPACE)	71,094	71,094	71,094		71,094
0604600F	72	MUNITIONS DISPENSER DEVELOPMENT	18,076	18,076	18,076		15,914
		WCMD Contract Savings				(1,300)	
		WCMD Procurement				(862)	

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0604602F	73	ARMAMENT/ORDNANCE DEVELOPMENT	1,597	1,597	1,597		1,597
0604604F	74	SUBMUNITIONS	4,956	4,956	4,956		4,956
0604617F	75	AIR BASE OPERABILITY	1,424	1,424	1,424		1,424
0604618F	76	JOINT DIRECT ATTACK MUNITION	19,553	19,553	19,553		19,553
0604703F	77	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	4,354	4,354	4,354		4,354
0604704F	78	COMMON SUPPORT EQUIPMENT DEVELOPMENT					
0604706F	79	LIFE SUPPORT SYSTEMS	3,726	3,726	3,726		3,726
0604708F	80	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENGINEERING	2,698	2,698	2,698		2,698
0604711F	81	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)					
0604727F	82	JOINT STANDOFF WEAPONS SYSTEMS	24,676	24,676	24,676		24,676
0604735F	83	COMBAT TRAINING RANGES	20,331	20,331	20,331		20,331
0604740F	84	COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	1,459	1,459	1,459		1,459
0604750F	85	INTELLIGENCE EQUIPMENT	1,287	1,287	1,287		1,287
0604754F	86	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	8,557	8,557	8,557		8,557
0604770F	87	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)					
0604779F	88	JOINT INTEROPERABILITY OF TACTICAL CMD & CONTROL SYS (JINTACCS)	5,929	5,929	5,929		5,929
0604851F	89	INTERCONTINENTAL BALLISTIC MISSILE - EMD	137,944	152,944	152,944		152,944
		Minuteman MK-21 Enhanced Safety Reentry Vehicle		[+15,000]	[+15,000]	15,000	
0604853F	90	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) - EMD	28,376	28,376	28,376		28,376
0207320F	91	SENSOR FUSED WEAPONS	19,804	19,804	19,804		19,804
0207325F	92	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	203,321	203,321	203,321		170,021
		Program Reduction w/o Prejudice				(76,321)	
		JSLAM				43,021	
0207414F	93	COMBAT INTELLIGENCE SYSTEM	12,267	12,267	12,267		12,267
0303606F	94	UHF SATELLITE COMMUNICATIONS					
0305176F	95	COMBAT SURVIVOR EVADER LOCATOR	4,315	4,315	4,315		4,315
0603402F	96	SPACE TEST PROGRAM (SPACE)	42,241	42,241	42,241		42,241
0604256F	97	THREAT SIMULATOR DEVELOPMENT	51,846	51,846	51,846		50,346
		Program Reduction				(1,500)	
0604258F	98	TARGET SYSTEMS DEVELOPMENT	4,780	4,780	4,780		4,780
0604759F	99	MAJOR T&E INVESTMENT	47,336	62,136	41,336		54,336

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		Range Improvement Program		[+14,800]		10,000	
		Infrastructure Reduction			[-6,000]	(3,000)	
0605101F	100	RAND PROJECT AIR FORCE	21,768	21,768	21,768		21,768
0605306F	101	RANCH HAND II EPIDEMIOLOGY STUDY	10,933	10,933	10,933		10,933
0605502F	102	SMALL BUSINESS INNOVATION RESEARCH					
0605704F	103	THEATER AIR DEFENSE BMC4I					
0605712F	104	INITIAL OPERATIONAL TEST & EVALUATION	28,319	28,319	28,319		28,319
0605807F	105	TEST AND EVALUATION SUPPORT	389,348	397,348	389,348		387,848
		Bomber Testing Facility Enhancement		[+8,000]		6,000	
		Aircraft Support Reduction				(1,000)	
		Program Reduction				(6,500)	
0605808F	106	DEVELOPMENT PLANNING	6,049	6,049	4,549		4,549
		Infrastructure Reduction			[-1,500]	(1,500)	
0605853F	107	ENVIRONMENTAL CONSERVATION	11,914	11,914	11,914		11,914
0605854F	108	POLLUTION PREVENTION	5,880	10,880	5,880		9,880
		Smart Monitoring System		[+5,000]			
		E-SMART				4,000	
0605856F	109	ENVIRONMENTAL COMPLIANCE	17,126	17,126	17,126		17,126
0605860F	110	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	8,013	33,013	8,013		28,013
		Atmospheric Interceptor Technology		[+25,000]		20,000	
0605876F	111	MINOR CONSTRUCTION (RPM) - RDT&E	1,853	1,853	1,853		1,853
0605878F	112	MAINTENANCE AND REPAIR (RPM) - RDT&E	55,200	55,200	58,000		56,000
		Aircraft Landing Gear Overhaul Engineering			[+6,000]	4,000	
		Infrastructure Reduction			[-3,200]	(3,200)	
0605879F	113	REAL PROPERTY SERVICES (RPS) - RDT&E	49,614	49,614	49,614		49,614
0605896F	114	BASE OPERATIONS - RDT&E	65,365	65,365	65,365		65,365
0909900F	115	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS					
1001004F	116	INTERNATIONAL ACTIVITIES	3,715	3,715	0		3,715
0603107F	117	TECHNICAL EVALUATION SYSTEM	[---]	[---]	[---]		[---]
0603110F	118	SPECIAL EVALUATION SYSTEM	[---]	[---]	[---]		[---]
0101113F	119	B-52 SQUADRONS	3,427	3,427	3,427		3,427

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0101120F	120	ADVANCED CRUISE MISSILE	2,393	2,393	2,393		2,393
0102325F	121	JOINT SURVEILLANCE SYSTEM	2,020	2,020	2,020		2,020
0102326F	122	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PRGM	20,512	20,512	20,512		20,512
0102411F	123	NORTH ATLANTIC DEFENSE SYSTEM	1,442	1,442	1,442		1,442
0102412F	124	NORTH WARNING SYSTEM (NWS)					
0207129F	125	F-111 SQUADRONS					
0207131F	126	A-10 SQUADRONS					
0207133F	127	F-16 SQUADRONS	100,233	100,233	100,233		100,233
0207134F	128	F-15E SQUADRONS	137,538	137,538	137,538		137,538
0207136F	129	MANNED DESTRUCTIVE SUPPRESSION	13,561	16,561	13,561		13,561
		HARM		[+3,000]			
0207141F	130	F-117A SQUADRONS	9,520	9,520	9,520		9,520
0207161F	131	TACTICAL AIM MISSILES	53,171	53,171	53,171		53,171
0207163F	132	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	50,781	50,781	50,781		43,781
		GAO Recommended Reduction				(4,000)	
		Delay AMRAAM P3I Phase III				(3,000)	
0207217F	133	PODDED RECONNAISSANCE SYSTEM	299	299	299		299
0207247F	134	AF TENCAP	15,251	14,051	15,251		15,251
		TENCAP		[-1,200]			
0207248F	135	SPECIAL EVALUATION PROGRAM	73,107	73,107	73,107		73,107
0207268F	136	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	93,122	93,122	93,122		93,122
0207320F	137	SENSOR FUSED WEAPONS					
0207323F	138	AGM-86C CONVENTIONAL AIR-LAUNCHED CRUISE MISSILE SYSTEM			3,500		
		CALCM Hard Target Penetrator			[+3,500]		
0207412F	139	THEATER AIR CONTROL SYSTEMS	393	393	393		393
0207417F	140	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	46,807	46,807	56,807		46,807
		AWACS Cruise Missile Defense Upgrade			[+10,000]		
0207419F	141	TACTICAL AIRBORNE COMMAND AND CONTROL SYSTEMS					
0207423F	142	ADVANCED COMMUNICATIONS SYSTEMS	2,966	2,966	2,966		2,966
0207424F	143	EVALUATION AND ANALYSIS PROGRAM	74,917	74,917	74,917		74,917
0207431F	144	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES					

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0207433F	145	ADVANCED PROGRAM TECHNOLOGY	95,056	95,056	95,056		95,056
0207438F	146	THEATER BATTLE MANAGEMENT (TBM) C4I	24,013	24,013	28,013		27,013
		TBM ASOC Connectivity			[+4,000]	3,000	
0207579F	147	ADVANCED SYSTEMS IMPROVEMENTS					
0207581F	148	JOINT SURVEILLANCE AND TARGET ATK RADAR SYSTEM (JOINT STARS)	119,189	119,189	129,189		122,189
		JSTARS Cruise Missile Defense Upgrade			[+10,000]	3,000	
0207590F	149	SEEK EAGLE	17,716	17,716	17,716		17,716
0207591F	150	ADVANCED PROGRAM EVALUATION	214,011	214,011	214,011		214,011
0208006F	152	MISSION PLANNING SYSTEMS	16,526	16,526	16,526		16,526
0207601F	151	USAF MODELING AND SIMULATION	21,718	21,718	21,718		21,718
0208021F	153	INFORMATION WARFARE SUPPORT	[---]	[---]	[---]		[---]
0208060F	154	THEATER MISSILE DEFENSES	29,182	29,182	29,182		29,182
0208160F	155	TECHNICAL EVALUATION SYSTEM	105,645	105,645	105,645		105,645
0208161F	156	SPECIAL EVALUATION SYSTEM	40,344	40,344	40,344		40,344
0301310F	157	FOREIGN TECHNOLOGY DIVISION	[---]	[---]	[---]		[---]
0301313F	158	DEFENSE DISSEMINATION PROGRAM	[---]	[---]	[---]		[---]
0301315F	159	MISSILE AND SPACE TECHNICAL COLLECTION	[---]	[---]	[---]		[---]
		MASIINT SDTF			[+4,200]		
0301324F	160	FOREST GREEN	[---]	[---]	[---]		[---]
0301398F	161	MANAGEMENT HEADQUARTERS GDIP	1,360	1,360	1,360		1,360
0303110F	162	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE)	10,547	10,547	10,547		10,547
0303131F	163	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	34,409	34,409	34,409		34,409
0303140F	164	INFORMATION SYSTEMS SECURITY PROGRAM	5,298	10,298	5,298		5,298
		Air Force Information Protection Program		[+2,700]			
		Trusted Rubix		[+2,300]			
0303141F	165	GLOBAL COMBAT SUPPORT SYSTEM	20,894	20,894	20,894		20,894
0303144F	166	ELECTROMAGNETIC COMPATIBILITY ANALYSIS CENTER (ECAC)	7,844	7,844	7,844		7,844
0303152F	167	WORLD-WIDE MIL CMD AND CONTROL SYS, INFORMATION SYS	6,820	6,820	6,820		6,820
0303601F	168	MILSTAR SATELLITE COMMUNICATIONS SYSTEM (SPACE)	12,871	12,871	12,871		12,871
0304111F	169	SPECIAL ACTIVITIES	[---]	[---]	[---]		[---]
0304311F	170	SELECTED ACTIVITIES	3,000	3,000	3,000		3,000

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0305110F	171	SATELLITE CONTROL NETWORK (SPACE)	80,011	80,011	80,011		80,011
0305111F	172	WEATHER SERVICE	9,057	9,057	9,057		9,057
0305114F	173	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	6,571	6,571	6,571		6,571
0305119F	174	MEDIUM LAUNCH VEHICLES (SPACE)	5,719	5,719	5,719		5,719
0305128F	175	SECURITY AND INVESTIGATIVE ACTIVITIES	530	530	530		530
0305137F	176	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	12,830	12,830	12,830		12,830
0305138F	177	UPPER STAGE SPACE VEHICLES (SPACE)	3,337	3,337	3,337		3,337
0305142F	178	APPLIED TECHNOLOGY AND INTEGRATION	[—]	[—]	[—]		[—]
0305144F	179	TITAN SPACE LAUNCH VEHICLES (SPACE)	82,384	67,384	82,384		74,884
		Program Reduction		[-15,000]		(7,500)	
0305145F	180	ARMS CONTROL IMPLEMENTATION					
0305154F	181	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		14,990			14,990
		Predator		[+14,990]		14,990	
0305158F	182	TACTICAL TERMINAL	258	258	258		258
0305160F	183	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	14,076	14,076	14,076		14,076
0305164F	184	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	46,300	46,300	46,300		46,300
0305165F	185	NAVSTAR GLOBAL POSITIONING SYS (SPACE AND CONTROL SEGMENTS)	26,685	26,685	26,685		26,685
0305172F	186	COMBINED ADVANCED APPLICATIONS	[—]	[—]	[—]		[—]
0305182F	187	EASTERN SPACE LAUNCH FACILITY (ESLF) (SPACE)	34,186	34,186	34,186		34,186
0305906F	188	NCMC - TW/AA SYSTEM	7,362	7,362	7,362		7,362
0305910F	189	SPACETRACK (SPACE)	28,573	28,573	28,573		28,573
0305911F	190	DEFENSE SUPPORT PROGRAM (SPACE)	23,193	23,193	23,193		23,193
0305913F	191	NUDET DETECTION SYSTEM (SPACE)	14,145	14,145	14,145		14,145
0305917F	192	SPACE ARCHITECT	14,590	14,590	14,590		14,590
0305953F	193	EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV) (SPACE)					
0308610F	194	INFORMATION MANAGEMENT-AUTOMATION-PROGRAM 3					
0401119F	195	C-5 AIRLIFT SQUADRONS	9,751	9,751	30,151		9,751
		C-5 Modernization			[+20,400]		
0401130F	196	C-17 AIRCRAFT	113,605	113,605	113,605	(3,000)	110,605
0401214F	197	AIR CARGO MATERIAL HANDLING (463-L) (NON-IF)	7,947	7,947	7,947		5,947
		Program Reduction				(2,000)	

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0401218F	198	KC-135S	1,992	1,992	1,992		1,992
0404102F	199	AEROSPACE RESCUE AND RECOVERY					
0702207F	200	DEPOT MAINTENANCE (NON-IF)	1,482	1,482	1,482		1,482
0708011F	201	INDUSTRIAL PREPAREDNESS	48,429	48,429	48,429		48,429
0708026F	202	PROD, RELIABILITY, AVAILABILITY, MAINTAIN. PROG OFC (PRAMPO)	1,032	1,032	1,032		1,032
0708611F	203	SUPPORT SYSTEMS DEVELOPMENT	3,657	3,657	3,657		3,657
0804734F	204	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAINING	1,427	1,427	1,427		1,427
0901218F	205	CIVILIAN COMPENSATION PROGRAM	6,497	6,497	6,497		6,497
1001004F	206	INTERNATIONAL ACTIVITIES					
1001018F	207	NATO JOINT STARS	36,061	36,061	36,061		26,061
		Phase II proposal preparation				(3,000)	
		Interim logistics support long lead				(7,000)	
XXXXXX	999	CLASSIFIED PROGRAMS	4,684,348	4,733,615	4,746,248	(35,933)	4,648,415
		Economic Assumptions				(76,000)	(76,000)
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL AF	14,451,379	14,659,736	14,302,264	(112,445)	14,338,934

Integrated High Payoff Rocket Propulsion Technology

The budget request included $48.1 million for rocket propulsion technology in the Integrated High Payoff Rocket Propulsion Technology (IHPRPT) initiative programs.

The House bill would authorize $57.6 million for IHPRPT programs, an increase of: $6.0 million to PE 62601F; $1.5 million to PE 63302F; $1.0 million to PE 62111N; and $1.0 million to PE 63217N.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $55.4 million for IHPRPT initiative programs, an increase of: $4.8 million to PE 62601F; $1.5 million to PE 63302F; and $1.0 million to PE 63217N.

Military Spaceplane

The budget request included no funds for the Military Spaceplane technology program.

The House bill would authorize an increase of $15.0 million in PE 63302F for the Military Spaceplane program.

The Senate amendment would authorize an increase of $10.0 million in PE 63401F for the Military Spaceplane program.

The conferees agree to authorize an increase of $10.0 million for the Military Spaceplane program in PE 63401F.

Although the National Space Launch Policy assigns to NASA the lead for reusable launch vehicle development, the Department of Defense has been participating in such activities for many years. The Air Force has developed a military spaceplane program to complement NASA's efforts while focusing on specific military requirements and applications, a responsibility that does not reside with NASA. The Commander-in-Chief of U.S. Space Command is in the process of identifying military requirements for such a program and the Air Force has established a program office and a new program element to manage this activity. The Air Force is also working to include funding in the Future Years Defense Program for this effort. The conferees do not view these actions as duplicative of NASA's work on reusable launch vehicles.

The conferees believe that the Department of Defense should begin to define a military spaceplane concept that meets legitimate military requirements in the future while exploiting technological progress made in NASA's reusable launch vehicle program. The conferees direct the Secretary of Defense to provide a report describing the status of this effort to the congressional defense committees by February 15, 1998.

Solar thermionics orbital transfer vehicle

The budget request included no funds for the solar thermionics orbital transfer vehicle program.

The House bill would authorize an increase of $20.0 million in PE 63401F for the solar thermionics orbital transfer vehicle program.

The Senate amendment would authorize an increase of $10.0 million for this program.

The conferees agree to authorize an increase of $7.5 million in PE 63401F for the solar thermionics orbital transfer vehicle.

The conferees have supported thermionics technology development for space applications. The solar powered orbital transfer vehicle has been identified by the Air Force as a Third Millennium initiative. This program combines thermionic technology for electricity production and thermal propulsion which can be used to move spacecraft to higher or new orbits.

Joint air-to-surface standoff missile/standoff land attack missile-expanded response

The budget request included $9.6 million in PE 64312N and $203.3 million in PE 27325F for development of the Air Force/Navy Joint Air to Surface Standoff Missile (JASSM) program and $28.9 million in PE 64603N to continue development of the Navy's Standoff Land Attack Missile-Enhanced Response (SLAM-ER) program. The request also included $21.7 million for procurement of 22 SLAM-ER missiles for the Navy.

The House bill and the Senate amendment would authorize the budget request for JASSM and for SLAM-ER.

The conferees direct the Secretary of Defense to include SLAM-ER plus and the two alternative systems that are funded in the JASSM program in the Analysis of Alternatives for JASSM.

Accordingly, the conferees agree to authorize $5.5 million in PE 64321N and $170.0 million in PE 27325F to continue the JASSM program, $28.9 million in PE 64603N to continue the development of SLAM-ER, and $21.7 million for SLAM-ER procurement.

JOINT AIR-TO-SURFACE STANDOFF MISSILE/STANDOFF LAND ATTACK MISSILE

[In millions of dollars]

Program element and description	Budget request	HNSC	SASC	Conference agreement	Change
PE64312N—Tri-Service Standoff Attack Missile	9.6	9.6	9.6	5.5	-4.1
PE27325F—Joint Air-to-surface standoff missile	203.3	203.3	203.3	170.0	-33.3
PE64603N—Unguided Conventional Air-launched Weapons (SLAM ER)	28.9	28.9	28.9	28.9	
WPN line 18—Harpoon Mods (SLAM ER)	21.7	21.7	21.7	21.7	
Total	263.5	263.5	263.5	226.1	-37.4

The conferees note that the lack of agreement between the Navy and the Air Force on the conduct of the JASSM program calls for clear guidance from the Secretary of Defense. The Secretary has four obvious alternatives to examine that could have entirely different effects on future budgets.

(1) Develop JASSM to meet the operational needs of the Navy and the Air Force, with SLAM-ER not procured beyond an interim capability.

(2) Continue the JASSM program as a joint program for both the Navy and Air Force, while the Navy continues a separate development of SLAM-ER as currently planned.

(3) Develop separate programs for the Navy and the Air Force, with SLAM-ER as the Navy choice, and JASSM as the Air Force selection.

(4) Develop SLAM-ER as the single program for both the Air Force and the Navy.

The conferees direct the Secretary of Defense to review the SLAM-ER and JASSM programs and alternatives outlined above and to report to the congressional defense committees within 60 days of the enactment of this Act.

Major test and evaluation investment

The budget request included $47.3 million in PE 64759F for major test and evaluation investment.

The House bill would authorize an increase of $14.8 million for range improvement program/modernize range C41 capabilities.

The Senate amendment would authorize a decrease of $6.0 million for infrastructure reduction.

The conferees agree to authorize an increase of $10.0 million for the range modernization described in the House report (H. Report. 105-132). The conferees also agree to a general reduction of $3.0 million in PE 64759F.

Smart monitoring system

The budget request included $5.9 million for pollution prevention in PE 65854F.

House bill would authorize an additional $5.0 million in PE 65854F to expand Air Force demonstration efforts related to the smart monitoring system, a real-time monitoring technology for soil and groundwater contamination.

The Senate amendment would authorize the budget request. The conferees agree to authorize an increase of $4.0 million in PE 65854F for the smart monitoring system.

Rocket Systems Launch Program

The budget request included $8.0 million in PE 65860F for the Rocket Systems Launch Program (RSLP).

The House bill would authorize an increase of $25.0 million for RSLP to support the launch of an Atmospheric Intercept Technology (AIT) demonstration payload.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $20.0 million for RSLP in support of the AIT program. The conferees direct the Ballistic Missile Defense Organization and the Air Force to develop a coordinated implementation plan for executing the RSLP and AIT budgets in order to maximize the benefit to the AIT program.

Cruise missile defense

The budget request included no funds to begin transitioning sensor technology from the Defense Advanced Research Projects Agency (DARPA) to the Air Force for insertion into the Airborne Warning and Control System (AWACS) or the Joint Surveillance Target Attack Radar System (JSTARS) for cruise missile defense.

The House bill would authorize the budget request.

The Senate amendment would authorize increases of $10.0 million to PE 27417F to begin the necessary upgrades to AWACS, and $10.0 million to PE 27581F to begin necessary upgrades to JSTARS.

The conferees agree to authorize an increase of $3.0 million in PE 27581F to begin necessary upgrades to JSTARS for cruise missile defense.

Given the growing threat posed by cruise missiles, the conferees continue to support development of a comprehensive cruise missile defense architecture, integrated into DOD's overall air and theater missile defense efforts. Because counter cruise missile technologies have matured at DARPA, and because DARPA funding to support key sensor technologies ends in fiscal year 1998, the conferees strongly urge the Air Force to begin to integrate these technologies into operational platforms, specifically into the AWACS and JSTARS platforms. The conferees expect the Air Force to assume these two important initiatives. To support these efforts, the conferees encourage the Air Force to prepare expeditiously the report on cruise missile defense directed in the statement of managers accompanying the conference report on H.R. 2266 (H. Rept. 105-265). The conferees understand that the Air Force's report could conclude that the Air Force should apply additional funds to cruise missile defense upgrades to the AWACS or JSTARS programs during fiscal year 1998 beyond those approved in this Act. If that is the conclusion of the report, the conferees would be willing to entertain a request to reallocate funds within the AWACS or JSTARS programs, or to reprogram funds from other activities.

Overview

The budget request for fiscal year 1998 contained an authorization of $9,069.7 million for Defense-Wide, Research and Development in the Department of Defense. The House bill would authorize $9,611.0 million. The Senate amendment would authorize $9,796.8 million. The conferees recommended an authorization of $9,546.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE					
0601101D	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,169	2,169	2,169		1,569
		Program Reduction				(600)	
0601101E	2	DEFENSE RESEARCH SCIENCES	76,009	76,009	76,009		70,000
		Program Reduction				(6,009)	
0601103D	3	UNIVERSITY RESEARCH INITIATIVES	237,788	224,788	237,788		227,788
		University Research Initiatives		[-23,000]		(20,000)	
		DEPSCoR		[+10,000]	[20,000]	10,000	
0601110D	4	FOCUSED RESEARCH INITIATIVES					
0601111D	5	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH	14,713	14,713	14,713		7,713
		Program Reduction				(7,000)	
0601384BP	6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	25,190	25,190	27,190		25,190
		CB Point Detection Technology			[+2,000]	0	
0602110E	7	NEXT GENERATION INTERNET	40,000	55,000	40,000		42,000
		NGI Revolutionary Applications		[+15,000]		2,000	
0602160D	8	COUNTERPROLIFERATION SUPPORT					
0602173C	9	SUPPORT TECHNOLOGIES - APPLIED RESEARCH	101,932	111,932	115,932		113,932
		Wide Bandgap Semiconductors		[+10,000]	[+14,000]	12,000	
0602227D	10	MEDICAL FREE ELECTRON LASER	20,841	20,841	20,841		20,841
0602228D	11	HISTORICALLY BLACK COLLEGES AND UNIVERS (HBCU) SCIENCE AND ENG	11,485	11,485	11,485		11,485
0602234D	12	LINCOLN LABORATORY RESEARCH PROGRAM	20,474	20,474	20,474		18,474
		Program Reduction				(2,000)	
0602301E	13	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	341,752	346,252	344,252		327,557
		Reuse Technology Adoption Program		[+4,500]	[+2,500]	2,500	
		Program Reduction				(16,695)	
0602383E	14	BIOLOGICAL WARFARE DEFENSE	61,600	61,600	55,100		55,100
		Human Monoclonal Antibodies			[1,500]		
		General Reduction			[-6,500]	(6,500)	
0602384BP	15	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	60,023	70,823	70,523		70,523
		Safeguard		[+10,800]	[+6,000]	3,000	
		CBIRF Biological Detectors			[+4,500]		

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(Dollars in Thousands)

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		Chem Bio defense research				7,500	
0602702E	16	TACTICAL TECHNOLOGY	157,329	113,429	160,329		141,329
		Program Reduction		[-43,900]		(10,000)	
		Facial recognition technology				[3000]	
		Small, Low-cost Interceptor Device (SLID)			[+3,000]		
		Compact Lasers				(3,000)	
		Chemically Specific Detection				(3,000)	
0602708E	17	INTEGRATED COMMAND AND CONTROL TECHNOLOGY	37,000	60,000	55,000		49,000
		Flat Panel Display Technology		[+23,000]	[+18,000]	12,000	
0602712E	18	MATERIALS AND ELECTRONICS TECHNOLOGY	192,192	199,692	207,692		224,192
		3-D Microelectronics		[+7,500]		5,000	
		Hard Carbon Coatings			[+1,000]	1,000	
		Seamless High Off-Chip Connectivity			[+7,500]	6,000	
		Multitechnology Integration in Mixed Mode Electronics			[+7,000]	7,000	
		EUV Lithography/Nanofabrication Laboratory		[+6,000]		6,000	
		Life Support Trauma and Transport				4,000	
		Cryogenic Electronics				3,000	
0602715H	19	DEFENSE SPECIAL WEAPONS AGENCY	211,971	211,971	229,971		207,593
		Radiation Exposure Bioassay/Ionizing Radiation Bioassay Testing		[300]			
		DSWA Core Competencies			[+15,000]	12,000	
		EMP Vulnerability			[+3,000]		
		Program Reduction				(16,378)	
0602787D	20	MEDICAL TECHNOLOGY	8,987	8,987	8,987		8,987
0305108K	21	COMMAND AND CONTROL RESEARCH	1,937	1,937	1,937		1,937
0603002D	22	MEDICAL ADVANCED TECHNOLOGY	2,778	2,778	2,778		2,778
0603104D	23	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	12,259	15,259	18,259		12,259
		Conventional Munitions Demil Tech/Blast Chamber Demo		[+3,000]	[+6,000]		
0603105D	24	MILITARY HIV RESEARCH					
0603120D	25	DEMINING	7,663	7,663	7,663		16,663
		Demining Technologies				9,000	
0603121D	26	ALTERNATIVE TO LANDMINES	2,990	2,990	2,990		2,990

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0603122D	27	COUNTERTERROR TECHNICAL SUPPORT	34,863	41,863	54,863		37,863
		Safety Devices		[+2,000]			
		Facial Recognition Technology		[+5,000]	[+5,000]		
		Structural Response & Blast Mitigation			[+6,000]		
		Counter-Terrorist Explosive Research			[+6,000]		
		Counter- Terrorist technical research			[+3,000]	3,000	
0603160D	28	COUNTERPROLIFERATION SUPPORT - ADV DEV	58,264	61,264	72,264		68,264
		Counterproliferation Analysis & Planning System		[+3,000]	[+10,000]	7,000	
		HAARP			[+3,000]	3,000	
		Portable Trace Element Detection System			[+1,000]		
0603173C	29	SUPPORT TECHNOLOGIES - ADVANCED TECHNOLOGY DEVELOPMENT	147,557	172,557	321,957		306,557
		Atmospheric Interceptor Technology		[+25,000]	[+40,000]	30,000	
		Space-Based Laser - Readiness demonstrator			[+118,000]	98,000	
		MSX Satellite			[+6,400]	5,000	
		Low Cost Launch Technology			[+10,000]	5,000	
		APEX Program		[+10,000]		8,000	
		Russian American Observational Satellite (RAMOS)		[+15,000]		13,000	
0603225D	30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,141	16,141	16,141		16,141
0603226E	31	EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES					
0603232D	32	AUTOMATIC TARGET RECOGNITION	4,789	4,789	4,789		4,789
0603384BP	33	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADV DEVELOPMENT	41,223	42,816	41,223		41,223
		Vaccine Advanced Development		[+1,593]			
0603569E	34	ADVANCED SUBMARINE TECHNOLOGY					
0603570E	35	DEFENSE REINVESTMENT					
0603704D	36	SPECIAL TECHNICAL SUPPORT	11,750	9,750	11,750		9,750
		Program Reduction		[-2,000]		(2,000)	
0603711H	37	VERIFICATION TECHNOLOGY DEMONSTRATION	83,370	69,070	73,370		69,070
		Nuclear Arms Control		[-14,300]	[-10,000]		
		Program Reduction				(14,300)	
0603712S	38	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	17,267	17,267	17,267		17,267
0603716D	39	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	54,874	57,874	54,874		57,874

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		Environmentally Safe Energetic Materials		[+3,000]		3,000	
0603726D	40	JOINT TECHNOLOGY INSERTION PROGRAM					
0603727D	41	JOINT WARFIGHTING PROGRAM	14,172	14,172	14,172		9,172
		Program Reduction				(5,000)	
0603728D	42	AGILE PORT DEMONSTRATION					
0603729D	43	ROCKET LAUNCH FACILITY UPGRADES					
0603730D	44	AIRFIELD SURFACE TRAFFIC MONITORING					
0603738D	45	COOPERATIVE DOD/VA MEDICAL RESEARCH					15,000
		DOD-VA Cooperative Research Prgm			[+15,000]	15,000	
		Persian Gulf Illness Clinical Trials				[4,500]	
0603739E	46	ADVANCED ELECTRONICS TECHNOLOGIES	277,044	298,044	299,044		293,044
		EUV Lithography		[+6,000]			
		Advanced Lithography Program		[+15,000]	[+23,000]	18,000	
		Point-Source X-Ray Lithography			[+2,000]	2,000	
		MT-06 Offset			[-3,000]	(4,000)	
0603744E	47	ADVANCED SIMULATION					
0603745E	48	SEMICONDUCTOR MANUFACTURING TECHNOLOGY					
0603746E	49	MARITIME TECHNOLOGY	37,408	41,408	37,408		37,408
		Maritech		[+4,000]			
0603747E	50	ELECTRIC VEHICLES					
0603750D	51	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	121,076	91,076	101,076		81,076
		Advanced Concept Technology Demonstrations		[-30,000]	[-20,000]	(40,000)	
0603752D	52	COMMERCIAL TECHNOLOGY INSERTION PROGRAM	47,889	0	47,889		20,000
		Program Reduction		[-47,889]		(27,889)	
0603753S	53	ELECTRONIC COMMERCE RESOURCE CENTERS	14,972	14,972	17,972		20,972
		Establishment of 2 New Centers			[+3,000]	6,000	
0603755D	54	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	126,211	126,211	151,211		149,880
		Supercomputing Centers Sustainment			[+25,000]	25,000	
		Program Reduction				(1,331)	
0603760E	55	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	163,800	147,800	158,800		157,800
		New Start Reductions		[-16,000]	[-5,000]	(6,000)	

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0603761E	56	COMMUNICATION AND SIMULATION TECHNOLOGY	75,938	75,938	75,938		75,938
0603762E	57	SENSOR AND GUIDANCE TECHNOLOGY	166,855	141,855	165,355		158,855
		New Start Reductions		[-25,000]	[-5,000]	(5,000)	
		Large Millimeter-Wave Telescope			[+3,500]	3,000	
		Tactical Radar Program				(6,000)	
0603763E	58	MARINE TECHNOLOGY	69,143	26,943	69,143		21,943
		Arsenal Ship and Surface Combatant-21		[-47,200]		(47,200)	
		New Start Mine Clearing Project		[-2,000]			
		Small Unattended Undersea Sensors		[+4,000]			
		Advanced Submarine Technology		[+3,000]			
0603764E	59	LAND WARFARE TECHNOLOGY	82,580	94,180	86,980		82,980
		New Start Reductions		[-9,000]			
		Active Structural Control		[+6,600]	[+4,400]	5,400	
		DP-2 Vectored Thrust		[+14,000]			
		Small Unit Operations				(5,000)	
0603765E	60	CLASSIFIED DARPA PROGRAMS	134,977	134,977	134,977		134,977
0603800E	61	JOINT STRIKE FIGHTER (JSF) - DEM/VAL	23,900	0	23,900		23,900
0603805E	62	DUAL USE APPLICATIONS PROGRAMS	225,000	0	125,000		125,000
		Dual Use Applications Programs		[-225,000]	[-100,000]	(100,000)	
0603832D	63	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	71,338	60,038	71,338		64,338
		Program Reduction		[-11,300]		(7,000)	
0303132G	64	GLOBAL GRID COMMUNICATIONS	[---]	[---]	[---]		[---]
0304211G	65	NATIONAL ACTIVITIES	[---]	[---]	[---]		[---]
0305166G	66	SPECIAL DEVELOPMENT	[---]	[---]	[---]		[---]
0603228D	67	PHYSICAL SECURITY EQUIPMENT	31,553	31,553	31,553		18,676
		Program Reduction				(12,877)	
0603708D	68	INTEGRATED DIAGNOSTICS	6,514	6,514	6,514		6,514
0603709D	69	JOINT ROBOTICS PROGRAM	23,196	33,196	32,696		28,196
		Vehicle Teleoperation Capability		[+10,000]	[+9,500]	5,000	
0603714D	70	ADVANCED SENSOR APPLICATIONS PROGRAM	15,379	15,379	21,379		18,379
		HAARP			[+3,000]	3,000	

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		Scattering, Microwave Radiometry, Multi-Spectral Analysis			[+3,000]		
0603736D	71	CALS INITIATIVE	1,916	1,916	5,916		5,916
		Integrated Data Environment			[+4,000]	4,000	
0603790D	72	NATO RESEARCH AND DEVELOPMENT	13,584	13,584	13,584	(5,000)	8,584
0603851D	73	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	15,164	15,164	15,164		15,164
0603861C	74	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - DEM/VAL	294,647	294,647	353,427		406,127
		THAAD EMD Transfer			[+58,780]	111,480	
0603863C	75	HAWK SYSTEM BM/C3 - DEM/VAL					
0603864C	76	THEATER MISSILE DEFENSE BM/C3 - DEM/VAL					
0603867C	77	NAVY AREA THEATER MISSILE DEFENSE - DEM/VAL					
0603868C	78	NAVY THEATER WIDE MISSILE DEFENSE - DEM/VAL	194,898	344,898	274,898		344,898
		Navy Theater Wide Missile Defense		[+150,000]	[+80,000]	150,000	
0603869C	79	MEADS CONCEPTS - DEM/VAL	47,956	47,956	47,956		47,956
0603870C	80	BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQ - DEM/VAL	12,885	0	17,885		16,385
		Boost Phase Intercept			[+5,000]	3,500	
0603871C	81	NATIONAL MISSILE DEFENSE - DEM/VAL	504,091	978,091	978,091		978,091
		National Missile Defense		[+474,000]	[+474,000]	474,000	
0603872C	82	JOINT THEATER MISSILE DEFENSE - DEM/VAL	542,619	523,919	576,619		581,619
		Transfer to Cooperative Programs		[-38,700]			
		ASSDC Advanced Research Center			[+7,000]	7,000	
		Arrow Interoperability			[+15,000]	12,000	
		Theater Air & Missile Defense Integrated Systems Architecture			[+12,000]		
		Theater Missile Defense Upgrades/PMRF		[+20,000]		20,000	
0603XXXC	82a	COOPERATIVE PROGRAMS		123,100			
		Cooperative Programs		[+91,600]			
		Tactical High Energy Laser		[+38,200]			
0603884BP	83	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL	55,145	60,145	55,145		55,145
		Emergency Response Force Development		[+5,000]			
0603892D	84	ASAT			80,000		37,500
		KE-ASAT			[+80,000]	37,500	
0208043J	85	ISLAND SUN					

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0604160D	86	COUNTERPROLIFERATION SUPPORT - EMD					
0604384BP	87	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	120,535	121,393	120,535		121,393
		Vaccine Development		[+858]		858	
0604771D	88	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	55,429	55,429	55,429		55,429
0604861C	89	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	261,480	306,480	0		0
		Transfer toDemVal/program reduction		[+45,000]	[-261,480]	(261,480)	
0604864C	90	THEATER MISSILE DEFENSE BM/C3 - EMD					
0604865C	91	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	206,057	206,057	206,057		206,057
0604866C	92	PAC-3 RISK REDUCTION - EMD					
0604867C	93	NAVY AREA THEATER MISSILE DEFENSE - EMD	267,822	289,822	267,822		289,822
		Navy Area Theater Missile Defense		[+22,000]		22,000	
0305106LC	94	CONSOLIDATED IMAGERY ACTIVITIES	[---]	[---]	[---]		[---]
0305107LC	95	TACTICAL IMAGERY ACTIVITIES	[---]	[---]	[---]		[---]
0305889D	96	COUNTERDRUG INTELLIGENCE SUPPORT					
0605104D	97	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	38,376	38,376	30,376		30,376
		Program Reduction			[-8,000]	(8,000)	
0605110D	98	TECHNICAL SUPPORT TO USD(A)--CRITICAL TECHNOLOGY	2,690	2,690	2,690		2,690
0605114E	99	BLACK LIGHT	4,683	4,683	4,683		4,683
0605117D	100	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	37,474	37,474	37,474		37,474
0605126J	101	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	23,100	23,100	23,100		16,100
		Maintain Requirements Section of Master Plan				(7,000)	
0605128D	102	CLASSIFIED PROGRAM USD(P)	5,979	5,979	5,979		5,979
0605160D	103	COUNTERPROLIFERATION SUPPORT	7,047	19,047	7,047		7,047
		First Reponder Training		[+12,000]			
0605218C	104	BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT AND SPT					
0605384BP	105	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	18,730	18,730	18,730		18,730
0605502D	106	SMALL BUSINESS INNOVATIVE RESEARCH					
0605502E	107	SMALL BUSINESS INNOVATIVE RESEARCH					
0605710D	108	CLASSIFIED PROGRAMS - C3I	357	357	357		357
0605790D	109	SMALL BUSINESS INNOVATIVE RESEARCH ADMINISTRATION	1,738	1,738	1,738		1,738
0605798S	110	DEFENSE SUPPORT ACTIVITIES	5,992	5,992	5,992		5,992

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0605801S	111	DEFENSE TECHNICAL INFORMATION CENTER	46,930	46,930	46,930		46,930
0605803S	112	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	8,285	8,285	8,285		8,285
0605898E	113	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	39,193	39,193	39,193		36,193
		Program Reduction				(3,000)	
0208045K	114	C3 INTEROPERABILITY	25,670	25,670	25,670		25,670
0208052J	115	JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM	2,186	2,186	2,186		2,186
0301011G	116	CRYPTOLOGIC ACTIVITIES	[---]	[---]	[---]		[---]
0301301L	117	GENERAL DEFENSE INTELLIGENCE PROGRAM	[---]	[---]	[---]		[---]
0302016K	118	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	2,064	2,064	2,064		2,064
0302019K	119	JOINT/DEFENSE INFORMATION SYSTEMS ENGINEERING AND INTEGRATION	4,721	4,721	4,721		4,721
0303126K	120	LONG-HAUL COMMUNICATIONS (DCS)	14,520	14,520	14,520		14,520
0303127K	121	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM	4,552	4,552	4,552		4,552
0303129K	122	DEFENSE MESSAGE SYSTEM					
0303131K	123	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	2,381	2,381	2,381		2,381
0303140D	124	INFORMATION SYSTEMS SECURITY PROGRAM					
0303140G	125	INFORMATION SYSTEMS SECURITY PROGRAM	258,593	258,593	258,593	(5,000)	253,593
0303149J	126	C4I FOR THE WARRIOR	5,554	5,554	5,554		5,554
0303149K	127	C4I FOR THE WARRIOR					
0303153K	128	JOINT SPECTRUM CENTER					
0304345BQ	129	NATIONAL IMAGERY AND MAPPING	[---]	[---]	[---]		[---]
0305102BQ	130	DEFENSE IMAGERY AND MAPPING PROGRAM	109,430	134,430	109,430		119,430
		Synthetic Aperture Radar Data		[+10,000]		5,000	
		Accelerate DPS Migration		[+15,000]		5,000	
0305127V	131	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	419	419	419		419
0305139B	132	DMA MAPPING, CHARTING, AND GEODESY (MC&G) PROD SYS IMP					
0305154D	133	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM					
0305154G	134	DEFENSE AIRBORNE ROCONNAISSANCE PROGRAM	[---]	[---]	[---]		[---]
0305159I	135	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	49,403	41,003	49,403		44,503
		Space Support		[-4,900]		(4,900)	
		TENCAP		[-3,500]			
0305190D	136	C3I INTELLIGENCE PROGRAMS	6,249	6,249	6,249		6,249

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0305204D	137	TACTICAL UAVS	122,004	62,004	122,004		54,507
		Outrider ACTD		[-87,500]		(87,497)	
		Tactical Control System		[+11,500]		8,000	
		VTOL Competition		[+10,000]		8,000	
		Muti-Function Self-Aligned Gate Array		[+6,000]		4,000	
0305205D	138	ENDURANCE UAVS	216,712	192,722	216,712		192,722
		Predator Transfer		[-14,990]		(14,990)	
		Common Ground Segment Testing		[-9,000]		(9,000)	
0305206D	139	AIRBORNE RECONNAISSANCE SYSTEMS	212,961	226,161	212,961		196,961
		Airborne Information Transmission		[+3,000]		1,000	
		Airborne Overhead Integrated Task Force		[+7,200]			
		Joint Airborne Reconnaissance Architecture		[-3,000]		(3,000)	
		Heavy Fuel Engine		[-3,000]		(3,000)	
		Joint Sigint Avionics Family (JSAF)		[-16,200]		(16,200)	
		Digital Terrain Elevation Data		[+2,000]			
		High Band Sensors		[-1,800]		(1,800)	
		JMTE ACTD		[+10,000]			
		EO Framing Technology		[+15,000]		7,000	
0305207D	140	MANNED RECONNAISSANCE SYSTEMS	27,784	51,784	27,784		27,784
		U-2 Senior Glass		[+24,000]			
0305208D	141	DISTRIBUTED COMMON GROUND SYSTEMS	37,653	37,653	37,653		37,653
0305209D	142	DARP MANAGEMENT SUPPORT	21,543	7,543	21,543		7,543
		DARP Management Support		[-14,000]		(14,000)	
0305884L	143	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[---]	[---]	[---]		[---]
		Intelligence Planning and Review Activities		[+17,000]			
0305885G	144	TACTICAL CRYPTOLOGIC ACTIVITIES	96,667	96,667	96,667		96,667
0305889G	145	COUNTERDRUG INTELLIGENCE SUPPORT		2,500			0
		Inexpensive Long Dwell Observation Platform		[+2,500]			
0305898L	146	MANAGEMENT HEADQUARTERS (AUXILIARY FORCES)	1,926	1,926	7,726		1,926
		Command Intelligence Architecture/Planning			[+5,800]		
0708011S	147	INDUSTRIAL PREPAREDNESS	8,720	8,720	8,720		8,720

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0902298J	148	MANAGEMENT HEADQUARTERS (OJCS)	10,035	10,035	10,035		10,035
0902740J	149	JOINT SIMULATION SYSTEM	24,321	24,321	24,321		24,321
1001017J	150	PARTNERSHIP FOR PEACE ACTIVITIES	1,993	1,993	1,993		0
		Program Transfer				(1,993)	
1160279BB	151	SML BUS INNOVATIVE RES/SMALL BUS TECH TRANSFER PILOT PROG					0
	151a	PTAC (See Readiness Offer)			12,000		
1160401BB	152	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	4,161	4,161	4,161		4,161
1160402BB	153	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	8,009	8,009	8,009		8,009
1160404BB	154	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	73,073	73,073	75,773		109,473
		Communications Helmet			[+300]		
		Advance SEAL Delivery System				36,400	
		Heavy Sniper Rifle			[+400]		
		ILAM			[+1,000]		
		RAMS			[+1,000]		
1160405BB	155	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	4,914	12,914	8,914		10,914
		Mission Familiarization Virtual Reality Project		[+3,000]			
		Special Operations Forces Intelligence Vehicle		[+5,000]		3,000	
		Joint Threat Warning System			[+4,000]	3,000	
1160407BB	156	SOF MEDICAL TECHNOLOGY DEVELOPMENT	2,029	2,029	2,029		2,029
1160408BB	157	SOF OPERATIONAL ENHANCEMENTS	26,357	26,357	26,357		17,357
		Program Reduction				(9,000)	
XXXXXXX	999	CLASSIFIED PROGRAMS	1,000,149	1,109,295	1,011,649	72,900	1,073,049
		Economic Assumptions				(49,000)	(49,000)
		TOTAL, RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE	9,069,680	9,611,013	9,796,780	476,399	9,546,079
		DEVELOPMENTAL TEST & EVAL, DEFENSE					
0604940D	1	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	131,353	142,853	131,353		123,353
		ANECHOIC Research Program		[+10,000]			
		Heavy Vehicle Test Facility		[+1,500]			

TITLE II - RESEARCH, DEVELOPMENT, TEST EVALUATION

(Dollars in Thousands)

Program Element	Line No.	Program Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		Program Reduction				(8,000)	
0605130D	2	FOREIGN COMPARATIVE TESTING	33,836	33,836	33,836		33,836
0605804D	3	DEVELOPMENT TEST AND EVALUATION	102,994	102,994	102,994		102,994
		Economic Assumptions				(2,000)	(2,000)
		TOTAL, DIRECTOR OF TEST & EVAL DEFENSE	268,183	279,683	268,183	(10,000)	258,183
		OPERATIONAL TEST & EVALUATION, DEFENSE					
0605118D	1	OPERATIONAL TEST AND EVALUATION	13,187	13,187	21,187		17,187
		Operational Field Assessment Program			[+8,000]	4,000	
0605131D	2	LIVE FIRE TESTING	10,197	10,197	10,197		10,197
		TOTAL, DIRECTOR OF OPERATIONAL TEST & EVALUATION	23,384	23,384	31,384	4,000	27,384
		FFRDC REDUCTION				(42,000)	(42,000)

University research initiatives

The budget request included $237.7 million in PE 61103D for university research initiatives including $10.0 million for the Defense Experimental Program to Stimulate Competitive Research (DEPSCoR).

The House bill would authorize a decrease of $13.0 million in PE 61103D: an increase of $10.0 million for (DEPSCoR); and a decrease of $23.0 million.

The Senate amendment would authorize $20.0 million for DEPSCoR within the amount of the budget request.

The conferees agree to authorize an increase of $10.0 million in PE 61103D for DEPSCoR in addition to the $10.0 million in the amount of the budget request. The conferees also agree to a reduction, without prejudice, of $20.0 million in PE 61103D.

Next generation internet

The budget request included $40.0 million in PE 62110E for the Defense Advanced Research Projects Agency (DARPA) component of the Next Generation Internet (NGI) program.

The House bill would authorize an increase of $15.0 million in PE 62110E for specific connectivity, functionality, services, and software among the applications communities and regional consortia to maximize the value of the services deployed under the NGI. The House bill would also direct the use of competitive procedures in the award of contracts, grants, or other transactions under the program and would encourage the use of cost-sharing where feasible.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $2.0 million in PE 62110E for the purposes discussed in the House report (H. Rept. 105–132). The conferees endorse the NGI program and support the concept of involving the applications communities, including federal agencies, state and local governments, academia, and the private sector, to incorporate networking technologies developed under the program to achieve capabilities beyond those of the current Internet infrastructure. The conferees also support the formation of cooperative agreements within the regional consortia established under the program to leverage the knowledge, skills, and methods of the individual members from government, industry, and academia. The conferees encourage DARPA to consider supporting, under the NGI program, industry and university consortia investigating and demonstrating ultra-high speed, optical time-division-multiplexed technologies for networks and interchanges.

Chemical and biological defense program

The budget request included $530.9 million for the chemical and biological defense program ($320.9 million for research, development, test and evaluation activities and $210.0 million for procurement) and $61.0 million for the Defense Advanced Research Projects Agency (DARPA) biological defense program.

The House bill would authorize an increase of $16.6 million for the chemical/biological defense program in the following activities: a $10.8 million increase in PE 62384BP to continue the SAFEGUARD proof-of-concept multi-spectral sensor program; a $1.5 million increase in PE 63384BP for vaccine advanced development; a $858,000 increase in PE 64384BP for vaccine development and a $5.0 million increase in PE 63884BP to support on-going development efforts in detectors, decontamination equipment, and protective equipment for the Chemical-Biological Quick Reaction Force (CBQRF) and its components.

The Senate amendment would authorize an increase of $6.5 million for the chemical-biological defense research and development program for the following activities: $2.0 million for the development of a joint service prototype hybrid integrated sensor array for chemical and biological point detection; $4.5 million to meet unfunded requirements for biological detectors for the Chemical-Biological Incident Response Force (CBIRF); would make $1.5 million available from funds requested for PE 62383E for a study on the use of antibodies as medical defenses against biological agents; and would reduce the budget request for PE 62383E by $6.5 million. Additionally, the amendment would recommend that $16.1 million of fiscal year 1997 funds, identified by the Department of Defense as excess to the program because of the inability to execute the assembly of biological integrated defense systems (BIDS) until the end of fiscal year 1999, be used instead for unfunded research, development and procurement efforts in the chemical-biological defense program, counterproliferation and including counterterrorist efforts to protect against the use of weapons of mass destruction.

The conferees agree to authorize an increase of $12.4 million to meet shortfalls in the chemical and biological defense program for research and development of detection capabilities, to include the following: $10.5 million in PE 62384BP, of which $3.0 million shall be available for the SAFEGUARD program; and a $2.0 million increase in PE 61384BP to increase efforts in research and development of chemical/biological detection capabilities. The conferees also agree to a $6.5 million reduction in PE 62383E.

To close gaps and funding shortfalls in medical defenses against biological agents, the conferees direct that $1.5 million in PE 63384BP and $858,000 in PE 64384BP be made available for vaccine development efforts, and that $1.5 million in PE 62383E be made available to study the use of therapeutic human antibodies as medical defenses against biological agents. Additionally, the conferees direct the Secretary of Defense to submit the report required by the Senate report on the National Defense Authorization Act for Fiscal Year 1997 (S. Rept. 104–267) on the utility and possible benefits of this technology, by March 31, 1998.

The conferees have reviewed the Department of Defense March 1997 annual report to Congress on the nuclear, biological, and chemical defense program. The conferees understand that the Department has responded to all recommendations in the General Accounting Office's report NSIAD–96–102 "Chemical and Biological Defense: Emphasis Remains Insufficient to Resolve Continuing Problems." In addressing the recommendations of the GAO, the conferees believe that the Department is now better prepared to address the shortcomings that still exist in the U.S. armed forces' chemical-biological defense posture.

However, funding constraints in the Department's budget request could delay modernization and affect the training and readiness of the force. The conferees understand that the Joint Senior Leaders Course and the Toxic Agent Leader Training Course have been dropped from the Army Chemical School's training course list because of funding constraints. The conferees also understand that the Department lacks a mechanism to provide adequate information on the current status of chemical-biological defense training, equipment, and readiness. The conferees strongly recommend the incorporation of an assessment of chemical-biological defense training and readiness into the unit readiness reporting system and direct the Department of Defense to report to the congressional defense committees on steps that will be taken, in lieu of reinstating the training courses, to ensure that chemical-biological defense specialists maintain their expertise, and how units and senior leaders in the armed forces will maintain their proficiency in chemical-biological matters.

The Secretary of Defense recommended in the Quadrennial Defense Review that the Department increase funding by approximately $1.0 billion over the program plan on counterproliferation, particularly for protective measures against chemical weapons. In response to that recommendation, the conferees expect that increased funding provided in fiscal year 1998 for chemical and biological defenses will be utilized in accordance with requirements identified as shortfalls by the Joint Staff and the Counterproliferation Program Review Committee (CPRC). Additionally, the conferees expect the fiscal year 1999 budget request, and subsequent budget requests, to reflect the recommendations contained in the QDR for increased funding levels for the chemical-biological defense program.

Despite congressional direction contained in the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) that management and oversight of the chemical and biological warfare defense program and the chemical and biological medical defense be conducted by a single executive agent and program manager, the conferees understand from the Counterproliferation Program Review Committee's May 1997 "Report on Activities and Program for Countering Proliferation and NBC Terrorism" that "* * * beginning in FY98, [the Defense Advanced Research Projects Agency (DARPA) biological warfare defense program] will no longer be incorporated into the CBD [chemical-biological defense] Program management and oversight structure." The conferees direct the Secretary of Defense to ensure that the DARPA biological warfare defense program is coordinated and integrated under the program management and oversight of the Department's chemical-biological defense program.

The conferees understand that the Department's policies on anthrax vaccination of U.S. armed forces and support for other than U.S. armed forces are awaiting final approval, and that these decisions will affect total funding, vaccine production, and storage requirements. The conferees also note the impending award of a prime systems contract to develop new biological defense vaccines, pursue vaccine licensing, and produce stockpile vaccines to meet the Department's requirements.

The conferees understand that the Department of Defense is currently dependent upon a single source of supply for permeable chemical protective garment materials used in the joint service chemical protective suit and related chemical protective garments, and believe that the Department of Defense should consider taking those actions necessary to qualify additional sources of supply for these materials. The conferees direct the Secretary of the Army, as executive agent for the chemical-biological defense program, to report to the congressional defense committees on any plans to qualify additional sources for these materials.

The conferees direct the Secretary of Defense to address the above issues as specific areas of interest in the next annual report to Congress on the NBC defense program.

Tactical technology

The budget request included $157.3 million in PE 62702E for tactical technology programs.

The House bill would authorize a decrease of $43.9 million in PE 62702E.

The Senate amendment would authorize an increase of $3.0 million to provide for lethality demonstration and the definition of a tactical configuration of the small low-cost interceptor device (SLID).

The conferees agree to authorize a decrease of $16.0 million in PE 62702E: a general decrease of $10.0 million; a decrease of $3.0 million for the compact laser program; and a decrease of $3.0 million for chemically specific detection. The conferees also agree to authorize $3.0 million of funds available in PE 62702E for facial recognition technology.

The conferees urge the Defense Advanced Research Projects Agency to fund the SLID program in a manner to provide for the greatest likelihood of a rapid, successful transition to the Army.

Integrated command and control

The budget request included $37.0 million in PE 62708E for integrated command and control technology.

The House bill would authorize an increase of $23.0 million for flat panel display initiative/high definition systems.

The Senate amendment would authorize an increase of $18.0 million for flat panel display technology.

The conferees agree to authorize an increase of $12.0 million in PE 62708E for flat panel display technology. The conferees recommend that the program place increased emphasis on the demonstration of flat panel displays for various applications by the military services in order to facilitate the transition of the program to the services for military applications.

Materials and electronics technology

The budget request included $192.1 million in PE 62712E for materials and electronics technology.

The House bill would authorize an increase of $7.5 million in PE 62712E for 3–D microelectronics.

The Senate amendment would authorize an increase of $15.5 million in PE 62712E: $1.0 million for hard carbon coatings; $7.5 million for seamless high off-chip connectivity (SHOCC); and $7.0 million for mixed mode electronics multitechnology insertion (MIME).

The conferees agree to authorize the following increases in PE 62712E: $5.0 million for 3–D microelectronics; $1.0 million for hard carbon coatings; $6.0 million for SHOCC; $7.0 for MIME; $6.0 million to continue the program for applied research in extreme ultraviolet lithography and fabrication of nanoelectronic structures as recommended in the House report (H. Rept. 105–132); $4.0 million to accelerate the development of life support trauma and transport (LSTAT) and the joint service program for the test of the LSTAT that is being led by the Army as recommended in the House report (H. Rept. 105–132), and $3.0 million for the development of technologies for cryogenic electronics and high temperature superconductivity as recommended by the House report (H. Rept. 105–132).

With regard to the LSTAT program, the conferees agree with the requirement in the House report (H. Rept. 105–132), which directs the Secretary of the Army to submit a report on the plan for completing the joint service test program and plans for fielding the LSTAT and other advanced battlefield life support and evacuation systems to the congressional defense committees with the submission of the defense budget request for fiscal year 1999.

Explosives demilitarization technology

The budget request included $12.2 million for the explosives demilitarization program (PE 63104D).

The House bill would authorize an increase of $3.0 million to maintain the level of funding necessary to permit the acceleration of promising technologies and the evaluation of additional alternative technologies in the explosives demilitarization program (PE 63104D) established in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106).

The Senate amendment included a provision (sec. 235) that would direct the Secretary of Defense to conduct an explosive munitions demilitarization demonstration program, and using competitive procedures, conduct a demonstration using an existing, commercially available blast chamber technology as an alternative to open burning, open pit detonation of munitions; require the Secretary of Defense to submit to Congress, along with the fiscal year 2000 budget, a report on the results of the demonstration program and assessment of the relative benefits of the blast chamber technology with regard to levels of emissions and noise, and a cost benefit analysis of this technology. The provision would increase the budget request for the explosives demilitarization technology program by $6.0 million for the demonstration program and reduce by $6.0 million the budget request for the Army account for special equipment for user testing.

The Senate recedes.

The conferees agree to authorize an increase of $4.0 million for the munitions standardization, effectiveness and safety program (PE 65805A) which shall be used for the explosives demilitarization technology program (PE 63104D) to maintain the level of funding necessary to permit the acceleration of promising technologies and to evaluate alternative technologies. The conferees understand that commercial technology that utilizes blast chamber technology is available as a potential alternative technology to demilitarize old conventional ammunition. The successful demonstration of this technology could reduce the Army's reliance on open burning and open detonation.

The conferees direct that, from the authorized funds available to the program in fiscal year 1998, the Secretary of Defense shall conduct a demonstration program utilizing commercially available blast chamber technology and provide a report to the congressional defense committees no later than March 1, 1999 on the results of the demonstration program. The program shall be conducted using competitive procedures. The report shall include an assessment of the relative benefits of utilizing a blast chamber technology and the open burning, open pit detonation process with regard to the levels of emissions and noise that results from the use of these processes and a cost benefit analysis of this technology.

Counterterror technical support program

The budget request included $34.8 million for the counterterror technical support program.

The House bill would authorize $41.8 million, a $7.0 million increase for safety devices and facial recognition technology.

The Senate amendment would authorize a $20.0 million increase for research and development activities on structural response and mitigation, counterterrorist explosive research, demonstration of non-intrusive inspection technologies and facial recognition technology.

The conferees agree to authorize an increase of $3.0 million for the counterterror technical support program for efforts to develop innovative technologies to protect U.S. forces and infrastructure against acts of terrorism. The conferees note that $3.0 million is available for the facial recognition technology program within the defense tactical technology program (PE 62702E).

Collaborative efforts with allies who have demonstrated capabilities to counter terrorist acts, such as Israel and the United Kingdom, should remain a high priority for the United States. The tragic deaths of U.S. forces in Saudi Arabia as a result of terrorist attacks on structures where U.S. armed forces lived and worked highlight the urgent need for the Department of Defense (DOD) to examine options to retrofit existing structures and to develop design guidelines for new and existing structures. The conferees support recent collaborative efforts between the United States, Israel, and the United Kingdom, to strengthen existing structures against terrorist and ballistic missile attacks.

The budget request included $13.0 million in the physical security equipment program (PE 63228D) to test and evaluate commercial equipment for force protection. The conferees believe that fiscal year 1998 funds in this program should be used to evaluate commercially available technology that may provide the DOD with options to retrofit existing structures, which would provide increased protection to U.S. forces against terrorist attacks.

While Congress has supported the funding for a Pulsed Fast Neutron Analysis (PFNA) technology program in prior years, the conferees are concerned about the Department's continued failure to request funds for this activity. Based on issues raised by a recent General Accounting Office report on the PFNA system technology, the conferees agree with the recommendations in the House report (H. Rept. 105-32) that direct the Secretary of Defense and the Secretary of Treasury to conduct an assessment of the operational requirements for a PFNA cargo inspection system, and report to the Congress on the results of that assessment and the other issues raised by the House by December 31, 1997. Should there be a joint recommendation to continue the program, the conferees direct the Department to notify the congressional defense committees of its intention to use fiscal year 1998 funds in this program for that purpose.

Domestic emergency response to threats of terrorist use of weapons of mass destruction

The budget request included $170.2 million for key Department of Defense programs to counter paramilitary and terrorist threats involving weapons of mass destruction. This total included $49.5 million to improve emergency response preparedness and coordination with state and local agencies through First Responder training, interagency exercises and technical assistance.

The House bill would authorize increases of $2.0 million in the counterterror technical support program (PE 63122D), $5.0 million in the chemical/biological defense program (PE 63884BP), and a total of $12.0 million in the counterproliferation support program (PE 65160D) for improvements in emergency response force equipment and training for response to potential terrorist use of weapons of mass destruction.

The Senate amendment would authorize the budget request. The amendment would also make available, from the verification and control technology activity of the Department of Energy budget for other defense activities, $3.0 million for training and related activities to prepare Federal, State, and local First Responders to work effectively as part of the domestic emergency response program.

The House recedes.

The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) directed the President to take immediate action to enhance the capability of the Federal government to prevent and respond to terrorist incidents involving weapons of mass destruction, and to provide enhanced support to improve the capabilities of state and local emergency response agencies to prevent and respond to such incidents at both the national and local levels. The President's assessment and those actions taken at the interagency level and within the Department of Defense are detailed in the President's January 1997 report to the Congress and in the Department of Defense May 1997 report to Congress, "Domestic Preparedness Program in the Defense against Weapons of Mass Destruction."

The conferees note the actions taken to date to enhance emergency domestic preparedness and response to terrorist nuclear, biological, or chemical attacks under the Department's counterproliferation support program and the chemical-biological defense program. The conferees support the Department's budget request to continue these efforts in domestic emergency response preparedness through First Responder training and assistance to metropolitan area authorities, improvement of the Department's rapid chemical and biological response capabilities, and the conduct of preparedness exercises in coordination with Federal, state, and local agencies.

Public Law 104-201 requires the Secretary of Defense to establish and maintain at least one chemical-biological domestic terrorism rapid response team. The conferees direct the Secretary of the Army, as executive agent for the domestic emergency response program, to ensure that the plans, programs, and budget of the Chemical-Biological Quick Reaction Force (CBQRF) and its components are reviewed to ensure full coordination and integration of participating DOD assets. The conferees also direct the Assistant to the Secretary of Defense (Nuclear, Chemical, and Biological Defense Program) to ensure that all research, development, and acquisition efforts in support of the CBQRF and its components are fully integrated and coordinated within the Department's chemical and biological defense program.

The conferees note that an interagency training strategy is being developed that would initially focus training under the domestic emergency response preparedness program on professional emergency response organizations in the 27 cities and metropolitan areas identified by the Federal Bureau of Investigation as being at particularly high risk, and would complete First Responder training for 126 major metropolitan areas and cities within three years. The training program and priorities must be coordinated with State emergency management directors. The conferees agree with the overall need to establish training priorities, but recommend that emphasis also needs to be placed on training the local volunteer emergency First Response organizations that make up the majority of the nation's emergency response forces. The conferees also believe that in addition to the "train the trainer" approach being used in the existing program, an exportable training package should be developed that is oriented toward the training of volunteer emergency First Responders.

The conferees endorse the use of training exercises to test and improve consequence management response capabilities, but believe that the exercise site requirements should be based on the training and exercise needs of the agencies to be exercised, site capabilities, frequency of use, and proximity to participating agencies. The conferees encourage the development of an overall coordinated training exercise strategy similar to that developed for training by the Senior Interagency Group.

Responding to domestic emergencies has been identified in the report of the Quadrennial Defense Review (QDR) as an appropriate mission for the National Guard. Consistent with the President's January 1997 report to the Congress and the May 1997 Department of Defense report on "Domestic Preparedness Program in the Defense against Weapons of Mass Destruction," the conferees direct the Secretary of Defense to report to the congressional defense committees on the status of any plans for assigning the National Guard a role in countering chemical and biological terrorism in the United States. The report should define any such missions of the National Guard and how that role complements other Federal, State, and local authorities with similar responsibilities; the cost for developing the capability for National Guard personnel to train State and local First Responders; the cost for chemical and biological technology and equipment; and the need to develop appropriate response plans, while avoiding unnecessary duplication.

The conferees direct the Secretary of Defense, in coordination with the Director of the Federal Emergency Management Agency and the Director of the Federal Bureau of Investigation, to provide an annual assessment of progress in the domestic emergency response preparedness program. The report should be submitted to the congressional defense committees beginning with the fiscal year 1999 budget request and extending through fiscal year 2001.

Counterproliferation support program

The budget request included $65.3 million for the counterproliferation support program (PE 63160D).

The House bill would authorize an increase of $3.0 million to continue the counterproliferation mission analysis and planning system (CAPS).

The Senate amendment would authorize an increase of $20.0 million to the budget request for the following activities: $3.0 million for the high frequency active auroral research program (HAARP), $1.0 million for development of a portable trace element detection system; $6.0 million to continue the SAFEGUARD proof-of-concept multi-spectral sensor program; and $10.0 million to continue the CAPS program. In addition, the amendment would recommend a $7.0 million increase to the budget request for U.S. Special Operations Command (USSOCOM) operations and maintenance for equipment to detect, and destroy underground facilities, and for training activities to destroy, render safe, transport or recover weapons of mass destruction from deep underground structures.

The conferees agree to authorize an increase of $10.0 million to the budget request for the counterproliferation support program (PE 63160D) to continue CAPS ($7.0 million) and HAARP ($3.0 million). The conferees also agree to a $7.0 million increase to the budget request for USSOCOM operations and maintenance for WMD equipment and training.

The conferees agree to a separate provision, described elsewhere in this report, that would allow the Secretary of Defense to reprogram up to $50.0 million from amounts authorized for fiscal year 1998 for unfunded shortfalls in key counterproliferation capabilities or other areas where more counterproliferation progress can be achieved with additional funding.

In addition to the reprogramming notifications required by law, the conferees direct the Secretary of Defense to notify the congressional defense committees 30 days in advance of its intent to obligate or expend fiscal year 1998 funds not authorized by this Act for counterproliferation activities. The notification shall include the purpose for which the funds are to be utilized, and a certification that the activity addresses a shortfall in existing and programmed capabilities to counter the proliferation of weapons of mass destruction (WMD) or their means of delivery, as identified by the Commanders in Chief (CINCs) and the Counterproliferation Program Review Committee (CPRC).

Ballistic Missile Defense Organization funding

The budget request included approximately $2.6 billion for the Ballistic Missile Defense Organization (BMDO) for research, development, test, and evaluation (RDT&E). The budget request also included $386.4 million in procurement funds formerly managed by BMDO that were transferred to the military services. As addressed elsewhere in this report, the conferees have agreed to include a legislative provision requiring that these procurement funds be transferred back to BMDO. In addition, the conferees have agreed to specifically authorize these procurement funds in their original BMDO program elements. Consistent with these changes, the following direction addresses these fiscal year 1998 procurement funds as part of the budget request for BMDO. Funding direction regarding BMDO military construction is located elsewhere in this report. Specific programmatic and funding guidance is provided below.

BMDO FUNDING ALLOCATION

[In millions of dollars]

Program element	Budget request	SASC change	HNSC change	Conf. change	Total authorized
RDT&E:					
Support Technology	249.5	+188.4	+35.0	+171.0	420.5
THAAD [1]	556.1	−202.7	+45.0	−150.0	406.1
Navy Lower Tier	267.8		+22.0	+22.0	289.8

BMDO FUNDING ALLOCATION—Continued

[In millions of dollars]

Program element	Budget request	SASC change	HNSC change	Conf. change	Total authorized
Navy Upper Tier	194.9	+80.0	+150.0	+150.0	344.9
MEADS	48.0				48.0
BPI	12.9	+5.0	[2] −12.9	+3.5	16.4
NMD	504.1	+474.0	+474.0	+474.0	978.1
Joint TMD	542.6	+34.0	[2] −18.7	+39.0	581.6
PAC-3 EMD	206.1				206.1
Cooperative BMD			+123.1		
Procurement:					
TMD-BM/C3	20.1				20.1
Navy Lower Tier	15.4				15.4
PAC-3	349.1				349.1
BMDO Total	2,966.6	+578.7	+817.5	+709.5	3,676.1

[1] Following submission of the budget request, the Department of Defense submitted a revised fiscal year 1998 budget request for THAAD of $353.4 million for Dem/Val and no funds for EMD.

[2] Transfer to Cooperative BMD.

LOW COST LAUNCH TECHNOLOGY

The budget request included no funds to support low cost launch technologies, such as pressure fed engine technology.

The House bill would authorize an increase of $15.0 million in PE 63302F for development of the Scorpius low cost launch concept.

The Senate amendment would authorize an increase of $10.0 million in PE 63173C for low cost launch technology development, including the Scorpius concept.

The conferees agree to authorize an increase of $5.0 million in PE 63173C and an increase of $5.0 million in PE 63401F for low cost launch technology, including the Scorpius and Excalibur concepts.

THEATER HIGH ALTITUDE AREA DEFENSE SYSTEM

The budget request included $556.1 million for the Theater High Altitude Area Defense (THAAD) program, of which $294.6 million was included in PE 63861C and $261.5 million was included in PE 64861C. The Department of Defense, after an analysis of the THAAD program by the Quadrennial Defense Review, submitted an amended budget request of $353.4 million in PE 63861C and no funding in PE 64861C.

The House bill would authorize the original budget request in PE 63861C and $306.5 million in PE 64861C.

The Senate amendment would authorize $353.4 million in PE 63861C and no funds for THAAD in PE 64861C.

The conferees agree to authorize $406.1 million in PE 63861C for THAAD and no funds in PE 64861C.

The conferees express their continued strong support for THAAD and believe that fielding THAAD as expeditiously as possible is a matter of highest priority.

The conferees understand that the funding added for THAAD demonstration and validation will be used for extensive risk reduction activities to put the program on sounder technical and programmatic footing when it enters engineering and manufacturing development (EMD) in fiscal year 1999.

The conferees also support DOD efforts to contain program cost growth that could result from schedule delays and technical complications. The conferees expect the Secretary of Defense to review the full range of cost control options applicable to the EMD phase of the program, including, but not limited to, options involving competition and leader-follower. The conferees direct the Secretary of Defense to submit a report on the results of this review to the congressional defense committees by March 15, 1998.

The conferees continue to note their concern over long delays in the THAAD program. In the wake of the Gulf War, Congress directed the deployment of effective theater missile defenses at the earliest possible date. The THAAD program was initiated in calendar year 1992 and deployment originally planned for the mid-1990s. Yet BMDO now supports a 14-year development program, with a first unit equipped (FUE) in calendar year 2006, arguing that a 12-year development program entails excessive programmatic and schedule risks.

The conferees understand that the most recent THAAD schedule supported by BMDO includes a number of opportunities to accelerate the program, depending on the technical progress. The conferees continue to believe that rapid deployment is critical to meet well understood warfighter requirements, and that every reasonable effort should be made to achieve an FUE in calendar year 2004. The conferees direct the Secretary of Defense to take all appropriate budgetary and programmatic steps for fiscal year 1998 to ensure that the program can be accelerated if opportunities arise to do so.

The conferees are also concerned that a delay in the program will adversely affect THAAD EMD and procurement funding in the FYDP. The conferees direct the Secretary of Defense to submit a FYDP that fully funds a THAAD program oriented toward the earliest possible deployment, consistent with moderate program risk.

NAVY UPPER TIER (THEATER WIDE)

The budget request included $194.9 million in PE 63868C for the Navy Upper Tier theater missile defense system.

The House bill would authorize an increase of $150.0 million for the Navy Upper Tier program.

The Senate amendment would authorize an increase of $80.0 million for the Navy Upper Tier program.

The Senate recedes.

The conferees are concerned that the Department of Defense still has not thoroughly assessed the feasibility of accelerating the currently planned Navy Upper Tier deployment date of fiscal year 2008. Noting numerous administration statements attaching high priority to TMD programs, the conferees direct the Secretary of Defense to report to the congressional defense committees no later than February 15, 1998, on the cost and technical feasibility of options for a more robust Navy Upper Tier flight test program, the earliest technically feasible deployment date, and costs associated with such a deployment date.

NATIONAL MISSILE DEFENSE

The budget request included $504.1 million in PE 63871C for the National Missile Defense (NMD) program. Following the budget submission, and pursuant to the Quadrennial Defense Review, the Secretary of Defense requested that the NMD budget request be increased by $474.0 million for fiscal year 1998.

The House bill and Senate amendment would authorize an increase of $474.0 million for the NMD program.

The conferees agree to authorize an increase of $474.0 million for the NMD program.

The conferees have expressed concern for some time that the NMD program has been underfunded. The Department of Defense has acknowledged this funding shortfall and recommended an increase of $474.0 million in fiscal year 1998, and approximately $2.3 billion over the years of the Future Years Defense Program (FYDP). The conferees note that this does not include any funding for the actual deployment of an NMD system.

Although the conferees are pleased that the Secretary of Defense has sought to rectify NMD funding shortfalls, they are disappointed that it has taken so long. Even with significant congressional increases over the last two years, the NMD program remains high risk, largely due to the administration's failure to adequately fund robust testing activities. Unfortunately, the addition of $474.0 million in fiscal year 1998 will do little in the near-term to compensate for this problem. The conferees are concerned by the lack of detail accompanying the Secretary of Defense's request to increase the NMD program budget by $2.3 billion over the FYDP. In addition, the conferees are not satisfied with the degree of information provided to date on how past NMD funding increases have been spent. Therefore, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees by February 15, 1998, providing a detailed accounting of how NMD funds have been spent since the beginning of fiscal year 1996 and a detailed plan for the allocation of NMD funding in the FYDP. In addition, the Secretary shall provide a detailed description of the cost estimating and cost control mechanisms in place within DOD for the NMD program, and an assessment of whether they are adequate.

The conferees believe that BMDO should continue to understand issues associated with sea-based NMD options. The conferees are aware of analysis that shows that a version of the Navy Upper Tier TMD system could be employed in an NMD role. Therefore, the conferees direct the Director of BMDO to submit a report to the congressional defense committees by February 15, 1998, describing whether and how the Navy Upper Tier program could be upgraded in the future to provide a limited NMD capability. The report should address the technical issues associated with a sea-based NMD option as well as costs associated with such a concept. The report should also address whether and, if so, how a sea-based NMD system could be integrated into and supplement a ground-based NMD system, whether and, if so, how a sea-based system would provide needed additional capabilities in support of the requirements for the existing NMD program, and whether such a system would comply with the ABM Treaty.

COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM

The budget request included $38.7 million for the Arrow Continuation Experiments/Arrow Deployability (ACES/ADP) program (PE 63872C), $12.9 million for the Unmanned Aerial Vehicle Boost Phase Intercept (UAV BPI) program (PE 63870C), and $16.5 million for the Tactical High Energy Laser (THEL) program (PE 63308A), all of which are U.S.-Israeli cooperative missile defense programs. The budget request included no funding for the Russian American Observation Satellite (RAMOS) program and the Active Plasma Experiment (APEX) program, both of which are cooperative Russian-American programs.

The House bill would authorize $123.1 million in a new BMDO program element (63XXXC) for cooperative international BMD programs, including $48.7 million for the Arrow program, an increase of $10.0 million; the budget request for the UAV BPI program; $38.2 million for THEL, of which $15.0 million was a funding increase and another $6.7 million was to be funded by BMDO administrative accounts; and $30.0 million for RAMOS and APEX.

The Senate amendment would authorize $53.7 million for Arrow in PE 63872C, an increase of $15.0 million; $17.9 million for UAV BPI in PE 63870C, an increase of $5.0 million; $51.5 million for THEL in PE 63308A, an increase of $35.0 million; and no funding for RAMOS or APEX.

The conferees agree to authorize $50.7 million for Arrow in PE 63872C, an increase of $10.0 million; $16.4 million for UAV BPI in PE 63870C, an increase of $3.5 million; $51.0 million for THEL in PE 63308A, an increase of $34.5 million; $13.0 million for RAMOS in PE 63173C; and $8.0 million for APEX in PE 63173C.

The House recedes on its initiative to create a new cooperative BMD PE for fiscal year 1998. A legislative provision to create a new cooperative BMD program element for fiscal year 1999 is described elsewhere in this report. The conferees expect that these programs and other appropriate programs will be managed through this new cooperative BMD program element.

SPACE-BASED LASER

The budget request included $28.9 million in PE 63173C for the Space Based Laser (SBL) program.

The House bill would authorize the budget request for the SBL program.

The Senate amendment would authorize an increase of $118.0 million for the SBL program.

The conferees agree to authorize an increase of $98.0 million for the SBL program, for a total of $126.9 million in fiscal year 1998.

The conferees strongly endorse the recommendation of BMDO's SBL Independent Review Team (IRT) to proceed on a low risk path leading to the launch of an ABM Treaty compliant Readiness Demonstrator (RD) in fiscal year 2005. In a letter of August 15, 1997 to the Senate Majority Leader, the Secretary of Defense confirmed that SBL technology "has reached a level of maturity enabling us to focus on integration issues that could lead to a future space demonstration of a sub-scale vehicle." The conferees believe that such an SBL-RD can be developed and launched without violating the ABM Treaty. Proceeding with an SBL-RD will not commit the United States to development or deployment of an operational SBL system, but will preserve this option for future consideration.

The conferees support the management structure that has been established for the SBL program, with the Air Force acting as the executive agent for BMDO, but believe that the Air Force must program a share of the funding needed to develop and launch the SBL-RD. The conferees understand that the Air Force leadership is committed to such a cost-sharing arrangement and look forward to this commitment being reflected in the fiscal year 1999 budget request and in future Air Force Program Objective Memorandum (POM) submissions. The conferees also understand that the Secretary of Defense is considering options for increasing funding for the SBL program in the BMDO budget. The conferees recognize that full funding of the SBL-RD program will allow a much more efficient and lower risk program. Therefore, the conferees strongly urge the Secretary of Defense to explore all possible means of including the full SBL-IRT recommended funding profile for a fiscal year 2005 launch in the combined BMDO and Air Force Future Years Defense Program (FYDP), starting with the fiscal year 1999 budget request.

The conferees direct that all funds authorized to be appropriated for the SBL program in fiscal year 1998 be managed with the principal objective of developing an SBL-RD capable of being launched in fiscal year 2005. The conferees further direct that all funds authorized to be appropriated in fiscal year 1998 for the SBL program be directly executed by the Commander of the Air Force Space and Missile Systems Center (SMC).

The conferees recognize that the Commander of SMC may recommend that some limited amount of critical and potentially high payoff SBL technology research and development be continued even if it does not directly support the SBL-RD. However, due to the overarching priority of launching the SBL-RD in fiscal year 2005, the conferees direct that obligation of SBL funds for such activities be limited, and only occur following consultation with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

The conferees direct the Commander of SMC to establish promptly an SBL-RD baseline, to include a set of technical objectives and requirements, a contracting strategy, a system design, a program schedule, and a funding profile that would support a launch in fiscal year 2005. The conferees understand that the SBL-IRT focused primarily on a single SBL-RD design. However, the conferees support the steps taken by the Commander of SMC to rapidly assess technical and contractual options that may allow a treaty compliant SBL-RD to be developed and launched more rapidly and affordably. To ensure that the focus of the program remains on a fiscal year 2005 launch, the conferees expect to be consulted prior to the adoption of any excursions from the SBL-IRT recommended baseline.

The conferees note that the SBL-IRT concluded that a new integrated test facility is an essential and relatively long-lead element of the SBL-RD effort. Therefore, the conferees direct the Commander of SMC to proceed expeditiously in fiscal year 1998 with the selection of a site for such a facility. The Commander of SMC shall include the requirements, costs, and schedule for this facility in the SBL-RD baseline, as well as an assessment of the cost effectiveness of continuing to operate other SBL test facilities such as the one at Capistrano, California.

The conferees direct the Secretary of Defense to submit a report on the status of the SBL-RD baseline, and related issues, to the congressional defense committees by March 1, 1998.

Strategic environmental research and development program

The budget request included $54.9 million in PE 63716D for the Strategic Environmental Research and Development Program (SERDP).

The House bill would authorize an increase of $3.0 million in PE 63716D to pursue projects that focus on the elimination of toxic materials and solvents from explosives and other energetic materials.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million in PE 63716D for the purpose of developing environmentally benign energetic materials.

Advanced electronics technologies

The budget request included $277.0 million in PE 63739E for advanced technology development of a variety of electronics technologies.

The House bill would authorize an increase of $6.0 million for research in extreme ultraviolet (EUV) lithography and fabrication of nanoelectronic structures and an increase of $15.0 million for the transition of the x-ray lithography program from the Defense Advanced Research Projects Agency (DARPA) to the Navy.

The Senate amendment would authorize an increase of $23.0 million to continue the proximity x-ray lithography program and an increase of $2.0 million to complete the point-source x-ray lithography program in fiscal year 1998. The Senate amendment would also decrease by $3.0 million the amount of funding authorized in project MT-06.

The conferees agree to authorize an increase of $18.0 million for the proximity x-ray lithography program and an increase of $2.0 million to complete the point-source x-ray program in fiscal year 1998. The conferees also agree to decrease by $4.0 million the amount authorized for project MT-06.

The conferees agree to authorize an increase of $6.0 million in PE 62712E for EUV lithography as discussed elsewhere in the Statement of Managers for the National Defense Authorization Act for Fiscal Year 1998.

The conferees endorse the views expressed in the House report (H. Rept. 105-132) regarding the need to ensure a smooth transition of the proximity x-ray lithography program from DARPA to the Navy and the private sector. The conferees direct, therefore, that Naval Air Systems Command be appointed executive agent for the program and that all funds expended for research and development of proximity x-ray, and related technologies, be coordinated through and meet the program priorities of the Naval Air Systems Command and the Naval Research Laboratory. The conferees urge the Navy to coordinate research in cross-cutting technologies between the proximity x-ray program, and related technologies, and the DARPA subtenth micron advanced lithography program. The conferees endorse the Senate report requirement (S. Rept. 105-29) that the Navy prepare and submit a plan to expeditiously complete the transition of the program to industry with fieldable technology. The plan must be submitted to the congressional defense committees no later than 180 days after the date of enactment of this Act.

Electronic commerce resource centers

The budget request included $14.9 million in PE 63753S for electronic commerce resource centers (ECRC).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $3.0 million in PE 63753S for the establishment of a new ECRC.

The conferees agree to authorize an increase of $6.0 million in PE 63753S: $3.0 million for the establishment of a new center, as discussed in the Senate report (S. Rept. 105–29); and $3.0 million for the establishment of an additional center. The conferees direct that all applicable competitive and merit-based procedures be used in the award of contracts, grants, or other agreements under this program, and that cost-sharing requirements for non-federal participants be utilized where appropriate.

Land warfare technologies

The budget request included $82.58 million in PE 63764E for land warfare technologies advanced technology development.

The House bill would authorize an increase of $6.6 million in PE 63764E for the active structural control program and $14.0 million for the DP–2 vectored thrust program. The House bill would also authorize a $9.0 million reduction in PE 63764E.

The Senate amendment would authorize an increase of $4.4 million for the active structural control program.

The conferees agree to authorize an increase of $5.4 million for the active structural control program. The conferees also agree to a decrease of $5.0 million in PE 63764E for the small unit operations program.

The conferees are aware of recent progress in the activities related to the DP–2 vectored thrust program. The Office of Naval Research has recently sponsored the vectored thrust program and prior year funds were transferred from the Defense Advanced Research Projects Agency for this purpose. The conferees encourage the Navy to reprogram additional funds to support this program should initial testing prove successful.

Defense Reconnaissance Support Activities

The budget request included $49.4 million in PE 35159I for Defense Reconnaissance Support Activities.

The House bill would direct the Department of Defense to discontinue, not later than October 1, 1999, the Defense Space Reconnaissance Program (DSRP) and close the Defense Space Program Office (DSPO).

The Senate amendment contained no such direction and would authorize the budget request.

The House recedes.

The conferees agree that there appears to be an overly bureaucratic management of space reconnaissance support to military operations. The DSPO was established in 1981 to provide management support and oversight of programs which improve satellite reconnaissance support to the operational military commander. DSPO was established as an overt liaison between the then unacknowledged National Reconnaissance Office (NRO) and the military services. After public acknowledgment of the NRO, the Director of the NRO: (1) established direct support to military operations as a core function of the Office; and (2) created the NRO position of Deputy Director, Military Support to manage this function and the DSPO organization.

The conferees believe the Department needs to review the need for continuing the DSPO in light of the NRO's public acknowledgment and its stated military support mission. Further, the conferees believe that the position of Deputy Under Secretary of Defense for Space provides the additional civilian oversight necessary to ensure the effective application of space support to the military services.

Therefore, the conferees believe the Secretary of Defense should determine whether there is a need to retain the DSPO management organization and the DSRP program it manages. The conferees note that such a determination could benefit from the advice of the Task Force on Defense Reform. The conferees direct the Secretary to report to the congressional defense and intelligence committees on the results of his determination by March 1, 1998.

Special operations tactical systems development

The budget request included $73.1 million to support special operations tactical systems development (PE 116404BB).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.7 million to support special operations tactical systems.

The conferees agree to authorize the transfer of $36.4 million from special operations shipbuilding procurement to the advanced SEAL delivery system (ASDS) to address funding shortfalls. The conferees are concerned about the significant problems associated with development and management over the life of the ASDS program. The conferees have been notified of the program shortfalls and corrective actions implemented by the Navy to bring this program back on track. The conferees agree to support the Navy request to use available procurement funds to support proposed corrective actions and expect the Navy to improve its oversight of this important program. The conferees are aware that a realignment of funds will be made in the fiscal year 1999 budget request to complete ASDS–1. The conferees direct that, prior to February 15, 1998, the Secretary of the Navy report to the congressional defense committees on the total projected costs of the ASDS, the estimated date of construction completion, and adjusted plans for sea trials and initial operating capability. In addition, the report shall include the Future Years Defense Program funding for the ASDS program.

The conferees agree to authorize a total of $109.5 million in PE 116404BB.

Special operations intelligence systems development

The budget request included $4.9 million to support special operations intelligence systems development.

The House bill would authorize an increase of $3.0 million to support the mission familiarization virtual reality project and an additional increase of $5.0 million for the special operations forces intelligence vehicle.

The Senate amendment would authorize an increase of $4.0 million to develop the joint threat warning system.

The conferees agree to authorize an increase of $6.0 million for special operations system development. Of this amount, $3.0 million is for the special operations forces intelligence vehicle and $3.0 million is for the joint threat warning system.

ITEMS OF SPECIAL INTEREST

Army research institute

The conferees note the continuing needs of the Army for analyses related to personnel recruitment and training as well as issues related to gender and racial integration. The conferees note the studies in these areas carried out by the Army Research Institute and urge the Army to consider its requirements for further research before taking action to reduce further the activities of the Institute.

Aviation advanced technology

The budget request included $31.3 million for aviation advanced technology in PE 63003A. The conferees encourage the Army, with the funds available, to consider exploring the potential operational value and key technical issues related to an integrated manned and unmanned aerial vehicle scout team.

BOL expendable dispenser system

The conferees are aware of the important survivability enhancement that the BOL expendable dispenser system provides our operational F–14 aircraft, and the potential capability that the system may provide for other aircraft.

The Congress provided approximately $18.0 million in fiscal year 1997 for final testing and qualification of the BOL on the F/A–18C/D aircraft. The conferees understand that progress in testing and qualification has been slow, despite the Navy's expressed desire to accelerate the program for the F/A–18C/D. The conferees direct the Secretary of the Navy to report to Congress with the submission of the fiscal year 1999 budget on the results of the Navy's assessment and intentions regarding qualification and potential fielding the BOL system on the F/A–18C/D aircraft.

Department of Defense science and technology program

Today, U.S. military forces have the capabilities to deploy anywhere in the world, sustain forward presence indefinitely, and win decisively on any battlefield. Those capabilities are a direct result of investments in research and technology sustained over the last 50 years. Such investments have played a crucial role in the development of advanced technologies and in the education and training of scientific personnel required to support the technological advances necessary for maintaining military superiority.

The conferees note with concern the continuing reduction in the funding in real terms for science and technology programs in the Department of Defense, especially in the programs of the services. Because military forces will be smaller in the future, effective application of technology will be even more critical for battlefield superiority. Investments in defense science and technology programs should be strengthened in recognition of this reality. The conferees urge the Department to include a robust level of funding for science and technology programs in the request for fiscal year 1998.

High temperature superconductor power applications

The conferees understand that the Navy is pursuing large-scale applications of high temperature superconductors (HTS) for electric drive ship propulsion and other applications. The conferees also note that the Submarine Technology Assessment Panel, commissioned by the Assistant Secretary of the Navy (Research, Development and Acquisition), recommended in its final report that the Navy focus research and development efforts to ensure the maturity of the superconducting technology and the incorporation of electric drive into a submarine design as soon as feasible. In light of the initiation of the Navy development and production of the New Attack submarine, SC–21 and CV(X), and the progress realized by the commercial sector in the development and application of this technology and its potential benefits, the conferees encourage the Navy to consider this technology for widespread use in propulsion and auxiliary equipment. The conferees direct that Secretary of the Navy to submit a report to the congressional defense committees, no later than March 1, 1998, that describes the results of the tests conducted on the prototype HTS motor.

Improving collaboration between the Department of Defense and the Department of Energy laboratories

The conferees endorse the direction given on pages 425 and 426 of the Senate report (S. Rept. 105–29) regarding the establishment of a pilot program proposal for direct collaboration between the Department of Defense and the Department of Energy laboratories and sites. However, in order to provide for a more focused program, the conferees direct that the Under Secretary of Defense for Acquisition and Technology need only work in consultation with the Assistant Secretary of Energy for Defense Programs in preparing the pilot proposal.

Interferometric synthetic aperture radar

Forward deployed U.S. armed forces have a need for up-to-date and highly accurate maps that provide three-dimensional location of targets, including altitude, latitude, and longitude, and for reconstruction of terrain in a three-dimensional setting for planning combat missions. The conferees understand that an airborne interferometric synthetic aperture radar (IFSAR) has the potential to provide imagery of one foot resolution and digital terrain elevation data (DTED) at DTED level 4.

The conferees understand that the Army and the Defense Advanced Research Projects Agency recently demonstrated an airborne IFSAR during operations in support of U.S. ground forces in Bosnia. The test system is relatively small and for test purposes was flown on a business jet, which proved satisfactory in Bosnia. To operate in a major regional contingency, however, U.S. armed forces would require a larger, more capable system, flying at higher altitudes.

The conferees direct the Secretary of Defense and the Intelligence community to study the costs, feasibility, and potential capability gains of placing an IFSAR on a U–2 or high altitude endurance unmanned aerial vehicle, and to report the results of this analysis to the congressional defense committees with the submission of the fiscal year 1998 budget request.

Naval biodynamics laboratory data bank

For nearly thirty years, the NBDL focused on the intensive test, study, and analysis of the human body's response to the trauma of crashes, and developed a national data bank of collective human crash response information based on approximately 3,500 crash tests using live human subjects. In 1996, the NBDL ceased operations as a result of previous decisions to close the laboratory, but was not able to consolidate and safely store its research information in a consistent, useful data bank format. The conferees believe that the effort spent in amassing the unique human response data by the NBDL should not be lost. Accordingly, the conferees direct the Secretary of the Navy to develop a plan that establishes a national crash survival data bank that will safeguard the integrity of the data gathered by the NBDL and to submit a report on the plan and the funding required to establish the data bank with the fiscal year 1999 Department of Defense budget request.

Strategic systems industrial capabilities

The Department of Defense has consistently highlighted the need to maintain certain industrial base skills and technologies unique to strategic programs. The conferees support the efforts that the Department and the services have made to ensure that these technologies and skills are maintained for future uses. The conferees support Air Force efforts with respect to specialized materials, such as 2–2–3 carbon/carbon, that may be needed for future space and other applications. The conferees urge the Secretary to review the Future Years Defense Program to ensure that Strategic Systems specialized industrial base issues are adequately funded.

Telemedicine

The conferees have a continuing interest in telemedicine and in the promise that the application of telemedicine technology holds for improvements in the health care of service members on the battlefield, at sea, and in military and civilian health care facilities. The conferees are aware that the General Accounting Office (GAO) in its February 1997 report "Telemedicine: Federal Strategy is Needed to Guide Investments" concluded that telemedicine has the potential to revolutionize the way health care is delivered and that recent increased interest in telemedicine technology has resulted in widespread applications throughout the United States. However, the GAO also concluded that no overarching, government-wide strategy exists to ensure that the most is gained from federal telemedicine efforts. The conferees believe that because the Department of Defense (DOD) is one of the major federal investors in telemedicine and manages one of the nation's largest health care systems, it would be in a good position to help forge an overall telemedicine strategy. A first step in this direction would be the development of a department-wide telemedicine strategy.

The conferees strongly recommend that the Secretary of Defense develop and submit to the congressional defense committees by March 31, 1998, an overarching telemedicine research and development and operation strategy. The strategy should clearly define the scope of telemedicine in the Department, establish DOD-wide goals and objectives, and identify actions and appropriate milestones for achieving them; prioritize and target near- and long-term investments, especially for goals related to combat casualty care and operations other than war; and clarify the roles of DOD oversight organizations. The conferees also recommend that the Secretary coordinate with the Joint Working Group on Telemedicine in the development of national goals and objectives for telemedicine.

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Dual-use technology program (sec. 203)

The House bill contained a provision (sec. 203) that would direct the Department of Defense to fund the dual-use science and technology program in fiscal year 1998 as a percentage of the science and technology program of each of the services.

The Senate amendment contained a provision (sec. 216) that would establish a set of goals with increasing levels of funding for new starts in the applied research accounts of the military services to be devoted to dual-use projects in each of fiscal years 1998, 1999, and 2000. Under the provision, the dual-use projects entered into by the military services would have to require a minimum cost-share of 50 percent from non-federal participants in order to count toward meeting the specified goal. The provision would also assign oversight responsibility for implementation of dual-use technologies to an official who would report directly to the Under Secretary of Defense for Acquisition and Technology.

The House recedes with an amendment that would increase the goals set in the Senate provision and impose the percentages to the entire applied research accounts of the military services rather than new starts within those accounts for each of fiscal years 1998, 1999, 2000, and 2001. The provision would also place restrictions on the proportion of in-kind contribution in the non-federal cost-share for dual-use projects that would be applied toward meeting the goals. Finally the provision would specifically authorize $50.0 million for the Commercial Operations and Support Initiative (COSSI) and $75.0 million for the dual-use science and technology projects in fiscal year 1998. The conferees direct that the funds authorized for the COSSI program in fiscal year 1998 be used only to complete projects under existing agreements and that no new solicitation under the COSSI program be initiated until fiscal year 1999.

The conferees direct the Secretary of Defense to submit to the congressional defense committees, at the time of the budget request for each of the fiscal years for which a goal applies under the provision, a report on the plans for the program for the fiscal year of the request. The report should provide sufficient detail with respect to funding allocations, priorities, and technology development goals for both the science and technology program and the COSSI program to allow Congress to make an informed decision on the request.

Subtitle B—Program Requirements, Restrictions, and Limitations

Manufacturing technology program (sec. 211)

The House bill contained a provision (sec. 211) that would amend section 2525 of title 10, United States Code, through fiscal year 2000, to establish a funding requirement for the manufacturing technology (MANTECH) program of 0.25 percent of the amount available for demonstration and validation, engineering and manufacturing development, operational system development, and procurement programs of the Army, the Navy, the Air Force, and Defense Agencies, or the amount authorized by law for manufacturing technology projects of the military departments and defense agencies, whichever amount is greater. The provision would also require an annual report to Congress through fiscal year 2000.

The Senate amendment contained a provision (sec. 231) that would amend section 2525(c)(2) of title 10, United States Code, to clarify the rationale for the requirement that the Department seek the participation of manufacturers of manufacturing equipment in the projects under the MANTECH program.

The House recedes with an amendment that would include the requirement for the Secretary of Defense to prepare a five year plan for the MANTECH program that establishes manufacturing technology goals, milestones, and priorities, the investment strategy for the program, annual program objectives, and annual funding for the program by defense agencies and the military departments.

The conferees strongly endorse the Department of Defense manufacturing technology program. The program provides "seed funding" for the development of moderate to high risk material, process, and equipment technology to enable production of advanced, high quality weapons systems with shorter lead times and reduced acquisition costs. The conferees also endorse the need to stabilize the funding level for the MANTECH program and eliminate the uncertainty in annual funding that has reduced the program's effectiveness and efficiency. The conferees believe that the program's objectives, investment strategy, and funding level must be closely tied to the manufacturing technology and process requirements of the various Defense acquisition programs. To achieve this goal and to maintain the Department of Defense MANTECH program at the funding level needed to assure the availability of advanced manufacturing technology and processes, the conferees recommend that the Secretary establish a funding target for the program of at least 0.25 percent of the amount programmed by each of the military departments and defense agencies for their demonstration and validation, engineering and manufacturing development, operational system development, and procurement programs.

Report on operational field assessments program (sec. 212)

The House bill contained a provision (sec. 220) that would require the Secretary of Defense to submit to the Congress no later than March 30, 1998 a report on the operational field assessments program, including a description of future plans for the program and funding requirements for planned activities under the program.

The Senate amendment contained no similar provision, but authorized an increase of $8.0 million in PE 65118D for operational field assessments in fiscal year 1998.

The Senate recedes with an amendment that would require the Secretary of Defense to report to the Congress on the manner in which the operational field assessment program plan will ensure responsiveness to the mission needs of the commanders of the unified combatant commands. The conferees agree to authorize an increase of $4.0 million in PE 65118D to support operational field assessments in fiscal year 1998.

Joint Strike Fighter Program (sec. 213)

The Senate amendment contained a provision (sec. 211) that would require the Secretary of Defense to submit a report to the congressional defense committees on the options for the sequence in which the variants of the Joint Strike Fighter (JSF) are to be produced and fielded.

The House bill contained no similar provision.

The House recedes with an amendment that would include a requirement for certification that the JSF program contains sufficient funding to carry out an alternate engine program that includes flight qualification of an alternate engine.

Kinetic energy tactical anti-satellite technology program (sec. 214)

The Senate amendment contained a provision (sec. 218) that would authorize $80.0 million in PE 63892D to continue the Kinetic Energy Tactical Anti-Satellite (KE–ASAT) program in fiscal year 1998. The provision would also prohibit the obligation of funds in PE 65104D, relating to technical studies and analyses, until the funds appropriated for the KE–ASAT program for fiscal year 1998 have been released to the KE–ASAT program manager.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $37.5 million for the KE–ASAT program for fiscal year 1998.

The conferees understand that the administration maintains that there is no military requirement for the KE–ASAT program and that the Department of Defense does not support it. However, there appears to be some confusion regarding the Department's support for some degree of KE–ASAT technology development. The Department of Defense's recent Space Control Architecture study appears to endorse continued development of KE–ASAT technology, and the National Space Policy appears to call for the development of active counter-satellite capabilities.

In light of these factors, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees by February 15, 1998, to include the following: (1) a determination as to whether the National Space Policy and DOD Space Policy establish requirements for the development of active counter-satellite capabilities; (2) a summary of the DOD Space Control Architecture study, including any updates to the study, and the study's findings and recommendations regarding the KE–ASAT program; and (3) a determination by the Secretary as to whether the Department of Defense should develop active counter-satellite capabilities and, if so, whether the Secretary intends to sustain some level of KE–ASAT technology development. The report shall be submitted in an unclassified form and, if necessary, in a classified form.

The conferees note that fiscal year 1997 funds remain available for the KE–ASAT program. The conferees continue to support the development of KE–ASAT technology.

Micro-satellite technology development program (sec. 215)

The Senate amendment contained a provision (sec. 219) that would authorize $50.0 million in PE 63401F for the Clementine 2 program. The provision would also prohibit the obligation of more than $35.0 million of funds authorized in PE 64480F for the Global Positioning System Block IIF satellite system until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation funds appropriated for fiscal year 1998 for the Clementine 2 Micro-Satellite program.

The House bill contained no similar provision.

The House recedes with an amendment that would require: (1) that the Clementine 2 program be restructured into a micro-satellite technology development program that supports a range of space mission areas; and (2) the Secretary of Defense to provide a report on the restructured micro-satellite program to the congressional defense committees.

The conferees note that the Air Force and U.S. Space Command have supported micro-satellite development activities and that the Air Force has established and provided a limited amount of funding for such a program in the Future Years Defense Program. The conferees continue to support innovative technology demonstrations designed to test key technologies in space and urge the Secretary of Defense to ensure that the restructured micro-satellite technology program continues such efforts. The conferees note that the Air Force, in conjunction with the office of the Deputy Undersecretary of Defense for Space, has developed a range of options for such a program. The conferees believe that funds appropriated for the Clementine 2 program in prior years should be used to support the restructured micro-satellite program.

High altitude endurance unmanned vehicle program (sec. 216)

The Senate amendment contained a provision (sec. 213) that would impose a cost cap on the High Altitude Endurance Unmanned Aerial Vehicle (HAE UAV) program at the levels requested in the fiscal year 1998 budget request.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the reporting requirement of the provisions and the certification requirements for the program.

F–22 aircraft program (sec. 217)

The Senate amendment contained a provision (sec. 212) that would impose cost caps on both the total cost of engineering and manufacturing development (EMD) and the total cost of production of the F-22. Additionally, the Senate amendment would require an annual report by the Comptroller General that would assess the progress of EMD and its prospect of completion under the cost cap. The annual report would be required until EMD is complete. Finally, the Senate amendment would limit the obligation of funds authorized to be appropriated each fiscal year to 90 percent until the Comptroller General's annual report is submitted.

The House bill contained no similar provision.

The House recedes with an amendment that would allow adjustments to the cost caps for economic inflation and compliance with laws enacted after September 30, 1997.

Subtitle C—Ballistic Missile Defense Programs

National Missile Defense Program (sec. 231)

The Senate amendment contained a provision (sec. 225) that would require the Secretary of Defense to structure the National Missile Defense (NMD) program to support an integrated NMD system test in fiscal year 1999. The provision would also require the Secretary of Defense to prepare a plan for the development and deployment of an NMD system that could achieve initial operational capability in fiscal year 2003. Finally, the provision would authorize $978.1 million for NMD in fiscal year 1998.

The House bill contained no similar provision.

The House recedes.

Budgetary treatment of amounts for procurement for ballistic missile defense programs (sec. 232)

The House bill contained a provision (sec. 231) that would require future budget requests for procurement of the National Missile Defense program and for core theater missile defense programs to be within the accounts of the Ballistic Missile Defense Organization (BMDO) rather than in the accounts of the military services.

The Senate amendment contained a provision (sec. 226) that would direct the Secretary of Defense to transfer ballistic missile defense program procurement funds previously managed by the Ballistic Missile Defense Organization from military service accounts back to their original BMDO procurement accounts.

The Senate recedes with an amendment that combines the House and the Senate provisions.

Cooperative Ballistic Missile Defense program (sec. 233)

The House bill contained a provision (sec. 232) that would establish a Cooperative Ballistic Missile Defense Program within the Ballistic Missile Defense Organization

(BMDO), to support on-going and future technical and analytical cooperative efforts between the United States and other nations that contribute to U.S. missile defense capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary of Defense discretion to exclude certain ballistic missile defense acquisition programs from the cooperative ballistic missile defense program element. The conferees understand that BMDO has developed plans for the creation of a dedicated cooperative ballistic missile defense program element and look forward to this new program element in the fiscal year 1999 budget request.

Annual report on the threat posed to the United States by weapons of mass destruction, ballistic missiles, and cruise missiles (sec. 234)

The House bill contained a provision (sec. 234) that would direct the Secretary of Defense, in consultation with the Director of Central Intelligence, to prepare and submit to Congress by January 30 of each year, a report on threats posed to the United States and its allies by cruise missiles, ballistic missiles, and weapons of mass destruction, and the proliferation of such technologies.

The Senate amendment contained no similar provision.

The Senate recedes.

Director of Ballistic Missile Defense Organization (sec. 235)

The House bill contained a provision (sec. 235) that would require that the Director of the Ballistic Missile Defense Organization (BMDO) carry the grade of lieutenant general or general or, in the case of an officer of the Navy, vice admiral or admiral. It would also require that the Director of BMDO report directly to the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the appointment of a civilian official of equivalent grade as Director of BMDO and eliminate the requirement that the Director report directly to the Secretary of Defense.

The conferees direct the Secretary of Defense to ensure that the director of BMDO is accorded full access to the Secretary and all other senior Department of Defense officials on matters pertaining to the management of ballistic missile defense programs for which the director has responsibility.

Repeal of required deployment dates for core theater missile defense programs (sec. 236)

The House bill contained a provision (sec. 233) that would amend section 234(a) of the Ballistic Missile Defense Act of 1995 by eliminating deployment dates for certain core theater missile defense (TMD) programs and modifying the deployment date for the Theater High Altitude Area Defense (THAAD) program. The provision also made technical and conforming changes to section 234(a).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate all deployment dates for core TMD programs from section 234(a) of the Ballistic Missile Defense Act of 1995.

The conferees continue to support the earliest possible deployment of effective theater missile defenses, consistent with acceptable program risk, as a matter of high national priority. The conferees believe that the mandated deployment dates made clear the high priority attached by Congress to all four core theater missile defense programs. These dates and congressional funding increases have propelled the Navy Area Theater Ballistic Missile Defense program into engineering and manufacturing development and the Patriot Advanced Capability-3 (PAC-3) program into procurement. Congressionally mandated deployment dates were also motivated by the Department of Defense's failure to commit firmly to a deployment schedule for the Navy Theater Wide and THAAD programs that would result in deployment of these vital capabilities at the earliest opportunity consistent with acceptable technical and program risk.

Henceforth, the conferees anticipate that a statement of congressional intent concerning the management of the core TMD programs will be issued annually. The conferees believe that the flexibility of annual statements will allow for rigorous and effective congressional oversight.

Subtitle D—Other Matters

Restructuring of National Oceanographic Partnership Program organization (sec. 241)

In signing the National Defense Authorization Act for Fiscal Year 1997, the President issued a statement that the statute's method for the appointment of certain members of the National Ocean Leadership Council would violate the Appointments Clause of the Constitution. Although the statement provided that the Council should not exercise significant governmental authority, the administration allowed the Council to be convened with the 12 members whose appointment did not raise any constitutional issue, pending the enactment of corrective legislation.

The House bill contained a provision (sec. 214) that would amend section 7902 of title 10, United States Code, to provide that the President, or his designee, shall appoint members of the National Ocean Research Council who are not already government officers, to represent the views of the ocean industries, state governments, and academia, and such other views as the President considers appropriate.

The Senate amendment contained a provision (sec 234) that would amend section 7902(b) to revise the membership of the Council by removing those members whose appointment would raise constitutional questions. The National Ocean Leadership Council would remain as currently established by the administration, with members representing the 12 Federal agencies with significant oceanographic interest. The provision also recommended that the membership of the Council's Ocean Research Advisory Panel be expanded to include representatives from the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, as well as government, academia, and the oceans industry.

The House recedes with an amendment that would clarify the role of the Ocean Research Advisory Panel with regard to membership and responsibilities.

Maintenance and repair of real property at Air Force installations (sec. 242)

The House bill contained a provision (sec. 215) that would amend chapter 949 of title 10, United States Code, by adding a new provision to permit the use of both research, development, test, and evaluation funds and operations and maintenance funds for maintenance and repair of real property at Air Force installations.

The Senate amendment contained no similar provision.

The Senate recedes.

Expansion of eligibility for the defense experimental program to stimulate competitive research (sec. 243)

The House bill contained a provision (sec. 216) that would amend section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) to ensure the eligibility of the Commonwealth of Puerto Rico and other U.S. territories to participate in the Defense Experimental Program to Stimulate Competitive Research.

The Senate amendment contained a similar provision (sec. 233).

The House recedes.

Bioassay testing of veterans exposed to ionizing radiation during military service (sec. 244)

The House bill contained a provision (sec. 217) that would authorize $300,000 for the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

The Senate amendment contained a similar provision (sec. 220) that would authorize $300,000 for the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency for the third phase of bioassay testing of radiation-exposed veterans who participated in radiation-risk activities, and would direct the collection of samples by the appropriate department of agency appropriate agency, and the transfer under appropriate chain of custody to the Brookhaven National Laboratory.

The House recedes with an amendment that would authorize $300,000 for the Nuclear Test Personnel Program from funds authorized for the Defense Special Weapons Agency to conduct the third phase of bioassay testing of veterans exposed to ionzing radiation during their military service.

The conferees agree that neither the Brookhaven National Laboratory, nor the Defense Special Weapons Agency (DSWA), have the capability to collect the samples from the veterans who participated in the United States atmospheric nuclear testing program or the occupation of Hiroshima and Nagasaki, Japan. Therefore, the conferees direct the appropriate department or agency, with access to the veterans who participated in these activities, to collect the required bioassay samples and transfer them to Brookhaven National Laboratory under the appropriate chain of custody.

Sense of Congress regarding Comanche program (sec. 245)

The House bill contained a provision (sec. 218) that would express support for Comanche program technology transfer and acquisition efforts.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Department of Defense should evaluate potential technology transfer and acquisition initiatives within the Army Comanche program that have the potential to increase the efficiency of the program or reduce risk. If the Department identifies an initiative with merit, the conferees expect that funding will be identified for the initiative in the future years defense program.

LEGISLATIVE PROVISIONS NOT ADOPTED

Strategic environmental research and development program

The House bill contained a provision (sec. 212) that would direct the Secretary of Defense to submit a report on the Strategic Environmental Research and Development Program (SERDP) by February 28, 1998. In relation to each SERDP project, the report would specify the following: (1) defense-unique and mission-relevant aspects; and (2) certify that it does not duplicate other environmental research, development, and demonstration efforts of other government entities or organizations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees have been advised by the Department of Defense that technologies funded through SERDP are carefully screened to identify projects that may duplicate efforts within the Department. The conferees direct the Department of Defense to ensure that every effort is made to avoid redundant research and development efforts in the area of environmental technology.

Tactical unmanned aerial vehicles

The House bill contained a provision (sec. 213) that would prohibit the obligation of funds for the Outrider Advanced Concept Technology Demonstration (ACTD) program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are disappointed with the progress of the Outrider ACTD program to date. The conferees believe that the program has suffered irreparably from unstable and ambiguous joint requirements and note that the program appears to be on a path to failure with respect to its operational capabilities. In the future, the conferees will look less favorably on ACTD programs that are not limited demonstrations of mature technologies, but rather thinly veiled attempts to evade the regular order of the acquisition process.

Accordingly, the conferees agree to authorize $45.0 million for completion of the Outrider ACTD development and user activities, but not procurement of operational Outrider systems. Moreover, the conferees agree to authorize these Outrider ACTD activities in PE 63003A, Advanced Aviation Technology program.

Land attack standard missile

The House bill contained a provision (sec. 219) that would authorize an increase of $10.0 million increase in PE 63795N for flight test demonstration and risk reduction activities for the Land Attack Standard Missile. In addition, the provision would decrease PE 63217N (Air Systems and Weapons Advance Technology) by $5.0 million and PE 63508N (Ship Hull Mechanical and Electrical Technology) by $5.0 million.

The Senate amendment contained no similar provision.

The House recedes. The conferees agree to authorize an increase of $3.0 million in PE 63795N for the Land Attack Standard Missile as discussed elsewhere in this report.

Tactical High Energy Laser program

The House bill contained a provision (sec. 236) that would transfer the Tactical High Energy Laser (THEL) program from the Department of the Army to the Ballistic Missile Defense Organization, and authorize $38.2 million for THEL in fiscal year 1998.

The Senate amendment contained no similar provision.

The House recedes. Fiscal year 1998 funding for THEL is addressed elsewhere in this report.

Advanced anti-radiation guided missile program

The Senate amendment contained a provision (sec. 214) that would authorize the Secretary of the Navy to use up to $25.0 million of the amount authorized for fiscal year 1997 for the advanced anti-radiation guided missile (AARGM) program to fund fiscal year 1998 research development, test, and evaluation programs of the Navy that have a higher priority.

The House bill contained no similar provision; but would authorize an increase of $35.0 million in PE 25601N to continue the ARRGM program.

The Senate recedes.

The conferees share the concerns expressed in the House report (H. Rept. 105–132) that the high degree of concurrency in the schedule for development and demonstration of the AARGM results in increased risk to the program and that a more sequential development program may be warranted. Accordingly, the conferees reiterate the guidance in the House report (H. Rept. 105–132) that the Secretary of the Navy conduct an independent assessment of the program plan, development and demonstration schedule, program execution, technical performance, and program risk. The Secretary shall report the results of the assessment to the congressional defense committees by March 31, 1998.

The report should also include the Secretary's recommendations regarding the objectives of the program, revisions to the program schedule, and the funding required to complete the program.

Federally funded research and development centers

The Senate amendment contained a provision (sec. 215) that would prohibit the Department of Defense (DOD) from funding more than 6,206 staff years of technical effort for federally funded research and development centers (FFRDC's) out of the funds authorized to be appropriated for the DOD for fiscal year 1998.

The House bill contained no similar provision.

The Senate recedes.

Department of Defense/Veterans' Administration cooperative research program

The Senate amendment contained a provision (sec. 221) that would authorize $15.0 million for the Department of Defense/Veterans Administration (DOD/VA) cooperative research program from the funds authorized to be appropriated for research, development, test, and evaluation for defense agencies in fiscal year 1998.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize $15.0 million in PE 63738D for the Cooperative DOD/VA Medical Research Program of which $4.5 million is authorized for the Persian Gulf illness clinical trials program discussed on page 161 of the House report (H. Rept. 105–132). The conferees direct that all applicable competitive, merit-based procedures be used in the award of contracts, grants or other agreements under the Cooperative DOD/VA Medical Research Program. The conferees further direct the Secretary of Defense to ensure that any Department of Defense funds authorized for fiscal year 1998 program be expended for research on the medical problems of men and women associated with military service.

Multitechnology integration in mixed-mode electronics

The Senate amendment contained a provision (sec. 222) that would authorize an increase of $7.0 million for multitechnology integration in mixed-mode electronics (MIME) research. The Senate provision would reduce by an equal amount the funds authorized to be appropriated for procurement for the reserve components of the armed services and made available for special equipment for user testing.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $7.0 million in PE 62712E for applied research in MIME technology, as discussed elsewhere in this report.

Facial recognition technology program

The Senate amendment contained a provision (sec. 223) that would authorize an increase of $5.0 million for a facial recognition technology program.

The House bill contained no similar provision, but would authorize $5.0 million for a facial recognition technology program in the counterterror technical support program (PE 63122D).

The Senate recedes. The conferees agree to authorize $3.0 million for a facial recognition technology program in the defense tactical technology program (PE 62702E).

Explosives demilitarization technology

The Senate amendment included a provision (sec. 235) that would direct the Secretary of Defense to conduct an explosive munitions demilitarization demonstration program, and using competitive procedures, conduct a demonstration using an existing, commercially available blast chamber technology as an alternative to open burning, open pit detonation of munitions; require the Secretary of Defense to submit to Congress, along with the fiscal year 2000 budget, a report on the results of the demonstration program and assessment of the relative benefits of the blast chamber technology with regard to levels of emissions and noise, and a cost benefit analysis of this technology. The provision would increase the budget request for the explosives demilitarization technology program by $6.0 million for the demonstration program and reduce by $6.0 million the budget request for the Army account for special equipment for user testing.

The House bill contained no similar provision.

The Senate recedes.

The conferees agreed to authorize an increase of $4.0 million for the munitions standardization, effectiveness and safety program (PE 65805A) from which a demonstration program utilizing commercially available blast chamber technology may be conducted, and is described elsewhere in this title.

TITLE III—OPERATION AND MAINTENANCE

Overview

The budget request for fiscal year 1998 contained an authorization of $93,195.7 million for Operation and Maintenance in the Department of Defense and $2,163.4 for Working Capital Fund Accounts in fiscal year 1998. The House bill would authorize $92,616.2 million for Operation and Maintenance and $2,153.6 for Working Capital Fund Accounts. The Senate amendment would authorize $93,292.9 million for Operation and Maintenance and $1,488.1 for Working Capital Fund Accounts. The conferees recommended an authorization of $93,794.2 million for Operation and Maintenance and $2,031.9 for Working Capital Fund Accounts for fiscal year 1998. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
OPERATION AND MAINTENANCE & WORKING CAPITAL FUNDS					
Operation and Maintenance, Army	17,215,484	17,185,034	17,194,284	(40,895)	17,174,589
Operation and Maintenance, Navy	21,581,130	21,372,699	21,681,330	366,526	21,947,656
Operation and Maintenance, Marine Corps	2,305,345	2,381,245	2,379,445	119,300	2,424,645
Operation and Maintenance, Air Force	18,910,785	18,745,985	18,861,685	262,200	19,172,985
Operation and Maintenance, Defense-wide	10,403,938	10,030,057	10,260,838	(161,331)	10,242,607
Operation and Maintenance, Army Reserve	1,192,891	1,202,891	1,212,891	15,000	1,207,891
Operation and Maintenance, Navy Reserve	834,711	849,711	834,711	12,000	846,711
Operation and Maintenance, Marine Corps Reserve	110,366	110,366	110,366	6,000	116,366
Operation and Maintenance, Air Force Reserve	1,624,420	1,629,120	1,631,200	6,780	1,631,200
Operation and Maintenance, Army National Guard	2,258,932	2,266,432	2,288,932	52,500	2,311,432
Operation and Maintenance, Air National Guard	2,991,219	2,985,969	3,004,282	8,563	2,999,782
Office of the Inspector General	136,580	136,580	136,580		136,580
United States Court of Appeals for the Armed Forces	6,952	6,952	6,952		6,952
Environmental Restoration, Army	377,337	377,337	350,337	(2,000)	375,337
Environmental Restoration, Navy	277,500	277,500	257,500	(2,000)	275,500
Environmental Restoration, Air Force	378,900	378,900	351,900	(2,000)	376,900
Environmental Restoration, Defense-Wide	27,900	27,900	25,900	(1,000)	26,900
Environmental Restoration, Formerly Used Defense Sites	202,300	202,300	188,300		202,300
Overseas Humanitarian, Disaster, & Civic Aid	80,130	50,000	40,130	(33,000)	47,130
Drug Interdiction and Counter-drug Activities, Defense	652,582	661,671	660,882	14,300	666,882
Defense Health Program	9,766,582	9,975,382	9,954,782	191,200	9,957,782

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
Former Soviet Union Threat Reduction	382,200	284,700	382,200		382,200
Overseas Military Investment Recovery		0	0		0
Disposal of DoD Real Property		0	0		0
Lease of DoD Real Property		0	0		0
Payment to Kaho' Olawe Island Fund	10,000	10,000	10,000		10,000
Restoration of Rocky Mountain Arsenal		0	0		0
National Science Center, Army		0	0		0
Overseas Contingency Operation Transfer Fund	1,467,500	1,467,500	1,467,500	(213,600)	1,253,900
Defense Burdensharing-Allies/Nato		0	0		0
Subtotal Operation and Maintenance	93,195,684	92,616,231	93,292,927	598,543	93,794,227
REVOLVING FUNDS					
Defense Working Capital Fund (DECA)	33,400	971,952	33,400	938,552	971,952
Military Commisary Revolving Fund	938,552	0	938,552	(938,552)	0
National Defense Sealift Fund	1,191,426	1,181,626	516,126	(131,478)	1,059,948
Subtotal Working Capital Funds	2,163,378	2,153,578	1,488,078	(131,478)	2,031,900
Total Operation and Maintenance & Working Capital Funds	95,359,062	94,769,809	94,781,005	467,065	95,826,127

Title III - Operations and Maintenance

(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget	House	Senate	Conference	
			Request	Authorized	Authorized	Change	Agreement
		OPERATION AND MAINTENANCE, ARMY					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		LAND FORCES	2,994,535	3,054,735	3,028,535	62,200	3,056,735
2020A	10	DIVISIONS	1,221,794	1,281,994	1,255,794		1,301,994
	10a	Organization Clothing and Equiptment			[34,000]	20,000	
	10b	National Training Center		[60,200]		60,200	
2020A	20	CORPS COMBAT FORCES	350,942	350,942	350,942	(18,000)	332,942
2020A	30	CORPS SUPPORT FORCES	323,190	323,190	323,190		323,190
2020A	40	ECHELON ABOVE CORPS FORCES	440,542	440,542	440,542		440,542
2020A	50	LAND FORCES OPERATIONS SUPPORT	658,067	658,067	658,067		658,067
		LAND FORCES READINESS	1,882,051	2,044,051	1,882,051	143,200	2,025,251
2020A	60	FORCE READINESS OPERATIONS SUPPORT	898,356	898,356	898,356		898,356
2020A	70	LAND FORCES SYSTEMS READINESS	346,651	346,651	346,651		346,651
2020A	80	LAND FORCES DEPOT MAINTENANCE	637,044	799,044	637,044	143,200	780,244
		LAND FORCES READINESS SUPPORT	3,491,536	3,491,536	3,591,536	(18,000)	3,473,536
2020A	90	BASE SUPPORT	2,417,712	2,417,712	2,417,712		2,417,712
2020A	95	MAINTENANCE OF REAL PROPERTY	693,328	693,328	793,328		693,328
	95a	Barracks Renovation			[100,000]		-
2020A	100	MANAGEMENT AND OPERATIONAL HEADQUARTERS	130,012	130,012	130,012		130,012
2020A	105	UNIFIED COMMANDS	70,620	70,620	70,620	(18,000)	52,620
2020A	108	MISCELLANEOUS ACTIVITIES	179,864	179,864	179,864		179,864
		TOTAL, BUDGET ACTIVITY 1:	8,368,122	8,590,322	8,502,122	187,400	8,555,522
		BUDGET ACTIVITY 2: MOBILIZATION					
		MOBILITY OPERATIONS	566,444	566,444	566,444	-	566,444
2020A	110	POMCUS	-	-	-		-
2020A	120	STRATEGIC MOBILIZATION	317,241	317,241	317,241		317,241
2020A	130	WAR RESERVE ACTIVITIES	171,100	171,100	171,100		171,100
2020A	140	INDUSTRIAL PREPAREDNESS	78,103	78,103	78,103		78,103
		TOTAL, BUDGET ACTIVITY 2:	566,444	566,444	566,444	-	566,444

Title III - Operations and Maintenance
(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference	
						Change	Agreement
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
		ACCESSION TRAINING	305,056	305,056	305,056	(1,400)	303,656
2020A	150	OFFICER ACQUISITION	63,992	63,992	63,992	(1,400)	62,592
2020A	160	RECRUIT TRAINING	12,620	12,620	12,620		12,620
2020A	170	ONE STATION UNIT TRAINING	14,723	14,723	14,723		14,723
2020A	180	RESERVE OFFICER TRAINING CORPS (ROTC)	113,128	113,128	113,128		113,128
2020A	190	BASE SUPPORT (ACADEMY ONLY)	72,470	72,470	72,470		72,470
2020A	195	MAINTENANCE OF REAL PROPERTY (ACADEMY ONLY)	28,123	28,123	28,123		28,123
		BASIC SKILL/ ADVANCE TRAINING	2,203,708	2,217,708	2,217,708	11,000	2,214,708
2020A	200	SPECIALIZED SKILL TRAINING	217,202	217,202	217,202		217,202
2020A	210	FLIGHT TRAINING	213,906	227,906	227,906		224,906
	210a	Aviation Training		[14,000]	[14,000]	11,000	
2020A	220	PROFESSIONAL DEVELOPMENT EDUCATION	69,594	69,594	69,594		69,594
2020A	230	TRAINING SUPPORT	484,484	484,484	484,484		484,484
2020A	240	BASE SUPPORT (OTHER TRAINING)	897,433	897,433	897,433		897,433
2020A	245	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	321,089	321,089	321,089		321,089
		RECRUITING/OTHER TRAINING	710,934	717,934	710,934	7,000	717,934
2020A	250	RECRUITING AND ADVERTISING	222,718	229,718	222,718	7,000	229,718
2020A	260	EXAMINING	75,922	75,922	75,922		75,922
2020A	270	OFF-DUTY AND VOLUNTARY EDUCATION	94,364	94,364	94,364		94,364
2020A	280	CIVILIAN EDUCATION AND TRAINING	81,481	81,481	81,481		81,481
2020A	290	JUNIOR ROTC	73,439	73,439	73,439		73,439
2020A	300	BASE SUPPORT (RECRUITING LEASES)	163,010	163,010	163,010		163,010
		TOTAL, BUDGET ACTIVITY 3:	3,219,698	3,240,698	3,233,698	16,600	3,236,298
		BUDGET ACTIVITY 4					
		ADMIN & SERVICEWIDE ACTIVITIES					
		SECURITY PROGRAMS	366,085	366,085	367,885	-	366,085
2020A	310	SECURITY PROGRAMS	366,085	366,085	367,885		366,085
		LOGISTICS OPERATIONS	1,559,242	1,570,942	1,581,142	20,000	1,579,242
2020A	320	SERVICEWIDE TRANSPORTATION	531,326	531,326	531,326		531,326

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(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
2020A	330	CENTRAL SUPPLY ACTIVITIES	405,371	405,371	405,371		405,371
2020A	340	LOGISTIC SUPPORT ACTIVITIES	253,138	253,138	275,038		253,138
	340a	Logistics Automation			[21,900]	20,000	20,000
2020A	350	AMMUNITION MANAGEMENT	369,407	381,107	369,407		369,407
		Ammunition Tracking Technology		[11,700]			-
		SERVICEWIDE SUPPORT	2,830,912	2,830,912	2,843,012	(48,600)	2,782,312
2020A	360	ADMINISTRATION	294,972	294,972	294,972	(48,600)	246,372
2020A	370	SERVICEWIDE COMMUNICATIONS	620,825	620,825	632,925		620,825
	370a	C2 Information Security			[8,100]		-
	370b	Force XXI Architecture			[4,000]		-
2020A	380	MANPOWER MANAGEMENT	152,437	152,437	152,437		152,437
2020A	390	OTHER PERSONNEL SUPPORT	155,307	155,307	155,307		155,307
2020A	400	OTHER SERVICE SUPPORT	593,446	593,446	593,446		593,446
2020A	410	ARMY CLAIMS ACTIVITIES	151,092	151,092	151,092		151,092
2020A	420	REAL ESTATE MANAGEMENT	63,526	63,526	63,526		63,526
2020A	430	BASE SUPPORT	667,779	667,779	667,779		667,779
2020A	431	MAINTENANCE OF REAL PROPERTY	131,528	131,528	131,528		131,528
2020A	432	CLOSED ACCOUNT	-	-	-		-
2020A	433	ENVIRONMENTAL RESTORATION	-	-	-		-
		SUPPORT OF OTHER NATIONS	304,981	304,981	289,981	(15,000)	289,981
2020A	440	INTERNATIONAL MILITARY HEADQUARTERS	270,413	270,413	255,413	(15,000)	255,413
2020A	450	MISC SUPPORT OF OTHER NATIONS	34,568	34,568	34,568		34,568
		TOTAL, BUDGET ACTIVITY 4:	5,061,220	5,072,920	5,082,020	(43,600)	5,017,620
		UNDISTRIBUTED		(285,350)	(190,000)	(201,295)	(201,295)
		MAINT OF REAL PROPERTY/BARRACKS RENOVATION/QOL		[50,000]	[40,000]	200,000	
		CIVILIAN UNDEREXECUTION		[-33,300]	[-131,000]	(96,400)	
		FOREIGN CURRENCY ADJUSTMENT			[-135,000]	(135,000)	
		SMART CARD			[36,000]		
		CLASSIFIED PROGRAM		[17,550]		(6,895)	
		BULK FUEL		[-8,600]			
		CONTRACT AND ADVISORY SERVICES		[-50,000]		(12,000)	

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		NON-BRAC CARETAKER FUNDS		[-51,000]		(40,000)	
		LIMITATION ON BA 4 PROGRAM GROWTH		[-210,000]			
		ECONOMIC ASSUMPTIONS				(41,000)	
		QDR CIVILIAN PERSONNEL REDUCTIONS				(70,000)	
		TOTAL, OPERATION AND MAINTENANCE, ARMY	17,215,484	17,185,034	17,194,284	(40,895)	17,174,589
		OPERATION AND MAINTENANCE, NAVY					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		AIR OPERATIONS	4,690,089	4,845,089	4,890,089	392,000	5,082,089
1804N	10	MISSION AND OTHER FLIGHT OPERATIONS	2,101,423	2,101,423	2,301,423	322,000	2,423,423
1804N	20	FLEET AIR TRAINING	667,112	667,112	667,112		667,112
1804N	30	INTERMEDIATE MAINTENANCE	58,087	58,087	58,087		58,087
1804N	40	AIR OPERATIONS AND SAFETY SUPPORT	73,248	73,248	73,248		73,248
1804N	50	AIRCRAFT DEPOT MAINTENANCE	716,300	871,300	716,300	70,000	786,300
1804N	60	AIRCRAFT DEPOT OPERATIONS SUPPORT	21,575	21,575	21,575		21,575
1804N	70	BASE SUPPORT	789,892	789,892	789,892		789,892
1804N	75	MAINTENANCE OF REAL PROPERTY	262,452	262,452	262,452		262,452
		SHIP OPERATIONS	7,290,682	7,415,682	7,290,682	60,000	7,350,682
1804N	80	MISSION AND OTHER SHIP OPERATIONS	2,130,636	2,130,636	2,130,636		2,130,636
1804N	90	SHIP OPERATIONAL SUPPORT AND TRAINING	735,660	735,660	735,660		735,660
1804N	100	INTERMEDIATE MAINTENANCE	511,125	511,125	511,125		511,125
1804N	110	SHIP DEPOT MAINTENANCE	2,040,690	2,165,690	2,040,690		2,100,690
	110a	Atlantic Fleet				30,000	
	110b	Pacific Fleet				30,000	
1804N	120	SHIP DEPOT OPERATIONS SUPPORT	786,021	786,021	786,021		786,021
1804N	130	BASE SUPPORT	840,646	840,646	840,646		840,646
1804N	135	MAINTENANCE OF REAL PROPERTY	245,904	245,904	245,904		245,904
		COMBAT OPERATIONS/SUPPORT	1,613,064	1,620,564	1,632,564	19,500	1,632,564
1804N	140	COMBAT COMMUNICATIONS	210,776	210,776	210,776		210,776
1804N	150	ELECTRONIC WARFARE	7,763	7,763	7,763		7,763

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
1804N	160	SPACE SYSTEMS AND SURVEILLANCE	136,869	136,869	136,869		136,869
1804N	170	WARFARE TACTICS	125,892	125,892	125,892		125,892
1804N	180	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	209,188	216,688	228,688	12,000	228,688
	180a	Naval Oceanography Partnering Program	-	[7,500]	[7,500]	7,500	
1804N	190	COMBAT SUPPORT FORCES	383,830	383,830	383,830		383,830
1804N	200	EQUIPMENT MAINTENANCE	177,708	177,708	177,708		177,708
1804N	210	DEPOT OPERATIONS SUPPORT	908	908	908		908
1804N	220	BASE SUPPORT	317,266	317,266	317,266		317,266
1804N	225	MAINTENANCE OF REAL PROPERTY	42,864	42,864	42,864		42,864
		WEAPONS SUPPORT	1,458,733	1,458,733	1,458,733	6,000	1,464,733
1804N	230	CRUISE MISSILE	92,482	92,482	92,482		92,482
1804N	240	FLEET BALLISTIC MISSILE	811,451	811,451	811,451		811,451
1804N	250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	54,927	54,927	54,927		54,927
1804N	260	WEAPONS MAINTENANCE	400,817	400,817	400,817		406,817
	260a	AN/SPS-48E Refurbishment				6,000	
1804N	270	BASE SUPPORT	71,540	71,540	71,540		71,540
1804N	275	MAINTENANCE OF REAL PROPERTY	27,516	27,516	27,516		27,516
		DBOF SUPPORT	-	-	-	-	-
1804N	276	DBOF SUPPORT	-	-	-		-
		TOTAL, BUDGET ACTIVITY 1:	15,052,568	15,340,068	15,272,068	477,500	15,530,068
		BUDGET ACTIVITY 2: MOBILIZATION					
		READY RESERVE AND PREPOSITIONING FORCES	455,030	455,030	455,030	-	455,030
1804N	280	SHIP PREPOSITIONING AND SURGE	455,030	455,030	455,030		455,030
		ACTIVATIONS/INACTIVATIONS	704,664	589,664	704,664	-	704,664
1804N	290	AIRCRAFT ACTIVATIONS/INACTIVATIONS	3,081	3,081	3,081		3,081
1804N	300	SHIP ACTIVATIONS/INACTIVATIONS	701,583	586,583	701,583		701,583
		MOBILIZATION PREPAREDNESS	67,373	67,373	67,373	-	67,373
1804N	310	FLEET HOSPITAL PROGRAM	19,814	19,814	19,814		19,814
1804N	320	INDUSTRIAL READINESS	29,196	29,196	29,196		29,196

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference	
						Change	Agreement
1804N	330	COAST GUARD SUPPORT	18,363	18,363	18,363		18,363
		TOTAL, BUDGET ACTIVITY 2:	1,227,067	1,112,067	1,227,067	-	1,227,067
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
		ACCESSION TRAINING	273,535	242,035	273,535	(1,400)	272,135
1804N	340	OFFICER ACQUISITION	69,274	69,274	69,274	(1,400)	67,874
1804N	350	RECRUIT TRAINING	4,646	4,646	4,646		4,646
1804N	360	RESERVE OFFICERS TRAINING CORPS (ROTC)	67,795	67,795	67,795		67,795
1804N	370	BASE SUPPORT	57,605	57,605	57,605		57,605
1804N	375	MAINTENANCE OF REAL PROPERTY	74,215	42,715	74,215		74,215
		BASIC SKILLS AND ADVANCED TRAINING	1,190,600	1,190,600	1,190,600	(25,500)	1,165,100
1804N	380	SPECIALIZED SKILL TRAINING	236,487	236,487	236,487	(10,000)	226,487
1804N	390	FLIGHT TRAINING	314,790	314,790	314,790		314,790
1804N	400	PROFESSIONAL DEVELOPMENT EDUCATION	69,044	69,044	69,044	(3,000)	66,044
1804N	410	TRAINING SUPPORT	135,051	135,051	135,051	(12,500)	122,551
1804N	420	BASE SUPPORT	339,627	339,627	339,627		339,627
1804N	425	MAINTENANCE OF REAL PROPERTY	95,601	95,601	95,601		95,601
		RECRUITING, AND OTHER TRAINING AND EDUCATION	245,296	252,296	245,296	3,000	248,296
1804N	430	RECRUITING AND ADVERTISING	122,454	129,454	122,454	3,000	125,454
1804N	440	OFF-DUTY AND VOLUNTARY EDUCATION	69,495	69,495	69,495		69,495
1804N	450	CIVILIAN EDUCATION AND TRAINING	29,198	29,198	29,198		29,198
1804N	460	JUNIOR ROTC	23,642	23,642	23,642		23,642
1804N	470	BASE SUPPORT	445	445	445		445
1804N	475	MAINTENANCE OF REAL PROPERTY	62	62	62		62
		TOTAL, BUDGET ACTIVITY 3:	1,709,431	1,684,931	1,709,431	(23,900)	1,685,531
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT	1,538,055	1,538,055	1,549,355	(48,300)	1,489,755
1804N	480	ADMINISTRATION	574,305	574,305	574,305	(48,300)	526,005
1804N	490	EXTERNAL RELATIONS	24,141	24,141	24,141		24,141
1804N	500	CIVILIAN MANPOWER AND PERSON MANAGEMENT	118,544	118,544	118,544		118,544
1804N	510	MILITARY MANPOWER AND PERSON MANAGEMENT	124,403	124,403	124,403		124,403

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
1804N	520	OTHER PERSONNEL SUPPORT	199,446	199,446	199,446		199,446
1804N	530	SERVICEWIDE COMMUNICATIONS	260,056	260,056	271,356		260,056
	530a	IT-21			[9,300]		-
	530b	NISE East C4ISR			[2,000]		-
1804N	540	BASE SUPPORT	197,537	197,537	197,537		197,537
1804N	542	MEDICAL ACTIVITIES		-	-		-
1804N	544	MAINTENANCE OF REAL PROPERTY	39,623	39,623	39,623		39,623
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT	1,502,477	1,502,477	1,502,477	-	1,502,477
1804N	550	SERVICEWIDE TRANSPORTATION	149,675	149,675	149,675		149,675
1804N	560	PLANNING, ENGINEERING AND DESIGN	258,779	258,779	258,779		258,779
1804N	570	ACQUISITION AND PROGRAM MANAGEMENT	491,003	491,003	491,003		491,003
1804N	580	AIR SYSTEMS SUPPORT	271,149	271,149	271,149		271,149
1804N	590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	46,904	46,904	46,904		46,904
1804N	600	COMBAT/WEAPONS SYSTEMS	41,547	41,547	41,547		41,547
1804N	610	SPACE AND ELECTRONIC WARFARE SYSTEMS	70,344	70,344	70,344		70,344
1804N	620	BASE SUPPORT	152,606	152,606	152,606		152,606
1804N	625	MAINTENANCE OF REAL PROPERTY	20,470	20,470	20,470		20,470
		SECURITY PROGRAMS	545,097	545,097	548,497	-	545,097
1804N	630	SECURITY PROGRAMS	536,691	536,691	540,091		536,691
1804N	640	BASE SUPPORT	6,886	6,886	6,886		6,886
1804N	645	MAINTENANCE OF REAL PROPERTY	1,520	1,520	1,520		1,520
		SUPPORT OF OTHER NATIONS	6,435	6,435	6,435	-	6,435
1804N	650	INTERNATIONAL HEADQUARTERS AND AGENCIES	6,435	6,435	6,435		6,435
		CANCELLED ACCOUNTS					-
		PROBLEM DISBURSEMENTS					-
		TOTAL, BUDGET ACTIVITY 4:	3,592,064	3,592,064	3,606,764	(48,300)	3,543,764
		UNDISTRIBUTED	-	(356,431)	(134,000)	(38,774)	(38,774)
		CIVILIAN UNDEREXECUTION		[-108,300]	[-113,000]	(16,600)	
		FOREIGN CURRENCY ADJUSTMENT			[-21,000]	(29,000)	

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference	
						Change	Agreement
		MAINTENANCE OF REAL PROPERTY		[50,000]		84,924	
		CLASSIFIED PROGRAMS		[17,369]		4,902	
		BULK FUEL		[-42,500]			
		CONTRACT AND AVISORY SERVICES		[-50,000]		(40,000)	
		AN/SPS-48E REFURBISHMENT		[6,000]			
		NAVY POW-MIA CENTER		[1,000]			
		LIMITATION ON BA 4 PROGRAM GROWTH		[-230,000]			
		ECONOMIC ASSUMPTIONS				(62,000)	
		QDR CIVILIAN PERSONNEL REDUCTIONS				(17,000)	
		SMART CARD				36,000	
		TOTAL, OPERATION AND MAINTENANCE, NAVY	21,581,130	21,372,699	21,681,330	366,526	21,947,656
		OPERATION AND MAINTENANCE, MARINE CORPS					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		EXPEDITIONARY FORCES	1,553,164	1,598,164	1,599,264	51,500	1,604,664
1106N	10	OPERATIONAL FORCES	345,077	365,077	365,777	25,000	378,077
	10a	Initial Issue		[20,000]	[20,700]	8,000	
1106N	20	FIELD LOGISTICS	183,660	183,660	183,660		183,660
1106N	30	DEPOT MAINTENANCE	121,339	146,339	121,339	12,000	133,339
1106N	40	BASE SUPPORT	639,495	639,495	664,895		653,995
	40a	Personnel Support Equiptment			[25,400]	14,500	
1106N	45	MAINTENANCE OF REAL PROPERTY	263,593	263,593	263,593		255,593
	45a	JCS Exercises & Headquarters Reduction				(8,000)	
		USMC PREPOSITIONING	80,983	80,983	80,983	-	80,983
1106N	50	MARITIME PREPOSITIONING	77,380	77,380	77,380		77,380
1106N	60	NORWAY PREPOSITIONING	3,603	3,603	3,603		3,603
		TOTAL, BUDGET ACTIVITY 1:	1,634,147	1,679,147	1,680,247	51,500	1,685,647
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
		ACCESSION TRAINING	78,761	78,761	78,761	-	78,761
1106N	70	RECRUIT TRAINING	9,098	9,098	9,098		9,098

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
1106N	80	OFFICER ACQUISITION	282	282	282		282
1106N	90	BASE SUPPORT	51,266	51,266	51,266		51,266
1106N	95	MAINTENANCE OF REAL PROPERTY	18,115	18,115	18,115		18,115
		BASIC SKILLS AND ADVANCED TRAINING	192,963	192,963	192,963	-	192,963
1106N	100	SPECIALIZED SKILLS TRAINING	28,647	28,647	28,647		28,647
1106N	110	FLIGHT TRAINING	156	156	156		156
1106N	120	PROFESSIONAL DEVELOPMENT EDUCATION	5,803	5,803	5,803		5,803
1106N	130	TRAINING SUPPORT	78,749	78,749	78,749		78,749
1106N	140	BASE SUPPORT	54,557	54,557	54,557		54,557
1106N	145	MAINTENANCE OF REAL PROPERTY	25,051	25,051	25,051		25,051
		RECRUITING AND OTHER TRAINING EDUCATION	109,058	113,458	109,058	4,300	113,358
1106N	150	RECRUITING AND ADVERTISING	74,442	78,842	74,442	4,300	78,742
1106N	160	OFF-DUTY AND VOLUNTARY EDUCATION	15,063	15,063	15,063		15,063
1106N	170	JUNIOR ROTC	9,006	9,006	9,006		9,006
1106N	180	BASE SUPPORT	8,100	8,100	8,100		8,100
1106N	185	MAINTENANCE OF REAL PROPERTY	2,447	2,447	2,447		2,447
		TOTAL, BUDGET ACTIVITY 3:	380,782	385,182	380,782	4,300	385,082
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT	290,416	290,416	290,416	-	290,416
1106N	190	LOGISTICS SUPPORT	-	-	-		-
1106N	200	SPECIAL SUPPORT	219,312	219,312	219,312		219,312
1106N	210	SERVICEWIDE TRANSPORTATION	30,617	30,617	30,617		30,617
1106N	220	ADMINISTRATION	26,105	26,105	26,105		26,105
1106N	230	BASE SUPPORT	12,370	12,370	12,370		12,370
1106N	235	MAINTENANCE OF REAL PROPERTY	2,012	2,012	2,012		2,012
		TOTAL, BUDGET ACTIVITY 4:	290,416	290,416	290,416	-	290,416
		UNDISTRIBUTED		26,500	28,000	63,500	63,500
		MAINTENANCE OF REAL PROPERTY/QOL		[25,000]	[30,000]	75,500	
		FOREIGN CURRENCY ADJUSTMENT			[-2,000]	(4,000)	
		CHEM-BIO RESPONSE FORCE		[4,500]			

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		CONTRACT AND AVISORY SERVICES		[-3,000]			
		QDR CIVILIAN PERSONNEL REDUCTIONS				(1,000)	
		ECONOMIC ASSUMPTIONS				(7,000)	
		TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,305,345	2,381,245	2,379,445	119,300	2,424,645
		OPERATION AND MAINTENANCE, AIR FORCE					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		AIR OPERATIONS	7,364,973	7,364,973	7,394,973	237,200	7,602,173
3400F	10	PRIMARY COMBAT FORCES	2,719,301	2,719,301	2,749,301	240,000	2,959,301
3400F	20	PRIMARY COMBAT WEAPONS	457,939	457,939	457,939		457,939
3400F	30	COMBAT ENHANCEMENT FORCES	253,099	253,099	253,099		253,099
3400F	40	AIR OPERATIONS TRAINING	617,828	617,828	617,828		617,828
3400F	50	COMBAT COMMUNICATIONS	981,936	981,936	981,936		981,936
3400F	60	BASE SUPPORT	1,758,461	1,758,461	1,758,461		1,773,661
	60a	Force Protection				15,200	
3400F	65	MAINTENANCE OF REAL PROPERTY	576,409	576,409	576,409		576,409
		JCS EXERCISE & HEADQUARTERS REDUCTION				(18,000)	(18,000)
		COMBAT RELATED OPERATIONS	1,440,090	1,440,090	1,440,090	-	1,440,090
3400F	70	GLOBAL C3I AND EARLY WARNING	712,916	712,916	712,916		712,916
3400F	80	NAVIGATION/WEATHER SUPPORT	131,608	131,608	131,608		131,608
3400F	90	OTHER COMBAT OPS SUPPORT PROGRAMS	205,449	205,449	205,449		205,449
3400F	100	JCS EXERCISES	45,306	45,306	45,306		45,306
3400F	110	MANAGEMENT/OPERATIONAL HEADQUARTERS	113,400	113,400	113,400		113,400
3400F	120	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	231,411	231,411	231,411		231,411
		SPACE OPERATIONS	1,169,575	1,169,575	1,169,575	-	1,169,575
3400F	130	LAUNCH FACILITIES	226,956	226,956	226,956		226,956
3400F	140	LAUNCH VEHICLES	103,576	103,576	103,576		103,576
3400F	150	SPACE CONTROL SYSTEMS	283,597	283,597	283,597		283,597
3400F	160	SATELLITE SYSTEMS	42,235	42,235	42,235		42,235
3400F	170	OTHER SPACE OPERATIONS	82,972	82,972	82,972		82,972

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(Dollars in Thousands)

			Budget	House	Senate	Conference	
APPROP	ID	ACCOUNT/BA/AG/SAG	Request	Authorized	Authorized	Change	Agreement
3400F	180	BASE SUPPORT	310,370	310,370	310,370		310,370
3400F	185	MAINT OF REAL PROPERTY	119,869	119,869	119,869		119,869
		TOTAL, BUDGET ACTIVITY 1:	9,974,638	9,974,638	10,004,638	237,200	10,211,838
		BUDGET ACTIVITY 2: MOBILIZATION					
		MOBILITY OPERATIONS	3,049,348	3,074,348	3,103,948	114,600	3,163,948
3400F	190	AIRLIFT OPERATIONS	1,793,506	1,818,506	1,848,106		1,908,106
	190a	KC 135 Depot Maintenance		[25,000]	[54,600]	54,600	
	190b	Flying Hours				60,000	
3400F	200	AIRLIFT OPERATIONS C3I	16,267	16,267	16,267		16,267
3400F	210	MOBILIZATION PREPAREDNESS	145,868	145,868	145,868		145,868
3400F	220	PAYMENTS TO TRANSPORTATION BUSINESS AREA	514,000	514,000	514,000		514,000
3400F	230	BASE SUPPORT	427,865	427,865	427,865		427,865
3400F	235	MAINTENANCE OF REAL PROPERTY	151,842	151,842	151,842		151,842
		TOTAL, BUDGET ACTIVITY 2:	3,049,348	3,074,348	3,103,948	114,600	3,163,948
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
		ACCESSION TRAINING	211,111	211,111	211,111	(1,400)	209,711
3400F	240	OFFICER ACQUISITION	51,605	51,605	51,605	(1,400)	50,205
3400F	250	RECRUIT TRAINING	3,971	3,971	3,971		3,971
3400F	260	RESERVE OFFICER TRAINING CORPS (ROTC)	47,611	47,611	47,611		47,611
3400F	270	BASE SUPPORT (ACADEMIES ONLY)	57,262	57,262	57,262		57,262
3400F	275	MAINTENANCE OF REAL PROPERTY (ACADEMIES ONLY)	50,662	50,662	50,662		50,662
		BASIC SKILLS AND ADVANCED TRAINING	1,200,541	1,180,541	1,200,541	(40,000)	1,160,541
3400F	280	SPECIALIZED SKILL TRAINING	196,980	196,980	196,980	(14,000)	182,980
3400F	290	FLIGHT TRAINING	394,075	394,075	394,075		394,075
3400F	300	PROFESSIONAL DEVELOPMENT EDUCATION	88,682	68,682	88,682	(13,000)	75,682
	300a	Graduate Education		[15,000]			-
3400F	310	TRAINING SUPPORT	63,296	63,296	63,296	(13,000)	50,296
3400F	320	BASE SUPPORT (OTHER TRAINING)	370,436	370,436	370,436		370,436
3400F	325	MAINTENANCE OF REAL PROPERTY (OTHER TRAINING)	87,072	87,072	87,072		87,072
		RECRUITING, AND OTHER TRAINING AND EDUCATION	236,095	240,595	236,095	2,200	238,295

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(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
3400F	330	RECRUITING AND ADVERTISING	55,039	59,539	55,039	2,200	57,239
3400F	340	EXAMINING	2,212	2,212	2,212		2,212
3400F	350	OFF DUTY AND VOLUNTARY EDUCATION	85,609	85,609	85,609		85,609
3400F	360	CIVILIAN EDUCATION AND TRAINING	67,183	67,183	67,183		67,183
3400F	370	JUNIOR ROTC	26,052	26,052	26,052		26,052
		TOTAL, BUDGET ACTIVITY 3:	1,647,747	1,632,247	1,647,747	(39,200)	1,608,547
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		LOGISTICS OPERATIONS	2,363,385	2,363,385	2,363,385	-	2,363,385
3400F	380	LOGISTICS OPERATIONS	788,680	788,680	788,680		788,680
3400F	390	TECHNICAL SUPPORT ACTIVITIES	390,267	390,267	390,267		390,267
3400F	400	SERVICEWIDE TRANSPORTATION	236,372	236,372	236,372		236,372
3400F	410	BASE SUPPORT	753,449	753,449	753,449		753,449
3400F	415	MAINTENANCE OF REAL PROPERTY	194,617	194,617	194,617		194,617
		SERVICEWIDE ACTIVITIES	1,352,361	1,352,361	1,355,061	(52,700)	1,299,661
3400F	420	ADMINISTRATION	126,642	126,642	126,642	(52,700)	73,942
3400F	430	SERVICEWIDE COMMUNICATIONS	297,316	297,316	300,016		297,316
	430a	Base Information Protection	-		[2,700]		-
3400F	440	PERSONNEL PROGRAMS	100,343	100,343	100,343		100,343
3400F	450	RESCUE AND RECOVERY SERVICES	55,881	55,881	55,881		55,881
3400F	460	SUBSISTENCE-IN-KIND	-	-	-		-
3400F	470	ARMS CONTROL	29,565	29,565	29,565		29,565
3400F	480	OTHER SERVICEWIDE ACTIVITIES	524,545	524,545	524,545		524,545
3400F	490	OTHER PERSONNEL SUPPORT	33,623	33,623	33,623		33,623
3400F	500	CIVIL AIR PATROL CORPORATION	17,927	17,927	17,927		17,927
3400F	510	BASE SUPPORT	155,791	155,791	155,791		155,791
3400F	515	MAINTENANCE OF REAL PROPERTY	10,728	10,728	10,728		10,728
		SECURITY PROGRAMS	510,046	510,046	482,846	-	510,046
3400F	520	SECURITY PROGRAMS	510,046	510,046	482,846		510,046
		SUPPORT TO OTHER NATIONS	13,260	13,260	13,260	-	13,260

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
3400F	530	INTERNATIONAL SUPPORT	13,260	13,260	13,260		13,260
		TOTAL, BUDGET ACTIVITY 4:	4,239,052	4,239,052	4,214,552	(52,700)	4,186,352
		UNDISTRIBUTED	-	(174,300)	(109,200)	2,300	2,300
		FOREIGN CURRENCY ADJUSTMENT			[-53,000]	(67,000)	
		ENHANCED FORCE PROTECTION		[25,800]	[25,800]		
		CIVILIAN UNDEREXECUTION		[-70,000]	[-82,000]	(7,700)	
		MAINTENANCE OF REAL PROPERTY/QOL		[50,000]		195,000	
		CLASSIFIED PROGRAMS		[14,400]		4,000	
		BULK FUEL		[-44,500]			
		CONTRACT AND AVISORY SERVICES		[-50,000]		(40,000)	
		LIMITATION ON BA 4 PROGRAM GROWTH		[-100,000]			
		QDR - CIVILIAN PERSONNEL REDUCTIONS				(36,000)	
		ECONOMIC ASSUMPTIONS				(46,000)	
		TOTAL, O&M, AIR FORCE	18,910,785	18,745,985	18,861,685	262,200	19,172,985
		OPERATION AND MAINTENANCE, DEFENSE-WIDE					
		BUDGET ACTIVITY 1: OPERATING FORCES					
0100D	10	JOINT CHIEFS OF STAFF	541,169	566,169	493,169		491,169
	10a	JCS Exercises				(50,000)	
	10b	Mobility Enhancements		[25,000]			-
0100D	20	SPECIAL OPERATIONS COMMAND	1,085,927	1,115,227	1,124,727	38,800	1,124,727
	20a	Gortex-Nomex Flight Suits		[3,300]			-
	20b	OPTEMPO		[26,000]			-
		TOTAL, BUDGET ACTIVITY 1:	1,627,096	1,681,396	1,617,896	(11,200)	1,615,896
		BUDGET ACTIVITY 2: MOBILIZATION					
0100D	30	DEFENSE LOGISTICS AGENCY	27,260	27,260	27,260		27,260
		TOTAL, BUDGET ACTIVITY 2:	27,260	27,260	27,260	-	27,260
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
0100D	50	DEFENSE ACQUISITION UNIVERSITY	99,964	99,964	99,964		99,964

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
0100D	55	AMERICAN FORCES INFORMATION SERVICE	11,586	11,586	11,586		11,586
0100D	60	DEFENSE HUMAN RESOURCES FIELD ACTIVITY	14,200	14,200	14,200		14,200
0100D	65	DEFENSE SPECIAL WEAPONS AGENCY	475	475	475		475
0100D	70	SPECIAL OPERATIONS COMMAND	37,930	32,930	37,930		37,930
	70a	Limitation on BA 3 Program Growth		[-5,000]			-
		TOTAL, BUDGET ACTIVITY 3:	164,155	159,155	164,155	-	164,155
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
0100D	75	AMERICAN FORCES INFORMATION SERVICE	94,956	94,956	94,956		94,956
0100D	80	CLASSIFIED AND INTELLIGENCE	3,490,397	3,410,211	3,487,397	(36,731)	3,453,666
0100D	85	CORPORATE INFORMATION MANAGEMENT	-	-	-		-
0100D	90	DEFENSE CONTRACT AUDIT AGENCY	329,264	329,264	329,264		329,264
0100D	95	DEFENSE FINANCE AND ACCOUNTING SERVICE	91,654	46,654	91,654		91,654
	95a	Renovation of DFAS Facility					-
0100D	100	DEFENSE HUMAN RESOURCES FIELD ACTIVITY	124,735	124,735	124,735		124,735
0100D	105	DEFENSE INFORMATION SYSTEMS AGENCY	725,858	716,913	725,858	(7,200)	718,658
0100D	110	DEFENSE INVESTIGATIVE SERVICE	186,661	186,661	186,661		186,661
0100D	115	DEFENSE LEGAL SERVICES AGENCY	8,839	8,839	8,839		8,839
0100D	120	DEFENSE LOGISTICS AGENCY	1,086,443	1,111,443	1,062,443		1,108,443
	120a	Automatic Document Conversion Technology				10,000	
	120b	PTAC/ECRC Realignment				12,000	
	120c	Civilian Underexecution (DLA)			[24,000]		-
0100D	125	DEFENSE MAPPING AGENCY	-	-	-		-
0100D	130	DEFENSE POW/MIA OFFICE	14,195	14,195	14,195		14,195
0100D	135	DEFENSE SPECIAL WEAPONS AGENCY	87,837	87,837	87,837		87,837
0100D	140	DEFENSE SUPPORT ACTIVITIES	69,270	69,270	69,270		69,270
0100D	145	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,545	10,545	10,545		10,545
0100D	150	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,321,196	1,321,196	1,321,196		1,321,196
0100D	155	FEDERAL ENERGY MANAGEMENT PROGRAM	-	-	-		-
0100D	160	JOINT CHIEFS OF STAFF	128,561	73,561	113,661	(11,000)	117,561
0100D	165	OFFICE OF ECONOMIC ADJUSTMENT	40,217	40,217	40,217		40,217
0100D	170	OFFICE OF THE SECRETARY OF DEFENSE	406,894	341,794	406,894		425,194
	170a	National Guard - ChalleNGe				30,000	
	170c	Youth Opportunities - Youth Conservation Corps				(1,700)	

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(Dollars in Thousands)

			Budget	House	Senate	Conference	
APPROP	ID	ACCOUNT/BA/AG/SAG	Request	Authorized	Authorized	Change	Agreement
	170d	Reserve Component Support to CINCs				(2,000)	
	170e	Innovative Readiness Training				(8,000)	
0100D	175	OFFICE OF THE SECRETARY OF DEFENSE (NO YEAR)	-	-	-		-
0100D	180	ON SITE INSPECTION AGENCY	109,226	98,026	99,226	(11,200)	98,026
0100D	185	SPECIAL OPERATIONS COMMAND	45,532	42,832	45,532		45,532
0100D	190	WASHINGTON HEADQUARTERS SERVICE	213,147	169,547	213,147	(3,000)	210,147
		TOTAL, BUDGET ACTIVITY 4:	8,585,427	8,298,696	8,533,527	(28,831)	8,556,596
		UNDISTRIBUTED		(136,450)	(82,000)	(121,300)	(121,300)
		CANADIAN CLEANUP			[-10,000]	(10,000)	
		FOREIGN CURRENCY ADJUSTMENT			[-10,000]	(16,000)	
		REDUCTION FOR CTR			[-20,000]		
		CIVILIAN UNDEREXECUTION		[-33,900]	[-42,000]	(42,000)	
		TRAVEL		[-5,000]			
		CONTRACT AND AVISORY SERVICES		[-50,000]		(20,000)	
		DEFENSE AUTOMATED PRINITED SERVICE		[-15,000]		(8,000)	
		FOREIGN STUDENTS AT SERVICE ACADEMIES		[-4,200]			
		QUADRENNIAL DEFENSE REVIEW SAVINGS		[-168,350]			
		CIVILIAN BUYOUT PROGRAM		[100,000]			
		CENTER FOR THE STUDY OF THE CHINESE MILITARY		[5,000]			
		EDUCATION IMPACT AID		[35,000]		35,000	
		QDR - 6% REDUCTION				(37,000)	
		ECONOMIC ASSUMPTIONS				(29,000)	
		C4I INTEGRATION PLAN				5,700	
		TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	10,403,938	10,030,057	10,260,838	(161,331)	10,242,607
		OPERATION AND MAINTENANCE, ARMY RESERVE					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		MISSION OPERATIONS	1,056,894	1,061,894	1,076,894	15,000	1,071,894
2080A	10	BASE SUPPORT	309,446	309,446	309,446		309,446
2080A	15	MAINTENANCE OF REAL PROPERTY	85,255	85,255	85,255	5,000	90,255
2080A	20	DEPOT MAINTENANCE	41,366	46,366	41,366		41,366

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
2080A	30	RECRUITING AND ADVERTISING		-	-		-
2080A	40	TRAINING OPERATIONS	620,827	620,827	640,827	10,000	630,827
		TOTAL, BUDGET ACTIVITY 1:	1,056,894	1,061,894	1,076,894	15,000	1,071,894
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		ADMINISTRATION AND SERVICEWIDE ACTIVITIES	135,997	135,997	135,997	-	135,997
2080A	50	INFORMATION MANAGEMENT	20,033	20,033	20,033		20,033
2080A	60	PUBLIC AFFAIRS	489	489	489		489
2080A	70	PERSONNEL ADMINISTRATION	50,196	50,196	50,196		50,196
2080A	80	STAFF MANAGEMENT	27,405	27,405	27,405		27,405
2080A	90	RECRUITING AND ADVERTISING	37,874	37,874	37,874		37,874
		TOTAL, BUDGET ACTIVITY 4:	135,997	135,997	135,997	-	135,997
		UNDISTRIBUTED					
		MAINTENANCE OF REAL PROPERTY		5,000			-
		TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	1,192,891	1,202,891	1,212,891	15,000	1,207,891
		OPERATION AND MAINTENANCE, NAVY RESERVE					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		RESERVE AIR OPERATIONS	505,776	515,776	505,776	7,000	512,776
1806N	10	MISSION AND OTHER FLIGHT OPERATIONS	302,531	302,531	302,531		302,531
1806N	20	FLEET AIR TRAINING	200	200	200		200
1806N	30	INTERMEDIATE MAINTENANCE	17,528	17,528	17,528		17,528
1806N	40	AIR OPERATION AND SAFETY SUPPORT	3,074	3,074	3,074		3,074
1806N	50	AIRCRAFT DEPOT MAINTENANCE	58,053	68,053	58,053	7,000	65,053
1806N	60	AIRCRAFT DEPOT OPS SUPPORT	315	315	315		315
1806N	70	BASE SUPPORT	99,563	99,563	99,563		99,563
1806N	75	MAINTENANCE OF REAL PROPERTY	24,512	24,512	24,512		24,512
		RESERVE SHIP OPERATIONS	140,284	140,284	140,284	-	140,284
1806N	80	MISSION AND OTHER SHIP OPERATIONS	59,509	59,509	59,509		59,509
1806N	90	SHIP OPERATIONAL SUPPORT AND TRAINING	638	638	638		638

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
1806N	100	INTERMEDIATE MAINTENANCE	10,326	10,326	10,326		10,326
1806N	110	SHIP DEPOT MAINTENANCE	68,324	68,324	68,324		68,324
1806N	120	SHIP DEPOT OPERATIONS SUPPORT	1,487	1,487	1,487		1,487
		RESERVE COMBAT OPERATIONS SUPPORT	73,355	73,355	73,355	-	73,355
1806N	130	COMBAT COMMUNICATIONS	-	-	-		-
1806N	140	COMBAT SUPPORT FORCES	25,632	25,632	25,632		25,632
1806N	150	BASE SUPPORT	38,503	38,503	38,503		38,503
1806N	155	MAINTENANCE OF REAL PROPERTY	9,220	9,220	9,220		9,220
		RESERVE WEAPONS SUPPORT	4,136	4,136	4,136	-	4,136
1806N	160	WEAPONS MAINTENANCE	4,136	4,136	4,136		4,136
		TOTAL, BUDGET ACTIVITY 1:	723,551	733,551	723,551	7,000	730,551
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		ADMINISTRATION AND SERVICEWIDE ACTIVITIES	108,455	108,455	108,455	-	108,455
1806N	170	ADMINISTRATION	6,209	6,209	6,209		6,209
1806N	180	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	2,012	2,012	2,012		2,012
1806N	190	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	32,102	32,102	32,102		32,102
1806N	200	OTHER PERSONNEL SUPPORT	-	-	-		-
1806N	210	SERVICEWIDE COMMUNICATIONS	33,155	33,155	33,155		33,155
1806N	220	BASE SUPPORT	26,692	26,692	26,692		26,692
1806N	225	MAINTENANCE OF REAL PROPERTY	5,051	5,051	5,051		5,051
1806N	230	COMBAT/WEAPONS SYSTEMS	2,723	2,723	2,723		2,723
1806N	240	GENERAL DEFENSE INTELLIGENCE PROGRAM	511	511	511		511
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT	2,705	2,705	2,705		2,705
		PROBLEM DISBURSEMENTS		-	-		
		TOTAL, BUDGET ACTIVITY 4:	111,160	111,160	111,160	-	111,160
		UNDISTRIBUTED				5,000	5,000
		MAINTENANCE OF REAL PROPERTY		5,000		5,000	
		TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	834,711	849,711	834,711	12,000	846,711

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APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		OPERATION AND MAINTENANCE, MARINE CORPS RESERVE					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		MISSION FORCES	70,495	70,495	70,495	6,000	76,495
1107N	10	TRAINING	14,559	14,559	14,559	3,000	17,559
1107N	20	OPERATING FORCES	30,174	30,174	30,174	3,000	33,174
1107N	30	BASE SUPPORT	16,309	16,309	16,309		16,309
1107N	35	MAINTENANCE OF REAL PROPERTY	6,898	6,898	6,898		6,898
1107N	40	DEPOT MAINTENANCE	2,555	2,555	2,555		2,555
		TOTAL, BUDGET ACTIVITY 1:	70,495	70,495	70,495	6,000	76,495
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		ADMINISTRATION AND SERVICEWIDE ACTIVITIES	39,871	39,871	39,871	-	39,871
1107N	50	RECRUITING AND ADVERTISING	7,726	7,726	7,726		7,726
1107N	60	SPECIAL SUPPORT	11,199	11,199	11,199		11,199
1107N	70	SERVICEWIDE TRANSPORTATION	5,161	5,161	5,161		5,161
1107N	80	ADMINISTRATION	7,039	7,039	7,039		7,039
1107N	90	BASE SUPPORT	8,746	8,746	8,746		8,746
1107N	100	MAINTENANCE OF REAL PROPERTY		-	-		-
		PROBLEM DISBURSEMENTS		-	-		-
		TOTAL, BUDGET ACTIVITY 4:	39,871	39,871	39,871	-	39,871
		TOTAL, O&M, MARINE CORPS RESERVE	110,366	110,366	110,366	6,000	116,366
		OPERATION AND MAINTENANCE, AIR FORCE RESERVE					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		AIR OPERATIONS	1,543,978	1,548,978	1,550,758	6,780	1,550,758
3740F	10	AIRCRAFT OPERATIONS	1,227,609	1,227,609	1,234,389		1,234,389
	10a	C-130 SQDS			[6,700]	6,780	
3740F	20	MISSION SUPPORT OPERATIONS	39,482	39,482	39,482		39,482

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(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
3740F	30	BASE SUPPORT	216,573	216,573	216,573		216,573
3740F	35	MAINTENANCE OF REAL PROPERTY	60,314	65,314	60,314		60,314
3740F	37	DEPOT MAINTENANCE	-	-	-		-
		TOTAL, BUDGET ACTIVITY 1:	1,543,978	1,548,978	1,550,758	6,780	1,550,758
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		ADMINISTRATION AND SERVICEWIDE ACTIVITIES	80,442	80,442	80,442	-	80,442
3740F	40	ADMINISTRATION	46,363	46,363	46,363		46,363
3740F	50	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,262	19,262	19,262		19,262
3740F	60	RECRUITING AND ADVERTISING	7,966	7,966	7,966		7,966
3740F	70	OTHER PERSONNEL SUPPORT	6,310	6,310	6,310		6,310
3740F	80	AUDIOVISUAL	541	541	541		541
		TOTAL, BUDGET ACTIVITY 4:	80,442	80,442	80,442	-	80,442
		UNDISTRIBUTED	-	(300)	-	-	-
		CONSULTANTS		[-300]			-
		TOTAL, O&M, AIR FORCE RESERVE	1,624,420	1,629,120	1,631,200	6,780	1,631,200
		OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		MISSION OPERATIONS	2,086,093	2,101,093	2,116,093	60,000	2,146,093
2065A	10	TRAINING OPERATIONS	1,704,250	1,704,250	1,734,250	20,000	1,724,250
2065A	20	RECRUITING AND RETENTION	-	-	-		-
2065A	30	MEDICAL SUPPORT	26,701	26,701	26,701		26,701
2065A	40	DEPOT MAINTENANCE	53,824	58,824	53,824	5,000	58,824
2065A	50	BASE SUPPORT	250,700	250,700	250,700		250,700
2065A	55	MAINTENANCE OF REAL PROPERTY	50,618	60,618	50,618	35,000	85,618
		TOTAL, BUDGET ACTIVITY 1:	2,086,093	2,101,093	2,116,093	60,000	2,146,093
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		ADMINISTRATION AND SERVICEWIDE ACTIVITIES	172,839	172,839	172,839	-	172,839
2065A	60	INFORMATION MANAGEMENT	32,376	32,376	32,376		32,376

Title III - Operations and Maintenance

(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
2065A	70	PUBLIC AFFAIRS	-	-	-		-
2065A	80	PERSONNEL ADMINISTRATION	62,082	62,082	62,082		62,082
2065A	90	STAFF MANAGEMENT	45,190	45,190	45,190		45,190
2065A	95	RECRUITING AND ADVERTISING	33,191	33,191	33,191		33,191
		TOTAL, BUDGET ACTIVITY 4:	172,839	172,839	172,839	-	172,839
		UNDISTRIBUTED				(7,500)	(7,500)
		CHALLENGE PROGRAM		(7,500)		(7,500)	(7,500)
		TOTAL, OPERATION AND MAINTENANCE, ARMY NAT. GUARD	2,258,932	2,266,432	2,288,932	52,500	2,311,432
		OPERATION AND MAINTENANCE, AIR NATIONAL GUARD					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		AIR OPERATIONS	2,981,947	2,984,947	2,995,010	16,063	2,998,010
3840F	10	AIRCRAFT OPERATIONS	2,243,510	2,243,510	2,256,573		2,256,573
	10a	C-130 SQDs			[13,063]	13,063	
3840F	20	MISSION SUPPORT OPERATIONS	334,314	334,314	334,314		334,314
3840F	30	BASE SUPPORT	296,196	296,196	296,196		296,196
3840F	35	MAINTENANCE OF REAL PROPERTY	77,879	77,879	77,879		77,879
3840F	40	DEPOT MAINTENANCE	30,048	33,048	30,048	3,000	33,048
		TOTAL, BUDGET ACTIVITY 1:	2,981,947	2,984,947	2,995,010	16,063	2,998,010
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE ACTIVITIES	9,272	9,272	9,272	-	9,272
3840F	50	ADMINISTRATION	3,073	3,073	3,073		3,073
3840F	60	RECRUITING AND ADVERTISING	6,199	6,199	6,199		6,199
		TOTAL, BUDGET ACTIVITY 4:	9,272	9,272	9,272	-	9,272
		UNDISTRIBUTED		(8,250)	-	(7,500)	(7,500)
		CHALLENGE PROGRAM		[-7,500]		(7,500)	(7,500)
		CONSULTANTS		[-750]			-
		TOTAL, O&M, AIR NATIONAL GUARD	2,991,219	2,985,969	3,004,282	8,563	2,999,782

Title III - Operations and Maintenance

(Dollars in Thousands)

APPROP	ID	ACCOUNT/BA/AG/SAG	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
		MISCELLANEOUS					
0107D	10	INSPECTOR GENERAL	136,580	136,580	136,580		136,580
0104D	10	COURT OF MILITARY APPEALS	6,952	6,952	6,952		6,952
0116D	10	SUMMER OLYMPICS		-	-		-
0838D	10	INTERNATIONAL SPORTING EVENTS		-	-		-
0810A	10	ENVIRONMENTAL RESTORATION, ARMY	377,337	377,337	350,337	(2,000)	375,337
0810N	10	ENVIRONMENTAL RESTORATION, NAVY	277,500	277,500	257,500	(2,000)	275,500
0810F	10	ENVIRONMENTAL RESTORATION, AIR FORCE	378,900	378,900	351,900	(2,000)	376,900
0810D	10	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	27,900	27,900	25,900	(1,000)	26,900
0811D	10	ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	202,300	202,300	188,300		202,300
0819D	10	OVERSEAS HUMANITARIAN DEMINING AND CINC INITIATIVES	80,130	50,000	40,130	(33,000)	47,130
0105D	10	DRUG INTERDICTION	652,582	661,671	660,882	14,300	666,882
1236N	10	PAYMENT TO KAHO'OLAWE ISLAND	10,000	10,000	10,000		10,000
0130D	10	DEFENSE HEALTH PROGRAM	9,766,582	9,975,382	9,954,782		9,957,782
		Underfunding		[274,000]	[274,000]	274,000	
		Health Scholarship Tax Liability		[-70,800]	[-70,800]	(70,800)	
		Foreign Currency Fluctuation			[-15,000]	(3,000)	
		Economic Adjustments				(20,000)	
		Overseas Dental Benefits		[3,000]		3,000	
		Consistent CHAMPUS-MEDICARE Rates		[4,000]		4,000	
		Navy POW-MIA Center				1,000	
		Waiver of Remote Area Tricare Cost Share				3,000	
0134D	10	FORMER SOVIET UNION THREAT REDUCTION	382,200	284,700	382,200		382,200
0118D	10	OVERSEAS CONTINGENCIES	1,467,500	1,467,500	1,467,500	(213,600)	1,253,900
0840D	10	OPPLAN 34A-35		-	-		-
0837D	10	WEAPONS OF MASS DESTRUCTION		-	-		-
		TOTAL, O&M, MISCELLANEOUS	13,766,463	13,856,722	13,832,963	(48,100)	13,718,363
		TOTAL OPERATION AND MAINTENANCE TITLE	93,195,684	92,616,231	93,292,927	598,543	93,794,227

ITEMS OF SPECIAL INTEREST

Arms control implementation

The budget request included $315.1 million for arms control implementation programs in the military services and the Department of Defense. This request is based on anticipated dates of implementation of the various arms control treaties.

The House bill would authorize a decrease of $25.5 million, which would result in an $11.2 million reduction to the On Site Inspection Agency (OSIA) operations and maintenance account and a $14.3 million reduction to the Defense Special Weapons Agency (DSWA) verification demonstration technology program (PE 63711H). These reductions were due to slippage in the entry into force of the Open Skies Treaty, the Strategic Arms Reduction Treaty II, the Comprehensive Test Ban Treaty (CTBT), and non-implementation of the Bilateral Destruction Agreement (BDA).

The Senate amendment would authorize a decrease of $20.0 million, which would result in a $10.0 million reduction to the OSIA operations and maintenance account and a $10.0 million reduction to the DSWA verification demonstration technology program.

The conferees agree to authorize a decrease of $25.5 million to the budget request for arms control implementation for fiscal year 1998, as follows: $11.2 million for the OSIA operations and maintenance account; and $14.3 million for the DSWA verification technology demonstration program (PE 63711H).

The conferees direct the Department of Defense to provide the congressional defense committees with a program plan for the nuclear control technology research program (PE 63711H) in support of the CTBT, and include the estimated costs. The Department should also include in the report its assessment of recommendations by the National Research Council on research deemed to be necessary to meet nuclear test monitoring goals, and how the nuclear arms control technology activity meets congressionally mandated objectives. The conferees are willing to provide adequate funding for programs that would enable the United States to independently monitor and detect nuclear test activities worldwide and fulfill its obligations under a comprehensive test ban, if and when that treaty enters into force, and do not wish the funding reduction to nuclear control technology activities (PE 63711H) to be misconstrued.

National Defense Sealift Fund (NDSF)

The budget request included $812.9 million in the National Defense Sealift Fund (NDSF) for sealift acquisition. Of this amount, $581.3 million would be for the procurement of two large medium speed roll-on/roll-off (LMSR) strategic sealift ships, $131.5 million for resolution of cost growth that has occurred on LMSRs authorized in prior years, $70.0 million for advance procurement of components for an LMSR that is planned for authorization in fiscal year 1999, and $30.1 million for completion of ships authorized in prior years.

The House bill would authorize a decrease of $9.8 million.

The Senate amendment would authorize a decrease of $651.3 million for procurement and for advance procurement of LMSRs. The Senate amendment would also authorize a decrease of $25.0 million because of contract savings in previously authorized and appropriated NDSF programs. In addition, the Senate amendment would authorize an increase of $1.0 million to provide support for a Department of Defense study of future requirements and specifications for maritime prepositioning force recapitalization.

The conferees agree to authorize $581.3 million for procurement of two LMSRs, $70.0 for advance procurement, and $30.1 million for completion of prior year ships. The conferees further agree to a decrease of $131.5 million which includes a decrease of $131.0 million for prior year cost growth, which the conferees believe can be deferred until fiscal year 1999; and a decrease of $0.5 million as a result of fiscal year 1997 contract savings.

National imagery and mapping agency

The budget request included $680.3 million in Operations and Maintenance, Defensewide, for the Joint Military Intelligence Program portion of the National Imagery and Mapping Agency (NIMA).

The House bill would authorize the following: (1) a reduction of $30.0 million for production and customer support on the grounds that migration to the Digital Processing System should have resulted in significant reductions in operations and maintenance costs; (2) a reduction of $10.0 million for mission support in anticipation of significant cost reductions as a result of various mission and organization consolidations; (3) a reduction of $15.0 million to accelerate the downsizing of NIMA's personnel consistent with the Digital Processing System phase-out; and (4) a reduction of $23.2 million for continued research and development efforts for an interferometric synthetic aperture radar (IFSAR) mission on board the Space Shuttle to collect Digital Terrain Elevation Data (DTED) level 2 information for mapping because of a belief that other, more cost-effective, commercial alternatives to the IFSAR mission exist.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the following reductions, as reflected in the Classified and Intelligence line within Operations and Maintenance, Defensewide: $35.0 million in production; $11.0 million in mission support; $15.0 million in management and customer support; and $3.2 million for the Shuttle IFSAR mission, with the remaining funding to be used to fund commercial alternatives to the shuttle DTED mapping mission if the NIMA Director determines that such alternatives are cost- and mission-effective, or to continue preparation for the shuttle mission. The conferees also agree to authorize the budget request for NIMA civilian personnel. The conferees direct the Director of NIMA to submit the personnel plan specified in the House report (H. Rept. 105–132).

Travel re-engineering

The House report (H. Rept. 105–132), which raised concerns over the compliance by the Department of Defense with section 356 of the National Defense Authorization Act for Fiscal Year 1996, would direct the Secretary of Defense to comply with the reporting requirement in that section, and would prohibit the Department from processing a Request for Proposal. The conferees are aware that Secretary of Defense has now complied with the reporting requirement, and note that the Request for Proposal has been released.

The House report also expressed concern about the impact of any new system on small and medium-sized travel agencies and the possible restriction of fair competition in the travel industry. The challenge facing the Department is to automate a largely unautomated and expensive travel system. The conferees expect the Secretary of Defense to ensure that this effort to automate the system will be interoperable with existing commercial systems to ensure that small and medium-sized travel agencies continue to have an equal opportunity to compete to provide actual travel services, and will incorporate the best business practices of the commercial travel industry. According to the schedule provided by the Department of Defense, system testing in Region 6 will occur during the second quarter of fiscal year 1998.

The conferees direct the Secretary of Defense to report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, not later than May 1, 1998, the lessons learned as a result of establishing the Defense Travel System in Region 6. This report shall include, at a minimum: industry response to the Request for Proposal; the performance measures that were used to evaluate the system testing; the cost of the Region 6 program, including infrastructure development, software development, hardware acquisition, and administration; the quantitative and qualitative benefits of the program; the plan for integrating the Defense Travel System in other regions; any differences between the Region 6 contract and those anticipated for subsequent expansion to other regions; and the evaluation plan for full implementation.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Fisher House trust funds (sec. 304)

The House bill contained a provision (sec. 1006) that would provide permanent authorization for the expenditure of funds from the Fisher House trust fund.

The Senate amendment contained a provision (sec. 305) that would authorize $150,000 to be appropriated from the Fisher House Trust Fund, Department of the Army, and $150,000 to be appropriated from the Fisher House Trust Fund, Department of the Navy. No funds were authorized to be appropriated from the Fisher House Trust Fund, Department of the Air Force.

The House recedes with an amendment that would increase the amount authorized to be appropriated from the Army Fisher House Trust Fund to $250,000.

Refurbishment of M1A1 Tanks (sec. 306)

The House bill contained a provision (sec. 306) that would authorize $35.0 million for the refurbishment of M1A1 tanks at the Anniston Army Depot under the Department of the Army's Abrams Integrated Management XXI (AIM XXI) program if the Secretary of Defense determines that the program is cost effective.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would not require this work to be performed at the Anniston Army Depot.

Operation of prepositioned fleet, National Training Center, Fort Irwin, California (sec. 307)

The House bill contained a provision (sec. 313) that would provide funding associated with the operation of the preposition fleet of equipment used by Army units during training rotations at the National Training Center (NTC).

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees are concerned with the Department of the Army's decision to change the way unit rotations to the NTC are funded. Currently, the Army provides funding to the National Training Center from a central account to defray the costs associated with units' use of pre-positioned equipment at the NTC. Under a new Army proposal, starting in fiscal year 1998, units scheduled to go to the NTC would have to pay for the use of the prepositioned equipment out of the funds provided for home station training. The conferees believe that this would have a detrimental impact upon unit readiness as home station training, and thus total training, was reduced.

Refurbishment and installation of air search radar (sec. 308)

The House bill contained a provision (sec. 305) that would authorize $6.0 million for the refurbishment and installation of the AN/SPS-48E air search radar for the Ship Self-Defense Systems at the Integrated Ship Defense Systems Engineering Center, Walllops Island, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the provision permissive.

Contracted training flight services (sec. 309)

The Senate amendment contained a provision (sec. 371) that would authorize $12.0 million for contracted training flight services.

The House bill contained no similar provision.

The House recedes.

Procurement technical assistance programs (sec. 310)

The House bill contained a provision (sec. 307) that would authorize $15.0 million for a consolidated Procurement Technical Assistance Center (PTAC) and the Electronic Commerce Resource Center (ECRC) programs.

The Senate amendment contained a provision (sec. 821) that would authorize $12.0 million for the PTAC program.

The House recedes.

Operation of Fort Chaffee, Arkansas (sec. 311)

The Senate amendment contained a provision (sec. 306) that would authorize $6.854 million for the operation of Fort Chaffee, Arkansas.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Military Readiness Issues

Monthly reports on allocation of funds within operation and maintenance budget subactivities (sec. 321)

The House bill contained a provision (sec. 312) that would require the Secretary of Defense to notify and receive approval from the congressional defense committees prior to the reallocation of operation and maintenance funds above a certain threshold.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department of Defense to provide a monthly report to Congress outlining the reallocation of funds within the operation and maintenance accounts and the effect of this reallocation on the ability of the Department to perform the functions for which the funds were originally appropriated.

Expansion of scope of quarterly readiness reports (sec. 322)

The House bill contained a provision (sec. 311) that would expand the Quarterly Readiness Report required by section 361 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) to include data and analysis on additional readiness indicators, which would provide a more comprehensive readiness assessment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include additional factors to be included in these reports such as personnel skills and pre-positioned equipment.

Semiannual reports on transfers from high-priority readiness appropriations (sec. 323)

The House bill contained a provision (sec. 315) that would extend through November 1, 2000, the requirement for the Secretary of Defense to report semi-annually on transfers from high-priority readiness accounts, in compliance with section 362 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). This provision would also expand the number of readiness accounts to be considered in the report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make it a semiannual report.

Annual report on aircraft inventory (sec. 324)

The Senate amendment contained a provision (sec. 1037) that would require the Undersecretary of Defense (Comptroller) to submit with the budget request an annual report to the Congress on the aircraft in the inventory of the Department of Defense. The provision would also require the modification of budget data exhibits to display total numbers of aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in exhibits.

The House bill contained no similar provision.

The House recedes.

Administrative actions adversely affecting military training or other readiness activities (sec. 325)

The Senate amendment contained a provision (sec. 363) that would require the Secretary of Defense to provide the President, the Committee on Armed Services of the Senate, the National Security Committee of the House of Representatives, and the head of any relevant Federal agency with written notification of any Federal administrative action that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component of the armed forces, such as a Marine battalion preparing for deployment as part of a Marine Expeditionary Unit, or Special Operations Forces dedicated to a specific mission. Notification would be provided as soon as the Secretary becomes aware of an adverse administrative action or proposed administrative action. The notification would delay the implementation of the action for a period of 30 days unless the Secretary determines that the compliance with the proposed action is in the best interest of the American public, or the President directs the Secretary to comply based on a determination that the implementation of the action is more important than the effects on military readiness.

The House bill contained no similar provision.

The House recedes.

Common measurement of operations and personnel tempo (sec. 326)

The Senate amendment contained a provision (sec. 1032) that would require the Chairman of the Joint Chiefs of Staff to develop, to the maximum extent practicable, a common measurement of operations tempo (OPTEMPO) and personnel tempo (PERSTEMPO).

The House bill contained no similar provision.

The House recedes.

Inclusion of Air Force depot maintenance as operation and maintenance budget activity group (sec. 327)

The House bill contained a provision (sec. 373) that would require the Secretary of the Air Force, beginning in fiscal year 1999, to identify funding for depot maintenance in a discreet subactivity group.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Prohibition of implementation of tiered readiness system (sec. 328)

The House bill contained a provision (sec. 314) that would prohibit the implementation of any tiered readiness system which would change military service-specific methods of determining priorities for allocating funding, personnel, equipment, equipment maintenance, and training resources to military units, and the associated level of readiness of those units that result from those priorities, from the system that existed on October 1, 1996, until the Secretary of Defense provides Congress with a report recommending a new tiered readiness system along with legislative proposals and these proposals are enacted by the Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the implementation of a new tiered or cyclical readiness system based on the results of the reviews as required by section 329 and section 330 of this Act, or any other review. The amendment would clarify that the prohibition does not preclude the Secretary of Defense from taking necessary action to maintain the combat preparedness of the active and reserve components of the United States Armed Forces.

The conferees note that this provision does not block the ability of the Department of Defense to routinely adjust the manner in which it manages force readiness, particularly as it pertains to maintaining necessary combat capabilities. Rather, the provision precludes the adoption of a new tiered or cyclical readiness system, as outlined in section 329 and section 330 of this Act, pending subsequent congressional review and concurrence given the significant policy issues associated with such proposals. Accordingly, the provision allows for the Secretary of Defense, following the completion of the reviews required by sections 329 and 330 of this Act, or any other review the Secretary may deem appropriate, to submit, for Congressional consideration, a request for relief from this prohibition.

Report on military readiness requirements of the Armed Forces (sec. 329)

The Senate amendment contained a provision (sec. 1034) that would direct the Department to further explore the potential for tiered readiness. This provision would require the Chairman and the service chiefs, together with the Commander in Chief of the Special Operations Command and the commanders of the other unified commands, to prepare a second report that would examine the extent to which the readiness of the armed forces could be tiered. Rather than looking at a generic major regional conflict, this report would require an examination of the tiered readiness concept within the force structure advocated by the Quadrennial Defense Review, including the armed forces required to deter or defeat a strategic attack upon the United States. The report would include a rotational examination of the tiering of the armed forces that would focus on the brigade and battalion levels of the Army and Marine Corps Divisions, the squadron levels of the Air Force, Navy and Marine Corps Wings, and the Navy Fleets.

The House bill contained no similar provision.

The House recedes.

Assessment of cyclical readiness posture of the Armed Forces (sec. 330)

The Senate amendment contained a provision (sec. 1035) that would require the Secretary of Defense to report on the impact of moving to a cyclical readiness approach for major warfighting units. Under this approach, a high state of readiness alternates from one unit to another, as is already done with the blue and gold crews on ballistic missile submarines. The report should identify the savings and risks associated with cyclical readiness.

The House bill contained no similar provision.

The House recedes.

Report on military exercises conducted under certain training exercise programs (sec. 331)

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to report by January 15, 1998, on both past and planned joint training exercises sponsored by the Chairman, Joint Chiefs of Staff (CJCS) Exercise Program and the Partnership for Peace (PFP) program. The report would include the type, description, duration, objectives, the percentage of service-unique training accomplished, and an assessment of the training value of each CJCS and PFP exercise.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include exercises funded through the Cooperative Threat Reduction Program. The conference agreement would also require the report to include an assessment of the value provided through enhanced military to military relationships between the participating nations, and the extent to which the training exercises enhanced the readiness capabilities of all forces involved in the exercise.

Report on overseas deployment (sec. 332)

The Senate amendment contained a provision (sec. 1033) that would require the Department of Defense to report on the number of personnel deployed overseas as of June 30, 1996 and June 30, 1997. The report would distinguish between personnel who are forward deployed as their permanent duty station and those deployed overseas for temporary duty, such as service-specific exercises, joint exercises, exercises with allies, and deployments for contingency operations.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Environmental Provisions

Revision of membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board (sec. 341)

The House bill contained a provision (sec. 341) that would amend section 2904(b)(4) of title 10, United States Code, to provide that appointments to the Strategic Environmental Research and Development Program (SERDP) Scientific Advisory Board be for not less than two years and not more than four years. The Department of Defense recommended this provision to give the SERDP director the flexibility to fill unexpected vacancies on the Board.

The Senate amendment contained a similar provision.

The Senate recedes.

Amendment to authority to enter into agreements with other agencies in support of environmental technology certification (sec. 342)

The House bill contained a provision (sec. 342) that would expand the authority of the Secretary of Defense under section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201). Section 327 authorizes the Secretary to initiate a program to provide for cooperative agreements with state and local governmental agencies in support of multi-state and regional certification of environmental cleanup technologies. The House provision would specifically authorize the Secretary to enter into agreements with Indian tribes and would broaden the range of technologies subject to evaluation for certification.

The Senate amendment contained a provision (sec. 335) that would require the Department to prepare guidelines for cost-sharing related to the cooperative agreements authorized under section 327.

The Senate recedes with an amendment that would expand the scope of the program as proposed in the House bill, but require the Department of Defense to prepare guidelines and meet expanded reporting requirements. The new authority would become effective 30 days after the date of submission of the guidelines required by the provision.

Modifications of authority to store and dispose of non-defense toxic and hazardous materials (sec. 343)

The House bill contained a provision (sec. 344) that would amend section 2692 of title 10, United States Code, to clarify exemptions from the prohibition against Department of Defense (DOD) storage or disposal of toxic or hazardous material that is not owned by the Department. The administration recommended this provision to ensure that the Department has appropriate authority to control munitions stored or disposed of in connection with the following DOD activities: (1) storage of explosive and hazardous materials in conjunction with space launch programs; (2) storage of member personal property, such as guns, ammunition, and related material, when such storage is in the interest of public safety; (3) storage of allied/foreign munitions during joint testing, exercises or coalition warfare; (4) storage of explosives and hazardous materials in support of other U.S. Government agencies, to include State and local law enforcement agencies; (5) storage of contractor owned explosive materials when performing a service for the benefit of the U.S. Government; and (6) storage of commercial explosives on DOD installations participating in full or partial privatization.

The Senate amendment contained a similar provision (sec. 331).

The Senate recedes with a clarifying amendment.

Annual report on payments and activities in response to fines and penalties assessed under environmental laws (sec. 344)

The Senate amendment contained a provision (sec. 332) that would require an annual report of fines and penalties assessed against the Department of Defense (DOD) under Federal, State, or local environmental laws.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Annual report on environmental activities of the Department of Defense overseas (sec. 345)

The Senate amendment contained a provision (sec. 333) that would require the Department of Defense (DOD) to report annually on overseas environmental restoration, compliance, and other international environmental activities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees hold a strong interest in ensuring appropriate oversight of funds used in support of the Department's overseas environmental policy.

Review of existing environmental consequences of the presence of the United States Armed Forces in Bermuda (sec. 346)

The Senate amendment contained a provision (sec. 1091) that would require the Secretary of Defense, not later than 120 days after the date of enactment of this Act, to submit a report to the congressional defense committees that describes the remaining environmental effects of the presence of the United States Armed Forces in Bermuda.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on deployment of United States Armed Forces abroad for environmental preservation activities (sec. 347)

The House bill contained a provision (sec. 1062) that would express the sense of Congress that the United States Armed Forces should not be deployed outside the United States to provide assistance to another nation in connection with environmental preservation activities within that nation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Recovery and sharing of costs of environmental restoration at Department of Defense sites (sec. 348)

In relation to Department of Defense cost-sharing policies and practices at cleanup sites, the Senate amendment contained a provision (sec. 337) that would direct the Secretary of Defense to: (1) provide guidance to the military departments and the Defense Logistics Agency (DLA) that resolves current inconsistencies in recovering cleanup costs from potentially responsible third parties; (2) require the military departments and DLA to aggressively pursue future cost reimbursement and recovery actions; (3) require the military departments and the DLA to identify contractors or other private third parties involved in contamination at Department of Defense (DOD) sites; (4) require the military departments and DLA to obtain all relevant data regarding contractors or other responsible parties identified contributing to site contamination, regardless of wrongdoing; (5) require the military departments and DLA to gather and maintain the most timely and accurate cost data available from the departments' and other agencies' records; (6) require the military departments and DLA to provide consistent estimates, including all cleanup costs for DOD environmental reports to Congress, regardless of the source of funds; and (7) require the military departments to offset environmental restoration budget requirements with amounts recovered from liable third parties or contractors.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that there have been a series of General Accounting Office (GAO) reports on DOD environmental cleanup which indicate that the Department has incurred a significant amount of cleanup expenses in instances in which a third party may have contributed to the contamination of government property. The GAO has reported that the DOD lacks uniform guidance regarding the policies and practices for recovery of such costs. The conferees have concluded that inconsistent policies have contributed to a lack of focus and minimal cost-recovery or cost-sharing at third party sites, particularly at government-owned/ contractor-operated facilities.

Partnerships for investment in innovative environmental technologies (sec. 349)

The House bill contained a provision (sec. 346) that would support the administration's proposal to authorize the Secretary of Defense to enter into partnerships with private sector entities in order to demonstrate and validate innovative environmental technologies. All partnership relationships would be contingent upon a determination that there is a clear potential for the technology to be of significant value to Department of Defense environmental activities. The authority would be subject to expiration three years after the enactment of this Act and the Secretary of Defense would have to provide annual reports to Congress on the use of this authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require the use of competitive procedures for the selection of any private sector participants in a partnership; (2) require that parties other than the Department of Defense provide at least 50 percent of the funding in any partnership (not including in-kind contributions or pre-existing investments); (3) permit partnerships only in the case of technologies that the Secretary determines would not be developed without the commitment of Department of Defense funds and are likely to be of significant value to the Department at a substantial number of clean-up sites; and (4) require the Secretary to develop appropriate regulations to ensure that all Department of Defense funds committed to a partnership are expended to develop the technologies authorized in the partnership agreement.

In addition, the amendment would require the Secretary of Defense, before entering into any partnership, to evaluate: (1) the potential for the technology to be used by the Department for environmental remediation; (2) the technical feasibility and maturity of the technology being considered; (3) the adequacy of financial and management plans; (4) a cost and benefit analysis of the proposed technologies; (5) the potential for transfer or commercialization of the technology; and (6) the proposed cost-sharing arrangement.

Procurement of recycled copier paper (sec. 350)

The Senate amendment contained a provision (sec. 340) that would codify and extend the Executive Order 12873 requirements for Federal agencies to increase the use of recycled-content paper products, as specifically applied to the Department of Defense (DOD). The provision would specifically require the Department to use recycled-content copier paper, as follows: 20 percent, January 1, 1998; 30 percent, January 1, 1999; and 50 percent, January 1, 2004, but if DOD is unable to meet the 2004 deadline the Secretary of Defense must certify that fact to Congress one year prior, which would vitiate the deadline. The Department would not be required to meet any of these deadlines if the cost differential between recycled-content paper and virgin paper exceeds seven percent.

The House bill contained no similar provision.

The House recedes with an amendment that would replace the seven percent cost differential with a requirement that the relevant departmental secretary make a finding that there is a "significant" price difference between recycled-content and virgin copier paper.

Pilot program for the sale of air pollution emission reduction incentives (sec. 351)

The Senate amendment contained a provision (sec. 338) that would support the administration's proposal to give the military departments the authority to sell emission reduction credits, also known as incentives. The provision directs the Secretary of Defense to promulgate regulations that would provide for the retention of the proceeds at the facility that developed the credits for sale. The provision would also allow for use of proceeds from the sale of emission reduction credits to pay for fees and other charges associated with identifying, quantifying, or valuing the credits. Subsequent to the development of credits, less than $500,000 may be retained Defense-wide.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees view the retention and use of proceeds at the facility level as a key element of this provision. In addition, the costs associated with identifying, quantifying, or valuing a facility's emission reduction credits should not be subject to the $500,000 cap on proceeds retention. Finally, the conferees expect that this new authority would be utilized at active facilities within the Department of Defense.

Subtitle D—Depot-Level Activities

The House bill contained six provisions (secs. 331–336) that would govern the activities of the Department of Defense (DOD) in relation to the maintenance and repair of military equipment. The Senate amendment contained two similar provisions, and seven additional provisions not contained in the House bill.

The conference agreement includes thirteen provisions concerning depot maintenance policy. The conferees believe these provisions will provide the Department with additional flexibility to utilize the most efficient source of maintenance and repair services that are consistent with the national security requirements of the United States.

Definition of depot-level maintenance and repair (sec. 355)

The House bill contained a provision (sec. 333(a)) that would establish a statutory definition of depot-level maintenance and repair, based on the definition contained in current DOD regulations. This provision would require the inclusion of all depot-level maintenance and repair, including maintenance performed under other names such as interim contractor support (ICS) and contractor logistics support (CLS), for purposes of calculating the amount of depot maintenance performed by public and private sector activities, as required by section 2466 of title 10, United States Code, and other applicable sections.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would codify a definition of depot maintenance that is similar to the definition contained in the House bill, except that it would not include the procurement of a major weapon system modification or upgrade designed to improve program performance, the nuclear refueling of an aircraft carrier, or the procurement of parts for a safety modification.

Core logistics capabilities of Department of Defense (sec. 356)

The House bill contained a provision (sec. 334) that would amend section 2464 of title 10, United States Code, to make it clear that it is essential for national defense that the Department of Defense (DOD) maintain a core logistics capability that is government-owned and government-operated. The provision would require the Secretary of Defense to identify those logistics activities necessary to maintain a core logistics capability that would include the capability, facilities, and equipment to maintain and repair those weapons systems necessary to meet the requirements of the National Military Strategy.

The provision would require that, within four years of initial operational capability, DOD develop the capability to repair new weapons systems purchased by the Department that are identified as requiring a core logistics capability at government-owned and government-operated facilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to identify those logistics capabilities that are necessary to maintain and repair the weapon systems and other military equipment that are required to enable the armed forces to fulfill the strategic and contingency plans prepared by the Chairman of the Joint Chiefs of Staff. The provision would require the performance of core logistics workloads necessary to maintain this capability within public depot activities.

The provision does not require that maintenance for all weapon systems necessary for the execution of DOD strategic and contingency plans be performed at public facilities. Rather, it requires that the capability to perform maintenance and repair on these systems be retained in the public depot activities and that these activities be assigned sufficient workload to ensure that they are operated as cost efficiently as possible while preserving sufficient surge capacity to support the strategic and contingency plans of the U.S. Armed Forces. The conferees recognize that an efficient operation that preserves this surge capability does not require more than a single work shift at the depots during peacetime.

The conference agreement creates specific exemptions from the core capability requirements, including an exemption for commercial systems purchased by DOD where these purchases do not constitute a majority of the sales of that item. The provision would also make conforming changes to existing sections of law.

Increase in percentage of depot-level maintenance and repair that may be contracted for performance by non-government personnel (sec. 357)

The Senate amendment contained a provision (sec. 311) that would allow the Department of Defense to utilize private entities to perform greater amounts of depot maintenance on military equipment. The provision would allow each of the military departments to spend up to 50 percent of their depot maintenance funds on contracts for maintenance at locations other than public depots. The remaining fifty percent of funding would have to be expended for maintenance at public depot activities; whether performed by government or non-governmental personnel. This authority would become effective on October 1, 1998.

The House bill had no similar provision.

The House recedes with an amendment that would allow the military departments to increase from 40 percent to 50 percent the share of depot level maintenance performed by the private sector. These percentages would continue to be calculated based on whether the maintenance is performed by public or private sector personnel.

Annual Report on depot-level maintenance and repair (sec. 358)

The Senate amendment contained a provision (sec. 314) that would require the Secretary of Defense to provide an annual report to the Congress detailing the percentage of depot maintenance funds used during the preceding fiscal year for performance of depot-level maintenance and repair workloads at public and private facilities. The provision would also require that the Comptroller General of the United States provide the Congress with his views on whether the Department of Defense has complied with the requirements of section 2466 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Requirement for use of competitive procedures in contracting for performance of depot-level maintenance and repair workloads formerly performed at closed or realigned military installations (sec. 359)

The House bill contained a provision (sec. 333(b)) that would restrict the Secretary of Defense, or the secretary of a military department, from entering into a contract for the performance of depot-level maintenance and repair at any facility that was approved in 1995 for closure under the Defense Base Closure and Realignment Act (BRAC), unless the following requirements are met:

(1) The secretary concerned would certify to the Congress that all of the other maintenance and repair facilities of that department are at 80 percent capacity, as defined by the BRAC Commission in 1995;

(2) The secretary concerned would certify to the Congress that the total cost of the proposed contract would be less than if the depot-level maintenance or repair were accomplished in facilities owned and operated by the Department of Defense;

(3) All of the data used to determine the total costs would be available for examination; and

(4) None of the depot-level maintenance and repair work proposed under the contract was considered to be a core logistics capability of the military department concerned prior to July 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would replace the restrictions on privatizing-in-place the workloads at the closing public depot activities with a requirement to conduct fair and open competitions for these workloads. The requirement would only apply to those workloads that are proposed to be competed for outsourcing after enactment of the National Defense Authorization Act for Fiscal Year 1998. The requirement does not apply to those workloads that may not be outsourced because they are necessary to retain a core depot maintenance capability in public depot activities, workloads that were outsourced before the enactment of the National Defense Authorization Act for Fiscal Year 1998, or workloads that would be consolidated within another public depot activity.

The provision outlines a number of requirements that the Department of Defense must satisfy in the conduct of these competitions. The conferees understand that these are only a few of the issues that the Department will have to address in the solicitation for, and consideration of, bids.

(1) The source selection process must permit both public and private offerors to submit bids.

(2) The source selection process must take into account the fair market value of any land, plant, or equipment at a closed or realigned military installation that is proposed to be used by the private offeror in the performance of the workload.

(3) The source selection process must take into account the total direct and indirect costs that will be incurred by the Department of Defense and the total direct and indirect savings that will be derived by the Department of Defense. Such savings would include any overhead savings (e.g., reduced administrative costs, more efficient utilization of facilities) that would result from the consolidation of workloads to the remaining public depot activities.

(4) The cost standards used to determine the depreciation of facilities and equipment shall provide, to the maximum extent practicable, identical treatment for all public and private offerors. The conferees expect that this will include, at a minimum, identical depreciation periods for plant and equipment at public and private facilities.

(5) Any offeror, whether public or private, must be permitted to team with any other public or private entity to perform the workload at any location or locations of their choosing. The provision specifically states that no offeror may be given any preferential consideration for, or in any way be limited to, performing the workload at the closed or realigned facility or at any other specific location. The conferees expect full and open competitions for these workloads and expect that private sector bidders would submit proposals to perform these workloads at locations other than the closed or realigned installations. The Department would be expected to consider real differences among bidders in cost or capability to perform the work based on factors that would include the proposed location or locations of the workloads. The consideration of such differences does not constitute "preferential treatment."

(6) The provision would authorize the bundling of unrelated workloads into one contract only if the Secretary of Defense determines in writing that individual workloads cannot be performed separately by qualified bidders as logically and economically as the combined workloads can be performed by a single entity. The conferees are concerned that the bundling of these workloads could disadvantage bidders that are fully qualified to perform one or more of the individual workloads but cannot adequately perform all of the workloads combined. This would allow more offerors to participate in the competition and might yield increased savings to the taxpayer.

(7) Before a request for proposal for these workloads can be issued, the Secretary of Defense must provide the Congress with a detailed directive or plan describing the procedures DOD would use to conduct these competitions. The conferees expect that the Secretary's report will explain any differences between the evaluation criteria or other procedures that will be used for these upcoming competitions and those that were used in the recent competition for the C-5 aircraft maintenance workload. The report should also describe any special requirements or criteria for these competitions, whether required by this provision or by the Department of Defense, that the Department does not anticipate applying to future public-private competitions that do not involve closed or realigned facilities.

The provision would also require that the Comptroller General review the solicitations and competitions conducted pursuant to this authority and determine if the Department has complied with the requirements of this provision. The conferees note that section 716 of title 13, United States Code, gives the Comptroller General access to the information necessary to make his determination. This section requires each agency to provide the Comptroller General with all necessary information. The Comptroller General is required to maintain the same level of confidentiality for a record made available under this section, as is required of the head of the releasing agency. On the basis of this section, agencies have historically provided the General Accounting Office with information on the conduct of a procurement, regardless of whether a contract has yet been awarded. The conferees expect the Air Force to provide similar access in the case of public-private competitions covered by this section.

The conferees are concerned that access to information was not provided to the Comptroller General during the recent competition for the C-5 workload. The refusal on the part of the Source Selection Authority and General Counsel of the Air Force to provide such information is inexplicable given the authority in title 13 cited above. The conferees note that the legislation restricting access to source selection material specifically states that "[N]othing in this section shall be construed to authorize the withholding of any information from the Congress, any committee or subcommittee thereof, a Federal agency, any board of contract appeals of a Federal agency, the Comptroller General, or an Inspector General of a Federal agency" (41 U.S.C. 423).

The new provision would also provide a mechanism for the public depots (or any other offeror) to appeal directly to the Secretary of Defense, or his designee, if they believe the competition was conducted unfairly. The Secretary could not designate the source selection authority or an official within the same military department to perform this responsibility. The conferees expect that the procedures established by the Secretary will clarify that the Secretary need not consider on the merits any protest that has already been decided on the merits by the General Accounting Office.

Finally, the provision would require the Secretary to report to the Congress on the proposed allocation of workloads currently performed at Kelly and McClellan Air Force Bases. Although the report must include a capacity utilization analysis based on the maximum potential capacity certified for the 1995 Base Realignment and Closure Commission, the conferees note that nothing precludes the Secretary from including additional analysis that would utilize any alternative baseline believed to be appropriate.

Clarification of prohibition on management of depot employees by constraints on personnel levels (sec. 360)

The Senate amendment contained a provision (sec. 313) that would prohibit the management of personnel who are involved in depot maintenance on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

The House bill contained no similar provision.

The House recedes.

The conferees believe personnel assigned to perform depot maintenance should be managed by the amount of workload required to be performed and the amount of funds provided for its performance.

Centers of industrial and technical excellence (sec. 361)

The House bill contained a provision (sec. 335) that would direct the Secretary of Defense to establish Centers of Industrial and Technical Excellence at existing Department of Defense (DOD) maintenance and repair depots to encourage the reengineering of industrial processes, the adoption of best business practices, and to enable public-private partnerships for the performance of depot-level maintenance and repair.

The Senate amendment contained a similar provision (sec. 312).

The House recedes with an amendment that would apply the provisions of section 2667(d) of title 10, United States Code, and allow lease proceeds and other receipts from these partnerships to be credited to the account that incurred the costs. That credit would permit the centers to be reimbursed for expenses related to these partnerships. The conferees direct the Secretary of Defense to annually report to the congressional defense committees on the revenues received pursuant to this authority.

Extension of authority for aviation depots and naval shipyards to engage in defense related production and services (sec. 362)

The House bill contained a provision (sec. 331) that would extend through fiscal year 1999 the authority provided by section 1425 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101—510) for naval shipyards and aviation depots of all the military departments to bid on defense-related production and services.

The Senate amendment contained a similar provision (sec. 318) that would extend this authority through fiscal year 1998.

The Senate recedes.

Repeal of conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement (sec. 363)

The Senate amendment contained a provision (sec. 317) that would repeal section 311 of the National Defense Authorization Act for Fiscal Year 1996, which would have repealed sections 2466 and 2469 of title 10, United States Code, contingent upon the submission of a new policy by Department of Defense (DOD) to replace those statutes. Section 311 would be irrelevant because the DOD failed to submit an acceptable plan.

The House bill contained no similar provision.

The House recedes.

Personnel reductions, Army depots participating in Army Workload and Performance System (sec. 364)

The House bill contained a provision (sec. 336) that would prohibit any reduction in force of any civilian employees at the five Army maintenance depots participating in the demonstration and testing of the Army Workload and Performance System (AWPS), until the Secretary of the Army certifies to the Congress that the AWPS is fully operational and the manpower audits being performed by the General Accounting Office, the Army Audit Agency, and the Army Inspector General have been completed.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would prohibit the initiation of any reduction in force of any civilian employees at the five Army maintenance depots participating in the demonstration and testing of AWPS, until a report is provided by the Secretary of the Army certifies to the Congress that the AWPS is fully operational. This prohibition does not apply to any reductions in force necessary to implement the BRAC 1995 decisions at Letterkenny and Red River Army Depots. The conferees believe that because this personnel system is used to determine the number of employees that are necessary to perform the work at the depots, it should be operational before a determination is made regarding additional reductions in force. The conferees do not view this provision as a precedent for prohibiting reductions in force at Department of Defense installations.

Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities (sec. 365)

The Senate amendment contained a provision (sec. 315) that would require the Department of Defense to evaluate and report to the Congress on an alternative set of criteria for distinguishing core from non-core maintenance.

The House bill contained no similar provision.

The House recedes.

Review of use of temporary duty assignments for ship repair and maintenance (sec. 366)

The Senate amendment contained a provision (sec. 316) that would require the General Accounting Office to review the Navy's policies for using Temporary Duty shipyard workers to perform ship maintenance work at home ports.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding realignment of performance of ground communication-electronic workload (sec. 367)

The Senate amendment contained a provision (sec. 319) that would express the Sense of the Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Commissaries and Nonappropriated Fund

Reorganization of laws regarding commissaries and exchanges and other morale, welfare, and recreation activities (sec. 371)

The House bill contained a provision (sec. 361) that would reorganize chapter 147 of title 10, United States Code, so that the chapter deals exclusively with provisions of law relating to commissaries, exchanges, and other morale, welfare and recreation activities.

The Senate amendment contained no similar provision.

The Senate recedes.

Merchandise and pricing requirements for commissary stores (sec. 372)

The House bill contained a provision (sec. 362) that would amend section 2486 of title 10, United States Code, to restrict the categories of merchandise that may be sold in commissaries; require that no change in the current commissary surcharge could occur without a prior authorization in law; and provide that the Secretary of Defense may not make any change in pricing policies without advance notice to Congress and a waiting period of 90 legislative days.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that any proposed change to the authorized product list be submitted annually and would establish, in law, that the amount of the surcharge would be five percent of the sale price of merchandise sold.

Limitation on noncompetitive procurement of brand-name commercial items for resale in commissary stores (sec. 373)

The House bill contained a provision (sec. 363) that would amend section 2486(e) of title 10, United States Code, to make more rigorous the standard for determining brand name commercial items that may be sold by commissaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Treatment of revenues derived from commissary store activities (sec. 374)

The House bill contained a provision (sec. 366) that would provide that amounts received by the Defense Commissary Agency (DECA) from certain sources be deposited in the surcharge account.

The Senate amendment contained a similar provision (sec. 351).

The House recedes with an amendment that would not permit earnings from the sale of tobacco products to be deposited in the surcharge account.

Maintenance, repair, and renovation of Armed Forces Recreation Center, Europe (sec. 375)

The conferees agree to a provision that would clarify the authority of the Secretary of Defense to use appropriated funds to maintain, repair, and renovate real property at the Armed Forces Recreation Center, Europe.

Plan for use of public and private partnerships to benefit morale, welfare and recreation activities (sec. 376)

The House bill contained a provision (sec. 365) that would permit the Secretary of Defense to authorize nonappropriated fund instrumentalities to enter into leases, licensing agreements, concession agreements, and other contracts with private persons and state or local governments involving real and personal property under the control of such nonappropriated fund instrumentalities in order to facilitate the provision of facilities, goods, or services to authorized patrons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a comprehensive plan defining the purpose and goals, and describing how the Department would implement and administer leases, licensing agreements, concession agreements, and other contracts with private persons and state or local governments involving real and personal property under the control of such nonappropriated fund instrumentalities in order to facilitate the provision of facilities, goods, or services to authorized patrons, and submit the plan to the Congress.

INSTRUMENTALITIES

Subtitle F—Other Matters

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 381)

The House bill contained a provision (sec. 371) that would authorize $35.0 million for educational assistance to local education agencies where the standard for the minimum level of education within the state could not be maintained because of the large number of military connected students or the effects of base realignments and closures.

The Senate amendment contained no similar provision.

The Senate recedes.

Center for Excellence in Disaster Management and Humanitarian Assistance (sec. 382)

The Senate amendment contained a provision (sec. 362) that would authorize the Secretary of Defense to operate a Center for Excellence in Disaster Management and Humanitarian Assistance at Tripler Army Medical Center to address the military's role in a wide range of disaster initiatives throughout Southeast Asia and the Pacific Basin region.

The House bill contained no similar provision.

The House recedes with an amendment that would not require the location of this center to be at the Tripler Army Medical Center.

Applicability of Federal printing requirements to Defense Automated Printing Service (sec. 383)

The House bill contained a provision (sec. 377) that would clarify that the Defense Automated Printing Service (DAPS) shall comply with chapter 5 of title 44, United States Code, regarding printing services.

The Senate amendment contained no similar provision.

The Senate recedes a technical amendment.

Study and notification requirements for conversion of commercial and industrial type functions to contractor performance (sec. 384)

The House bill contained a provision (sec. 1412) that would amend current law dealing with congressional notification of any decision to study a commercial function of the Department of Defense for possible outsourcing to the private sector, and any decision to ultimately outsource such a function.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend current law to expand congressional notifications and to include a timetable for conversion to contractor performance.

Collection and retention of cost information data on contracted out services and functions (sec. 385)

The House bill contained a provision (sec. 1413) that would require the Secretary of Defense to collect and permanently retain, cost information data regarding performance of the service or function by private contractor employees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the time that the data would have to be retained to ten years.

Financial assistance to support additional duties assigned to Army National Guard (sec. 386)

The Senate amendment contained a provision (sec. 364) that would authorize the Secretary of the Army to contribute funds to the Army National Guard in order to pay for the costs of those services carried out by the Guard in the performance of maintenance and other responsibilities of the Secretary.

The House bill contained no similar provision.

The House recedes.

Competitive procurement of printing and duplication services (sec. 387)

The House bill contained a provision (sec. 1404) that would extend the authority under the fiscal year 1996 act that would require the Secretary of Defense to procure 70 percent of the non-classified printing services from the commercial sector. The provision would also prohibit the Defense Automation and Printing Service from imposing a surcharge on printing and duplication services when those services are procured outside the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Continuation and expansion of demonstration program to identify overpayments made to vendors (sec. 388)

The House bill contained a provision (sec. 376) that would reauthorize, through fiscal year 1998, section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), which provides for a demonstration program to identify overpayments made to vendors. The authority provided by this specific provision is restricted to the identification of any overpayments and does not extend to the collection of debts. Authority for the procurement of debt collection services is already provided by section 3718 of title 31, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the General Accounting Office to review the program and report to Congress any significant findings such as the amount of funds that were recovered, together with any problems that occurred during the collection of these funds.

Standard forms regarding performance work statement and request for proposal for conversion of services and functions at military installations (sec. 389)

The House bill contained a provision (sec. 1411) that would require the Secretary of Defense to develop standard performance work statements and standard requests for proposal to be used when considering outsourcing of commercial functions. The use of such forms would provide relief from certain cumbersome procedures and requirements of OMB circular A-76.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary to develop certain forms to meet the requirements of A-76. The conferees encourage the Secretary, when developing such forms, to give priority to services and functions that have already been converted by 50 percent.

Base operations support for military installations on Guam (sec. 390)

The House bill contained a provision (sec. 378) that would prohibit the use of nonimmigrant aliens, as defined in section 101(a)(15)(H)(ii) of title 8, United States Code, for any base operations support contract to be performed on Guam.

The Senate amendment contained no similar provision.

The Senate recedes.

Warranty claims recovery pilot program (sec. 391)

The Senate amendment contained a provision (sec. 367) that would authorize a pilot program to recover any refunds owed the Air Force for maintenance work performed in public depots on aircraft engines while under warranty. Receipts under this program would be returned to the appropriations account from which the maintenance work was funded.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to review this program and report the results to the Congress.

Program to investigate fraud, waste, and abuse within Department of Defense (sec. 392)

The House bill contained a provision (sec. 372) that would authorize the continuation of Operation Mongoose through fiscal year 2003. The section would establish the Under Secretary of Defense (Comptroller) as the executive agent for this program and would require a report on the activities of the operation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that permanently provides for a program in the Department of Defense that coordinates the identification and prevention of fraudulent financial actions within Department of Defense (DOD). The conferees support the acceleration of transportation and vendor pay review and believe in expanding the program to use information from other government agencies to detect fraud within DOD. By mining financial information, the Department of Defense would be able to expand its current fraud detection efforts to improve the integrity of its financial management systems while reducing waste, fraud, and abuse.

In addition, the conferees direct the Secretary of Defense to provide a report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives by December 31, 1997, on the activities reviewed by Operation Mongoose, the savings or costs avoidance identified by activity, the number of cases referred for investigation, and the number of cases investigated by the investigating agency.

Multitechnology automated reader card demonstration program (sec. 393)

The Senate bill contained a provision (sec. 369) that would require the Secretary of the Navy to carry out a two year demonstration program during 1998 and 1999 to expand the use of multitechnology automated reader cards throughout the Navy and Marine Corps. This demonstration would include the use of "smartship" technology.

The House bill included no similar provision.

The House recedes.

Plan for reduction in overhead costs of inventory control points (sec. 394)

The House bill contained a provision (sec. 1421) that would require the Secretary of Defense to develop and implement a plan to reduce the overhead costs of the supply management activities of the Defense Logistics Agency and the military services to eight percent of the annual net sales.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the development of a plan on how the Department will reduce its overhead costs of the Inventory Control Points (ICPs) to eight percent by October 1, 2000.

Schedule for implementation of best inventory management practices at Defense Logistic Agency (sec. 395)

The Senate amendment contained a provision (sec. 366) that would direct the Director of the Defense Logistics Agency to develop and submit to Congress a schedule for the implementation of the best inventory management practices found in the commercial sector that are consistent with military requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the list of items to include pharmaceutical, automotive, and other supplies.

The conferees are concerned with recent reports of the excess inventory maintained by the Department of Defense. The retention of this inventory requires the expenditure of resources for storage and administration. The conferees note the recent General Accounting Office report outlining the significant quantities of excess inventory prepositioned in Europe and direct the Department to take those actions necessary to reduce the items for which there is no identified need and where disposal would result in long-term savings to the Federal Government.

LEGISLATIVE PROVISIONS NOT ADOPTED

Quarterly reports on execution of operation and maintenance appropriations

The House bill contained a provision (sec. 317) that would require the Secretary of Defense to report quarterly on the execution of the operation and maintenance budget.

The Senate amendment contained no similar provision.

The House recedes.

Exclusion of certain large maintenance and repair projects from percentage limitation on contracting for depot-level maintenance

The House bill contained a provision (sec. 332) that would exclude from the restrictions contained in section 2466 of title 10, United States Code, an aircraft carrier or a submarine repair or overhaul project that represents five percent or more of the total amount made available to the Department of the Navy for depot-level maintenance and repair.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the exception to the definition of depot maintenance for the refueling of nuclear aircraft carriers contained within section 355 of the Act together with the additional flexibility provided by the change from 60/40 to 50/50, should provide the same flexibility the House bill intended to provide.

Authorization to pay negotiated settlement for environmental cleanup at former department of defense sites in Canada

The House bill contained a provision (sec. 343) that would authorize the Secretary of Defense to pay the Government of Canada up to $100.0 million through annual payments over a ten year period for the environmental cleanup of four sites formerly operated by the U.S. Armed Forces in Canada: 21 Distant Early Warning (DEW) Line sites; Goose Bay Airfield; Haines-Fairbanks Pipeline sites; and the U.S. Naval Station, Argentia. The authorization request was based on a bilateral agreement between the United States and Canada. The agreement provided for the payment of the $100.0 million into the Foreign Military Sales (FMS) Trust Fund Account so that the Canadian Government could draw against this account to purchase unspecified military equipment from an undetermined manufacturing source.

The Senate amendment contained no similar provision.

The House recedes.

The conferees decline to provide the requested authorization and direct the Department to focus on funding and conducting environmental cleanup at sites where there is an existing legal obligation.

Revision of report requirement of Navy program to monitor ecological effects of organotin

The House bill contained a provision (sec. 345) that would extend the date and expand the scope of a reporting requirement originally established in section 333 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201).

The Senate amendment contained no similar provision.

The House recedes.

The conferees intend to monitor the progress made by the Environmental Protection Agency (EPA) and the Navy in implementation of criteria established by EPA for control of organotin. If the permitting process is not consistent with the EPA criteria, the conferees are prepared to revisit this issue in relation to the Department's fiscal year 1999 budget request.

Pilot program to test an alternative technology for eliminating solid and liquid waste emissions during ship operations

The House bill contained a provision (sec. 347) that would authorize the Secretary of the Navy to establish a pilot program to demonstrate plasma arc technology for treating shipboard solid and liquid waste. The technology would consist of a compact, stationary, high alumina refractory hearth, plasma arc melter system for incineration of waste.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Navy is currently investigating the applications of plasma arc technology for the destruction of shipboard solid waste. That work is taking place in an approved research and development program. As a part of that program, the Navy tested the feasibility of using a high alumina refractory hearth for shipboard applications and determined that the hearth structure was unacceptable because the variable shipboard waste streams produce a molten slag that dissolves high alumina hearth walls. However, that was only one aspect of the plasma arc technology research and development efforts. Therefore, the conferees encourage the Navy to continue its current effort to develop the plasma arc thermal destruction technology.

Transfer of jurisdiction over exchange, commissary, and morale, welfare and recreation activities to Under Secretary of Defense Comptroller

The House bill contained a provision (sec. 364) that would amend section 135 of title 10, United States Code, to transfer administrative responsibility within the Department of Defense for the areas of exchange, commissary, and nonappropriated fund instrumentalities regarding morale, welfare and recreation activities from the Under Secretary of Defense for Personnel and Readiness to the Under Secretary of Defense (Comptroller).

The Senate amendment contained no similar provision.

The House recedes.

Authorized use of appropriated funds for relocation of Navy Exchange Service Command

The House bill contained a provision (sec. 367) that would provide that the Navy Exchange Service Command (NEXCOM) shall not be required to reimburse the United States for appropriated funds allotted to NEXCOM during fiscal years 1994, 1995, and 1996 for costs incurred in connection with the relocation of NEXCOM headquarters to Virginia Beach, Virginia and for the lease of headquarters space.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on use of Special Operations Command budget for base operation support

The House bill contained a provision (sec. 375) that would amend section 167(f) of title 10, United States Code, to prohibit the use of funds provided for the Special Operations Command for base operations support expenses incurred at military installations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that Congress established the Special Operations Command, including a separate major force budget program (MFP-11), to correct serious deficiencies in special operations capabilities and to ensure special operations combat readiness. The conferees believe that the regular practice of using MFP-11 funds for base operations support would be in conflict with the original intent for these funds. However, the conferees recognize the need to provide the Commander-in-Chief of the Special Operations Command with the flexibility to use these funds in this manner should the necessity arise. Therefore, the conference agreement does not contain this provision. However, the conferees intend to monitor this issue closely to ensure that MFP-11 funds are used in a manner consistent with the intentions of Congress and agree to revisit the issue should the need arise.

Availability of funds for separation pay for defense acquisition personnel

The House bill contained a provision (sec. 1303) that would authorize $100.0 million in operations and maintenance funding for payment of separation pay to the Department of Defense civilian acquisition personnel.

The Senate amendment contained no similar provision.

The House recedes.

Competitive procurement of finance and accounting services

The House bill contained a provision (sec. 1401) that would require the Secretary of Defense to competitively procure finance and accounting services currently provided by the Defense Finance and Accounting Service from among government and private sector sources.

Senate amendment contained no similar provision.

The House recedes.

Competitive procurement of services to dispose of surplus defense property

The House bill contained a provision (sec. 1402) that would require the Secretary of Defense to make available for competition those functions of the Defense Reutilization and Marketing Service that are associated with the disposal of surplus Department of Defense property.

The Senate amendment contained no similar provision.

The House recedes.

Competitive procurement of functions performed by Defense Information Systems Agency

The House bill contained a provision (sec. 1403) that would require the Secretary of Defense to competitively procure commercial and industrial type functions performed by the Defense Information Systems Agency.

The Senate amendment contained no similar provision.

The House recedes.

Competitive procurement of commercial and industrial type functions by defense agencies

The House bill contained a provision (sec. 1406) that would require the Secretary of Defense to competitively procure commercial and industrial type functions performed by defense agencies.

The Senate amendment contained no similar provision.

The House recedes.

Consolidation of procurement technical assistance centers and electronic commerce resource centers

The House bill contained a provision (sec. 1422) that would require consolidation of the Procurement Technical Assistance Center (PTAC) and the Electronic Commerce Resource Center (ECRC) programs in fiscal year 1998. The provision would also require the use of competitive procedures in granting awards under the consolidated program.

The Senate amendment contained no similar provision.

The House recedes.

Risk assessments under the defense environmental restoration program

The Senate amendment contained a provision (sec. 336) that would direct the Secretary of Defense to define the elements of a relative risk site evaluation methodology, to develop uniform guidance for site assessment and ranking, and to ensure consistent application of the guidance. The Department's relative risk site evaluation involves three site categories for justifying requirements and allocating funds: high; medium; and low. According to the Department, the high relative risk sites are given a greater funding priority than the medium and low relative risk sites.

The House bill contained no similar provision.

The Senate recedes.

Tagging system for identification of hydrocarbon fuels used by the Department of Defense

The Senate amendment contained a provision (sec. 339) that would authorize the Department of Defense to conduct a pilot program to determine if hydrocarbon fuels used by the Department can be tagged in order to deter theft and facilitate the determination of the source of surface and underground pollution in locations having separate fuel storage facilities from the Department and civilian companies.

The House bill contained no similar provision.

The Senate recedes.

Report on options for the disposal of chemical weapons and agents

The Senate amendment contained a provision (sec. 341) that would require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents without building additional chemical weapons disposal facilities in the continental United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) directed the Secretary of Defense to conduct an assessment of the chemical stockpile disposal program and to consider measures that could be taken to reduce program costs. Further discussion on the results of the assessment are addressed elsewhere in the statement of managers.

Integration of military exchange services

The Senate amendment contained a provision (sec. 352) that would require the secretaries of the military departments to integrate the three military exchange systems by September 30, 2000.

The House bill contained no similar provision.

The Senate recedes.

The conferees endorse the concept of exchange integration. The conferees recognize that the Department of Defense is currently conducting a due diligence study to determine which functions could be integrated to yield savings and efficiencies while preserving high levels of customer service. The conferees direct the Secretary of Defense, upon completion of the due diligence study and if the study so recommends, to develop a plan for integrating the functions identified in the report. The plan must include a timeline for accomplishing each of the integration functions. The plan shall be submitted to the Congress not later than 120 days after the due diligence study is completed.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize end strengths for the active forces, as indicated in the table below:

Service	Fiscal year 1998—	
	Request	Recommendation
Army	495,000	495,000
Navy	390,802	395,000
Marine Corps	174,000	174,000
Air Force	371,577	381,000
Total	1,431,379	1,445,000

The Senate amendment contained a provision (sec. 401) that would authorize active duty end strengths for fiscal year 1998, as shown below:

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
Army:			
Total	495,000	495,000	485,000
Officers	80,300	....	80,300
Navy:			
Total	407,318	390,802	390,802
Officers	56,265	....	55,695
Marine Corps:			
Total	174,000	174,000	174,000
Officers	17,978	....	17,978
Air Force:			
Total	381,000	371,577	371,577
Officers	74,458	....	72,732

The House recedes with an amendment that would authorize active duty end strengths for fiscal year 1998 as shown below:

	Fiscal year—		
	1997 authorization	1998 request	1998 authorization
Army	495,000	495,000	495,000
Navy	407,318	390,802	390,802
Marine Corps	174,000	174,000	174,000
Air Force	381,100	371,577	371,577
Total	1,457,418	1,431,379	1,431,379

Permanent end strength levels to support two major regional contingencies (sec. 402)

The Senate amendment contained a provision (sec. 402) that would repeal section 691 of title 10, United States Code, as amended by section 402 of the National Defense Authorization Act for Fiscal Year 1997.

The House bill contained a similar provision.

The House recedes with an amendment that would amend section 691 of title 10, United States Code to make the end strength floors consistent with the active duty end strengths authorized in section 401 of the conference agreement. Additionally, the amendment would provide the Army one and one-half percent flexibility below the floor while retaining one percent flexibility for the Navy, Marine Corps and the Air Force.

The conferees are concerned about the strains being placed on military personnel and their families. There is an apparent incongruence between the number and frequency of deployments, the extraordinary pace of operations, and the continued pressure through the budget process to reduce military personnel levels. The conferees intend to continue to examine closely and challenge, as appropriate, any recommendations of the Department of Defense, the Quadrennial Defense Review, or the National Defense Panel to further reduce military personnel. The conferees will be especially vigilant for reductions in military personnel levels that appear to be driven purely by budget pressures, and not supported by the fielding modern systems that require fewer personnel or changes in the requirements of the national military strategy.

The conferees note that section 691 of title 10, United States Code, as amended by the conference report, requires the Secretary of Defense to fully fund and maintain the end strength floors in future budgets.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize end strengths for the Selected Reserve as indicated in the table below:

	Fiscal year 1997 authorized	Fiscal year 1998—	
		Request	Recommendation
ARNG	366,758	366,516	366,516
USAR	215,179	208,000	208,000
USNR	96,304	94,294	94,294
USMCR	42,000	42,000	42,000
ANG	109,178	107,377	107,377
USAFR	73,311	73,431	73,431
Coast Guard	8,000	8,000	8,000
Total	910,730	899,618	899,618

The Senate amendment contained a provision (sec. 411) that would authorize Selected Reserve end strengths for fiscal year 1998 as shown below:

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
The Army National Guard of the United States	366,758	366,516	361,516

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
The Army Reserve	215,179	208,000	208,000
The Naval Reserve	96,304	94,294	94,294
The Marine Corps Reserve	42,000	42,000	42,000
The Air National Guard of the United States	109,178	107,377	108,002
The Air Force Reserve	73,311	73,431	73,542
The Coast Guard Reserve	8,000	8,000	8,000

The House recedes with an amendment that would authorize Selected Reserve end strengths for fiscal year 1998 as shown below:

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
The Army National Guard of the United States	366,758	366,516	361,516
The Army Reserve	215,179	208,000	208,000
The Naval Reserve	96,304	94,294	94,294
The Marine Corps Reserve	42,000	42,000	42,000
The Air National Guard of the United States	109,178	107,377	108,002
The Air Force Reserve	73,311	73,431	73,542
The Coast Guard Reserve	8,000	8,000	8,000

The conferees recommend an Army National Guard end strength below the 1998 request as a result of the Off-Site Review the Army announced on June 5, 1997, in which the active Army, the Army Reserve, and the Army National Guard agreed on personnel reductions recommended by the Quadrennial Defense Review. The conferees recommend increased end strengths for the Air National Guard and the Air Force Reserve to accommodate retention of the PAA C–130 aircraft at current levels. The conferees also recommend an adjustment to the Air Force Reserve end strength consistent with the recommendation that would prohibit the Secretary of the Air Force from replacing civilian base security personnel with active guard and reserve personnel. The conferees adjusted the recommended authorization of appropriations to reflect these recommendations.

End strengths for Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the end strengths of the reserves on active duty in support of the reserves as indicated in the table below. These end strengths are included within the total end strengths authorized for the Selected Reserve.

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
ARNG	22,798	22,310	22,310
USAR	11,729	11,500	11,500
USNR	16,603	16,136	16,136
USMCR	2,559	2,559	2,559
ANG	10,403	10,616	10,616
USAFR	655	963	748
Total	64,747	64,084	63,869

The Senate amendment contained a provision (sec. 412) that would authorize full-time support end strengths for fiscal year 1998 as shown below:

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
The Army National Guard of the United States	22,798	22,310	22,310
The Army Reserve	11,729	11,500	11,500
The Naval Reserve	16,603	16,136	16,136
The Marine Corps Reserve	2,559	2,559	2,559
The Air National Guard of the United States	10,403	10,616	10,671
The Air Force Reserve	655	963	963

The House recedes with an amendment that would authorize full-time support end strengths for fiscal year 1998 as shown below:

	Fiscal year—		
	1997 authorization	1998 request	1998 recommendation
The Army National Guard of the United States	22,798	22,310	22,310
The Army Reserve	11,729	11,500	11,500
The Naval Reserve	16,603	16,136	16,136
The Marine Corps Reserve	2,559	2,559	2,559
The Air National Guard of the United States	10,403	10,616	10,671
The Air Force Reserve	655	963	867
Total	64,747	64,084	64,043

The recommended change to the end strength for reserves on active duty in support of the Air Force Reserve results from an increase to support the retention of C–130 PAA aircraft at the current levels, a reduction from the budget request consistent with the recommendation that would prohibit the Secretary of the Air Force from replacing civilian base security personnel with active guard and reserve personnel, and an increase to accommodate the creation of deployable force protection teams in the Air Force Reserve. The conferees adjusted the recommended authorization of appropriations to reflect these changes.

Additionally, the conferees are concerned about a range of issues related to management, utilization, and assignment of persons participating in the active guard and reserve programs. The committees of jurisdiction intend to examine these matters during the second session of the 105th Congress.

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize military technician end strength as indicated by the fiscal year 1998 recommendation below and would require future defense budget requests to include a legislative provision specifically detailing the end strength of the dual status military technicians to be authorized.

Service	Fiscal year—		
	1997 program	1998 request	1998 recommendation
ARNG	23,125	22,991	23,125
USAR	5,503	5,205	5,503
ANG	22,853	22,574	22,853
USAFR	9,802	9,622	9,802
Total	61,283	60,392	61,283

The Senate amendment contained a provision that increased above the budget request the authorized levels of military technicians in the Air National Guard and in the Air Force Reserve to support revised C–130 aircraft levels (sec. 413).

The Senate recedes.

Subtitle C—Authorization of Appropriations

Authorization of appropriations for military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize $69,539,862,000 to be appropriated for military personnel, an increase of $66,100,000 to the budget request.

The Senate amendment contained a provision (sec. 421) that would authorize $69,244,962,000 to be appropriated to the Department of Defense for military personnel.

The House recedes with an amendment that would authorize $69,470,505,000 to be appropriated for military personnel.

The conferees recommended the following modifications to the budget request for military personnel:

Fisal year 1998 Military Personnel Budget Items

[In millions of dollars]

Increases	
Fed. Civilian Military Leave	85.0
C–130 Force Structure (AFR & ANG)	5.4
Army End Strength Separation Cost	90.0
Increase Family Separation Pay	25.0
Field Duty Income Protection	18.0
Increase Hazardous Incentive Pay	22.1
Dental Pay Incentives	15.0
WWII Subsistence Allowances	1.0
Transfer from Contigency Operations Funds	213.6
Total Adds	475.1
Reductions:	
FY 98 AC End Strength Underexecution Savings	297.5
Army	240.0
Navy	10.0
USMC	3.6
Air Force	43.9
USAF 15-year Retirement Savings	58.5
Army NG 5K End Strength Reduction	22.0
RC Support Total Force	13.0
Health Professional Scholarship	25.6
Foreign Currency Fluctuation	62.0
Total reductions	478.6
Net Change from President's Budget	−3.5

LEGISLATIVE PROVISIONS NOT ADOPTED

Increase in number of members in certain grades authorized to serve on active duty in support of the reserves

The House bill contained a provision (sec. 414) that would authorize increases in the grades of reserve members authorized to serve on active duty or on full-time national guard duty for the administration of the reserves or the national guard.

The Senate amendment contained no similar provision.

The House recedes.

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Personal finance training

The conferees are concerned about reports of personal financial difficulties being experienced by military personnel, especially lower ranking personnel. The conferees commend the Department of Defense and the services for their on-going efforts to assist and educate young service members and their families in ways and means of successfully managing their personal finances. The conferees urge the Secretary of Defense and the Secretaries of the Military Departments to review the adequacy of their training programs with regard to personal finance training to ensure a continuum of training that would provide all service members with the basic skills required to manage their personal finances. These courses should include checkbook management, credit card management, and debt management.

Sequester of Department of Defense funds as a result of a prohibition against military recruiting on campuses of Connecticut State colleges and universities

The conferees are aware that the Connecticut State Legislature and the State Supreme Court have taken steps to prohibit military recruiting on the campuses of state funded colleges and universities. As a result of this prohibition, and in accordance with section 558 of the National Defense Authorization Act for Fiscal Year 1995, the Department of Defense suspended payment of contract and grant funding to these colleges and universities.

The conferees note that the Connecticut State Legislature is not scheduled to meet until February 1998. The Governor has pledged that he will ensure the passage of legislation that would remedy the matter concerning access of military recruiters to Connecticut state institutions of higher education.

In order to provide the State of Connecticut with the opportunity to repeal its prohibition, the conferees direct the Secretary of Defense not to use funds that would have been used for contracts or grants to higher education institutions in Connecticut as sources in a reprogramming request nor to submit such funds as part of a rescission offer until March 29, 1998. If the State of Connecticut has not repealed the prohibition as of March 29, 1998, the Secretary of Defense may use the funds in a reprogramming or rescission activity.

Notwithstanding this sequestering of funds, the conferees insist that military recruiters be afforded access to institutions of higher education or face the consequence of loss of federal funds.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Officer Personnel Policy

Limitation on number of general and flag officers who may serve in positions outside their own service (sec. 501)

The House bill contained a provision (sec. 501) that would limit the number of general and flag officers serving in external assignments to no more than 24.5 percent of the total number of such officers authorized by Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish the number of general and flag officers serving in external assignments to no more than 26.5 percent of the total number of such officers authorized by Congress, and would increase the length of time a general or flag officer may serve in a Joint Task Force without counting against the limit imposed by this provision.

The conferees agree that the limit is computed in the aggregate and not by individual service, and that the designation of "dual-hatted" positions as external or internal service billets shall be in accordance with service policies and regulations.

Exclusion of certain retired officers from limitation on period of recall to active duty (sec. 502)

The House bill contained a provision (sec. 502) that would exclude retired military chaplains, health care professionals, and officers serving on the American Battle Monuments Commission from being subject to the statutory limits on the period of time that recalled retirees may serve on active duty.

The Senate amendment contained a similar provision (sec. 504).

The Senate recedes with a clarifying amendment.

Clarification of officers eligible for consideration by promotion boards (sec. 503)

The House bill contained a provision (sec. 503) that would clarify that officers serving on active duty and in the reserve components may be excluded from consideration from promotion to the next higher grade if they are on a promotion board report, even if that report had not yet been approved by the President.

The Senate amendment contained a similar provision.

The House recedes with a clarifying amendment.

Authority to defer mandatory retirement for age of officers serving as chaplains (sec. 504)

The House bill contained a provision (sec. 504) that would repeal the prohibition on Navy chaplains on the retired list from serving as the Chief or Deputy Chief of Chaplains in the Navy. This provision would also increase the mandatory retirement age for the Chief or Deputy Chief of Chaplains in the Navy from 62 to 68 years of age. In addition, the provision would permit service secretaries to defer the retirement of officers serving as chaplains until age 68 if the chaplains served in direct support of units and installations.

The Senate amendment contained a similar provision.

The Senate recedes with an amendment that would permit service secretaries to defer the retirement of chaplains until age 68 as long as the secretary considers the deferment in the best interest of the service.

Increase in number of officers allowed to be frocked to grades of colonel and Navy captain (sec. 505)

The Senate amendment contained a provision (sec. 502) that would increase the number of officers who may wear the grade and insignia of an O-6 (colonels in the Army, Air Force, and Marine Corps and captains in the Navy).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Increased years of commissioned service for mandatory retirement of regular generals and admirals in grades above major general and rear admiral (sec. 506)

The Senate amendment contained a provision (sec. 505) that would increase the mandatory retirement point for three-star generals and admirals to 38 years of commissioned service and for four-star generals and admirals to 40 years of commissioned service.

The House bill contained no similar provision.

The House recedes.

The conferees do not intend that all three- and four-star officers be allowed to serve to the increased mandatory retirement points. The mandatory retirement points were increased to permit certain general and flag officers to serve long enough to develop and implement the long-term plans and policies required of certain senior positions without jeopardizing their chances of serving in positions of increased responsibility before reaching mandatory retirement. The conferees recognize that the improper implementation of this provision could have serious effects on the promotion flow points to other grades. The services retain all of their general and flag officer management tools which enable them to manage the career of those officers who become the most senior leaders within the military services without negatively affecting the career opportunities for junior officers.

Uniform policy for requirement of exemplary conduct by commanding officers and others in authority (sec. 507)

The Senate amendment contained a provision (sec. 554) that would establish, in statute, exemplary standards for commanding officers and others in positions of authority and responsibility.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on the command selection process for District Engineers of the Army Corps of Engineers (sec. 508)

The Senate amendment contained a provision (sec. 1079) that would require the Secretary of Defense to report to the Congress concerning the selection and assignment policies and procedures pertaining to District Engineers of the Army Corps of Engineers.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to provide the report to the Congress.

Subtitle B—Reserve Component Matters

Individual Ready Reserve activation authority (sec. 511)

The House bill contained a provision (sec. 511) that would authorize the President, under the Presidential Selective Reserve Call-up authority, to recall up to 30,000 members of a new category of the Individual Ready Reserve that would consist of those personnel, in the military skills designated by the Secretary of Defense, who had volunteered for this category prior to leaving active duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Termination of Mobilization Income Insurance Program (sec. 512)

The House bill contained a provision (sec. 512) that would terminate the Ready Reserve Mobilization Income Insurance Program effective upon enactment of the National Defense Authorization Act for Fiscal Year 1998.

The Senate amendment contained a similar provision (sec. 511).

The Senate recedes.

Correction of inequities in medical and dental care and death and disability benefits for reserve members who incur or aggravate an illness in the line of duty (sec. 513)

The House bill contained a provision (sec. 513) that would authorize medical and dental care for the family member of a reservist who incurs or aggravates an injury or illness in the line of duty while serving on active duty for a period of 30 days or less and whose orders are subsequently modified to extend the period of active duty.

The Senate amendment contained a similar provision (sec. 661).

The Senate recedes with a clarifying amendment.

Authority to permit non-unit assigned officers to be considered by vacancy promotion board to general officer grades (sec. 514)

The House bill contained a provision (sec. 515) that would authorize the Secretary of the Army to permit officers not assigned to units of the Selected Reserve to compete for promotion to brigadier general and major general within the same promotion board process as officers who are assigned to units.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on use of Air Force Reserve AGR personnel for Air Force base security functions (sec. 515)

The House bill contained a provision (sec. 517) that would prohibit the Secretary of the

Air Force from using members of the Air Force Reserve who are on active duty in support of the reserves (known as active guard and reserve or AGR personnel) to perform force protection, base security, or security police functions at an Air Force facility in the United States until six months after the Secretary submits a report to the Congress on the use of AGR personnel in these functions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit replacing security related military technician or civilian positions at the Air Force Reserve bases with AGR personnel during fiscal year 1998.

The conferees view the Air Force proposal to provide base security at four Air Force Reserve bases in the United States as an attempt to eliminate civilian technician positions. Use of the AGRs for this security mission would replace 72 Air Reserve technicians and 136 Department of Defense civilians now providing base security at these bases. For these reasons, the conferees would prohibit the Secretary of the Air Force from utilizing AGRs for base security at United States bases during fiscal year 1998. In another provision in the conference report, the conferees direct the Secretary of Defense to submit a report to the Congress on the feasibility and advisability of converting all active guard and reserve positions to military technicians. Until this study is complete, any conversion of military technician positions to active guard and reserve would be premature.

Involuntary separation of reserve officers in an inactive status (sec. 516)

The Senate amendment contained a provision (sec. 512) that would permit the President to discharge or retire a reserve commissioned officer in an inactive status who cannot or will not retire.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees expect that the service secretaries exercise prudence and discretion when they use this authority. The decision to involuntarily discharge or retire any officer is one that must be reached only after careful deliberation. The conferees do not intend that this authority be used indiscriminately or to limit the career potential of individual officers without compelling justification.

Federal status of service by National Guard members as honor guards at funerals of veterans (sec. 517)

The Senate amendment contained a provision (sec. 514) that would permit National Guard members who serve on funeral details for veterans of the armed forces to receive credit as a period of drill or training otherwise required.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees expect that participation of National Guard personnel in a funeral detail or honor guard will be strictly voluntary and that this authority will not be used as a basis for justifying force structure, end strength, or appropriations.

Subtitle C—Military Technicians

Authority to retain on the reserve active-status list until age 60 military technicians in the grade of brigadier general (sec. 521)

The House bill contained a provision (sec. 521) that would restore the authority that existed prior to the enactment of the Reserve Officer Personnel Management Act (ROPMA) that permitted the Secretaries of the Army and Air Force to retain brigadier general military technicians on the active-status list up to age 60.

The Senate amendment contained a similar provision (sec. 513).

The Senate recedes.

Military technicians (dual status) (sec. 522)

The House bill contained a provision (sec. 522) that would define a military technician (dual status) as a federal civilian employee who is hired in accord with titles 5 or 32, United States Code, and who, as a condition of federal civilian employment, must maintain military membership in the Selected Reserve, and who also must be assigned to a position as a technician in the administration and training of the Selected Reserve, or to a position in the maintenance and repair of supplies or equipment issued to the Selected Reserve or armed forces and require that, unless exempted by law, all military technicians hired on or after December 1, 1995, (the date of enactment of Public Law 104–61) would be required to maintain military membership in the Selected Reserve unit by which they are employed as a military technician, or in a unit they are employed as a military technician to support.

The Senate amendment contained no similar provision.

The Senate recedes.

Non-dual status military technicians (sec. 523)

The House bill contained a provision (sec. 523) that would cap the numbers of non-dual status technicians permitted in each of the reserve components in fiscal year 1998, and require the service secretaries in future years to reduce the number of non-dual status technicians by at least 10 percent per year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the number of non-dual status technicians in each component, and require the Secretary of Defense to report to the Congress, not later than 90 days after enactment, the actual number of non-dual status technicians in each component, and to submit to Congress, not later than 180 days after enactment, a plan to ensure that by the end of fiscal year 2007, and thereafter, all military technician positions are only occupied by military technicians (dual status).

Report on feasibility and desirability of conversion of AGR personnel to military technicians (dual status) (sec. 524)

The House bill contained a provision (sec. 524) that would require the Secretary of Defense to report to the Congress on the feasibility and desirability of converting active guard and reserve personnel to dual status military technicians.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Measures To Improve Recruit Quality and Reduce Recruit Attrition

Reform of military recruiting systems (sec. 531)

The House bill contained a provision (sec. 531) that would require the Secretary of Defense to undertake a series of department-wide reforms to improve the efficiency and effectiveness of military recruiting.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the use of pre-enlistment waivers among those codes and systems to be revised and updated.

Improvements in medical prescreening of applicants for military service (sec. 532)

The House bill contained a provision (sec. 532) that would direct the Secretary of Defense to undertake a number of reforms, to include:

(1) Requiring each applicant for military service to provide the name of the applicant's medical insurer, the names of past medical providers, and a release to obtain the applicant's medical records;

(2) Revising the questions asked of applicants to tie the questions more directly to conditions that most frequently result in medical separations;

(3) Assigning to a contractor or agency other than the Military Entrance Processing Command (MEPCOM) the responsibility for evaluating medical conditions of recruits that are missed during MEPCOM's accession processing; and

(4) Requiring all applicants for military service be tested for use of illegal drugs at the MEPCOM station. The Senate amendment contained no similar provision. The Senate recedes with a clarifying amendment.

Improvements in physical fitness of recruits (sec. 533)

The House bill contained a provision (sec. 533) that would direct the Secretary of Defense to undertake a range of measures to improve the level of physical fitness of new recruits prior to the start of basic training, including the use of incentives, monetary and otherwise, for new recruits in the delayed entry program to voluntarily participate in supervised conditioning activities.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees expect that any activities developed to improve the physical fitness of recruits will be organized, formally scheduled, and supervised by personnel who have been appropriately trained to conduct physical readiness training. The conferees do not intend that recruits will be afforded unescorted, unsupervised access to military fitness facilities.

Subtitle E—Military Education and Training

Part I—Officer Education Programs

Requirement for candidates for admission to United States Naval Academy to take oath of allegiance (sec. 541)

The House bill contained a provision (sec. 543) that would codify what now is implemented by policy—that persons seeking admission to the United States Naval Academy take and subscribe to an oath of allegiance to the United States as a requirement for admission. This provision would make the requirement for an oath consistent in law for all three service academies.

The Senate amendment contained no similar provision.

The Senate recedes.

Service academy foreign exchange program (sec. 542)

The House bill contained a provision (sec. 546) that would authorize the Air Force Academy to enter into agreements with foreign governments in order to carry out a military academy foreign exchange program.

The Senate amendment contained a provision (sec. 521) that would authorize exchange programs at each of the service academies.

The Senate recedes with an amendment that would authorize exchange programs at all three service academies and would establish cost and enrollment limits.

Reimbursement of expenses incurred for instruction at service academies of persons from foreign countries (sec. 543)

The House bill contained a provision (sec. 544) that would constrain the Secretary of Defense's waiver authority for the cost of attendance for international students entering the service academies after the date of enactment to no more than 25 percent of the per-person cost of attendance by an international student, but would permit the Secretary, in exceptional cases, to waive more than 25 per cent of the cost for up to five international students at each of the service academies, and would recommend a reduction in fiscal year 1998 of $4.2 million in Defense-wide Operations and Maintenance accounts and a $1.0 million reduction in the amounts authorized for military personnel in the Army, Navy and Air Force.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish the amount of the cost of attendance for international students at the service academies permitted to be waived at 35 percent, but would permit the Secretary to waive more than 35 per cent of the cost for up to five international students at each of the service academies, would make the restrictions effective for students entering the academies after May 1998, and would restore the reductions to the military personnel and operations and maintenance accounts.

Continuation of support to senior military colleges (sec. 544)

The House bill contained a provision (sec. 567) that would require that the Secretary of Defense continue support to the senior military colleges (Texas A&M University, Norwich University, The Virginia Military Institute, The Citadel, Virginia Polytechnic Institute and State University, and North Georgia College and State University) in three principal ways: 1) retention of the long-standing commitment by the Army to provide active duty service for all graduates of the colleges who desire it and who are recommended for it by their respective professors of military science; 2) participation by the active duty personnel assigned to the Reserve Officers' Training Corps (ROTC) detachments at each college in the leadership, academic and military development of the corps of cadets, beyond ROTC programs; and 3) continued operation of the ROTC program at each of the colleges.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure active duty service for graduates of the senior military colleges who request such service, who are medically and physically qualified, and are recommended by the professor of military science. Additionally, the amendment would ensure continued operation of the ROTC program at each of the senior military colleges.

Report on making United States nationals eligible for participation in Senior Reserve Officers' Training Corps (sec. 545)

The House bill contained a provision (sec. 572) that would require the Secretary of Defense to report to the Congress on the utility of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps.

The Senate amendment contained no similar provision.

The Senate recedes.

Coordination of establishment and maintenance of Junior Reserve Officers' Training Corps units to maximize enrollment and enhance efficiency (sec. 546)

The Senate amendment contained a provision (sec. 525) that would require the Secretary of Defense to coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps in order to maximize enrollment and to take into consideration openings of new schools and consolidation of schools.

The House bill contained no similar provision.

The House recedes with an amendment that would change the requirement from the Secretary of Defense to the secretaries of the military departments and delete the requirement that the Secretary of Defense seek additional funding from the local educational agencies.

Part II—Other Education Matters

United States Naval Postgraduate School (sec. 551)

The House bill contained a provision (sec. 545) that would amend the current authority governing admittance of civilians at the Naval Postgraduate School, and create new authority to admit enlisted personnel to the school. Thus, the section would authorize the Secretary of the Navy to admit civilians on a space-available basis, with reimbursement being required either on an in-kind basis or on a cost-reimbursable basis, and would also authorize enlisted members to attend courses on a space-available basis.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit enlisted personnel to attend courses on a space-available basis.

Community College of the Air Force (sec. 552)

The House bill contained a provision (sec. 573) that would permit enlisted members of the Army, Navy, or Marine Corps who are assigned as instructors in Air Force technical schools and enlisted students in Air Force training programs to participate in and receive associate degrees through the Community College of the Air Force.

The Senate amendment contained a provision (sec. 522) that would permit enlisted members of the Army, Navy, or Marine Corps who are assigned as instructors in Air Force technical schools to participate in and receive associate degrees through the Community College of the Air Force.

The House recedes with a clarifying amendment.

Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation (sec. 553)

The Senate amendment contained a provision (sec. 523) that would ensure that members of the Selected Reserve who are ordered to active duty in support of a contingency operation, and required to discontinue a course of study under the GI Bill benefit, would not have those months charged against their GI Bill entitlement.

The House bill contained no similar provision.

The House recedes.

Part III—Training of Army Drill Sergeants

Reform of Army drill sergeant selection and training process (sec. 556)

The House bill contained a provision (sec. 542) that would require the Secretary of the Army to institute a number of reforms in the processes by which drill sergeants are selected and trained.

The Senate amendment contained no similar provision.

The Senate recedes.

Training in human relations matters for Army drill sergeant trainees (sec. 557)

The House bill contained a provision (sec. 547) that would require the Secretary of the Army to expand the human relations instruction now provided to drill sergeant trainees to at least two days of instruction.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle F—Commission on Military Training and Gender-Related Issues

Commission on Military Training and Gender-Related Issues (secs. 561-566)

The House bill contained a provision (sec. 541) that would require the establishment of a panel to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make recommendations for improvements to these programs.

The Senate amendment contained a provision (sec. 552) that would establish an 11-member commission to study issues related to gender integration in the military services.

The House recedes with an amendment that would integrate the scope of the independent panel into that of the commission, and reduce the membership of the commission to 10, five of which would be appointed by the chairman and ranking member of the Committee on Armed Services of the Senate and the remaining five appointed by the chairman and ranking member of the National Security Committee of the House of Representatives.

The House bill contained a provision (sec. 548) that would require each of the secretaries of military departments to submit a report to the Committee on Armed Services of the Senate and the National Security Committee of the House of Representatives, within 180 days after the date of enactment, on gender-segregated basic training.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would incorporate the information required by the report into the provision that would establish a commission for review of gender integration in the military departments.

Subtitle G—Military Decorations and Awards

Purple Heart to be awarded only to members of the Armed Forces (sec. 571)

The House bill contained a provision (sec. 552) that would limit eligibility for the award of the Purple Heart to members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Eligibility for Armed Forces Expeditionary Medal for participation in Operation Joint Endeavor or Operation Joint Guard (sec. 572)

The House bill contained a provision (sec. 553) that would require the Secretary of Defense to designate participation by service members in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovina as meeting the requirements for award of the Armed Forces Expeditionary Medal.

The Senate amendment contained no similar provision.

The Senate recedes.

Clarification of eligibility of members of Ready Reserve for award of service medal for heroism (sec. 574)

The Senate amendment contained a provision (sec. 531) that would authorize members of the Ready Reserve to be awarded the service medal for heroism on the same basis as active duty service members.

The House bill contained no similar provision.

The House recedes.

One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel (sec. 575)

The Senate amendment contained a provision (sec. 533) that would extend, by one year, the time in which military intelligence personnel could apply for consideration of an award for service in the Cold War era.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Eligibility of certain World War II military organizations for award of unit decorations (sec. 576)

The Senate amendment contained a provision (sec. 534) that would authorize the service secretaries to award a unit decoration to any unit or other organization of the armed forces of the United States that supported the planning or execution of combat operations during World War II.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Retroactivity of Medal of Honor special pension (sec. 577)

The Senate amendment contained a provision (sec. 535) that would authorize retroactive payment of the special pension to which recipients of the Medal of Honor are entitled to those African-American World War II soldiers who were awarded the Medal of Honor as a result of legislation in the National Defense Authorization Act for Fiscal Year 1996.

The House bill contained no similar provision.

The House recedes.

Subtitle H—Military Justice Matters

Amendments to the Uniform Code of Military Justice (secs. 581 and 582)

The House bill contained two provisions (secs. 569 and 570) that would amend the Uniform Code of Military Justice. Section 569 would authorize a general court-martial to adjudge a sentence of confinement for life without eligibility for parole. Section 570 would limit to the President or the Secretary concerned, without delegation, the authority to grant parole to an offender serving a life sentence on appeal from a denial of parole.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle I—Other Matters

Sexual harassment investigations and reports (sec. 591)

The Senate amendment contained a provision (sec. 553) that would establish rigorous reporting requirements and time lines for completing investigations into allegations of sexual harassment within the armed services.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of the Senate regarding study of matters relating to gender equity in the Armed Forces (sec. 592)

The Senate amendment contained a provision (sec. 551) that would express the sense of the Congress that the Comptroller General of the United States should conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the armed forces and report to Congress within one year of enactment of the National Defense Authorization Act for Fiscal Year 1998.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of the Senate that the Comptroller General of the United States should conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the armed forces and report to the Senate within one year of enactment of the National Defense Authorization Act for Fiscal Year 1998.

Authority for personnel to participate in management of certain non-Federal entities (sec. 593)

The House bill contained a provision (sec. 563) that would authorize service secretaries to approve on a case-by-case basis the limited service of military and civilian personnel as directors, trustees, or officers of a military welfare society, such as Army Emergency Relief, or other designated entities.

The Senate amendment contained a similar provision (sec. 555).

The Senate recedes with an amendment that would require that the approved non-Federal agencies be limited to not-for-profit agencies and would not permit participation as part of the service member's official duties.

The conferees support the participation of military and civilian personnel in the military welfare agencies and other non-Federal, not-for-profit entities without compensation and at no cost to the Federal Government.

Treatment of participation of members in Department of Defense civil military programs (sec. 594)

The House bill contained a provision (sec. 566) that would prohibit the secretary of a military department from requiring or requesting a service member to submit, for consideration by a selection board, evidence of the service member's support and service to non-Department of Defense organizations. In addition, the section would prohibit promotion and selection boards from using involvement in civil-military and community support programs as a special evaluation criteria.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit consideration by promotion boards of voluntarily submitted information. The conferees recognize that there are currently precise policies governing communication with and information available to selection boards.

Comptroller General study of Department of Defense civil military programs (sec. 595)

The House bill contained a provision (sec. 565) that would require the Comptroller General to conduct a study to evaluate the civil military programs of the military services.

The Senate amendment contained no similar provision.

The Senate recedes.

Establishment of public affairs specialty in the Army (sec. 596)

The House bill contained a provision (sec. 571) that would establish public affairs as a special branch of the Army.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a public affairs speciality within the Army.

Grade of defense attaché in France (sec. 597)

The Senate amendment contained a provision (sec. 557) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to ensure that the defense attache in France is an officer who holds or is promotable to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on crew requirements of WC-130J aircraft (sec. 598)

The House bill contained a provision (sec. 564) that would preclude navigator and other manpower requirements of units engaged in eyewall penetration of tropical cyclones from being reduced below the requirements established as of October 1, 1997 until the end of a six-month period after the Secretary of the Air Force reports to the Congress on the manpower requirements for WC-130J aircraft.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the prohibition on reducing personnel levels in WC-130J units, and would add a requirement that the Secretary of the Air Force submit a plan to the Congress for assisting personnel in these units transition to other units or job specialities.

Improvement of missing persons authorities applicable to Department of Defense (sec. 599)

The House bill contained a provision (sec. 568) that would restore provisions pertaining to U.S. prisoners of war, those missing in action, and unaccounted for persons, enacted in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) and subsequently repealed by the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201). Specifically, the section would expand the scope of current law by:

(1) Making it applicable to Department of Defense civilians and contractors accompanying armed forces in the field;

(2) Establish a 48-hour suspense for the commander's initial report of a missing person's status;

(3) Require the theater component commander's involvement in the initial assessment of a missing person's status;

(4) Require the status of persons who were last known alive to be reviewed every 3 years for 30 years following initial report;

(5) Re-establish criminal penalties for the knowing and willful withholding of information from a missing person's file;

(6) Restore the requirement that a status review board (when making determinations of death) must provide a description of the location of body, if recovered, and, if the body is not identifiable, a certification by "a practitioner of an appropriate forensic science that the body recovered is that of the missing person;" and

(7) Restore the ability of certain persons to request status reviews of a limited number of Korean War cases.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand current law:

(1) Making it applicable to certain Department of Defense civilians and contractors in direct support of or accompanying armed forces in the field;

(2) Require that an advisory copy of a missing person report be provided to the theater component commander;

(3) Require that if a body is recovered, and is not identifiable by visual means, a certification by a forensic pathologist that the body recovered is that of the missing person is required before the status may be changed;

(4) For pre-enactment cases, define "new information" as information found or received by the primary next of kin, member of the immediate family or a previously designated person or information that is identified in records of the United States that is relevant to the case of one or more unaccounted for persons, and require that such information be credible before a new file is created;

(5) Require that the identity of the counsel for the missing person be made known to the primary next of kin or the previously designated person, and permit the primary next of kin or the previously designated person to provide information to the counsel of the missing person in connection with the initial review board;

(6) Require that an extract of any debriefing report be placed in the file of every missing person mentioned in the report; require that an extract of such debriefing reports be made available to family members of missing persons, or if the reports are withheld, notify the family that such information exists; and

(7) Require that, if as allowed by law, classified information is withheld from the file of a missing person,the notice of that withholding be made reasonably available to the families of the missing person.

LEGISLATIVE PROVISIONS NOT ADOPTED

Time-in-grade requirements for reserve commissioned officers retired during the drawdown period

The House bill contained a provision (sec. 514) that would authorize the secretaries of the military departments to reduce the required time in grade for a reserve officer to retire in the highest grade held from three to not less than two years.

The Senate amendment contained no similar provision.

The House recedes.

Grade requirement for officers eligible to serve on involuntary separation boards

The House bill contained a provision (sec. 516) that would reduce the grade required for officer separation board members in the reserve components from 0–6 and above to 0–5 and above.

The Senate amendment contained no similar provision.

The House recedes.

Study of new decorations for injury or death in line of duty

The House bill contained a provision (sec. 551) that would require the Secretary of Defense, in cooperation with the secretaries of the military departments and the Secretary of the Treasury with regard to the Coast Guard, to determine the appropriate name, policy, award criteria, and design for two new decorations.

The Senate amendment contained no similar provision.

The House recedes.

Suspension of temporary early retirement authority

The House bill contained a provision (sec. 561) that would suspend the authorization for the early retirement program during fiscal year 1998.

The Senate amendment contained no similar provision.

The House recedes.

Recognizing the savings that can be achieved by using this authority early in the year, the conferees reduced the amount authorized to be appropriated to the Air Force for this program by $49.0 million.

Treatment of educational accomplishments of National Guard ChalleNGe program participants

The House bill contained a provision (sec. 562) that would deem a general education diploma certificate achieved as a result of the individual's participation in a National Guard ChalleNGe program the same as a high school diploma for the purpose of determining the eligibility of the person for enlistment in the armed forces.

The Senate amendment contained no similar provision

The House recedes.

Repeal of certain staffing and safety requirements for the Army Ranger Training Brigade

The Senate amendment contained a provision (sec. 524) that would repeal section 4303 of title 10, United States Code, which specified minimum manning levels for the Ranger Training Brigade and required the establishment of training safety cells.

The House bill contained no similar provision.

The Senate recedes.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Pay and Allowances

Increase in basic pay for fiscal year 1998 (sec. 601)

The House bill contained a provision (sec. 601) that would provide a 2.8 percent military pay raise as proposed in the President's budget request.

The Senate amendment contained a provision (sec. 601) that would waive section 1009 of title 37, United States Code, and increase the rates of basic pay for members of the uniformed services by 2.8 percent effective January 1, 1998.

The Senate recedes with a clarifying amendment.

Reform of basic allowance for subsistence (sec. 602)

The House bill contained a provision (sec. 603) that would re-engineer the basic allowance for subsistence (BAS) by providing the Secretary of Defense greater flexibility to continue to pay BAS when rations in kind are available; index the annual growth in the subsistence allowance to increases in the cost of the moderate food plan of the U.S. Department of Agriculture; and repeal the current process of increasing the basic allowance for subsistence at the same rate as the military pay raise.

The Senate amendment contained three provisions (sec. 611–613) that would reform the BAS for all members of the uniformed services by linking the BAS for officers and enlisted members to the Department of Agriculture food plan indexes; provide a transition period during which annual increases in the current enlisted allowance would be limited to one percent until such time as the transition period allowance equals the new Department of Agriculture based allowance; and provide a new, partial subsistence allowance for junior enlisted personnel who are not currently eligible for any subsistence allowance.

The House recedes with an amendment that would merge the provisions into one.

Consolidation of basic allowance for quarters, variable housing allowance, and overseas housing allowances (sec. 603)

The House bill contained a provision (sec. 604) that would consolidate the basic allowance for quarters and the variable housing allowance; would authorize $35.0 million to reduce out-of-pocket housing costs for individuals receiving Basic Allowance for Quarters; would index the annual growth in housing allowances to increases in the national average monthly cost of housing; repeal the current process of increasing the basic allowance for quarters at the same rate as the military pay raise; incorporate the authorities for overseas station housing allowance and family separation housing allowance; and would protect service members from reductions in the rate of overseas station allowance not attributable to fluctuations in foreign currency rates, so long as the member's housing costs have not been reduced.

The Senate amendment contained six provisions (sec. 616, 617, 619–622) that would adopt a single, price-based housing allowance based on a national index of housing costs and authorize a housing allowance that would vary with pay grade and dependency status and would be based on local private sector housing costs.

The Senate recedes with an amendment that would merge the provisions into one, except that the conferees did not agree to authorize $35.0 million to reduce out-of-pocket housing costs.

Revision of authority to adjust compensation necessitated by reform of subsistence and housing allowances (sec. 604)

The Senate amendment contained a provision (sec. 626) that would revise the authority to adjust compensation of uniformed services personnel when federal civilian pay is adjusted.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees direct the Secretary of Defense to study the need for and cost effectiveness of establishing a locality pay system for military personnel that is comparable to the system in place for federal civilian employees, and to report the results of the study to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, not later than March 31, 1998.

Protection of total compensation of members while performing certain duty (sec. 605)

The House bill contained a provision (sec. 602) that would repeal the legislative link between military and federal civilian pay raises and would require military pay raises to be independently calculated using the Employment Cost Index and would ensure that total pay and allowances of a service member will not be reduced when assigned to field conditions at home station or temporary duty away from home station.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that the total pay and allowances of a service member will not be reduced when the service member is assigned to field duty at home station or to temporary duty away from home station and would strike the remainder of the provision.

Subtitle B—Bonuses and Special and Incentive Pays

One-year extension of certain bonuses and special pay authorities for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus until September 30, 1999.

The Senate amendment contained a provision (sec. 631) that would extend the authority to pay the special pay for critically short wartime health specialists in the Selected Reserve, the Selected Reserve reenlistment bonuses, the Selected Reserve enlistment bonuses, the special pay for enlisted members assigned to certain high priority units in the Selected Reserve, the Selected Reserve affiliation bonus, the Ready Reserve enlistment and reenlistment bonus, the repayment of loans for certain health professionals who serve in the Selected Reserve, and the prior service enlistment bonus until September 30, 1999.

The House recedes with a clarifying amendment.

One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 612)

The House bill contained a provision (sec. 612) that would extend the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive special pay for nurse anesthetists until September 30, 1999.

The Senate amendment contained a provision (sec. 632) that would extend the authority to pay certain bonuses and special pays for nurse officer candidates, registered nurses, and nurse anesthetists until September 30, 1999.

The Senate recedes.

One-year extension of authorities relating to payment of other bonuses and special pays (sec. 613)

The House bill contained a provision (sec. 613) that would extend the authority for the aviation officer retention bonus, special pay for health care professionals who serve in the selected reserve in critically short wartime specialties, reenlistment bonus for active members, enlistment bonuses for critical skills, special pay for enlisted members of the selected reserve assigned to certain high priority units, special pay for nuclear qualified officers extending the period of active service, and nuclear career accession bonus to September 30, 1999. The provision would also extend the authority for repayment of educational loans for certain health professionals who serve in the selected reserve and the nuclear career annual incentive bonus until October 1, 1999.

The Senate amendment contained a provision (sec. 633) that would extend the authority to pay the aviation officer retention bonus, the reenlistment bonus for active members, the enlistment bonuses for critical skills, the special pay for nuclear qualified officers extending the period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus until September 30, 1999.

The Senate recedes with a clarifying amendment.

Increase in minimum monthly rate of hazardous duty incentive pay for certain members (sec. 614)

The House bill contained a provision (sec. 614) that would increase the amount paid to service members engaged in certain hazardous duties to $150 a month; would increase the minimum amount paid to service members engaged in non-aviator aircrew duties and air weapons controller aircrew duties to $150 a month; and would increase the amount paid to service members engaged in free fall parachute jumping to $225 a month.

The Senate amendment contained no similar provision.

The Senate recedes.

To provide for the increases, the conferees recommend an increase of $22.1 million in the military personnel accounts.

Increase in aviation career incentive pay (sec. 615)

The Senate amendment contained a provision (sec. 634) that would increase the aviation career incentive pay for aviators with more than 14 years of service. The recommended provision would be effective October 1, 1998.

The House bill contained no similar provision.

The House recedes with an amendment that would change the effective date to January 1, 1999.

Modification of aviation officer retention bonus (sec. 616)

The Senate amendment contained a provision (sec. 635) that increase the maximum amount of the aviation officer continuation pay from $12,000 to $25,000.

The House bill contained no similar provision.

The House recedes with an amendment that would change the required years of committment to receive a bonus.

Availability of multiyear retention bonus for dental officers (sec. 617)

The House bill contained a provision (sec. 615) that would amend section 301d of title 37, United States Code, to give the Secretary of Defense discretionary authority to provide multi-year contracts to dental officers, particularly critical specialists. These contracts would obligate dentists for up to four years and would enhance retention and management of the dental corps. The provision would require that dentists with a specialty in oral and maxillofacial surgery with at least eight years of service be automatically eligible for these contracts.

The Senate amendment contained a provision (sec. 636) that would authorize multiyear retention bonuses for dental officers similar to those authorized for medical officers.

The Senate recedes.

Increase in variable and additional special pays for certain dental officers (sec. 618)

The House bill contained a provision (sec. 616) that would amend section 302b(a) of title 37, United States Code, to increase special pay for dental officers with eight or more years of service.

The Senate amendment contained a provision (sec. 637) that would increase the amount of the special pay for dental officers of the armed forces and modify the number of years of service required to qualify for certain levels of the special pay.

The Senate recedes.

Availability of special pay for duty at designated hardship duty locations (sec. 619)

The House bill contained a provision (sec. 617) that would authorize a hardship duty pay for service members serving in locations that present quality of life hardships up to a maximum of $300 per month.

The Senate amendment contained no similar provision.

The Senate recedes a clarifying amendment.

Definition of sea duty for purposes of career sea pay (sec. 620)

The House bill contained a provision (sec. 651) that would authorize duty on a ship-based staff to be designated as sea duty for the purpose of qualifying for career sea pay.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of Selected Reserve reenlistment bonus (sec. 621)

The House bill contained a provision (sec. 618) that would restructure the payment options available to the secretaries of the military departments for the Selected Reserve reenlistment bonus, and would extend the period of eligibility for the bonus from members with less than 10 years total military service to members with less than 14 years service.

The Senate amendment contained a provision (sec. 638) that would provide service secretaries discretionary authority to determine the annual payment amounts for reserve reenlistment bonuses. The initial payment would be limited to not more than one-half of the total bonus. The recommended provision would also permit a member to receive a bonus when electing a three-year term of reenlistment twice in lieu of a single six-year term.

The House recedes with a clarifying amendment.

Modification of Selected Reserve enlistment bonus for former enlisted members (sec. 622)

The House bill contained a provision (sec. 619) that would restructure the payment options available to the secretaries of the military departments for the Selected Reserve enlistment bonus for former enlisted members, and would extend the period of eligibility for the bonus from members with less than 10 years total military service to those with less than 14 years service.

The Senate amendment contained a provision (sec. 639) that would modify the Selected Reserve prior service enlistment bonus to permit a member to receive a bonus for a three-year term of enlistment and a subsequent three-year reenlistment in lieu of a single six-year enlistment option.

The Senate recedes with a clarifying amendment.

Expansion of reserve affiliation bonus to include Coast Guard Reserve (sec. 623)

The House bill contained a provision (sec. 623) that would extend the authority to pay a bonus for separating active duty personnel who agree to serve in a reserve unit to the Coast Guard Reserve.

The Senate amendment contained a similar provision.

The House recedes with a clarifying amendment.

Increase in special pay and bonuses for nuclear-qualified officers (sec. 624)

The Senate amendment contained a provision (sec. 640) that would increase the maximum authorized rate for three nuclear special pays and bonuses for nuclear qualified officers of the Navy.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Provision of bonuses in lieu of special pay for enlisted members extending tours of duty at designated locations overseas (sec. 625)

The House bill contained a provision (sec. 620) that would authorize the payment of a bonus, as an alternative to a monthly special pay, to enlisted members who extend their tours of duty overseas.

The Senate amendment contained a provision (sec. 641) that would authorize the service secretaries to pay a lump sum payment of up to $2,000 per year to qualified enlisted members who extend their duty at designated overseas locations. The recommended provision:

(1) authorizes the service secretaries to fix the rate of payment as of the date of the extension agreement is accepted by the service;

(2) establishes the government's ability to recover payments for which service agreements are not completed; and

(3) removes the entitlement to such payment for those members who elect to receive government-funded rest and recuperative absences or transportation.

The House recedes with a clarifying amendment.

Increase in amount of family separation allowance (sec. 626)

The House bill contained a provision (sec. 621) that would increase the amount of family separation allowance paid to service members to $100 a month.

The Senate amendment contained no similar provision.

The Senate recedes.

To provide for the increase, the conferees agree to authorize an increase of $25.0 million in the military personnel accounts.

Deadline for payment of Ready Reserve muster duty allowance (sec. 627)

The House bill contained a provision (sec. 622) that would authorize the payment of the muster duty allowance not later than 30 days after the service member performs the duty.

The Senate amendment contained a provision (sec. 627) that would repeal the requirement that members of the Ready Reserve be paid for muster duty on or before the date on which they perform the duty, and would require that the allowance be paid on or before, but not later than 30 days following the date on which the duty is performed.

The Senate recedes with a clarifying amendment.

Subtitle C—Travel and Transportation Allowances

Travel and transportation allowances for dependents before approval of member's court-martial sentence (sec. 631)

The House bill contained a provision (sec. 631) that would remove the restrictions on authorizing travel and transportation allowances to a dependent of a service member who receives certain court-martial sentences.

The Senate amendment contained a provision (sec. 662) that would permit the service secretaries to move family members when a crime has been committed by the military sponsor.

The Senate recedes with a clarifying amendment.

Dislocation allowance (sec. 632)

The House bill contained a provision (sec. 632) that would establish grade-based rates for dislocation allowances and would index the annual growth of dislocation allowances to increases in the national average monthly cost of housing.

The Senate amendment contained a provision (sec. 618) that would establish the amount of the dislocation allowance for a service member to be equal to 160 percent of the national average cost of housing determined for members of the same grade and dependency status and for those service members entitled to a second dislocation allowance, the second allowance would be equal to 130 percent of the national average cost of housing determined for members of the same grade and dependency status.

The Senate recedes with an amendment that would merge the provisions into one.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

One-year opportunity to discontinue participation in Survivor Benefit Plan (sec. 641)

The Senate amendment contained a provision (sec. 651) that would permit a participant in the Survivor Benefit Plan to elect to discontinue participation at any time during a one-year period beginning on the second year anniversary of the date on which the member retired.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Time in which change in survivor benefit coverage from former spouse to spouse may be made (sec. 642)

The House bill contained a provision (sec. 641) that would remove the requirement that service members may change the beneficiary for the Survivor Benefit Plan from a former spouse to a spouse within one year of the date of remarriage.

The Senate amendment contained a provision (sec. 652) that would permit a military retiree to change the beneficiary of his or her Survivor Benefit Plan from a former spouse to a current spouse at any time after the retiree remarries.

The House recedes with a clarifying amendment.

Review of Federal former spouse protection laws (sec. 643)

The Senate amendment contained a provision (sec. 1039) that would require the Secretary of Defense to conduct a comprehensive review of the Uniformed Services Former Spouse Protection Act. The review would include other laws affecting federal civil service retirement and current civil practices regarding division of retirement pay or pensions in order to assess whether the Uniformed Services Former Spouse Protection Act should be amended. The recommended provision requires the report to be provided to Congress by September 30, 1999.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the areas to be considered during the review of the Uniformed Services Former Spouse Protection Act.

Annuities for certain military surviving spouses (sec. 644)

The Senate amendment contained a provision (sec. 654) that would authorize an annuity of $165 a month for surviving spouses of former active duty service members who died before March 21, 1974, and were retired from active duty. The recommended provision would also apply to surviving spouses of service members retired from the reserves between September 21, 1972 and October 1, 1978. These surviving spouses, known as "Forgotten Widows," are the survivors of retired military personnel who died before any survivor benefit program was enacted.

The House bill contained no similar provision.

The House recedes.

Administration of benefits for so-called minimum income widows (sec. 645)

The conferees agree to include a provision that would clarify the authority of the Secretary of Veterans Affairs to consolidate certain annuities currently paid by the Secretary of Defense to the widows of military retirees into a single payment.

Subtitle E—Other Matters

Loan repayment program for commissioned officers in certain health professions (sec. 651)

The House bill contained a provision (sec. 652) that would amend chapter 109 of title 10, United States Code, to establish an education loan repayment program for specific health professions.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Conformance of NOAA commissioned officers separation pay to separation pay for members of other uniformed services (sec. 652)

The House bill contained a provision (sec. 653) that would remove the limitations on the amount of separation pay that may be paid to commissioned officers of the National Oceanic and Atmospheric Administration (NOAA) and would exclude that portion of separation pay withheld for income taxes from the amount that must be repaid before becoming eligible for disability payments from the Department of Veterans Affairs. This section would conform the separation pay authority for NOAA commissioned officers with the separation pay authority for members of the armed services.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Eligibility of Public Health Service officers and NOAA commissioned corps officers for reimbursement of adoption expenses (sec. 653)

The House bill contained a provision (sec. 654) that would authorize officers of the Commissioned Corps of the Public Health Service to receive reimbursement for adoption expenses in the same manner as members of the armed forces.

The Senate amendment contained a provision (sec. 663) that would extend the authorization for reimbursement of adoption expenses in effect for the armed forces to the Public Health Service and the National Oceanic and Atmospheric Administration.

The House recedes with a clarifying amendment.

Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines (sec. 654)

The House bill contained a provision (sec. 655) that would authorize the payment of quarters and subsistence allowances to qualified individuals who served as guerilla fighters during the period from January 1942 through February 1945.

The Senate amendment contained no similar provision.

The Senate recedes.

Subsistence of members of the Armed Forces above the poverty level (sec. 655)

The House bill contained a provision (sec. 657) that would direct the Secretary of Defense to conduct a study of members of the armed forces and their dependents who subsist at, near, or below the poverty line.

The Senate amendment contained a similar provision (sec. 664).

The House recedes with a clarifying amendment.

The conferees do not intend that implementation of this provision would cause current recipients of supplemental food benefits within the United States to be removed from the program. The conferees encourage the committees of jurisdiction to examine the need for a supplemental food program for members of the armed services and eligible civilians living overseas and provide the funding needed to operate the overseas program while sustaining the program within the United States. The conferees note that the Secretary of Defense may use Departement of Defense funds to conduct this program until funding is received from the Secretary of Agriculture.

Legislative Provisions Not Adopted

Space available travel for members of Selected Reserve

The House bill contained a provision (sec. 656) that would provide authority for members of the Selected Reserve and their accompanying dependents to receive transportation on Department of Defense aircraft on a space available basis under the same terms and conditions that apply to active duty members of the armed forces and their dependents.

The Senate amendment contained no similar provision.

The House recedes.

Implementation of Department of Defense Supplemental Food Program for military personnel outside the United States

The House bill contained a provision (sec. 658) that would authorize the Secretary of Defense to use operations and maintenance funding to operate the program until funding is received from the Secretary of Agriculture.

The Senate amendment contained a similar provision within section 664.

The House recedes.

Paid-up coverage under Survivor Benefit Plan

The Senate amendment contained a provision (sec. 653) that would terminate Survivor Benefit Plan payments following 30 years of payments and attaining the age of 70.

The House bill contained no similar provision.

The Senate recedes.

Title VII—Health Care Provisions

Legislative Provisions Adopted

Subtitle A—Health Care Services

Expansion of retiree dental insurance plan to include surviving spouse and child dependents of certain deceased members (sec. 701)

The House bill contained a provision (sec. 701) that would amend section 1076c(b)(4) of title 10, United States Code, to allow the survivors of members who died while on active duty to participate in the retiree dental insurance plan.

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of prosthetic devices to covered beneficiaries (sec. 702)

The House bill contained a provision (sec. 702) that would amend section 1077(a) of title 10, United States Code, to allow for prosthetic devices to be provided to CHAMPUS beneficiaries for significant conditions, as determined by the Secretary of Defense.

The Senate amendment contained a similar provision (sec. 707).

The Senate recedes.

Study concerning the provision of comparative information (sec. 703)

The Senate amendment contained a provision (sec. 711) that would require the Secretary of Defense to conduct a study concerning the provision of information to TRICARE beneficiaries and report the results to the Congress.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle B—TRICARE Program

Addition of definition of TRICARE program to title 10 (sec. 711)

The House bill contained a provision (sec. 711) that would amend section 1072 of title 10, United States Code, to include a definition of the TRICARE Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Plan for expansion of managed care option of TRICARE program (sec. 712)

The House bill contained a provision (sec. 712) that would require the Secretary of Defense to prepare a plan for expanding the managed care option of TRICARE—TRICARE Prime—into areas located outside the catchment areas of military treatment facilities where the Department determines it is cost effective to do so.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle C—Uniformed Services Treatment Facilities

Implementation of designated provider agreements for Uniformed Services Treatment Facilities (sec. 721)

The House bill contained a provision (sec. 721) that would amend section 722(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) to clarify the implementation date of the designated provider program of the Uniformed Services Treatment Facilities (USTFs), and allow the USTFs to begin delivery of health care services as a designated provider within six months of signing the new designated provider agreement with the Department of Defense, or upon implementation of TRICARE in the USTFs region, whichever date is later.

The Senate amendment contained a provision (sec. 731) that would clarify the implementation date of the designated provider program of the Uniformed Services Treatment Facilities (USTFs); allow the USTFs to begin delivery of health care services as a designated provider within six months of signing the new designated provider agreement with the Department of Defense, or upon implementation of TRICARE in the USTFs region, whichever date is later; require the Secretary of Defense to submit to binding arbitration; impose limits on contracting out primary care services and permit flexibility on the date on which the uniform benefit must be implemented.

The Senate recedes.

Continued acquisition of reduced-cost drugs (sec. 722)

The House bill contained a provision (sec. 723) that would allow the Uniform Services Treatment Facilities to continue to purchase pharmaceuticals under the preferred pricing levels applicable to government agency purchases.

The Senate amendment contained a similar provision (sec. 733).

The House recedes.

Limitation on total payments (sec. 723)

The House bill contained a provision (sec. 722) that would clarify the limitation on total program payments established in section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201).

The Senate amendment contained a similar provision (sec. 732).

The House recedes.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Improvements in health care coverage and access for members assigned to certain duty locations far from sources of care (sec. 731)

The Senate amendment contained a provision (sec. 701) that would make active duty service members assigned to certain remote duty locations eligible for health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and would direct the secretaries of the military departments to waive the annual fees, deductibles, and copayments associated with CHAMPUS.

The House bill contained no similar amendment.

The House recedes with an amendment that would retain the Senate provision and would direct the Secretary of Defense to improve the supplemental care program consistent with the TRICARE program in order to provide care to active duty personnel who are assigned to duty locations more than 50 miles from a military treatment facility.

Waiver or reduction of copayments under overseas dental program (sec. 732)

The House bill contained a provision (sec. 731) that would amend section 1076a(h) of title 10, United States Code, to waive the dental copayment requirements for family members of active-duty members stationed overseas when they receive host-nation dental care under the Overseas Dental Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Premium collection requirements for medical and dental insurance programs; extension of deadline for implementation of dental insurance program for military retirees (sec. 733)

The House bill contained a provision (sec. 732) that would amend section 1076b(b) and 1076c(c) of title 10, United States Code, to change the premium collection method prescribed for the Selected Reserve Dental Program and the Retiree Dental Program.

The Senate amendment contained a similar provision (sec. 705).

The Senate recedes with an amendment that would modify the date on which the retiree dental plan must be effective.

The conferees continue to insist that the Secretary of Defense provide comprehensive dental insurance programs for the Selected Reserve and for retirees and their families at the lowest possible cost.

The conferees expect the Secretary of Defense to use the allotment or payroll deduction process to the maximum extent possible for dental insurance premium collection. The conferees urge the Secretary to review the feasibility of including electronic funds transfer as an alternative means of premium collection. The conferees expect the Secretary to forward a legislative proposal if it is determined that electronic funds transfer is a viable alternative and that legislation is required to facilitate that method of premium collection.

The conferees urge the Secretary of Defense to develop a regional premium similar to the common practices of the commercial insurance industry to ensure that those who live in low-cost areas do not subsidize those in higher cost areas. The conferees note that it is common commercial practice to limit the availability of certain benefits for some period of time after the beneficiary enrolls in the program, or to require a minimum enrollment period. The conferees urge the Secretary of Defense to consider including these commercial practices in the retiree dental plan.

Dental insurance plan coverage for retirees of the Public Health Service and NOAA (sec. 734)

The Senate amendment contained a provision (sec. 706) that would extend eligibility for the retiree dental plan of the Department of Defense to retirees of the Public Health Service and the National Oceanic and Atmospheric Administration.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Consistency between CHAMPUS and Medicare in payment rates for services (sec. 735)

The House bill contained a provision (sec. 733) that would amend section 1079(h) of title 10, United States Code, to provide for greater consistency between CHAMPUS reimbursement rates for health care services and Medicare reimbursement rates.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of personal services contracts for provision of health care services and legal protection for providers (sec. 736)

The House bill contained a provision (sec. 734) that would clarify that personal services contract employees providing health care services, including fee-basis physicians, are covered by the same malpractice litigation rules as other Department of Defense health care providers and would enable the Secretary of Defense the authority to provide for reasonable attorney's fees in any litigation in which government attorneys do not provide representation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would sunset the provision after one year, would require the Secretary of Defense to report to the Congress on alternative methods to provide medical screening to the Military Entrance and Processing stations, including use of the TRICARE Managed Support contracts and outsourcing, and would extend the authority to the Secretary of Transportation for the Coast Guard.

Portability of State licenses for Department of Defense health care professionals (sec. 737)

The House bill contained a provision (sec. 735) that would amend section 1094 of title 10, United States Code, to authorize members of the armed forces licensed to practice medicine and other health professions to practice such professions in any state, the District of Columbia, or a territory or possession of the United States while performing authorized duties for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Standard form and requirements regarding claims for payment for services (sec. 738)

The House bill contained a provision (sec. 736) that would amend section 1106 of title 10, United States Code, to eliminate the requirement for non-participating providers who provide services to Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) beneficiaries to submit claims for payment for services on behalf of the beneficiary.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees believe that this provision will improve access to health care by reducing the administrative burden on health care providers which should make providing care under the CHAMPUS system more attractive to these providers. Increasing the number of CHAMPUS providers, especially in rural and under served areas, should enhance the health care options for Department of Defense health care beneficiaries. Beneficiaries who elect to receive care from a non-participating health care provider may have to file a claim for reimbursement from the CHAMPUS system. The conferees note that eliminating the requirement for non-participating providers to submit claims for payment for services on behalf of the beneficiary does not apply to health care providers who participate in the TRICARE network.

Chiropractic health care demonstration program (sec. 739)

The Senate amendment contained a provision (sec. 709) that would increase the number of sites and extend the length of the chiropractic health care demonstration authorized by the National Defense Authorization Act for Fiscal Year 1995.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

SUBTITLE E—OTHER MATTERS

Continued admission of civilians as students in physician assistant training program of Army Medical Department (sec. 741)

The House bill contained a provision (sec. 741) that would amend chapter 407 of title 10, United States Code, to provide permanent authority for a demonstration program established by the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) to allow students from civilian accredited institutions of higher education to attend physician assistant training at the Academy of Health Sciences at Fort Sam Houston, Texas, in return for the provision of certain academic services from the respective civilian institutions.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency (sec. 742)

The House bill contained a provision (sec. 742) that would amend chapter 152 of title 10, United States Code, to authorize the Secretary of Defense to pay for emergency health care services obtained by a military member, civilian employee, or contractor employee of the On-Site Inspection Agency while on permanent or temporary duty in a former Soviet Union or former Warsaw Pact state.

The Senate amendment contained a provision (sec. 702) that would provide authority for the Secretary of Defense to pay for emergency health care costs of military and civilian personnel assigned to the On-Site Inspection Agency, while participating in arms control inspections overseas, from funds available to the On-Site Inspection Agency (OSIA).

The House recedes with a clarifying amendment.

Authority for agreement for use of medical resource facility, Alamogordo, New Mexico (sec. 743)

The Senate amendment contained a provision (sec. 710) that would permit the Secretary of the Air Force to enter into an agreement, the contents of which are specified in the provision, with Gerald Champion Hospital in Alamogordo, New Mexico in which the hospital would provide health care services at a discount, provided that the facility is constructed in part with funds provided by the Secretary of the Air Force.

The House bill contained no similar amendment.

The House recedes with an amendment that would retain the essence of the Senate provision but would require that the funds be provided from Air Force Operations and Maintenance funds; would include additional information in the agreement; and would require the Secretary of Defense to review the proposed agreement and provide comments to the Congress before the agreement could be signed.

Disclosures of cautionary information on prescription medications (sec. 744)

The Senate amendment contained a provision (sec. 703) that would require that each prescription dispensed through the Military Health Care System, including the TRICARE and CHAMPUS programs, be accompanied by information containing cautions about use, possible side effects, and potential negative interaction with food or beverages.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Competitive procurement of certain ophthalmic services (sec. 745)

The House bill contained a provision (sec. 1405) that would require the Secretary of Defense to competitively procure, from the private sector, all ophthalmic services unless it is more cost effective or is necessary to meet readiness requirements to perform these services within the armed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General study of adequacy and effect of maximum allowable charges for physicians under CHAMPUS (sec. 746)

The House bill contained a provision (sec. 743) that would require the Comptroller General of the United States to study the adequacy of the CHAMPUS reimbursement rates, and the effect of these rates on the participation of physicians in the CHAMPUS program.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General study of Department of Defense pharmacy programs (sec. 747)

The House bill contained a provision (sec. 744) that would require the Comptroller General of the United States to evaluate the pharmacy programs of the Department of Defense. The required study would examine the merits and feasibility of establishing a uniform formulary for military treatment facility pharmacies and civilian contractor pharmacies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that the study include a review of the merits and feasibility of using private sector cost control mechanisms and the existence of any barriers to the use of such mechanisms.

Comptroller General study of Navy graduate medical education program (sec. 748)

The House bill contained a provision (sec. 745) that would require the Comptroller General of the United States to evaluate recommendations made by the Medical Education Policy Council of the Navy Bureau of

Medicine and Surgery to restructure the Navy's graduate medical education program.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of expansion of pharmaceuticals by mail program to include additional Medicare-eligible covered beneficiaries (sec. 749)

The House bill contained a provision (sec. 746) that would require the Secretary of Defense to provide a report to Congress, within six months of enactment of this Act, on the feasibility, advisability and cost of extending the current mail-order pharmacy program for Medicare-eligible beneficiaries in areas affected by base closures to all Medicare-eligible beneficiaries who do not reside near a military medical treatment facility.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General study of requirement for military medical facilities in the National Capital Region (sec. 750)

The House bill contained a provision (sec. 747) that would require the Comptroller General to conduct a study to evaluate the requirement for Army, Navy, and Air Force medical facilities in the National Capital Region.

The Senate amendment contained no similar amendment.

The Senate recedes.

Report on policies and programs to promote healthy lifestyles for members of the Armed Forces and their dependents (sec. 751)

The Senate amendment contained a provision (sec. 1042) that would require the Secretary of Defense to report to the Congress on the effectiveness of the policies and programs intended to promote healthy lifestyles among members of the armed forces and their families.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress regarding quality health care for retirees (sec. 752)

The Senate amendment contained a provision (sec. 708) that would express the sense of the Congress that the United States has a moral obligation to provide quality health care to military retirees and their families.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle F—Persian Gulf Illness

Plan for health care services for Persian Gulf veterans (sec. 762)

The House bill contained a provision (sec. 752) that would require the Secretary of Defense and the Secretary of Veterans Affairs to prepare a joint plan to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness.

The Senate amendment contained a similar amendment (sec. 752).

The Senate recedes with a clarifying amendment.

Comptroller General study of revised disability criteria for physical evaluation boards (sec. 763)

The House bill contained a provision (sec. 753) that would require the Comptroller General to conduct a study evaluating the revisions made by the Secretary of Defense to the criteria used by Physical Evaluation Boards to set disability ratings for members of the armed forces who are no longer medically qualified for continuaton on active duty.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Medical care for certain reserves who served in Southwest Asia during the Persian Gulf War (sec. 764)

The Senate amendment contained a provision (sec. 704) that would entitle a member of a reserve component who is a Persian Gulf War veteran, registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense, and is not otherwise entitled to medical and dental care from the Military Health Care System to medical and dental care to the same extent and under the same conditions as a member on active duty.

The House bill contained no similar provision.

The House recedes with an amendment that would entitle a member of a reserve component who is a Persian Gulf War veteran, registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense, and is not otherwise entitled to medical and dental care from the Military Health Care System or the Veterans Affairs medical system to medical care to the same extent and under the same conditions as a member on active duty.

Improved medical tracking system for members deployed overseas in contingency or combat operations (sec. 765)

The House bill contained a provision (sec. 754) that would require the Secretary of Defense to establish a system to assess the medical condition of members of the armed forces who are deployed outside the United States as part of a contingency operation.

The Senate amendment contained a similar provision (sec. 753).

The Senate recedes with a clarifying amendment.

Notice of use of investigational new drugs or drugs unapproved for their applied use (sec. 766)

The House bill contained a provision (sec. 757) that would require the Secretary of Defense to notify a member of the armed forces before the member is administered an investigational new drug or a drug unapproved for its applied use.

The Senate amendment contained a similar provision (sec. 756).

The Senate recedes with a clarifying amendment.

Sense of Congress regarding the deployment of specialized units for detecting and monitoring chemical, biological, and similar hazards in a theater of operations (sec. 768)

The House bill contained a provision (sec. 756) that would require the Secretary of Defense to submit a plan to the Congress regarding the deployment of a specialized unit of the armed forces with the capability and expertise to detect and monitor the presence of chemical, biological, and similar hazards.

The Senate amendment contained a similar provision (sec. 755).

The House recedes with an amendment that would express the Sense of Congress that the Secretary of Defense, in conjunction with the Chairman of the Joint Chiefs of Staff, should take such actions as are necessary to ensure that units of the armed forces deployed in a theater of operations for a contingency operation include specialized units with the capability to detect and monitor the presence of chemical, biological, and similar hazards.

Sense of Congress concerning Gulf War illness (sec. 771)

The House bill contained a provision (sec. 760) that would express the sense of the Congress that all promising technology and treatments related to Gulf War illness should be fully explored and tested to facilitate treatment for members of the armed forces who are stricken with Persian Gulf illness.

The Senate amendment contained no similar provision.

The Senate recedes.

Legislative Provisions Not Adopted

Medical personnel conscience clause

The House bill contained a provision (sec. 737) that would require the Secretary of Defense to establish a uniform policy with regard to a conscience clause for abortion and family planning services. Under this policy, medical personnel who, for moral, ethical, or religious reasons, object to performing an abortion or to providing family planning services would not be required to perform such procedures unless their refusal to do so poses life-threatening risks to the patient.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the service policies with regard to conscience clauses should be uniform. The conferees note that the Army has proposed a policy change that would make their policy consistent with that of the other services. Once the change is promulgated, the Secretary of the Army is directed to provide a copy of the regulation to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

Title VIII—Acquisition Policy, Acquisition Management, and Related Matters

ITEMS OF SPECIAL INTEREST

Cost accounting standards board

The conferees believe that much progress has been made over the past several years to bring needed reform and streamlining to the federal acquisition process. However, the conferees note that concerns have been raised that the cost accounting standards governing the allocation of direct and indirect costs on government contracts, as promulgated by the Cost Accounting Standards Board (CAS), are an impediment to acquisition streamlining.

The conferees endorse the House report (H. Rept. 105–132), which requires the General Accounting Office (GAO) to conduct a study that would analyze and assess the mission of the CAS Board. The conferees believe that such a study, in which all views are represented, would help the Congress to determine the best way to balance the interest of taxpayers and the need for greater acquisition streamlining.

Legislative Provisions Adopted

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Expansion of authority to enter into contracts crossing fiscal years to all severable service contracts not exceeding a year (sec. 801)

The House bill contained a provision (sec. 802) that would broaden the current limited authority of the Department of Defense to expend appropriated funds for severable service contracts that cross fiscal years.

The Senate amendment contained a similar provision (sec. 803).

The House recedes with an amendment clarifying that the current authority of the Coast Guard to expend funds for such contracts is intended to be unaffected by the provision.

The conferees direct that the Secretary of Defense review the Department's operations under this provision and no later than 30 days after the end of both fiscal years 1998 and 1999 submit reports to the congressional defense committees containing the following information for each fiscal year:

(1) the total amount and sources of funds obligated under the provision;

(2) the types of services procured under the provision;

(3) when the services were ordered and when provided; and

(4) the reasons in each case why the authority under the section was required to be used.

A copy of each report shall be provided simultaneously to the Comptroller General.

No later than 180 days after receipt of the report of the Department of Defense for fiscal year 1999, the Comptroller General shall submit a report to the congressional defense committees addressing:

(1) any abuses of the provision, such as efforts to circumvent year-end spending limitations; and

(2) recommendations for legislative or administrative changes to the authority under the section that the Comptroller General may believe to be appropriate.

Vesting of title in the United States under contracts paid under progress payment arrangements or similar arrangements (sec. 802)

The House bill contained a provision (sec. 803) that would establish in statute the title vesting provisions currently used by the Department of Defense in contractual agreements involving certain forms of contract financing.

The Senate amendment contained a similar provision (sec. 812).

The House recedes.

Restriction on undefinitized contract actions (sec. 803)

The House bill contained a provision (sec. 804) that would add disaster relief, humanitarian, and peacekeeping operations to the types of operations for which the head of an agency may waive limitations on the use of undefinitized contracts.

The Senate amendment contained a similar provision (sec. 802).

The House recedes.

Limitation and report on payment of restructuring costs under defense contracts (sec. 804)

The House bill contained a provision (sec. 805) that would codify in title 10, United States Code, the policy restrictions in section 8115 of the Omnibus Appropriations Act for Fiscal Year 1997 (Public Law 104–208) relating to the allowability of restructuring costs under defense contracts. The House provision would also consolidate the requirements of section 818 of the National Defense Authorization Act for Fiscal Year 1995 (Public 103–337) into a codifed provision.

The Senate amendment contained a provision (sec. 841) that would extend for two years the reporting requirements under section 818 and would require a report from the General Accounting Office on the effects of defense business combinations on competition and on contract weapon system prices.

The House recedes with an amendment combining the two provisions.

Multiyear procurement contracts (sec. 806)

The House bill contained a provision (sec. 807) that would provide that no future multiyear procurement contract may be entered into by the Secretary of Defense unless such contract is specifically authorized by law in an act other than an appropriations act. The House provision would also codify various requirements that the Secretary of Defense must meet in order to enter into or to terminate a multiyear procurement contract.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the requirement that future multiyear procurement contracts be authorized in law to contracts in amounts over $500.0 million.

Audit of procurement of military clothing and clothing-related items by military installations in the United States (sec. 807)

The House bill contained a provision (sec. 810) that would require the Department of Defense Inspector General to carry out a random audit of procurements of goods by the military installations in fiscal years 1996 and 1997 to determine the extent to which such installations procured goods made in countries other than the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the audit to a determination of the extent to which military installations procured military clothing and clothing-related items in procurements above $2,500 in violation of the Buy American Act.

Limitation on allowability of compensation for certain contractor personnel (sec. 808)

The Senate amendment contained a provision (sec. 804) that, for the purpose of determining the allowability of costs under section 2324 of title 10, United States Code, and section 306 of the Federal Property and Administrative Services Act of 1949, would:

(1) limit the reimbursement of senior executive salaries to the median of salary of senior executives in all public corporations with annual sales in excess of $50.0 million, regardless of the size of the company;

(2) define executive compensation to include the total amount of wages, salary, bonuses, and deferred compensation that is recorded in the contractor's cost accounting records for the year; and

(3) apply the limitations applicable to the five most highly-paid executives of a contractor, or any division of a contractor.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that the limitation applies to costs incurred after January 1, 1998. In addition to making other clarifying changes, the amendment would also provide that no other limitation on the reimbursement of senior executive salaries covered under this section shall apply after that date.

Elimination of certification requirement for grants (sec. 809)

The Senate amendment contained a provision (sec. 807) that would eliminate the drug-free workplace certification requirements in relation to federal grants in a similar manner provided for federal contracts in section 4301(a)(3) of the National Defense Authorization Act for Fiscal Year 1996.

The House bill contained no similar provision.

The House recedes.

The conferees strongly support the continued requirement that persons accept and enforce the drug-free workplace laws as a condition for the award of a contract or grant with a federal agency.

Repeal of limitation on adjustment of shipbuilding contracts (sec. 810)

The Senate amendment contained a provision (sec. 808) that would repeal section 2405 of title 10, United States Code, and apply the current six-year limitation for the submission of claims in the Contract Disputes Act as the sole limitation on shipbuilding claims. The House bill contained no similar provision.

The House recedes.

Item-by-item and country-by-country waivers of domestic source limitations (sec. 811)

The House bill contained a provision (sec. 801) that would require the Secretary of Defense to apply the waiver authority with respect to section 2534 of title 10, United States Code only on a case-by-case basis on specific procurements.

The Senate amendment contained a provision (sec. 809) that would provide the Secretary of Defense with blanket waiver authority for the domestic source restrictions in section 2534.

The Senate recedes with an amendment that would provide the Secretary with the authority to grant waivers to the restrictions in section 2534 for a particular item and a particular foreign country. Each such waiver would be effective for up to one year, as determined by the Secretary. The provision would require the Secretary, 15 days before the effective date of a waiver, to notify the congressional defense committees and to publish in the *Federal Register* a notice of the determination to exercise the waiver.

Subtitle B—Acquisition Assistance Programs

One-year extension of pilot mentor-protégé program (sec. 821)

The Senate amendment contained a provision (sec. 822) that would extend the period in which mentor firms may incur costs for furnishing developmental assistance under the Department of Defense mentor-protégé program until September 30, 2000. The provision would also extend the period during which new agreements under the program may be entered into until September 30, 1999.

The House bill contained no similar provision.

The House recedes with an amendment that would require the General Accounting Office to review the implementation of the mentor-protégé program and report on the extent to which the program is achieving the purposes established under this section.

The conferees intend to use the results of this report in reassessing the long-term viability of the mentor-protégé program during the next legislative cycle.

Test program for negotiation of comprehensive subcontracting plans (sec. 822)

The Senate amendment contained a provision (sec. 823) that would extend from September 30, 1998 to September 30, 2000 the expiration date for the current test program for negotiating comprehensive subcontracting plans with Department of Defense (DOD) contractors. The provision would also address participating contractors acting as subcontractors under a DOD prime contract by allowing them to include their major subcontracts within their subcontracting plans.

The House bill contained no similar provision.

The House recedes.

The conferees believe that the DOD should expand the program in a manner that would encourage prime contractors to enter the program on a plant or facility basis.

Subtitle C—Administrative Provisions

Retention of expired funds during the pendency of contract litigation (sec. 831)

The Senate amendment contained a provision (sec. 831) that would permit federal agencies to retain amounts collected pursuant to the Contract Disputes Act of 1978 to satisfy a settlement reached between parties or a judgment rendered in favor of a contractor through the Federal Courts or the Armed Services Board of Contract Appeals. The provision would also require the Comptroller of the Department of Defense to provide an annual report to Congress on the amounts available for obligation under the authority of this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the authority under the provision to the military services and defense agencies, as well as make other clarifying changes.

Protection of certain information from disclosure (sec. 832)

The Senate amendment contained a provision (sec. 832) that would amend section 2371 of title 10, United States Code, to clarify that certain information submitted by outside parties in transactions governed by the authority under that section is protected from disclosure under section 552 of title 5, United States Code.

The House bill contained no similar provision.

The House recedes.

Unit cost reports (sec. 833)

The Senate amendment contained a provision (sec. 834) that would eliminate duplicative reporting requirements on unit costs of major defense acquisition programs.

The House bill contained no similar provision.

The House recedes.

Plan for providing contracting information to general public and small business (sec. 834)

The Senate amendment contained a provision (sec. 835) that would require the Under Secretary of Defense (Acquisition and Technology) to designate an official in his office to serve as a central point of contact for persons seeking information about how and where to respond to contract solicitations, procedures for being included on approved suppliers lists, and other contracting information.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to develop a plan for improving the responsiveness of the Department of Defense to persons from the general public and small businesses seeking information on contracting and technology development opportunities with the Department of Defense. Such plan is to include an assessment of the designation of a single point of contact within the Office of the Secretary of Defense for that purpose.

Two-year extension of crediting of certain purchases toward meeting subcontracting goals (sec. 835)

The conferees agree to include a provision that would extend for an additional two years the authority to credit purchases from qualified nonprofit agencies for the blind or other severely handicapped toward meeting subcontracting goals of defense contractors.

Subtitle D—Other Matters

Repeal of certain acquisition requirements and reports (sec. 841)

The House bill contained a provision (sec. 821) that would repeal a number of miscellaneous acquisition reporting requirements.

The Senate amendment contained similar repeals (secs. 801 and 833).

The Senate recedes with an amendment that would combine certain elements from both provisions.

Use of major range and test facility installations by commercial entities (sec. 842)

The House bill contained a provision (sec. 822) that would amend section 2681 of title 10, United States Code, to delay for two years the expiration of existing authority allowing the Department of Defense test and evaluation facilities to make excess capacity available to the commercial sector.

The Senate amendment contained a similar provision (sec. 232) that would delay the expiration of the authority in section 2681 for three years.

The House recedes with an amendment that would delay the expiration of the authority for four years.

Requirement to develop and maintain list of firms not eligible for defense contracts (sec. 843)

The House bill contained a provision (sec. 823) that would amend section 2327 of title 10, United States Code, to require the Secretary of Defense to develop and maintain a list of all firms and subsidiaries of firms that, for the preceding five years, have been prohibited from entering into contracts with the Department of Defense because of substantial ownership by a foreign government supporting acts of international terrorism. The House provision would also prohibit defense contractors from providing any equipment, parts, or services to the Department of Defense from such listed firms.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow individuals to request the Secretary of Defense to have firms included on the list. The provision would also exclude listed firms from receiving subcontracts under contracts with the Department of Defense in a manner similar to firms that are suspended or debarred under subpart 9.4 of the Federal Acquisition Regulation.

Sense of Congress regarding allowability of costs of employee stock ownership plans (sec. 844)

The House bill contained a provision (sec. 824) that would prohibit the Secretary of Defense from making a determination of the allowability of costs of employee stock ownership plans (ESOP), in accordance with a rule that had been proposed and withdrawn in prior years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Defense Contract Audit Agency (DCAA) should not disallow interest costs associated with ESOPs incurred before January 1, 1994. It also states that the Department of Defense should not disallow costs related to ESOP debt, control premiums, or marketability discounts associated with the valuation of ESOP stock of closely held companies that were incurred before January 1, 1995.

The conferees have been informed that retroactive application of changes to DCAA policy on these issues could have severe economic consequences for ESOP defense contractors. Therefore, the conferees have included a provision that would address retroactivity. The provision is not intended to pass judgment on the changes. The conferees do not intend that the provision supercede any agreement that a contractor may have entered into with the Department of Defense that provides for a different treatment of ESOP costs.

The conferees understand that a number of other federal agencies may have an interest in the accounting rules applicable to ESOP costs. The conferees direct the Secretary to consult with the Office of Management and Budget, the General Accounting Office, and accounting experts in such other federal agencies to determine whether a consistent, government-wide approach to the relevant accounting and policy issues can be developed. Any interagency process addressing these issues should provide for public comment.

Expansion of personnel eligible to participate in demonstration project relating to acquisition workforce (sec. 845)

The House bill contained a provision (sec. 825) that would expand the personnel eligible to participate in the workforce demonstration project authorized in section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit to 95,000 the total number of persons who may participate in the demonstration project.

Time for submission of annual report relating to Buy American Act (sec. 846)

The House bill contained a provision (sec. 826) that would reduce the time for the Department of Defense to prepare and submit the annual report relating to the Buy American Act required under section 827 of the National Defense Authorization Act for Fiscal Year 1997 from 120 to 60 days after the end of each fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report 90 days after the end of each fiscal year.

Repeal of requirement for contractor guarantees on major weapon systems (sec. 847)

The House bill contained a provision (sec. 1503) that would repeal section 2403 of title 10, United States Code, requiring the Secretary of Defense to obtain contractor guarantees on major weapon systems contracts.

The Senate amendment contained a provision (sec. 811) that would modify the requirements in section 2403 to provide flexibility to the Secretary of Defense and the secretaries of the military services to decide the appropriate use of such contractor guarantees.

The Senate recedes.

The conferees direct the Secretary of Defense to issue regulations to ensure that program managers actively and thoroughly examine the value and utility of contractor guarantees on major systems and pursue such guarantees where appropriate and cost effective.

Requirements relating to micro-purchases (sec. 848)

The House bill contained a provision (sec. 1504) that would require the use of micro-purchase methods for contracts below the micro-purchase threshold unless a member of the Senior Executive Service or a general or flag officer makes a written determination that such procedures should not apply for specified reasons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that 60 percent of all eligible purchases of goods or services for an amount less than the micro-purchase threshold will be made through streamlined micro-purchase procedures by October 1, 1998 and that 90 percent of such purchases be made through streamlined procedures by October 1, 2000. The provision would require the Secretary of Defense to define "eligible purchases" for the purposes of this requirement and to exclude those categories of purchases determined not to be appropriate or practicable for streamlined micro-purchase procedures. The provision would also require the Secretary of Defense to provide a plan implementing the requirements under this section by March 1, 1998, and to annually report through March 1, 2001 on procurement actions by the Department of Defense for amounts less than the micro-purchase threshold.

Promotion rate for officers in an acquisition corps (sec. 849)

The Senate amendment contained a provision (sec. 843) that would require the Under Secretary of Defense for Acquisition and Technology to report annually through October 1, 2000 on the extent to which each military service is complying with promotion opportunity requirement in section 1731(b) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Use of electronic commerce in federal procurement (sec. 850)

The Senate amendment contained a provision (sec. 844) that would allow federal agencies greater flexibility in implementing uniformly the electronic commerce capability requirements in the Federal Acquisition Streamlining Act of 1994.

The House bill contained no similar provision.

The House recedes with an amendment that would require the heads of agencies to give due consideration to the use or partial use of existing electronic commerce systems, such as the Federal Acquisition Computer Network (FACNET), before developing new systems using this authority. The amendment would also require the Administrator for Federal Procurement Policy to submit annual reports to the Congress detailing progress made in implementing this section.

Conformance of policy on performance based management of civilian acquisition programs with policy established for defense acquisition programs (sec. 851)

The Senate amendment contained a provision (sec. 845) that would conform the policy on performance based management of civilian acquisition programs with the similar policy applicable to defense acquisition programs under the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

The House bill contained no similar provision.

The House recedes.

Modification of process requirements for the solutions-based contracting pilot program (sec. 852)

The Senate amendment contained a provision (sec. 846) that would amend the solutions-based contracting pilot program established in section 5312 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106).

The House bill contained no similar provision.

The House recedes.

Guidance and standards for defense acquisition workforce training requirements (sec. 853)

The Senate amendment contained a provision (sec. 847) that would extend for an additional two years the authority of the Department of Defense to use alternative fulfillment standards for purposes of the training requirements in the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510).

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense to develop appropriate guidance and standards to ensure that the Department will continue to contract out the training of acquisition personnel in appropriate cases while maintaining necessary control over the content and quality of such training.

Study and report to Congress assessing dependence on foreign sources for resistors and capacitors (sec. 854)

The House bill contained a provision (sec. 1061) that would require the Secretary of Defense to conduct a study of the capacitor and resistor industries in the United States to determine the importance of the industry to national security and the impact on the industry of the removal of tariffs under the Information Technology Agreement.

The Senate amendment contained a similar provision (sec. 1048).

The House recedes with an amendment.

The conferees believe that, in preparing the study, the Secretary of Defense should consider industries involved with the development and manufacture of the full spectrum of capacitors and resistors, including fixed resistors, wirewound resistors, film resistors, solid tantalum capacitors, multilayer ceramic capacitors, wet tantalum capacitors, disc ceramic capacitors, aluminum electrolytic capacitors, film capacitors, and oil-filled capacitors.

Department of Defense and Federal Prison Industries joint study (sec. 855)

The Senate amendment contained a provision (sec. 848) that would require the Department of Defense (DOD) and Federal Prison Industries (FPI) to jointly conduct a study of the existing procedures that govern procurement transactions between DOD and FPI, and to make recommendations to improve the efficiency and reduce the cost of such transactions.

The House bill contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Domestic source limitation amendments

The House bill contained a provision (sec. 808) that would amend section 2534 of title 10, United States Code, to add shipboard work stations to the list of naval vessel components required to be procured from domestic sources. The provision would also make permanent the expired requirement to procure certain valves and machine tools from domestic sources.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of expiration of domestic source limitation for certain naval vessel propellers

The House bill contained a provision (sec. 809) that would amend section 2534 of title 10, United States Code, to make the existing limitation on the procurement of naval vessel propellers permanent.

The Senate amendment contained no similar provision.

The House recedes.

Availability of simplified procedures to commercial item procurements

The House bill contained a provision (sec. 1505) that would revise the authority in section 2304 of title 10, United States Code, and in section 303 of title 41, United States Code, to test simplified procedures for commercial item procurements. The provision would allow such test procedures to be used in cases where a contracting officer reasonably expects that offers will include other than commercial items.

The Senate amendment contained no similar provision.

The House recedes.

Price preference for small and disadvantaged businesses

The Senate amendment contained a provision (sec. 824) that would condition the use of the 10 percent price preference in section 2323 of title 10, United States Code, on the failure of the Department of Defense to meet in the prior fiscal year the five percent goal specified in section 2323.

The House bill contained no similar provision.

The Senate recedes.

The Senate conferees intend to review the need for continuing the price preference authority during hearings next year and may include in a future defense bill a provision similar to that contained in the Senate amendment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Department of Defense Positions and Organizations and Other General Matters

Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters (sec. 901)

The Senate amendment contained a provision (sec. 905) that would establish the position of Senior Representative of the National Guard Bureau in the grade of general and would add this position as a member of the Joint Chiefs of Staff.

The House bill contained no similar provision.

The House recedes with an amendment that would establish two positions on the Joint Staff. There would be an Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters and an Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters. These positions would be established in the grade of major general, or in the case of the Navy, rear admiral. The provision would establish the term of office as two years and incumbents may be reappointed for one additional term. In time of war, the term limit would be suspended.

The provision would establish a procedure for appointing the Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters in which the Governors would recommend National Guard officers to fill the position. The conferees appreciate the necessity for the Governors to participate in the selection process for this important position. The procedure for appointing the Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters requires the secretaries of the military departments to recommend officers from their respective reserve force. As in the case of the National

Guard, the conferees believe that the participation of the secretaries of the military departments is an essential element of the selection process for the Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

The conferees recognize that there currently is a Reserve Mobilization Assistant position, filled by a National Guard major general, assigned to the Office of the Director of the Joint Staff. The conferees established the two new positions in lieu of the current position to ensure that the Chairman and the Joint Staff have the benefit of the best advice with regard to all the reserve forces, in particular as it pertains to their unique capabilities and requirements.

The conferees urge the Chairman of the Joint Chiefs of Staff to ensure that these assistants have access to the Joint Staff and that they are included in discussions pertaining to resource matters, employment of National Guard or reserve forces, and war plans. The conferees expect that the Secretary of Defense and the Chairman of the Joint Chiefs will ensure that these assistants are able to participate, at the appropriate level, in the Defense Resources Board.

The provision would also require that the Secretary of Defense, in consultation with the Chairman, develop appropriate guidance to ensure that the level of reserve component officer representation on the Joint Staff is commensurate to the significant and important role assigned to reserve components in the total force. The conferees are convinced that reserve component officers are an excellent resource of expertise and experience that would add a valuable perspective to the increasingly complex mission of the Joint Staff.

The conferees note that the requirements of this provision are intended to be implemented within the clearly established principles of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433), which vests the Chairman with unequivocal control over the selection and management of all officers assigned to the Joint Staff. While the conferees find it appropriate to establish these two positions to ensure that advice on reserve component matters provided to the Chairman is of the highest quality and value, in no way are these positions intended to operate independently from or in conflict with the direction of the Chairman.

The common purpose of protecting U.S. national security interests must remain the paramount concern for all components of the total force. The mission must not be undermined by continued feuding over resources, bureaucratic standing, and attempts to enhance political equities. The conferees are dismayed and frustrated with the animosity and mistrust that exists between the Army and the National Guard. The conferees expect the Secretary of Defense, the Secretary of the Army, and the Chief of Staff of the Army to work with the Chief of the National Guard Bureau and The Adjutants General to resolve the divisive sentiments and suspicion that exists on both sides. The Secretary of Defense must ensure that the Secretary of the Army does not treat the National Guard in a cavalier manner, ignoring valid requirements and intentionally under-resourcing the National Guard, with the assumption that Congress will make up the shortfalls. The National Guard must work within the existing systems and processes to ensure that National Guard units are able to complement the active force and are ready to meet the wartime or contingency requirements they may be deployed to meet.

Use of CINC Initiative Fund for force protection (sec. 902)

The Senate amendment contained a provision (sec. 903) that would provide the commanders-in-chief (CINCs) with the authority to utilize funding from the CINC Initiative Fund to provide for any force protection requirements that emerge in their respective areas of operation.

The House bill contained no similar provision.

The House recedes.

Revision to required frequency for provision of policy guidance for contingency plans (sec. 903)

The House bill contained a provision (sec. 906) that would amend section 113(g)(2) of title 10, United States Code, to permit policy guidance for contingency plans to be given every two years or more frequently, as needed, rather than annually.

The Senate amendment contained no similar provision.

The Senate recedes.

Annual justification for Department of Defense advisory committees (sec. 904)

The House bill contained a provision (sec. 1508) that would terminate existing advisory committees, would prohibit any future advisory committee, board, or commission, unless established in law, and would require the Secretary of Defense to submit an annual report justifying any advisory committee the Secretary proposes to support in the next fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit an annual report justifying any advisory committee the Secretary proposes to support in the next fiscal year.

Defense Airborne Reconnaissance Office (sec. 905)

The House bill contained a provision (sec. 907) that would terminate the Defense Airborne Reconnaissance Office (DARO) and transfer its oversight responsibilities to the Defense Intelligence Agency (DIA).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would transfer the airborne reconnaissance systems acquisition and program management responsibilities from the DARO and the unmanned aerial vehicle joint program office (UAV JPO) back to the military services and retains Office of the Secretary of Defense (OSD)—level oversight responsibilities for airborne reconnaissance architecture determination and systems interface requirements within the DARO. The conferees direct the Secretary of Defense to ensure that the Task Force on Defense Reform makes specific recommendations for the distribution of authority to carry out legitimate management oversight responsibilities for airborne reconnaissance programs within the OSD and the UAV JPO. The conferees do not intend to make any changes within the cruise missile activities of the UAV JPO. The conferees understand that a principal focus of the Task Force is ensuring that program management-like responsibilities within OSD are shifted to the Service or Defense Agencies. The conferees expect that the Task Force recommendations will address this specific issue, as well as the appropriate organizational relationships for overseeing airborne reconnaissance programs within OSD.

The conferees agree with the concerns that led to the House provision. The congressional defense committees have repeatedly stated concerns with respect to both manned and unmanned airborne reconnaissance, yet there has been little improvement noted. The conferees note the Hicks & Associates report, which recommends that the OSD should focus "exclusively on top leadership and management tasks, assigning program management and execution tasks and lower priority tasks elsewhere in DOD." This report goes on to say that "OSD is a staff and advisory component . . ." that should divest itself of hands-on management. The conferees agree.

The conferees believe there is a very different environment with respect to joint operations and developments in the Pentagon today than existed when the Congress first directed creation of the DARO in 1993. The changes include: strengthened oversight by the Joint Requirements Oversight Council (JROC); the Chairman of the JROC (or the Director for Force Structure, Resources, and Assessment) participation as a member of the Defense Acquisition Board, and the Defense Airborne Reconnaissance Steering Committee to monitor joint reconnaissance issues. The conferees believe this senior oversight can provide sufficient direction, control, and monitoring of service efforts to ensure joint interoperability of reconnaissance systems.

The conferees also believe that there should be a coordinating management function within OSD specifically charged with oversight of service airborne reconnaissance systems and their development. Whatever the final repository of the airborne reconnaissance management oversight function within the OSD organization, the conferees intend that the responsibilities of the position be limited to coordinating budget developments, ensuring adherence to standards and interoperability requirements, and avoiding unnecessary duplication of effort. The conferees believe that:

(1) a streamlined DARO can provide the proper OSD management oversight, coupled with the necessary JROC requirements direction, while devolving the authorities and responsibilities for equipping the military forces to the services; and

(2) legitimate management oversight does not include either controlling execution year obligation of operations and maintenance funding, or acting as the acquisition agent for airborne reconnaissance systems.

The conferees direct the Secretary of Defense to provide the Congress with a plan to implement the directed reorganization and transfers of authority, based on the Task Force report, no later than March 1, 1998. The conferees direct the Secretary to complete implementation of the plan not later than September 30, 1998.

Termination of Armed Services Patent Advisory Board (sec. 906)

The House bill contained a provision (sec. 1506) that would terminate the Armed Services Patent Advisory Board and transfer the functions of the board to the Defense Technology Security Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees direct the Department of Defense to provide adequate staff resources to the Defense Technology Security Agency to support the functions of the agency including those transferred from the Armed Services Patent Advisory Board under this provision.

Coordination of Department of Defense criminal investigations and audits (sec. 907)

The House bill contained a provision (sec. 1507) that would create two new statutory boards in the Department of Defense: a Board on Criminal Investigations, consisting of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence and the heads of the three military criminal investigative organizations; and a Board on Audits, consisting of the Under Secretary of Defense (Comptroller), the Auditors General of the military departments, and the Director of the Defense Contract Audit Agency. The Department of Defense Inspector General would be a nonvoting member of both boards. These boards would be charged with providing for cooperation among the military departments' criminal investigative and audit organizations to avoid duplication of effort and maximize resources.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the heads of the military departments' criminal investigative and auditing organizations to take such actions as may be practicable to conserve limited resources by sharing personnel, expertise, infrastructure, training, equipment, software, and other resources. These officials are to meet on a regular basis to determine the manner and extent to which such resources will be shared. The Secretary of Defense shall submit, by December 31, 1997, a plan to maximize the resources available to these organizations.

This provision is not intended to affect the responsibility of the Under Secretary of Defense (Comptroller); the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; or the secretaries of the military departments for determining resource allocation and related policies for audit and investigative organizations in the Department of Defense. In addition, it is not intended to affect the existing authority of the Inspector General of the Department of Defense regarding the coordination of audit and investigative functions within the Department of Defense.

Subtitle B—Department of Defense Personnel Management

Reduction in personnel assigned to management headquarters and headquarters support activities (sec. 911)

The House bill contained a provision (sec. 1301) that would require the Secretary of Defense to reduce the number of personnel assigned to management headquarters and headquarters support activities by 25 percent over four years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a 25 percent reduction in the number of personnel assigned to management headquarters and headquarters support activities over five years, would direct a five percent reduction in the number of personnel assigned to management headquarters and headquarters support activities during fiscal year 1998, would direct a five percent reduction in the number of personnel assigned to management headquarters and headquarters support activities within the United States Transportation Command during fiscal year 1998, and would direct the Secretary of Defense to require the Task Force on Defense Reform to include an examination of the missions, functions, and responsibilities of various headquarters activities and management headquarters support activities and to submit a report on the results of the examination by the Task Force on Defense Reform to the Congress not later than March 1, 1998.

The conferees intend that the reductions in the United States Transportation Command made during fiscal year 1998 count towards the aggregate Department-wide reduction of five percent.

Additional reduction in defense acquisition workforce (sec. 912)

The House bill contained a provision (sec. 1302) that would mandate a reduction in the size of the defense acquisition workforce by 124,000 individuals by October 1, 2001. The provision would require a phased implementation of the reduction and include a requirement to reduce the size of the workforce by 40,000 individuals in fiscal year 1998.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a reduction of 25,000 in the number of defense acquisition personnel positions in fiscal year 1998. The provision would provide authority for the Secretary of Defense to waive up to 15,000 of that number based on a determination that a greater reduction would be inconsistent with cost-effective management of the defense acquisition system to obtain best value equipment and would adversely affect military readiness. The provision would also require a report on the reduction in the number of acquisition positions in the Department of Defense since 1989 and a definition of the defense acquisition workforce that can be uniformly applied throughout the Department of Defense. With regard to the definition, the conferees are encouraged by the foundational analysis of the issue recently completed for the Department of Defense by an outside contractor.

The provision would also require a review of acquisition organizations and functions by both the Secretary of Defense and the Task Force on Defense Reform. The conferees expect that these reviews will be conducted in a thorough manner and that the reports by the Secretary of Defense on these reviews will be submitted to Congress in a timely fashion.

Subtitle C—Department of Defense Schools and Centers

Professional military education schools (sec. 921)

The House bill contained a provision (sec. 902) that would modify the definition of the National Defense University by adding the Information Resources Management College, and would also clarify the authority of the Secretary of Defense to hire professors, lecturers, and instructors for the Information Resources Management College.

The Senate amendment contained a provision (sec. 902) that would designate the Information Resources Management College as a component of the National Defense University. The recommended provision would also make a technical change to the name of the Institute for National Strategic Study to read the Institute for National Strategic Studies, and would include the Marine Corps University among professional military education schools.

The House recedes with an amendment that would meld the two provisions into one.

Center for Hemispheric Defense Studies (sec. 922)

The Senate amendment contained a provision (sec. 906) that would include the Center for Hemispheric Defense Studies as a component of the National Defense University.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Correction to reference to George C. Marshall European Center for Security Studies (sec. 923)

The Senate amendment contained a provision (sec. 1106) that would permit employees of the George C. Marshall European Center for Security Studies to qualify for naturalization by waiving the permanent residency requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would provide employees of the George C. Marshall European Center for Security Studies the same status as was provided for employees of the United States Army Russian Institute, the former name of the George C. Marshall Center. The amendment would not waive the permanent residency requirements.

Subtitle D—Department of Defense Intelligence-Related Matters

Transfer of certain military department programs from TIARA budget aggregation (sec. 931)

The Senate amendment contained a provision (sec. 904) that would transfer specified programs from the Tactical Intelligence and Related Activities (TIARA) aggregation to other accounts of the military services.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) retain the directed TIARA program transfers as specified in the original Senate provision; (2) require an assessment by the Secretary of Defense as to the adequacy and currency of current criteria for judging which programs belong in the TIARA aggregation; and (3) provide the Secretary with discretion to defer any directed transfer based on the outcome of his assessment.

Report on coordination of access of commanders and deployed units to intelligence collected and analyzed by the intelligence community (sec. 932)

The Senate amendment contained a provision (sec. 1061) that would require the Secretary of Defense to report to the Congress regarding the specific steps taken or that are being taken to ensure adequate coordination of operational intelligence support for combatant commanders and deployed units.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Protection of imagery, imagery intelligence, and geospatial information and data (sec. 933)

The Senate amendment contained a provision (sec. 1062) that would amend sections 455 and 467 of title 10, United States Code, to clarify the authority of the Secretary of Defense to permit selective releases of geospatial information representing little military value while protecting the most sensitive information.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

POW/MIA intelligence analysis (sec. 934)

The Senate amendment contained a provision (sec. 1067) that would direct the Director of Central Intelligence, in consultation with the Secretary of Defense, to provide intelligence analytical support on matter concerning missing persons to all departments and agencies of the Federal Government involved in such matters.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Legislative Provisions Not Adopted

Limitation on operation and support funds for the Office of the Secretary of Defense

The House bill contained a provision (sec. 901) that would reduce the funding associated with the operation and support activities of the Office of the Secretary of Defense (OSD) by twenty percent, and would restrict the obligation of ten percent of funding authorized in fiscal year 1998 until the Department conforms to the requirements of section 901 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) and section 904 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain concerned with the Department's non-compliance with section 901 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) that requires a report on specific plans for improving organizational efficiency and effectiveness of the Office of the Secretary (OSD). In addition, the conferees note that OSD failed to implement personnel reductions at a rate sufficient to achieve the statutory requirement by October 1, 1997, as specified in section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

Center for the Study of Chinese Military Affairs

The House bill contained a provision (sec. 904) that would require the Department of Defense to establish a Center for the Study of Chinese Military Affairs.

The Senate amendment contained no similar provision.

The House recedes.

White House Communications Agency

The House bill contained a provision (sec. 905) that would limit funding for the White House Communications Agency (WHCA) to $55.0 million, an amount slightly below fiscal year 1997 levels.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that Department of Defense funds for WHCA should only be spent on telecommunication support for the President, and the Department should be reimbursed for non-telecommunication support services.

The WHCA is staffed with approximately eight civilians and 908 military personnel. Of those 908 military positions, 103 are for the provision of non-telecommunications support services. The conferees believe that there is little justification to provide non-telecommunications support services to the President with military personnel assigned to WHCA. In an era when the administration is calling for further reductions in military end-strength, the conferees believe that the military billets dedicated to non-telecommunications support for WHCA could be better used elsewhere within the Department of Defense to perform missions that are truly in support of national defense. The conferees believe that non-telecommunications support services provided by WHCA can, and should, be provided by civilian personnel.

Furthermore, the conferees note that the WHCA budget incorrectly included the WHCA procurement items in the Operation and Maintenance (O&M) budget request. Therefore, the conferees agree to transfer the $7.2 million for WHCA procurement from the O&M account to the procurement account.

Personnel reductions in the United States Transportation Command

The House bill contained a provision (sec. 1304) that would mandate a 1,000 person reduction in the United States Transportation Command during fiscal year 1998.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that another section of the conference agreement directs a reduction in the number of personnel assigned to management headquarters and headquarters support activities within the United States Transportation Command of five percent during fiscal year 1998.

Commission on Defense Organization and Streamlining

The House bill contained a series of provisions (sec. 1601–1609) that would establish a Commission on Defense Organization and Streamlining. The purpose of the commission would be to examine the missions, functions, and responsibilities of the Office of the Secretary of Defense, the management headquarters and headquarters support activities of the military departments and defense agencies, and the various acquisition organizations of the Department of Defense; to propose alternative organizational structures; and to identify areas of duplication and recommend options to eliminate the duplications.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that other provisions of the conference agreement direct the Secretary of Defense to require a Task Force on Defense Reform to examine the missions, functions, and responsibilities of the Department's acquisition organizations and its various headquarters activities and management headquarters support activities; and to submit reports on the results of the examinations by the Task Force to the Congress in early 1998.

Principal duty of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict

The Senate amendment contained a provision (sec. 901) that would revise the original legislation concerning the principal duty of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to put the emphasis on the Assistant Secretary's supervision of the budgetary, development, and acquisition activities of the Commander in Chief of the Special Operations Command.

The House bill contained no similar provision.

The Senate recedes.

The conferees are aware that the Secretary of Defense has established a Task Force on Defense Reform that is, inter alia, focusing on the reform of the Office of the Secretary of Defense (OSD). In another section, the conference agreement would require the Secretary of Defense to submit the Task Force's report with the comments and recommendations of the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The conferees believe that any changes to the duties of senior OSD officials should take into account the recommendations contained in that report.

Title X—General Provisions

ITEMS OF SPECIAL INTEREST

Global Positioning System alternate master control station

The Global Positioning System (GPS) has become or soon will be fully integrated into most facets of U.S. military planning and operational capabilities. GPS has also been integrated significantly into civil and commercial navigation planning. As such, the conferees recognize the expanding importance of GPS as a national asset, one that is critical to U.S. national security and economic interests. The conferees are aware of potential command and control vulnerabilities associated with the GPS master control station at Falcon Air Force Base, Colorado. The conferees understand that GPS is the only critical national satellite system that does not have an adequate, separate, and secure backup control station. The conferees believe that the Department of Defense and the Air Force should pursue, as an urgent priority, a secure backup GPS system operations facility that is geographically separate from the existing facility.

Therefore, the conferees direct the Secretary of the Air Force to proceed in fiscal year 1998 with the development of an alternate master control station at a location outside the Colorado Springs area. The conferees expect this new alternate master control station to be operational by fiscal year 2001. The conferees further direct the Secretary of the Air Force to submit a report to the congressional defense committees on this issue not later than February 15, 1998.

Legislative Provisions Adopted

Subtitle A—Financial Matters

Transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would permit the transfer of $2.0 billion of amounts made available in Division A of the bill for any fiscal year to any other authorization made available in Division A upon determination by the Secretary of Defense that such a transfer would be in the national interest.

The Senate amendment contained a similar provision (sec. 1001) that would authorize the budget request level of $2.5 billion in transfer authority.

The Senate recedes.

Incorporation of classified annex (sec. 1002)

The House bill contained a provision (sec. 1002) that would incorporate the classified annex prepared by the Committee on National Security into this act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment providing that the classified annex prepared by the committee of conference is incorporated into this act.

Authority for obligation of unauthorized fiscal year 1997 defense appropriations (sec. 1003)

The House bill contained a provision (sec. 1003) that would authorize fiscal year 1997 programs that received appropriations but no authorization.

Senate amendment contained a similar provision (sec. 1002).

The Senate recedes.

Authorization of prior emergency supplemental appropriations for fiscal year 1997 (sec. 1004)

The House bill contained a provision (sec. 1004) that would extend authorization to those items appropriated by the fiscal year 1997 emergency supplemental appropriations legislation.

The Senate amendment contained a similar provision (sec. 1003).

The House recedes.

Increase in fiscal year 1996 transfer authority (sec. 1005)

The House bill contained a provision (sec. 1005) that would provide an increase in authorization transfer authority provided by section 1001 of the National Defense Authorization Act for Fiscal Year 1996.

The Senate amendment contained a similar provision (sec. 1004).

House recedes with a technical amendment.

Revision of authority for Fisher House trust funds (sec. 1006)

The Senate amendment contained a provision (sec. 1006) that would amend section 914 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) to require the Secretary of the Air Force to deposit an appropriate amount of funds to establish the corpus of the Fisher House Trust Fund, Department of the Air Force.

The House bill contained no similar provision.

The House recedes.

Flexibility in financing closure of certain outstanding contracts for which a small final payment is due (sec. 1007)

The House bill contained a provision (sec. 1007) that would permit the Secretary of Defense to establish an account to transfer funds into for the purpose of making small final payments on certain outstanding contracts for which funds appropriated for that purpose have expired.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that clarifies that the total amount of all transfers into the account may not exceed $1.0 million without additional congressional authority.

Biennial financial management improvement plan (sec. 1008)

The Senate amendment contained a provision (sec. 1005) that would require a strategic financial management plan within the Department of Defense to determine goals for improving and reengineering the finance and accounting functions.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the intent of the report.

Estimates and requests for procurement and military construction for the reserve components (sec. 1009)

The House bill contained a provision (sec. 122) that would require the Secretary of Defense to submit an annual report to Congress that describes the measures taken within the Department of Defense to ensure that the reserve components are appropriately funded and lists the major weapons and items of equipment provided for these components. The section would also require the Secretary of Defense to display in all future years defense program updates the amounts programmed for the procurement of equipment for the reserve components.

The Senate amendment contained a provision (sec. 1008) that would require the Department of Defense to specify estimated expenditures and proposed appropriations for reserve component modernization at the same level of detail as the active forces in the annexes provided with the Future Years Defense Program (FYDP).

The House recedes.

Sense of Congress regarding funding for reserve component modernization not requested in the President's budget (sec. 1010)

The Senate amendment contained a provision (sec. 1059) that would require the Congress, to the extent practicable, to consider authorization of appropriation for reserve component modernization activities not included in the budget request if certain criteria are met:

(1) There is a Joint Requirements Oversight Council validated requirement for the equipment;

(2) The equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the future years defense program;

(3) The equipment is consistent with the use of reserve component forces; and

(4) The funds can be obligated in the fiscal year.

The provision also calls for Congress to obtain the views of the Chairman, Joint Chiefs of Staff on whether equipment not included in the budget request is appropriate for the employment of reserve component forces in Department of Defense warfighting plans.

The House bill contained no similar provision.

The House recedes.

Management of working-capital funds (sec. 1011)

The Senate amendment contained a provision (sec. 370) that would modify section 2208 of title 10, United States Code, the authority under which the working capital funds are now being managed, to make contract authority available for obtaining capital assets. The Senate amendment also contained a provision (Sec. 361) that would limit the use of advance billing and establish procedures to notify the congressional defense committees within 30 days of advance billings being posted to the working capital funds.

The House bill contained no similar provisions.

The House recedes with an amendment that would continue to restrict the Department of the Navy and establish procedures for the Department of Defense to notify the congressional defense committees in a timely manner when advance billing occurs. The conferees are concerned that excessive advance billing has continued, despite congressional guidance and initiatives to limit the practice. Advance billing has become a normal operating practice rather than an unusual exception. In the case of Navy Working Capital Funds, advance billing is continually used without any plans for significant reductions. Failure to properly budget for these activities and allowing these activities to operate by deficit spending each year is not consistent with good business practices and puts the future force readiness at risk.

The conferees further agree that the removal of activities from the working capital funds, use of direct appropriations to fund these activities, or allowing working capital activities to change rates in the year of execution are not viable solutions to problems in the working capital funds. Proper budgeting and the use of full costing policies allow for the proper financial management of working capital fund activities.

Authority of Secretary of Defense to settle claims relating to pay, allowances, and other benefits (sec. 1012)

The Senate amendment contained a provision (sec. 1060) that would provide the Secretary of Defense authority, upon request of a secretary of a military department, to waive the time limits in the case of a claim for pay and allowances up to a maximum of $25,000. The recommended provision that would modify and clarify the authority granted by section 607 of the National Defense Authorization Act for Fiscal Year 1997 to ensure that the Department of Defense has adequate authority to address these claims.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Payment of claims by members for loss of personnel property due to flooding in Red River Basin (sec. 1013)

The Senate amendment contained a provision (sec. 1081) that would authorize the secretary of a military department to pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997.

The House bill contained no similar provision.

The House recedes with an amendment that would add a requirement that the Secretary of Defense report to the Congress on the Department's policy regarding the payment of claims for loss or damage to personal property as a result of a natural disaster by members of the armed forces who are not assigned to quarters of the United States.

Advances for payment of public services (sec. 1014)

The House bill contained a provision (sec. 1509) that would allow the Department of Defense to pay utility expenses on a budget billing basis.

The Senate amendment contained no similar provision.

The Senate recedes.

United States Man and the Biosphere Program limitation (sec. 1015)

The House bill contained a provision (sec. 1008) that would prohibit the use of funds appropriated for fiscal year 1998 to support the United States Man and the Biosphere Program or any related project.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle B—Naval Vessels and Shipyards

Procedures for sale of vessels stricken from the Naval Vessel Register (sec. 1021)

The Senate amendment contained a provision (sec. 1012) that would authorize the sale of vessels stricken from the Naval Vessel Register using negotiation as an alternative to the sealed-bid process. This authority would allow such issues as environmental concerns to be addressed more effectively in the process of the sale.

The House bill contained no similar provision.

The House recedes.

Authority to enter into a long-term charter for a vessel in support of the Surveillance Towed-Array Sensor (SURTASS) program (sec. 1022)

The House bill contained a provision (sec. 1022) that would authorize the Secretary of the Navy to enter into a contract in accordance with section 2401 of title 10, United States Code, for the charter of the vessel RV CORY CHOUEST through fiscal year 2003 in support of the SURTASS program.

The Senate amendment contained a provision (sec. 1011) that would authorize the

Navy to enter into a long-term lease for a vessel to support the surveillance towed array sensor and low frequency active programs through fiscal year 2004.

The Senate recedes.

Transfer of two specified obsolete tugboats of the Army (sec. 1023)

The House bill contained a provision (sec. 1023) that would allow the Secretary of the Army to transfer two obsolete tugboats to the Brownsville Navigation District, Brownsville, Texas.

The Senate amendment contained no similar provision.

The Senate recedes.

Congressional review period with respect to transfer of the ex-U.S.S. Midway (CV-41) and ex-U.S.S. Hornet (CV-12) (sec. 1024)

The House bill contained a provision (sec. 1025) that would allow for a 30 calendar day congressional review period with respect to the transfer of the decommissioned aircraft carrier ex-U.S.S. *Midway* (CV-41).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would substitute 30 days for 60 days of continuous session of Congress when applying section 7603 of title 10 to ex-U.S.S. *Midway* (CV-41) and ex-U.S.S. *Hornet* (CV-12). If only one qualified entity applies for transfer of ex-U.S.S. *Midway* (CV-41) or ex-U.S.S. *Hornet* (CV-12), the amendment would also allow the Secretary of the Navy to transfer the vessel after 10 days of continuous session of Congress

Transfers of naval vessels to certain foreign countries (sec. 1025)

The Senate amendment contained a provision (sec. 1013) that would transfer on a sale basis one *Hunley* class submarine tender, one *Kaiser* class oiler, seven *Knox* class frigates, two *Oliver Hazard Perry* class guided missile frigates, and three *Newport* class tank landing ships to various countries.

The House bill contained no similar provision.

The House recedes.

Reports relating to export of vessels that may contain polychlorinated biphenyls (sec. 1026)

The House bill contained a provision (sec. 1021) that would amend three sections of the United States Code in order to permit the sale of obsolete vessels that contain polychlorinated biphenyl compounds: section 7305 of title 10, to eliminate Toxic Substances Control Act restrictions on export of vessels for disposal; section 7306a of title 10, to provide that a sinking of a military vessel does not qualify as a prohibited export or disposal under Toxic Substances Control Act; and section 1160 of title 46 App., to resume the practice of selling ships in approved foreign markets under the Merchant Marine Act of 1936.

The Toxic Substances Control Act (TSCA) (15 U.S.C. 1605(e)) prohibits the manufacture, processing, use, or distribution in commerce of polychlorinated biphenyls (PCBs) that are not "totally enclosed." The term "totally enclosed" means any manner that ensures "insignificant" human health and environmental exposures to PCBs, as determined by the Environmental Protection Agency (EPA). TSCA directed the EPA to promulgate rules for the disposal of PCBs. In vessels identified for sale, scrap, transfer, or sinking, the Navy has discovered minute quantities of PCBs that the Navy has concluded are bound and non-leachable. The existing EPA regulations make it difficult for the Navy and the Maritime Administration to dispose of these vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Navy, the Administrator of the Maritime Administration, and the Administrator of the EPA to report to Congress on the implementation of an agreement that has been reached between the Navy and the EPA on PCB vessel disposal issues. The conferees understand that this agreement is in effect and is not contingent upon a new rule to be published later this year, which will incorporate the agreement between the Navy and EPA. The amendment would also make technical modifications to the provisions of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405) that address the scrapping and sale of obsolete vessels.

The conferees understand that the purpose of section 9 of the Shipping Act of 1916 (46 U.S.C. App. 808) is to enable the Maritime Administration to manage the fleet of privately-owned United States-flag commercial vessels capable of meeting national security needs and not to enforce the environmental laws. The conferees expect that any agreement between the Maritime Administration and the EPA concerning the export of such vessels for scrapping outside the United States will respect the role of the Maritime Administration by not requiring it to play any greater role in the enforcement of the environmental laws than it currently plays. The conferees acknowledge that it may be appropriate for the Maritime Administration to inform the EPA of export applications received pursuant to section 9(c) of the Shipping Act of 1916 (46 U.S.C. App. 808(3)).

The provisions concerning the Maritime Administration, the disposal of National Defense Reserve Fleet vessels, and the National Maritime Heritage Act (16 U.S.C. 5404) were resolved through consultations among the House and Senate conferees, the Committees on Commerce, Science, and Transportation of the Senate, and the Committees on Commerce, Transportation and Infrastructure, and Resources of the House of Representatives.

Conversion of defense capability preservation authority to Navy shipbuilding capability preservation authority (sec. 1027)

The Senate amendment contained a provision (sec. 806) that would amend section 808 of the National Defense Authorization Act for Fiscal Year 1996 to restrict its application to shipbuilding and to vest the Secretary of the Navy with the authority to enter into modified capability preservation agreements. The provision would also limit applicability of the agreements to costs incurred after the date of enactment of this Act for commercial contracts that became effective on or after January 26, 1996.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle C—Counter-Drug Activities

The budget request for drug interdiction and other counter-drug activities of the Department of Defense totals $808.6 million. That amount includes the $652.6 million in the drug interdiction account and $156.0 million in the operating budgets of the military services for authorized counter-drug operations. These amounts compare with the $957.4 million authorized for these activities during fiscal year 1997; $796.5 million for the drug interdiction account and $160.9 million in the services' operating budgets. The reduction of $148.8 million equates to a real decline of 17.5 percent after accounting for inflation. The conferees recommend an additional $14.3 million for the counter-drug activities of the Department of Defense.

Drug Interdiction & Counter-drug Activities Operations and Maintenance

(In thousands of dollars; may not add due to rounding)

Fiscal Year 1998 Drug and Counterdrug Request	$808,588
Source Nation Support	183,031
Detection and Monitoring	238,149
Disruption of Drug Mafia Organizations	54,306
Law Enforcement Agency	249,864
Demand Reduction	83,238
Increases:	
Riverine Interdiction Initiative	$4,200
Gulf States Counterdrug Initiative	4,100
Multi-Jurisdictional Task Force	1,000
Southwest Border Fence Project	5,000
Recommendation	$822,888

Ongoing initiatives

In fiscal year 1997, the Congress authorized additional funding for three counter-drug initiatives: the Mexico-Southwest Border Initiative; the Caribbean and South American Initiative; and the Domestic Counter-Narcotics Initiative. These initiatives were intended to provide enhanced capabilities to stem the flow of drugs into the United States and disrupt narcotics operations within our own borders.

Although, the conferees are pleased with the initial progress that has been made with these initiatives, the conferees are concerned about the early difficulties in fulfilling some of the goals of the Mexico-Southwest Border Initiative. Due to the delay caused by these difficulties, the administration has requested an extension of the authority to provide assistance to the Government of Mexico. That authority was originally provided for a single year with the understanding that future support would be provided from funds available to the Department of State pursuant to the Foreign Assistance Act of 1961. Unfortunately, the administration failed to provide the necessary funds within the fiscal year 1998 budget request of the Department of State. If it is the intent of the administration to turn such international counter-drug activities of the United States over to the Department of Defense for execution, the conferees believe that this intent should be demonstrated within the budget request by shifting funds from the State Department's counternarcotics budget to that of the Department of Defense. However, because the conferees understand the value of this particular assistance and the need to explore all available options to stem the flow of drugs across the Southwest border, the conferees agree to a provision (sec. 1032), that would extend for one year the authority to provide additional support for counter-drug activities of the government of Mexico. The total amount of support provided pursuant to this authority would be limited to $8.0 million for the two year period from fiscal year 1997 to 1998. In providing this support, the Secretary of Defense would be required to consult with the Secretary of State.

The conferees continue to support the Gulf States Counter-drug Initiative (GSCI) and are pleased to note that the budget request included $3.4 million for this program. However, the conferees are concerned that this funding level does not adequately cover the costs for required software maintenance, training, and network support. Therefore, the conferees agree to authorize an increase of $4.1 million to fund these activities.

The conferees agree to authorize an additional $1.0 million for the Multi-Jurisdictional Task Force and an additional $5.0 million for border fence construction.

Riverine interdiction initiative

The conferees agree to authorize an increase of $4.2 million to the Department's counterdrug program for riverine operations and include a provision (sec. 1033), that would grant a five year authorization to the Secretary of Defense, in consultation with the Secretary of State, to assist the Peruvian and Colombian governments with the acquisition of the requisite equipment to actively engage riverine counter-drug activities. The amount of support that could be provided pursuant to this authority would be limited to $9.0 million in fiscal year 1998 and $20.0 million during any of the fiscal years 1999 through 2002. Funds would be restricted from initial obligation until 60 days after the Secretary of Defense, in consultation with the Secretary of State, submits a detailed riverine counter-drug plan to congressional defense committees. The Secretary would also be required to submit any revisions to this plan before obligating any funds for this initiative in the subsequent years.

The conferees direct the Department of Defense, in coordination with other federal agencies involved in counter-narcotic activities, to develop an integrated regional plan to establish a riverine program that can be sustained by the source nations at the end of the five-year period. The Department would be required to provide the details of this plan to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on National Security and International Relations of the House of Representatives before any assistance is provided pursuant to this authority. This plan would provide details as to how the riverine program fits into the overall national drug strategy.

Use of National Guard for State drug interdiction and counterdrug activities (sec. 1031)

The House bill contained a provision (sec. 1031) that would amend section 112 of title 32, United States Code, to prohibit the use of counter-drug funding for National Guard Civil-Military Activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that National Guard participation in counter-drug activities is directly related to military training and readiness in accordance with section 2012(d) of title 10, United States Code, and could support youth and charitable organizations designated as eligible to receive such support by section 508 of title 32, United States Code. In addition, the provision would direct the Secretary of Defense to submit an annual report to congressional defense committees regarding the assistance provided, and activities conducted, under State drug interdiction and counter-drug activities plan.

Authority to provide additional support for counter-drug activities of the government of Mexico (sec. 1032)

The Senate amendment contained a provision (sec. 1021) that would extend for one year the authority to provide additional support for counterdrug activities of the Government of Mexico.

The House bill contained no similar provision.

The House recedes with an amendment that would extend for one year the authority to provide additional support for counter-drug activities of the government of Mexico. The total amount of support provided pursuant to this authority would be limited to $8.0 million for the two year period from fiscal year 1997 to 1998. In providing this support, the Secretary of Defense would be required to consult with the Secretary of State.

Authority to provide additional support for counter-drug activities of Peru and Colombia (sec. 1033)

The Senate amendment contained a provision (sec. 1022) which would grant a five year authorization to the Secretary of Defense to assist the Peruvian and Colombian governments with the acquisition of the requisite equipment to actively engage in the Riverine Operations.

The House bill contained no similar provision.

The House recedes with an amendment that would grant a five year authorization to the Secretary of Defense, in consultation with the Secretary of State, to assist the Peruvian and Colombian governments with the acquisition of the requisite equipment to actively engage riverine counter-drug activities. The amount of support that could be provided pursuant to this authority would be limited to $9.0 million in fiscal year 1998 and $20.0 million during any of the fiscal years 1999 through 2002.

Annual report on development and deployment of narcotics detection technology (sec. 1034)

The House bill contained a provision (sec. 1033) that would require the Director of the Office of National Drug Control Policy to submit a report to the Congress and the President regarding the development and deployment of narcotics detection technologies by federal agencies.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Miscellaneous Report Requirements and Repeals

Repeal of miscellaneous reporting requirements (sec. 1041)

The House bill contained a provision (sec. 1041) that would repeal certain obsolete reporting requirements imposed upon the Department of Defense.

The Senate amendment contained a similar provision (sec. 1031).

The House recedes with an amendment.

Study of transfer of modular airborne fire fighting system (sec. 1042)

The House bill contained a provision (sec. 1063) that would require the Secretary of Defense to consult with the Secretary of Agriculture and submit a report that would evaluate the feasibility of transferring jurisdiction over units of modular firefighting equipment from the Department of Agriculture to the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Overseas infrastructure requirements (sec. 1043)

The Senate amendment contained a provision (sec. 1036) that would require the Secretary of Defense to provide a report to the Committee on Armed Services of the Senate and the National Security Committee of the House of Representatives outlining the current and future forward-basing requirements of the Department of Defense along with the international agreements necessary to provide these facilities.

The House bill contained no similar provision.

The House recedes.

Additional matters for annual report on activities of the General Accounting Office (sec. 1044)

The Senate amendment contained a provision (sec. 1040) that would require the General Accounting Office to include within its annual report to Congress the amount of work performed at the request of members of Congress, the amount of work performed to fulfill a specific legislative requirement, and the amount of work initiated by the Comptroller General in performance of his general responsibilities.

The House bill contained no similar provision.

The House recedes.

Eye safety at small arms firing ranges (sec. 1045)

The Senate amendment contained a provision (sec. 1041) that would require the Secretary of Defense to conduct a study of eye safety at small arms firing ranges, and report to the Congress on the development of a protocol for reporting eye injuries incurred during small arms firing activities.

The House bill contained no similar provision.

The House recedes with an amendment that would change the date on which the study is to begin.

Reports on Department of Defense procedures for investigating military aviation accidents and for notifying and assisting families of victims (sec. 1046)

The Senate amendment contained a provision (sec. 1044) that would require the Secretary of Defense to provide a series of reports to the Congress related to investigations of military aviation accidents; assistance provided to families of casualties; and a review of the Federal Aviation Administration and the National Transportation Safety Board procedures for providing information and assistance to families of casualties of non-military aviation accidents.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees believe that military families deserve the best possible care, attention, and information, especially at a time of tragic personal loss. Breakdowns in the implementation of the established family notification procedures that are applicable in case of armed forces and Department of Defense civilian personnel casualties can cause significant distress and mistrust. The conferees believe that Department of Defense representatives involved in casualty notifications should have the training and experience to provide meaningful information about any investigations. The notification personnel should have access to persons qualified to provide effective grief counseling. Procedures for civilian family notification that have been adopted by the Federal Aviation Administration and National Transportation Safety Board might serve as a useful model for improvements to Department of Defense procedures.

The requirement for the report on aviation accident investigation procedures is not intended to create the perception that the current procedures are inadequate. Rather the requirement is an opportunity to assess proposals to combine the two investigations into a single, public investigation process in order to clarify possible misconceptions or misunderstandings related to the current Department of Defense procedures. The conferees recognize that, although the Department of Defense provides much needed logistical support, including transportation and care of remains, survivor counseling, and other benefits for tragedies like the crash of the C-130 aircraft on November 22, 1996, this support may be insufficient to meet the immediate emotional and personal needs of affected family members. It is important that the flow of information to surviving family members be accurate and timely, and, to the extent possible, be provided to family members in advance of media reports. Therefore, the conferees believe the Department of Defense should give a high priority, to the extent practicable, to providing family members with all relevant information about an accident as soon as it becomes available, consistent with the national security interests of the United States, and to allowing the family members full access to any public hearings or public meetings about the accident.

Subtitle E—Matters Relating to Terrorism

Oversight of counterterrorism and antiterrorism programs and activities of the United States (sec. 1051)

The House bill contained a provision (sec. 1064) that would direct the Office of Management and Budget to establish a reporting system and collect information from executive agencies on their counterterrorism and antiterrorism programs, activities, budgets, and expenditures; to provide a report on executive branch activities and programs from 1995 through 1997 and submit the information to Congress. The provision would also require an annual report to Congress on this information.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the requirement to report to Congress on executive branch activities and programs from 1995 through 1997, and require an annual report on prospective U.S. government counterterrorism and antiterrorism activities, programs, budgets, and expenditures.

Report on policies and practices relating to the protection of members of the armed forces abroad from terrorist attack (sec. 1052)

The House bill contained a provision (sec. 1043) that would require the Secretary of Defense to report on antiterrorism activities and programs of the Department of Defense, to include a description of the various programs, deficiencies in the programs, and actions taken by the Secretary to improve implementation of those programs.

The Senate amendment contained two provisions regarding the policies and practices of the Department of Defense (DOD) in protecting members of the armed forces against terrorist attack; one provision (sec. 1043) that would require the Secretary of Defense to submit a report to Congress that would assess the policies and practices of the Department to protect U.S. Armed Forces from terrorist attack and assess the procedures for determining accountability in the chain of command in the event a terrorist incident results in loss of life at a U.S. military facility abroad; another provision (sec. 1053) that would direct the Secretary of Defense to take appropriate actions to ensure that units of the U.S. Armed Forces engaged in peace operations have adequate troop protection equipment for such operations.

The conferees agree to a single provision that would direct the Secretary of Defense to take appropriate actions to ensure that U.S. Armed Forces engaged in peace operations have the necessary equipment to adequately protect themselves; would direct the Secretary to designate a DOD official with responsibility for oversight of troop protection equipment; would require the Secretary of Defense to submit a report to Congress on antiterrorism programs and actions conducted by DOD, and the roles of the chain of command in providing force protection guidance and support to U.S. Armed Forces deployed overseas before and after the two terrorist bombings against U.S. Armed Forces in Saudi Arabia in 1995 and 1996.

Subtitle F—Matters Relating to Defense Property

Lease of nonexcess personal property of the military departments (sec. 1061)

The House bill contained a provision (sec. 1058) that would require the military departments to compete any lease in excess of one year for personal property valued over $100,000 and notify the Congress 45 days prior to entering into such a lease.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Lease of nonexcess property of defense agencies (sec. 1062)

The Senate amendment contained a provision (sec. 842) that would extend to the directors of defense agencies authority currently granted to the service secretaries to lease nonexcess property under certain circumstances.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate portions in the Senate provision regarding fair market value and competition requirements for such lease agreements.

Donation of excess chapel property to churches damaged or destroyed by arson or other acts of terrorism (sec. 1063)

The Senate amendment contained a provision (sec. 1078) that would allow the Department of Defense to donate excess Army chapel property to churches that were destroyed or damaged by an act of arson or terrorism.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the authority to apply to all excess chapel property within the Department of Defense.

Authority of the Secretary of Defense concerning disposal of lassets under cooperative agreements on air defense in Central Europe (sec. 1064)

The Senate amendment contained a provision (sec. 1089) that would provide authority for the Secretary of Defense, pursuant to amendments to the European air defense agreements agreed to on December 6, 1983 and July 12, 1984, to provide defense articles owned and acquired by the United States to the Federal Republic of Germany.

The House bill contained no similar provision.

The House recedes.

The conferees note that pursuant to amendments to the European Air Defense Agreements agreed to on December 6, 1983 and July 12, 1984, the Patriot-Roland Cooperative Agreement (section 1007, Public Law 98-525, and section 132, Public Law 99-83) enabled the United States and the Federal Republic of Germany to enhance central European air defenses by utilizing Patriot batteries and the Roland short range air defense systems, which are owned by the United States but operated by the Federal Republic of Germany.

Since January 1996, negotiations between the United States and the Federal Republic of Germany have been underway to modify and extend the current agreement. The Department of Defense (DOD) has informed the conferees that the current proposal would allow the transfer of ownership for 12 Patriot batteries and 27 Roland short range air defense systems to the Federal Republic of Germany in exchange for equitable compensation. The DOD has further informed the conferees that modifying the current agreements to provide for this transfer of ownership would be an equitable solution with regard to the assets involved in the original agreement, and would enable continued cooperation in the air defense mission area. The conferees understand that legislation is necessary to accomplish these transfers as the original agreements do not provide the required transfer authority and this particular transfer would fall outside of the coverage of the more traditional authorities contained in the Arms Export Control Act, 22 U.S.C. 2751.

The conferees direct the Secretary of Defense to provide a report to Congress on the status of the negotiations on the Patriot-Roland Follow-On Implementing Agreement (FOIA). The conferees further direct that prior to the transfer of title for any Patriot or Roland systems, the Secretary of Defense shall provide the congressional defense committees with a report on the financial and non-financial benefits to the United States of the transfer of the equipment, the mission value of the FOIA compensation components, the terms of the equipment transfer (including the use of mission value as compensation), the ability of the United States to meet its NATO obligations, and any potential obstacles to the performance of FOIA missions.

Sale of excess, obsolete, or unserviceable ammunition and ammunition components (sec. 1065)

The Senate amendment contained a provision (sec. 365) that would authorize the Secretary of the Army to competitively sell excess, obsolete, or unserviceable ammunition and ammunition components to licensed manufacturers that have the capability to modify, reclaim, transport, and either store or sell ammunition or ammunition components. The ammunition or ammunition components purchased under this authority would be required to be demilitarized or used in such a way as the Secretary of the Army determines is consistent with the public interest.

The House bill contained no similar provision.

The House recedes with an amendment that would require all receipts to be deposited into the Federal Treasury and would require an Army Audit Agency report during the first three years on the effect of this authorization.

Transfer of B-17 aircraft to museum (sec. 1066)

The Senate amendment contained a provision (sec. 1070) that would authorize the Secretary of the Air Force to transfer the B-17 aircraft known as Picadilly Lilly to the Planes of Fame Museum in Chino, California. The provision would require that the plane be demilitarized and that the cost of the demilitarization be paid by the museum.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the particular circumstances surrounding this case, including the museum's possession of a bill of sale transferring this plane from the Federal Government to the museum, are unique and that this provision does not establish any precedent regarding the transfer of aircraft.

Report on disposal of excess and surplus materials (sec. 1067)

The Senate amendment contained a provision (sec. 1038) that would require the Secretary of Defense to submit a report to the Congress outlining the actions required to ensure that the Department better manages the Defense Reutilization and Marketing System so as to eliminate, or at least minimize, the problems.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would incorporate the reporting requirements contained in the House report language regarding this issue.

Subtitle G—Other Matters

Authority for special agents of the Defense Criminal Investigative Service to execute warrants and make arrests (sec. 1071)

The House bill contained a provision (sec. 1051) that would grant the Secretary of Defense authority to authorize special agents of the Defense Criminal Investigative Service (DCIS) to execute and serve warrants and other process issued under the authority of the United States, and to authorize them to make warrantless arrests in certain situations. The authority of a special agent under this provision could only be exercised in accordance with guidelines prescribed by the Attorney General.

The Senate amendment contained a similar provision (sec. 1065).

The Senate recedes with a clarifying amendment.

Since the authority granted by this provision is to be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General, proposed guidelines should be submitted by the Inspector General to the Attorney General as expeditiously as possible.

Study of investigative practices of military criminal investigative organizations relating to sex crimes (sec. 1072)

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense to commission from the National Academy of Public Administration an independent study of the policies, procedures, and practices of the military criminal investigative organizations in investigating sex crimes and other criminal sexual misconduct in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Technical and clerical amendments (sec. 1073)

The House bill contained a provision (sec. 1053) that would make various technical and clerical amendments to existing law.

The Senate amendment contained a provision (sec. 556) that would make a technical correction to a cross-reference in section 14317(d) of title 10, United States Code.

The conferees agree to a provision that would incorporate portions of these technical amendments.

Sustainment and operation of the Global Positioning System (sec. 1074)

The Senate amendment contained a provision (sec. 1064) that would endorse and enact into law the presidential policy on the sustainment and operation of the Global Positioning System (GPS) issued in March 1996.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that the Interagency GPS Executive Board, established pursuant to the presidential GPS policy, be the forum for interagency review of any proposed international agreement on the civil use of GPS. The amendment would also direct the Secretary of Defense not to accept any restriction on the GPS system proposed by the head of any other department or agency in the exercise of that official's regulatory authority that would adversely affect the military potential of GPS.

Protection of safety-related information voluntarily provided by air carriers (sec. 1075)

The House bill contained a provision (sec. 1056) that would protect from disclosure certain air safety information voluntarily submitted to the Department of Defense by an air carrier providing charter air transportation to the Department.

The Senate amendment contained a similar provision (sec. 1063).

The Senate recedes with an amendment.

National Guard ChalleNGe Program to create opportunities for civilian youth (sec. 1076)

The House bill contained a provision (sec. 1057) that would provide the Secretary of Defense, acting through the Chief of the National Guard Bureau, authority to conduct a program known as the National Guard ChalleNGe Program and would authorize the Department of Defense to provide up to $50.0 million in funding to support the program. The section would also limit the Department of Defense share of the costs of operating a program in each state to 75 percent in fiscal year 1998—with that share decreasing by 5 percent each year, to 60 percent in fiscal year 2001. Finally, the section would increase by $30.0 million the $20.0 million included in the budget request. To pay for the increase, the committee would reallocate to the ChalleNGe program the $15.0 million that it had intended to add to the Army National Guard military personnel accounts for initial entry and military skill training. In addition, the committee recommends a reduction in the amounts requested in the President's budget for Army and Air National Guard operations and maintenance funding by $7.5 million each.

The Senate amendment contained a provision (sec. 1052) that would extend the authorization for the National Guard Civilian Youth Opportunities Pilot Program until September 30, 1998. The provision would limit the number of programs to 15, would limit the amount which may be obligated in support of the program during fiscal year 1998 to $20.0 million, and would require non-Federal funding to match the Federal Government contribution to the program in each state.

The Senate recedes.

Disqualification from certain burial-related benefits for persons convicted of capital crimes (sec. 1077)

The House bill contained a provision (sec. 1060) that would prohibit the Secretary of Defense from providing military honors at the funeral of a person who has been convicted of a crime under state or federal law for which death is a possible punishment and for which the person was sentenced to death or life imprisonment without parole.

The Senate amendment contained a provision (sec. 1076) that would disqualify persons convicted of a capital offense under Federal law from burial in cemeteries administered by the Secretary of Defense and the Secretary of Veterans Affairs and would prohibit such a person from receiving other burial benefits prescribed by federal law.

The House recedes with an amendment that would incorporate the House provision and would prohibit a person convicted of a capital offense from being buried in any cemetery administered by the Secretary of Defense, as well as Arlington National Cemetery.

Restrictions on the use of human subjects for testing of chemical or biological agents (sec. 1078)

The Senate amendment contained a provision (sec. 1086) that would prohibit the United States government from using human subjects for chemical or biological tests or experiments. The provision would not apply to research, tests, or experiments related to medical, therapeutic, pharmaceutical, agricultural, and industrial activities, or research, tests, or experiments directly related to protection against toxic chemicals, or to protection against chemical or biological agents, U.S. military purposes not related to the use of chemical weapons, and law enforcement activities, including domestic riot control and the imposition of capital punishment. The provision would also require the Department of Defense to report to Congress annually on the conduct of chemical and biological tests involving human subjects, with a certification by the Secretary of Defense that informed consent was obtained from each subject, prior to testing, and would repeal section 808 of the Department of Defense Appropriation Authorization Act for Fiscal Year 1978 (50 U.S.C. 1520).

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense, either directly or by contract, from conducting tests or experiments using chemical or biological agents on human subjects and would require the Secretary of Defense to report to Congress thirty days prior to date that the Department of Defense intends to conduct a chemical or biological test or experiment involving human subjects.

Treatment of military flight operations (sec. 1079)

The Senate amendment contained a provision (sec. 1072) that would modify section 303(c) of title 49, United States Code, the Department of Transportation Act of 1966. Section 303(c) currently requires the Department of Transportation to review transportation programs or projects that use parks, refuges, or historic sites and to determine that no alternative to the public land use is available and that harm to the public land is minimized. The Senate provision specifies that a military airspace proposal for national security-related activities is not a "transportation program or project" to which section 303(c) applies.

The House bill contained no similar provision.

The House recedes.

Naturalization of certain foreign nationals who serve honorably in the Armed Forces during a period of conflict (sec. 1080)

The Senate amendment contained a provision (sec. 1073) that would modify the Immigration and Naturalization Act, title 8, United States Code, to permit foreign national service members who reenlist on board U.S. public vessels to qualify for naturalization without regard to the location of the vessel. The effective date of the provision would be retroactive to cover those foreign nationals who reenlisted on board U.S. vessels since January 1, 1990.

The House bill contained no similar provision.

The House recedes with an amendment that would remove a portion of the Senate provision waiving certain provisions of the Immigration Act of 1990 pertaining to processing applications for naturalization.

Applicability of certain pay authorities to members of specified independent study organizations (sec. 1081)

The Senate amendment contained a provision (sec. 1069) that would exempt retired federal employees and retired military personnel who have been appointed as members of the Commission on Servicemembers and Veterans Transition Assistance from limitations pertaining to receiving federal pay while concurrently receiving a federal retirement annuity.

The House bill contained no similar provision.

The House recedes with an amendment that would exempt retired Federal employees and retired military personnel who have been appointed as members of the National Defense Panel as well as those appointed to the Commission on Servicemembers and Veterans Transition Assistance.

Display of POW/MIA flag (sec. 1082)

The House bill contained a provision (sec. 1054) that would expand the dates on which the POW/MIA flag must be flown, as well as the locations where it must be flown on the prescribed dates. In addition, the section would repeal existing law that terminates the requirement to display the POW/MIA flag upon the President's determination that the fullest possible accounting has been made of all members of the armed forces and civilian employees of the United States who have been identified as prisoner of war or missing in action in Southeast Asia.

The Senate amendment contained a similar provision (sec. 1077).

The Senate recedes with a clarifying amendment.

Program to commemorate 50th anniversary of the Korean conflict (sec. 1083)

The House bill contained a provision (sec. 374) that would authorize the Secretary of Defense, to begin to plan, coordinate, and execute a program to commemorate the 50th anniversary of the Marshall Plan and the Korean Conflict.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Department of Defense to expend up to $100,000 for the planning, coordination, and execution of a program to commemorate the 50th anniversary of the Korean conflict.

Commendation of members of the Armed Forces and Government civilian personnel who served during the cold war; certificate of recognition (sec. 1084)

The House bill contained a provision (sec. 1059) that would recognize the service and sacrifices of military and civilian personnel who served during the Cold War era.

The Senate amendment contained a provision (sec. 536) that would authorize the secretaries of the military departments to award a medal to military personnel who served honorably during the Cold War era.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a certificate recognizing service during the Cold War era and to make the certificate available upon request by qualified personnel.

Sense of Congress on granting of statutory Federal charters (sec. 1085)

The conferees agree to include a provision that would express the sense of Congress that no statutory federal charter should be enacted unless the charter is approved by the Congress upon a favorable report by the committees of jurisdiction of the respective houses.

Sense of Congress regarding military voting rights (sec. 1086)

The Senate amendment contained three provisions (sec. 541–543) that would establish a short title of "Military Voting Rights Act of 1997", amend the Soldiers' and Sailors' Civil Relief Act of 1940 to preclude a military member from losing a claim to State residency for the purpose of voting in federal and state elections because of absence due to military orders, and amend the Uniformed and Overseas Citizens Absentee Voting Act to require each State to permit absent military voters to use absentee registration procedures and to vote by absentee ballot in elections for state and local offices, in addition to federal offices as provided in current law.

The House bill contained no similar provision.

The House recedes with an amendment that would substitute the sense of Congress that would affirm the absolute right of military members to vote in federal, state, and local elections; state that a military member's extended absence from a place of residency or domicile due to military orders would not be grounds for loss or change of residency or domicile; and call for legislation to confirm the voting rights of military personnel following a review of the need for legislation and the impact of such legislation on the right of states to set voter registration requirements.

The conferees are concerned that, in the absence of legislation that would guarantee military voting rights in state and local elections, such rights are subject to challenge. Accordingly, the conferees direct that the Secretary of Defense, in consultation with the Attorney General, study the issue, determine the need for legislation, assess the consequences of such legislation for the right of states to set voter registration requirements, and recommend a course of action for the Congress, to include proposed legislation, if appropriate. The conferees direct that a report on the matters outlined above be submitted to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than March 1, 1998. The conferees anticipate that both Committees will hold hearings to consider the need for such legislation in the coming year.

Designation of Bob Hope as an honorary veteran of the Armed Forces of the United States (sec. 1087)

The Senate amendment contained a provision (sec. 1074) that would designate Mr. Bob Hope as an honorary veteran of the Armed Forces of the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees recognize that Bob Hope has contributed many years of service to enhancing the morale and welfare of members of the Armed Forces of the United States. He has traveled to virtually every post, camp, and station where military personnel are assigned overseas, including those in war zones, bringing entertainment, laughter, cheer, and a touch of home, sometimes at great personal risk.

Thanks for the memories, Bob.

Five-year extension of aviation insurance program (sec. 1088)

The Senate amendment contained a provision (sec. 1071) that would extend through September 30, 2002 the aviation insurance program authorized in section 44310 of title 49, United States Code.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Naming of a DDG–51 class destroyer the U.S.S. Thomas F. Connolly

The House bill contained a provision (sec. 1024) that would express the sense of Congress that the Secretary of the Navy should name one of the ships of the DDG–51 class of destroyers the U.S.S. Thomas F. Connolly in honor of Vice Admiral Connolly.

The Senate amendment contained no similar provision.

The House recedes.

Assignment of Department of Defense personnel to assist immigration and naturalization service and custom service

The House bill contained a provision (sec. 1032) that would authorize the Secretary of Defense to assign up to 10,000 U.S. military personnel to assist the Immigration and Naturalization Service and the U.S. Customs Service in their border enforcement duties at the request of the Attorney General or the Secretary of the Treasury.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of annual report requirement relating to training of special operations forces with friendly foreign forces

The House bill contained a provision (sec. 1042) that would amend section 2011 of title 10, United States Code, to repeal the requirement that the Department of Defense prepare an annual report relating to training of U.S. Special Operations Forces with the forces of friendly foreign governments.

The Senate bill contained no similar provision.

The House recedes.

Armament retooling and manufacturing support initiative

The House bill contained a provision (sec. 1065) that would expand the purpose of the Armament Retooling and Manufacturing Support Initiative to allow for the use of ammunition manufacturing facilities by other entities for the purpose of modernization, development, and restoration of the facilities. The authority would also allow the government to enter into 99 year leases with private entities that want to operate on these facilities.

The Senate amendment contained no similar provision.

The House recedes.

Long-term charter contracts for acquisition of auxiliary vessels for the Department of Defense

The House bill contained a provision (sec. 1501) that would authorize the Secretary of the Navy to enter into long-term lease agreements for the procurement of combat logistics force (CLF) ships.

The Senate amendment contained no similar provision.

The House recedes.

Availability of certain fiscal year 1991 funds for payment of contract claim

The Senate amendment contained a provision (sec. 1007) that would authorize the Secretary of the Army to reimburse the Treasury judgment fund out of a certain fiscal year 1991 appropriation for any judgment against the United States that might be rendered in the case *Appeal of McDonnell Douglas Company*, Number 48029, presently before the Armed Services Board of Contract Appeals.

The House bill contained no similar provision.

The Senate recedes.

Psychotherapist-patient privilege in the Military Rules of Evidence

The Senate amendment contained a provision (sec. 1051) that would require the Secretary of Defense to submit to the President, for consideration for promulgation under article 36 of the Uniform Code of Military Justice (10 U.S.C. 836), a recommended amendment to the Military Rules of Evidence that would recognize a testimonial privilege regarding disclosure by a psychotherapist of confidential communications with a patient. The privilege was to be applicable to patients who are not subject to the Uniform Code of Military Justice and, upon a determination by the Secretary of Defense, to individuals subject to the Code.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Department of Defense has already made significant progress toward drafting a recommended amendment to the Military Rules of Evidence incorporating the above-described privilege. The conferees urge the Department of Defense to submit the proposed amendment to the President at the earliest opportunity.

Acceptance and use of landing fees for use of overseas military airfields by civil aircraft

The Senate amendment contained a provision (sec. 1055) that would authorize a military service to accept and retain fees for the use of foreign-based military airfields by civil aircraft.

The House bill contained no similar provision.

The Senate recedes.

Protection of employees from retaliation for certain disclosures of classified information

The Senate amendment contained a provision (sec. 1068) that would amend the Whistleblower Protection Act to protect certain government employees from reprisal for disclosing classified information to certain members or employees of Congress in the course of providing evidence of violations of law or other wrongdoing.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that existing law prohibits reprisals against covered employees for disclosing information—whether classified or not—to the Congress, if that information relates to violations of law or regulation, gross mismanagement or waste, abuses of authority, or dangers to public health or safety. The conferees direct the Secretary of Defense to report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than March 1, 1998, on the following:

(1) the mechanisms presently in law or regulation under which federal or contractor employees may report violations of law, fraud, waste, or abuse to the Congress or within the executive branch where classified information is involved;

(2) the steps the Department of Defense has taken to ensure that such employees are aware of those mechanisms; and

(3) the protections in effect in law or regulation to ensure that the employees who use these mechanisms are protected against reprisal.

Criminal prohibition on the distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction

The Senate amendment contained a provision (sec. 1075) that would amend section 842 of title 18, United States Code, to make it a crime for a person to teach, demonstrate the making of explosives, destructive devices or weapons of mass destruction, or to distribute information on the manufacture or use of explosives, destructive devices, and weapons of mass destruction.

The House bill contained no similar provision.

The Senate recedes.

Restrictions on quantities of alcoholic beverages available for personnel overseas through Department of Defense sources

The Senate amendment contained a provision (sec. 1090) that would require the Secretary of Defense to prescribe regulations relative to the quantity of alcoholic beverages that are available to service members assigned overseas through the Department of Defense, including alcoholic beverages available through nonappropriated fund instrumentalities. The regulations would be required to be consistent with the goal of preventing the blackmarket sale of American alcoholic beverages at overseas locations.

The House bill contained no similar provision.

The Senate recedes.

The conferees remain concerned about the problem of the blackmarket resale of American products overseas, particularly alcoholic beverages in countries such as Korea. However, the conferees understand that the Department of the Army has taken administrative steps to reduce the opportunities for black marketing of alcoholic beverages in Korea and other overseas locations. Therefore, the conferees direct the Secretary of Defense to submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that would describe the rules that govern the quantities of alcoholic beverages available to service members overseas and the administrative actions taken by each of the military departments to control the illegal resale of alcoholic beverages at overseas military installations. The report shall identify circumstances that contribute to the problem of blackmarket resale of products sold in exchanges in South Korea, and shall include an assessment of the extent to which South Korean trade restrictions on beer and other products are a contributing factor. The report should be submitted no later than March 31, 1998.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

LEGISLATIVE PROVISIONS ADOPTED

Use of prohibited constraints to manage Department of Defense personnel (sec. 1101)

The Senate amendment contained a provision (sec. 1101) that would require the secretaries of the military departments and heads of defense agencies to certify directly to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the civilian workforce under their jurisdiction is not and has not during the preceding six months been the subject of any constraint or limitation in terms of man years, full-time equivalent positions, or maximum number of employees.

The House bill contained no similar provision.

The House recedes with an amendment that would change the reporting requirement to an annual report.

Veterans' preference status for certain veterans who served on active duty during the Persian Gulf War (sec. 1102)

The House bill contained a provision (sec. 323) that would permit veterans preference to be awarded to military personnel who served on active duty during the Persian Gulf War.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of deadline for placement consideration of involuntarily separated military reserve technicians (sec. 1103)

The Senate amendment contained a provision (sec. 1104) that would eliminate the time limitation within which involuntarily separated military reserve technicians would be given priority placement consideration.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Rate of pay of Department of Defense overseas teachers upon transfer to General Schedule position (sec. 1104)

The House bill contained a provision (sec. 321) that would provide the Secretary of Defense authority to adjust a Department of Defense Dependents Schools educator's salary up to 20 percent when that person is moved from a position under the Teaching Position (TP) pay system to a position under the General Schedule (GS) pay system.

The Senate amendment contained a provision (sec. 1105) that would authorize the Secretary of Defense to prescribe regulations to control the amount of salary increase awarded to certain overseas professional educators who transfer from positions compensated under the "Teaching Pay" system to positions compensated under the "General Schedule" pay system.

The House recedes with an amendment that would clarify the Senate provision.

Garnishment and involuntary allotment (sec. 1105)

The Senate amendment contained a provision (sec. 1107) that would restore the requirement that the cost of garnishment or involuntary allotments be borne by the federal employee.

The House bill contained no similar provision.

The House recedes.

Extension and revision of voluntary separation incentive pay authority (sec. 1106)

The Senate amendment contained a provision (sec. 1103) that would extend the authority for the Voluntary Separation Incentive Pay Program for the Department of Defense until September 30, 2001.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Use of approved fire-safe accommodations by Government employees on official business (sec. 1107)

The House bill contained a provision (sec. 322) that would require that each government agency ensure that not less than 90 percent of the commercial-lodging room nights for employees of that agency be booked at approved accommodations and would require that each government agency establish explicit procedures to meet this requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the 90 percent standard; require the Federal Emergency Management Agency to prepare an accurate fire-safe hotel list; and require the General Services Administration to submit a one-time report on implementation of the requirements.

Navy higher education pilot program regarding administration of business relationships between Government and private sector (sec. 1108)

The Senate amendment contained a provision (sec. 1108) that would establish a pilot program of higher education at the Naval Undersea Warfare Center and would authorize $2.5 million to be appropriated to fund the program.

The House bill contained no similar amendment.

The House recedes with an amendment that would provide the Secretary of the Navy the authority to establish and fund a pilot program of higher education available to employees of the Naval Undersea Warfare Center, employees of the Naval Sea Systems Command, and employees of the Acquisition Center for Excellence of the Navy.

Authority for Marine Corps University to employ civilian faculty members (sec. 1109)

The House bill contained a provision (sec. 903) that would authorize the Secretary of the Navy to employ civilian professors at any of the seven colleges within the Marine Corps University whose principal course of instruction is 10-months or more long.

The Senate amendment contained a similar provision (sec. 1102).

The Senate recedes with a clarifying amendment.

Title XII—Matters Relating to Other Nations

Legislative Provisions Adopted

Subtitle A—United States Armed Forces in Bosnia and Herzegovina

Limitation on the use of funds for the deployment of U.S. forces in Bosnia beyond June 30, 1998 (secs. 1201–1206)

The House bill contained provisions (secs. 1201, 1210–1212) on Bosnia that would require the Secretary of Defense to submit a report to Congress identifying the non-military tasks performed by U.S. armed forces participating in the NATO Stabilization Force (SFOR) in Bosnia; would direct the President to report on the political and military conditions in Bosnia and the costs associated with the continued presence of U.S. armed forces in Bosnia, and would limit the expenditure of a portion of the fiscal year 1998 defense funds authorized and appropriated for operations in Bosnia until such time as the report is submitted to Congress. In addition, a provision in the House bill would limit the use of fiscal year 1998 defense funds for the deployment of U.S. armed forces in Bosnia after June 30, 1998.

The Senate amendment contained a provision (sec. 1083) that would express the sense of the Senate that U.S. ground combat forces should be withdrawn from Bosnia by June 30, 1998 and should not participate in a follow-on force; that a Western European Union-led, or a NATO-led, force without U.S. ground combat forces are suitable for a follow-on force after June 30; that, if necessary, the United States may appropriately provide support, including command and control, intelligence, logistics and, if required, a ready reserve force in the region; and that the President should inform European allies of the views expressed by the Congress, strongly urging them to take appropriate steps to prepare a follow-on force to maintain peace in Bosnia, and consult with Congress on any support provided by the United States to a WEU-led or NATO-led follow-on force after June 30, 1998.

The conferees agree to a series of provisions that would express findings of the Congress regarding the deployment of U.S. armed forces in Bosnia and express the sense of Congress that a WEU-led or NATO-led force without participation of U.S. ground combat forces may be suitable for a follow-on force to the SFOR, and that the United States may decide to provide appropriate support to such a follow-on force. Another provision would limit the use of fiscal year 1998 funds authorized for the Department of Defense after June 30, 1998 for the deployment of U.S. ground combat forces in Bosnia, unless the President certifies to the Congress that the continued presence of U.S. ground combat forces is in the national security interests, and that it will remain the policy of the United States that U.S. ground forces will not be used as civil police in Bosnia. Concurrent with this certification, the President would be required to submit a report on the rationale for a continued U.S. armed forces presence, the number of U.S. military personnel to be deployed in and around Bosnia, the expected duration of the deployment, the mission and objectives of the U.S. armed forces deployed in and around Bosnia after June 30, 1998, the exit strategy and incremental costs associated with the deployment of the U.S. military in and around Bosnia after June 30, 1998, and other issues associated with extending the presence of the U.S. military forces in and around Bosnia. In addition, the conferees agree to a provision that would require the President to submit concurrently with the certification and report, a supplemental appropriations request for such amounts as are necessary to continue the deployment of U.S. military forces in and around Bosnia after June 30, 1998.

Another provision (sec. 1204) would require the Secretary of Defense to submit two reports to Congress regarding activities and tasks carried out by U.S. forces assigned to the Stabilization Force (SFOR), or any successor force to SFOR.

Lastly, the conferees agree to a provision (sec. 1205) that would require the President to submit a report to Congress by February 1, 1998 on the political and military conditions in Bosnia, that would include, but not be limited to, an assessment of progress made in implementing the Dayton Peace Agreement, other matters related to a follow-own force to SFOR, the possible involvement of U.S. military forces supporting peacekeeping activities in Bosnia following the withdrawal of U.S. ground combat forces from Bosnia, and a detailed explanation and timetable for withdrawing U.S. ground combat forces from Bosnia by June 30, 1998.

Subtitle B—Export Controls on High Performance Computers

Export controls on high performance computers (secs. 1211–1215)

The House bill contained provisions (secs. 1231–1234) that would express concerns about recent reports that United States-origin supercomputers were obtained by countries of proliferation concern for possible use in weapons-related activities and that these countries have refused to allow the United States to conduct post-shipment verification of the supercomputers to ensure that they are not being used for military purposes. The provision would prohibit the export, or re-export, of supercomputers with a composite theoretical performance of more than 2,000 millions of theoretical operations per second (MTOPS) to any Tier III country without the prior written approval of the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency. It would also require the President to report to Congress on all supercomputers with a computational capability of over 2,000 MTOPS that have been exported to all countries since January 1996. Finally, it would require post-shipment verification of U.S. origin supercomputers that exceed 2,000 MTOPS that have been exported to Tier III countries and require a report on the results of post-shipment verification.

The Senate amendment contained a provision (sec. 1080) that would require the General Accounting Office (GAO) to conduct a study on the national security risks of selling supercomputers with a computational capability of 2,000–7,000 MTOPS to end-users in Tier III countries and to conduct an assessment of foreign availability of supercomputers in the 2,000–7,000 MTOPS range. The provision would require the Secretary of Commerce to publish a list of military and nuclear end-users and establish procedures by which U.S. exporters may seek information on questionable end-users.

The conferees agree to a series of provisions. One provision (sec. 1211) would require that no computer with a composite theoretical performance of more than 2,000 MTOPS, or such other composite theoretical performance level established by the President, may be exported or re-exported to covered countries without a license if the sale without a license is objected to in writing by the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, or the Director of the Arms Control and Disarmament Agency. Such objection would have to be made within ten days of receiving the notice of proposed export, or re-export. The provision would allow the President, after consultation with the same department and agency heads, to change the threshold of the composite theoretical performance levels that would require the aforementioned ten day review before being exported without license to covered countries. However, the provision would delay implementation of such a threshold adjustment for 180 days after receipt by Congress of a report that justifies the change of the threshold. In addition, the provision would allow the President to add or delete countries from the list of covered countries, after consultation with the same department and agency heads, but would delay implementation of deletions from the list for 120 days after receipt by Congress of a report that justifies the deletion, and would preclude the deletion of certain countries of proliferation concern from this list. Another provision (sec. 1212) would require a report to Congress on the sales of high performance computers to Tier III countries since January 1996. The conferees also agree to a provision (sec. 1213) that would require post-shipment verification of high performance computers sold to covered countries and an annual report on the results of post-shipment verification. Lastly, the conferees direct the

GAO to study the national security risks of exporting high performance computers to Tier III countries and to provide an analysis of the foreign availability of high performance computers (sec. 1214).

Subtitle C—Other Matters

Temporary use of general purpose vehicles and nonlethal military equipment under acquisition and cross servicing agreements (sec. 1222)

The House bill contained a provision (sec. 1204) that would amend section 2350(1) of title 10, United States Code, to clarify the conditions under which the Department of Defense may enter into acquisition and cross servicing agreements, and define certain provisions of the United States Munitions List to apply under those conditions in order to permit the Department of Defense to use general purpose vehicles and nonlethal military equipment in contingency military operations.

The Senate amendment contained no similar provision.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees by May 1, 1998 on the Department's use of this authority to enter acquisition and cross servicing agreements that would permit the temporary use of general purpose vehicles and nonlethal military equipment in contingency military operations.

Sense of Congress and reports regarding financial costs of enlargement of the North Atlantic Treaty Organization (sec. 1223)

The House bill contained a provision (sec. 1207) that would limit the amount spent by the United States on enlarging the membership of the North Atlantic Treaty Organization (NATO) to ten percent of the cost of expansion, or a total of $2.0 billion, whichever is less, for fiscal years 1998 through 2010.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include findings on the differing assessments of the costs of enlarging NATO in reports submitted to Congress by the Department of Defense, the Congressional Budget Office and the RAND Corporation, and the General Accounting Office; would express the sense of Congress that the costs associated with enlarging the Alliance will be major factors during Senate consideration of the instruments of ratification, and the congressional authorization and appropriation of funds. The provision would require the Secretary of Defense to provide to Congress by March 31, 1998, an assessment of the NATO analysis of the military requirements and the estimated financial costs to the Alliance of integrating Poland, the Czech Republic, and Hungary into NATO. In addition, the provision would require the Secretary of Defense to submit with the fiscal year 1999 budget a report on the costs of NATO enlargement reflected in the Department of Defense budget and with appropriate detail in the budget justification materials submitted to Congress.

Sense of Congress regarding expansion of the North Atlantic Treaty Organization (sec. 1224)

The Senate amendment contained a provision (sec. 1087) that would express the sense of the Senate commending the North Atlantic Treaty Organization (NATO) for its commitment to review the prospect of further enlarging the Alliance in 1999, and for its recognition of progress made by Romania and Slovenia in meeting the guidelines for prospective membership in NATO.

The House bill contained no similar provision.

The House recedes with a technical and clarifying amendment.

Sense of the Congress relating to level of United States military personnel in the East Asia and Pacific region (sec. 1225)

The House bill contained a provision (sec. 1208) that would express the sense of Congress that the United States should maintain at least approximately 100,000 U.S. military personnel in the East Asia-Pacific region to ensure stability in that critical area.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on future military capabilities and strategy of the People's Republic of China (sec. 1226)

The House bill contained a provision (sec. 1203) that would require the Department of Defense to prepare an assessment of the future military capabilities and strategy of the People's Republic of China.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress on need for Russian openness on the Yamantau Mountain Project (sec. 1227)

The House bill contained a provision (sec. 1209) that would express the sense of Congress for the need for more openness on the part of the Russian government on the purpose of a massive underground facility at Yamantau Mountain.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

The United States and Russia have been working to establish a new strategic relationship based on cooperation and openness, which has resulted in the conclusion of several far-reaching arms control agreements designed to further reduce bilateral threats and to limit the proliferation of weapons of mass destruction. Despite good faith efforts on both sides to comply with the letter and spirit of these agreements, the conferees are concerned about reports that a massive underground facility is currently under construction at Yamantau Mountain. In seeking answers to questions about the purpose of the project at Yamantau Mountain, it appears that the Russian Federation has deliberately misled the United States about the purpose of this facility on a number of occasions. The facility appears to be designed to survive a nuclear war and appears to exceed reasonable defense requirements.

The Russian Federation has offered numerous stories about the construction activities at Yamantau Mountain and the city of Mezhgorye and the purpose of such activities. In 1991 and 1992, the commandant of Beloretsk-15 and Beloretsk-16, People's Deputy Leonid A. Tskirkunov told two stories about these activities. First, he said they were building a mining and ore-processing complex. Later, he changed that explanation to one of constructing an underground food and clothing warehouse. In 1992, a former communist official in the region, M.Z. Shakiorov, alleged that the Russian Federation was building a shelter for its national leadership, in case of war.

In 1996, sources from the Russian newspaper Segodnya claimed that the facility was associated with a nuclear retaliatory command and control system for strategic missiles known as "Dead Hand." This claim was denied by General Igor Sergeyev, the Commander-in-Chief of the Strategic Rocket Forces. In that same year, a Deputy of the State Assembly, R. Zhukov, claimed the facility at Yamantau Mountain belonged to the "atomic scientists."

The United States has learned that Russia's 1997 budget lists the Yamantau Mountain project as a Ministry of Defense installation on a closed territory. However, First Deputy of Defense Andre Kokoshin denied Ministry of Defense involvement with the activity.

The conferees are concerned that the Russian Federation should be more forthcoming in providing the United States with more information on the Yamantau Mountain Project. The sense of Congress expressed the need for the Federation to provide the United States with a detailed explanation of the purpose of the Yamantau Mountain Project, and that the Russian Government allow the United States Delegations to visit the facility, and facilities in the southern and northern settlements located near Yamantau.

Assessment of the Cuban threat to United States national security (sec. 1228)

The Senate amendment contained a provision (sec. 1046) that would require the Department of Defense to submit a report on an assessment of the threat posed by Cuba to U.S. national security.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on Helsinki Joint Statement (sec. 1229)

The Senate amendment contained a provision (sec. 1045) that would require the President to submit a report to Congress on the agreement reached by the United States and the Russian Federation on future reductions in nuclear forces and the United States approach to implementing the Helsinki Joint Statement, to include verification implications.

The House bill contained no similar provision.

The House recedes.

Commendation of Mexico on free and fair elections (sec. 1230)

The Senate amendment contained a provision (sec. 3601) that would express a sense of Congress that Mexico is to be commended for its holding of free and fair elections on July 6, 1997.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding Cambodia (sec. 1231)

The Senate amendment contained a provision (sec. 3602) that would express a sense of Congress that the conditions that existed in Cambodia prior to the actions of Hun Sen, who ousted his democratically-elected co-Prime Minister Prince Ranariddh, should be restored, and that assistance by the United States and other donor nations to Cambodia should be suspended until that time.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Congratulating Governor Christopher Patten of Hong Kong (sec. 1232)

The Senate amendment contained a provision (sec. 3603) that would express a sense of Congress that Christopher Patten, British governor of Hong Kong until the time the

British colony was turned over to the People's Republic of China, is to be commended for his leadership of Hong Kong under British rule.

The House bill contained no similar provision.

The House recedes.

TITLE XIII—ARMS CONTROL AND RELATED MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Presidential report concerning detargeting of Russian strategic missiles (sec. 1301)

The House bill contained a provision (sec. 1206) that would require the President to certify to Congress by January 1, 1998 whether the United States is able to verify by technical means that Russian intercontinental ballistic missiles (ICBMs) are not targeted at the United States; the length of time it would take for a detargeted Russian ICBM to be retargeted against a site in the United States; and whether a detargeted Russian ICBM would be automatically retargeted against a site in the United States in the event of an accidental launch.

The Senate amendment contained no similar provision.

The conferees note that the Secretary of Defense was directed in the House report on H.R. 3230 (H. Rept. 104-563), the National Defense Authorization Act for Fiscal Year 1997, to provide a report on the verifiability and military significance of the Moscow Declaration of January 14, 1994. On May 16, 1997, the Secretary submitted a report to Congress which stated that the United States could not independently verify that Russian intercontinental ballistic missiles were no longer targeted at the United States and that detargeted Russian ICBMs could be quickly retargeted within minutes. With regard to detargeted U.S. ICBMs, the report stated that these missiles could be retargeted in a short time.

The conferees believe that efforts between the United States and the Russian Federation to lower the threat of a massive nuclear exchange are laudable goals and encourage measures that would make a substantive contribution toward enhancing strategic stability. The conferees agree that it is important to have a full understanding of what particular agreements mean relative to achieving those goals. The conferees support a careful analysis of the advantages and limitations of the missile detargeting agreement. Therefore, the conferees agree to a provision that would require the President to submit a report to Congress that addresses issues regarding the detargeting of Russian strategic missiles.

Limitation on retirement or dismantlement of strategic nuclear delivery systems (sec. 1302)

The Senate amendment contained a provision (sec. 1054) that would preclude the reduction of certain strategic delivery systems unless the START II Treaty enters into force and the President waives this prohibition. The provision would also prohibit substantial early deactivation of strategic nuclear delivery systems, such as warhead removal, unless the Secretary of Defense meets certain requirements, as specified in the provision. Finally, the provision would require the Secretary of Defense to prepare a plan for the contingency sustainment of a START I force beyond 1998, should START II not enter into force by 2004.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the obligation of funds available to the Department of Defense during fiscal year 1998 to implement an agreement that results in substantial early deactivations of U.S. strategic forces until the President makes certain determinations.

Assistance for facilities subject to inspection under the Chemical Weapons Convention (sec. 1303)

The Senate amendment contained a provision (sec. 1057) that would allow the Department of Defense (DOD), through the On-Site Inspection Agency (OSIA), to provide technical assistance to companies that are subject to routine or challenge inspection under the terms of the Chemical Weapons Convention (CWC), provided that OSIA is reimbursed for such assistance by the U.S. National Authority established under the CWC.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the CWC imposes new obligations on private U.S. companies that may lead them to seek assistance from DOD in preparing their facilities for inspections to be carried out under the Convention's terms. The conferees recognize that the On-Site Inspection Agency possesses the technical experience to assist companies in this process. However, this is not part of OSIA's mission and the DOD would incur significant costs in providing such assistance. To this end, the conferees agree that DOD may not provide any CWC-related assistance to private companies unless the Secretary of Defense determines that the Department will be reimbursed for the costs incurred in providing such assistance.

The conferees note that the CWC implementing legislation passed by the Senate contains a similar provision. The conferees expect DOD to adhere to the additional requirements that govern the process by which the Department is to be reimbursed.

Transfers of authorizations for high-priority counterproliferation programs (sec. 1304)

The Senate amendment contained a provision (sec. 217) that would authorize the Secretary of Defense to transfer up to $50.0 million from funds authorized in fiscal year 1998 for the Department of Defense to conduct counterproliferation programs, projects, and activities that are identified as a high priority by the Counterproliferation Review Committee.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Advice to the President and Congress regarding the safety, security, and reliability of United States nuclear weapons stockpile (sec. 1305)

The Senate amendment contained a provision (sec. 1084) that would extend to the directors of Department of Energy nuclear weapons laboratories, the Commander in Chief of the U.S. Strategic Command, and any member of the Joint Nuclear Weapons Council protection against adverse action by employees of the Federal Government in cases where those individuals gave advice or opinions to the President or Congress relating to a safety, security, or reliability issue with the nuclear weapons stockpile.

The House bill contained no similar provision.

The House recedes with an amendment that would modify section 3159(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) to require that reports on problems with the nuclear weapons stockpile prepared by the directors of the nuclear weapons laboratories be submitted to the President, in addition to Congress, and to extend protection to the Department of Energy nuclear weapons production plant managers. Section 3159(b) would be modified to require the Department of Energy Assistant Secretary for Defense Programs to forward any such reports in their entirety, with any comments the Assistant Secretary deems appropriate, within ten days.

The conferees note that the Congress has frequently expressed its view that the stewards of the nuclear weapons stockpile must freely give their best advice on the safety and reliability of the stockpile. The conferees note that earlier legislation has provided for reports on such advice.

Reconstitution of Commission to Assess the Ballistic Missile Threat to the United States (sec. 1306)

The conferees agree to include a provision that would extend by one year the time for the Commission to Assess the Ballistic Missile Threat to the United States, established pursuant to Subtitle B of Title XIII of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201), to complete its original charter.

Sense of Congress regarding the relationship between environmental laws and United States obligations under the Chemical Weapons Convention (sec. 1307)

The Senate amendment contained a provision (sec. 1058) that would express the sense of the Senate that the President should use the authority available under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention (CWC) and that the President should encourage negotiations between appropriate Federal Government officials and officials of the State and local governments concerned to attempt to meet their concerns about the actions being taken to carry out the obligations of the United States under the convention.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the provision to express the sense of Congress regarding obligations of the United States under the CWC and would add findings from a February 1997 General Accounting Office study regarding matters that affect the schedule and costs of the chemical demilitarization program.

Extension of counterproliferation authorities for support of United Nations Special Commission on Iraq (sec. 1308)

The House bill contained a provision (sec. 1202) that would extend the authority through fiscal year 1998 for the Department of Defense (DOD) to continue to provide support to the United Nations Special Commission on Iraq (UNSCOM).

The Senate amendment contained a similar provision (sec. 1056).

The Senate recedes with a technical amendment.

The conferees support the extension of this authority given ongoing concerns over Iraq's continued possession of weapons of mass destruction and missile delivery systems. However, the conferees are concerned that the DOD role in providing assistance has transitioned from a short-term requirement to a semi-permanent element of the effort to contain Iraq.

Pursuant to United Nations Security Council Resolutions 986 and 1111, which took effect December 10, 1996 and June 8, 1997, respectively, Iraq is authorized to sell limited quantities of oil with most of the proceeds going to pay for humanitarian needs and to support UNSCOM activities. In addition, UNSCOM activities are also funded by frozen Iraqi assets and from direct and indirect contributions from other nations. The conferees would note that the Department of Defense is the primary source of U.S. government funding for the UNSCOM mission, providing specialized equipment and services otherwise unavailable to UNSCOM.

The conferees believe that continued vigilance is warranted to ensure that Iraq does not acquire or maintain proscribed military capabilities. However, the conferees do not believe that the costs of providing specialized support to UNSCOM should be permanently borne by the Department of Defense. To this end, the conferees support efforts by the Department to seek reimbursement for expenses incurred in providing support to UNSCOM and encourage the administration to negotiate formal agreements to this effect.

Annual report on moratorium on use by Armed Forces of antipersonnel landmines (sec. 1309)

The House bill contained a provision (sec. 1055) that would require the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, to certify to Congress prior to the implementation of any moratorium by law on the use of antipersonnel landmines (APL) by U.S. Armed Forces, that any such moratorium would not adversely affect the ability of U.S. Armed Forces to defend themselves, until such time as effective substitutes exist to replace antipersonnel landmines.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would contain findings describing the actions and decisions by the President relating to U.S. policy regarding antipersonnel landmines and the status of current law; express the sense of Congress regarding implementation of a landmine moratorium and support for development of alternatives to antipersonnel landmines. The provision would also require the Secretary of Defense to submit an annual report describing the military utility of the continued U.S. deployment of antipersonnel landmines, progress in developing and fielding systems that are effective substitutes for antipersonnel landmines, their costs and an estimated timetable for developing and fielding those systems, the number and type of pure antipersonnel and mixed anti-tank mine systems, the cost and effect of the elimination of the former and the impact of their elimination on the deterrence and warfighting ability of U.S. forces, and the benefits to U.S. military and civilian personnel of an international treaty banning the production, use, transfer and stockpiling of antipersonnel landmines.

The conferees endorse the President's September 17, 1997 pledge to increase U.S. support for worldwide demining efforts.

Further, the conferees believe that international support, and increased funding, for practical efforts such as clearing landmines and providing medical assistance and rehabilitation to the wounded, could be highly effective in reducing the landmine casualty count and reclaiming land for its intended use.

TITLE XIV—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

LEGISLATIVE PROVISIONS ADOPTED

Cooperative threat reduction (CTR) program (secs. 1401–1410)

The budget request included $382.2 million for the Cooperative Threat Reduction (CTR) program.

The House bill contained provisions (secs. 1101–1111) that would: authorize $284.7 million for the Cooperative Threat Reduction (CTR) program, a $97.5 million reduction to the budget request; specify CTR programs; allocate fiscal year 1998 funding for the various CTR programs and activities; prohibit the use of CTR funds for specific purposes; prohibit the obligation of CTR funds until various reports, notifications, and certifications are submitted to the Congress; make prior year unobligated CTR balances available for three fiscal years; and make fiscal year 1998 CTR funds available for three fiscal years. The House bill would also add funds for the Department of Energy (DOE) budget to carry out nuclear reactor core conversion activities in Russia under the auspices of the CTR program.

The Senate amendment contained provisions (secs. 1009 and 1085) that would authorize the budget request of $382.2 million; would make funds authorized in fiscal year 1997 for international border security activities available for three years; and would provide the Secretary of Defense authority to exceed the sublimits established in fiscal years 1996 and 1997 for CTR activities. The provisions would also limit the obligation or expenditure of certain fiscal year 1998 funds until receipt of either a certification by the President regarding Russian progress in solving outstanding compliance issues under bilateral chemical weapons agreements, or a presidential certification that U.S. national security interests would be undermined if CTR chemical weapons destruction activities were not carried out.

The conferees agree to a series of provisions that would authorize $382.2 million for the CTR program, establish sublimits for CTR activities and would provide the Secretary of Defense with authority to exceed the established sublimits in fiscal years 1996, 1997, and 1998 for strategic elimination activities in Russia and Ukraine. The obligation of fiscal year 1998 CTR funds is contingent upon the submission of various reports, notifications, and certifications to the Congress. The use of the word "agreements" in these provisions does not preclude the possibility that the conditions set forth can be met by the implementing agreements routinely entered into between the Department of Defense (DOD) and the CTR partner for specific projects.

The conferees reiterate their traditional support for CTR assistance in the elimination of strategic nuclear weapons systems in Russia and Ukraine. However, given the economic and financial conditions in Russia, the conferees are concerned about Russia's willingness to contribute its share of the costs of eliminating its strategic offensive arms and its declared stockpile of chemical weapons. As noted in recent U.S. resolutions of ratification of arms control agreements, the U.S. believes that Russia must contribute its share of the costs of complying with its arms control commitments.

The conferees note that the Department of Defense is seeking congressional approval of fiscal year 1998 funds for certain projects where fiscal year 1997 funds have not yet been fully obligated because of the lack of the necessary implementing agreements. As a general management principle, the conferees believe that fiscal year 1998 funds should not be obligated for those projects until the fiscal year 1997 CTR funds have been obligated.

The conferees are also concerned about recent reports that Russia has applied taxes, duties, overhead charges, and other arbitrary assessments on U.S. assistance. The conferees agree to a provision that would require the Secretary of Defense to report to the Congress on the impact of these charges on the CTR program, and what can be done to reduce or eliminate such charges.

Finally, the conferees maintain their belief that the proliferation of weapons of mass destruction, delivery systems, components, materials, and related technologies, represents a growing threat to the United States and to U.S. interests. In this regard, the conferees note that section 1424 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) authorized $15.0 million of CTR funds for international border security. This program would provide assistance to customs officials and border guard officials in the independent states of the former Soviet Union, such as Azerbaijan, Armenia, Georgia, the Baltic states, and other countries in Eastern Europe. The conferees understand that funds authorized for this activity have not been obligated or expended. The conferees note the continued congressional support for this activity and direct the Department to take appropriate actions to establish this activity and to obligate the funds available as soon as possible. These activities provide an early line of defense by improving the detection and interdiction of such weapons, materials, and technologies before they cross international borders.

TITLE XV—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS

LEGISLATIVE PROVISIONS ADOPTED

Federal Charter for the Air Force Sergeants Association (secs. 1501–1516)

The Senate amendment contained a series of provisions (sec. 1201–1216) that would grant a federal charter for the Air Force Sergeants Association.

The House bill contained no similar provision.

The House recedes.

The leadership of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives recognize the current moratorium on granting of federal charters and agree that, in the future, amendments to the National Defense Authorization Bill that would grant a federal charter should not be included in a conference agreement unless favorably recommended by the committees of jurisdiction.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The budget request for fiscal year 1998 included $8,383,248,000 for military construction and family housing.

The House bill would authorize $9,123,748,000 for military construction and family housing.

The Senate amendment would provide $9,077,061,000 for this purpose.

The conferees recommend authorization of appropriations of $9,173,748,000 for military construction and family housing, including general reductions and termination of prior year projects.

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
MILITARY CONSTRUCTION					
Military Construction, Army	595,277	706,027	631,277	103,250	698,527
Military Construction, Navy	540,106	675,806	601,114	131,460	671,566
Military Construction, Air Force	495,782	638,447	666,032	178,615	674,397
Military Construction, Defense-wide	673,633	613,233	680,003	(28,391)	645,242
Military Construction, Army National Guard	45,098	45,098	170,577	68,652	113,750
Military Construction, Air National Guard	60,225	137,275	191,169	130,219	190,444
Military Construction, Army Reserve	39,112	69,831	87,640	27,155	66,267
Military Construction, Naval Reserve	13,921	40,561	21,213	33,408	47,329
Military Construction, Air Force Reserve	14,530	34,443	36,680	15,713	30,243
Base Realignment and Closure II, III, IV	2,060,854	2,060,854	2,060,854	0	2,060,854
NATO Infrastructure	176,300	166,300	152,600	(23,700)	152,600
Total Military Construction	4,714,838	5,187,875	5,299,159	636,381	5,351,219
FAMILY HOUSING					
Family Housing Construction, Army	143,000	200,400	176,915	54,300	197,300
Family Housing Support, Army	1,148,937	1,148,937	1,143,286	(34,298)	1,114,639
Family Housing Construction, Navy and Marine Corps	278,933	400,715	321,306	106,436	385,369
Family Housing Support, Navy and Marine Corps	976,504	976,504	976,504	(6,100)	970,404
Family Housing Construction, Air Force	253,128	341,409	297,183	42,581	295,709

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
Family Housing Support, Air Force	830,234	830,234	830,234	(8,700)	821,534
Family Housing Construction, Defense-wide	4,950	4,950	4,950	0	4,950
Family Housing Support, Defense-wide	32,724	32,724	32,724	(100)	32,624
Total Family Housing	3,668,410	3,935,873	3,783,102	154,119	3,822,529

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization		Conference	
						House	Senate	Change	Agreement
1	Alabama	Army	Redstone Arsenal	Missile Software Engineering Annex (Phase I)	-	-	27,000	13,000	13,000
2	Alabama	Air Force	Maxwell AFB	OTS Academic Facility	4,479	4,479	4,479		4,479
3	Alabama	Air Force	Maxwell AFB	OTS Fitness Center	1,095	1,095	1,095		1,095
4	Alabama	Air Force	Maxwell AFB	Software Development and Maintenance Fac	-	9,300	-	9,300	9,300
5	Alabama	Chemical Demilitarization	Anniston Chemical Activity	Ammunition Demilitarization Facility	9,900	9,900	9,900		9,900
6	Alabama	Defense Intelligence Agency	Redstone Arsenal	Missile & Space Intelligence Center Fac	32,700	32,700	32,700		32,700
7	Alabama	Air National Guard	Dannelly Field	Munitions Complex/Aircraft Support Shop	-	-	4,800	4,800	4,800
8	Alabama	Air Force Reserve	Maxwell AFB	Consolidated Aircraft Maintenance Fac	-	-	5,200		-
9	Alaska	Air Force	Clear AFS	Alter Dormitories	20,285	20,285	20,285		20,285
10	Alaska	Air Force	Clear AFS	Ballistic Missile Early Warning System Fac	46,784	46,784	46,784		46,784
11	Alaska	Air Force	Elmendorf AFB	Electrical System Upgrade	-	-	6,100	6,100	6,100
12	Alaska	Air Force	Eielson AFB	A-10 Sqd Operations/Aircraft Maint Unit	7,764	7,764	7,764		7,764
13	Alaska	Air Force	Eielson AFB	Potable Water Storage Upgrade	-	-	6,000	6,000	6,000
14	Alaska	Air Force	Indian Mountain Radar Site	Upgrade Petroleum, Oil, and Lubricant Sys	1,991	1,991	1,991		1,991
15	Alaska	Defense Logistics Agency	DFSC Elmendorf AFB	Replace Fuel Tankage	21,700	21,700	21,700		21,700
16	Arizona	Army	Fort Huachuca	Whole Barracks Complex Renewal	20,000	20,000	20,000		20,000
17	Arizona	Navy	Camp Navajo Navy Det	Magazine Modifications (Phase II)	11,426	11,426	11,426		11,426
18	Arizona	Navy	MCAS Yuma	Bachelor Enlisted Quarters	-	12,250	-	12,250	12,250
19	Arizona	Navy	MCAS Yuma	Land Acquisition	-	-	14,700		-
20	Arizona	Air Force	Luke AFB	Land Acquisition, Goldwater Range	-	10,000	-	10,000	10,000
21	Arizona	Army National Guard	Papago Military Reservation	Combined Support Maintenance Shop	-	-	11,000		-
22	Arkansas	Air Force	Little Rock AFB	Control Tower	-	3,400	-	3,400	3,400
23	Arkansas	Chemical Demilitarization	Pine Bluff Chemical Activity	Ammunition Demilitarization Facility	44,000	-	-	(44,000)	-
24	Arkansas	Army National Guard	Hazen	Readiness Center	2,261	2,261	2,261		2,261
25	Arkansas	Army National Guard	Hazen	Organizational Maintenance Shop	1,345	1,345	1,345		1,345
26	Arkansas	Air Force Reserve	Little Rock AFB	Aerial Port Training Facility	-	-	2,000		-
27	California	Army	Fort Irwin	Live Fire Command and Control Facility	-	2,650	-	2,650	2,650
28	California	Army	Fort Irwin	Rotational Wash Point	-	8,500	-	8,500	8,500
29	California	Army	Concord NWS	Ordnance Support Facility	23,000	23,000	23,000		23,000
30	California	Navy	Twenty-Nine Palms MCAGCC	Communication & Electric Main Storage Fac	3,810	3,810	3,810		3,810
31	California	Navy	Camp Pendleton MCAS	Aircraft Maintenance Training Facility	4,300	4,300	4,300		4,300
32	California	Navy	Camp Pendleton MCAS	Aviation Training Area	-	10,130	-		-
33	California	Navy	Camp Pendleton MCAS	Highbay Warehouse	6,880	6,880	6,880		6,880

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
34	California	Navy	Camp Pendleton MCAS	Emergency Spill Control	2,840	2,840	2,840		2,840
35	California	Navy	Miramar MCAS	Enlisted Dining Facility	8,700	8,700	8,700		8,700
36	California	Navy	Camp Pendleton MCB	Bachelor Enlisted Quarters	12,000	12,000	12,000		12,000
37	California	Navy	Camp Pendleton MCB	Bachelor Enlisted Quarters	-	16,120	-	16,120	16,120
38	California	Navy	Camp Pendleton MCB	Bridge Replacement	5,600	5,600	5,600		5,600
39	California	Navy	Camp Pendleton MCB	Child Development Center	-	4,480	-	4,480	4,480
40	California	Navy	Camp Pendleton MCB	River Flood Control Santa Margarita	21,869	21,869	21,869		21,869
41	California	Navy	Coronado NAB	Waterfront Operations Building	-	10,100	-	10,100	10,100
42	California	Navy	El Centro Naval Air Facility	Ordnance Facilities	11,000	11,000	11,000		11,000
43	California	Navy	North Island NAS	Maintenance Support Facilities	15,300	15,300	15,300		15,300
44	California	Navy	North Island NAS	Seawall Upgrade	2,900	2,900	2,900		2,900
45	California	Navy	North Island NAS	Visual System Trainer Building Addition	1,400	1,400	1,400		1,400
46	California	Navy	Port Hueneme	Stormwater Runoff Improvements	-	3,200	-	3,200	3,200
47	California	Air Force	Edwards AFB	Add/Alter Sewer Line	1,394	1,394	1,394		1,394
48	California	Air Force	Edwards AFB	Upgrade Wastewater Treat Plant	1,493	1,493	1,493		1,493
49	California	Air Force	Vandenberg AFB	Launch Operations Control Center	26,876	26,876	26,876		26,876
50	California	Defense Medical Sup Activity	San Diego NS	Environment Preven Med Unit Add/Alt	2,100	2,100	2,100		2,100
51	California	Special Operations Command	NAS North Island	Waterfront Operations Support Facility	7,400	7,400	7,400		7,400
52	California	Army Reserve	Sacramento	USAR Ctr/Org Mnt Shop/Area Mnt Spt Act	20,972	20,972	20,972		20,972
53	California	Navy Reserve	NWS Seal Beach	Marine Corps Reserve Training Complex	6,104	6,104	6,104		6,104
54	California	Navy Reserve	Pasadena	Marine Corps Reserve Center	-	-	6,690	6,690	6,690
55	California	Air National Guard	Fresno Air Terminal	Base Supply Complex	-	7,000	-	7,000	7,000
56	Colorado	Army	Fort Carson	Close Combat Tactical Trainer Building	7,300	7,300	7,300		7,300
57	Colorado	Army	Fort Carson	Rail Yard Expansion (Phase I)	-	16,000	-	16,000	16,000
58	Colorado	Air Force	US Air Force Academy	Upgrade Academic Facility	9,854	9,854	9,854		9,854
59	Colorado	Air Force	US Air Force Academy	Add to and Alter Fitness Center	5,375	5,375	5,375		5,375
60	Colorado	Air Force	Buckley ANGB	Add to Security Police Facility	348	348	348		348
61	Colorado	Air Force	Buckley ANGB	Administration Facility	6,370	6,370	6,370		6,370
62	Colorado	Air Force	Falcon AFS	Defense Access Road	10,551	10,551	10,551		10,551
63	Colorado	Air Force	Peterson AFB	Add to and Alter Dormitory	4,081	4,081	4,081		4,081
64	Colorado	Army National Guard	Fort Carson	MATES Expansion (Ph I)	-	-	2,863		-
65	Colorado	Air National Guard	Buckley ANGB	Upgrade Base Infrastructure Systems	12,800	12,800	12,800		12,800
66	Colorado	Air National Guard	Greeley ANGS	Mobile Ground Station Maint Complex	-	4,700	4,700	4,700	4,700

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization		Conference	
						House	Senate	Change	Agreement
67	Connecticut	Navy	NSB New London	Controlled Industrial Facility	18,300	18,300	18,300		18,300
68	Connecticut	Navy	NSB New London	Child Development Center	-	-	3,660	3,660	3,660
69	Connecticut	Navy	NSB New London	Fire Protection System	-	-	1,600		-
70	Connecticut	Defense Medical Sup Activity	NSB New London	Naval Undersea Medical Institute Add/Alt	2,300	2,300	2,300		2,300
71	Delaware	Air National Guard	New Castle County Airport	Replace Squadron Ops/Aeromed Evac Fac	-	-	7,000	7,000	7,000
72	District Of Columbia	Defense Intelligence Agency	Bolling AFB	Reconfiguration DIAC	7,000	7,000	7,000		7,000
73	District Of Columbia	Navy Reserve	Naval Air Facility Washington	Bachelor Enlisted Quarters	4,640	4,640	4,640		4,640
74	Florida	Navy	Jacksonville NAS	Ordnance Loading Apron	1,330	1,330	1,330		1,330
75	Florida	Navy	Jacksonville NAS	Tactical Support Center	2,150	2,150	2,150		2,150
76	Florida	Navy	Whiting NAS	Runway Upgrades	-	1,300	-	1,300	1,300
77	Florida	Navy	Mayport NS	Pier Improvements	-	17,940	-	17,940	17,940
78	Florida	Air Force	Eglin AFB Auxiliary Field 9	Dormitory	6,470	6,470	6,470		6,470
79	Florida	Air Force	MacDill AFB	Child Development Center	-	3,350	-	3,350	3 350
80	Florida	Air Force	MacDill AFB	Education Center and Library	-	4,750	-	4,750	4,750
81	Florida	Air Force	MacDill AFB	Remediate Small Arms Range	1,543	1,543	1,543		1,543
82	Florida	Defense Logistics Agency	Jacksonville NAS	Replace Fuel Tankage	9,800	9,800	9,800		9,800
83	Florida	Defense Medical Sup Activity	Pensacola NAS	Medical Clinic Addition (NAMI)	2,750	2,750	2,750		2,750
84	Florida	Special Operations Command	Eglin AFB Auxiliary Field 3	Assault Strip Runway	-	-	5,100		-
85	Florida	Special Operations Command	Eglin AFB Auxiliary Field 9	Squadron Operations/AMU AC-130	6,100	6,100	6,100		6,100
86	Florida	Special Operations Command	Eglin AFB Auxiliary Field 9	Security Improvements	2,450	2,450	2,450		2,450
87	Florida	Army National Guard	Ellyson Field	Readiness Center	-	-	3,800		-
88	Florida	Air Force Reserve	Eglin AFB Auxiliary Field 3	Visiting Airmen Quarters	-	7,300	7,300		-
89	Georgia	Army	Fort Gordon	Whole Barracks Complex Renewal	22,000	22,000	22,000		22,000
90	Georgia	Army	Fort Stewart/HAAF	Whole Barracks Complex Renewal (Phase I)	-	17,500	-	11,500	11,500
91	Georgia	Air Force	Moody AFB	Dormitories	-	9,100	9,100		-
92	Georgia	Air Force	Moody AFB	HH-60 Rescue Operations Facility	-	-	6,800	6,800	6,800
93	Georgia	Air Force	Robins AFB	JSTARS-Add/Alter Supply Warehouse	2,538	2,538	2,538		2,538
94	Georgia	Air Force	Robins AFB	JSTARS- Add/Alter Wing Command Post	498	498	498		498
95	Georgia	Air Force	Robins AFB	JSTARS- Age Storage/Shop Facility	5,972	5,972	5,972		5,972
96	Georgia	Air Force	Robins AFB	JSTARS- Aircraft Maintenance Hangar	7,764	7,764	7,764		7,764
97	Georgia	Air Force	Robins AFB	JSTARS- Add/Alter Utilities	1,891	1,891	1,891		1,891
98	Georgia	Air Force	Robins AFB	Physical Fitness Center	-	9,100	-	9,100	9,100
99	Georgia	Defense Medical Sup Activity	Robins AFB	Ambulatory Health Care Center Add/Alt	19,000	19,000	19,000		19,000

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line					Budget	Authorization		Conference	
No.	Location	Service/Agency	Installation	Project Title	Request	House	Senate	Change	Agreement
100	Georgia	Special Operations Command	Fort Stewart/HAAF	Company Operations Facility	2,500	2,500	2,500		2,500
101	Georgia	Special Operations Command	Fort Benning	Battalion & Company Operations Facility	9,814	9,814	9,814		9,814
102	Georgia	Air National Guard	Robins AFB	B-1 Composite Squadron Operations Complex	5,300	5,300	5,300		5,300
103	Georgia	Air National Guard	Robins AFB	B-1 Aircraft Organizational Maint Shops	520	520	520		520
104	Georgia	Air National Guard	Robins AFB	B-1 Power Check Pad and Sound Suppresser	1,000	1,000	1,000		1,000
105	Hawaii	Army	Schofield Barracks	Whole Barracks Complex Renewal	44,000	44,000	44,000		44,000
106	Hawaii	Navy	Fort DeRussey	Asian Pacific Center	-	-	9,500	9,500	9,500
107	Hawaii	Navy	Kaneohe Bay MCAS	Bachelor Enlisted Quarters	19,000	19,000	19,000		19,000
108	Hawaii	Navy	Wahiawa Comms Area Master St	Fitness Center Addition and Renovation	3,900	3,900	3,900		3,900
109	Hawaii	Navy	Pearl Harbor NS	Oily Waste Collection Treatment System	25,000	25,000	25,000		25,000
110	Hawaii	Special Operations Command	Pearl Harbor NS	Advanced SEAL Delivery System Fac (Ph II)	-	-	7,400	7,400	7,400
111	Hawaii	Army National Guard	Wahiawa	Aviation, Fixed Wing Hangar	2,100	2,100	2,100		2,100
112	Hawaii	Army National Guard	Bellows Air Force Station	Add/Alt Admininstrative Facility	-	-	5,232	5,232	5,232
113	Hawaii	DFAS	Pearl Harbor (Ford Island)	DFAS-Regional Finance Center	10,000	10,000	10,000		10,000
114	Hawaii	Air National Guard	Hickham AFB	Replace Base Civil Eng Maint Complex	-	-	4,500		-
115	Idaho	Air Force	Mountain Home AFB	B-1B Dormitory	8,959	8,959	8,959		8,959
116	Idaho	Air Force	Mountain Home AFB	B-1B Armament Shop	2,688	2,688	2,688		2,688
117	Idaho	Air Force	Mountain Home AFB	B-1B Avionics Building	-	-	9,200	9,200	9,200
118	Idaho	Air Force	Mountain Home AFB	B-1B Squadron Ops/Aircraft Maint Unit	6,072	6,072	6,072		6,072
119	Idaho	Air Force	Mountain Home AFB	F-15C Squadron Operations Facility	-	-	3,750	3,750	3,750
120	Idaho	Army National Guard	Gowen Field	Add/Alter Aviation Readiness Center	-	-	3,673		-
121	Idaho	Air National Guard	Boise Airport	C-130 Composite Hangar & Maint Shops	12,000	12,000	12,000		12,000
122	Idaho	Air National Guard	Boise Airport	C-130 Squadron Ops/Aerial Port Training Fac	-	-	8,800	8,800	8,800
123	Illinois	Navy	Great Lakes Naval Hospital	Bachelor Enlisted Quarters (Phase II)	5,200	5,200	5,200		5,200
124	Illinois	Navy	Great Lakes Naval Training Ctr	Fire Station	2,600	2,600	2,600		2,600
125	Illinois	Navy	Great Lakes Naval Training Ctr	Combat Training Pool	9,930	9,930	9,930		9,930
126	Illinois	Navy	Great Lakes Naval Training Ctr	Recreation Center	2,000	2,000	2,000		2,000
127	Illinois	Navy	Great Lakes Naval Training Ctr	Bachelor Enlisted Quarters	26,690	26,690	26,690		26,690
128	Indiana	Army	Crane	Ammunition Containerization Complex (Ph I)	7,700	7,700	7,700		7,700
129	Indiana	Navy	Crane NSWC	Chem-Bio Warfare Detection Center	-	4,120	-	4,120	4,120
130	Indiana	Army National Guard	Camp Atterbury	Multi-Purpose Training Range (MPTR)	10,229	10,229	10,229		10,229
131	Indiana	Air National Guard	Hulman Regional Airport	Replace Fuel Cell/ Corrosion Control & Fire Sta	-	-	5,400		-
132	Indiana	Air National Guard	Fort Wayne IAP	Replace Dining Hall/Medical Tng Facility	-	-	5,900		-

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
133	Indiana	Air Force Reserve	Grissom ARB	Base Civil Engineer Complex	-	8,913	-	8,913	8,913
134	Iowa	Army National Guard	Camp Dodge	Battalion Complex (Phase IV)	4,529	4,529	4,529		4,529
135	Iowa	Air National Guard	Des Moines IAP	Replace Security Police Operations Facility	-	3,900	-		-
136	Kansas	Army	Fort Leavenworth	US Disciplinary Barracks (Phase I)	63,000	20,000	36,500	(43,000)	20,000
137	Kansas	Army	Fort Riley	Whole Barracks Complex Renewal	18,500	18,500	18,500		18,500
138	Kansas	Army	Fort Riley	Close Combat Tactical Trainer Building	7,300	7,300	7,300		7,300
139	Kansas	Air Force	McConnell AFB	Child Development Center	-	5,000	-	5,000	5,000
140	Kansas	Air Force	McConnell AFB	KC-135 Sqd Ops/Aircraft Maintenance Unit	6,669	6,669	6,669		6,669
141	Kansas	Air Force	McConnell AFB	KC-135 Squadron Ops/Aircraft Maintenance	-	-	9,700		-
142	Kansas	Air Force	McConnell AFB	Transportation Complex	-	-	2,850	2,850	2,850
143	Kansas	Army National Guard	Iola	Readiness Center Add/Alter	1,454	1,454	1,454		1,454
144	Kansas	Air National Guard	McConnell AFB	Alter Base Civil Engineer Maintenance Shop	-	2,000	2,000	2,000	2,000
145	Kentucky	Army	Fort Campbell	Education Center (Ph II)	-	6,700	6,700	6,700	6,700
146	Kentucky	Army	Fort Campbell	Tactical Equipment Shop (Ph II)	-	-	9,900	9,900	9,900
147	Kentucky	Army	Fort Campbell	Whole Barracks Complex Renewal	37,000	37,000	37,000		37,000
148	Kentucky	Army	Fort Knox	Qualification Training Range	-	7,200	7,200	7,200	7,200
149	Kentucky	Army	Fort Knox	Whole Barracks Complex Renewal (Ph II)	22,000	22,000	22,000		22,000
150	Kentucky	Defense Medical Sup Activity	Fort Campbell	Consolidated Troop Med/Den Clinic	13,600	13,600	13,600		13,600
151	Kentucky	Army National Guard	Greenville	Western Kentucky Training Range (Ph III)	-	-	9,321	3,639	3,639
152	Louisiana	Air Force	Barksdale AFB	CALCM Integrated Maintenance Complex	11,148	11,148	11,148		11,148
153	Louisiana	Air Force	Barksdale AFB	CALCM Storage Igloos	8,262	8,262	8,262		8,262
154	Louisiana	Army National Guard	Camp Beauregard	Multipurpose Machine Gun Range	-	-	1,292	1,292	1,292
155	Louisiana	Army National Guard	Jackson Barracks	Organization Maintenance Shop	1,516	1,516	1,516		1,516
156	Louisiana	Air National Guard	New Orleans NAS	Base Engineer and Communications Complex	-	5,900	5,900	5,900	5,900
157	Louisiana	Navy Reserve	New Orleans NAS	Bachelor Enlisted Quarters (Ph II)	-	4,520	-	4,520	4,520
158	Louisiana	Navy Reserve	New Orleans NAS	Physical Fitness Center	-	3,550	-	3,550	3,550
159	Maine	Air National Guard	Bangor IAP	Upgrade Base Facilities	-	-	6,500	6,500	6,500
160	Maryland	Navy	St. Inigoes NAVELEX	Maintenance Hangar	-	2,610	-	2,610	2,610
161	Maryland	Navy	Patuxent River NAS	Advance System Integrated Facility (Ph IV)	9,000	9,000	9,000		9,000
162	Maryland	National Security Agency	Fort Meade	FANX III Purchase	25,200	25,200	25,200		25,200
163	Maryland	National Security Agency	Fort Meade	Visitor Control Center	600	600	600		600
164	Maryland	National Security Agency	Fort Meade	Vehicle and Cargo Inspection Facility	4,000	4,000	4,000	(100)	3,900
165	Maryland	Defense Medical Sup Activity	Fort Detrick	Health/Dental Clinic	4,650	4,650	4,650		4,650

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
166	Maryland	Defense Medical Sup Activity	Forest Glen	Army Institute of Research - Phase V	20,000	20,000	20,000		20,000
167	Maryland	Army National Guard	Annapolis	Add/Alt Readiness Center	-	-	2,947	2,947	2,947
168	Massachusetts	Defense Logistics Agency	DFSC Westover AFB	Jet Fuel Storage Complex	4,700	4,700	4,700		4,700
169	Massachusetts	Air National Guard	Barnes ANGB	Replace Dining Hall	-	3,050	3,050	3,050	3,050
170	Massachusetts	Navy Reserve	Westover ARB	Building Renovation	-	4,090	-	4,090	4,090
171	Massachusetts	Air Force Reserve	Westover ARB	Fire Training Facility	1,800	1,800	1,800		1,800
172	Michigan	Army National Guard	Augusta	Readiness Center	-	-	6,356	6,356	6,356
173	Michigan	Air National Guard	Alpena County Regional Airport	ACTS Range Support & RAPCON Facility	5,000	5,000	5,000		5,000
174	Michigan	Air National Guard	Selfridge ANGB	Replace Vehicle Maint/Commo Complex	-	-	9,000	9,000	9,000
175	Michigan	Army Reserve	Walker	Readiness Center/Organizational Maint Shop	-	-	9,439		-
176	Minnesota	Air National Guard	Minneapolis St Paul IAP	Replace Base Civil Engineer Mnt Complex	-	4,600	-	4,600	4,600
177	Minnesota	Air National Guard	Minneapolis St Paul IAP	Vehicle Wash Facility	360	360	360		360
178	Minnesota	Air Force Reserve	Minneapolis St Paul IAP	Add/Alter Corrosion Control Facility	1,550	1,550	1,550		1,550
179	Mississippi	Navy	Gulfport NCBC	Bachelor Enlisted Quarters (Ph 1 & 2)	-	-	22,440		-
180	Mississippi	Navy	Meridian NAS	Renovate Three Bachelor Enlisted Quarters	-	7,050	-	7,050	7,050
181	Mississippi	Air Force	Keesler AFB	Student Dormitories	30,855	30,855	30,855		30,855
182	Mississippi	Special Operations Command	Mississippi Army Ammo Plant	Operations and Maintenance Facility	-	-	9,900	9,900	9,900
183	Mississippi	Army National Guard	Senatobia	Readiness Center	-	-	4,425	4,425	4,425
184	Mississippi	Air National Guard	Gulfport	Regional Fire Training Facility	900	900	900		900
185	Mississippi	Air National Guard	Gulfport	Replace Troop Training Quarters/Dining Hall	-	9,500	-	9,500	9,500
186	Mississippi	Air National Guard	Key Field	Regional KC-135 Simulation Training Center	-	2,000	2,000	2,000	2,000
187	Mississippi	Air National Guard	Key Field	Replace Dining Hall	-	3,200	3,200	3,200	3,200
188	Missouri	Army	Fort Leonard Wood	Fire Station	-	3,200	-	3,200	3,200
189	Missouri	Air Force	Whiteman AFB	B-2 Aircraft Maintenance Docks	17,419	17,419	17,419		17,419
190	Missouri	Air Force	Whiteman AFB	B-2 Low Observatory Restoration Facility (Ph I)	-	12,000	-		-
191	Missouri	Army National Guard	Macon	Armory	-	-	3,210	3,210	3,210
192	Montana	Air Force	Malmstrom AFB	Add /Alter Airmen Dining Facility	-	-	4,500	4,500	4,500
193	Montana	Army National Guard	Billings	Armed Forces Reserve Center	-	-	14,950	14,950	14,950
194	Nebraska	Air Force	Offutt AFB	Dormitories	-	-	6,900		-
195	Nevada	Air Force	Nellis AFB	Land Acquisition	-	-	5,900		-
196	Nevada	Air Force	Nellis AFB	Munitions Maitenance Facility	-	1,950	-	1,950	1,950
197	Nevada	Air National Guard	Reno /Tahoe IAP	C-130 Aerial Port Training Facility	-	-	2,950	2,950	2,950
198	New Jersey	Army	Fort Monmouth	Fire Station	-	2,050	-	2,050	2,050

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Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
199	New Jersey	Air Force	McGuire AFB	Air Mobility Group (AMOG) Warehouse	9,954	9,954	9,954		9,954
200	New Jersey	Air Force	McGuire AFB	Large Fire Station	-	8,800	-	8,800	8,800
201	New Jersey	Defense Medical Sup Activity	McGuire AFB	Ambulatory Health Care Center Replace	35,217	35,217	35,217		35,217
202	New Jersey	Army Reserve	Fort Dix	Ammunition Supply Facility	-	9,031	-		-
203	New Mexico	Army	White Sands Missile Range	Launch Complex Revitalization	-	6,900	-	6,900	6,900
204	New Mexico	Army	White Sands Missile Range	National Range Control Center (Phase II)	18,000	18,000	18,000		18,000
205	New Mexico	Air Force	Cannon AFB	F-16 Missile Maintenance Shop	-	-	2,900		-
206	New Mexico	Air Force	Kirtland AFB	Flight Simulation Training Facility	-	-	14,000	14,000	14,000
207	New Mexico	Air Force	Kirtland AFB	Replace Manzano Bridge	-	-	6,300	6,300	6,300
208	New Mexico	Defense Medical Sup Activity	Holloman AFB	Dental Clinic Replacement	3,000	3,000	3,000		3,000
209	New Mexico	Army National Guard	Taos	Readiness Center	-	-	3,225		-
210	New Mexico	Air National Guard	Kirtland AFB	Add/Alter Squadron Operations Facility	-	-	2,800		-
211	New Mexico	Air National Guard	Kirtland AFB	Composite Support Facility	-	-	3,100		-
212	New York	Army	Fort Drum	Aerial Gunnery Range	-	17,500	-	9,000	9,000
213	New York	Army	Fort Drum	Military Training and Education Center	-	6,900	-	6,900	6,900
214	New York	Air National Guard	Gabreski Airport	Replace Vehicle and ASE Maint Complex	-	-	4,250		-
215	New York	Air Force Reserve	Niagara Falls IAP	Consolidated Training Facility	-	-	2,100	2,100	2,100
216	New York	Air National Guard	Schenectady County Airport	Fuel Cell and Corrosion Control Hangar	5,700	5,700	5,700		5,700
217	New York	Air National Guard	Stratton ANGB	Composite Support Complex	-	7,500	-	7,500	7,500
218	North Carolina	Army	Fort Bragg	Military Operations on Urban Terrain Tng Comp	-	7,900	6,500	7,900	7,900
219	North Carolina	Army	Fort Bragg	Upgrade Two Barracks in Area D	-	9,800	-	9,800	9,800
220	North Carolina	Navy	Cherry Point MCAS	Operations And Maintenance Facs	8,800	8,800	8,800		8,800
221	North Carolina	Navy	New River MCAS	Tactical Support Van Pads	2,700	2,700	2,700		2,700
222	North Carolina	Navy	New River MCAS	Bachelor Enlisted Quarters	10,600	10,600	10,600		10,600
223	North Carolina	Navy	New River MCAS	Aviation Maintenance Training Facility	6,600	6,600	6,600		6,600
224	North Carolina	Air Force	Pope AFB	Dormitories	8,356	8,356	8,356		8,356
225	North Carolina	Air Force	Pope AFB	Dormitories	-	9,700	-		-
226	North Carolina	Air Force	Pope AFB	Family Services Center	-	2,600	-	2,600	2,600
227	North Carolina	Special Operations Command	Fort Bragg	Medical Training Barracks	-	-	8,300	8,300	8,300
228	North Carolina	Special Operations Command	Fort Bragg	Security Improvements	500	500	500		500
229	North Carolina	Special Operations Command	Fort Bragg	Electronics Maintenance Facility	1,000	1,000	1,000		1,000
230	North Carolina	Air National Guard	Charlotte/Douglas MAP	Alter Fuel Sys Maint & Corr Control Facility	2,550	2,550	2,550		2,550
231	North Dakota	Air Force	Grand Forks AFB	KC-135 Add/Alter Flight Simulator Facility	1,493	1,493	1,493		1,493

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Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization		Conference	
						House	Senate	Change	Agreement
232	North Dakota	Air Force	Grand Forks AFB	KC-135 Squadron Ops/Aircraft Maint Unit	7,067	7,067	7,067		7,067
233	North Dakota	Air Force	Minot AFB	Fire/Crash Rescue Station	-	5,200	5,200	5,200	5,200
234	Ohio	Air Force	Wright-Patterson AFB	Acquisition Management Complex (Ph4A)	-	-	22,000		-
235	Ohio	Air Force	Wright-Patterson AFB	Child Development Center	-	8,600	-	8,600	8,600
236	Ohio	Air Force	Wright-Patterson AFB	Renovate Acquisition Support Facility	10,750	10,750	10,750		10,750
237	Ohio	Defense Medical Sup Activity	Wright-Patterson AFB	Composite Medical Facility Alt	2,750	2,750	2,750		2,750
238	Ohio	Air National Guard	Rickenbacker ANGB	Fuel Cell and Corrosion Control Facility	-	5,500	5,700	5,700	5,700
239	Ohio	Air National Guard	Springfield-Beckley MAP	Base Supply Complex	-	4,350	5,500	5,500	5,500
240	Ohio	Air Force Reserve	Youngstown MAP	Add/Alter Miscellaneous Maintenance Facility	1,000	1,000	1,000		1,000
241	Ohio	Air Force Reserve	Youngstown MAP	Add/Alter Base Supply	2,800	2,800	2,800		2,800
242	Ohio	Air Force Reserve	Youngstown MAP	Add/Alter Squadron Operations Facility	1,400	1,400	1,400		1,400
243	Ohio	DFAS	Columbus Center	DFAS-Regional Finance Center	23,922	23,922	23,922		23,922
244	Oklahoma	Army	Fort Sill	Whole Barracks Complex Renewal	-	8,000	-	8,000	8,000
245	Oklahoma	Air Force	Altus AFB	Land Purchase Clear Zone	-	-	11,000	11,000	11,000
246	Oklahoma	Air Force	Tinker AFB	B-2 Add/Alter Software Maintenance Facility	9,655	9,655	9,655		9,655
247	Oklahoma	Air Force	Vance AFB	Base Engineering Complex	-	6,700	7,700	7,700	7,700
248	Oklahoma	Air National Guard	Will Rogers World Airport	Replace Aeromedical Evacuation Tng Facility	-	-	3,100	3,100	3,100
249	Oregon	Army National Guard	Salem	Armed Forces Reserve Center	-	-	11,807		-
250	Oregon	Air National Guard	Klamath Falls IAP	Vehicle Refueling Shop & Paint Bay	520	520	520		520
251	Oregon	Defense-Wide	Umatilla Chemical Depot	Ammunition Demilitarization Facility	57,427	57,427	57,427		57,427
252	Pennsylvania	Defense Logistics Agency	Def Distr New Cumberland - DDSP	Addition to Distribution Center	15,500	15,500	15,500		15,500
253	Pennsylvania	Army Reserve	Oakdale	Reserve Center/Organ Maint/Area Maint Spt	-	-	24,914	6,000	6,000
254	Pennsylvania	Navy Reserve	Johnstown	Reserve Hangar and Training Center	-	13,980	-	13,980	13,980
255	Rhode Island	Navy	Newport Naval Underseas War Ctr	Underwater Weapon System Laboratory	8,900	8,900	8,900		8,900
256	Rhode Island	Air National Guard	Quonset State Airport	Add To Fuel Sys/Corr Control Maint Facility	355	355	355		355
257	South Carolina	Army	Fort Jackson	Emergency Services Center	-	5,400	-		-
258	South Carolina	Army	Charleston NWS	Army Strategic Maintenance Complex (Ph III)	7,700	7,700	7,700		7,700
259	South Carolina	Navy	Beaufort MCAS	Bachelor Enlisted Quarters	-	15,330	-	15,330	15,330
260	South Carolina	Navy	Beaufort MCAS	Combat Vehicle Maintenance Shop	-	2,400	-	2,400	2,400
261	South Carolina	Navy	Parris Island Marine Recruit Depot	Indoor Simulator Marksman Training Facility	3,200	3,200	3,200		3,200
262	South Carolina	Air Force	Shaw AFB	Information Warfare Sqd Ops Facility	6,072	6,072	6,072		6,072
263	South Carolina	Army National Guard	Leesburg Training Site -	Regional Simulation Center	-	-	3,823	3,823	3,823
264	South Carolina	Air National Guard	McEntire ANGB	Add/Alter Fuel Cell & Corrosion Control Fac	1,500	1,500	1,500		1,500

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Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
265	South Carolina	Air National Guard	McEntire ANGB	Dining Facility/Joint Medical Training Facility	-	-	7,000	7,000	7,000
266	South Dakota	Air Force	Ellsworth AFB	Fire/Crash Rescue Station	-	6,600	6,600	6,600	6,600
267	South Dakota	Army National Guard	Rapid City	Aviation Support Facility	-	-	5,200	5,200	5,200
268	Tennessee	Air Force	Arnold AFB	Atmospheric Air Dryer Facility	-	9,900	-	9,900	9,900
269	Tennessee	Air Force	Arnold Eng Dev Center	Wastewater Treatment Facility	10,750	10,750	10,750		10,750
270	Tennessee	DFAS	Millington NAS	DFAS-Regional Finance Center	6,906	6,906	6,906		6,906
271	Tennessee	Air National Guard	Nashville MAP	Replace Base Civil Engineer Maint Comp	-	3,350	3,350	3,350	3,350
272	Tennessee	Army Reserve	Knoxville	USARC/OMS/AMSA	-	8,291	-	7,941	7,941
273	Texas	Army	Fort Bliss	Ammunition Supply Point Expansion (Ph II)	-	7,700	-	7,700	7,700
274	Texas	Army	Fort Hood	Force XXI Soldier Development School (Ph I)	-	12,800	-	12,800	12,800
275	Texas	Army	Fort Sam Houston	Whole Barracks Complex Renewal	16,000	16,000	16,000		16,000
276	Texas	Navy	Corpus Christi NAS	Boiler Plant Replacement	-	800	-	800	800
277	Texas	Air Force	Dyess AFB	B-1 Squadron Ops/Aircraft Maintenance Unit	-	10,000	10,000	10,000	10,000
278	Texas	Air Force	Laughlin AFB	Corrosion Control Facility	-	4,800	-	4,800	4,800
279	Texas	Air Force	Randolph AFB	JPATS- Add/Alter Various Facilities	2,488	2,488	2,488		2,488
280	Texas	Defense Medical Sup Activity	Lackland AFB	Blood Donor Center	3,000	3,000	3,000		3,000
281	Texas	Army National Guard	San Antonio	Organizational Maintenance Shop	2,475	2,475	2,475		2,475
282	Utah	Air Force	Hill AFB	Peacekeeper Storage Facilities	6,470	6,470	6,470		6,470
283	Utah	Defense Medical Sup Activity	Hill AFB	Clinic Addition	3,100	3,100	3,100		3,100
284	Utah	Army National Guard	Orem	Readiness Center	5,746	5,746	5,746		5,746
285	Utah	Army National Guard	Richfield	Organizational Maintenance Shop	1,045	1,045	1,045		1,045
286	Utah	Air National Guard	Salt Lake City IAP	Composite Ops/Tng/Sqd Operations Complex	-	-	9,200		-
287	Utah	Air National Guard	Salt Lake City IAP	Vehicle Washing & Corrosion Control Facility	460	460	460		460
288	Utah	Army Reserve	Fort Douglas	USARC and OMS	-	12,714	-	12,714	12,714
289	Vermont	Army National Guard	Colchester	Combined Support Maintenance Shop	-	-	6,719	6,719	6,719
290	Virginia	Army	Charlottesville	National Ground Intelligence Center P&D	3,100	-	3,100	(3,100)	-
291	Virginia	Army	Fort A P Hill	Central Vehicle Wash Facility	5,400	5,400	5,400		5,400
292	Virginia	Army	Fort Myer	Whole Barracks Complex Renewal	8,200	8,200	8,200		8,200
293	Virginia	Army	Fort Story	Post Chapel	-	2,050	-	2,050	2,050
294	Virginia	Navy	NSWC Dahlgren	Aegis Combat System Support Facility	6,600	6,600	6,600		6,600
295	Virginia	Navy	FCTC Dam Neck	Bachelor Enlisted Quarters Renovation	7,000	7,000	7,000		7,000
296	Virginia	Navy	NAB Little Creek	Landing Craft Air Cushion Complex (Ph IV)	8,685	8,685	8,685		8,685
297	Virginia	Navy	NAS Norfolk	Air Operations Building	-	4,000	-	4,000	4,000

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Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
298	Virginia	Navy	NAS Norfolk	Air Passenger Terminal	14,240	14,240	14,240		14,240
299	Virginia	Navy	NS Norfolk	Berthing Pier	-	-	13,500		-
300	Virginia	Navy	NAS Oceana	Bachelor Enlisted Quarters	20,900	20,900	20,900		20,900
301	Virginia	Navy	NAS Oceana	Aircraft Acoustical Enclosure (Ph I)	-	6,000	-		-
302	Virginia	Navy	NAS Oceana	Jet Engine Test Cell	5,000	5,000	5,000		5,000
303	Virginia	Navy	NAS Oceana	Air Operations Control Tower	2,100	2,100	2,100		2,100
304	Virginia	Navy	NAVSTA Norfolk	Consolidated Support Center	6,100	6,100	6,100		6,100
305	Virginia	Navy	NAVSTA Norfolk	Deperming Piers	12,750	12,750	12,750		12,750
306	Virginia	Navy	NSWC Dahlgren	Electronic Warfare Integration Facility Add	7,320	7,320	7,320		7,320
307	Virginia	Navy	NSWC Dahlgren	Operations & Maintenance Training Facility	6,560	6,560	6,560		6,560
308	Virginia	Navy	Norfolk NSY	Oily Waste Collection System	9,500	9,500	9,500		9,500
309	Virginia	Navy	Norfolk NSY	Waterfront Improvements	-	19,910	-	19,910	19,910
310	Virginia	Navy	Yorktown NWS	Gymnasium	5,400	5,400	5,400		5,400
311	Virginia	Navy	Yorktown NWS	Tomahawk Magazine	-	3,290	-	3,290	3,290
312	Virginia	Navy	Yorktown NWS	Torpedo Magazine	5,857	5,857	5,857		5,857
313	Virginia	Air Force	Langley AFB	Fire Station (Ph II)	4,031	4,031	4,031		4,031
314	Virginia	Defense Logistics Agency	Defense Dist Depot - DDNV	Replace General Purpose Warehouse	16,656	16,656	16,656		16,656
315	Virginia	Defense Logistics Agency	Def Fuel Suppt Pt Craney Is	Replace Fuel Tankage	22,100	22,100	22,100		22,100
316	Virginia	Defense Logistics Agency	Defense General Supply Ctr	Gas Cylinder Facility	3,100	3,100	3,100		3,100
317	Virginia	Defense Logistics Agency	Defense General Supply Ctr	Child Development Center	2,100	2,100	2,100		2,100
318	Virginia	Defense Medical Sup Activity	Portsmouth Naval Hospital	Hospital Replacement (Ph IX)	-	-	34,600	17,000	17,000
319	Virginia	Defense Medical Sup Activity	Quantico MCB	Medical/Dental Clinic Replacement	19,000	19,000	19,000		19,000
320	Virginia	DFAS	CINCLANTFLT Norfolk	DFAS-Regional Finance Center	12,800	12,800	12,800		12,800
321	Virginia	Defense Commissary Agency	Fort Lee	Add/Alter Administration Building	9,300	9,300	9,300		9,300
322	Washington	Army	Fort Lewis	Whole Barracks Complex Renewal	31,000	31,000	31,000		31,000
323	Washington	Army	Fort Lewis	Tank Trail Erosion Mitigation-Yakima	2,000	2,000	2,000		2,000
324	Washington	Navy	Whidbey Island NAS	Electronic Warfare Training Facility	1,100	1,100	1,100		1,100
325	Washington	Navy	Bremerton Puget Sound NSY	Child Development Center	4,400	4,400	4,400		4,400
326	Washington	Air Force	Fairchild AFB	KC-135 Squadron Ops/Amu Facility	7,366	7,366	7,366		7,366
327	Washington	Air Force	Fairchild AFB	Add/Alt Fire Station	-	-	4,750	4,750	4,750
328	Washington	Air Force	Fairchild AFB	Education Center/Library	-	-	8,200	8,200	8,200
329	Washington	Air Force	Fairchild AFB	Survival Training Academy Supprt Facility (PhII)	-	-	3,700		-
330	Washington	Air Force	McChord AFB	C-17 Alter Maintenance Hangars	6,470	6,470	6,470		6,470

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Line					Budget	Authorization		Conference	
No.	Location	Service/Agency	Installation	Project Title	Request	House	Senate	Change	Agreement
331	Washington	Air Force	McChord AFB	C-17 Engine Test Cell Facility	3,185	-	3,185	(3,185)	-
332	Washington	Defense Medical Fac Office	Fort Lewis	Troop Medical Clinic	-	5,000	-	5,000	5,000
333	Washington	Defense Medical Sup Activity	Everett NS	Medical/Dental Clinic	7,500	7,500	7,500		7,500
334	Washington	Air National Guard	Fairchild AFB	Upgrade KC-135 Flightline Facility	-	9,500	-	9,500	9,500
335	Washington	Air Force Reserve	McChord AFB	Consolidated Medical Training Facility	-	3,100	-		-
336	West Virginia	Army National Guard	Camp Dawson	Armed Forces Readiness Center	-	-	6,828	6,828	6,828
337	Wisconsin	Defense Logistics Agency	DFSC Truax Field	Jet Fuel Storage Complex	4,500	4,500	4,500		4,500
338	Wisconsin	Army National Guard	Hayward	Organizational Maintenance Shop	2,900	2,900	2,900		2,900
339	Wisconsin	Army Reserve	Fort McCoy	Combat Pistol Range	1,500	1,500	1,500		1,500
340	Wisconsin	Army Reserve	Fort McCoy	Modified Record Fire Range	1,973	1,973	1,973		1,973
341	Wisconsin	Army Reserve	Fort McCoy	Electric Power To Ranges	2,611	2,611	2,611		2,611
342	Wisconsin	Air Force Reserve	Mitchel ARS	Aerial Port Training Facility	-	-	4,200	4,200	4,200
343	Wisconsin	Army Reserve	Fort McCoy	Army Reserve Regional Training Center (Ph II)	14,856	14,856	14,856		14,856
344	Wyoming	Army National Guard	Camp Guernsey	Vehicle Maintenance Shop/CSMS/OMT/VTES	-	-	13,891		-
345	CONUS Classified	Army	Classified Locations	Classified Project	6,500	6,500	6,500		6,500
346	CONUS Classified	Air Force	Classified Location	Visitor Control Center	4,300	4,300	4,300		4,300
347	CONUS Classified	Air Force	Classified Location	Special Tactical Unit Det Facility	1,875	1,875	1,875		1,875
348	Worldwide Various	Defense Logistics Agency	Various Locations	Conforming Storage Facilities	11,275	11,275	11,275		11,275
349	Bahrain Island	Navy	ASU Bahrain	Utilities Upgrade	5,100	5,100	5,100		5,100
350	Bahrain Island	Navy	ASU Bahrain	Bachelor Enlisted Quarters	25,000	25,000	25,000		25,000
351	Germany	Army	Ansbach	Whole Barracks Complex Renewal	22,000	22,000	22,000		22,000
352	Germany	Army	Heidelberg	Whole Barracks Complex Renewal	8,800	8,800	8,800		8,800
353	Germany	Army	Kaiserslautern	Whole Barracks Complex Renewal	6,000	6,000	6,000		6,000
354	Germany	Army	Kitzingen	Child Development Center	-	-	4,365		-
355	Germany	Army	Mannheim	Whole Barracks Complex Renewal	6,200	6,200	-		6,200
356	Germany	Air Force	Spangdahlem AB	Dormitories	18,500	18,500	18,500		18,500
357	Guam	Navy	NAVCAMS WESTPAC, Guam	Fire Protection System Improvements	4,050	4,050	4,050		4,050
358	Guam	Defense Logistics Agency	Def Fuel Support Point Guam	Replace Fuel Pipeline	16,000	16,000	16,000		16,000
359	Italy	Navy	Sigonella NAS	Bachelor Enlisted Quarters	21,440	21,440	21,440		21,440
360	Italy	Navy	Naples Naval Support Activity	Air Passenger Terminal	8,200	8,200	8,200		8,200
361	Italy	Air Force	Aviano AB	Waste Water Disposal System Areas	7,900	7,900	7,900		7,900
362	Italy	Air Force	Aviano AB	Roads/Utilities System	7,320	7,320	7,320		7,320
363	Korea	Army	Camp Casey	Whole Barracks Complex Renewal	5,100	5,100	5,100		5,100

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364	Korea	Army	Camp Castle	Whole Barracks Complex Renewal	8,400	8,400	8,400		8,400
365	Korea	Army	Camp Humphreys	Whole Barracks Complex Renewal	32,000	32,000	32,000		32,000
366	Korea	Army	Camp Red Cloud	Whole Barracks Complex Renewal	23,600	23,600	23,600		23,600
367	Korea	Army	Camp Stanley	Whole Barracks Complex Renewal	7,000	7,000	7,000		7,000
368	Korea	Air Force	Kunsan AB	Dormitory	8,325	8,325	8,325		8,325
369	Korea	Air Force	Kunsan AB	Fire Training Facility	2,000	2,000	2,000		2,000
370	Korea	Air Force	Osan AB	Dormitory	11,100	11,100	-	(11,100)	-
371	Kwajalein	BMDO	PMR Kwajalein	THAAD GBR TMD Test Facilities	4,565	4,565	4,565	(4,565)	-
372	Portugal	Air Force	Lajes Field	Water Treatment Plant	4,800	4,800	4,800		4,800
373	Puerto Rico	Navy	Roosevelt Roads NS	Bachelor Enlisted Quarters	24,100	14,600	14,600	(9,500)	14,600
374	Spain	Defense Logistics Agency	DFSC Moron AB	Replace Hydrant Fuel System (Phase II)	14,400	14,400	14,400	(14,400)	-
375	United Kingdom	Navy	St Mawgan JMCC	Religious Education Facility	2,330	2,330	2,330		2,330
376	United Kingdom	Air Force	RAF Lakenheath	Dormitories	11,400	11,400	11,400		11,400
377	Overseas Classified	Air Force	Classified - Overseas	Space Based Infrared - Relay Ground St	7,600	7,600	7,600		7,600
378	Overseas Classified	Air Force	Classified - Overseas	Space Based Infrared - Relay Ground St	6,400	6,400	6,400		6,400
379	Overseas Classified	Air Force	Classified - Overseas	War Readiness Material Warehouse	2,000	2,000	-	(2,000)	-
380	Overseas Classified	Air Force	Classified - Overseas	Operational Building Expansion	12,200	12,200	12,200		12,200
381	Overseas Classified	Air Force	Classified - Overseas	WRM Comm Maint Shop/Mgmt Facility	1,100	1,100	1,100		1,100
382	Overseas Classified	Air Force	Classified - Overseas	In-Town Warehouse	1,800	1,800	1,800		1,800
383	Worldwide Various	Army	Overseas Various Locations	Strategic Log Prepositioning Complex (Ph III)	37,000	37,000	37,000		37,000
384	Worldwide Unspecified	Army	Unspecified Worldwide	Planning and Design	43,477	51,577	50,512	7,100	50,577
385	Worldwide Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	6,000	6,000	6,000	1,400	7,400
386	Worldwide Unspecified	Army	Unspecified Worldwide	Host Nation Support	20,000	20,000	20,000	(5,000)	15,000
387	Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(5,900)	(5,900)
388	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning and Design	42,489	46,659	47,597	4,000	46,489
389	Worldwide Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	9,960	9,960	9,960	1,500	11,460
390	Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(2,600)	(2,600)
391	Worldwide Unspecified	Air Force	Unspecified Worldwide	Various - Planning and Design	40,880	45,880	51,080	4,000	44,880
392	Worldwide Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	8,545	8,545	8,545		8,545
393	Worldwide Unspecified	Air Force	Unspecified Worldwide	General Reduction	-	(23,858)	(23,858)	(23,858)	(23,858)
394	Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(3,600)	(3,600)
395	Worldwide Unspecified	Office Secretary of Defense	Unspecified Worldwide	Energy Conservation Improvement Program	25,000	25,000	25,000		25,000
396	Worldwide Unspecified	Defense-Wide	Unspecified Worldwide	Planning and Design	30,300	9,000	14,950	(14,300)	16,000

Fiscal Year 1998 Military Construction Authorization of Appropriations

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorization House	Authorization Senate	Conference Change	Conference Agreement
397	Worldwide Unspecified	Office Secretary of Defense	Unspecified Worldwide	Contingency Construction	9,844	9,844	9,844	(5,844)	4,000
398	Worldwide Unspecified	Defense-Wide	Unspecified Worldwide	Unspecified Minor Construction	3,000	3,000	3,000		3,000
399	Worldwide Unspecified	Office Secretary of Defense	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(1,100)	(1,100)
400	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	General Reduction	-	(100)	-		-
401	Worldwide Unspecified	Defense Medical Sup Activity	Unspecified Worldwide	Defense Medical Support Activities	7,958	7,958	7,958		7,958
402	Worldwide Unspecified	Defense Medical Sup Activity	Unspecified Worldwide	Planning and Design	10,500	10,500	10,500	7,500	18,000
403	Worldwide Unspecified	DoD Dependent Schools	Unspecified Worldwide	DoD Dependent Schools	2,000	2,000	2,000	818	2,818
404	Worldwide Unspecified	Special Operations Command	Unspecified Worldwide	Unspecified Minor Construction	4,100	4,100	4,100		4,100
405	Worldwide Unspecified	Special Operations Command	Unspecified Worldwide	Planning and Design	3,710	3,710	4,130		3,710
406	Worldwide Unspecified	BMDO	Unspecified Worldwide	Unspecified Minor Construction	1,965	1,965	1,965		1,965
407	Worldwide Unspecified	BMDO	Unspecified Worldwide	Planning and Design	540	540	540		540
408	Worldwide Unspecified	Defense-Wide	NATO Sec Inv Prog	NATO Security Investment Program	176,300	166,300	152,600	(23,700)	152,600
409	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Planning and Design	2,800	2,800	7,717	3,231	6,031
410	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	6,698	6,698	6,698	800	7,498
411	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,231	4,231	4,231	4,569	8,800
412	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Planning and Design	7,029	8,029	18,273	3,000	10,029
413	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Planning and Design	5,100	5,783	11,375	500	5,600
414	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	General Reduction	-	(7,900)	-	(7,900)	(7,900)
415	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Planning and Design	2,527	3,027	2,527	578	3,105
416	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Planning and Design	-	-	602		-
417	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Unspecified Minor Construction	650	650	650		650
418	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Planning and Design	1,516	2,116	2,866	500	2,016
419	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	4,464	4,464	4,464		4,464
420	Worldwide Unspecified	Chemical Demilitarization	Unspecified Worldwide	Planning and Design	9,200	9,200	9,200		9,200
421	Worldwide Unspecified	DFAS	Unspecified Worldwide	Planning and Design	1,400	1,400	1,400		1,400
422	Worldwide Unspecified	Defense-Wide	BRAC Acct Part II	Base Realignment & Closure Acct (Part II)	116,754	116,754	116,754		116,754
423	Worldwide Unspecified	Defense-Wide	BRAC Acct Part III	Base Realignment & Closure Acct (Part III)	768,702	768,702	768,702		768,702
424	Worldwide Unspecified	Defense-Wide	BRAC Acct Part IV	Base Realignment & Closure Acct (Part IV)	1,175,398	1,175,398	1,175,398		1,175,398
425	Worldwide Unspecified	Joint Chiefs of Staff	Unspecified Worldwide	Unspecified Minor Construction	6234	6,234	6,234		6,234
				Prior Year Savings, Air Force	(23,858)			23,858	
				Prior Year Savings, Army Reserve	(7,900)			7,900	
				Totals	4,714,838	5,187,875	5,299,159	636,381	5,351,219

Fiscal Year 1998 Military Construction Authorization of Appropriation

(Dollars in Thousands)

Line					Budget	Authorized		Conference	
No.	Location	Service/Agency	Installation	Project Title	Request	House	Senate	Change	Agreement
1	Arizona	Army	Fort Huachuca	Replace Family Housing (55 Units)	-	8,000	-	8,000	8,000
2	Arizona	Air Force	Davis-Monthan AFB	Replace Family Housing (70 Units)	-	9,800	-		-
3	California	Navy	MCARGCC	Replacement Construction (132 Units)	23,891	23,891	23,891		23,891
4	California	Navy	MCAS Miramar	New Construction (166 Units)	28,881	28,881	28,881		28,881
5	California	Navy	Camp Pendleton MCB	New Construction (171 Units)	22,518	22,518	22,518		22,518
6	California	Navy	Lemoore NAS	Replacement Construction (128 Units)	23,226	23,226	23,226		23,226
7	California	Navy	San Diego NC	Replace Family Housing (94 Units)	-	13,500	-	13,500	13,500
8	California	Air Force	Edwards AFB	Replace Military Family Housing Ph III (51 Un)	8,500	8,500	8,500		8,500
9	California	Air Force	Edwards AFB	Replace Family Housing (51 Units)	-	8,300	-		-
10	California	Air Force	Travis AFB	Replace Military Family Housing (70 Un)	9,714	9,714	9,714		9,714
11	California	Air Force	Vandenberg AFB	Replace Military Family Housing Ph V (108 Un)	17,100	17,100	17,100		17,100
12	Delaware	Air Force	Dover AFB	Replace Housing Maintenance Facility	831	831	831		831
13	District Of Columbia	Air Force	Bolling AFB	Replace Military Family Housing Ph IV (46 Un)	5,100	5,100	5,100		5,100
14	Florida	Army	Miami	Family Housing Acquisition (8 Units)	2,300	-	2,300	(2,300)	-
15	Florida	Air Force	MacDill AFB	Replace Military Family Housing Ph III (58 Un)	10,000	10,000	10,000		10,000
16	Florida	Air Force	Tyndall AFB	Replace Military Family Housing Ph III (32 Un)	4,200	4,200	4,200		4,200
17	Georgia	Air Force	Robins AFB	Replace Military Family Housing Ph IV (60 Un)	6,800	6,800	6,800		6,800
18	Georgia	Air Force	Robins AFB	Replace Military Family Housing Ph VI (60 Un)	-	-	5,200		-
19	Hawaii	Army	Schofield Barracks	Family Housing Replacement Const (132 Un)	26,600	26,600	26,600		26,600
20	Hawaii	Navy	Pearl Harbor NC	Replace Family Housing (72 Units)	-	17,900	-	13,000	13,000
21	Idaho	Air Force	Mountain Home AFB	Replace Military Family Housing Ph II (60 Un)	11,032	11,032	11,032		11,032
22	Kansas	Air Force	McConnell AFB	Family Housing Management Office	-	581	-	581	581
23	Kansas	Air Force	McConnell AFB	Replace Military Family Housing (19 Un)	2,951	2,951	2,951		2,951
24	Lousiana	Navy	New Orleans NC	Replace Family Housing (100 Units)	-	11,930	-	11,930	11,930
25	Maryland	Army	Fort Meade, MD	Replace Family Housing (56 Units)	7,900	7,900	7,900		7,900
26	Mississippi	Air Force	Columbus AFB	Replace Military Family Housing Ph I (50 Un)	6,200	6,200	6,200		6,200
27	Mississippi	Air Force	Keesler AFB	Replace Military Family Housing (40 Units)	5,000	5,000	5,000		5,000
28	Montana	Air Force	Malmstrom AFB	Replace Military Family Housing Ph II (28 Un)	4,842	4,842	4,842		4,842
29	Montana	Air Force	Malmstrom AFB	Replace Military Family Housing Ph II (72 Un)	-	-	16,605	13,000	13,000
30	New Jersey	Army	Picatinny Arsenal	Replace Family Housing (28 Units)	-	7,300	-	7,300	7,300
31	New Mexico	Air Force	Kirtland AFB	Replace Military Family Housing Ph IV (180 Un)	20,900	20,900	20,900		20,900
32	North Carolina	Army	Fort Bragg, NC	Family Housing Replacement Const (32 Units)	3,350	3,350	3,350		3,350
33	North Carolina	Army	Fort Bragg, NC	Replace Family Housing (142 Units)	16,800	16,800	16,800		16,800

Fiscal Year 1998 Military Construction Authorization of Appropriation

(Dollars in Thousands)

Line No.	Location	Service/Agency	Installation	Project Title	Budget Request	Authorized House	Authorized Senate	Conference Change	Conference Agreement
34	North Dakota	Air Force	Grand Forks AFB	Replace Military Family Housing (42 Un)	7,936	7,936	7,936		7,936
35	Texas	Army	Fort Bliss	Family Housing Replacement Const (91 Units)	12,900	12,900	12,900		12,900
36	Texas	Army	Fort Hood	Replace Family Housing (130 Units)	18,800	18,800	18,800		18,800
37	Texas	Navy	Corpus Christi NAS	Replace Family Housing (57 Units)	-	-	6,470		-
38	Texas	Navy	Kingsville NC/Corpus Christi	Replace Family Housing (212 Units)	-	22,250	-	22,250	22,250
39	Texas	Air Force	Dyess AFB	Construct Mil Family Housing Ph I (70 Un)	10,503	10,503	10,503		10,503
40	Texas	Air Force	Goodfellow AFB	Replace Military Family Housing (3 Un)	500	500	500		500
41	Texas	Air Force	Lackland AFB	Replace Family Housing (50 Units)	-	7,400	7,400	7,400	7,400
42	Texas	Air Force	Sheppard AFB	Replace Family Housing (40 Units)	-	7,400	-		-
43	Washington	Navy	Bangor NC	Replace Family Housing (118 Units)	-	15,700	-		-
44	Washington	Navy	Whidbey Island NAS	Replacement Family Housing (198 Units)	-	-	32,290	16,000	16,000
45	Wyoming	Air Force	F.W. Warren AFB	Replace Family Housing, Ph III (52 Units)	6,853	6,853	6,853		6,853
46	Worldwide Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	327	327	327		327
47	Worldwide Unspecified	Army	Unspecified Worldwide	Management Account	80,089	80,089	80,089		80,089
48	Worldwide Unspecified	Army	Unspecified Worldwide	Interest Payments	3	3	3		3
49	Worldwide Unspecified	Army	Unspecified Worldwide	Maintenance of Real Property	468,393	468,393	468,393		468,393
50	Worldwide Unspecified	Army	Unspecified Worldwide	Construction Improvements	44,800	89,200	76,600	41,300	86,100
51	Worldwide Unspecified	Army	Unspecified Worldwide	Furnishings Account	47,404	47,404	47,404		47,404
52	Worldwide Unspecified	Army	Unspecified Worldwide	Planning & Design	9,550	9,550	11,665		9,550
53	Worldwide Unspecified	Army	Unspecified Worldwide	Leasing	234,053	234,053	227,902		234,053
54	Worldwide Unspecified	Army	Unspecified Worldwide	Utilities Account	265,732	265,732	265,732	(3,598)	262,134
55	Worldwide Unspecified	Army	Unspecified Worldwide	Services Account	52,936	52,936	52,936		52,936
56	Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(30,700)	(30,700)
57	Worldwide Unspecified	Navy	Unspecified Worldwide	Leasing	124,507	124,507	124,507		124,507
58	Worldwide Unspecified	Navy	Unspecified Worldwide	Management Account	87,731	87,731	87,731		87,731
59	Worldwide Unspecified	Navy	Unspecified Worldwide	Construction Improvements	173,780	214,282	176,643	29,756	203,536
60	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning & Design	15,100	15,100	15,850		15,100
61	Worldwide Unspecified	Navy	Unspecified Worldwide	Utilities Account	199,776	199,776	199,776		199,776
62	Worldwide Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	806	806	806		806
63	Worldwide Unspecified	Navy	Unspecified Worldwide	Maintenance of Real Property	462,427	462,427	462,427		462,427
64	Worldwide Unspecified	Navy	Unspecified Worldwide	Mortgage Insurance Premiums	78	78	78		78
65	Worldwide Unspecified	Navy	Unspecified Worldwide	Services Account	66,968	66,968	66,968		66,968
66	Worldwide Unspecified	Navy	Unspecified Worldwide	Furnishings Account	34,211	34,211	34,211		34,211

Fiscal Year 1998 Military Construction Authorization of Appropriation

(Dollars in Thousands)

Line					Budget	Authorized		Conference	
No.	Location	Service/Agency	Installation	Project Title	Request	House	Senate	Change	Agreement
67	Worldwide Unspecified	Navy	Unspecified Worldwide	Reduction for Prior Year Savings	(8,463)	-	(8,463)	8,463	-
68	Worldwide Unspecified	Navy	Unspecified Worldwide	General Reduction	-	(8,463)	-	(8,463)	(8,463)
69	Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(6,100)	(6,100)
70	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning & Design	11,971	11,971	13,021		11,971
71	Worldwide Unspecified	Air Force	Unspecified Worldwide	Mortgage Insurance Premiums	31	31	31		31
72	Worldwide Unspecified	Air Force	Unspecified Worldwide	Leasing	116,716	116,716	116,716		116,716
73	Worldwide Unspecified	Air Force	Unspecified Worldwide	Miscellaneous Account	5,661	5,661	5,661		5,661
74	Worldwide Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	102,195	156,995	116,495	21,600	123,795
75	Worldwide Unspecified	Air Force	Unspecified Worldwide	Utilities Account	154,556	154,556	154,556		154,556
76	Worldwide Unspecified	Air Force	Unspecified Worldwide	Management Account	48,712	48,712	48,712		48,712
77	Worldwide Unspecified	Air Force	Unspecified Worldwide	Services Account	35,849	35,849	35,849		35,849
78	Worldwide Unspecified	Air Force	Unspecified Worldwide	Maintenance of Real Property	432,282	432,282	432,282		432,282
79	Worldwide Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	36,427	36,427	36,427		36,427
80	Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(8,700)	(8,700)
81	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Furnishings Account	118	118	118		118
82	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Utilities Account	318	318	318		318
83	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Management Account	235	235	235		235
84	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Construction Improvements	4,850	4,850	4,850		4,850
85	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Planning & Design	50	50	50		50
86	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Maintenance of Real Property	485	485	485		485
87	Worldwide Unspecified	Defense Logistics Agency	Unspecified Worldwide	Services Account	66	66	66		66
88	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Leasing	11,169	11,169	11,169		11,169
89	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Construction Improvements	50	50	50		50
90	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Management Account	70	70	70		70
91	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Services Account	355	355	355		355
92	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Utilities Account	425	425	425		425
93	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Miscellaneous Account	35	35	35		35
94	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Maintenance of Real Property	490	490	490		490
95	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Furnishings Account	126	126	126		126
96	Worldwide Unspecified	National Security Agency	Unspecified Worldwide	Foreign Currency Adjustment	-	-	-	(100)	(100)
97	Worldwide Unspecified	Defense Intelligence Agency	Unspecified Worldwide	Furnishings Account	2,328	2,328	2,328		2,328
98	Worldwide Unspecified	Defense Intelligence Agency	Unspecified Worldwide	Leasing	16,504	16,504	16,504		16,504
				Total Family Housing	3,668,410	3,935,873	3,783,102	154,119	3,822,529

FY 1998/1999 BUDGET ESTIMATES—FY 1998 BRAC MILITARY CONSTRUCTION PROJECTS

[In thousands of dollars]

State and installation/location	Description	Amount
	Army: BRAC III Construction, fiscal Year 1998	
Texas:		
Fort Bliss	Repair Aircraft Hanger (46865) III	3,650
	Subtotal Army Texas	3,650
	Total for Army BRAC III Construction, FY 1998	3,650
	Army BRAC IV Construction, fiscal Year 1998	
Alaska:		
Fort Wainwright	Missile Test Facility (46159) IV	600
	Subtotal Army Alaska	600
California:		
Camp Parks	Army Reserve Center Facility (46206) IV	9,500
Sierra Army Depot	Consolidated Security (45872) IV	900
Travis Air Force Base	Administrative Facility (47187) IV	2,250
	Subtotal Army California	12,650
Colorado:		
Fitzsimons Army Medical Ctr	Sanitary Sewer (46341) IV	2,100
Fort Carson	Readiness Group Admin Facility (46413) IV	2,500
	Subtotal Army Colorado	4,600
District of Columbia:		
Walter Reed AMC	Nurse Training Facility (463342)	1,500
	Subtotal Army District of Columbia	1,500
Maryland:		
Fort Detrick	Health Clinic (46329) IV	650
Fort Meade	Administrative Facility (47237) IV	6,300
	Subtotal Army Maryland	6,950
Michigan:		
Detroit Arsenal	Storage Facility (46300) IV	5,900
	Subtotal Army Michigan	5,900
Missouri:		
Fort Leonard Wood	Range Modifications (46094) IV	17,500
	Military Operations in Urbanized Terrain Facility (45892) IV	6,900
	Subtotal Army Missouri	24,400
New York:		
Fort Totten	Storage Facility (46258) IV	1,900
	Subtotal Army New York	1,900
Nevada:		
Hawthorne Army Ammo Pit	Warehouse (46217) IV	1,550
Nellis Air Force Base	Administrative Facility (46291) IV	3,850
	Subtotal Army Nevada	5,400
South Carolina:		
Fort Jackson	DoD Polygraph Instructional Fac (45839) IV	4,600
	Subtotal Army South Carolina	4,600
Virginia:		
Fort Pickett	Reserve Center Building (46354) IV	3,100
	Subtotal Army Virginia	3,100
Washington:		
Fort Lewis	CHPPM Ctr for Health Promotion (46354) IV	3,150
	Subtotal Army Washington	3,150
Various Locations	Program Management IV	3,750
	Total for Army BRAC IV Construction, FY 1998	78,500
	Navy BRAC III Construction, FY 1998	
California		
NAS, Lemoore	Administrative Office (186T) III	2,586
MCAS, Miramar	Support Facilities (007T) III	48,773
Pacific Fleet AWTC, San Diego	Gym (387T) III	3,501
NSB, San Diego	Pier Renovation (124T) III	891
PWC, San Diego	Public Works Shop (175T) III	1,821
	Subtotal Navy California	57,572
Florida:		
NAD, Jacksonville	Administrative Building (220T) III	5,074
NAS, Jacksonville	Aviation Physiology Training Building (831T) III	3,383
NTC, Orlando	Facility Modifications (001T) III	2,686
	Subtotal Navy Florida	111,143
Georgia:		
NAS, Atlanta	Marine Reserve Training Facility (906T) III	9,053
	Subtotal Navy Georgia	9,053
Hawaii:		
PMRF, Barking Sands	Ordnance Facilities (297T) III	612
MCAS, Kaneohe Bay	Aviation Supply Facilities (274T) III	1,491
	Utilities Upgrade (504T) III	2,168
	Ordnance Facilities (508T) III	1,160
NS, Pearl Harbor	Fleet Imaging Center (524T) III	1,005
PWC, Pearl Harbor	Utility System Modifications (539T) III	1,492
	Subtotal Navy Hawaii	7,928
Virginia:		
NS, Norfolk	Administrative Facility (360T) III	995
	Subtotal Navy Virginia	995
Washington:		
Navy Hospital, Bremerton	Outpatient Clinic (019T) III	10,409
	Subtotal Navy Washington	10,409
Wisconsin:		
Fort McCoy	Equipment Maintenance Facility (701T) III	2,295
	Subtotal Navy Wisconsin	2,295

FY 1998/1999 BUDGET ESTIMATES—FY 1998 BRAC MILITARY CONSTRUCTION PROJECTS—Continued

[In thousands of dollars]

State and installation/location	Description	Amount
	Total for Navy BRAC III Construction, FY 1998	99,395
	Navy BRAC IV Construction, Fiscal Year 1998	
California:		
MCAS, Miramar	Administrative/Training Spaces (020U) IV	1,403
NAS, North Island	Operational Facility and Parking (820U) IV	28,750
	Intermediate Maintenance Facility (822U) IV	1,273
	Subtotal Navy California	31,426
District of Columbia:		
Commandant, Naval District Washington	Naval Sea Systems Cmd Hdq Relocation (088U) IV	86,045
	Subtotal Navy District of Columbia	86,045
Florida:		
NAS, Jacksonville	Medical/Dental Additions (231U) IV	2,985
	S–3 Naval Maintenance Trng Grp Mods (239U) IV	1,329
	Subtotal Navy Florida	4,314
Guam:		
Naval Activities	Building Renovation (416U) IV	597
	Subtotal Navy Guam	597
Pennsylvania:		
NSWC, Philadelphia	Accoustics R&D Facility (185U) IV	6,151
	Subtotal Navy Pennsylvania	6,151
Virginia:		
NAS, Oceana	Flight Simulator Building Addition (160U) IV	8,998
	Corrosion Control Hangar (576U) IV	4,775
	Hanger Utilities Improvements (165U) IV	1,244
	F/A 18 Aviation Maintenance Additions (164U) IV	2,686
	Renovate/Addition Training Facility (161U) IV	5,671
FISC, Williamsburg	Building Renovation (028U) IV	2,437
	Cargo Staging Area (029U) IV	1,443
	Subtotal Navy Virginia	27,254
	Total Navy BRAC IV Construction, FY 1998	155,787
	Air Force BRAC III Construction, Fiscal Year 1998	
California:		
Travis AFB	Land Purchase (XDAT973300) III	2,055
	Total for Air Force BRAC III Construction, FY 1998	2,055
	Air Force BRAC III Family Housing, FY 1998	
California:		
Travis AFB	Improve Family Housing (XDAT950000) III	46,010
	Total for Air Force BRAC III Family Housing, FY 1998	46,010
	Air Force BRAC IV Construction, FY 1998	
California:		
Beale AFB	Dining Facility (PRJ891009R1) IV	2,100
	938 Engineering Install Sqd (PRJY911023R2) IV	8,100
	Enlisted Dormitory (PRJY93103R2) IV	9,000
	Add to Child Development Center (PRJY95301R1) IV	2,100
	Vehicle Maintenance Facility (PRJY953009R1) IV	1,450
	Air Force Res KC–135 Flight Sim (PRJY953046R1) IV	1,700
Palmdale Plant 42	Add/Alt QLA Secure Warehouse (PRJY953008R2) IV	580
	Subtotal Air Force California	25,030
Colorado:		
Falcon AFB	Satellite Control Facility (GLEN973008A) IV	16,000
	Add to Dining Facility (GLEN973009) IV	500
	Technical Support Facility (GLEN973010) IV	6,400
	Alter Operations Support Facility (GLEN973020) IV	760
	Add to Fitness Center (GLEN983023) IV	300
Peterson AFB	Enlisted Dormitory (TDKA963004) IV	1,200
	Subtotal Air Force Colorado	25,160
New York:		
Fort Drum	Vehicle OPS Heated Parking (WOXG959613) IV	1,700
	Add to Fire Station (FPBB969510) IV	300
	Subtotal Air Force New York	2,000
Ohio:		
Wright-Patterson AFB	Renovte QLA Support Facility (PRJY921012R1) IV	2,500
	Subtotal Air Force Ohio	2,500
Oklahoma:		
Vance AFB	Add to Child Development Center (XTLF983303) IV	330
	Subtotal Air Force Oklahoma	330
Texas:		
Brooks	Add/Alter YAD/textile Laboratory (CNBC993000) IV	3,900
Kelly AFB	Comm Infrastructure Support (MBPB993225R1) IV	2,500
Lackland AFB	838th Engineer Installation Sqd (MBPB993201R1) IV	5,600
	Child Development Center (MBPB993209R2) IV	480
	Add to Auto Hobby Shop (MBPB993222R1) IV	1,100
Laughlin AFB	Engine Staging Facility (MXDP973004R2) IV	2,950
	Subtotal Air Force Texas	16,530
Various Locations	Planning and Design (BCL98RD4) IV	4,157
	Total for Air Force BRAC IV Construction, FY 1998	75,707
	Air Force BRAC IV Family Housing, FY 1998	
Texas		
Lackland AFB	General Officers Quarters (MBPB993203R2) IV	790
	Total for Air Force BRAC IV Family Housing, FY 1998	790

DLA and DISA had no projects relating to any BRAC round requested in FY 1998.

TITLE XXI—ARMY

FISCAL YEAR 1998

Overview

The House bill would authorize $2,055,364,000 for Army military construction and family housing programs for fiscal year 1998.

The Senate amendment would authorize $1,951,478,000 for this purpose.

The conferees recommend authorization of appropriations of $2,010,466,000 for Army military construction and family housing for fiscal year 1998.

The conferees agree to a general reduction of $36,600,000 in the authorization of appropriations for the Army military construction account. The general reduction is to be offset by savings from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States. The general reduction shall not cancel any military construction authorized by of this Act.

ITEMS OF SPECIAL INTEREST

Planning and design, Army

The Senate report on S.924 (S. Rept. 105-29) directed that, of the amount authorized for appropriations for Army planning and design, not more than $1,000,000 may be directed toward the design of the gymnasium at the United States Military Academy, New York.

The conferees direct that from the funds authorized for appropriations for planning and design, the Secretary of the Army may use funds as necessary to initiate planning and design activities for the renovation of the gymnasium at the United States Military Academy, New York and authorize $3,100,000 for planning and design activities for the construction of the National Ground Intelligence Center, Charlottesville, Virginia.

Improvements of military family housing, Army

The conferees recommend that, within authorized amounts for improvements of military family housing and facilities, the Secretary of the Army execute the following projects: $9,600,000 for Whole Neighborhood Revitalization (52 units) at Fort Richardson, Alaska; $8,300,000 for Whole Neighborhood Revitalization (32 units) at Fort Wainwright, Alaska; $7,000,000 for Whole Neighborhood Revitalization (106 units) at Fort Riley, Kansas; $6,000,000 for Whole Neighborhood Revitalization, Phase IV (60 units) at Fort Campbell, Kentucky; $5,400,000 for Whole Neighborhood Revitalization (56 units) at the United States Military Academy, New York; and $5,000,000 for Whole Neighborhood Revitalization (48 units) at Fort Belvoir, Virginia.

LEGISLATIVE PROVISIONS ADOPTED

Correction in authorized uses of funds, Fort Irwin, California (sec. 2105)

The Senate amendment contained a provision (sec. 2105) that would authorize the Secretary of the Army to construct a heliport at Fort Irwin, California, using funds authorized and appropriated in fiscal years 1995 and 1996 for construction of the National Training Center Airfield, Fort Irwin, California. The provision would make available $20.0 million for the construction of the heliport.

The House bill contained a similar provision (sec. 2105).

The House recedes with a technical amendment.

TITLE XXII—NAVY

Overview

The House bill would authorize $2,053,025,000 for Navy military construction and family housing programs for fiscal year 1998.

The Senate amendment would authorize $1,898,924,000 for this purpose.

The conferees recommend authorization of appropriations of $2,027,339,000 for Navy military construction and family housing for fiscal year 1998.

The conferees agree to a general reduction of $17,163,000 in the authorization of appropriations for the Navy military construction account. $8,463,000 of the reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. $8,700,000 of the reduction is to be offset by savings from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States. The general reduction shall not cancel any military construction authorized by title XXII of this Act.

ITEMS OF SPECIAL INTEREST

Improvements of military family housing, Navy

The conferees recommend that, within authorized amounts for improvements to military family housing and facilities, the Secretary of the Navy execute the following projects: $4,193,000 for Whole House Revitalization (120 units) at Naval Air Warfare Center China Lake, California; $7,700,000 for Whole House Revitalization (64 units) at Public Works Center Great Lakes, Illinois; $9,000,000 for Whole House Revitalization (90 units) at Naval Air Warfare Center Patuxent River, Maryland; $2,863,000 for Whole House Revitalization (37 units) at Camp Lejeune, North Carolina; and $6,000,000 for Whole House Revitalization (83 units) at Marine Corps Air Station Cherry Point, North Carolina.

LEGISLATIVE PROVISIONS ADOPTED

Authorization of military construction project at Naval Station, Pascagoula, Mississippi, for which funds have been appropriated (sec. 2205)

The House bill contained a provision (sec. 2205) that would authorize $4,900,000 to extend the west quaywall at Naval Station, Pascagoula, Mississippi, for which funds were previously appropriated pursuant to the Military Construction Appropriations Act for Fiscal Year 1997 (Public Law 104-196).

The Senate amendment contained a similar provision (sec. 2205).

The Senate recedes with a technical amendment.

Increase in authorization for military construction projects at Naval Station Roosevelt Roads, Puerto Rico (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would amend section 2201(b) of the Military Construction Act for Fiscal Year 1997 (Division B of Public Law 104-201) to increase the authorization for the construction of a barracks at Naval Station Roosevelt Roads, Puerto Rico from $23.6 million to $24.1 million. The section would also make certain conforming changes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

TITLE XXIII—AIR FORCE

FISCAL YEAR 1998

Overview

The House bill would authorize $1,810,120,000 for Air Force military construction and family housing programs for fiscal year 1998.

The Senate amendment would authorize $1,793,949,000 for this purpose.

The conferees recommend authorization of appropriations of $1,791,640,000 for Air Force military construction and family housing for fiscal year 1998.

The conferees agree to a general reduction of $36,158,000 in the authorization of appropriations for the Air Force military construction account. $23,858,000 of the reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. $12,300,000 of the reduction is to be offset by savings from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States. The general reduction shall not cancel any military construction authorized by title XXIII of this Act.

ITEMS OF SPECIAL INTEREST

Improvements of military family housing, Air Force

The conferees recommend that, within authorized amounts for improvements of military family housing and facilities, the Secretary of the Air Force execute the following projects: $5,000,000 for family housing improvements (72 units) at Cannon Air Force Base, New Mexico; $4,600,000 for family housing improvements (60 units) at Tinker Air Force Base, Oklahoma; $7,000,000 for family housing improvements (78 units) at Charleston Air Force Base, South Carolina; and $5,000,000 for family housing improvements (50 units) at Shaw Air Force Base, South Carolina.

LEGISLATIVE PROVISIONS ADOPTED

Authorization of military construction project at McConnell Air Force Base, Kansas, for which funds have been appropriated (sec. 2305)

The House bill contained a provision (sec. 2305) that would authorize $6,700,000 for a consolidated education center at McConnell Air Force Base, Kansas, for which funds were previously appropriated pursuant to the Military Construction Appropriations Act, 1997 (Public Law 104-196).

The Senate amendment contained a similar provision (sec. 2305).

The House recedes with a technical amendment.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1998

Overview

The House bill would authorize $650,907,000 for Defense Agencies military construction and family housing programs for fiscal year 1998.

The Senate amendment would authorize $717,677,000 for this purpose.

The conferees recommend authorization of appropriations of $684,016,000 for Defense Agencies military construction and family housing for fiscal year 1998. The conferees agree to a general reduction of $1,200,000 in the authorization of appropriations for the Defense Agencies military construction account. The general reduction is to be offset by savings from adjustments to foreign currency exchange rates for military construction projects and the support of military family housing outside the United States. The general reduction shall not cancel any military constructions authorized by title XXIV of this Act.

Legislative Provisions Adopted

Clarification of authority relating to fiscal year 1997 project at Naval Station, Pearl Harbor, Hawaii (sec. 2406)

The Senate amendment contained a provision (sec. 2406) that would amend the table in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 1997 (Division B of Public Law 104–201), to change the location of the Special Operations Command military construction project from Ford Island, Pearl Harbor, Hawaii, to Naval Station, Pearl City Peninsula, Pearl Harbor, Hawaii.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Correction in authorized uses of funds, McClellan Air Force Base, California (sec. 2407)

The Senate amendment contained a provision (sec. 2407) that would authorize the Secretary of Defense to use funds appropriated and authorized in fiscal year 1995 for life saving improvements at McClellan Air Force Base Hospital. The funds would be authorized for use in the following manner: (1) $3.7 million for the construction of an addition to the Aeromedical Clinic, Anderson Air Force Base, Guam; and (2) $6.5 million for the construction of an occupational health clinic, Tinker Air Force Base, Oklahoma.

The House bill contained a similar provision (sec. 2406).

The House recedes with a technical amendment.

Modification of authority to carry out fiscal year 1995 projects (sec. 2408)

The Senate amendment contained a provision (sec. 2408) that would amend section 2401 of the Military Construction Authorization Act for Fiscal Year 1995, as amended. The provision would authorize an increase of funding for the construction of the Chemical Demilitarization Facilities at Pine Bluff Arsenal, Arkansas, from $115.0 million to $134.0 million, and at Umatilla Army Depot, from $186.0 million to $187.0 million, due to cost increases resulting from a delay in receiving the appropriate permits.

The House bill contained a similar provision (sec. 2407).

The House recedes with a technical amendment.

Title XXV—North Atlantic Treaty Organization Security Investment Program

Fiscal Year 1998

Overview

The House bill would authorize $166,300,000 for the U.S. contribution to the NATO Security Investment Program for fiscal year 1998.

The Senate amendment would authorize $152,600,000 for this purpose.

The conferees agree to authorize $152,600,000 for the United States contribution to the NATO Security Investment Program.

Title XXVI—Guard and Reserve Forces Facilities

Fiscal Year 1998

Overview

The House bill would authorize $327,208,000 for military construction and land acquisition for fiscal year 1998 for the Guard and Reserve components.

The Senate amendment would authorize $507,279,000 for this purpose.

The conferees recommend authorization of appropriations of $448,033,000 for military construction and land acquisition for fiscal year 1998. This authorization would be distributed as follows:

Army National Guard	$113,750,000
Army Reserve	66,267,000
Naval/Marine Corps Reserve	47,329,000
Air National Guard	190,444,000
Air Force Reserve	30,243,000

The conferees agree to a general reduction of $7,900,000 in the authorization of appropriations for the Air Force Reserve military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military constructions authorized by title XXVI of this Act.

ITEMS OF SPECIAL INTEREST

Reserve construction project, Oakdale, Pennsylvania

The conference agreement provides $6.0 million for phase I construction of a reserve center with an organizational maintenance shop and area maintenance support center at Oakdale, Pennsylvania to support the Army Reserve. The conferees urge the Secretary of the Army to make every effort to include the appropriate level of funding for the remaining phases of construction in the fiscal year 1999 budget request.

Legislative Provisions Adopted

Authorization of military construction projects for which funds have been appropriated (sec. 2602)

The House bill contained a provision (sec. 2602) that would authorize $5,900,000 for the Army National Guard for additions and alterations to an aviation support facility at Hilo, Hawaii, and $4,800,000 for the Naval Reserve for a bachelor enlisted quarters at Naval Air Station, New Orleans, Louisiana, for which funds were previously appropriated pursuant to the Military Construction Appropriations Act, 1997 (Public Law 104–196).

The Senate amendment contained a similar provision (sec. 2602).

The Senate recedes.

Army Reserve construction project, Camp Williams, Utah (sec. 2603)

The House bill contained a provision (sec. 2603) that would authorize the Secretary of the Army to accept financial or in-kind contributions from the State of Utah for land acquisition, site preparation, and relocation, in connection with the construction of a reserve center and organization maintenance shop in Salt Lake City, Utah.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary and the State to enter into an agreement under which the State would provide financial or in-kind contributions for land acquisition, site preparation, relocation, and other costs in connection with the construction of a reserve center and organization maintenance shop at Camp Williams, Utah.

Title XXVII—Expiration and Extension of Authorizations

Legislative Provisions Adopted

Extension of authorizations of certain fiscal year 1995 projects (sec. 2702)

The House bill contained a provision (sec. 2702) that would provide for selected extension of certain fiscal year 1994 military construction authorizations until October 1, 1998, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 1999, whichever is later.

The Senate amendment contained a similar provision (sec. 2702).

The House recedes with a technical amendment.

Extension of authorizations of certain fiscal year 1994 projects (sec. 2703)

The Senate amendment contained a provision (sec. 2703) that would provide for selected extension of certain fiscal year 1994 military construction authorizations until October 1, 1998, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 1998, whichever is later.

The House bill contained a similar provision (sec. 2703).

The House recedes with a technical amendment.

Extension of authorizations of certain fiscal year 1993 projects (sec. 2704)

The House bill contained a provision (sec. 2704) that would provide for selected extension of certain fiscal year 1993 military construction authorizations until October 1, 1998, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 1999, whichever is later.

The Senate amendment contained a similar provision (sec. 2704).

The Senate recedes.

Extension of availability of funds for construction of relocatable over-the-horizon radar, Naval Station Roosevelt Roads, Puerto Rico (sec. 2706)

The House bill contained a provision (sec. 2706) that would provide for an extension of authority to construct a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico authorized by the Defense Appropriations Act, 1995 (Public Law 103–335) until October 1, 1998, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 1999, whichever is later.

The Senate amendment contained a similar provision (sec. 2409).

The Senate recedes with a technical amendment.

Title XXVIII—General Provisions

Legislative Provisions Adopted

Subtitle A—Military Construction Program and Military Family Housing Changes

Use of mobility enhancement funds for unspecified minor construction (sec. 2801)

The House bill contained a provision (sec. 2801) that would authorize the use of funds made available for mobility enhancement for unspecified minor construction. Under the provision, mobility enhancement funds could not be used for unspecified minor construction if the cost of the construction project would exceed $1,500,000.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on the use of operation and maintenance funds for facility repair projects (sec. 2802)

The House bill contained a provision (sec. 2802) that would clarify the definition of repair of facilities using operations and maintenance funds.

The Senate amendment contained no similar provision.

The Senate recedes.

Leasing of military family housing, United States Southern Command, Miami, Florida (sec. 2803)

The House bill contained a provision (sec. 2803) that would amend section 2828 of title 10, United States Code, to authorize the Secretary of the Army to lease not more than eight housing units in the vicinity of Miami, Florida, for key and essential personnel of United States Southern Command, as determined by the Secretary, for which the annual rental of such units would exceed the expenditure limitations established by law. This section would establish certain new expenditure limitations related to such housing units.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of financial incentives provided as part of energy savings and water conservation activities (sec. 2804)

The Senate amendment contained a provision (sec. 2804) that would amend section 2865 of title 10, United States Code, to authorize the Secretary of Defense to credit financial incentives received from gas or electric utilities to an appropriation designated by the Secretary. The impact of this authority would be reflected in the Secretary's annual energy report. The provision would also include a conforming amendment.

The House bill contained a similar provision (sec. 2804).

The House recedes with a technical amendment.

Congressional notification requirements regarding use of Department of Defense housing funds for investments in nongovernmental entities (sec. 2805)

The House bill contained a provision (sec. 2805) that would provide for a 30-day notice-and-wait requirement on requests to use funds appropriated or otherwise made available under the authority of subchapter IV of chapter 169 of title 10, United States Code, as a cash contribution by the Department of Defense toward the investment cost in any project entered into under those authorities.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Real Property and Facilities Administration

Increase in ceiling for minor land acquisition projects (sec. 2811)

The House bill contained a provision (sec. 2811) that would increase the maximum limit for minor land acquisitions from $200,000 to $500,000.

The Senate amendment contained a similar provision (sec. 2801).

The Senate recedes.

Permanent authority regarding conveyance of utility systems (sec. 2812)

The House bill contained a provision (sec. 1423) that would authorize the secretary of a military department to convey, with or without consideration, a utility system, or part of a utility system, to a municipal, private, regional, district, or cooperative utility company or other entity. Such utility systems could include electrical generation and supply systems, water supply and treatment systems, waste water collection and treatment system, steam, hot or chilled water generation and supply systems, natural gas supply systems, and sanitary landfills or lands to be used for sanitary fills. The provision would require the secretary concerned to submit a 21-day notice-and-wait announcement, to include a report containing an economic analysis of the proposed conveyance, to Congress prior to entering into any agreement to convey a utility.

The Senate amendment contained a provision (sec. 2802) that would authorize the service secretaries to convey all or part of government utility systems located on military installations to commercial or public utilities. The utilities that may be conveyed include, but are not limited to: electrical generation and supply; water treatment; water supply; wastewater collection and treatment; steam, hot, chilled water generation and supply, and natural gas supply. The conveyance would be for fair market value, either as a lump-sum payment or as a reduction in utility charges, consistent with applicable Federal and State laws or regulations, for a period sufficient to amortize the monetary value of the utility system, including any conveyed real property. Any lump sum payment received would be credited to an appropriation available for the purchase of like utility services or to an appropriation for the construction of energy and water conservation projects or improvements to other utility systems at the installation. The provision would waive the cost comparison study between civilian and government workers required by chapter 146 of title 10, United States Code. The secretaries would not be authorized to enter an agreement to convey until 21 days after the service secretaries submit an economic analysis to the congressional defense committees.

The House recedes with an amendment that would strike the waiver of a cost comparison study between civilian and government workers required by chapter 146 of title 10, United States Code. The amendment would add the authority to convey a system for the transmission of telecommunications and would require that if the payment for the utility is in the form of reduced utility rates, that these rates be consistent with Federal and state regulations. The amendment would also make certain technical corrections.

Administrative expenses for certain real property transactions (sec. 2813)

The House bill contained a provision (sec. 2812) that would authorize the secretary of a military department to accept reimbursement from non-federal entities for the cost of certain real estate services and transactions, including real estate exchanges, grants, and licenses, done at the request of, and for the benefit of, those entities.

The Senate amendment contained a similar provision (sec. 2803).

The Senate recedes with an amendment that would delete the conveyances of real property as a transaction covered by this authority.

Screening of real property to be conveyed by the Department of Defense (sec. 2814)

The Senate amendment contained a provision (sec. 2805) that would require the Administrator of the General Services Administration (GSA) to screen for federal interest any real property whose conveyance is authorized by the Congress. The Administrator would be required to complete a screen of the property within 30 days of enactment. If the Administrator establishes a federal interest, the property would be conveyed pursuant to the Federal Property and Administrative Services Act of 1949. If it is determined that there is no other federal interest and the property is surplus to the United States Government, the Secretary of the appropriate military department would be authorized to transfer the real property to the designated recipient.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator to screen the property authorized for conveyance for federal interest. Upon notification by the Administrator of the interest of a Federal agency in the property, the Secretary concerned would be required to notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The notification shall include the name of the agency, the proposed use of the property, and the estimated fair market value of the property and improvements. The Secretary shall take no further action for 180 days. If, after that period, the Congress has not rescinded the conveyance, the Secretary may convey the property as specified in the legislation. This requirement would apply to any conveyances of real property enacted in any legislation after December 31, 1997.

Disposition of proceeds from sale of Air Force Plant 78, Brigham City, Utah (sec. 2815)

The Senate amendment contained a provision (sec. 2831) that would authorize the Secretary of the Air Force to use the funds deposited by the Administrator of General Services in the account established under section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 from the sale of Air Force Plant 78, Brigham City, Utah, for maintenance and repair of facilities, or environmental restoration, at other industrial plants of the Air Force.

The House bill contained a similar provision (sec. 2813).

The House recedes with a technical amendment.

Fire protection and hazardous materials protection at Fort Meade, Maryland (sec. 2816)

The Senate amendment contained a provision (sec. 1047) that would require the Secretary of the Army to submit a plan to the congressional defense committees outlining requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland. The report would also outline a schedule for the implementation of the plan and a detailed list of the funding options available.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Defense Base Closure and Realignment

Consideration of military installations as sites for new Federal facilities (sec. 2821)

The House bill contained a provision (sec. 2821) that would require the head of a federal agency to consult with the Secretary of Defense on the availability of federal property or facilities at a military installations to be closed or realigned prior to acquiring non-federal real property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the head of the federal agency to consult with and obtain the concurrence of the redevelopment authority regarding the availability and suitability of a former military installation as the location for a new or replacement federal facility. This requirement would expire on July 31, 2001.

Adjustment and diversification assistance to enhance performance of military family support services by private sector sources (sec. 2822)

The Senate amendment contained a provision (sec. 368) that would amend section 2391(b)(5) of title 10, United States Code, to authorize the Secretary of Defense, through the Office of Economic Development, to make grants, conclude cooperative agreements, and supplement other federal funds to assist state or local governments in supporting the efforts of the Department of Defense in privatizing family support activities. These support services would include, but would not be limited to, privatization and outsourcing of military family housing, family housing referrals, child development centers, and library services.

The House bill contained no similar provision.

The House recedes.

Security, fire protection, and other services at property formerly associated with Red River Army Depot, Texas (sec. 2823)

The Senate amendment contained a provision (sec. 1088) that would authorize the Secretary of the Army to enter into an agreement to provide the local redevelopment authority at Red River Army Depot, fire, security, and hazardous material response services on a reimbursable basis.

The House bill contained no similar provision.

The House recedes.

Report on closure and realignment of military installations (sec. 2824)

The Senate amendment contained a provision (sec. 2832) that would require the Secretary of Defense to submit to the congressional defense committees a report on the costs and savings attributable to the four base closure rounds conducted under the base closure laws and on the need, if any, for additional base closure rounds. The report would have to be submitted not later than the fiscal year 2000 budget. The Congressional Budget Office and the Comptroller General would be required to conduct a review of the report. The provision would express a sense of Congress urging the Secretary to develop a system to quantify costs and savings attributable to the closure and realignment of military installations under the base closure process.

The House bill contained no similar provision.

The House recedes with an amendment that would include an assessment of the effect of previous base closure rounds on the military capabilities and the ability of the Armed Forces to fulfill the National Military Strategy. The amendment would also make certain technical corrections.

Sense of Senate regarding utilization of savings derived from base closure process (sec. 2825)

The Senate amendment contained a provision (sec. 2833) that would make it the sense of the Senate that the savings identified from base closure be made available to the Department of Defense solely for the purpose of modernization of weapons systems.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Prohibition against conveyance of property at Long Beach Naval Station to China Ocean Shipping Company (sec. 2826)

The House bill contained a provision (sec. 2822) that would prohibit the Secretary of Defense from conveying, by sale, lease, or other method, any portion of real property to be disposed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510) to a state-owned shipping company. The section would also preclude the Secretary, as a condition on each conveyance of real property, from subsequently conveying the property to a state-owned shipping company. The section would provide for a reversionary interest of the United States in such property in the event of a conveyance to, or use by, a state-owned shipping company.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would specify that the Secretary of Navy may not convey property at the former Naval Station, Long Beach, California under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510) to the China Ocean Shipping Company (COSCO) or any successor of the company. The section would also preclude the Secretary, as a condition on each conveyance of real property, from subsequently conveying that property to that company. The section would provide for a reversionary interest of the United States in such property in the event of a conveyance to, or use by, COSCO. The provision would require the Secretary of Defense and the Director of the Federal Bureau of Investigations to separately prepare a report on the potential national security implications of transferring the property to COSCO. It would also include the authority for the President to waive the restriction if it is determined that the transfer would not adversely impact national security or significantly increase the counter intelligence burden on the United States intelligence community. The waiver would be effective 30 days after the President notifies the Speaker of the House and the President of the Senate.

Subtitle D—Land Conveyances

Part I—Army Conveyances

Land conveyance, Army Reserve Center, Greensboro, Alabama (sec. 2831)

The Senate amendment contained a provision (sec. 2820) that would authorize the Secretary of the Army to convey, without consideration, to Hale County, Alabama approximately 5.17 acres located at the Army Reserve Center, Greensboro, Alabama. The property was conveyed to the United States by warranty deed dated September 12, 1988, for the purpose of constructing a reserve center which is no longer required.

The House bill amendment contained no similar provision.

The House recedes.

Land Conveyance, James T. Coker Army Reserve Center, Durant, Oklahoma (sec. 2832)

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements in Durant, Oklahoma to Big Five Community Services, Incorporated. The property is to be used for educational purposes. The cost of any surveys necessary for the conveyance shall be borne by Big Five Community Services, Incorporated.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Gibson Army Reserve Center, Chicago, Illinois (sec. 2833)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements in Chicago, Illinois, to the Lawndale Business and Local Development Corporation. The cost of any surveys necessary for the conveyance shall be borne by the Lawndale Business and Local Development.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the conveyance subject to the condition that the corporation use the property conveyed for economic development purposes.

Land conveyance, Fort A.P. Hill, Virginia (sec. 2834)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey, without consideration, a parcel of unimproved real property at Fort A.P. Hill, Virginia, to Caroline County, Virginia. The property is to be used for a waste transfer station. The costs of any surveys necessary for the conveyance shall be borne by the County.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would specify that the County shall permit the Army, at no cost, to dispose of not less than 1,800 tons of solid waste annually at the facility established on the conveyed property.

Land conveyances, Fort Dix, New Jersey (sec. 2835)

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements at Fort Dix, New Jersey, to the Borough of Wrightstown, New Jersey and a parcel with improvements to the Board of Education of New Hanover, New Jersey. The property is to be used for educational and economic purposes. The cost of any surveys necessary for the conveyance shall be borne by the Borough.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include a reversionary clause in the event the Secretary determines that the conveyed property is not being utilized in accordance with the conditions and purposes of the conveyance.

Land conveyances, Fort Bragg, North Carolina (sec. 2836)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Army to convey, without consideration, a parcel of unimproved real property at Fort Bragg, North Carolina, to the Town of Spring Lake, North Carolina. The property is to be used for improved access to a waste treatment facility and to permit economic development. The cost of any surveys necessary for the conveyance shall be borne by the Town.

The Senate amendment contained a provision (sec. 2823) that would authorize the conveyance, without consideration, of 157 acres of land at Fort Bragg, North Carolina to Harnett County, North Carolina for educational and economic development purposes. The provision would also authorize the conveyance, at fair market value, of a parcel of land in the amount of 137 acres at Fort Bragg, North Carolina to Harnett County. The provisions would explicitly transfer any environmental liability from the United States government to the county.

The conference agreement includes both provisions. The Senate recedes with an amendment that would require the real property conveyed to the Town of Spring Lake be subject to the reversionary clause contained in the Senate provision. The House recedes with an amendment that would strike the transfer of liability from the United States government to the county. The conferees understand that this transfer is not required.

Land conveyance, Hawthorne Army Ammunition Depot, Mineral County, Nevada (sec. 2837)

The Senate amendment contained a provision (sec. 2813) that would authorize the Secretary of the Army to convey, without reimbursement, to Mineral County, Nevada, approximately 33.1 acres of real property and improvements that constitute the Schweer Drive Housing Area. The conveyance would be contingent upon the County's acceptance of the property subject to such easements or rights of way as the Secretary considers appropriate. The provision would also require the County to reimburse the United States in the event the property is sold within 10 years. The reimbursement would be equal to the lesser of the amount of the sale of the property sold, or the fair market value of the property sold, excluding the value of any improvements made by the County.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Expansion of land conveyance authority, Indiana Army Ammunition Plant,

Charlestown, Indiana (sec. 2838)

The House bill contained a provision (sec. 2833) that would amend section 2858 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106) to provide for the additional conveyance of 500 acres of real property to the State of Indiana.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of land conveyance, Lompoc, California (sec. 2839)

The House bill contained a provision (sec. 2834) that would modify the purpose of the conveyance authorized by section 834(b)(1) of the Military Construction Authorization Act, 1985 (Public Law 98-407). The modification would permit the real property to be conveyed by the Secretary of the Army to the City of Lompoc, California, to be used for educational or recreational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of land conveyance, Rocky Mountain Arsenal, Colorado (sec. 2840)

The House bill contained a provision (sec. 2835) that would permit the Administrator of General Services to enter into a negotiated sale of 815 acres of real property at Rocky Mountain Arsenal, Colorado, to Commerce City, Colorado.

The Senate amendment contained a provision (sec. 2819) that would authorize the conveyance of the 815 acres at fair market value, as determined jointly by the Administrator and Commerce City.

The House recedes with a clarifying amendment.

Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina (sec. 2841)

The House bill contained a provision (sec. 2836) that would correct the name of the conveyee in the conveyance authorized by section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201). The correction would permit the conveyance to be made by the Secretary of the Army to the Board of Education, Anderson County, South Carolina.

The Senate amendment contained a similar provision (sec. 2812).

The House recedes with a technical amendment.

Part II—Navy Conveyances

Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine (sec. 2851)

The Senate amendment contained a provision (sec. 2815) that would authorize the Secretary of the Navy to convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine, a parcel of real property, consisting of approximately 40 acres located at the Topsham Annex, Navy Air Station, Brunswick, Maine. The provision would require the district to use the conveyed property for educational purposes. It would further provide for an interim lease of the property until the property is conveyed. As compensation for the lease, the district would provide security and maintenance.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Land conveyance, Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York (sec. 2852)

The Senate amendment contained a provision (sec. 2816) that would authorize the Secretary of the Navy to convey, without consideration, to the County of Nassau, New York, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 110 acres and improvements comprising the Naval Weapons, Industrial Reserve Plant No. 464, Oyster Bay, New York. The purpose of the conveyance would be for economic development and would include equipment, fixtures, and other personal property located on the parcel as the Secretary determines not to be required by the Navy. The provision would authorize the Navy to enter into an interim lease with the County. The County would provide security services, fire protection, and maintenance work, as specified by the Secretary. The provision would specify that, if the Secretary determines within a 5-year period after the conveyance that the property is not used in accordance with the condition of the conveyance, the property would revert to the United States.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Correction of lease authority, Naval Air Station, Meridian, Mississippi (sec. 2853)

The House bill contained a provision (sec. 2851) that would change the name of the conveyee in the conveyance authorized by section 2837 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201). The correction would permit the conveyance to be made by the Secretary of the Navy to the County of Lauderdale, Mississippi.

The Senate amendment contained no similar provision.

The Senate recedes.

Part III—Air Force Conveyances

Land transfer, Eglin Air Force Base, Florida (sec. 2861)

The House bill contained a provision (sec. 2861) that would authorize the Secretary of Transportation to transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property with improvements at Cape San Blas, Gulf County, Florida, previously withdrawn for use as the location of a lighthouse. The Secretary of the Air Force would incorporate the property as part of Eglin Air Force Base, Florida.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, March Air Force Base, California (sec. 2862)

The House bill contained a provision (sec. 2863) that would authorize the Secretary of the Air Force to convey a parcel of real property at March Air Force Base, California, to Air Force Village West, Incorporated, of Riverside, California. As consideration for the parcel to be conveyed, the Corporation shall pay to the United States an amount equal to the fair market value of the real property, as determined by the Secretary. The section would also make technical modifications to section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407).

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Land conveyance, Hancock Field, Syracuse, New York (sec. 2864)

The Senate amendment contained a provision (sec. 2821) that would authorize the conveyance, without consideration, of approximately 15 acres of excess real property located at Hancock Field, Syracuse, New York. The provision would include a reversionary clause in the event the property is not used for economic redevelopment.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Havre Air Force Station, Montana, and Havre Training Site, Montana (sec. 2865)

The Senate amendment contained a provision (sec. 2822) that would authorize the Secretary of the Air Force to convey, without consideration, two parcels of real property in the amount of 94 acres comprising the former Havre Air Force Station and the former Havre Training Site, Montana. The purpose of the conveyance would be for housing and economic development.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Charleston Family Housing Complex, Bangor, Maine (sec. 2866)

The Senate amendment contained a provision (sec. 2817) that would authorize the Secretary of the Air Force to convey, without consideration, to the City of Bangor, Maine, a parcel of real property consisting of approximately 19 acres and improvements located in Bangor, Maine and known as the Charleston Family Housing Complex. The purpose of the conveyance would be for economic development. The provision would require the city to reimburse the United States in the event the property is sold within 10 years. The reimbursement would be equal to the lesser of the amount of the sale of the property sold, or, the fair market value of the property sold excluding the value of any improvements made by the city.

The House bill contained no similar provision.

The House recedes.

Study of land exchange options, Shaw Air Force Base, South Carolina (sec. 2867)

The House bill contained a provision (sec. 2862) that would amend section 2874 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106) to require the Secretary of the Air

Force to conduct a study to identify real property suitable for exchange to affect the land exchange at Shaw Air Force Base, South Carolina, authorized pursuant to that law.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle E—Other Matters

Repeal of requirement to operate Naval Academy Dairy Farm (sec. 2871)

The House bill contained a provision (sec. 2881) that would repeal section 810 of the Military Construction Authorization Act of 1968 (Public Law 90-110), which prohibits the Department of the Navy from taking any action to close, dispose, or phase out the operation of the Naval Academy Dairy Farm.

The Senate amendment contained a similar provision (sec. 1066).

The Senate recedes with a clarifying amendment.

Long-term lease of property, Naples, Italy (sec. 2872)

The House bill contained a provision (sec. 2882) that would permit the Secretary of the Navy to enter into a long-term lease, not to exceed twenty years, for structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvements Initiative.

The Senate amendment contained a similar provision (sec. 2814).

The Senate recedes.

Designation of military family housing at Lackland Air Force Base, Texas, in honor of Frank Tejeda, a former Member of the House of Representatives (sec. 2873)

The House bill contained a provision (sec. 2883) that would authorize the Secretary of the Air Force to designate military family housing developments to be constructed at Lackland Air Force Base, Texas, in honor of the late Frank Tejeda, a Representative in Congress from the State of Texas.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Fiber-optics based telecommunications linkage of military installations (sec. 2874)

The House bill contained a provision (sec. 1502) that would require the Department of Defense to install a fiber-optics based telecommunications network to link the military installations in a metropolitan area.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide sufficient time for the competition of such a contract and would allow the Department to tailor the network to its requirements. The conferees note that the Secretary could build on and expand ongoing Department of the Navy initiatives to meet these requirements. The conferees also encourage the Secretary to have a signed contract to implement this provision by December 1, 1998.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of authority for disposal of certain real property, Fort Belvoir, Virginia

The Senate amendment contained a provision (sec. 2811) that would repeal section 2821 of the Military Construction Act for Fiscal Years 1990 and 1991, as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996. These provisions would have authorized the conveyance of the parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres known as the Engineer Proving Ground.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Army to provide to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the conveyance and redevelopment of the Engineer Proving Ground. The report shall be coordinated with the appropriate officials in Fairfax County and shall be submitted six months after enactment of this Act and annually thereafter until the redevelopment is completed.

TITLE XXIX—SIKES ACT IMPROVEMENT

Sikes Act Improvement (secs. 2901–2914)

The House bill contained several provisions (secs. 2901–2914) that would amend and reauthorize the Sikes Act, which was last amended in 1986, and had an authorization that expired in 1993. In its current form, the Sikes Act authorizes the Secretary of Defense to enter into cooperative plans with the Secretary of Interior and the appropriate State fish and wildlife agencies. The House provisions would require the secretary of each military department to develop a more comprehensive integrated natural resources plan for each military installation. Each plan must be consistent with the use of military lands to ensure military preparedness, and cannot result in any net loss in the capability to support the military mission.

The Senate amendment (secs. 381–392) and the House bill (secs. 2901–2914) contained similar provisions. However, the Senate amendment (sec. 383) would require the completion of integrated natural resources management plans three years after the date of the initial report to Congress, rather than the two years provided for in the House bill (sec. 2905). There is also a difference between the House bill (sec. 2911) and the Senate amendment (sec. 386) reference to the funds underlying cooperative agreements. The House bill provides for the use of "funds appropriated" and the Senate amendment provides for the use of "funds made available" for the cost of goods and services covered under cooperative agreements.

The House recedes with an amendment that would require the completion of integrated natural resources management plans three years following the submission of the initial report to Congress. The provision would specify that goods and services provided under a cooperative agreement would be paid for with "funds appropriated." The provision would also include minor legislative drafting modifications.

The conferees note that the reauthorization of the Sikes Act would directly affect the nearly 25 million acres managed by the Department of Defense. The conferees agree that reauthorization of the Sikes Act is not intended to expand the management authority of the U.S. Fish and Wildlife Service or the State fish and wildlife agencies in relation to military lands. Moreover, it is expected that integrated natural resources management plans shall be prepared to facilitate installation commanders' conservation and rehabilitation efforts that support the use of military lands for readiness and training of the armed forces.

The conferees note that the military departments will have completed approximately 60 percent of the required integrated natural resources management plans by October 1, 1997. The conferees understand that most of these plans have been prepared consistent with the criteria established under this provision. In addition, the conferees note the significant investment made by the military departments in the completion of current integrated natural resources management plans. The conferees intend that the plans that meet the criteria established under this provision should not be subject to renegotiation and reaccomplishment.

Finally, the conferees understand that approximately $5.0 million is programmed for the preparation of integrated natural resources management plans on an annual basis. The conferees have been assured by the Department of Defense that the reauthorization of the Sikes Act will not result in increased funds for the plans. Based on the Department's assurances as to the programmed funding level, the conferees expect that each of the military departments will have sufficient funds in fiscal year 1998 and subsequent fiscal years to complete plans by the statutory deadline.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

The budget request for fiscal year 1998 contained an authorization of $13,597.6 million for the Defense Nuclear Activities. The House bill would authorize $10,951.9 million. The Senate amendment would authorize $11,204.4 million. The conferees recommended an authorization of $11,502.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 1998

(In Thousands of $'s)

ATOMIC ENERGY DEFENSE ACTIVITIES (053)	FY 1998 Authorization Request	House Authorized	Senate Authorized	Change from Request	Conference Agreement
Weapons Activities	3,576,255	3,966,050	4,018,450	570,437	4,146,692
Defense Environmental Restoration and Waste Management	5,052,499	5,283,270	5,087,274	477,390	5,529,889
Defense Nuclear Waste Disposal	190,000	190,000	190,000	0	190,000
Other Defense Actitivities	1,605,981	1,512,551	1,633,981	30,282	1,636,263
Defense Asset Acquisition	2,166,859	0	0	(2,166,859)	0
Defense Environmental Privatization	1,006,000	0	274,700	(1,006,000)	0
Defense Nuclear Facilities Safety Board	17,500	17,500	17,500	0	17,500
Total Atomic Energy Defense Activities (053)	13,615,094	10,969,371	11,221,905	(2,094,750)	11,520,344

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
ATOMIC ENERGY DEFENSE ACTIVITIES					
WEAPONS ACTIVITIES					
Stockpile Stewardship:					
Core stockpile stewardship					
Operation and maintenance	1,158,290	1,158,290	1,144,290	130,000	1,288,290
Construction:					
97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM	0	46,300	46,300	46,300	46,300
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations	0	19,810	19,810	19,810	19,810
96-D-103 ATLAS, Los Alamos National Laboratory, Los Alamos, NM	0	13,400	13,400	13,400	13,400
96-D-105 Contained firing facility addition, LLNL, Livermore, CA	0	19,300	19,300	19,300	19,300
Total, Construction	0	98,810	98,810	98,810	98,810
Total, Core Stockpile Stewardship	1,158,290	1,257,100	1,243,100	228,810	1,387,100
Inertial fusion					
Operation and maintenance	217,000	217,000	217,000		217,000

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Construction:					
96-D-111 National ignition facility Site, TBD.	0	197,800	197,800	197,800	197,800
Total, Inertial Fusion	217,000	414,800	414,800	197,800	414,800
Technology transfer/education					
Technology transfer	60,000	52,500	60,000	(3,750)	56,250
Education	9,000	9,000	9,000		9,000
Total, Technology Transfer/Education	69,000	61,500	69,000	(3,750)	65,250
Total, Stockpile stewardship	1,444,290	1,733,400	1,726,900	422,860	1,867,150
Stockpile Management:					
Operation and maintenance	1,828,465	1,868,265	1,861,465	62,800	1,891,265
Construction:					
Core stockpile management					
98-D-123 Stockpile mgmt. restructuring init. Tritium factory modernization and consolidation, Savannah River, SR	0	11,000	11,000	11,000	11,000
98-D-124 Stockpile mgmt. restructuring init. Y-12 consolidation, Oak Ridge, TN	0	6,450	6,450	6,450	6,450
97-D-122 Nuclear materials storage facility renovation, LANL, Los Alamos, NM	0	9,200	9,200	9,200	9,200

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
97-D-124 Steam plant waste water treatment facility upgrade, Y-12 plant, Oak Ridge, TN.	0	1,900	1,900	1,900	1,900
96-D-122 Sewage treatment quality upgrade (STQU), Pantex plant, Amarillo, TX	0	6,900	6,900	6,900	6,900
96-D-123 Retrofit HVAC and chillers for ozone protection, Y-12 plant, Oak Ridge, TN.	0	2,700	2,700	2,700	2,700
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL, Los Alamos, NM	0		15,700	5,000	5,000
95-D-122 Sanitary sewer upgrade, Y-12 plant, Oak Ridge, TN	0	12,600	12,600	12,600	12,600
94-D-124 Hydrogen fluoride supply system, Y-12 plant, Oak Ridge, TN	0	1,400	1,400	1,400	1,400
94-D-125 Upgrade life safety, Kansas City plant, Kansas City, MO	0	2,000	2,000	2,000	2,000
93-D-122 Life safety upgrades, Y-12 plant, Oak Ridge, TN	0	2,100	2,100	2,100	2,100

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

	FY 1998	House	Senate	Conference	
Account Title	Request	Authorized	Authorized	Change	Agreement
92-D-126 replace emergency notification system, Various Locations	0	3,200	3,200	3,200	3,200
88-D-122 Facilities capability assurance program (FCAP), various locations	0	18,920	18,920	18,920	18,920
Total, Construction	0	78,370	94,070	83,370	83,370
Total, Core Stockpile Management	1,828,465	1,946,635	1,955,535	146,170	1,974,635
Tritium Source:					
98-D-125 Tritium extraction facility, SR	0	9,650	9,650	9,650	9,650
98-D-126 Accelerator production of tritium, Various Locations	0	67,865	67,865	67,865	67,865
Total, Construction	0	77,515	77,515	77,515	77,515
Total, Stockpile Management	1,828,465	2,024,150	2,033,050	223,685	2,052,150
Program direction	303,500	208,500	268,500	(53,500)	250,000
Subtotal, Weapons Activities	3,576,255	3,966,050	4,028,450	593,045	4,169,300
General Reductions	0	0	0	(20,000)	(20,000)
Use of Prior Year Balances	0	0	(10,000)	(2,608)	(2,608)
TOTAL, WEAPONS ACTIVITIES	3,576,255	3,966,050	4,018,450	570,437	4,146,692

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.

Environmental Restoration:

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

	FY 1998	House	Senate	Conference	
Account Title	Request	Authorized	Authorized	Change	Agreement
Operating expenses	1,744,573	1,000,973	1,741,373	(733,600)	1,010,973
Closure projects		890,800	0	875,000	875,000
Waste Management:					
Operation and maintenance	1,455,576	1,455,576	1,478,876	35,300	1,490,876
Construction:					
98-D-401 H-tank farm storm water systems upgrade, Savannah River, SC	0	1,000	1,000	1,000	1,000
97-D-402 Tank farm restoration and safe operations, Richland, WA	0	13,961	13,961	13,961	13,961
96-D-408 Waste management upgrades, various locations	0	8,200	8,200	8,200	8,200
95-D-402 Install permanent electrical service, WIPP, AL	0	176	176	176	176
95-D-405 Industrial landfill V and construction/ demolition landfill VII, Y-12 Plant,Oak Ridge,TN	0	3,800	3,800	3,800	3,800
95-D-407 219-S Secondary containment upgrade, Richland, WA	0	2,500	2,500	2,500	2,500

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
94-D-404 Melton Valley storage tank capacity increase, ORNL	0	1,219	1,219	1,219	1,219
94-D-407 Initial tank retrieval systems, Richland, WA	0	15,100	15,100	15,100	15,100
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	0	17,520	17,520	17,520	17,520
92-D-172 Hazardous waste treatment and processing facility, Pantex Plant	0	5,000	5,000	5,000	5,000
89-D-174 Replacement high level waste evaporator Savannah River, SC	0	1,042	1,042	1,042	1,042
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	0	11,250	11,250	11,250	11,250
Total, Construction	0	80,768	80,768	80,768	80,768
Total, Waste management	1,455,576	1,536,344	1,559,644	116,068	1,571,644
Technology development					
Operation and maintenance	257,881	182,881	237,881	(37,881)	220,000
Total, Technology development	257,881	182,881	237,881	(37,881)	220,000
Nuclear material and facility stabilization					

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Operation and maintenance	1,118,114	1,159,114	1,181,114	58,000	1,176,114
Construction:					
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	0	8,136	8,136	8,136	8,136
98-D-700 INEL road rehabilitation, INEL, ID	0	500	500	500	500
97-D-450 Actinide packaging and storage facility, Savannah River Site, Aiken, SC	0	18,000	18,000	18,000	18,000
97-D-451 B-Plant safety class ventilation upgrades, Richland, WA	0	2,000	2,000	2,000	2,000
97-D-470 Environmental monitoring laboratory/Health physics site support facility, Savannah River Site, Aiken, SC	0	5,600	5,600	5,600	5,600
97-D-473 Health physics site support facility, Savannah River, Aiken, SC	0	4,200	4,200		0
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA	0	16,744	16,744	16,744	16,744
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	0	2,927	2,927	2,927	2,927

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
96-D-464 Electrical & utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID	0	14,985	14,985	14,985	14,985
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	0	8,500	8,500	8,500	8,500
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	0	2,713	2,713	2,713	2,713
95-D-456 Security facilities consolidation, Idaho Chemical Processing Plant, INEL, ID	0	602	602	602	602
Total, Construction	0	84,907	84,907	80,707	80,707
Total, Nuclear material and facility stabilization	1,118,114	1,244,021	1,266,021	138,707	1,256,821
Analysis, education, and risk management					
Program direction	388,251	288,251	373,251	(42,500)	345,751
Policy and management	23,104	20,000	18,104	(3,104)	20,000
Environmental science program	50,000	55,000	0	5,000	55,000
Hanford Tank waste vitrification project		70,000			0
Environmental management privatization	0		0	224,700	224,700
Closure projects	15,000	15,000	0	(15,000)	0
Subtotal, Defense environmental management	5,052,499	5,303,270	5,196,274	527,390	5,579,889
Savannah river pension refund	0		0		0

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Use of Prior Year Balances	0	0	(109,000)		0
General Reductions		(20,000)		(50,000)	(50,000)
TOTAL, DEF ENVIRON RESTORATION & WASTE MGMT.	5,052,499	5,283,270	5,087,274	477,390	5,529,889
OTHER DEFENSE ACTIVITIES					
Nonproliferation and national security					
Verification and control technology					
Nonproliferation and verification R&D					
Operation and maintenance	210,000	190,000	210,000		210,000
Arms control.	234,600	205,000	234,600		234,600
Intelligence	33,600	33,600	33,600		33,600
Total, Verification and Control Technology	478,200	428,600	478,200	0	478,200
Nuclear safeguards and security	47,200	47,200	47,200		47,200
Security investigations	20,000	25,000	20,000	5,000	25,000
Emergency management	27,700	17,000	27,700	(7,700)	20,000
Program direction - NN	94,900	68,900	84,900	(16,000)	78,900
Total, Nonproliferation and national security	668,000	586,700	658,000	(18,700)	649,300
Worker and community transition					
Worker and community transition	65,800	20,000	65,800	(8,141)	57,659
Program direction - WT	4,700	2,000	4,700	(1,200)	3,500
Total, Worker and community transition	70,500	22,000	70,500	(9,341)	61,159

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Fissile materials control and disposition					
Operation and maintenance.	99,451	99,451	99,451		99,451
Program direction - MD	4,345	4,000	4,345	(345)	4,000
Total, Fissile Materials Control and Disposition	103,796	103,451	103,796	(345)	103,451
Environment, Safety & Health					
Office of environment, safety and health (defense)	54,000	63,000	35,000	20,000	74,000
Program direction - EH	0	10,000	0	20,000	20,000
Total, Environment, safety and health	54,000	73,000	35,000	40,000	94,000
Office of hearings and appeals	2,685	1,900	2,685	(785)	1,900
Nuclear Energy:					
Nuclear technology research and development	25,000	12,000	25,000	(13,000)	12,000
International nuclear safety	50,000	25,000	50,000	(15,000)	35,000
Nuclear security	4,000	0	4,000	(4,000)	0
Chornobyl shutdown initiative	2,000	0	2,000	(2,000)	0
Plutonium reactor core conversion		10,000			0
Total, Nuclear Energy	81,000	47,000	81,000	(34,000)	47,000
Naval reactors:					
Naval reactors development					
Operation and maintenance	605,920	648,920	648,920	30,000	635,920

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Construction:					
98-D-200 Site laboratory/facility upgrade, various locations	0	1,200	5,700	5,700	5,700
97-D-201 Advanced test reactor secondary coolant system refurbishment, INEL, ID	0	4,100	4,100	4,600	4,600
95-D-200 Laboratory systems and hot cell upgrades, various locations	0	1,100	1,100	1,100	1,100
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	0	3,100	3,100	3,100	3,100
Total, Construction	0	9,500	14,000	14,500	14,500
Total, Naval reactors development	605,920	658,420	662,920	44,500	650,420
Program direction	20,080	20,080	20,080		20,080
Total, Naval reactors.	626,000	678,500	683,000	44,500	670,500
Independent Cost Assessment				15,000	15,000
Subtotal, Other defense activities	1,605,981	1,512,551	1,633,981	36,329	1,642,310
Adjustments:					
Use of Prior Year Balances	0	0	0	(6,047)	(6,047)
Total, Adjustments	0	0	0	(6,047)	(6,047)
TOTAL, OTHER DEFENSE ACTIVITIES	1,605,981	1,512,551	1,633,981	30,282	1,636,263
DEFENSE NUCLEAR WASTE DISPOSAL					
Defense nuclear waste disposal	190,000	190,000	190,000	0	190,000

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
DEFENSE ASSETS ACQUISITION					
Weapons Activities					
Stockpile stewardship					
Core stockpile stewardship					
97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM	46,300	0	0	(46,300)	0
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations	51,106	0	0	(51,106)	0
96-D-103 ATLAS, Los Alamos National Laboratory, Los Alamos, NM	19,800	0	0	(19,800)	0
96-D-104 Processing and environmental technology laboratory, SNL, Albuquerque, NM	29,820	0	0	(29,820)	0
96-D-105 Contained firing facility addition, LLNL, Livermore, CA	26,000	0	0	(26,000)	0
Total, Core stockpile stewardship	173,026	0	0	(173,026)	0
Inertial fusion					

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
96-D-111 National ignition facility Site, TBD	876,400	0	0	(876,400)	0
Total, Stockpile stewardship	1,049,426	0	0	(1,049,426)	0
Stockpile management					
Core stockpile management					
98-D-123 Stockpile mgmt. restructuring init. Tritium factory modernization and consolidation, Savannah River, SR.	14,343	0	0	(14,343)	0
98-D-124 Stockpile mgmt. restructuring init. Y-12 consolidation, Oak Ridge, TN	7,311	0	0	(7,311)	0
97-D-122 Nuclear materials storage facility renovation, LANL, Los Alamos, NM.	41,292	0	0	(41,292)	0
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS.	16,600	0	0	(16,600)	0
97-D-124 Steam plant waste water treatment facility upgrade, Y-12 plant, Oak Ridge, TN.	1,900	0	0	(1,900)	0
96-D-122 Sewage treatment quality upgrade (STQU), Pantex plant, Amarillo, TX	10,600	0	0	(10,600)	0
96-D-123 Retrofit HVAC and chillers for ozone					

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
protection, Y-12 plant, Oak Ridge, TN	2,700	0	0	(2,700)	0
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL, Los Alamos, NM	106,360	0	0	(106,360)	0
95-D-122 Sanitary sewer upgrade, Y-12 plant, Oak Ridge, TN	12,600	0	0	(12,600)	0
94-D-124 Hydrogen fluoride supply system, Y-12 plant, Oak Ridge, TN	1,400	0	0	(1,400)	0
94-D-125 Upgrade life safety, Kansas City plant, Kansas City, MO	2,000	0	0	(2,000)	0
94-D-128 Environmental safety and health analytical laboratory, Pantex plant, Amarillo, TX	3,000	0	0	(3,000)	0
93-D-122 Life safety upgrades, Y-12 plant, Oak Ridge, TN	2,100	0	0	(2,100)	0
92-D-126 replace emergency notification system, VL	3,200	0	0	(3,200)	0
88-D-122 Facilities capability assurance program (FCAP), various locations	19,520	0	0	(19,520)	0

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
88-D-123 Security enhancement, Pantex plant, Amarillo, TX	0	0	0		0
Total, Core stockpile managment	244,926	0	0	(244,926)	0
Tritium Source					
98-D-125 Tritium extraction facility, SR	39,453	0	0	(39,453)	0
98-D-126 Acceleration production of tritium, VL.	168,590	0	0	(168,590)	0
Total, Stockpile management	452,969	0	0	(452,969)	0
Total, Weapons Activities	1,502,395	0	0	(1,502,395)	0
Defense Environmental Restoration & Waste Management					
Waste Management:					
98-D-401 H-tank farm storm water systems upgrade, Savannah River Site, Aiken, SC	12,000	0	0	(12,000)	0
97-D-402 Tank farm restoration and safe operations, Richland, WA.	41,530	0	0	(41,530)	0
96-D-408 Waste management upgrades, various locations	12,709	0	0	(12,709)	0

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
95-D-402 Install permanent electrical service, WIPP, AL	176	0	0	(176)	0
95-D-405 Industrial landfill V and construction/ demolition landfill VII, Y-12 Plant,Oak Ridge,TN	3,800	0	0	(3,800)	0
95-D-407 219-S Secondary containment upgrade, Richland, WA	2,500	0	0	(2,500)	0
94-D-404 Melton Valley storage tank capacity increase, ORNL	1,219	0	0	(1,219)	0
94-D-407 Initial tank retrieval systems, Richland, WA	182,800	0	0	(182,800)	0
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	171,969	0	0	(171,969)	0
92-D-172 Hazardous waste treatment and processing facility, Pantex Plant.	5,000	0	0	(5,000)	0
89-D-174 Replacement high level waste evaporator Savannah River, SC	1,042	0	0	(1,042)	0
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	23,573	0	0	(23,573)	0

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Total, Waste Management	458,318	0	0	(458,318)	0
Nuclear Material and Facility Stabilization					
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	13,636	0	0	(13,636)	0
98-D-700 INEL road rehabilitation, INEL, ID	10,800	0	0	(10,800)	0
97-D-450 Actinide packaging and storage facility, Savannah River Site, Aiken, SC	18,000	0	0	(18,000)	0
97-D-451 B-Plant safety class ventilation upgrades, Richland, WA	2,000	0	0	(2,000)	0
97-D-470 Environmental monitoring laboratory, Savannah River Site, Aiken, SC	27,780	0	0	(27,780)	0
97-D-473 Health physics site support facility, Savannah River, Aiken, SC	15,200	0	0	(15,200)	0
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA	16,744	0	0	(16,744)	0

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID.	2,927	0	0	(2,927)	0
96-D-464 Electrical & utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID	38,500	0	0	(38,500)	0
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	34,959	0	0	(34,959)	0
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	2,713	0	0	(2,713)	0
95-D-456 Security facilities consolidation, Idaho Chemical Processing Plant, INEL, ID	1,087	0	0	(1,087)	0
Total, Nuclear Material and Facility Stabilization	184,346	0	0	(184,346)	0
Total, Defense Environ. Restoration & Waste Mgmt	642,664	0	0	(642,664)	0
Other Defense Activities					
Naval Reactors					
98-D-200 Site laboratory/facility upgrade, various locations	1,200	0	0	(1,200)	0
97-D-201 Advanced test reactor secondary coolant system refurbishment, INEL, ID	4,600	0	0	(4,600)	0

Fiscal Year 1998 Department of Energy Defense Activities

(Dollars in Thousands)

Account Title	FY 1998 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
95-D-200 Laboratory systems and hot cell upgrades, various locations	1,100	0	0	(1,100)	0
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	14,900	0	0	(14,900)	0
Total, Naval reactors	21,800	0	0	(21,800)	0
Total, Other Defense Activities	21,800	0	0	(21,800)	0
TOTAL, DEFENSE ASSETS ACQUISITION	2,166,859	0	0	(2,166,859)	0
ATOMIC ENERGY DEFENSE ACTIVITIES.	12,591,594	10,951,871	10,929,705	(1,088,750)	11,502,844
EM PRIVATIZATION					
Def. EM privatization init.(Fixed asset acquisition)	1,006,000	0	274,700	(1,006,000)	0
TOTAL, DOE ATOMIC ENERGY DEFENSE ACTIVITIES	13,597,594	10,951,871	11,204,405	(2,094,750)	11,502,844
Defense Nuclear Facilities Safety Board	17,500	17,500	17,500		17,500
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	13,615,094	10,969,371	11,221,905	(2,094,750)	11,520,344

Legislative Provisions Adopted

Subtitle A—National Security Programs Authorizations

Weapons activities (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $4.0 billion for the Department of Energy (DOE) weapons activities.

The Senate amendment contained a similar provision (sec. 3101) that would authorize $4.0 billion for DOE weapons activities.

The Senate recedes with an amendment that would authorize $4.1 billion for this account for the following activities: $1.9 billion for stockpile stewardship; $2.0 billion for stockpile management; and $250.0 million for program direction. The authorization includes a general reduction of $22.6 million. The conferees recommend a reduction of $53.5 million to the budget request for program direction. The conferees note that recent independent assessments from the Institute for Defense Analysis and the General Accounting Office have identified a number of recommendations regarding how best to streamline the management structure within the Office of Defense Programs. The conferees believe that implementing such recommendations would reduce management costs and increase the effectiveness of the Department's weapons programs.

The budget request included $15.7 million for the incremental component of the construction upgrades at the Chemistry and Metallurgy Research Facility at Los Alamos National Laboratory. Because of cost overruns and pending the outcome of the Department's ongoing review into this project, the conferees recommend $5.0 million for this activity. The conferees adopt this position, without prejudice.

The conferees recommend $217.0 million, the amount requested, for the inertial confinement fusion operating program. Within the total amount authorized for this activity, the conferees recommend that $26.1 million be made available for the University of Rochester's Laboratory for Laser Energetics, an increase of $2.5 million.

The conferees recommend an additional $10.0 million for a surety program to improve waste minimization efforts related to the Department's stockpile management program and an additional $8.0 million to continue tritium facility upgrades initiated in fiscal year 1997 at the Savannah River Site.

The conferees recommend $65.3 million for technology transfer and education. Of this amount, the conferees recommend that $10.0 million be made available for the American Textiles Partnership program.

Environmental restoration and waste management (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $5.3 billion for Department of Energy (DOE) environmental restoration and waste management activities.

The Senate amendment contained a similar provision (sec. 3102) that would authorize $5.1 billion for DOE environmental restoration and waste management activities. The Senate amendment authorized $274.7 million for Defense Environmental Management Privatization projects in a separate provision.

The Senate recedes with an amendment that would authorize $5.5 billion for Environmental Management activities, including: $1.0 billion for environmental restoration; $1.6 billion for waste management; $220.0 million for technology development; $1.3 billion for nuclear material and facility stabilization; $20.0 million for policy and management; $55.0 million for the Environmental Management science program; $875.0 million for closure projects; $345.8 million for program direction; and $224.7 million for defense Environmental Management privatization. The authorization includes a general reduction of $50.0 million.

The conferees recommend an additional $10.0 million for environmental restoration. Of this increase, the conferees recommend an additional $5.0 million to accelerate closure of the Hanford 100 Area in Richland, Washington.

The conferees recommend an additional $35.3 million for waste management. Of the funds available for waste management, the conferees recommend an additional $12.0 million for the Savannah River site to increase production at the Defense Waste Processing Facility (DWPF) and $8.2 million to support high-level waste research and development work at the Idaho National Engineering and Environmental Laboratory. The conferees direct the Department to make available an additional $25.0 million to allow the consolidated incineration facility to operate at full capacity, as originally intended, to assure that the DWPF operates at its designed capacity, and that the site has sufficient funds to accelerate the disposal of transuranic waste.

The conferees urge the Department to assess the cost savings that may be available if it is able to develop a successful spent fuel or high level waste storage cask system using high density concrete. Of the waste management funds authorized in section 3102 of this title, no more than $3.0 million may be made available for this demonstration project.

The conferees recommend an increase of $58.0 million to nuclear material and facility stabilization to be allocated as follows: $47.0 million for nuclear material stabilization operations at the F- and H-canyon facilities and $11.0 million for the National Spent Fuel Program.

The conferees recommend $220.0 million for technology development, a $37.9 million reduction. This reduction reflects the Department's proposed reduction to the Technology Deployment Initiative and greater cost-sharing with technology user organizations within the Department. The conferees are supportive of the Office of Science and Technology's efforts to move technologies from the late stages of research and development into use. The conferees believe that Environmental Management line organizations should place a greater emphasis on innovative technical approaches when executing records of decision, meeting tri-party agreement milestones, or selecting clean up and waste management approaches. The Department has a poor record in deploying DOE-developed cleanup and waste management technologies. The conferees believe that senior management attention will be required if the Department is to benefit from those technologies that have already been developed by the Department, but have not been applied at DOE facilities.

The conferees recommend $55.0 million for the Environmental Management science program, an increase of $5.0 million.

The conferees recommend $20.0 million for the Office of Policy, a $3.1 million reduction.

The conferees recommend $345.8 million for program direction, a $42.5 million reduction.

The conferees recommend $875.0 million for the project closure account, an increase of $860.0 million. The increase to this account has been derived from the following sources: a transfer of $743.6 million from environmental restoration, a transfer of $45.2 million from the operations and maintenance account within the stockpile management program, and an additional $71.2 million. The conferees recommend allocating closure project account funds as follows: $648.4 million for the Rocky Flats Environmental Technology Site and $226.6 million for the Fernald Environmental Management Project. The conferees strongly support the efforts of the adjacent communities to close these two sites within the next ten years.

The transfer of $45.2 million from stockpile management represents the costs associated with the provision of security at the Rocky Flats Site and the Fernald Site. The conferees are aware that this transfer of funds will also require the Office of Environmental Management to accept custodial responsibility of weapons grade special nuclear material, which constitutes a change in current practice.

Other defense activities (sec. 3103)

The budget request included $1.606 billion for Other Defense Activities of the Department of Energy (DOE) for fiscal year 1998.

The House bill contained a provision (sec. 3103) that would authorize $1.5 billion for Other Defense Activities, a reduction of $93.4 million to the budget request.

The Senate amendment contained a provision (sec. 3103) that would authorize $1.6 billion for Other Defense Activities, an increase of $28.0 million to the budget request.

The conferees agree to a provision that would authorize $1.636 billion for Other Defense Activities.

Verification and control technology

The conferees agree to authorize $478.2 million for verification and control technology.

The conferees are concerned by recent reports that a substantial portion of the aid intended for Russian scientists under the Initiatives for Proliferation Prevention (IPP) program is being siphoned off by duties, regional taxes, overhead charges and other assessments by Russian entities. The conferees direct the Secretary of Energy to report to the Congress by March 31, 1998 on the impact of these charges on the program and to provide detailed recommendations on how these problems can be corrected.

To close gaps identified in DOE's nuclear smuggling program, the conferees agree to provide $16.0 million for nuclear smuggling activities, a $3.0 million increase, from funds available in verification and control technology, to enhance further and accelerate the Department's nuclear forensic analytical capability. The conferees have been supportive of efforts by the Department of Defense (DOD) and DOE to respond to any domestic terrorist use of weapons of mass destruction. From the funds authorized for verification and control technology, $2.0 million is available for training and related activities to prepare federal, state, and local first responders to work effectively as part of the domestic emergency response program. The conferees understand that nuclear training curriculum for local first responders has been prepared by the DOE defense programs, and that this program is coordinated with the DOD, the agency responsible for preparing the chemical and biological training and exercise programs. In order to maximize the number of participants in the exercises, and to take advantage of cost savings, the conferees recommend that DOE continue to coordinate the activities of its exercises with the executive agent and program manager for the DOD domestic emergency preparedness program in order to integrate mixed scenarios of chemical, biological and nuclear incidents in the exercises.

The Secretary of Energy was directed in the statement of managers accompanying the conference report for the National Defense Authorization Act for Fiscal Year 1997 (Public Law 102-201) to provide an annual evaluation to the Congress of the expected powers and expected limits that define the extent to which science and technology can aid the nonproliferation effort. The conferees direct the Secretary to submit the first annual report on February 1, 1998. The conferees continue to believe that advances in science and technology will improve the ability to detect the presence, transportation, and use of weapons of mass destruction. The ability of such advanced technologies to be developed and used may, however, be impeded or otherwise affected by regional powers and interests. The evaluation to be conducted should include an analysis of regional and local situations, requirements, and power structures that can either aid or deter deployment of new technology for nonproliferation efforts.

International nuclear safety

The conferees agree to provide $47.0 million for nuclear energy, including $35.0 million for international nuclear safety activities.

The conferees were recently notified that the DOE fiscal year 1999 funding for these activities will not be included in DOE national security programs. The conferees appreciate the administration's intent to comply with congressional guidance and to seek funding for these activities from sources other than the defense accounts.

Naval reactors

The conferees recommend an increase of $44.5 million to the budget request for naval reactors to expedite decommissioning and decontamination activities at surplus training facilities.

The conferees consider the naval reactors program to be a critical defense activity. The conferees are concerned that the DOE has demonstrated a pattern of consistently underestimating funding requirements for this program in budget requests. The conferees strongly encourage the Department to request adequate funding for this program in future fiscal year budget requests to allow this program to accomplish the stated objectives in an efficient manner.

Declassification productivity initiative

The conferees continue to support the Declassification Productivity Initiative. The conferees are concerned that the Department of Energy lacks both the appropriate technical personnel and integrating components required to carry out successfully this program. Recognizing the complexities surrounding the development of a computer-aided system to improve the efficiency and security of the declassification process, the conferees are concerned that the limited funds provided to this program are being allocated among numerous laboratories, universities, and industry without clear technical direction or coordination by the Department. The conferees direct the Director of the Office of Declassification to begin to develop a management and integration strategy to coordinate and streamline the various initiatives carried out within the Declassification Productivity Initiative. In addition, the conferees strongly discourage any shifting of funds from the Declassification Productivity Initiative to other declassification activities.

Environment, safety and health

The conferees recommend $94.0 million for environment, safety and health (ES&H) activities, an increase of $40.0 million to the budget request. Of the amount authorized, the conferees recommend $20.0 million for ES&H program direction. The conferees believe that costs associated with implementing and conducting oversight of the ES&H program should be reflected in the same programmatic activity.

Independent cost assessment

The conferees recommend $15.0 million to be used by the Department of Energy to provide for external reviews of the Department's individual construction and privatization projects. The conferees direct the Secretary of Energy to provide the congressional defense committees with all reports generated in the process of conducting this assessment, and to consult with the committees regarding all aspects of this review, including contractor selection.

Subtitle B—Recurring General Provisions

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would authorize the Secretary of Energy to carry out any construction project authorized under general plant projects if the total estimated cost would not exceed $2.0 million. The provision would require the Secretary to submit a report to Congress if the cost of the project is revised to exceed $2.0 million. The report would fully explain the reasons for the cost variation.

The Senate amendment contained a similar provision (sec. 3122) that would authorize a construction project as a general plant project if the current estimated cost for that project would exceed $5.0 million. If the Secretary of Energy determines that the estimated cost of any project will exceed $5.0 million, the congressional defense committees must be notified of the reasons for the cost variation.

The House recedes.

The conferees note that the report required by section 3122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) to support increasing the threshold for general plant projects was submitted late. The conferees urge the Department to submit reports on or before the required due dates in the future.

Fund transfer authority (sec. 3124)

The House bill contained a provision (sec. 3124) that would permit funds authorized by the bill to be transferred to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit the merger of such funds with the authorizations of the agency to which they are transferred. This provision would also limit, to no more than five percent, the amount of such funds that may be transferred between authorization accounts in the Department of Energy that were authorized pursuant to this act.

The Senate amendment contained a similar provision (sec. 3124).

The Senate recedes with a clarifying amendment.

Authority for conceptual and construction design (sec. 3125)

The House bill contained a provision (sec. 3125) that would limit the Secretary of Energy's authority to request construction funding until the Secretary certifies that a conceptual design has been completed, except in the case of emergencies. This limitation would apply to construction projects with a total estimated cost in excess of $2.0 million. If the estimated cost of the design exceeds $3.0 million, the provision would require the Secretary to request funds for the design before requesting funds for the construction project. The provision would also require the Secretary to submit to Congress a report on each conceptual design completed under this paragraph.

The Senate amendment contained a similar provision (sec. 3125) that would apply to construction projects with a total estimated cost in excess of $5.0 million.

The Senate recedes with an amendment that would limit the Secretary's authority to request construction funding for projects with an estimated cost in excess of $5.0 million until the Secretary has certified a conceptual design has been completed, except in emergencies.

Availability of funds (sec. 3128)

The Senate amendment contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses or for plant and capital equipment to remain available until expended.

The House bill contained no similar provision.

The House recedes with an amendment that would direct that funds authorized to be appropriated for program direction activities in fiscal year 1998 would be available to be expended until the end of fiscal year 2000.

Transfers of defense environmental management funds (sec. 3129)

The House bill contained a provision (sec. 3128) that would provide the manager of each field office of the Department of Energy (DOE) with the limited authority to transfer fiscal year 1998 defense environmental management funds from one program or project under the jurisdiction of the office to another such program or project, once in the fiscal year.

The Senate amendment contained a similar provision (sec. 3137) that would extend and make permanent the limited authority to transfer defense environmental management funds originally authorized in section 3139 of the National Defense Authorization Act for Fiscal Year 1997.

The Senate recedes with a clarifying amendment.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Memorandum of understanding for use of national laboratories for Ballistic Missile Defenses programs (sec. 3131)

The House bill contained a provision (sec. 3131) that would establish a program within the Department of Energy weapons laboratories for the purpose of assisting the Department of Defense in the testing and development of a ballistic missile defense program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Energy and the Secretary of Defense to enter into a memorandum of understanding as to how the Department of Energy national laboratories could be utilized more fully to support the ballistic missile defense program.

Defense environmental management privatization projects (sec. 3132)

The Senate amendment contained a provision (sec. 3131) that would establish criteria for the initiation of Department of Energy Defense Environmental Management Privatization contracts.

The provision would prohibit the Department from incurring any contractual obligations for a privatization contract until 30 days after the date on which the Department submits to the congressional defense committees a report on that privatization project that describes the Department's anticipated contractual commitments for such project, the cost of the proposed project versus the baseline cost, any assumptions underlying cost savings estimates, and a discussion of the Department's plans to maintain financial and programmatic accountability under such contracts.

The provision would direct the Department to report on the Secretary's ability to enter into privatization contracts in the absence of sufficient appropriations to meet obligations under such contracts.

The House bill contained a provision (sec. 3145) that would place similar restrictions on the tank waste remediation system project.

The House recedes with an amendment that would provide the Secretary discretionary authority to use a privatization contract to carry out a project for which funds are authorized pursuant to section 3102 of this Act. The provision would also require the Department of Energy to provide a detailed justification and analysis of the comparative costs to the United States of constructing two nuclear waste vitrification plants under the tank waste remediation system project, should the Secretary of Energy choose to do so.

The conferees direct the Secretary of Energy to examine and report to the congressional defense committees on the Department's authority to create an escrow account to offset any reasonably foreseeable costs to the government that may arise if any privatization contracts are canceled or terminated for the convenience of the government. The report should also recommend any legislation needed to eliminate any potential conflicts arising from the anti-deficiency provisions found in section 3191 of title 31, United States Code.

International cooperative stockpile stewardship programs (sec. 3133)

The Senate amendment contained a provision (sec. 3132) that would prohibit the Department of Energy (DOE) from pursuing cooperative stockpile stewardship and management activities with certain nations.

The House bill contained no similar provision.

The House recedes.

The conferees remain concerned that initiation of an ongoing international cooperative stockpile stewardship and management program could have unintended detrimental effects on U.S. national security interests. This provision would extend for one year the prohibition established by section 3138 of the National Defense Authorization Act for Fiscal Year 1997. The intent of this provision is to prohibit establishment of a permanent program of international cooperative stockpile stewardship, with an exception for activities that might be undertaken with the United Kingdom and France. The provision would not apply to activities carried out by DOE under cooperative threat reduction programs with nations of the former Soviet Union, or to the Department of Energy materials protection, control, and accounting or the initiatives for proliferation prevention programs. The prohibition would apply to all other DOE activities, including but not limited to laboratory directed research and development funds.

The conferees do not intend this prohibition to prevent the President's ability to respond to developments which might threaten the national security of the United States. The conferees believe that the President has sufficient flexibility to address such specific incidents should they arise and the provision would not prohibit such action.

Modernization of enduring nuclear weapons complex (sec. 3134)

The House bill contained a provision (sec. 3101) that would provide an increase of $85.0 million for the Department of Energy's (DOE) stockpile management program to be used for weapons production plants infrastructure upgrades and the Stockpile Life Extension, Enhanced Surveillance, and Advanced Development Programs carried out at DOE production plants.

The Senate amendment contained a provision (sec. 3133) that would provide an additional $15.0 million to support modernization efforts being carried out at the Department of Energy's four nuclear weapons production plants (Pantex, Kansas City, Y–12, and Savannah River). The provision would require the Department to submit, not later than 30 days after enactment of this provision, a report describing the Department's plans to allocate the funds authorized by this section and the relevance of each allocation to implementing the decisions in the Final Programmatic Environmental Impact Statement for Stockpile Stewardship and Management. The funds authorized for this activity could not be obligated until 30 days after the congressional defense committees receive the Department's proposed allocation report as required by this provision.

The House recedes with an amendment that would increase funding for the stockpile management account to provide an additional $85.0 million for these activities.

The conferees direct that the funds be allocated as follows: $25.0 million for the Pantex Plant for basic infrastructure needs including roof repair, electric power service upgrades, steam and condensate piping upgrades, fire enunciation systems, and Enhanced Surveillance Program activities; $25.0 million for the Kansas City Plant for basic infrastructure needs including roof repair, installation of advanced manufacturing equipment, and Advanced Manufacturing Program activities; and $35.0 million for the Y–12 plant for basic infrastructure needs, W-87 work load requirements, Advanced Manufacturing Program activities, and Stockpile Life Extension Program activities. Of the amounts made available by this provision, not more than five percent shall be allocated collectively to management overhead, program direction, and technical budgetary, accounting, and other analytical support to the DOE. The remainder shall be expended by the four production plants exclusively for the programs described.

The conferees concur with the Department's goal to implement advanced manufacturing technology at DOE plants and laboratories to improve production efficiencies and maintain core competencies within the DOE nuclear weapons production complex. The conferees understand that such modernization upgrades will require coordination among the four production plants and the three design laboratories.

The conferees remain concerned with the Department's plans to maintain the capability and capacity to refurbish and, when necessary, remanufacture nuclear weapons components in the Nation's nuclear weapons stockpile. The committee is concerned that the Department may be overly relying on new, "science-based" stockpile stewardship and management approaches at the risk of losing manufacturing capabilities and expertise.

The conferees are deeply troubled that the Department has failed to meet fully the intent of section 3137 of the National Defense Authorization Act for Fiscal Year 1996 and section 3132 of the National Defense Authorization Act for Fiscal Year 1997 calling for modernization of the four nuclear weapons production plants.

The conferees believe that the Department did not fully meet the requirements or intent of these sections and related guidance provided in conference reports accompanying these Acts and the 1996 and 1997 Energy and Water Development Appropriations Acts. The conferees note that the General Accounting Office has identified certain Nuclear Weapons Stockpile Memorandum requirements that may not be met by the Department due to insufficient resources being allocated to the four traditional production plants. The conferees believe that the manufacturing facilities must be modernized as directed in the National Defense Authorization Act for Fiscal Year 1996 and the National Defense Authorization Act for Fiscal Year 1997, or these problems will continue.

Tritium production (sec. 3135)

The Senate amendment contained a provision (sec. 3134) that would make available $262.0 million for the Department of Energy (DOE) tritium production program. The provision would require DOE to select a tritium production technology not later than June 30, 1998. The provision would also prohibit the Department from obligating funds appropriated or otherwise made available pursuant to this Act for exploration of any tritium production technology option, other than those being examined under the Department's "dual track" approach, until July 30, 1998, or 30 days after such time that the Department selects a preferred technology option, whichever comes later. The provision would also require the Secretary of Energy to submit a report describing for each technology option any regulatory barriers, licensing difficulties, potential for production rate variability, scientific benefits, revenue generation and other ancillary benefits.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Department of Energy to select a tritium production technology not later than December 31, 1998.

The conferees continue to believe that the Department can move faster to select a preferred technology option and acquire a permanent new tritium production source capable of meeting the requirements of the Nuclear Weapons Stockpile Memorandum, which identifies a new tritium production date in the year 2005 in the case a reactor option is selected and 2007 if an accelerator option is selected. While the conferees recognize that future tritium requirements could change if the United States enters into treaties that reduce the numbers of strategic and tactical nuclear weapons, the production capacity that the United States will need to maintain at START I and START II levels will remain essentially constant.

Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site (sec. 3136)

The Senate amendment contained a provision (sec. 3135) that would make available an additional $47.0 million above the budget request for the F-canyon and H-canyon facilities to accelerate the stabilization of legacy materials at the Savannah River Site. The provision would further require that the Secretary of Energy maintain a high state of readiness of the F-canyon and H-canyon facilities.

The House bill contained no similar provision.

The House recedes.

The conferees note that the House bill recommended $41.0 million for similar activities.

Limitations on use of funds for laboratory directed research and development purposes (sec. 3137)

The Senate amendment contained a provision (sec. 3136) that would modify section 3136 of the National Defense Authorization Act for Fiscal Year 1997 by requiring the annual report on uses of Laboratory Directed Research and Development (LDRD) funds be provided to the congressional defense committees not later than February 1 of each year. The provision would also prohibit the Department of Energy (DOE) from obligating more than 30 percent of the funds appropriated or otherwise made available to the DOE in fiscal year 1998 for LDRD programs until the Department submits the annual report for fiscal year 1997.

The provision would limit the use of funds appropriated or otherwise made available to the DOE under section 3101 of this Act to LDRD and technology transfer activities that support the weapons activities of the Department. The provision would similarly limit use of funds appropriated or otherwise made available to the DOE under section 3102 of this Act to those activities that support the environmental restoration, waste management, or materials stabilization activities of the Department.

The provision would require the Department to include in the fiscal year 1998 annual report an assessment of the funding required to carry out an effective LDRD program, including any recommendations for the percentage of funds that should be provided to the National Laboratories for LDRD activities by the Federal Government.

The House bill contained no similar provision.

The House recedes.

The conferees recognize that programs such as LDRD are essential to maintaining the core competencies of the National Laboratories. The conferees will assess the Department's recommendations regarding the appropriate percentage of funds to be provided to this program in conjunction with any existing or future restrictions that might be considered for this program.

Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets (sec. 3138)

The Senate amendment contained a provision (sec. 3140) that would permit the Secretary of Energy to establish a pilot program to promote the sale of certain real and personal property surplus to the needs of the Federal government and allow the Department of Energy (DOE) to retain in the DOE defense Environmental Restoration and Waste Management accounts 50 percent of the net proceeds from such sales. The retained funds would be available for use, subject to appropriation acts, in the Environmental Restoration and Waste Management programs. The provision would authorize the Department to initiate six asset disposition pilots and would permit the Department to deduct costs associated with preparing the asset for sale prior to calculating the net proceeds from the sale.

The House bill contained no similar provision.

The House recedes with an amendment that would make clear that all net proceeds from sales under the pilot program would not be retained by the Department of Energy, but instead would be returned to the Treasury as miscellaneous receipts.

Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel (sec. 3139)

The House bill contained a provision (sec. 3144) that would extend through fiscal year 1999 the authority of the Secretary of Energy to appoint certain scientific, engineering, and technical personnel to positions within the Department without regard to the provisions governing the appointments in the competitive service, and General Schedule classification schedules and pay rates contained in title 5, United States Code.

The Senate amendment contained a similar provision (sec. 3152) that would also repeal the requirement for the Administrator of the Environmental Protection Agency to submit a report to Congress on the effects of this hiring authority on the cleanup carried out at sites listed on the National Priorities List (also known as "Superfund" sites).

The House recedes.

Limitation on use of funds for subcritical nuclear weapons tests (sec. 3140)

The House bill contained a provision (sec. 3146) that would require the submission of a detailed report on the manner in which funds available to the Secretary of Energy for fiscal years 1996 and 1997 to conduct subcritical experiments were used. The provision would prohibit the Secretary from using any funds authorized in fiscal year 1998 to conduct subcritical experiments until 30 days after receipt of such report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary to conduct subcritical experiments prior to submittal of the report, if the Secretary determines that it is in the national security interests of the United States to do so. While the conferees strongly support these tests, they are concerned that over $100.0 million has apparently been spent with only two tests completed.

Limitation on use of certain funds until future use plans are submitted (sec. 3141)

The House bill contained a provision (sec. 3147) that would limit the ability of the Secretary of Energy to spend funds authorized for the Office of Policy and Management within the defense environmental management program until the draft future use plans and the final future use plans required under section 3153(f) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) are submitted.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary to identify an alternative date for individual site plans if the Secretary finds that a site cannot meet the current due date of March 15, 1998 for submittal of its final future use plan.

Subtitle D—Other Matters

Plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile (sec. 3151)

The House bill contained a provision (sec. 3141) that would require the Secretary of Energy to report annually on the Department of Energy (DOE) plan for the Stockpile Stewardship and Management Program. The report would describe the status and condition of the U.S. nuclear weapons stockpile, based on the requirements set forth in the Nuclear Weapons Stockpile Memorandum. This report would be submitted in both a classified and unclassified form and would be provided in lieu of a number of other reporting requirements which have been superseded and would be repealed by this section.

The Senate amendment contained a similar provision (sec. 3153).

The Senate recedes with an amendment that would consolidate the repeal of obsolete reporting requirements in a separate section in Title XXXI of this Act.

Repeal of obsolete reporting requirements (sec. 3152)

The House bill contained a provision (sec. 3142) that would repeal a number of obsolete reporting requirements.

The Senate amendment contained a similar provision (sec. 3155).

The House recedes.

Study and funding relating to implementation of workforce restructuring plans (sec. 3153)

The House bill contained a provision (sec. 3143) that would modify and repeal selected provisions of section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). The provision would eliminate the authority of the Department of Energy (DOE) to make assistance grants without approval by the Secretary of Commerce and the Secretary of Labor, as appropriate; reduce from 120 days, to 90 days the applicable notice periods provided to employees to be separated; allow DOE to fund the program from available unobligated balances; and require a study by an outside auditor to assess the costs and benefits provided by this program since its inception.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date of the required report from January 1, 1998 to March 31, 1998; restore the direction in current law for a 120-day waiting period prior to implementation of a separation plan; modify the requirement for the Secretaries of Commerce and Labor to approve grants; and eliminate the use of uncosted balances to offset the fiscal year 1998 budget for worker transition activities.

The conferees note that the direction found in section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) to give contract employees at DOE sites a 120-day waiting period prior to separations of large numbers of employees is a target only. The conferees further note current law mandates only a 60-day waiting period prior to large separations. The conferees encourage the Secretary of Energy and the Secretary of Defense to identify and seek to make available to the auditing firm conducting the study any relevant documents in the possession of other federal agencies. In encouraging access to all relevant documents, the conferees do not anticipate any document that could interfere with or jeopardize any ongoing investigation of the DOE Office of Inspector General or other federal agencies would be made available.

Plan for external oversight of national laboratories (sec. 3154)

The House bill contained a provision (sec. 3148) that would require the Secretary of Energy to develop a plan for the external oversight of the national laboratories. The plan would provide for the establishment of an external oversight committee comprised of representatives of industry and academia for the purpose of making recommendations to the Secretary of Energy and to the congressional defense committees on the productivity of the laboratories and on the excellence, relevance, and appropriateness of the research conducted at the laboratories. The plan also would provide for the establishment of a competitive peer review process for funding basic research at the laboratories.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to prepare a report on existing and potential new external oversight practices at the national laboratories. The report would be due not later than July 1, 1999, and would include any recommendations from the Secretary and a plan to implement such recommendations.

University-based research collaboration program (sec. 3155)

The House bill contained a provision (sec. 3149) that would require the Secretary of Energy to establish a university-based research center to coordinate the collaboration among national laboratories, universities and industry in support of scientific and engineering advancement in key Department of Energy defense program areas.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to establish a university-based collaborative program to coordinate national laboratory, university, and industry cooperation in support of scientific and engineering advancement in key Department of Energy defense program areas.

Stockpile stewardship program (sec. 3156)

The House bill contained a provision (sec. 3150) that would provide that, as a matter of U.S. policy, the Department of Energy stockpile stewardship program shall be conducted in conformity with the Non-Proliferation Treaty and the Comprehensive Test Ban Treaty, if and when that treaty enters into force. The provision would also state that it is the policy of the United States to conduct a stockpile stewardship and management program to ensure the safety, security, effectiveness, and reliability of the U.S. nuclear weapons stockpile, consistent with U.S. national security requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Reports on advanced supercomputer sales to certain foreign nations (sec. 3157)

The House bill contained a provision (sec. 3151) that would require companies that participate in the Department of Energy Accelerated Strategic Computing Initiative (ACSI) program to report to the Secretary of Energy and the Secretary of Defense, on a quarterly basis, the sale of each computer that exceeds an operating speed of 2,000 million theoretical operations per seconds (MTOPs) in which a Tier III country is the purchaser. The provision would require the Secretary of Energy to provide an annual report to Congress on the sales of computers in excess of 2,000 MTOPs by companies participating in the ACSI program the preceding year.

The Senate amendment contained no similar provision.

The Senate recedes.

Transfers of real property at certain Department of Energy facilities (sec. 3158)

The House bill contained a provision (sec. 3152) that would direct the Secretary of Energy to issue guidelines for the sale or lease of real or personal property at Department of Energy (DOE) defense nuclear facilities. The provision would also provide the Secretary discretionary authority to grant indemnification for damage to real or personal property from certain activities by DOE on the land to be transferred.

The Senate contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to issue regulations governing the sale or transfer of land at DOE defense nuclear facilities that is excess to DOE needs. The regulations should address when it is appropriate for the Department to transfer or lease real property below fair market value or at fair market value. The DOE should look for guidance from the regulations issued by the Department of Defense governing transfers at closing military bases.

Such leases and transfers would take place to enhance economic redevelopment and reuse activities in the local communities surrounding DOE defense facilities. As the DOE downsizes and closes facilities, many of the local communities in the vicinity of a DOE facility will need assistance to transition away from a local economy focused largely on DOE activities, to one based on private sector or other, non-DOE, federal activities.

The amendment would also provide discretionary authority to the Secretary to indemnify transferees of real property at DOE defense nuclear facilities. This provision would establish procedures that are similar to authorities provided to the Secretary of Defense at closing military bases by section 330 of the National Defense Authorization Act for Fiscal Year 1993. The conferees urge the Secretary to exercise the discretionary authority provided under this title only when it is deemed essential for the purposes of facilitating local reuse or redevelopment.

Requirement to delegate certain authorities to site manager of Hanford Reservation (sec. 3159)

The House bill contained a provision (sec. 3153) that would modify section 3173(b) of the National Defense Authorization Act for Fiscal Year 1997 by making delegation of authority to the manager of the Hanford Reservation in Richland, Washington, described in that section, mandatory rather than discretionary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the mandatory transfer of authority to a period of one year.

Submittal of biennial waste management reports (sec. 3160)

The Senate amendment contained a provision (sec. 3154) that would amend section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 104–360) by changing the future date for the next biennial Baseline Environmental Management Report to 1999, rather than 1997.

The House bill contained no similar provision.

The House recedes.

Board on security functions of Department of Energy (sec. 3161)

The Senate amendment contained a provision (sec. 3156) that would establish a commission to review the sufficiency of Department of Energy (DOE) nuclear weapons and materials safeguards and security programs. This commission would review threat determinations and assumptions, relevant DOE orders, and other requirements governing safeguards and security of nuclear weapons, weapons components, nuclear materials, and sensitive nuclear weapons information at DOE facilities. The commission would report its findings and any recommendations to the Secretary of Energy and congressional defense committees not later than February 15, 1998.

The House bill contained no similar provision.

The House recedes with an amendment that would create a permanent Department of Energy Safeguards and Security Oversight Board to review and assess the DOE safeguards and security program. The Board would be comprised of the DOE Secretary, Assistant Secretary for Defense Programs, Assistant Secretary of Environment, Safety and Health, Director of Non-proliferation and National Security, Director of Field Management, and five additional members, who are not employees of the Department of Energy or its contractors, to be appointed as follows: three by the Secretary of Defense, one by the Director of Central Intelligence, and one by the Director of the Federal Bureau of Investigation.

Submittal of annual report on status of security functions at nuclear weapons facilities (sec. 3162)

The Senate amendment contained a provision (sec. 3156) that would establish a commission to review the sufficiency of Department of Energy nuclear weapons and materials safeguards and security programs. The provision would require the commission to report annually to the Congress on its activities and findings.

The House bill contained no similar provision.

The conferees agree to include a new provision that would direct the Secretary of Energy to submit to the congressional defense committees the annual report to the President on the Status of Safeguards and Security of Domestic Nuclear Weapons Facilities. For fiscal years 1998 through 2000, the Secretary would include with the annual report any comments from individual members of the Department of Energy Safeguards and Security Oversight Board.

Modification of authority on commission on maintaining United States nuclear weapons expertise (sec. 3163)

The Senate amendment contained a provision (sec. 3157) that would extend by one year the due date for the report to be prepared by the Commission on Maintaining United States Nuclear Weapons Expertise. The provision would amend section 3162 of the National Defense Authorization Act for Fiscal Year 1997, which established the Commission. The provision would permit the Senate Majority Leader to designate a chairman of the Commission, after consultation with the Speaker of the House of Representatives, upon appointment of the fifth member of the Commission. The provision would allow the Commission to begin its work when a chairman is appointed. The provision would also extend the due date for the Commission's report from March 15, 1998 to March 15, 1999.

The House bill contained no similar provision.

The House recedes with an amendment that would permit the Majority Leader of the Senate to appoint a chairman after January 1, 1998.

Land transfer, Bandelier National Monument (sec. 3164)

The Senate amendment contained a provision (sec. 3158) that would direct the Secretary of Energy to transfer ownership of approximately 4.5 acres of land at the Department of Energy's Los Alamos National Laboratory site in Los Alamos County, New Mexico, to the Department of the Interior.

The House bill contained no similar provision.

The House recedes.

The Department of the Interior constructed and manages sewage lagoons on this parcel of land. The transfer would allow the Department of the Interior to manage the lagoons in a more efficient manner.

Final settlement of Department of Energy community assistance obligations with respect to Los Alamos National Laboratory, New Mexico (sec. 3165)

The Senate amendment contained a provision (sec. 3160) that would require the Department of Energy (DOE) to identify and transfer to the County of Los Alamos and the Secretary of the Interior, in trust for the Pueblo San Ildefonso, those lands that are part of the Los Alamos National Laboratory that are surplus to the needs of the Federal government. The provision establishes time deadlines for DOE to identify and report to Congress on the recommended parcels of land to be transferred, to conduct title searches on the parcels, to complete environmental impact assessments, and to transfer title or administrative control of the land. The provision would prohibit the Department from making any further assistance payments under sections 91 and 94 of the Atomic Energy Community Act of 1955 to county or city governments in the vicinity of the Los Alamos National Laboratory.

The House bill contained no similar provision.

The House recedes with clarifying amendments.

Sense of Congress regarding the Y-12 Plant in Oak Ridge, Tennessee (sec. 3166)

The Senate amendment contained a provision (sec. 3161) that would designate the Department of Energy Y-12 plant in Oak Ridge, Tennessee as the National Prototype Center.

The House bill contained no similar provision.

The House recedes with an amendment that would express a sense of Congress that the Y-12 plant should serve as a national prototype center.

Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico (sec. 3167)

The Senate amendment contained a provision (sec. 3162) that would authorize the Department of Energy (DOE) to make a $5.0 million payment to a not-for-profit education foundation in the area around the Los Alamos National Laboratory to enrich educational activities of the local school system. DOE contributions to this foundation would be used to establish a fund, the corpus of which would remain in trust and the annual revenue used to support the local school system.

The House bill contained no similar provision.

The House recedes with an amendment that would require the DOE to report on how such payments would be terminated not later than September 2002 and how such payments will satisfy the Department's full obligation to provide education assistance to the local school system.

The conferees expect that the Secretary of Energy will make no more than five total annual payments to this fund for a total contribution of $25.0 million. The conferees further expect that upon completion of the final payment, all such DOE assistance to the local school system will have been provided.

Improvements to Greenville Road, Livermore, California (sec. 3168)

The Senate amendment contained a provision (sec. 3163) that would authorize the Department of Energy to pay $3.5 million and $3.8 million in fiscal years 1998 and 1999, respectively, for improvements to Greenville Road, a road which abuts the Lawrence Livermore National Laboratory in Livermore, California.

The House bill contained no similar provision.

The House recedes with an amendment that would decrease the payment authorized to be made in fiscal year 1999 from $3.8 million to $3.3 million, consistent with the Department's request.

The conferees agree with the Department's proposal to collect these funds from indirect charges at the two laboratories located at the Livermore Site, Lawrence Livermore National Laboratory and Sandia National Laboratory-Livermore. These payments will constitute the final contribution from the Department of Energy to this project.

Report on alternative system for availability of funds (sec. 3169)

The Senate amendment contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses or for plant and capital equipment to remain available until expended.

The House bill contained no similar provision.

The conferees agree to include a new provision that would direct the Secretary of Energy to submit to the congressional defense committees a report setting forth a proposal to bring the Department of Energy (DOE) more closely into line with other federal agencies. In preparing the report, the Secretary is instructed to look carefully at all of the DOE national security program funds and determine the length of time, by account, the funds should be available for obligation. The conferees expect the plan would be incorporated into the President's budget request for fiscal year 2000.

Report on remediation under the Formerly Utilized Sites Remedial Action Program (sec. 3170)

The Senate amendment contained a provision (sec. 3138) that would require the Secretary of Energy to prepare a report on the progress, costs, and liability issues associated with remediation activities carried out pursuant to the Formerly Utilized Sites Remedial Action Program. The report would be due not later than March 1, 1998.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on proposed contract for Hanford tank waste vitrification project

The House bill contained a provision (sec. 3145) that would require prior notice to the congressional defense committees before entering into a contract for the Hanford tank waste vitrification project. The provision would also require the submission of a detailed report describing the activities to be carried out under the contract, the contractual and financial aspects of the contract, and an analysis of the cost to the United States of the proposed contract over the life of the project.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to include the substance of this provision in another section in Title XXXI of this Act dealing with defense environmental management privatization projects.

Defense environmental management privatization

The Senate amendment contained a provision (sec. 3104) that would authorize $274.0 million for the Defense Environmental Management Privatization program.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize funding for these projects in section 3102 of this Act.

Tritium production in commercial facilities

The Senate amendment contained a provision (sec. 3139) that would amend section 91 of the Atomic Energy Act (AEA) to authorize the Secretary of Energy to produce tritium for defense-related purposes in a commercial nuclear power reactor.

The House bill contained no similar provision.

The Senate recedes.

Tritium gas, an isotope of hydrogen, is an essential ingredient in all modern nuclear weapons. Tritium has a radioactive half life of 12.3 years, and decays at a rate of five percent per year. As a result, the tritium in weapons in the U.S. nuclear weapons stockpile must be replaced periodically. Based on current projections of the size of the U.S. nuclear weapons stockpile, recycling tritium from weapons eliminated from the stockpile cannot fulfill this requirement.

In December 1995, the Department of Energy announced its dual-track strategy for new tritium production. Utilizing the dual-track strategy since that time, the Department has been pursuing the two most promising tritium production technologies: (1) the purchase of an operating or partially complete commercial light-water reactor, or lease of a completed reactor, or the purchase of irradiation services from the owner or operator of such a reactor; and (2) the design, construction, and testing of critical components of a proton accelerator system for the production of tritium. The dual-track strategy will enable the Department to select a primary option for tritium production by December 1998, consistent with current Department of Defense and nuclear weapons stockpile requirements, policy, and life-cycle cost budgetary considerations. The option not selected would serve as a backup capability in the event of technical or other difficulties.

Over the last 19 months, DOE has gained increased confidence in the abilities of both options to produce an assured supply of tritium.

The accelerator program has made significant advances through the use of superconducting and other design concepts to reduce the cost and technical risks that have been identified in conjunction with the accelerator. The commercial light water reactor program has also made significant progress in designing and producing tritium target rods. In the fall of 1997, DOE will place these tritium target rods in a commercial reactor in an effort to demonstrate the safety and reliability of tritium production in a light water reactor.

Each track has additional uncertainties that must be addressed and answered to enable the Department to make its primary tritium production decision by December 1998.

The conferees agreed to withdraw the proposed amendment to the AEA in order to allow a full and robust debate on the policy and legal implications of producing tritium for nuclear weapons in a commercial nuclear facility. While questions exist as to whether or not current law prohibits production of tritium in a commercial facility, and because concerns have been raised regarding the effect that a decision to produce tritium in this manner would have on U.S. non-proliferation strategy, the conferees believe the policy, legal, and regulatory issues that have been raised must be addressed in a comprehensive manner prior to passage of any amendments to facilitate such a choice.

The commercial reactor track contains many sub-options for tritium production. As a practical matter, each of the different reactor sub-options has different legal and policy issues associated with it. The conferees believe that it would be helpful to the effort to secure necessary legislative changes if DOE could identify the preferred commercial reactor sub-option in advance of the final tritium production technology decision, preferably by March 1, 1998.

The conferees believe that it is essential for DOE to identify and assess any policy issues associated with the various reactor sub-options in conjunction with other federal agencies including the Nuclear Regulatory Commission, the Department of Defense, and the Department of State arms control offices. The conferees direct the Secretary of Energy to utilize a senior level, interagency process to review and assess the issues associated with the commercial reactor option. This assessment should be completed before DOE identifies a preferred reactor sub-option.

The conferees request the DOE propose to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, by March 15, 1998, any legislation necessary to resolve the issues associated with either of the dual-track production technologies. This would allow the legislation to be in place in advance of the DOE's final decision in December 1998. The conferees expect the Secretary of Energy to include full funding to continue to evaluate each tritium production technology in the dual-track strategy. The conferees will continue to work closely with DOE to gain the knowledge necessary to address and resolve issues associated with the dual-track tritium production technologies in order to allow the Department to select the tritium production option that best meets U.S. policy, national security and budgetary requirements.

Administration of certain Department of Energy activities

The Senate amendment contained a provision (sec. 3151) that would amend sections 501 and 624 of the Department of Energy Organization Act and repeal section 17 of the Federal Energy Act. This provision would bring the Department of Energy (DOE) under the full scope of the Federal Advisory Committee Act and would bring DOE under the full scope of the Administrative Procedure Act when issuing regulations dealing with public property, loans, grants, or contracts.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that this provision was enacted into law by "The Department of Energy Standardization Act of 1997" (Public Law 105-28).

Participation of the national security activities in Hispanic Outreach Initiative of the Department of Energy

The Senate amendment contained a provision (sec. 3159) that would direct the Secretary of Energy to ensure the adequate participation of the Department of Energy (DOE) national security activities in the National Hispanic Outreach Initiative.

The House bill contained no similar provision.

The Senate recedes.

The Secretary of Energy has established, for each DOE program element, participation goals to utilize Hispanic and other predominately or historically minority institutions, in carrying out DOE missions. The defense programs have not participated in a meaningful way in the Hispanic portions of the initiative.

The initiative was announced by the DOE with much fanfare and yet, particularly in northern New Mexico, there has been little indication that DOE is working to fulfill its promises to utilize more fully Hispanic institutions in carrying out defense program missions. The conferees encourage the Secretary of Energy to seek uniform participation in this initiative.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Overview

The budget request for fiscal year 1998 contained an authorization of $17.5 million for the Defense Nuclear Facilities Safety Board. The House bill would authorize $17.5 million. The Senate amendment would authorize $17.5 million. The conferees recommended an authorization of $17.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

LEGISLATIVE PROVISIONS ADOPTED

Report on external regulation of defense nuclear facilities (sec. 3202)

The House bill contained a provision (sec. 3202) that would require the Defense Nuclear Facilities Safety Board (DNFSB) to develop a plan, in consultation with the Secretary of Energy and the Nuclear Regulatory Commission (NRC), for the transfer of DNSFB's functions to the NRC.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Board to submit a report recommending which facilities should be retained under the jurisdiction of the Board and which facilities should be transferred to an external regulatory agency; require the Board to assess regulatory requirements and jurisdictional issues surrounding the defense environmental management privatization initiative and the proposed commercial light water reactor option for tritium production; remove the repeal of section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272); and require the Board to submit an interim report within 6 months of the date of enactment of this section and a final report within 12 months.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS ADOPTED

Definitions (sec. 3301)

The Senate amendment contained a provision (sec. 3301) defining the National Defense Stockpile and National Defense Stockpile Transaction Fund as those which are established under the Strategic and Critical Materials Stock Piling Act.

The House bill contained no similar provision.

The House recedes.

Authorized uses of stockpile funds (sec. 3302)

The House bill contained a provision (sec. 3301) that would authorize $73.0 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 1998. This provision would also permit the use of additional funds for extraordinary or emergency conditions after a notification to Congress.

The Senate amendment contained a provision (sec. 3302) that would authorize the Stockpile Manager to obligate $60.0 million from the National Defense Stockpile Transfer Fund during fiscal year 1998 for the authorized uses of funds under section 9(b)(2) of the Strategic and Critical Materials Stockpiling Act.

The Senate recedes.

Disposal of beryllium copper master alloy in National Defense Stockpile (sec. 3303)

The House bill contained a provision (sec. 3302) that would authorize the Department of Defense to dispose of all beryllium copper master alloy from the National Defense Stockpile, contingent upon certification by the National Defense Stockpile Manager that any disposal of this material will not adversely affect the strategic and critical material needs of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Disposal of titanium sponge in the National Defense Stockpile (sec. 3304)

The House bill contained a provision (sec. 3303) that would authorize the Department of Defense to dispose of 34,800 short tons of titanium sponge in the National Defense Stockpile.

The Senate amendment contained a provision (sec. 3303) that would authorize the disposal of several materials from the National Defense Stockpile including titanium sponge.

The Senate recedes.

Disposal of cobalt in National Defense Stockpile (sec. 3305)

The Senate amendment contained a provision (sec. 3303) that would authorize the Department of Defense to dispose of 20 materials from the National Defense Stockpile and would establish specific revenue targets that the Secretary of Defense must meet in the disposal of these materials.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the disposal of up to 14,058,014 pounds of cobalt, beginning in fiscal year 2003, and would require specific revenue targets for this disposal each year until fiscal year 2007 in order to offset direct spending provisions elsewhere in this Act.

Required procedures for disposal of strategic and critical materials (sec. 3306)

The House bill contained a provision (sec. 3306) that would amend section 6(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(b)) to clarify the procedures used by the Department of Defense for the sale of materials from the National Defense Stockpile.

The Senate amendment contained no similar provision.

The Senate recedes.

Return of surplus platinum from the Department of the Treasury (sec. 3307)

The House bill contained a provision (sec. 3304) that would establish conditions for the transfer of platinum contained in the National Defense Stockpile to the United States Treasury for minting of platinum coins.

The Senate amendment contained a provision (sec. 3304) that would require any platinum contained within the National Defense Stockpile and loaned by the Department of Defense to the Department of Treasury to be made available to the Department of Defense upon request of the Secretary of Defense.

The House recedes with an amendment that would preclude the expenditure of any funds available to the Department of Defense for the transfer of any platinum to the Treasury.

LEGISLATIVE PROVISIONS NOT ADOPTED

Restrictions on disposal of certain manganese ferro

The House bill contained a provision (sec. 3305) that would repeal section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), which placed restrictions on the disposal of Manganese Ferro from the National Defense Stockpile.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS ADOPTED

Price requirement on sale of certain petroleum during fiscal year 1998 (sec. 3402)

The House bill contained a provision (sec. 3402) that would require the Secretary of Energy to sell petroleum produced for the Naval Petroleum Reserves at not less than 90 percent of established prices.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves (sec. 3403)

The House bill contained a provision (sec. 3403) that would repeal section 2 of Public Law 96-137, which requires the Secretary of the Navy to assign naval officers to the office of Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained a similar provision (sec. 3403).

The House recedes.

Transfer of jurisdiction, Naval Oil Shale Reserves numbered 1 and 3 (sec. 3404)

The House bill contained a provision (sec. 3404) that would transfer the jurisdiction of the Naval Oil Shale Reserves Numbered one and three to the Department of the Interior and for lease pursuant to the provisions of the Mineral Leasing Act, which would provide for the sharing of the revenues between the State of Colorado and the Federal Treasury.

The Senate amendment contained a similar provision (sec. 3402) that would authorize the lease of these reserves through the Department of Energy, which would allow 100 percent of the proceeds to be returned to the Federal Treasury.

The Senate recedes with an amendment that would require that the Federal Treasury be reimbursed for all costs incurred by the Federal Government related to these reserves, including costs associated with capital improvements and environmental cleanup, prior to the sharing of any revenues with the State of Colorado.

TITLE XXXV—PANAMA CANAL COMMISSION

Panama Canal Commission (secs. 3501–3550)

The House bill contained provisions (secs. 3501–3504) that would authorize the expenditure of funds by the Panama Canal Commission to cover its operating, maintenance, administrative, and capital improvement expenses, and to purchase vehicles built in the United States. The House bill also contained provisions (secs. 3511–3550) that would give the Commission certain authorities to facilitate the transition of the Canal to Panamanian control in December 1999.

The Senate amendment contained identical provisions (secs. 3501, 3502, 3504–3512, 3523, 3524, 3526, and 3528–3550) and similar provisions (3503, 3521, 3522, 3525, and 3527).

The conferees agree to include a series of provisions that would authorize the operations of the Panama Canal Commission. The provision in the House bill relating to the purchase of vehicles (sec. 3503) required that the vehicles purchased be built in the United States, while the provision in the Senate amendment (sec. 3503) had no such requirement. The provisions in the House bill and Senate amendment relating to the administrator of the Panama Canal Authority (sec. 3521 in both), post-transfer personnel authorities (sec. 3522 in both), recruitment and retention authorities (sec. 3525 in both) and labor-management relations (sec. 3527 in both) differed only technically.

The House recedes with respect to the provision relating to the purchase of vehicles (sec. 3503). The conferees note, however, that the Commission has in the past purchased only vehicles built in the United States and encourage the continuation of that practice.

The House recedes with respect to the provision relating to the administrator of the Panama Canal Authority (sec. 3521), and recedes with technical amendments with respect to the provisions relating to post-transfer personnel authorities (sec. 3522) and labor-management relations (sec. 3527). The Senate recedes with a technical amendment with respect to the provision relating to to enhanced recruitment and retention authorities (sec. 3525).

TITLE XXXVI—MARITIME ADMINISTRATION

Title XXXVI of the House bill contained a number of provisions that would provide authorization for the Maritime Administration and related matters. The conferees resolved these matters through extensive consultations between the House and Senate conferees and the Senate Committee on Commerce, Science, and Transportation, which would normally exercise jurisdiction within the Senate on these matters.

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations for fiscal year 1998 (sec. 3601)

The House bill contained a provision (sec. 3601) that would authorize $109.0 million for fiscal year 1998, as requested in the President's budget, for the United States Maritime Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of obsolete annual report requirement concerning relative cost of shipbuilding in the various coastal districts of the United States (sec. 3602)

The House bill contained a provision (sec. 3602) that would repeal the obsolete requirement for an annual report on the relative cost of shipbuilding in the various coastal districts contained in section 213 of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1123).

The Senate amendment contained no similar provision.

The Senate recedes.

Provisions relating to maritime security fleet program (sec. 3603)

The House bill contained a provision (sec. 3603) that would amend section 656(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1187e(b)) to make clear that it does not restrict the operation or entry of U.S. flag self-propelled tankers in the domestic trades. This provision would also amend section 652(c) of the Merchant Marine Act, 1936, to eliminate the 3-year delay in eligibility to carry certain preference cargoes of vessels that are reflagged as U.S. flag vessels in order to participate in the Maritime Security Fleet Program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 652(c) of the Act to exempt a vessel from the restrictions concerning the building, rebuilding, or documentation of a vessel in a foreign country referred to in section 901(b) of the Act, 1936 (46 U.S.C. App. 1187a(c)) for any day the operator of the vessel is receiving payments under an operating agreement under the subtitle.

Authority to utilize replacement vessels and capacity (sec. 3604)

The House bill contained a provision (sec. 3604) that would amend section 653(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1187b(d)(1)), to authorize a U.S. flag operator to utilize a foreign flag replacement vessel for a U.S. flag vessel that is activated by the Secretary of Defense under the terms of an Emergency Preparedness Agreement or other primary sealift readiness program approved by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to convey National Defense Reserve Fleet vessel (sec. 3605)

The House bill contained a provision (sec. 3605) that would authorize the Secretary of Transportation to convey a surplus National Defense Reserve Fleet vessel to the Artship Foundation, a non-profit organization located in Oakland, California.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two required conditions to the terms of conveyance.

Determination of gross tonnage for purposes of tank vessel double hull requirements (sec. 3606)

The House bill contained a provision (sec. 3606) that would stop an industry practice of reducing the gross tonnage of single-hull tank vessels in order to delay the phase-out date of the vessels under the Oil Pollution Act of 1990.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the circumstances under which the House provision would apply.

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
JOEL HEFLEY,
JIM SAXTON,
STEVE BUYER,
TILLIE K. FOWLER,
JOHN M. MCHUGH,
JAMES M. TALENT,
TERRY EVERETT,
(except for sections 355, 356, and 358–367),
ROSCOE G. BARTLETT,
HOWARD "BUCK" MCKEON,
RON LEWIS,
J.C. WATTS, Jr.,
SAXBY CHAMBLISS,
BOB RILEY,

Ike Skelton,
Norman Sisisky,
John M. Spratt, Jr.,
(except for the increase over the President's request for research and development of a space-based laser and the statement of managers on this program),
Solomon P. Ortiz,
Owen Pickett,
Gene Taylor,
Neil Abercrombie,
Martin T. Meehan,
Jane Harman,
Paul McHale,
Patrick J. Kennedy,
Rod Blagojevich,
Vic Snyder,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Porter J. Goss,
Jerry Lewis,
Norm Dicks,

As additional conferees from the Committee on Commerce for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference:

Tom Bliley,
Dan Schaefer,

Provided that Mr. Oxley is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment:

Michael G. Oxley,

Provided that Mr. Bilirakis is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment:

Mike Bilirakis,

Provided that Mr. Tauzin is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of section 1064 of the Senate amendment.

Billy Tauzin,

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 374, 658, and 3143 of the House bill, and sections 664 of the Senate amendment, and modifications committed to conference:

Bill Goodling,
Harris W. Fawell,
Loretta Sanchez,

Provided that Mr. Riggs is appointed in lieu of Mr. Fawell for consideration of section 658 of the House bill and section 664 of the Senate amendment:

Frank Riggs,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference:

Dan Burton,
Stephen Horn,

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference:

William M. Thomas,
Bob Ney,

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference:

Henry J. Hyde,
Lamar Smith,

As additional conferees from the Committee on Resources for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914 and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference:

Don Young,
Billy Tauzin,

Provided that Mr. Delahunt is appointed in lieu of Mr. Miller of California for consideration of sections 2901–2914 of the House bill, and sections 381-392 of the Senate amendment.

William Delahunt,

As additional conferees from the Committee on Science for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference:

F. James Sensenbrenner,
Jr.,
Ken Calvert,
George E. Brown, Jr.,

Provided that Mr. Rohrabacher is appointed in lieu of Mr. Calvert for consideration of section 1064 of the Senate amendment.

Dana Rohrabacher,

As additional conferees from the Committee on Transportation and Infrastructure for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference:

Bud Shuster,
Wayne T. Gilchrest,
Robert A. Borski,

As additional conferees from the Committee on Veterans' Affairs for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference:

Christopher H. Smith,
Michael Bilirakis,
Joseph P. Kennedy,
Managers on the Part of the House.

Strom Thurmond,
John Warner,
John McCain,
Dan Coats,
Bob Smith,
Dirk Kempthorne,
Jim Inhofe,
Rick Santorum,
Olympia Snowe,
Pat Roberts,
Carl Levin,
Ted Kennedy,
Jeff Bingaman,
John Glenn,
Robert C. Byrd,
Chuck Robb,
Joe Lieberman,
Max Cleland,
Managers on the Part of the Senate.

PRIVILEGES OF THE HOUSE—DISMISSING CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON THE EXPIRATION OF OCTOBER 29, 1997

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 276), pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LaHood). The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 276

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th district of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and has not met since that time; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th district of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th district and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 29, 1997.

□ 1600

The SPEAKER pro tempore (Mr. LAHOOD). The resolution constitutes a question of the privileges of the House, and must be considered at this time.

Pursuant to rule IX, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from California [Mr. THOMAS] will each control 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution which is brought on the privileges of the House is designed to try to bring to a conclusion now the question of whether or not LORETTA SANCHEZ was elected in the 46th District of California.

Mr. Speaker, this contest has been going on now for all of this year and almost 11 months into the proceedings there has not been evidence or proof presented by the committee or the task force which would indicate that Ms. SANCHEZ was not elected by a majority of the people voting in the 46th District in November 1996.

Mr. Speaker, in the last few days, at my request, the Speaker and the chairman of the Committee on House Oversight has submitted a memorandum of understanding that would bring us to a point where we would attempt to bring this case to a close before we finish this year's session of Congress. I must report to the Members that in my view this memorandum of understanding is not acceptable and not appropriate.

Mr. Speaker, it suggests that we turn a whole set of records that have come from the Immigration Service to try to determine if a whole great number of residents of the 46th District, and people outside the 46th District, were registered citizens and legal citizens of the United States and whether they voted in this race, and turn it over to the Secretary of State of California to make a determination as to whether or not everybody who voted was a citizen.

First, let me say that it is totally unacceptable to turn this decision about whether or not this election was valid, and whether LORETTA SANCHEZ was elected, over to the Secretary of State of California. I understand what the Committee on House Oversight may be trying to say. They would like to turn this over to a third party. Unfortunately, the Constitution gives the responsibility and the obligation to the House of Representatives, and only the House of Representatives, to decide and to judge the election of its Members, not to the Secretary of State of California or any other State or any other group or any other body. In fact, the Secretary of State of California has certified Ms. SANCHEZ's election to this body many, many months ago.

Second, I want to reiterate that after almost 11 months of inquiry, the committee has not presented to the House of Representatives, or to the public, facts, proof, evidence which would show that Ms. SANCHEZ was not validly elected in the 46th District of California. The burden of proof is on the contestant. The contestant is the former Member, Bob Dornan.

Mr. Speaker, Bob Dornan made certain representations to the committee. The committee has had these 10 months to look at those representations and to date, no facts, no proof, no evidence has been presented that indicates that Ms. SANCHEZ was not elected or any proof that would indicate that we should look beyond the certification of the State of California that Ms. SANCHEZ was elected.

Third, the procedure that the House Committee on House Oversight majority is suggesting is an unreasonable procedure. If we go forward and agree to a procedure that looks at the citizenship of everyone who votes in any election in the United States, I must tell my colleagues the work of the Congress on any other subject will have to end because we will have to spend all of our time searching through the citizenship papers of everybody who has voted in any certainly close election, maybe in every election, to make sure that everybody who voted was a citizen.

Now, this is maybe a thing we would want to do. I do not think this is the way we want to spend our time. The records of the Immigration Service, and they have said this to the committee, will not indicate on their face whether or not people were actually citizens on the date that they voted. It is not the job of the Immigration Service to produce such information. They do not always have it in each case. That is not their duty. It is not their responsibility.

So if we send to the Secretary of State all of the papers that have been amassed on the however many people that are suspected by somebody of not being citizens on the date the vote was taken, neither the Secretary of State, nor anyone else, can find out from looking at the paper whether or not everybody who voted was a citizen or who they voted for. So, Mr. Speaker, we would be sending off materials to the Secretary of State that could lead to no further conclusion than the committee has been able to reach. Why in God's green Earth would we want to do that?

Mr. Speaker, I am told that the only way we could finally make that determination would be to actually physically go door to door to everybody who is suspected of not being a citizen on the day they voted and making them prove their citizenship. Again, if this is the precedent we are going to follow in any close or contested election in the future, these issues can be raised and we will then have to either go personally or hire people to go and make this kind of a determination over months and months and months of work. And even after all of that is done, we are not sure we are going to know the facts on the citizenship of everybody that voted in a particular race in any particular congressional election.

Finally, Mr. Speaker, let me say that what is going on here is totally unique, unprecedented. It has never been done before in any election contest case. If we send these records off as has been suggested, which I think is totally inappropriate, against the Constitution of the United States, this thing could be going on in May, June, July of next year. It could be going on after the election in 1998.

Now, I appreciate the concern of the majority that we should be concerned that every Member of this House should have validly won their election to come here and represent approximately a half a million people in every district in the country. The most important thing we have to do is to make sure that every one of us got validly elected and that there was not fraud or there was not abuse or there were not inappropriate procedures that went on in an election. That is our responsibility and that is our job and we take it seriously. I know the majority takes it seriously.

But, Mr. Speaker, after 11 months and numerous hearings and thousands of records and numerous meetings and communications all over the country and the world, if we cannot now finally decide whether or not LORETTA SANCHEZ was elected in the 46th District, I do not believe sending off the records to somebody else and letting them start off on this wild goose chase is going to make it any different or any better.

Mr. Speaker, the time has come to let this go. The time has come to do the right thing. The time has come to decide that the facts are not there that anything went wrong in this election. The time has come to say to the people of the 46th District of California, "You ran a valid election. LORETTA SANCHEZ was elected in this district." It is time to let this go and stop this unreasonable procedure.

Sending these records to the Secretary of State of California will accomplish no end of any kind whatsoever. Let us make sure that we can say to the people of this country that we have discharged our responsibility, we have looked at the facts, the facts are not there.

Mr. Speaker, I urge my colleagues to vote for this resolution. Let Ms.

SANCHEZ serve her constituents as she came here to do and let her do it beginning tonight. Vote for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first of all, let me thank the majority leader for bringing the resolution to the floor. We frankly have had some difficulty in getting a number of people to understand exactly what is going on. It is difficult when we try to follow the rules and the procedures properly; we cannot go out and demagog what we are trying to do. So this is an opportunity for us to once again review the facts, and I appreciate the minority leader providing us with the opportunity.

Mr. Speaker, the minority leader suggested the possible alternative of going door to door. He knows and I know and all of us know that going door to door is wrong. It is just as wrong as offering a resolution which will shut down the process before it is completed.

We owe it to those people who know they cast legal votes in this contested election to make sure that all the people who cast illegal votes are determined. Would we have liked to have done it in the first week of the contested election? Of course. Would we like to do it in the time frame that he is indicating? Of course. In fact, we offered an agreement that would have facilities doing just that.

Mr. Speaker, the gentleman from Missouri also knows that we are not turning over the determination of who legally voted in California's 46th to the Secretary of State. He knows that, but that is a useful rhetorical argument.

What we thought might help us advance the finding of the facts was to use those people who are involved in this process every day. In fact, that is what their job is. The Secretary of State is the chief election officer of California.

Interesting enough, in the first "whereas" they cite the Secretary of State having issued a certificate. My assumption is they believe he does a pretty good job of carrying out his role as the chief election officer. We thought we could use him as an assist in making decisions; that is, there already has been a discussion as to who can vote when one becomes a citizen.

We believe that the decision should be made under California law, not under some agreement agreed to by a partisan majority or even a unanimous task force, to take from California its legal laws under their election code and substitute an artificial one, which has been done in the past.

Mr. Speaker, the gentleman from Missouri says this is unprecedented. The gentleman is right. What we are trying to do here is reverse past history, and that is do not make a political decision on how we count the votes, but rely on the people who are legally charged in the State to do it.

The gentleman from Missouri says we are going to have the Secretary of State determine the citizenship. He knows that is not true. The document we gave him showed that the INS would be involved. In fact, the INS has already been involved in the Western region because the Western region took the names that the Orange County district attorney had subpoenaed and the Los Angeles region of the INS examined them and, working with the Secretary of State, determined that approximately 300 people were not citizens but were on the voting roll. That was done with a sample.

Mr. Speaker, what we are suggesting is perhaps they should look at a large sample. That does not mean that we have to agree to what they say, but it would certainly be nice to use people who were professionals and who do that job every day as a resource so that this committee could use that information as it sees fit under the Constitution.

Mr. Speaker, anyone who knows me or who knows the gentleman from Michigan [Mr. EHLERS] or the gentleman from Ohio [Mr. NEY] knows we would not turn any final decision over to someone else. That decision is ours and we guard it jealously. But what is wrong, for heaven's sake, in using people who are professionals in what they do to help us make a determination?

Let us look at the resolution that is in front of us. The first "whereas" indicates that the Secretary of State is someone who issued the certificate. I already indicated that if he is held in high esteem by virtue of what he did before there was any hint of fraud or illegal voting in this particular race, what would be wrong with using him to help us come to a conclusion?

□ 1615

It is interesting also that in the third whereas they talk about the fact that the task force met early and it has not met recently. As a matter of fact, the task force, I understand from the chairman, is going to meet on Friday.

Let us review briefly why the task force has not met. There were people, including the Congresswoman, who refused to comply with the Federal Contested Election Act in terms of the subpoenas that were issued under that act. She believed they were unconstitutional and wanted to fight it all the way to the Supreme Court.

I supported her right to fight it all the way to the Supreme Court, if she thought it was wrong. But I doubt if you folks would, based upon this resolution, wait until she fought that all the way to the Supreme Court. We did have the judge who issued the subpoenas indicate that he certainly thought that the law was valid and subpoenas could be issued. So the committee issued interrogatories. It was the committee that had to move in and begin to act under the committee power.

The gentlewoman from Orange County has, in fact, responded to the interrogatory. There are people who have not responded to the interrogatory. We have communications from Nativo Lopez, who said he will not respond to the interrogatory. In all probability we will have to subpoena him to get the information. You folks do not know and apparently you do not want to know what he is going to be forced to say.

The Orange County district attorney currently has a criminal investigation of conspiracy against Hermandad and Nativo Lopez is the head of that organization. You do not care what happens there. You want to end it. I think those people who cast their votes legally and who would like to know if their votes were canceled out by illegal votes would not want to.

The whereases go on to indicate in the sixth whereas that the INS has complied with the committee's request. As a matter of fact, if you really knew what was going on, you would know that the INS has not complied. They still have names. They turned in 200 just this week additional. They have hundreds more to turn in. They have not given us the complete list. Remember, they only began giving us the lists when the committee subpoenaed the Immigration and naturalization Service to begin providing us with those documents. That was not 9 months ago. We only have begun the process and we have not completed it.

When you take a look at the whereas No. 7, indicating that we already have all the records because we placed a subpoena on the evidence that the district attorney gathered, remember, our subpoena was on top of the district attorney's subpoena to protect that material so that we would not lose it. We did not issue the initial subpoena.

The district attorney did. it was a limited subpoena. kit was only for the materials that were in the offices of Hermandad. it is not all of the records. That whereas is simply factually inaccurate. There could very well be more records out there. We need to find out what Nativo Lopez knew and when he knew it. He refuses to respond to the committee. We will continue to make sure that he does not defy the committee.

We would love to have the minority join us in supporting the Constitution and the laws in requiring people who we have decided need to provide information to us, that if they refuse to do it, we compel them to do it. There I would love to have you join us in supporting the Constitution and the laws.

It seems to me that when you say that, in whereas No. 8, we are seeking duplicative and dilatory review of material already in the committee's possession, that you mean we want to really make sure that we achieve the highest level of verification where someone's vote is concerned. hey, I do not think that is bad. I think double-checking is good. I think being accurate is proper.

I have a hard time understanding why that is bad. if we are dealing in such an area of sensitivity that you have indicated your concern, what is wrong with checking the list twice or three times or using those officials who do it every day to help us in coming to a decision? I think that is good. I do not think it is bad. you seem to think that it drives to a conclusion that we should end all of this.

What amazes me is that you now indicate in whereas No. 9 that we have got all the evidence that there needs to be gathered. Fairly ironic that you could come to that conclusion, since not one staff member of the minority has been willing to sign a confidentiality statement to share, to look at the materials that we have. None of them have been willing to sign. They will not enter into a confidentiality agreement not to leak the material. So how in the world do they know what we have been doing? They refuse to sign a confidentiality statement to join with us without leaking. At least I admire their honesty in not signing the statement.

It just seems to me that if you come to the conclusion that we ought to end this on October 29 based upon those whereases, you are saying you want to dismiss us, even if the INS has not provided all the records, even if material people who may be indicted for criminal conspiracy have not provided information to the committee, that you want to end it even if we do not know how many people voted illegally. It is not "if," do not think it is "if." It is how many. And to do ti right and to do ti properly takes time.

I appreciate the gentleman offering the resolution. I think it is fairly clear that based upon the facts of the case as we have moved forward that this resolution is not timely. The call for dismissal on October 29 is premature, and I look forward to joining with you, notwithstanding the fact that you reject use of experts to assist us in determining what actually happened, in signing confidentially statements so we can work together to get to the bottom of it.

Mr. GEPHARDT. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, my thanks to the Democratic leader for giving me this opportunity to appear before the full House to set aside any doubts about my full cooperation in this election contest.

A few uninformed individuals have made accusations of stonewalling. In my case, the sooner this ordeal is ended, the better. That is why I took the affirmative action back in February to invite the task force to Orange County for a field hearing. At that 9-hour hearing, I voluntarily appeared and testified under oath. I answered each and every question put to me by the majority and by the minority. Ten days later, I provided this task force with the complete results of my own field investigation of the so-called 303 voters that the Secretary of State of California alleged were not lawful voters.

I gave the names, the addresses, and voter registration information on nearly 200 of those individuals that we were able to interview or research and we had proof, they showed us proof that they were naturalized or native born U.S. citizens, some for many decades.

In a detailed brief, I showed the task force each and every instance where our field investigation demonstrated that the INS data is simply wrong, wrong, wrong. I have complied with Mr. Dornan's subpoenas except those that the Committee on House Oversight quashed as not relevant to this election contest. My campaign has turned over thousands of pages of financial records.

We filed thousands of pages of briefs and evidence which have refuted every one of Mr. Dornan's allegations, including his charge that U.S. Marines and Catholic nuns residing in my district were illegal or suspicious voters, and the committee has never issued a subpoena to me or to my campaign. The only subpoena the committee has issued has been to the INS.

A few weeks ago the committee asked me, my campaign manager, and my campaign chairman to respond under oath to a handful of questions. We fully complied in the time frame the committee requested with over 1,800 pages of sworn statements and evidence. I have cooperated with this committee at every step, even while I exercised my right to argue before the district court, which had issued subpoenas about the constitutionality of this process and the burden that it has placed on innocent parties.

Even though the Federal Contested Election Act requires that all parties, that all parties file with the Clerk of the House copies of all depositions in compliance with all subpoenas, neither Mr. Dornan nor the committee has filed any evidence with the Clerk or has shown it to me. Eleven months into this investigation and months after the INS has complied with the committee subpoena, I have not been provided with one ounce of information on a single individual on this list of over 5,000 people you continue to talk about.

The committee has never offered me or my lawyers the opportunity to sign any confidentiality agreements necessary so we can take a look at any of the lists, let alone any evidence or details you might have about the truth. The investigation has been conducted in secret, despite the fact that the statute calls for full and open sharing of discovery in filings with the Clerk of the House that must be shared and should be shared with all parties in this dispute.

This is a status report of what I have done and this is what I offer to my colleagues in the House. I hope this fully sets aside the notion of any effort on my part to stonewall this investigation.

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. HOYER] be allowed to manage the rest of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I do not think anyone can dispute the fact that the gentlewoman from California [Ms. SANCHEZ] has served this institution with honor and dignity. She is hardworking, by all accounts, and I think she should be commended for that in her remarks that she has just made before this body. But this dispute is not about the gentlewoman from California [Ms. SANCHEZ], or Mr. Dornan, the former Member that used to hold this seat.

This is about potential voter fraud that has existed in this particular congressional district.

I come from south Texas. It is notoriously known for elections that have been stolen over the years and we all know, we have read our history books, about how LBJ got his first Senate victory and zoomed up to the White House rather quickly because dead people voted for him in Duval County in south Texas.

In 1990, we had a situation of a judicial race. A Republican candidate won. The Republican candidate goes to bed one night thinking that she had won, waking up the next day where they suddenly found in a border town that they had discovered 1,000 ballots that somehow did not get counted the night before.

Then my colleague, the gentleman from Louisiana [Mr. TAUZIN] cited the other day a Louisiana newspaper that tried to find out how easy is it to register false names, names that are just made up to see if they can register people to vote, had 25 names that they submitted to the local election officials, 19 qualified somehow to be registered voters; one was a dog.

In each of these cases, somehow local communities turn their back and say, hey, well, let us just forget about it and move on. LBJ won the Senate race.

The judicial seat was decided one way. In Louisiana, there are 19 new registered voters.

But should we as Americans turn our back on the possibility that there was enough fraud committed in this particular race to just turn our backs on it? This is 1997. You would think that this kind of occurrence that has happened, could have happened in California, could not happen in this day and age when we have high-technology operations, when we have the ability to police what people are doing in elections, when we should have the technical expertise to find out who is really qualified to vote in this country.

□ 1630

We cannot turn our backs on that.

I ask my colleagues what is wrong with getting to the bottom of this investigation? And if we find out one day that there were enough legitimate voters in this election to say that the gentlewoman from California [Ms. SANCHEZ] should remain in Congress and serve her constituents the way she has been doing, hardworking, with integrity and conviction, like she has demonstrated so far, then more power to her. And, hopefully, she will have a long time here, if she continues to serve her constituents well.

But what is wrong? What are we afraid of in finding out the truth and getting to the bottom of it? Before we get to that point, we should explore every opportunity to make sure that every voter was qualified in this election.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Maryland.

Mr. HOYER. The answer to the gentleman's question, Mr. Speaker, is there is absolutely nothing wrong, and we want to make sure that we get to the bottom of it. However, as the resolution points out, I tell my friend from Texas, we have been at this 11 months, with all the information necessary.

We know everybody who voted and we can check every one of them. That has not been done.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON], the ranking member of the Committee on House Oversight.

Mr. GEJDENSON. Mr. Speaker, I regret that Speaker GINGRICH is not in the Chair today. He was here earlier and left. But Speaker GINGRICH was elected to this Chamber with fewer votes than the gentlewoman from California [Ms. SANCHEZ]. It was a democratically controlled House. We let Speaker GINGRICH be seated without question.

If Bob Dornan had won this seat by 10 votes, I daresay we would not be here today, a year after the election, having an inquisition about the citizens of that district. Let somebody on that side stand up and say they would vote to keep this thing going if Bob Dornan had won by 10 votes not by 1,000 as the gentlewoman from California has.

What is this all about? I think it is about paranoia of the Hispanic-Americans coming over the border and voting illegally and taking over our country. Give me a break. Anybody in this country that is on the lam is not running down to get registered to have the whole world look at them. They are trying to avoid official contact.

And following procedures, the gentleman from California [Mr. THOMAS] and the committee are now, I think, incapable of a fair decision in this process. The law says Mr. Dornan has to prove his case. What we have here is the committee on a course trying to do all of the work and going after the gentlewoman from California.

Illegal voters? We talk about illegal voters. There is no evidence that is near the significant nature to reverse this election. Here is one of their illegal voters, one of those notorious 305, with her naturalization certificate, an American citizen who voted legally in that election.

What are we all about here? We are going to try to create enough smoke to steal this election. If we cannot do it here, maybe we can get the Secretary of State to do it. There may be even debtors from the past, anger over previous actions of this House. We are here talking about this race today.

And, frankly, I address the Members of the House who have not been involved in this effort. We need 12 honest men and women on the other side to stand up and join with us to put this mockery to an end.

The Constitution says we make this decision. The Constitution says we have to make this decision here and now. In America there is an old saying that justice delayed is justice denied. We are now through almost 12 months of her term. When will we make a decision? Will we make a decision after the next election? Will we have to create enough turmoil to intimidate other Hispanics from voting so that Republicans can win that election because they are afraid to show up?

We have to end this now. It brings disgrace on this House.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I tell my friend from Connecticut, he brought the same lady on the floor the other day, she is no longer on the list, obviously. That is why we need to go through and carefully check. But in trying to preserve people's privacy, does she really need to be exhibited this often, as some kind of a poster child?

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. EHLERS], chairman of the task force.

And I am sorry the minority leader is not on the floor. He was here earlier but I guess he left, because I would have liked for him to be here so he could hear the chairman of the task force.

Mr. EHLERS. Mr. Speaker, I share the regret expressed by the chairman of the Committee on House Oversight that the minority leader is not here, because not only would I like to have him hear my remarks but, frankly, I wanted to compliment him on the manner in which he presented his statement and his case, in a very straightforward manner, dealing with the facts. And that is what we are trying to do in this case.

In response to the gentleman from Connecticut, I will answer just one of his questions. He asked if someone here would stand up and say how we would deal if Mr. Dornan had won by 10 votes. I do not care how many votes he might have won by, he would have been treated the same way as the present coutestee and the case would have been handled the same way.

In regard to the contestee in the case, the gentlewoman from California [Ms. SANCHEZ], I commend her for her statement, and I want to assure her and assure every Member of Congress that I do not in any way question her actions. I have never accused her of stonewalling. I do not intend to. I am sure she wants to resolve this. I want to resolve it. And I think we will both be well served if we can resolve it as quickly as possible.

However, it is not that simple when one has to deal with all the details we have had to deal with, and I will try to outline a few of the aspects of that.

First of all, a few comments on the resolution presented. The chairman of the committee has already indicated a number of issues that we would disagree with. I simply want to say, although the task force has only had a few official meetings since the start of the year, we have had several informal meetings discussing the quashing or modification of subpoenas and, furthermore, we have had four meetings of the full committee where we have dealt with those same questions. So we have not been inactive on the meeting front.

In addition to that, we have been very active in analyzing the data and information, and I will, if time permits, get into some of the details of that later.

I do also want to comment on the "whereas" clause which states that the Committee on House Oversight has issued unprecedented subpoenas to the INS; and also that this is the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters.

First of all, I do not believe the subpoenas are unprecedented, and, frankly, the reason they were issued is that, although the INS initially agreed to cooperate at the local level, they were stopped by the officials in Washington, and we had to resort to subpoenas because they simply refused to cooperate with us. I believe if my colleagues look back through the records, they would find the INS has been more cooperative in the past.

Furthermore, they have been asked a number of times, or their predecessors have been asked, to verify citizenship not just of voters but of candidates for the office. I find it interesting, looking through some of the previous files in the last century, more of the questions about citizenship were raised about the winners of the contest than about the voters in the contest. But, clearly, this is an important issue and they have been involved in this issue before.

Furthermore, I happen to think it is not bad to verify citizenship of voters. I think that it is extremely important, because the law requires that voters be citizens. I have no problem whatsoever with ensuring that voters of this Nation are citizens of this Nation.

Just a comment about the resolution's phrase that we are now seeking a duplicate and dilatory review of materials already in the committee's possession by the secretary of the State of California. We are not asking for a duplicate or dilatory review. We have done enough work on these. Rather, we are seeking verification, because we want to have as few errors as possible.

And that is why we are presenting what we have uncovered in the investigation, in great confidentiality, to the Secretary of State and to the INS, with whom we have been working, asking for verification of various factors there.

Another comment, that no credible evidence has been provided. Well, first of all, I would relate to everyone that our task is somewhat similar to that of the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct has to work in a confidential atmosphere. We do, too. We do not release information. And that is why we have confidentiality agreements for anyone who works on the information.

Some numbers are public, and I will mention those. My colleagues have heard them referred to. The California Secretary of State initially stated that 303 out of the list of 1,150 registrants, the list from Hermandad, had voted illegally. The Secretary of State's office has taken the information provided by the minority. We have worked with them. The California Secretary of State has now, through careful scrutiny of the entire list, verified that 305 individuals voted illegally. In other words, these are noncitizens who voted.

In addition to that, the Registrar of Elections in Orange County has verified that 124 individuals voted illegally. This has nothing to do with a noncitizen issue. It is illegal use of absentee ballots. So we have approximately 430 known, publicized illegal votes in that district.

Furthermore, one other number that has become public is that our examination of INS and Orange County reveals there are approximately 4,100 potential noncitizen voters. That is, of course, a huge number. And we have, through months and months of staff effort, tried very diligently to try to find out which of those individuals might possibly have citizenship that did not show on the initial search of the INS records.

After all this work, that number of potential noncitizen voters is now much smaller. And we are asking the California Secretary of State to verify our work so that we can have the most precise possible number. Verification is what we are seeking from the California Secretary of State, and I think it is very important to do that.

I believe it is also very important to note that this Congress did seat the gentlewoman from California [Ms. SANCHEZ]. She has performed her duties, insofar as I can tell, and she has performed them well. She has all the rights and duties of a Congressperson and she is exercising them. There was no attempt to deny her the seat. There is no attempt to unseat her without sufficient information. We want to make sure that we have verified all the facts in this case before we act.

Is it taking too long? It is certainly taking longer than I would like. I had hoped we could resolve it sooner, but there is a great deal of detailed work that needs to be done and we are nearing the end of that process.

We are trying to keep it nonpolitical, and I know that is very, very difficult in this atmosphere. I have chided one member of our committee for wearing an orange ribbon in committee meetings and on the floor. I think that is inappropriate, but that is his choice. I am just saying that I have tried to be very evenhanded in my handling of this issue.

We simply have turned to the chief election officer of the State of California to verify what we have done. That official issued a Certificate of Election, which we accepted, but we also want further verification of the numbers we are dealing with.

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, a year was more than enough for the Iran-contra investigation to gather documents, issue subpoenas, call witnesses, hold hearings, and issue a final report on a probe that stretched into the White House, the CIA, the military and over several continents. Here it is, all 42 chapters, 690 pages of it, covering everything from detailed constitutional analysis to the tracing of complicated covert arms shipments involving several foreign governments.

But the majority on the Committee on House Oversight would have us and the American people believe that nearly 1 year, the same time it took to do this, is not enough time; and after hundreds of thousands of taxpayer dollars, that it is not enough funding to conclude their investigation into the 46th Congressional District election. We do not accept that assertion.

If Bob Dornan and the Republicans want to challenge the election, it is their burden to prove the election should be invalidated, not the burden of the gentlewoman from California [Ms. SANCHEZ] to prove she won the election.

☐ 1645

The Republicans and Mr. Dornan have had nearly a year to meet that burden of proof. Yes, she has been seated, but what you are doing is bleeding her of thousands and hundreds of thousands of dollars. She has spent nearly a half a million dollars in legal costs just simply to maintain her process, her rights in this process. That is what you are doing to her. If you had cold, hard evidence to overturn the election, it would be in all of our hands, each and every Member of the House. But you do not. You do not have a list of voters who you can give and prove beyond a shadow of a doubt or even a preponderance of the evidence that voted illegally. Because if you did, you would not only have to invalidate her election but you would have to invalidate the election of the two assembly seats won by Republicans at the same time. One won by 93 votes in California. You would have to invalidate the municipal elections in 3 major cities. You would have to invalidate the judicial elections that were held, school board races that were held would be held in question, and even initiatives that were passed in California. Yet it is interesting that you pick on Ms. SANCHEZ but we remain silent about all those Republicans who won those elections and you do not question the names of individuals who allegedly voted in those elections as well. It is okay to count them towards the victory but not towards her victory.

The fact of the matter is you say we do not care about finding the truth. We do. We are willing to depend upon the U.S. Attorney to pursue Hermandad and find out whatever the truth is. You say that we were not going to shift this to the Secretary of State, yet the list that you want the committee members to adhere to that you are going to provide the Secretary of State is flawed. It inaccurately portrays who is a citizen. It cannot prove who is native born or naturalized. It cannot prove that I as born in this country who might be on that list, it cannot prove my citizenship because only my birth certificate can prove that citizenship. You know, the only way to do this is to go door to door, but that would be an outrage, and so you are going to make this last forever.

Everyone in this Chamber should consider the precedent that would be set if this resolution does not carry, that any Member, Republican or Democrat, engaged in a close race could spend their entire 2-year term defending a victory duly certified by their home State. The simple justice for Congresswoman SANCHEZ, for the people of the 46th District of California she represents and for millions of Hispanic Americans who are watching across the country, what you are doing to her and to us as a community who are waiting and watching, is to simply vote for this resolution, which says either put up or shut up. Show us the proof or end the charade. That is what the resolution asks for. That is what our colleagues should be voting for.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds. I appreciate the machismo of the gentleman from New Jersey, and of course challenging us to provide names or to create some kind of a fatally flawed decision is something that is devoutly wished on his side. We will not. Our job under the Constitution is to examine the congressional race that came to us as contested. If in fact the results of that indicate that there are other races that come under question, then that should be dealt with by the proper authorities. That is never an argument nor should it ever be an argument not to find out who voted legally or who voted illegally.

Mr. Speaker, I yield 1 minute to the gentleman from Long Beach, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, with the exception of Representative SANCHEZ, I have heard a lot of shouting on the other side of the aisle. Because one shouts does not mean that one is seeking the truth.

I think most people in this Chamber know that I would vote for the person who has the evidence on their side and it would have nothing to do with their party. I would not do as a Democratic colleague of mine and friend of longstanding did a decade ago when the evidence was very clear that a Republican had won and he voted strictly the party line against that Republican. I do not tend to follow that kind of a precedent.

Ms. SANCHEZ has not been denied her seat. She sits in this Chamber. The gentleman from Texas [Mr. BONILLA] said quite well what a lot of us feel.

We have heard a lot about what is appropriate. What is not appropriate is this resolution.

The Gephardt resolution is simply an attempt to deny the truth to this House, and everyone here knows it. Frankly, the resolution shows that maybe this investigation is on the right track. Let us wait and let us get at the truth.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. THOMAS. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. FAZIO].

The SPEAKER pro tempore (Mr. LaHood). The gentleman from California [Mr. FAZIO] is recognized for 2¼ minutes.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding. I tell the gentleman from New Jersey that in my term of "machismo," being from the Southwest in terms of the way we describe feelings that in fact if that did come across, as someone came up to me and indicated, a remark that is not acceptable on your side, I would then substitute the words "emotion" and "passion," because I rely on the gentleman from Massachusetts [Mr. FRANK] to assist me at times in terms of sensitivity, and in my reaction if he would allow me I would not use the term "machismo," I would use the term "emotion" and "passion."

Mr. FAZIO of California. Mr. Speaker, I would like to remove the emotion and the passion for a minute and use a bit of analysis that appeared in a California newspaper about two weeks ago on this subject. The article was entitled, "Who Abandoned Dornan? Republican Voters."

Ever since the election, Bob Dornan has insisted that unregistered Latinos voted illegally enough to provide LORETTA SANCHEZ's margin of victory. An analysis of that race done for Republicans, however, asserts that Dornan lost not because of surplus Latino voters but because Republicans stopped voting for him.

The analysis goes on to point out that Bob Dornan ran 6 percentage points behind two Republican assembly victors who ran in a coterminous area, 96 percent of which was in his congressional district, his at the time, LORETTA SANCHEZ's today. Had he racked up among Republicans the same percentage that they achieved, he would have won by some 10,000 votes.

The fact is in the strongest Republican precincts, assembly candidate Jim Morrissey got 75 percent, Bob Dornan got 56 percent. He ran in the strongest Republican districts 20 percent behind his own colleague on the ballot. The bottom line is the people of Orange County, certainly the Republicans, were tired of his buffoonery. They got tired of him calling people lesbian spear chuckers. They got tired of his explaining bounced checks at the House bank and his interminable presidential campaigns.

Bob Dornan ran out of support in his own party in Orange County, and I think he has run out in this precinct as well tonight because as we look at the Republican side of the aisle, there may be five Members here to defend him. Democrats are here in large numbers to defend LORETTA SANCHEZ and her right to claim this seat. Yes, Bob Dornan has lost Republican support in Orange County and in Washington, DC.

Mr. Speaker, the editorial referred to in my remarks is as follows:

[From the Sacramento Bee, Oct. 7, 1997]

WHO ABANDONED DORNAN? REPUBLICAN VOTERS

(By John Jacobs)

One of the enduring images of the recently concluded Republican state convention in Anaheim was of former Rep. Robert Dornan, a wild-eyed look about him, careening around the convention hall hounding reporters and anyone else who would listen with tales of how he has been wronged.

Dornan, a bombastic conservative who once called feminists "lesbian spear-chuckers" and who "explained" his bounced check from the House bank by saying he used the money to build a shrine to the Virgin Mary in his backyard, has finally become a buffoon, even to the many formerly sympathetic Republicans.

Dornan went on so long at his press conference that the local PBS camera crew assigned to cover him that day ran out of videotape. At that point, Boston Globe columnist Marty Nolan asked the crew, only half-jokingly, "Which PBS show are you from, Nova?"

Dornan was defeated by 984 votes last November when he ran for what would have been his 10th term in Congress from the very Disneyland district in which the state convention was held. The victor was Loretta Sanchez, a Latina Republican-turned-Democrat now serving her first term.

Ever since the election, Dornan has insisted that unregistered Latinos voted illegally in that election, enough to provide Sanchez's margin of victory. An analysis of that race done for Republicans, however (more on the analysis later), asserts that Dornan lost not because of surplus Latino votes but because Republicans stopped voting for him.

Even though he had no national base and no chance, Dornan spent most of 1995 and early 1996 running for the Republican nomination for president. It was his second futile attempt. He was far more interested in ideological combat elsewhere than in serving his constituents. Ultimately, they got tired of his act.

Dornan is demanding that the House of Representatives invalidate the election and set a Dornan-Sanchez rematch. The House Oversight Committee has so far spent some $300,000 to investigate the charges that noncitizens voted.

Investigators have concluded that there may have been some voter fraud and are continuing to examine it. Whether it's enough to make a difference, no one, besides Dornan, is prepared to say. At the convention, Dornan charged that he has "bulletproof" evidence that between 1,200 and 1,500 people voted illegally, but he did not offer it.

"As far as I'm concerned, we've won," he announced at an Orange County lunch Thursday. "I don't want to step on anybody's glory, although it's my life and I have the seat and I won and I am the congressman-elect, the longest congressman-elect in the history of our country 11 months and three days."

House Democrats say they are outraged that Dornan has had such a sympathetic hearing before the Republican-controlled committee, including the use of subpoenas. Sanchez says she is some $400,000 in debt for legal fees defending herself. Many Republicans say they don't want to fall on their sword defending a man whose very existence exacerbates their electoral problems with women and Latinos, even if they do have a duty to probe potential voter fraud.

But a detailed statistical analysis of the Sanchez-Dornan election concluded that Republicans in Republican precincts abandoned Dornan in droves.

Overall, Dornan ran 6 percentage points below the two Assembly Republicans, Curt Pringle and Jim Morrissey, whose Assembly districts include more than 95 percent of Dornan's 46th congressional district. Among Democrats and Republicans, Dornan got 49.46 percent of the vote. Among Democrats and Republicans, Pringle and Morrissey got 55.55 percent of the vote.

If Dornan had racked up the same vote totals in his race that fellow Republicans Pringle and Morrissey got in their Assembly races, according to this analysis, Dornan would have defeated Sanchez by 9,365 votes. Because he lost by 984 votes, Pringle and Morrissey ran more than 10,000 votes better than Dornan.

This analysis also looked at the strongest (and weakest) Republican precincts in the congressional district. In precinct 68069, which has a Republican registration of 58.51 percent, Dornan got 56.6 percent of the vote. Morrissey got more than 75 percent.

Precinct 68106 is the weakest Republican district in Santa Ana, with a GOP voter registration of just 11.44 percent. Morrissey got just a few more votes here than Dornan, 16.8 percent to Dornan's 15 percent. But Morrissey was able to win re-election with huge majorities in the Republican precincts, something Dornan couldn't do,

The conclusion: The seat is still winnable for a Republican. Three Republicans are interested in the June 1998 primary: Pro-choice divorce lawyer Lisa Hughes; Superior Court Judge Jim Gray; and Anaheim City Councilman Robert Zemel, who has retained former Christian Coalition executive director Ralph Reed to run his campaign.

If the House calls for a special election before June, Dornan, because of superior name recognition, has the best shot of winning. Then he will likely lose again to Sanchez. That's why some Republicans would like to see Dornan step aside for another Republican.

Good luck. They don't call him "B-1 Bob" for nothing.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Speaker, this debate and this matter is not about Bob Dornan and it is not about Ms. Sanchez. This debate is really about the Committee on House Oversight, on which I serve, finding the facts in this case.

Why could this matter not and why can this matter not be concluded? It is simple. We found as a committee that agencies have dragged their feet in compliance with requests that we have made, simple requests to get to the facts. This House just a few weeks ago, September 30, passed a resolution to the Department of Justice asking the U.S. Attorney to do their jobs, to help us get the facts. So what we have been faced with is stalling, delay, a lack of information.

This is not a complex issue if our committee has the facts. The facts that we have in fact indicate that a significant number of voters who voted illegally. We heard the minority leader say that we need the facts, we need the proof, and we need the evidence, and that is exactly what we need and that is all we are asking for.

There is no intent to go through the citizenship of every voter. However, we have reason to be concerned about the validity of a significant number of voters in a contested election.

Ms. Sanchez has been seated and treated fairly by this side of the aisle and by our committee. Again, this is not about Ms. Sanchez, it is not about Mr. Dornan. I agree that the time has come to conclude this process with one caveat, that we have the facts.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. There are a lot of folks in Orange County who are going to have a chance to watch this. I am glad. I hope this is well-reported, because it is time for the voters in Orange County to know what evidence there is that their Congresswoman, LORETTA SANCHEZ, did not really win this election.

Unfortunately, in the hour or so that I have been listening to this debate, I must tell the voters that I have yet to hear one shred of evidence that LORETTA SANCHEZ did not win the votes of the majority of the people in Orange County.

What I have heard is that we want to move this forward and apparently now the majority, which has for 11 months and after hundreds of thousands of dollars investigated this matter, now wants to move this over to the Secretary of State to do what we can do. Well, you have had 11 months, hundreds of thousands of dollars, you have put at stake the representation of the 46th Congressional District and LORETTA SANCHEZ'S ability to represent. You have put in an indicted stage the votes of thousands of voters in Orange County. You have run this game, you have taken the ball, and now you want to punt. You are saying, this political football has been too much, let us send it to the Secretary of State.

The Secretary of State cannot do anything more than you have already done. They can only look at the same names, same numbers, same addresses and tell us what you can tell us. It is our duty. Do not punt. Let us decide. If you have got proof, show it. If you do not, close down this investigation. There are people at stake, the first of whom is LORETTA SANCHEZ, the second of whom are all the people in the 46th Congressional District who deserve representation. It has been 11 months. Let this woman go. Let her represent her district.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, as best as I have understood the debate, there are 4,100 names that match first name, last name, and date of birth from those who were registered to vote, were in the process of becoming citizens, but were not yet citizens. The next process that has to be taken is to compare these 4,100 names which match first name, last name and date of birth and see if they match up against those who voted. If as a result of that process there is a number that exceeds the difference that made the difference in the election, then it is appropriate to consider a new election. No one, certainly me least of all, is interested in seating Robert Dornan by fiat. I think it is only fair to point this out. But the numbers are very serious cause for us to concern ourselves about whether the constitutional processes were followed. The numbers are 4,100 from which we build the case that there may have been more people voting than should have to make the margin of difference in this election.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I rise today to tell Members that I think that we ought to put an end to this. The American people have lost faith with our ability to analytically and systematically look at each other and investigate issues that are important to all of us and the citizens of this country. We look at these things. This has taken 11 months, 11 months, and we have no conclusion to this.

□ 1700

I think that that is enough. We have been disruptive to the House, and we have not allowed Ms. SANCHEZ to do her job and represent the people of her district.

We can debate about the technical things, and I believe that the committee has looked at that. I think it is time that they render a decision to us and let us make that decision. I think that is important for us to do that.

Enough is enough. Let us make a decision, and let us let the committee bring it to the floor so that we can decide whether or not she should be able to represent the people of her district. That is important for us to do that.

I would just call upon my colleagues to think just for a moment about if this happened to any one of us. She has had a great financial burden. I do not think we would tolerate that, and I do not think we ought to allow it to be done to her.

Mr. THOMAS. Mr. Speaker, I yield 1½ minutes to the gentleman from

Michigan [Mr. EHLERS], the chairman of the task force.

Mr. EHLERS. Mr. Speaker, just to clarify a few points and respond to a few items mentioned by the last two speakers, the two gentlemen from California on the minority side.

First of all, the statement was made that they have not seen one shred of evidence. Apparently they did not hear my comment that, independent of our work, there are 305 illegal voters identified by the Secretary of State, and 124 illegal absentee ballots identified by the Registrar of Elections in Orange County. That is a substantial number right there, certainly more than a shred. In addition to that, of course, we have the other areas we are investigating.

I also want to respond to the repeated comments, both on the floor and off the floor, about the length of time this is taking. Let us get a little reality in here. I would hope that the Members of this House would look back in history and look at what has happened in the past.

I have in my hands a chart, which I will be happy to share with anyone, going back to approximately 1930, of all the contested elections that had real substance to them, such as this one, where an investigation was required.

The first one was 22.75 months duration; then we have a series of over 12 months duration; two of 16 months duration; several more of 12 months duration; 13½ months; 16½ months; 19, 22, 16½, 18½, 19½. And you think this one is too long? Look at the history. Look at what we have had in the past.

This case has not taken too long. If we would decide this contest today, it would be one of the earliest decisions made on an issue of substance in the history of contested elections.

EXAMPLES: DURATIONS OF SUBSTANTIVE HOUSE CONTESTED ELECTIONS CASES

Congress and contest	Outcome supports	Party of seated	Majority party	Committee action[1]	Final vote on House floor[2]	Duration in months
104th—Anderson/Rose (NC)	Contestee	D	R	10/25/95	9/26/96	22.75
98th—Archer/Packard (CA)	Contestee	R	D	10/25/83	11/15/83	12.25
98th—Hendon/Clarke (NC)	Contestee	D	D	10/25/83	11/15/83	12.25
96th—Wilson/Leach (LA)	Contestee	D	D	2/12/80	3/4/80	16
96th—Thorsness/Daschle (SD)	Contestee	D	D	2/12/80	3/4/80	16
95th—Dehr/Leggett (CA)	Contestee	D	D	9/21/77	10/27/77	11.75
95th—Hill & Panasigui/Clay (MO)	Contestee	D	D	10/13/77	10/27/77	11.75
95th—Lowe/Fowler (GA)	Contestee	D	D	10/13/77	10/27/77	11.75
94th—Young/Mikva (IL)	Contestee	D	D	NA	12/19/75	13.5
94th—Mack/Stokes (OH)	Contestee	D	D	NA	12/19/75	13.5
94th—Wilson/Hinsh (CA)	Contestee	R	D	NA	12/19/75	13.5
94th—Ziebarth/Smith (NE)	Contestee	R	D	NA	12/19/75	13.5
86th—Maloney/Smith (KS)	Contestee	R	D	NA	3/24/60	16.5
85th—Cater/LeCompte (IA)	Contestee	R	D	NA	6/17/58	19.25
85th—Oliver/Hale (ME)	Contestee	R	D	NA	9/12/58	22.25
82d—Osser/Scott (PA)	Contestee	R	D	NA	3/19/52	16.5
82d—Macy/Greenwood (NY)	Contestee	D	D	NA	3/19/52	16.5
81st—Stevens/Blackney (MI)	Contestee	R	D	NA	5/23/50	18.5
80th—Wilson/Granger (UT)	Contestee	D	R	NA	6/19/48	19.5
79th—Hicks/Dondero (MI)	Contestee	R	D	NA	12/12/45	13.25
78th—Clark/Nichols (OK)	Contestee	D	D	NA	2/16/44	15.25
78th—Moreland/Schuetz (IL)	Contestee	D	D	NA	2/17/44	15.25
78th—McEvoy/Peterson (GA)	Contestee	D	D	NA	5/5/44	18
78th—Schafer/Wasielewski (WI)	Contestee	D	D	NA	3/29/44	16.75
78th—Thill/McMurray (WI)	Contestee	D	D	NA	1/31/44	14.75
78th—Sullivan/Miller (MO)	Contestee	G	D	NA	11/24/43	12.5
76th—Swanson/Harrington (IA)	Contestee	D	D	NA	3/11/40	16
76th—Scott/Eaton (CA)	Contestee	R	D	3/14/40	NA	16.25
75th—Roy/Jenks (NH)	Contestant	D	D	4/28/38	6/9/38	19
74th—Lanzetta/Marcantonio (NY)[3]	Contestee	R	D	NA	6/20/36	19.5
74th—McCandless/King (HI)	Contestee	R	D	NA	6/2/36	18.75
74th—Miller/Cooper (OH)	Contestee	R	D	NA	3/11/36	16
73d—Reese/Ellzey (MS)	Contestee	D	D	NA	2/24/34	15.5
73d—Brewster/Utterback (ME)	Contestee	D	D	NA	5/28/34	18.75
73d—Gormley/Goss (CT)	Contestee	R	D	NA	4/20/34	17.5
73d—Chandler/Burnham (CA)	Contestee	R	D	NA	5/15/34	18.25
73d—Ellis/Thurston (IA)	Contestee	R	D	NA	4/25/34	17.5
73d—Fox/Higgins (CT)	Contestee	R	D	NA	5/28/34	18.75
73d—Lovette/Reece (TN)	Contestee	R	D	NA	5/25/34	18.5
73d—McAndrews/Britten (IL)	Contestee	R	D	NA	4/26/34	17.75
73d—Weber/Simpson (IL)	Contestee	R	D	NA[4]	5/4/34	18
67th—Paul/Harrison (VA)	Contestant	R	R	NA	12/15/22	13.25

[1] Date which the Committee made its recommendation to the full House, usually in the form of a House Resolution.

[2] Date that the House voted on the resolution of the contested election case.

[3] Although the election was held Nov. 6, 1936, the case was not filed with the Clerk of the House uhtil the early part of 1936.

[4] No record of its being called up for passage found.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER.]

Mr. HUNTER. Mr. Speaker, I want to speak to my colleagues who have asked us to have consideration for Ms. SANCHEZ. There have been a number of debates on this issue, lots of speakers on both sides, and one thing that I think has been consistent on the Republican side is that nobody has spoken derogatorily about Ms. SANCHEZ. Nobody has spoken in a mean way, nobody has attempted to personalize this with respect to Ms. SANCHEZ. I think we have all attempted to be polite and attempted to look at the major issue, which is the voting issue.

I cannot say that with respect to what people who do not like Mr. Dornan have said on the other side. My friend, Mr. FAZIO, I am pretty disturbed that you have gotten up and simply made a personal attack on Mr. Dornan.

Both of the principals have been through a lot here for a lot of months. We should give consideration to both of these principals; not just Ms. SANCHEZ, but to Mr. Dornan. Let us decide this case on the facts, and see that the person with the most votes wins this thing.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, this is not a personal attack on Bob Dornan. This is the result of Bob Dornan's career and reading of the voters of Orange County, CA.

Mr. THOMAS. Mr. Speaker, it is my privilege and pleasure to yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the majority leader.

The SPEAKER pro tempore [Mr. LAHOOD]. The gentleman from Texas is recognized for 2½ minutes.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this is the second time in my brief career in the House of Representatives that I have seen the House take up this responsibility, mandated on the House by the Constitution, to determine the legitimacy of the election of its Members.

When I was elected in 1984, when I came here I was a bright-eyed and naive, innocent freshman, who had never been in a legislative body, even insofar as having attended the gallery. In a very few short weeks after I was here, I saw a young gentleman from Indiana named Mr. McIntyre refused his seat in Congress and his election overturned by the actions of this body in a very short period of time.

At that time there was a heated debate on this floor. There was anger. My eyes bulged out. I had not seen people act this way toward one another, outside of a faculty lounge, in my lifetime. I knew it was exciting, and I understood there were good points made on both sides.

I remember the then majority, that was acting definitively to deny Mr. McIntyre his seat in the House, made the point that it is our solemn responsibility, given to us by the Constitution; we can do no less, we must act with discipline and integrity. And, in 3 or 4 weeks, they did so.

Now here we have a committee addressing the same kinds of question, the same kinds of issues. They are taking their time, they are being thorough.

We have the gentleman from Michigan [Mr. EHLERS]. Mr. EHLERS, I believe, is a physicist. He is some kind of hard scientist, a careful man. He wants the facts to be clear. He does not rush to judgment, checks and double-checks his work, needs all the data; we have the gentleman from Ohio [Mr. NEY], hardly a rabid partisan, a very thorough-going man; the gentleman from Maryland [Mr. HOYER], certainly none of us would think of Mr. HOYER as a partisan; all of whom have said we need to be sure we do this thoroughly, professionally, and in light of all the data.

It is not about Congresswoman SANCHEZ, it is not about former Congressman Dornan; it is not about your party, and it is not about my party; it is not about race, it is not about sex; it is about whether or not this body has the discipline to do its duty thoroughly and completely down to the last detail before they come to the determination of judgment about who does in fact have the legal, legitimate right to represent 500,000 people.

There is evidence that demands more thorough investigation. The committee has not had the full and complete and prompt response it should have had, and the work is not completed.

But make no mistake about it. For all these years I have thought about the McIntyre case. I always knew it was important. I always knew that the majority was then dedicated, but I always wondered, was it in fact the truth which was gotten to? I never knew.

I think maybe a few more months, an extra amount of time, a more full and complete verification of what it is we found and how we found it that brought us to this conclusion might have made me more comfortable throughout all these years that this body was a body of honor and duty fulfilling its obligations under the Constitution. I would like to have been comforted by no doubt on that point.

I do not want somebody sitting here on this side of the aisle as a freshman, celebrating in their own mind the wonderful responsibility and privilege of getting to be in this body, 10 years from now wondering, in 1997, even if it took us into 1998, did we dare to take the time to do the job completely, fully, thoroughly, in full respect to our duty and the wisdom of the Constitution that endowed us with that duty?

We all deserve, 10 years from now, to have no reservation about that, and I believe we all ought to dare wait for the facts to be fully known.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 4 minutes.

Mr. HOYER. Mr. Speaker, the majority leader is correct. We stand in those seats and we raise our right hand and we swear to preserve, protect, and defend the Constitution of the United States. There is no more sacred right that the people have than to select their representatives, and to select them in an election that is fair and does not dilute in any way their votes.

Therefore, I tell you that it is appropriate that if those who voted illegally affected this election, this election should be scrutinized carefully and appropriate action taken. But in the same vein, the voters of the 46th Congressional District have the right to expect us to conduct that process in a manner befitting of that oath.

I tell my friends in this House, sadly, as the minority member of this task force, that that has not been done. I asked early on that we proceed in a bipartisan fashion to establish process, to establish the way that we would reach a decision, in an orderly, fully dispositive, timely way.

I tell my friend, that has not been done. In point of fact, as the resolution points out, the task force has not met since April of this year. I asked in February in a letter to the chairman of the task force, let us meet together to come to agreement on the process. No such meeting has ever occurred.

I tell my friends that I asked to be fully apprised of the information we were seeking and the information we were receiving. I tell you sadly, that has not occurred.

In fact, my friends, this very day I found out at 4:15 that there will be the third meeting of the task force since the beginning of this year, tomorrow at 10 o'clock. No prior notice. And I tell my friend, the gentleman from Michigan [Mr. EHLERS], the chairman of the task force, he and I talked for approximately 45 minutes this morning at 10 o'clock, and I was never informed that there would be a task force meeting.

No, my friends, this process has not been fair, it has not been open, it has not been directed at fully getting out the information that is necessary to fairly determine this election.

Now, my friends, I tell you, the Republican Secretary of State in latter March or early April said there were 303 votes that were in question in this election. You heard the testimony from the gentleman from Connecticut saying many of those votes have already been found to be registered, valid voters.

The Secretary of State of California, two weeks ago, had a press conference and he said, after 6 months, he now believed there were not 303, there were 305. That is a third of a voter a month. I tell my friend from California, at that rate it would take us 160 years to get to 984, and then you would have to assume that every one of those voters voted for [Ms. SANCHEZ], and our precedents do not allow that, and logic does not compel it.

My friends, this resolution says, as the two bipartisan individuals who were counsel for the Republicans and counsel for the Democrats in March of this year said, let MARY LANDRIEU go, because they have not made a prima facia case. And, very frankly, the Republican leadership rejected that. It took them 5½ months.

I tell my friend from California, the distinguished legal professor, to come to exactly the same conclusion. Why, MARY LANDRIEU twisted in the wind and had to spend money and had to have her focus diverted to defend a case that Republican counsel and Democratic counsel 5 months ago said had no merit.

□ 1715

I ask that this resolution pass; that we decide the case on the gentlewoman from California [Mrs. SANCHEZ] or we dismiss this case, which is without merit.

Mr. GEPHARDT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 222, answered "present" 1, not voting 7, as follows:

[Roll No. 525]

YEAS—204

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer

Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Sanchez

NOT VOTING—7

Cubin
Gonzalez
Houghton
McIntosh
Ryun
Schiff
Visclosky

☐ 1735

Mr. BONO and Mr. GREENWOOD changed their vote from "yea" to "nay."

Mr. FROST and Mr. OBERSTAR changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2490

Mr. THUNE. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor from H.R. 2490.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute.)

Mr. OBERSTAR. Mr. Speaker, I see the distinguished minority whip on the floor, or I saw him, and would like to inquire about the schedule for tomorrow on behalf of our committee to know what the program is for the further consideration of Amtrak legislation which was put off last night. Is there a program for the further consideration of Amtrak?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman asking the question. It seems that we have a lot of conflicting schedules going on after 6 o'clock, and at 6 o'clock, and we felt it was such an important issue that we would put it off and bring up the debate on finalizing the bill on reauthorization of Amtrak the first thing in the morning starting around 9 o'clock.

Mr. OBERSTAR. Mr. Speaker, would that be preceded by 1-minute speeches?

Mr. DELAY. Mr. Speaker, I am not advised but I would assume, as is usually the custom on the end of the week, if we have any 1-minute speeches they will be severely limited.

Mr. OBERSTAR. Mr. Speaker, then the gentleman can assure us that the Amtrak legislation will come up tomorrow?

Mr. DELAY. Mr. Speaker, as much as anybody can assure anybody of anything around this place.

Mr. OBERSTAR. Mr. Speaker, the Stones concert will proceed tonight?

Mr. DELAY. Mr. Speaker, I am advised that the Rolling Stones are in town and several members were going, but there are other events also. There is a Habitat for Humanity event going on and there are also many Members who have their spouses in town and there is an event honoring the spouses and the Members at the Kennedy Center.

Mr. OBERSTAR. Mr. Speaker, I was just concerned that the Stones might be rolling tonight, but the trains might not be next week.

Mr. DELAY. Mr. Speaker, we want those trains to roll.

Mr. OBERSTAR. Mr. Speaker, so we would be able to proceed on that legislation and I appreciate it.

PRESIDENT IS URGED TO GIVE DISTRICT OF COLUMBIA SCHOOL CHILDREN A CHANCE AT QUALITY EDUCATION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply wanted to rise in praise of two Americans who are trying to help the children of Washington. Ted Forstmann and John Walton are giving $3 million each to a scholarship fund for low-income children in the District of Columbia.

I think every Member of the House should look at this. Here are two people who do not live in Washington, but they love their national capital and they believe that the children of their national capital should have an opportunity to go to a school that is safe, drug-free, and where real learning occurs and where these children have a chance for a better future.

I think for Ted Forstmann and John Walton to go out of their way to help the national capital is a good thing, but I think it also sends a signal to the President that everybody in public housing should have the opportunity to choose a school for their children that is safe and disciplined and has education, and that that should not just be reserved to the two highest elected officials living in public housing, but everybody in public housing ought to have that opportunity.

Mr. Speaker, I would argue that we can have a chance in the bill we passed just 2 weeks ago to give 2,000 children an opportunity to have a scholarship to let their parents have the right to choose, and I would urge the President: "Please accept the chance for the poorest children of our national capital to have a chance to go to school that is safe and drug-free with real learning."

[From the Washington Times, Oct. 14, 1997]

VOUCHER FUND GETS $6 MILLION

(By Susan Ferrechio)

Two private businessmen have donated $6 million to a small D.C. school voucher agency that will use the cash to help pay for 1,000 low-income city students to attend private schools.

Theodore J. Forstmann, one of the donors, said at a news conference yesterday he was donating his share of the money because the D.C. public school system is "really awful" and he wants to help some escape a notoriously troubled system where they cannot learn or get ahead. He said he wants to encourage "citizens taking responsibility for problems and taking action."

The Washington Scholarship Fund, a privately financed charity, pays for 460 D.C. children to attend private school this year.

The agency will use the first of three $2 million infusions to pay up to $1,700 in tuition to each eligible student, beginning in September 1998. The students now served by the fund come from households that earn an average of $18,000 each year.

John Walton, like Mr. Forstmann a business investor and a believer in vouchers, is matching the $3 million donation to the agency, which was started in 1993 by a former Department of Education analyst.

"There was a real need in Washington, D.C., to help the children," said Mr. Forstmann, who is chairman of the scholarship fund's board of directors.

Mr. Forstmann, of New York, and Mr. Walton, of San Diego, have donated money to voucher programs in other cities, including a program in New York that helps pay private-school tuition for 40,000 low-income students.

The donation comes as Congress is debating a plan to spend public money on private school vouchers for D.C. students.

The House next week will resume debate on a plan in the D.C. Budget Bill to spend $7 million next year on 2,000 scholarships for low-income students to attend private schools.

That plan, which would offer up to $3,200 a year to pay for tuition, books or transportation to private schools, is supported by many Republicans but opposed by President Bill Clinton.

Washington Scholarship Fund president and founder Douglas D. Dewey said students are chosen by lottery to receive money from the agency, which pays up to half of one year's tuition.

He said the agency, which is run by three employees, will raise an additional $800,000 this year.

Lora Watkins, a secretary for the Department of Commerce, took her three daughters out of Watkins Elementary in Southeast this year. She pays $4,600 in tuition to send them to a nearby Catholic school, Our Lady Queen of Peace. The scholarship fund subsidizes $2,300 for her tuition costs.

"I was just desperate to get them out of the public school, no matter what," said Mrs. Watkins. "They're learning a whole lot more, it's just totally different. The education is so much better."

Enrollment in the city school system of 78,500 students is declining, school buildings are crumbling, and students test poorly.

The system has been under reform since November by an Emergency Board of Trustees and chief executive officer appointed by the D.C. financial control board.

[From the Washington Post, Oct. 17, 1997]

WHAT A DIFFERENCE HAVING A CHANCE MAKES

(By William Raspberry)

Ted Forstmann isn't much of a philosopher—quite the refreshing opposite. He comes across, over lunch, as a down-to-earth rich guy who, for reasons even he has trouble articulating, just wants to give something back.

So he and his friend and fellow entrepreneur, John Walton, are giving $3 million each to a scholarship fund for low-income children of the District.

He's sure it's the right thing to do, even though he is pretty much inventing his philanthropic largess on the fly.

"You've heard that biblical passage about it being easier for a camel to pass through the eye of a needle than for a rich man to get into heaven?" said Forstmann, co-founder and senior partner of the $16 billion New York investment firm Forstmann Little & Co. "I think what that's saying is that if you achieve success and don't do something worthwhile with it, then—well, you're just sort of pathetic."

He's trying to do something worthwhile with his success. But why schools? In part, he says, because of what he learned at his first job, at a reform school, and in part because he believes schools—Andover, Yale, Columbia—have been a huge factor in his own success. Why D.C.?

Why not D.C.? Besides, Douglas Dean Dewey, who runs the Washington Scholarship Fund, asked him to help.

Forstmann, athletically trim at 57, has just left a press conference announcing the gift, and he's trying to talk about what motivated him and Walton to do it. "I worry about kids who are born into the world without a choice," he says over a huge swordfish steak at Washington's Capital Grille. "It's like being born already dead. There are too many children like that, and I just feel we have to do what we can for them."

He is just a little weary of critics pointing out the inadequacy of his effort, which amounts to a partial scholarship (one-third to two-thirds of a tuition) for K–8 youngsters who are accepted into private or parochial schools and then win a lottery for the awards. The 1,000 lucky winners are ensured of scholarship help for at least three years, and probably through high school.

"Sure, I wish we could do more—and over time, we will," he says. "Sure, the parents will have to put up some money [for application fees, uniforms, books] they many have. And sure, what we are doing won't fix the public schools. But I'm not going to beat myself up for what I can't do."

Nor will this lifelong bachelor concern himself over the politics of his effort. "I'm not allied with the people who are pushing vouchers. I'm not opposed to them, necessarily. This is something separate.

"Let me put it this way. I've been what happens to people when they feel they have no choice in their lives. The kids I worked with at the reform school—I was an assistant hockey coach—wouldn't cheer if the game was close, or if they were behind. But when they were up 10–0, they would raise the roof. They had lost so many times, they couldn't let anybody see they cared about losing. What was true for those kids in sports is true for the kids we're trying to help in life. We want them to have the courage to try to succeed, to meet high standards."

Is he afraid of skimming the public schools of some of their brightest children (and most committed parents)?

"I see it differently," he says, "It's the people who are defending the status quo who ought to be called to task. I look at it the way the kids themselves look at it. I talk to them, and they say maybe about one-tenth of their friends will make it for sure and, with help, maybe half of the rest. The others don't want to try. But then maybe one of those will look at the others and say, well, maybe I'll give it a shot. In other words, you start with those you can help, and with luck pretty soon you've got a majority. The ways things are going now, the majority is on the other end—and they keep the brighter kids from trying."

Forstmann, who recently was named man of the year by the Inner City Fund of New York, of which he is a director, doesn't particularly like the limelight. The only reason he agreed to the news conference, he says, is the hope that maybe his effort might inspire other people of means to join in.

"There are just so many kids who need a boost that they aren't getting, the way things are now. The point is, there's nothing wrong with the kids. What's wrong is the situation in which they find themselves. We can complain about it, or people of goodwill can step up to the plate and try to do something about it."

Forstmann is stepping up.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRA EXPANSION NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, the Congress is about to enact one of the most important proposals in several years, legislation to reform the antitaxpayer bias of the IRS. Once this legislation to protect taxpayer rights is passed, the focus will shift once again to questions involving tax policy. As we all know, a national debate on fundamental tax policy issues is expected in coming months. This debate will center on several proposals advanced for sweeping reform of the current income tax system.

Many expect actual tax reform to emerge only after an extended period of debate ends with the emergence of a consensus on a tax package. Given the complexity of the issues involved, this process could take a long time, perhaps years.

In the interim, the current counterproductive tax system would still undermine economic incentives while tax reform efforts proceed. Some action is needed now to limit the damage resulting from the current tax system. The tax system we know today has many problems, but one of its main defects is its bias against personal savings. Personal savings is taxed once out of income and then the return on savings is taxed once again when we tax interest.

This multiple taxation penalizes personal savings, a major source of economic growth, so it is no surprise that America has one of the lowest personal savings rates in the world.

This bias can be addressed by increasing the tax deduction for IRA contributions, currently set at $2,000 annually. Earlier this year, I introduced a bill, H.R. 891, to boost IRA deduction limits by $500 per year over several years. When fully phased in, a middle class family could deduct up to $7,000 a year for an annual IRA contribution. I strongly urge that an increase in the IRA deductions be part of any tax relief plan offered in 1998.

An increase in IRA deductions would help middle class families save for their future, become more financially independent, and be better able to deal with unexpected events and become less dependent, less dependent on government. It would also give them a greater stake in the United States economic system. It is a tax cut that average Americans would understand and strongly support.

An increase in IRA deductions would increase personal savings, a major source of investment and economic growth. This would help firms to supply their workers with the best and most advanced tools, thus increasing productivity and income. If we want personal savings to increase, we should increase IRA deductions for middle class Americans. A tax code that penalizes savings and investment makes no sense.

Middle class taxpayers need a means of addressing their responsibilities to save for retirement, for education, for medical expenses, for unemployment, for first-time homeownership and perhaps some other purposes. Federal tax policy should not discriminate against taxpayers willing and able to take on these responsibilities for themselves, but are prevented from doing so by the disruptive, destructive impact of the current tax system.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–342) on the resolution (H. Res. 277) waiving points of order against the conference report to accompany the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–343) on the resolution (H. Res. 278) waiving points of order against the conference report to accompany the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXCHANGE OF SPECIAL ORDER TIME

The SPEAKER pro tempore (Mr. WALSH). Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from California [Ms. WATERS].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

OPENING OF WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, this past weekend marked the much anticipated opening of the Women in Military Service for America Memorial. This beautiful monument honoring our Nation's women veterans tells an important story of the place of women in the service and protection of our country. I am so proud that so many women from Florida turned out for this big opening. I want to commend Sheila Chamberlain and the Women Veterans Organization for making this happen.

I want to take a moment to briefly highlight the role of women in this Nation's conflicts. We all witnessed the spectacular events in the Persian Gulf war where more than 40,000 women made significant contributions. However, women have served this country in all of its conflicts dating back to the Revolutionary War.

Women were hired in early wars as cooks, seamstresses, scouts, and couriers. Doctor Mary Walker, an Army physician who served during the Civil War, was the first and only woman awarded the Congressional Medal of Honor. The first Army and Navy nurses corps was established during the Spanish-American War after a typhoid fever emergency forced the Army to recruit 1,500 women.

Women were first recruited as members of the Armed Services in World War I, serving in roles ranging from nurses to telephone operators to clerks. More than 350,000 women served in World War II, including the first female officers. More than 200 military women died in action overseas during the Second World War. In Korea, the war which occurred shortly after we fought the war to end all wars, 48,000 women served. And in the Vietnam conflict, 7,500 women served this country in one of its most controversial conflicts.

We can be proud of the women who have served this country so faithfully, making ultimate sacrifices just like their male counterparts. In fact, in early conflicts women served even though they could not vote and before they were allowed to officially enlist in the Armed Services.

Let me repeat that. In fact, in earlier conflicts women served even though they could not vote and before they were allowed to officially enlist in the Armed Services.

Women have many more gains to make in the military, as pilots, ship captains and as leaders of ground forces.

I am glad that they are entering these areas and encourage all to continue making this progress in these new territories for them.

We must keep in mind that in this day and age of the All Volunteer Armed Forces, we must attract all of our people to serve this country, and this includes women. Women are vital to our Nation's defense, and I am so happy that this memorial was dedicated to all of those who have served. I congratulate all of our women active duty people, women veterans and, under the leadership of General Vaught. I congratulate all those who made this memorial possible.

PROPOSAL TO REDUCE QUOTA OF GRAY WHALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, in Monaco today the International Whaling Commission, the IWC adopted a proposal to reduce the quota of gray whales given to Russia from 140 to 124. The quota was originally established for aboriginal groups who had demonstrated a nutritional need for whale products.

The United States intends to take four gray whales from the Russian quota and allocate them for harvest by the Makah tribe in Washington State. However, many delegates to the IWC are now saying that they did not approve the controversial Makah proposal.

Evidently, as I stated on the floor, on the House floor last night, the United States has tried to go through the back door by cutting a deal with the Russians and their quota, because they were facing almost certain defeat if the Makah issue were dealt with on its own merits.

The U.S. delegation leader, Will Martin, stated at a press conference in Monaco that the Makah hunt had been approved. He has since been forced to back away from this statement. This is another example of a misleading statement of fact by the U.S. delegation in Monaco. Throughout this process, they have relied on strong arm pressure tactics, misleading information and clever propaganda to distort this issue.

The Makah just have not demonstrated and aboriginal subsistence need, which is what the IWC regulations have always required. The Australians have stated that their amendment, which was added to the United States-Russian proposal was added to prevent the Makah allocation, due to a lack of demonstrated subsistence need. The Makah have claimed a cultural need as subsistence.

If accepted, this will now open the door for more quota increases around the world. Japan has already stated the desire to allow four villages on the Taiji peninsula with no subsistence need to be granted a cultural quota. Iceland, Ireland, Norway, China, where will it end?

We will continue to work with the Makah elders through the legal process to prevent this whale hunt. I have already filed a lawsuit challenging the environmental process the administration went through to give support for the Makah proposal. We must prevent this tragic expansion of whaling and mark my words, this is a step into commercial whaling in the continental United States.

In addition, I am aware of questions being asked the Bureau of Indian Affairs to investigate accusations made by the Makah elders who oppose the whale hunt that have alleged that the Makah tribal constitution has been violated.

According to them, major tribal decisions must be ratified by a referendum of the whole tribe. An issue that has attracted the attention of the whole world that will effect greatly every enrolled member of the tribe surely qualifies as a major tribal decision.

It is despicable that a quota for aboriginal whaling that was established using the legal standard of real nutritional subsistence is now being used to sneak past an allocation for the Makah tribe who failed to meet this criteria.

Truly poor aboriginal people are being exploited through the cynical efforts of the official U.S. delegation.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAYNE] is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey [Mr. PAYNE].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

INTRODUCTION OF SCHOOL CONSTRUCTION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. SANCHEZ] is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to speak on an issue of national importance that has been ignored by this Congress. Schools across the Nation are bulging at the seams and the Department of Education predicts that overcrowding of America's schools will only worsen over the next decade. Yet school construction was not a part of our budget agreement and it has not been a part of the debate on this floor.

The Secretary of Education recently released a Baby Boom Echo report citing that kindergarten through 12th grade enrollments will be at an all-time high of 53 million this fall. By the year 2007, the number will reach over 54 million. How much longer can we ignore the problem of school overcrowding?

In my county, Orange County, we have one of the youngest populations in the Nation and Orange County schools are perfect examples of how overcrowding can create problems for schools and students across the Nation.

Schools in my congressional district have one of the highest growth rates in the Nation, between 2.4 percent and 5 percent per year.

Each time that I go home to my district, I visit one of those schools. During many of these visits, I have witnessed high schools and junior high classrooms where 50 or 60 or 65 students are crammed into one classroom. I have seen two classes being taught in one room. I have seen too many schools who use portable and temporary structures because they cannot afford to build new ones.

Our kids are not getting the attention they need and their learning is being inhibited. In addition, schools are quickly deteriorating because of extended and increased use.

Local school districts and States have obviously been unable to address school construction needs and, unfortunately, we have not given them an incentive to do so from the Federal level. That is why I have introduced the Expand and Rebuild America's Schools Act, which is a bill that will assist our local education agencies with the financing of school construction bonds.

The Expand and Rebuild America's Schools Act offers a 2-year pilot bond program that local school districts can take advantage of when financing school construction needs. The bonds are interest free. Because the Federal Government will provide a tax credit to lenders in the amount of the interest that would otherwise be paid.

But more importantly, this bill will reward schools that have high standards and that continue to succeed amidst bad conditions.

□ 1800

This bond program will help those schools that have severe overcrowding problems, illustrated by year-round schedules and the use of these portable classrooms. Qualifying criteria for the program includes high growth rates and high student-teacher ratios.

Finally, this bill allows schools to apply for the program directly through the Department of Education, avoiding any State bureaucracy in funding decisions or program administration.

I hope this Congress will soon realize the importance of education, of our schools, and of our children. Let us make school construction and this bill a priority for our legislative agendas.

PUT EDUCATIONAL DOLLARS IN THE CLASSROOMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, why are the liberal Washingtonian Democrats so afraid to change public education? Why are they trying to maintain the status quo in public education? What is it that they were afraid of? Are they so in the pockets of the Washington big unions that they are willing to sacrifice America's children to educational mediocrity?

I am a graduate of public schools. I am the son of a teacher and the brother of a teacher. I think it is very important for us to have a strong, dynamic public education system, and that is why I have worked with our conference to try to give public education the schools that they need to prepare our children for the future.

I am appalled by Members of Congress who choose to ignore the global realities of a changing world in order to keep the status quo. Just because Washington bureaucrats do not want to change or improve education does not mean that Congress has to be their lap dog.

Since I graduated from high school in 1973, SAT scores have fallen. On an international basis, American children, compared to Japanese, German and British children, score lower on many of the standardized tests. Public schools are losing students to private schools and religious schools, and home schools are increasing in popularity and numbers.

Public schools, because of this Washington command and control approach, have lost their local flexibility, their local control. They are mired in paperwork and red tape. That is why charter schools have become so popular.

What are charter schools? Charter schools are public schools. They are funded by public tax dollars. But unlike a regular, normal school, a charter school is free of the educational restrictions that the bureaucracy puts on them out of Washington and out of the State capital school boards.

They are so popular that in 1992 there was one charter school in the United States of America. Today there are 1,000, and within the next 3 years there should be another 2,000 to 3,000 charter schools. Again, why are they so popular? Because they have local control.

What is it that teachers and educators are so sick of? I will give my colleagues an example. A teacher in Camden County in my district was telling me she just returned from a seminar on child sensitivity where they told her, at great expense to the taxpayers, not to hug children, not to be in a room alone with a child, and never to touch a child. And she works in an area where there are lots of broken homes and lots of kids who, Mr. Speaker, frankly, need a hug more than they need an A or an A+. They need a little loving, but we are paying teachers to learn how not to hug children.

Or the teacher in Darien, Georgia, who told me she has to spend 2 to 3 hours each and every week filling out paperwork for the bureaucrats in Atlanta who must send it to their bureaucrat bosses in Washington, D.C., 2 to 3 hours a week, which could be spent helping that marginal student catch up on the algebra or on the chemistry or on the social studies. But it is gone.

Or the mother in Savannah, Georgia, who tells me she no longer goes to PTA meetings because if she comes up with ideas, the teacher may agree or disagree with her, but it does not matter because they cannot change a thing because the teachers' hands have been tied by the bureaucrats, and the bureaucrats' hands at the school board have been tied by the Washington bureaucrats.

People want to return to local control in education. Our schools back home want to be free of Washington command and control bureaucracy, Mr. Speaker, and that is why it is so important that we, as a Congress, keep pushing for local control of education, we keep pushing for flexibility in the classroom, and we keep pushing to put educational dollars in the classroom with the teacher and the student and not the bureaucratic brokers in Washington and the State capitals.

Mr. Speaker, I yield back the balance of my time with a final word; that our public education system is well worth fighting for. Again, I am a graduate of public schools. I believe in them. But I believe we have to allow them the flexibility to be the great institutions which they once were.

STOP 245(I)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BILBRAY] is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, I am here to address an item that has not been discussed very much at all here on the House floor this year, but something that was discussed extensively last year with the passage of the Immigration Reform Act. This item will be considered under the Commerce, Justice, and State conference report very soon.

This item is called 245(I), the notorious illegal alien amnesty program. It is a program that allows that somebody who has violated our immigration laws can pay $1,000 as a payment to be exempted from the immigration laws of the United States. This 245(I) allows those who have broken our laws to gain special status that those who are waiting patiently to immigrate into our country do not have access to.

245(I) means that the people who have played by the rules are being punished and that those who have broken the rules are now going to be rewarded.

Mr. Speaker, I think there was one very clear message that we tried to articulate in the Immigration Reform Act of 1997, and that was that it was unfair to punish those who played by the rules and to reward those who broke the rules. And in fact that bill, the immigration reform bill, which was aimed at ending these types of policies, was passed by an overwhelming majority, by 320 votes in this House.

Democrat and Republican joined together to tell the American people that we were going to stop the absurd process of rewarding illegal immigration. And also those 230 Members of Congress voted together here in this House to send a message not just to America but to the world that the days of rewarding people to come into this country illegally was going to end; and to tell everybody in the world that if they want to come to this country, then come here legally. If they play by the rules, then we will reward them. Break the rules, and they will not be rewarded.

Well, 245(I), Mr. Speaker, continues to reward those who have broken the law and continues to punish those who have played by the rules.

Now, there is an action in the other body that discusses the idea of extending this again another 4 years. And this was a program that was snuck in 3 years ago and was only supposed to be around for 3 years.

Let me remind my colleagues that there are 3,000,500 people waiting patiently to immigrate legally. They do not have the chance to pay $1,000 and get on the fast track, because they have played by the rules. The fact is there is a million people in this country today that have been identified by the immigration department that are potentially eligible to buy into this amnesty program with $1,000.

Now, originally, when this bill was passed and this amnesty program was put in, it was estimated that only 10,000 people would take advantage of this program, and they said that only 10,000 would be initiated. The fact is 400,000 have applied, Mr. Speaker, 400,000 people that have said we want to buy our way out of our illegal status and pay a bribe to the U.S. Government so that they will forgive us for being illegal.

The fact is, Mr. Speaker, this number has gotten so big that over $200 million is acquired by the United States from this bribe, what we call in my neighborhood "mordida," and it is a bribe to get the Government to look the other way.

Now, there are those who will say we have to keep this program now because we are making over $200 million, and that somehow we are going to make benefits off of this. Let me remind my colleagues, Mr. Speaker, that a lot of these individuals who are paying the $1,000 to acquire this legal status are doing so to qualify to receive public assistance benefits from the Federal Government for their children and so that they can then get a check. The fact is the $1,000 will be recouped by many of these individuals if they have minor children who were born here in the United States while they were illegally in this country.

Now, I think it is quite unfair that there are those 3½ million people waiting patiently to immigrate who are not offered this kind of option. Their children are not given automatic citizenship, their children are not offered automatic welfare benefits, and they, by paying $1,000, do not automatically qualify for public assistance and welfare in the United States.

Mr. Speaker, I think that it is time that this Congress has the guts to stand up again, like it did last year, saying that the days of rewarding illegal immigration are over with, the days of punishing those who played by the rules are over with. Mr. Speaker, I am asking for this body to publicly discuss the fact that if 320 Members said it was time to end this program a year ago, why is the Senate and why is this House even considering extending this program?

I think it is time the American people called every one of their Congressmen and said stop the alien amnesty program, stop 245(I), and let us start treating people fairly and rewarding them for playing by the rules.

STOP 245(I)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I wish to commend my colleague, the gentleman from California [Mr. BILBRAY], for the remarks he just made and for the energy that he has put into this effort to bring our borders under control and to prevent hundreds of millions, even billions of dollars from being spent on people who have come to this country illegally.

I think it is incumbent on those of us who have been very active in this effort to prevent illegal immigration into the United States, to express our appreciation for the fact that legal immigration has done great things for the United States of America.

I know I am speaking for my colleague, the gentleman from California, [Mr. BRIAN BILBRAY], and I know I am speaking for myself and most of us, I think all of us who have been active on this issue in the House of Representatives. Legal immigration has served our country well. We are all immigrants, except perhaps for the American Indians who met us at our shores.

The people who have come here legally, however, are screened so that they are not carrying diseases, they are screened so that they can take care of themselves, so that they are not criminals, so that they are not people who would be involved in acts of terrorism. We have, in fact, the most generous legal immigration system in the world where we screen out people who will not be taking care of themselves or are not healthy or pose a threat to our society, and let other people come to our society who will be producing wealth and become productive members of our society.

We can be proud that the United States of America has a legal immigration system that permits more legal immigration into our society than all the other societies in the world combined. That is a wonderful thing, and we have benefitted from that. But what we have not benefitted from is a flood of illegal immigration in the last 10 years that is overwhelming many of the social systems that we put in place for our people.

In California we find our education system breaking down. Our young people's test scores are going down, down, down, even as we pump more money into the system. They go in and they say the class size is too large. And then we find out a third of the members of the class are illegal alien children.

In California the health care system is breaking down, and those children in our school system are confronted with diseases that we thought we had knocked out years ago but perhaps are being brought in by illegal people from South America someplace.

□ 1815

These are things we have got to care about, not because we do not like the people who are illegally coming into our country but because we care about our own citizens. The question the American people should be asking of their elected representatives, the question, the main question should be who do you care about, who are you representing. Are you representing some cockamamie liberal idea that they are going to share the wealth with everybody?

I was in a negotiation with someone yesterday who was literally talking about an amnesty program, another amnesty program for the 5 million illegal aliens who are in our system. And also during the discussion we talked about the people who are here illegally perhaps bringing their grandparents over, being able to bring their grandparents over. I just could not understand how anyone could suggest that we bring people over from overseas who are senior citizens, who have never paid a cent into our system, who would then partake in the social benefit packages that our own seniors have paid for all of their lives. They have worked all of their lives to build a little security for themselves, and then we are going to betray them by permitting people to come in great masses from overseas and partake out of the bowl until the bowl is dry, especially when for so long our own citizens have been contributing to that thing, thinking they would be helped by that when they became seniors.

Who are we representing? Who are we watching out for? If our people are not watching out for the well-being of the people of the United States, they should not be in the House of Representatives. We see this time and time again where there is a concept of a global concept here, that it is going to guide our decisions, what is best for the world or best for those seniors overseas.

I have a heart. I care for these good people who would like to emigrate here illegally. I have a heart for people who are trying to improve their economy overseas. But we cannot have policies that are aimed at helping others at the expense of our own people. It should be a fundamental principle. If we can give and help provide and support people who are building free societies and democracies overseas, their societies will progress, they will have prosperity, they can take care of themselves rather than having their people having to emigrate and flood into the United States.

We have a great challenge ahead of us, to be the leader of a free world and to stand for decency. The first and most important responsibility we have in meeting that challenge is to watch out for the interests of the people of the United States of America.

ILLEGAL TRAFFICKING IN HUMAN ORGANS

The SPEAKER pro tempore (Mr. WALSH). Under a previous order of the House, the gentlewoman from Washington, Mrs. LINDA SMITH, is recognized for 5 minutes.

Mrs. LINDA SMITH of Washington. Mr. Speaker, last Friday Representative PELOSI, Representative WOLF, and myself, LINDA SMITH, asked the Attorney General, Janet Reno, to launch a formal inquiry and prosecute all violators of U.S. laws who have illegally trafficked in human organs.

A little over a week ago, there was a documentary shown by ABC, and it showed footage of men and women of Asian descent in China lined up in rows, with one person holding them with their hands behind their back and another person with a rifle to their head. You watched then a military leader, I do not know what the rank, walk behind them and reposition the gun. It was so that the execution made sure that the organs were left in the best order for the person that was in the red army, the People's Liberation Army hospital run by the military just a short ways away, ready for the kidneys from these executed prisoners. It went on to show that this was a common practice, as testified by doctors in the United States and China. People that have been involved, it is reported that there are nearly 4,000 of them at least last year just for the harvesting, as they call it, of their kidneys.

If these allegations are true, we are talking about men and women being treated like animals, no more than like cattle being lined up to be used for the benefit of someone else. I believe America is too good for this, but they are way too good for participating in it, because something more was revealed. I have known this for some time. Some of the tapes that were delivered to the administration a year ago asking them to defend, to do something, to speak out showed that Americans were involved. The tape goes on, though, and shows some things new, and it shows that the Chinese government or folks from China have been coming in on student visas and that they are actually the agents that market for $5,000 down a prisoner's vital organ. In this case it was kidneys. They say, though, that they can match anybody, because they have thousands, maybe millions of people, of whatever match and they can take blood type and tissue type and make sure that the rejection is low, because they have so many specimens to draw from in their prisons.

The reports we get from American Amnesty and other groups is that the increase in the arrests is growing at a great rate in China for folks that just get together to pray in a church, or are of the wrong religion, not okayed by the government, coming together, like possibly Moslem in some cases, Catholic, and that this is what they fill their prisons with. So this is not people even who are hardened criminals.

We have asked the Attorney General to go through all the American laws. We have found so far it is against the law to traffic in organs and to get consideration from them. So the people involved and the corporations that set up the dialysis and stayed involved and corporate heads who have testified to this, we have asked them to be deposed. We have asked the people that are selling, that we have identified and given the names and the visa numbers to the FBI, to be retained and not allowed to leave the country. But more than that, we have asked the President next week when he hosts a party for the President of China to ask him to put a stop to this atrocity carried off by his military in modern hospitals set up by American equipment, dialysis corporations. We need our President to speak out, because that has what has been good about America for many years. Often not foreign policy that is passed by Congress, but a leadership that speaks out and says we have a balanced approach to dealing with other countries. I plead with the President tonight to please speak out for people around the world, and I plead for this Congress to pass a resolution in the next few days, tomorrow, next week that calls for a united voice against this practice.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, today in Budget Committee, we heard testimony about what we might do if there were more revenues coming into the Federal government than required under the existing caps for expenditures; in other words, if we reached a surplus sometime next year. That looks like it might be a possibility. We heard testimony that some of that money should go for infrastructure and more money for roads. We heard testimony that some of that money should go for tax cuts. We heard testimony that maybe it should simply go towards reducing the debt of this country that is now at $5.3 trillion.

I would like to put in a suggestion, Mr. Speaker, that we use some of this money to start paying back the Social Security trust fund and start dealing with the huge unfunded liability that we are now faced with with this program of Social Security.

The red chart that I have over here, the blue part shows the short-term blip where we will have more money coming in than is required to pay out existing benefits. The red portion of this chart that goes as much as taking $400 billion a year out of the general fund because there will not be enough in the Social Security taxes coming in shows the length of time of the seriousness of this unfunded liability. I think it deserves just a brief review of the program that started in 1935.

In 1935, we started the Social Security program. It was started as a "pay as you go" program with existing workers paying in their taxes to pay for the benefits of existing retirees. At that time when we started, there were 47 workers paying in their taxes, at that time it was 2 percent on $3500, paying in their taxes to support each retiree. 47 of them. By 1950 that got down to about 16. Today there are only 3 workers working paying their Social Security taxes, 12.4 percent with the employee and the employer's share, supporting each retiree, a tremendous burden on those individuals that are working and paying in this huge tax.

Let me just show Members, for example, something that should be very startling to everybody under 50 years old. This chart shows how long you are going to have to live after retirement in order to get back just the money that you and your employer put into the Social Security taxes. Not a good investment. If you happened to retire here in 1960, you could get back everything you and the employer had put in in 2 years. In 1995 it took 16 years if you retired in 1995. But if you are going to retire in 2005, 23 years, or 2015, you are going to have to live 26 years after retirement just to get back what you and your employer put into Social Security.

It is time we took our heads out of the sand and started dealing with this huge problem. This shows the projected growth of the senior population in relation to the workers. The senior population goes up 73 percent between now and 2025. The working population only goes up 14 percent. Here is the chart that shows in 1950 we had 17 workers working to pay their taxes for each retiree, 3 today, 2 by 2029. I think this should be the startling chart that should make us be a wakeup call for all Members of Congress, because if we put this off, that means that the solutions are going to be more drastic later on, either in increasing taxes or reducing benefits.

What we have done in the past is simply increased taxes every time there was a shortage of funds. Since 1971, we have increased the Social Security tax 36 times. We cannot do that.

I have got a proposal that I will be introducing next week that solves the Social Security problem without any tax increase, without taking away any benefits for anybody 57 years old or older, and it starts dealing with this huge problem by allowing some private investment. What we do is slow down the increase in benefits for higher income recipients and the amount of money coming into the trust fund, we use some of that for private investment. So the worker has the ownership of some of that investment that they can invest in the stock market, the equity stocks, equity bonds, equity mutual funds to allow them to gain some of the magic of compounding interest, and they will actually retire with much more benefits than if they stayed on the existing Social Security system.

Another call to arms I think is the fact that the workers today, 78 percent of those workers today pay more in Social Security tax than they do in the income tax. It is unfair, it is going to be generational warfare if we do not do something about it. I say, let us start immediately as we look towards this short-term blip of balancing the budget and start dealing with this huge problem of Social Security to make sure that the existing retirees in future generations have the kind of benefits that we promised them.

□ 1830

EDUCATION IN AMERICA

The SPEAKER pro tempore (Mr. WALSH). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes as the Majority Leader.

Mr. ARMEY. Mr. Speaker, I thank the Speaker for that recognition. I want to also thank the gentleman from Michigan [Mr. SMITH] for his five minutes. That is a very important subject, and I think the gentleman from Michigan is demonstrating that, irrespective of the relatively painful political history that this subject has had, that the time may be in fact at hand in America when indeed it will be required of us in responsible public policy discourse to address these very pressing problems that the gentleman has addressed in his five-minute talk.

I want to again commend the gentleman from Michigan, for not only his insight into America's policy problems, but, frankly, his courage to take on a subject that, for all too many years, has been one that has not been appropriately and necessarily addressed in this country.

Mr. Speaker, I would also like to take a moment and give my regards and appreciation to the very many dedicated Members of the House staff. It is so often the case that long after the day's work is done and most Members have gone about their business, that the dedicated staff of this body remain for these matters we call "special orders."

Certainly, we recognize the importance of special orders, but, while we do that, we ought to take a little time and recognize the staff's willingness to bear up under that additional workload with good humor and good grace.

As you know, it is not a matter of practice for me to do special orders. That tendency that I have to refrain from doing so is oftentimes in deference to the staff because they, too, have families. They, too, are anxious to get home at night. I would only do that if I felt compelled to do so with respect to a subject that is pressing in the hearts and minds of the American people.

I would further like to predicate my comments, Mr. Speaker, by bringing good news to the body. Our congressional family is made today one person stronger, one person richer. DAVID and Ruthie MCINTOSH today gave birth to their very, very first baby, Elizabeth. I am sure they will come to realize over the years, as I did, it is indeed your good fortune when your first baby is a beautiful baby girl, as mine was. So I am sure all the body would want to join me in expressing our heartfelt congratulations to DAVID and Ruthie, and our anticipation of seeing Elizabeth as a member of our congressional family.

The subject that I would like to address during this period of time, Mr. Speaker, is the subject of education in America. We have had some initiatives brought to the floor. We have seen some debate on the matter. We will talk about this subject this evening, and we will try to have a serious discussion of this subject.

I would like to recognize those of my colleagues that are here before I proceed very much further myself, but I do feel, Mr. Speaker, constrained to say one thing: As we have had these debates, I have been alarmed by the nature of the debate, particularly from the minority. It should be understood and it should be accepted in this body that when it comes to the matter of the education of our children, we are all concerned and we are all dedicated, and that the kinds of hysterical criticisms that have been levied against the initiatives brought to this floor by Members of this body are no compliment to the body, and certainly do very little to help the American people understand how seriously this body takes that most important task of educating our Nation's children.

It would be my fond hope that in the future all Members of this body would be able to approach the debates with the kind of gentlemanly demeanor and assertiveness, a point of view that we have seen as, for example, in the persons of the gentleman from New York [Mr. FLAKE] and the gentleman from Illinois [Mr. LIPINSKI], both from the other side of the aisle, both people whose dedication to the children of this country is not questioned and should not be questioned.

I will come back with some more discussion points of my own, but, as I have said, we have so many Members that want to participate in this discussion this evening, not the least of whom, and if the gentlemen that are here will please abide me, if the gentleman from Florida will please accept, the gentleman from California [Mr. ROGAN] has in fact with him in the building this evening his own wife and children. They are waiting just a few doors away, and I think we would all agree that it is perfectly in the spirit of what we are trying to accomplish here that we recognize the gentleman from California for his remarks, so he can rejoin his wife and family for their evening meal in fact.

The gentleman from California [Mr. ROGAN].

Mr. ROGAN. Mr. Speaker, first I want to thank the distinguished majority leader, not only for according me the privilege of joining him this evening, but I want to thank him and my colleagues for letting me essentially cut in line.

It is true that my wife and my twin daughters are here this evening, hopefully, watching their husband and father on television, from the next room, with dinner waiting.

This truly is a family-friendly Congress, and when we cannot get home to have dinner with our families, our families can come here to join us.

I especially want to thank the majority leader for something far more important and far more lasting than the courtesy he has extended to me this evening. I want to thank the majority leader for being on the front lines every day of his congressional career, making sure that poor children throughout this country are afforded every opportunity for a quality education.

The majority leader, Mr. ARMEY, has just successfully steered through Congress a voucher program that will give 2,000 of the poorest children in Washington, DC, the opportunity to get out of the worst schools in our country and have the chance to receive the best possible education.

There is no political gain in this for the majority leader, who hails from Texas. None of these children are his constituents. None of these children will cast a vote for him. But they will cast something far more important, the eternal gratitude of a child who receives a good education and the gratitude of their parents who know what that means for a child when they are given the chance to succeed

I would like to share with the body a personal story, one that I know well, and one that deals with the subject of how important an education is to a young child.

Back in the 1950's in San Francisco, there was a young lady named Alice. She was somewhat rebellious. She moved out of her parents home and took a job as a cocktail waitress. Before long, she became pregnant by a bartender who refused to marry her. She would not have an illegal abortion. She decided to have her child, a child that she could not afford to raise, but a child she was intent on giving the best opportunities possible with her limited means.

Alice and her parents made sure that that young boy was given an opportunity to have a good education, and when some of the public schools in downtown San Francisco were not producing results, they did everything they could and used every penny they had to ensure that that child was sent to a private school where rigorous academic standards were taught and where skills like reading, writing, arithmetic, history, and spelling, were taught.

They were only able to afford that for 1 year. Alice had a lot of other difficulties. She had several other children and she married a man who was an alcoholic. Eventually they divorced, and with her four children lived on welfare and food stamps. They moved from community to community, and yet she ensured that no matter what her personal circumstances, she did everything possible to provide her children with a good education.

I think that she was something of a success, because, despite the fact that they had come from a family of alcoholism, illegitimacy, and dependency on government, she still made sure her children got the best education possible. Two of her sons became engineers, one of her sons went on to a little community college and then a public university, and then a public law school. He became a prosecutor, a judge, a legislator, the majority leader of the California Legislature, and, Mr. Speaker, last November, he was elected as a Member of Congress.

I know that story, Mr. Speaker, because Alice is my mother, and is now 62 years old. She has never visited Washington, DC, until this week, and I have the privilege of having my mother sitting in the gallery tonight watching her son, as a Member of Congress, now able to address an issue so important because he understands what it means to his family. And Mr. Speaker, I want to make sure that opportunity is available to every child in this country.

The worst thing I witnessed in my life, was as a prosecutor in the Los Angeles County District Attorney's office. Every single day of my professional life, as both a prosecutor and a judge, I had a front-row seat to see what happens when education fails: Gangs, drugs, crime. That is the future to which we condemn young children when we fail to provide them with educational institutions that are going to focus on rigorous academic standards.

Regrettably, Mr. Speaker, over the last generation, many of our public schools have abandoned those sacred things. And instead have moved off into this ethereal world where psychologists are allowed to bring every conceivable experiment into the public schools and substitute rigorous standards for these experiments.

Now we have children in the public schools who are not given grades because the teachers are afraid they might hurt their self-esteem.

We have public schools today where students are not taught phonics. Instead they are taught to memorize the whole word, which educators tell us gives them a vocabulary of about 300 or 400 words.

We have schools today, like in the school district where my family is temporarily residing. We wanted to put our daughters in kindergarten right across the river in Arlington. You know what we were told? We were told that children in the public schools will be taught one-half a day in English, and the other half of the day solely in Spanish.

Mr. Speaker, I do not want my 5-year-olds spending half their day in a public school being taught in Spanish. I want them to learn the language of international commerce. And when they are in high school, after they have been given the tools to compete and excel and succeed in this country, then if they want to learn a foreign language, let them choose to do so.

Now, there is a remedy for middle and upper income people in this country who are dissatisfied with their public school system. If they have a school system that puts tenure above competency, if they have a school system that wants to experiment on children rather than ensure the children are given the tools to succeed, they have a remedy. They can take them out of a public school, for which they are already paying their taxes to support, and they can spend extra money to put their children in private schools.

Now, that is fine, for parents who can afford it. But what about the parents in this country who can least afford it? What about the parents in this country who are on welfare, who are on food stamps? What about single mothers, like my mother, struggling just to make sure their children are given an opportunity?

I will tell you what happens to them. They are condemned to a life of mediocrity and a life of not being able to succeed.

This is an abomination, and this must not continue. Members of this Congress have a moral obligation to stand up to those special interests of the status quo who fight time and time again, and who are very glib at taking to the floor of this Chamber and talking about their concern for children but who will vote time and time again against the interests of those children.

Mr. Speaker, the time has come to change, fight status quo and provide all Americans with the tools to succeed.

□ 1845

I would say to them that their day in the sun is over, because when it comes to the future of the children of this country, we will fight tonight, we will fight tomorrow, we will fight every single day that we are here, and when we are not here and our successors take our place that fight will continue, because we owe this country and the children of this country no less.

We have an obligation as Members of this House to ensure that every single child of this country has an opportunity to compete, and where that opportunity is being denied, we have a moral obligation to fight until their rights are secured, and until that can happen.

So Mr. Leader, once again, I want to thank the gentleman for his courage and his bravery, for his lifetime of commitment to this particular issue. It is an honor to me to be able to stand with him here in Congress tonight and add my voice to the growing list of those who recognize the importance of freedom of choice in education.

I would just say to the gentleman that no matter how discouraged he gets and no matter how tough the fight looks, there are going to be millions of people a generation from now who are going to be able to say, I owe the leaders of my country a debt of thanks, because they gave me the opportunity to succeed in the greatest country that was ever created. This will be the victory of the gentleman from Texas [Mr. ARMEY], and in advance I want to salute him for that.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California, and I want to make the observation that on more than one occasion I have been at events where private citizens were giving of their own personal incomes to give, privately, scholarships for disadvantaged children to attend schools of their choice with their parents. The gentleman from California has been in attendance and been very supportive of that. So whether it be a matter of public policy or private action, the gentleman from California has, in fact, put himself on the line.

Mr. Speaker, the gentleman from Texas [Mr. DELAY] had actually left another engagement in order to be with us tonight, in anticipation of including his remarks. When he saw the large number of people that were here, he deferred to their presence.

I include for the RECORD the remarks of the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I am pleased that my colleague, the distinguished majority leader, has decided to take out this special order regarding our efforts to improve the education system of this Nation.

A famous philosopher once said that only the educated are free. Our system today is doing a very poor job of promoting that freedom.

I believe that our education system fails because it lacks accountability and subverts responsibility.

Rather than focusing on the quality of the education, the system all too often focuses on preserving the status quo.

The status quo is simply not good enough.

We need to bring greater choices to parents. We need to put them in the driver's seat when it comes to improving our education system.

Sadly, the President and the Democrat leadership have fought us on education every step of the way.

What are they afraid of? Why do they refuse to change the status quo?

They are so beholden to labor unions they have forgotten the real reason we have an education system in the first place: to prepare our children for their futures.

We will continue to embark on an education agenda that stresses local control, greater choices for parents, greater accountability for teachers, and higher quality for students.

And we will resist efforts by the administration to bring greater control to Washington, that emphasizes bureaucrats over parents, and that wastes money in schemes that ultimately do not help the children.

We've put together a bold education improvement agenda designed to help kids, parents, teachers, and local officials strengthen and reform our Nation's education system:

We will send Federal education dollars to the classrooms, not to Washington bureaucrats;

We want to return control over education to parents and local communities;

We want to strengthen our commitment to basic academics;

We want to give the working-class and poor parents new education choices—public and private—to educate their children in safe and nurturing environments.

When it comes to school choice, I ask my colleagues on the other side of the aisle, what are you afraid of?

I was especially disappointed by the debate that we had over the D.C. scholarship program.

This was a modest program that would have given 2,000 students in Washington, DC, a better chance to go to a better school.

The costs were minimal but the principle was pure. Give parents a choice and they will make the right decision for their children.

This drives the liberal establishment crazy. They want the power. They want to make the decisions. They want to avoid accountability and competition and responsibility.

So they fought this modest program with every ounce of their strength. The President has threatened to veto the bill, while the Democrats voted in lock step against it.

Why defend the status quo?

Too many D.C. schools have failed. They have failed to provide their students the kind of education that will help them succeed. They have failed to provide their students an atmosphere where they can learn. They have failed to prepare them for the future.

The system has failed. Let's change the system.

But too many of my colleagues don't want change. They want to protect the status quo. They want the money to continue to flow to a bureaucracy that wastes money.

For example, since 1979, the D.C. school system has lost 33,000 students. But in that same time period, the size of the bureaucracy has doubled.

What have the residents of the District of Columbia gained with this bigger bureaucracy? Lower test scores, more dangerous hallways, and more closed schools.

The time has come for school choice. The time has come to give parents the opportunity to have a greater role in choosing the right school for their children.

The time has come to inject accountability into a system that has avoided accountability for too many hears.

Today, we voted on legislation that would give parents in middle-class families greater opportunities to prepare their kids for the next century by giving them education savings accounts.

Mr. ARMEY. Mr. Speaker, another gentleman that I know has a very big heart for these matters, and is very busy and dedicated to them, is the gentleman from Florida, Mr. DAVID WELDON. I have known the gentleman and his wife and their work on behalf of the children of this country now for going on 3 years. Their heart is in it, they are dedicated to it, and they so much believe in these youngsters, and I wanted to share a few minutes with the gentleman.

Mr. Speaker, I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the majority leader for yielding, and thank him for his kind words. I would also like to commend him in his initiative for many, many years on behalf of the importance of improving education in the United States, and in particular, in the area of school choice and its value in improving education.

I am extremely pleased to see so many members of the Republican Conference here, particularly the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], and many of the subcommittee chairmen: the gentleman from California [Mr. RIGGS], the gentleman from Michigan [Mr. HOEKSTRA], and so many others who have joined us tonight on behalf of school choice and the importance of school choice.

Mr. Speaker, I will make my comments brief, because I know that many of the gentlemen here are indeed authorities on this issue.

I have been very interested in school choice for a lot of reasons. Probably one of the biggest reasons is my mother was an educator. She was a schoolteacher. She always instilled in me the importance and value of education. We clearly have a problem in our Nation today in that many of our schools are failing. Many of our public schools are not getting the job done. Educational performance has declined in the United States over the past 30 years.

The approach of the past has always been to throw more money at the problem. It has been very, very clearly demonstrated that that is not the solution. One of the more innovative solutions is to give parents more control over where they send their kids.

I was very pleased to be part of the initiative today to pass the A-Plus legislation, which would allow parents to set aside some of their money in a tax-free account, to use that money towards not only college education, which is currently allowed under the law, but as well, for K through 12.

The opponents of this have insisted that this is going to destroy public education in the United States. Let me just say that I think that is absolutely wrong. For them to even say that suggests to me that they recognize that public education in many areas of our country is in trouble. They must be so paranoid that people will stampede away from those bad public schools that they are doing everything in their power to protect them. We do not want to protect a failing system.

My own personal opinion is that those failing schools, in an environment where there is school choice, will do better. They will not do worse, they will do better, because they will be able to compete. I have a higher opinion of those teachers in those public schools, that they will be able to compete in a real marketplace.

The real issue here, in my opinion, is are we going to give school choice to everybody. Because right now rich people have school choice. Before I came to this House, I was a doctor. I practiced medicine back home. I made a good salary. I had a lot of doctor friends. All my doctor friends could send their kids to the schools of their choice.

The people who are locked into those failed public schools, and by the way, there are a lot of good public schools in this country, most of them are great, it is the middle-class families, it is the working-class families, it is poor families, they have no choice.

But we have a lot of initiatives here that give choice to the working class, choice to the poor people. We are trying to get them through this House. We need to get the minority on board on these initiatives. We need to get the President on board on these initiatives. I am very, very happy to be here tonight and speaking out in support of school choice.

Mr. ARMEY. Mr. Speaker, the gentleman from Florida has just made a very important point. It is precisely because we believe that the competition that comes with choice and the involvement of parents holding schools accountable is so critical that we believe that the public schools institutionally will be the first, best beneficiaries, and then, therefore, subsequently the children in the public schools, from a systematic process of choice, parental involvement, and discretion and accountability.

I want to thank the gentleman from Florida [Mr. WELDON] for raising that point.

Mr. WELDON of Florida. If the gentleman will continue to yield, the gentleman just hit on a really critical issue. The issue is the kids; it is not the schools, not the bricks and the mortar, but it is the kids, what is best for the kids.

Mr. ARMEY. Mr. Speaker, we also have the gentleman from the great State of Pennsylvania, [Mr. JOE PITTS], who has invested a great deal of his time and energy in this effort. I really appreciate the opportunity to introduce the gentleman from Pennsylvania to talk about an initiative of his to assure that more of our hard-earned tax dollars actually, indeed, get into the classroom for the immediate service of the children.

I yield to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Speaker, I thank the majority leader for his leadership, along with the distinguished chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania, [Mr. BILL GOODLING] on this issue, one of the most important components of our American society, and that is educating our children.

I am very pleased that the House Republicans have dedicated themselves to better educating our children. It has become painfully obvious in this country that the answers to our education problems were not, are not, and cannot be found in just arbitrary adjustments of Federal funding levels. Yet, some of our more liberal colleagues here in the House seem to think if we dump more money into crumbling schools, all the problems will go away.

We have been down that road before. The House has finally decided to address some new and innovative questions and solutions to the American education experience. I would just like to speak briefly about one initiative that we have focused our attention on. It supports our public education system.

It is actually quite simple. It involves getting education dollars directly in the hands of those who make our system work, those who have a direct impact on the classroom experience, those who actually know our children's names. It is called the Dollars to the Classroom initiative.

Mr. Speaker, we know that effective teaching takes place when we, one, begin helping children master basic academics; two, when parents are engaged and involved in their children's education; three, when a safe and orderly learning environment is created in the classroom; and then, four, when dollars actually reach the classroom.

Each of us agrees that our Nation's children deserve an opportunity to excel. We all know that this opportunity is inhibited when their teachers and administrators are hampered by paperwork, by time constraints, by financial hindrances just to apply for a Federal education grant.

The Dollars to the Classroom resolution, which we will vote on next week in this Chamber, calls upon the Federal Department of Education, the State education departments, on local education agencies, to spend a greater percentage of our Federal education tax dollars for our children in the classrooms. This is common sense. For far too long Americans' hard-earned tax dollars have gone to Federal bureaucrats, they have churned through the Washington labyrinth, instead of rightfully being placed in the hands of someone who knows the name of each child.

When we look at the funding of our local schools, Federal education dollars are actually a small percentage, rather small, only about 6 or 7 percent. That is a total of $15.4 billion, which goes for elementary and secondary programs from the Federal Department of Education. When we look at those dollars, the classroom may be lucky to see 65 percent of that money. That means that billions of dollars are actually lost in the labyrinth, the abyss of department studies, publications, grant administration, and bureaucracy.

To apply for a Department of Education grant, it takes 216 steps, an average of 21 weeks, just to apply. Additionally, the Department of Education produces tens of thousands of publications every year, only to be purchased for a small fee. I recently found out that anyone who wants to purchase one, an average citizen or a Member of Congress or a teacher, looking for a resource, must pay the Department of Education $4.08 for a copy.

How would we rather have our Federal education dollars spent, on studies like these? Let me list a few. There are 1,767 studies on career planning, 140 studies on checklists, 13 studies on welding, close to 100 studies on education researchers, researching their research techniques, 260 studies on surveys, 26 studies on camping, 3 studies on cement, the concrete experience, 82 studies on calculators, I think we are beginning to get the picture, all produced with taxpayer dollars.

Next week we will vote, and my vote will be in support of tax dollars going for things like providing more teachers, teacher aides, purchasing updated software, state-of-the-art microscopes, using new maps and globes of our world, and even seeing that every American classroom is connected to the Internet and brought into the new information age.

The classroom is where the action is. The classroom is where knowledge grows and learning takes place, not in some Washington office where miles upon miles of paperwork and publications are produced.

The Dollars to the Classroom initiative expresses a call on the Department of Education to see that more departmental education, elementary and secondary funds, get into the classrooms directly. If this actually happens, much more money, in some cases as much as $1,800, would be available for each classroom in the United States.

Even President Clinton has said, and I quote: "We cannot ask the American people to spend more on education until we do a better job with the money we have got now." As he and Vice President AL GORE have said, the reinventing of public education begins not in offices in Washington, but in communities across the country.

We must ask the fundamental questions about how dollars which are to go to the public school system are best spent. We must get more efficiency out of the use of our tax dollars. Education dollars in the classroom can make a tremendous difference and can enhance a child's learning experience. This is not lofty Washington policy talk, this is about kids, our kids, and a practical way to see that they benefit from America's education tax dollars. The choice is clear, either our hard-earned tax dollars go to the hands of Washington bureaucrats, or directly to our children's teachers and classrooms.

□ 1900

For the sake of our Nation's kids, I call upon every Member of this House to vote to place children first. Next week vote for the Dollars to the Classroom resolution. I hope the Members will support it.

Mr. ARMEY. Mr. Speaker, listening to that litany that the gentleman from Pennsylvania has just read of the nature and the types and the kinds of studies we pay for with our tax dollars now finally brought me an awareness of what an old professor of mine meant when he said that we in the university are special. We are not only thinking, but we even think about our thinking. And perhaps he was inspired to that depth of thought by reading brochures from the Department of Education. I cannot be sure.

But if I may, Mr. Speaker, in the words of Johnny Cash, indeed the immortal words of Johnny Cash, "I've got a good one for you now." I am so pleased about our next speaker, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Speaker, for 10 years I labored in this body in the minority on the Committee on Economic and Educational Opportunities where our leader in our effort on the committee was the gentleman from Pennsylvania. I have come to know him and to know his work well. And let me say, Mr. Speaker, I have no hesitation nor any reservation in saying that in my estimation there is no person in this city who by professional experience and depth of concern is more qualified to understand and to legislate on behalf of the laudable goal and objective of this Nation to educate its children than the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities who is, for me personally and I recommend for you as well, my leader on education.

Mr. GOODLING. Mr. Speaker, well, I want to thank the Majority Leader for taking this special order this evening because I know how deeply he feels about every American child having an opportunity to receive a high-quality education.

Mr. Speaker, I want to first pick up a little bit on what the gentleman from Florida [Mr. WELDON] said when he said there are good public schools. I do not want people out there to believe that as a Republican Party we believe all public schools are poor, that public school teachers do a poor job.

I believe 70 percent of our public schools do very well. I believe 70 percent of our public school teachers do very well. However, they only represent about 50 percent of our children in the United States, even though they are 70 percent of the teachers and 70 percent of the schools.

Mr. Speaker, as Republicans that is not good enough. We do not want only 70 percent of our schools doing well. We do not want only 50 percent of our children receiving a quality education. What the Majority Leader is insisting happen is that 100 percent of our schools and 100 percent of our children receive a quality education.

Now, we believe that the same old Federal approach that we have had, and as the Majority Leader was saying, we had to sit in that committee and see promulgated over and over again, has failed and we do not believe that just by doing more of the same or simply by adding more programs things will change. When we sat there what we heard over and over again is: We need more money. And when I would say, "And what are you going to do with more money?" The answer was always, "We can cover more children." My response always was, "If you are going to cover them with mediocrity, you are not doing them a favor at all."

So, Mr. Speaker, we think that there are new programs, we think that there are new approaches to bring about a quality education for every child. More money to cover more children, more programs—and I am sure the gentleman from Michigan [Mr. HOEKSTRA] will talk about the number we already have later—has not been the answer to our problem. We believe parental involvement, we believe local control, we believe basic academics are all ingredients that will improve our education for all children.

Mr. Speaker, we just recently wrote as Republicans the President's "America Reads" program, and we produced a reading excellence program. We approached it totally differently than the President did, because we believed if there was a problem with reading, then perhaps the first place we should start is make sure that our teachers have the quality training needed and necessary to teach all children to read.

We believed that preschool reading readiness programs are extremely important. The first grade child does not fail; the adults fail. And the first grade child should also not be socially promoted. So we believe if a kindergarten teacher says they are not ready to do first grade work, then there should be something in between.

We also believe that tutorial assistance to first, second, and third graders is very, very important. We cannot wait longer because once they get beyond that stage, it is very difficult to change their pattern and change their habits.

And we believe very strongly that we do not need $25,000 to $30,000 AmeriCorps, so-called "volunteers," running all over the school. First, it is an affront to the teacher, and secondly, if the teacher has not been trained properly to do it, how do we believe that all of these volunteers who come running in can make sure that every child can read?

So we say use those college work-study students. Help reduce the debt they have by the time they get to the end of college because of student loans. Increase the amount of money available for college work-study. Get the colleges ready to prepare them so that they can come and assist the teachers, not emptying trash cans in a dormitory to receive that money, but actually getting out and helping others. We believe they can be mentors for those early childhood teachers and we believe they can be role models.

So, again, Mr. Speaker, I join with the Majority Leader to face the challenge that we have to meet, and that challenge is that every child in this country is entitled to a quality education. But not only entitled, if they do not receive it, we do not continue as the most important Nation, and I am not ashamed to say that, in this world. Our lifestyle will go down. Everything will change because in the 21st century, the competition will be so tremendous, so great on the global scale, that we cannot go on the way we are presently going and say somehow or other we can meet the challenges of the 21st century.

So, again, I thank the gentleman from Texas [Mr. ARMEY] very much for taking this special order. But above all, I thank the gentleman for his tremendous concern and his very deep feeling in relationship to the education of all children in this country.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Pennsylvania. Listening to the gentleman's comments, the fact of the matter is the Nation is concerned about the degree to which children are being failed by these school systems. It reminds me of an old line from a psychologist that the definition of "crazy" is doing more of the same thing and expecting a different result.

We know that which we have been trying is not working for the children. We must have the innovation and the courage to try something different. Give them a chance. Dare to see what we can do. And, incidentally, I am sure the gentleman would agree with me, we might even dare to do some things the old-fashioned way, the way they worked for the gentleman and me when we were children. Again, I thank the gentleman and I appreciate him.

Mr. Speaker, another very dedicated member of our conference to this whole proposition is the gentleman from California [Mr. RIGGS]. The gentleman is one of the subcommittee chairmen on the Committee on Economic and Educational Opportunities and his commitment and knowledge to the whole process of education is unparalleled in this city, with of course the obvious exception of the gentleman from Pennsylvania [Mr. GOODLING]), the chairman of the committee. But the gentleman from California is dedicated and we look forward to his participation this evening.

Mr. RIGGS. Mr. Speaker, I thank the Majority Leader for yielding to me, and I thank my colleagues for being here to participate in a discussion of what I think is the most important subject that we could consider on this House floor; namely, the education of our children. I cannot not think of anything more important to the future of our country than ensuring that all of our children, and they are "our" children, receive a high quality education.

I was struck by, and I have said this before on the House floor and it is too bad that some of our Democratic colleagues who were so vociferous earlier today are not here on the floor for this special order so we could have a genuine debate. But I was struck earlier today when we were debating this idea on allowing families to invest after-tax dollars, after they had paid all of their taxes, Federal, State and local, property taxes, both real and personal property taxes, allowing them to invest their own, hard-earned after-tax dollars in education savings accounts and then using the interest built up in those accounts to pay for a variety of things for their children in grades K through 12.

And we heard the class warfare coming from the other side, what I call "the politics of envy," and it was pretty clear to anybody who listened to this debate today, particularly anybody across the land who tuned in to our televised floor proceedings on C-SPAN, bless their heart, which party is the more progressive party when it comes to talking about real reform of our schools and educational improvement to benefit every American child.

Mr. Speaker, it also was pretty clear what party was put in the position earlier today of defending the status quo, and defending it, as I hopefully pointed out in my comments, through I thought some rather specious and I thought almost silly arguments; basically, as far as I could determine, acting as a front or carrying water for the education establishment, which, believe me, recoils at any notion of competition or choice in our schools because competition and choice might threaten their monopoly of financial control over our schools.

Talking about choice and competition in education, as the majority leader pointed out, I do chair the Subcommittee on Early Childhood, Youth and Families. I see my predecessor, the gentleman from California [Mr. CUNNINGHAM], over here who chaired the committee in the last Congress. We are known as the education subcommittee for Federal education policy initiatives and funding programs for grades K through 12. We have held a series of hearings in this Congress on the idea of giving parents more choices in the education of their children.

Mr. Speaker, one of the witnesses at an earlier hearing, this was a hearing last month, was the Majority Leader, the gentleman from Texas [Mr. ARMEY], who has organized this special order on the House floor tonight. The Majority Leader has been a long time advocate of public and private school choice as a means of holding existing schools more accountable and expanding educational opportunities for our children, especially those who are trapped due to socioeconomic circumstances in unsafe or underperforming schools.

Mr. Speaker, I really found the Majority Leader's testimony most compelling. In fact, it was really quite moving because the gentleman spoke from the heart. In fact, I think he said that. He tossed aside his prepared remarks and spoke from the heart.

The gentleman argued before our committee that when schools and local elected decision-makers, because that is where ultimate accountability rests, it rests with those elected school board members, school trustees. I was one once. In fact, I was one for 5 years, including two terms as the school board president. I had the distinction of serving as school board president and Little League president during the same year, so I think I got a real baptism in what politics are all about during that year.

But the Majority Leader argued that it was those folks who encounter their constituents every day at the corner drugstore or in their other travels around the community, it is those folks who are ultimately accountable to the people who elected them, their voters, and who are accountable to parents, the ultimate consumers of education, and that when we do make those local elected decision-makers truly accountable to parents, who then have the freedom to choose where their children are educated, then those schools will become good schools.

Mr. Speaker, if those schools do not improve, if they do not meet the needs, do not meet the demands of education consumers, parents and children, they will and should close. And yet all we hear from the other side when we debate Federal education policy on this floor is "more money." More money is the answer, even more money for the District of Columbia public schools, which spend somewhere in the neighborhood, although they cannot quite account for all the money, between $9,000 and $10,000 per pupil per year. More money.

So here we have the rich irony of supposedly an education system in a free enterprise system, in a market-based economy, where all we do to try to correct the problem is throw money at it. In my view, and as the Majority Leader has argued, the cost of failure should not be as it is now, more money, more staff and more of everything. The price of failure should be a closed school.

Mr. Speaker, I ask my colleagues how often have they heard of a school closing? Even the schools here in the

District of Columbia, which could not get the roofs repaired, and the schools opened on time.

One other point I want to mention, and that is when the Majority Leader appeared before us he also, I thought very effectively, rebutted the argument that somehow allowing parents more freedom, more choice, more say in where their kids go to school and what type of education is most appropriate for their children, that somehow that choice, that competition will destroy the public school system. Well, he rebutted that argument and pointed out that scholarships or vouchers will actually help save the public school system.

□ 1915

The public school system, if you remember nothing else about what I say tonight, for anybody listening, mark these words, the public school system will reform itself only when parents are free to choose the schools that they think are best able to educate their children. That was the argument that the majority leader made before us when he testified before our subcommittee. I could go on, but I want to give others the opportunity to speak.

I did notice two recent newspaper articles. They really caught my eye. I sent them out through a Dear Colleague. These were two recent newspaper articles, both national publications, that reported that increased competition in response to the demands of parents and their concerns about the quality of the education that their child is receiving is gradual and that this is slowly but surely happening, gradually forcing the public school system to react.

I sent these articles around to all of my colleagues' offices because I thought they were so important and merited attention, because I think they really do signal a major new trend in education and are sort of a harbinger of things to come.

First, USA Today, on September 28, late last month, reported that 12 major education groups, basically the education establishment, because it consists of the National Teachers Unions, the National Congress of the PTA, the national associations of both elementary and secondary school principals, they have all joined together to form a new alliance, ostensibly to improve public education. However, it appears that the real purpose, the real agenda behind the formation of this establishment group is their desire to thwart the growing effort, not just on our part, but on the part of parents and families in hundreds of thousands of communities around this country to infuse more competition, more parental choice into our education system.

Listen to what USA Today reported. Criticism of public schools for poor academic achievement, low standards, and violence has given rise to proposals to provide taxpayer-funded vouchers, tuition grants or opportunity scholarships, for parents. Yes, that means giving parents the full range of choice among all competing institutions, public, private and parochial.

These large, well-funded, vested interests, these are interests that have a self-interest, a financial interest, oppose parental choice because it threatens their monopoly of financial control. But these interests just do not get it because, as the majority leader himself said when he testified before our committee, and I quote him now, schools exist to serve our children, not bureaucracies. And the interests of the children should supersede all other interests. Just as simple as, put the children first.

The second article ran on October 1, the beginning of this month, three days after the publication of the USA Today article. It ran in the Washington Post, not exactly known, at least in this town inside the Washington beltway, as a conservative publication. The article was entitled, Popularity Grows for Alternatives to Public Schools, Some School Districts React to the Threat of Competition.

The article began by saying, in a movement flustering schools across the Nation, more parents than ever are choosing alternatives to public education for their children, including public charter schools, religious schools and home schooling.

So much, so much that what once seemed only a fad to many educators is today instead starting to resemble a revolution. And it concludes in that article by quoting Robert Chase, President of the National Education Association Teachers Union, saying, I am not sure if any of us really know where these trends are leading us, but it had better make us take a hard new look at what we are doing in public education. That from the words of the President of the largest teachers union in the country.

Speaker GINGRICH has said, schools should be a magnet, not a trap.

As I said earlier, the education system will reform itself only when parents are free to choose the schools and the education that they think are best for their children. That is why we are bringing out to the House floor a series of choice initiatives, beginning two weeks ago with opportunity scholarships for 2,000 District of Columbia families, continuing today with the A plus education savings accounts, and concluding next week with the bipartisan bill to expand public school choice through the creation of more independent charter schools. These are public charter schools that are deregulated, decentralized, where the decisionmaking occurs on site and which are truly treated in an autonomous manner for fiscal and legal purposes and then also our HELP scholarships bill, which will build on the proven success of opportunity scholarships or tuition grants for low-income parents in Milwaukee and Cleveland and try to expand that program nationwide.

I am pleased to join the majority leader and my colleagues tonight on the House floor for this very special special order. As I said at the outset, I do not think that there is anything more important to the future of our country than the education of our children. I thank the majority leader and commend him for his leadership.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, we have with us tonight the gentleman from Colorado [Mr. BOB SCHAFFER].

I would like to make a few comments. I have had the opportunity to visit with Mr. BOB SCHAFFER on very, very many occasions about education. The chairman of the committee, the gentleman from California [Mr. RIGGS] has let my secret out. It is no secret. This is a matter, with me, of the heart.

These children are so special, so precious, so deserving of the same opportunity every place in America as everyone else that you must do your best. The gentleman from Colorado [Mr. BOB SCHAFFER] knows that. The gentleman from Colorado [Mr. BOB SCHAFFER], in the conversations I have had with him, has told me so many times so clearly how critically important is excellence in public education to the larger mission of educating children in this Nation, how precious and dear is the public school system of this country, and how very proud he is of the schools in Colorado.

Now, when we feel passionately about something, when we truly care about something, when, in fact, it is something that really is a flame in our heart, we will oftentimes express that. And sometimes we will express it in such a manner as to put ourselves in harm's way, Mr. Speaker. I can tell you, I was the first Member of Congress ever to prove that I am able to shoot myself in the foot while I have it in my mouth.

But I never said something in a clumsy manner that I did not care about. Mr. BOB SCHAFFER has expressed his concern and his commitment to education and unhappily, I know, expressed his feelings in strong language. But what is unfair and what is not acceptable, if we are going to have responsible discourse, is that the gentleman from Colorado, Mr. BOB SCHAFFER, has been jumped on. We have Members running all over this place feigning moral outrage and trying to build a caricature of his concern into something other than what it is.

Knowing about this, when I decided to do this special order, I made it a point to find the gentleman from Colorado, Mr. BOB SCHAFFER, and to ask him if he would be willing to come over here this evening so that America can see the BOB SCHAFFER of concern and commitment to excellence in public education, excellence in education for every child of this Nation, a matter of his heart that I know to be profound and deep.

With that, Mr. Speaker, I yield to the gentleman from Colorado [Mr. BOB

SCHAFFER], my friend and my colleague.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the leader for yielding to me and for those kind words. What you described is really akin to a scene out of the Empire Strikes Back, because that is exactly what we experience and the passion that you mentioned, which I share with you, on the opportunity that we have here to really improve the quality of public education throughout the country. There are those who believe that our discussions about empowering parents and empowering children and empowering teachers treating them in fact like real professionals, that those values that we fight for here every day are somehow a threat to the large centralized bureaucratic monopoly that many wish to preserve.

There are many who want to centralize education authority right here in Washington, D.C. and steal that authority from our classrooms, from our school board members, from our principals, from our State legislators and bring all that authority here.

We are fighting on a daily basis to decentralize education authority and treat parents like real customers, to understand that it is parents who have the greatest concern for their children.

I want to start with myself. I have got four children, three of them are in public schools today. And those are public schools that I have spent an incredible amount of time volunteering and working in. I have come to the conclusion that school reform takes place when parents are involved. Every initiative that we have discussed here in this Congress has been about that particular philosophy.

Let me point out a couple of statistics that I think really dramatize what it is we are trying to change. A smaller share of school dollars are now being spent on student classroom instruction than at any time in our history. Between 1960 and 1984, local school spending on administration and other noninstructional functions grew at almost twice the rate of per pupil instructional expenditures.

In 1960, classroom teachers made up almost two-thirds of the full-time school staff. Today, they make up barely more than half. Conversely, the nonteaching staff was barely more than a third of the full-time student staff in 1960, but almost half today.

One more statistic, fewer than half of all public education dollars are spent in the classroom. They are spent on bureaucrats, on support personnel, on administrative buildings, but fewer than half are spent on children in the classroom. That is what we have been discussing over the last few weeks here in this Congress on the floor of the House, real education reform, treating parents like customers and teachers like real professionals. I trust the teachers in my district. They have done remarkable things to reform the way we educate children.

Let me say on this point, if you consider the bureaucratic model that most teachers are forced to comply with today, you have a system which does the following: The absolute best teacher in the district is paid in the exact same way as the absolute worse teacher in the district. By that standard, is it any wonder that our teachers feel frustrated. They have an incredible job. They go to school to learn how to teach. They are dedicated and bring a personal passion to the job that is before them. Then they are thrown into a classroom situation where they are not treated like professionals, where they are asked to do more than teach children. They are asked to be social workers, guidance counselors, drug rehabilitators and, on occasion, substitute parents.

Many teachers rise to that occasion and they respond remarkably well. But I say this, if we really want to treat teachers like real professionals, I would suggest that we ought to create a system where they are allowed to become incredibly wealthy, that the value of a teacher is measured by their contribution to the organization. If they have a line of parents outside their door wanting their service, they ought to be treated like real professionals, like the doctor who has the same situation, like the lawyer who has clients waiting outside the door, like the insurance agent, the real estate agent, any professional that has people wanting their service ought to be able to be treated in a way that honors and respects the contributions that they make to their community, to their school and ultimately to the lives of children.

I think, Mr. Speaker, that if you listen very carefully to the debates that have taken place over the last couple weeks, if you want to define the essence, the difference between those of us who really care about improving the quality of schools in our country and those who want to preserve the centralized authority here in Washington, it all comes down to this, and I will conclude on this point. There are those in this Chamber on the other side of the aisle with a far different perspective who believe you measure fairness in education by the relationship between school buildings or different education bureaucracies.

We, on the other hand, believe you measure education fairness in America upon the relationship between children, no matter where they are, whether they are educated in the home, in a private school, in a public school or in any other setting. We focus on the fairness of children. That is what every one of our bills and initiatives here in Washington as a conservative Republican majority have entailed.

That is what we will continue to fight for day. After day. After day until at the end we can finally agree that we have restored the hope and the vision of our country as a society of well-educated citizens.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Colorado [Mr. BOB SCHAFFER]. I knew his position on this matter. I know his heart.

Mr. Speaker, this subject commands such a commitment among the Members of the House that we have found ourselves this evening with an embarrassment of riches on the subject. We had the gentleman from Texas [Mr. DELAY], who came in earlier, had to go out to another discussion. We had the gentleman from Michigan [Mr. HOEKSTRA], who had to go off and will be back later to renew his discussions on this subject. We have the gentlewoman from Kentucky [Mrs. NORTHUP], who sat and waited until it became evident that the time would run out and she would not be able to participate this evening, but who has a commitment to this.

And finally, Mr. Speaker, we have my good friend, the gentleman from California [Mr. CUNNINGHAM], who still sits here and waits his turn as the clock runs down.

□ 1930

If I could close, Mr. Speaker, on this comment. DUKE CUNNINGHAM is a man who is devoted to these children. His wife is a professional educator. DUKE has himself been an educator among his many occupations in life. I have worked with him on the committee that deals with education. He has a great deal to offer and in fact has offered and given a great deal already. It is our loss that we did not have time for Mr. CUNNINGHAM to speak in this hour this evening, but I can tell you the blessing is that he will not quit, he will not go away, he will be back and when he returns to the subject, he says each child will be cared for.

Mr. CUNNINGHAM is so enthusiastic about speaking, he has just suggested, Mr. Speaker, that I ask unanimous consent that my special order be extended for 5 minutes so that indeed he can have an opportunity to speak.

The SPEAKER pro tempore (Mr. WALSH). The gentleman's request is not in order. The procedure is that a Member may not address the House for more than 1 hour in a special order.

Mr. ARMEY. I thank the Speaker and I thank Mr. CUNNINGHAM for his devotion and dedication.

REQUEST FOR 5-MINUTE SPECIAL ORDER

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MENENDEZ. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

IN THE MATTER OF CONTESTED ELECTION IN CALIFORNIA'S 46TH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 60 minutes as the designee of the minority leader.

Mr. MENENDEZ. Mr. Speaker, earlier today we had a resolution on the floor that unfortunately did not achieve success but should have. Almost 6 months ago, the Los Angeles Times stated that, quote, it is time to wrap up the House inquiry, unquote, which, quote, has produced no evidence that Congresswoman SANCHEZ's victory, which was in the 46th District of California, was the result of electoral fraud. That is the Los Angeles Times of April 22 of this year.

Echoing this was a Washington Post editorial that noted that in the Dornan-Sanchez case, quote, no credible evidence has yet been offered that votes were affected in sufficient numbers to alter the outcome of the race. Washington Post, July 28 of this year.

Just recently, again the Los Angeles Times pointed out, quote, there has been no evidence yet that SANCHEZ benefited from fraudulent votes, and the next regularly scheduled election is only 14 months away. That was back on September 23, 1997.

Yet despite all of these independent statements by all of these newspapers who are looking at the facts and circumstances as they have unfolded since the election took place last November, the fact of the matter is that Republicans continue to drag out this process. They have done so with hundreds of thousands of dollars in taxpayer moneys having been spent, and yet no clear and convincing evidence, no preponderance of evidence, no evidence beyond a reasonable doubt being presented to substantiate that Congresswoman SANCHEZ' election should not be upheld.

It is clear to many of us why Republicans continue to pursue this matter. This is an all-out effort to intimidate and harass new citizens and those with foreign surnames and stop them from voting. This is plain from the fact that Republicans are not checking the citizenship of voters in any other close election across the country. As the President of the nonpartisan League of Women Voters has noted, the committee investigation is, quote, being carried out in ways that may intimidate future voters. Limiting access to the voting booth has been the plan all along.

Just after the election, the Los Angeles Times reported that, quote, Dornan has said his Republican colleagues are seeking a case to use in challenging voter registration procedures nationwide. In targeting this election, Republicans have selected a seat where Hispanic voting played a vital role in the outcome of the election. Republicans have every reason to hope that Hispanic and other minority voters stay home at election time, and that is because in 1996 Hispanic Americans voted in larger numbers than ever before, with the number of Latino registered voters increasing nearly 30 percent from 1992 to 1996 to more than 6.6 million nationwide. They supported Democrats by a significant margin in 1996. So there is a reason, a good founded reason why the Republican Party seeks to intimidate and suppress that vote.

Voter fraud allegations must be vigorously pursued and prosecuted, but is not the U.S. attorney, who is investigating the matter, are the State officials and local officials who are already on the case not more than enough to investigate it? Are all the use of taxpayer dollars in all of those separate investigations in and of itself not enough to vigorously pursue and prosecute the case?

Unfortunately, these actions in the House are consistent with a history of Republican Party efforts at the polls to intimidate voters in minority districts. For example, Republicans have an 8-year history in southern California of intimidating Latino voters at the polls. The Republican Party paid approximately $600,000 to settle two voting intimidation cases, one stemming from 1988 and 1989 in which the Orange County Republican Party placed security guards and signs at the voting polls designed to scare Latino voters. Because of this track record of voter harassment, in 1992 the Justice Department had to monitor elections because again there were complaints of Republican voter intimidation. Those are not the only places in the Nation, but particularly as it relates to the question of the election in the 46th District of California, it is relevant because there is a history as it relates to Orange County and the Republican Party's attempts to suppress the voters.

But even though we agree that we have got to try to pursue and root out voter fraud, the bottom line is what has been the procedure? And speaking to Members of the minority who serve on the committee, the fact is they have a list of procedural outrages that have taken place by the majority. From the outset, the majority has disregarded the rights of the minority on the committee. It has made decisions for the task force without notifying or consulting the minority. The majority has failed to provide motions and other filings to the minority. The majority denied the minority access to materials provided by the INS and the Orange County registrar. The majority reviewed materials produced to the committee under seal without notifying the minority. The majority's handling of the discovery process has been unfair to Congresswoman SANCHEZ. The majority's decision to give Mr. Dornan subpoena authority again is unprecedented under the Contested Elections Act. Yet the majority permitted Mr. Dornan to issue subpoenas for more than 2 months after his discovery period expired and then cut off discovery for Ms. SANCHEZ without having notified her that her discovery period ever began. So we give the proponent of the election contest two months more than he was legally entitled to, but we never tell the subject of the election contest that her discovery period ever began and then we cut it off.

The majority has made repeated unilateral demands for information from the INS. The majority provided information to the INS, but concealed it from the minority. What is this INS information that keeps being used to create the aura, to create the cloud, to suggest that there is fraud that should be pursued? What is being done, for our colleagues to understand, is that they have taken all of the voters whose surnames appear and compared it to lists provided by the INS. Now, the problems with lists provided by the INS is that the Immigration and Naturalization Service has all of these names in which the surnames may appear a series of times. And even surnames and first names. And even surnames and first names with exactly the same birth dates. In one case, that appeared, the same name, the same birth date, the same address, over 18 times. What does the list prove? Not very much, because the only way truly of proving the question as to whether someone is a legal voter or not when the allegation is that that voter is allegedly not a citizen of the United States or was not a citizen at the time that they registered to vote is to produce proof of their citizenship. In this country, there are only two ways to prove your citizenship. One is your birth certificate. The other is, if you became a naturalized citizen through the Immigration and Naturalization Service, to produce your naturalization certificate. The lists that the INS provided, of course, have no basis for birth certificates, because it is not within their purview. Yet it does have the names of individuals who, like myself, was born in the United States and who may have claimed a family member at some time from abroad and because they simply filed that appropriate petition to claim that family member from abroad under our immigration and naturalization laws is put on this list. However, the INS cannot prove that that individual is a citizen or not because they do not in fact have what in my case would be the birth certificate. That is not their document. They have naturalization certificates. So this list is promulgated not having a basis by which you can ever make a determination. The majority on the Committee on House Oversight knows that the only way, which they simply do not want to do, and I understand why they do not want to do it, is to take the list of those who they challenge as voters and be able to pursue those voters by having each and every single individual address and prove to them whether or not they are a citizen by birth, which means a birth certificate, or a citizen by naturalization, which means a naturalization certificate.

□ 1945

Since they are unwilling to do that, and since they know the outrage that would be generated by people with the door on their home being knocked at and saying, "By the way, we want proof of your citizenship," and I am sure they would equally go and visit a Smith or a Thomas or a Dornan as they would a Sanchez or a Suarez or some other Hispanic name. People would be outraged that they would be approached and their citizenship would be questioned.

This constant number that is thrown out there and these lists, which can never suffice to prove or disprove the issue at hand, 300 names we heard today in the debate were clearly now in question. Yet of those 300 names that are promoted by the Secretary of State, we heard our colleague, Congresswoman SANCHEZ, get up on the floor and say that she and people who had investigated the names found out that about 25 percent of them were proved, and they stopped there, proved that they were, in fact, voters.

It is interesting to note the article from the Los Angeles Times dated October 8, 1997. The headline says "Four of targeted voters prove themselves. They show they were citizens, when they registered, and denounced Dornan for falsely accusing them."

I want to read from the article. It says, "Four voters who were apparently targeted in a congressional investigation of election fraud stepped forward Tuesday with proof that they were U.S. citizens when they registered to vote and denounced former Representative Robert Dornan in his 11-month quest to regain his seat. 'It really hurt me deep inside when I found out my name was on that list of alleged illegal voters,' said Maria Jimenez, a nurse's aide and mother of three who was born in Orange County 24 years ago. 'I don't think it is fair for Bob Dornan to do this to me.'"

Continuing in the article, "Another voter was Ramon Mascorro, a 15-year California resident and a citizen since June of 1996. He registered to vote two weeks after taking the oath."

He said, "'My major desire in becoming a citizen was to have the right to vote,' said Mascorro, who owns an electronic business in Santa Ana and wore a tiny U.S. flag in the lapel of his suit jacket."

Then it goes on to talk about one of the volunteers who went through these alleged illegal voters, who said, "I personally checked over 75 and I didn't find anybody who voted illegally," said Consuelo Smith, one of the volunteers. "I found people who were born here, people who were citizens for over 20 years, but they were all citizens when they voted."

Or Virginia Ochos, age 70, who has lived in California since 1958, raised 11 children, and became a citizen last June. Her oldest son served in Vietnam and she said, "I feel very bad when they said I made a fraud. This is what hurts me the most."

Or Toribio Chacon, a factory worker from Santa Ana said he became a citizen in March 1996 after taking classes. His brother-in-law, who took the oath a month earlier, also is a target of the probe. "I am under investigation and I want to know why," he said. "I didn't do anything wrong."

The article states, "All four said that they had not yet been contacted by investigators, congressional staff members, although their names, along with photos of their naturalization certificates and birth certificates were forwarded to the investigating Congressional committee last April."

So the fact of the matter is, and there are many other articles like this, there is proof time and time again of individuals who were born in the United States, whose children have served in the armed forces of the United States, who are veterans of the United States, and yet constantly their citizenship can be questioned.

I want to read some of the comments of some of these other people involved, what they said. These are U.S. citizens, what they said about how they are being treated.

"The right-wingers cannot have it both ways. On the one hand they complain that the IRS has wrongfully targeted many citizens for tax investigations, and, on the other hand, they take advantage of instances when the INS and other officials have wrongly targeted naturalized citizens in the exercise of our voting rights," said Ramon Mascorro, who is an Orange County resident targeted in the Dornan investigation, someone who is a legal citizen.

"I have worked hard, played by the rules, and become a citizen. Yet I am still investigated because of faulty data collected by the INS and used by the right-wingers to serve their political purpose," stated Virginia Ochoa.

So, the fact of the matter is that we have a double standard.

Now, what did we attempt to do in the resolution today? Very simple: We said put up or shut up. If you have the proof, proof positive, after nearly a year after the election took place, then bring it to the House floor for all of the Members to consider and to make a judgment on.

We did not get that. We would like to see every name and every address, and, if it is available, every phone number of every alleged noncitizen who voted in the 46th Congressional race in November of 1996. Let us see it. What are you hiding? What is the problem?

If you bring it forth, then it will be subject to being reviewed to determine whether or not, one, they are a citizen or not, and if they are proven to be, like all of these people who came forth, well, then, it is obvious that, in fact, there are going to be many people with egg on their face, because all of these people continue to come forward as citizens, continue to come forward as people who were born in the United States.

Of all of those names that have come forth, we will review them all. Let us find out who is and who is not, and then we will see what the bottom line is. But why are you hiding the names? Why hide the names, unless, of course, you do not have enough names to substantiate what you would like to do, which is to steal the election from Congresswoman SANCHEZ.

That is what we sought to do in the resolution today. Now, in that debate, it is interesting to note that there were other races at the same time that Congresswoman SANCHEZ got elected. There were two State assembly seats won by Republicans. We are not questioning the validity of their elections, even though one won by only 93 votes. Congresswoman SANCHEZ won by over 900 votes. We are questioning her election, but the Republican assembly person who got elected by 93 votes, we are not questioning them.

We are not questioning the City Council races that took place in three major cities. We are not questioning any of those people who got elected, even though the same voters cast their votes at the same time. We are not questioning all of the judges who ran in that race, even though the judges were up for election at the same time in the same election and the same voters voted in that race.

We are not questioning the school board races that took place at the time, even though all those school board members ran and got elected and had the election at the same time in the same election with the same voters.

We are not questioning the initiatives that might be at stake in California that were on the ballot at the same time in the same election with the same voters. So none of those things that Republicans were successful on do they seek to question.

Now, the fact of the matter is that we heard a lot about our responsibility. And, yes, we have a responsibility. We have a responsibility to make sure that individuals who are elected to this House are elected in free and fair elections. But we also have a responsibility to do it in a timely fashion.

All we heard today from the majority is if there are enough voters to overturn it, and if there are enough questions of citizenship, and as one of our colleagues from Texas said, if we find out some day that, in fact, there were not enough votes to overturn the election, then we can clearly confirm Ms. SANCHEZ.

Well, that is a lot of if's. And if this House can permit itself that simply claiming fraud is sufficient to have a Member hang out there for over a year, without being able to have finality, as well as for the voters of their district to have finality, that this is the person who is representing them without question, simply by the allegation of fraud, then this institution is in serious trouble, because what you will see in the next cycle of elections come next year is that someone who loses and wants to contest the election, oh, just raise fraud. Whether or not you can prove it, as they have been unable to prove it in this case, that is another matter. But just raise fraud.

I want to yield at this time to a distinguished colleague of mine from Maryland, who is an attorney and I know has been pursuing the interest in this case and the questions that surround it, the gentleman from Maryland, for as much time as he may consume.

Mr. WYNN. Thank you very much. I would like to thank the gentleman for yielding and also take this opportunity to commend him for his outstanding work on this issue.

It is not easy to carry the banner sometimes, and I have observed his diligence and his conscientiousness in working on this issue to champion the cause of justice. He has done an exemplary job and I commend him for it.

I came down this evening to add my voice to those of us who were quite frankly outraged at what is going on in this chamber. We are outraged, first, at the waste of taxpayer money. This investigation has taken over one year. There has been lots of opportunities, plenty of opportunities, ample opportunities, for the Republicans and their allies to make their case. They have investigated individuals ad nauseam. They have subpoenaed individuals ad nauseam. They have allowed Mr. Dornan, a former Member of Congress, to seek subpoenas, to bring people in, to ask questions, to conduct a thorough investigation.

At every step of the way, those of us on this side of the aisle have attempted to cooperate. Notwithstanding the fact there has been a consistent lack of communication from their side, a lack of cooperation, we recognized that Congress does have a role in looking into these matters. We believe that properly an investigation can proceed.

But, there comes a point in time when reasonable men must conclude that the investigation has run its course, that those persons seeking to prove that there was some sort of fraud have had a fair and reasonable opportunity to make their case. There comes a time when we must say the business of Congress must move forward, the harassment of this new Member, Ms. LORETTA SANCHEZ, must cease, and we must go on.

But the Republican Party is not willing to do that. The opponents of LORETTA SANCHEZ are not willing to do that. They have a clever strategy of trying to soften her up, of trying to wear her out with endless rounds of investigations, subpoenas, and inquiries, accusations and innuendo.

Constantly going over the same turf, but never producing the evidence, producing the proof, that would be necessary to overturn this election.

The American people need to know as they watch this witch hunt play out in the halls of Congress, the American people need to know that the Secretary of State for the State of California examined this question and has certified that LORETTA SANCHEZ is the winner. The Republican opponents of LORETTA SANCHEZ have had a year to marshal their evidence, and armed with all of the tools of the American legal justice system, have failed to do so.

It is time to move on.

□ 2000

Let me mention something that particularly offends me, the fact that this investigation was conducted primarily based on the use of Hispanic surnames. I find that very offensive. I also find it quite ironic. The party that is quick to say we ought not to have affirmative action, the party that is quick to say there should be no race or ethnic consciousness in our country, that we are colorblind and ethnically blind, when it becomes time to conduct an investigation, that is the party that wants to conduct the investigation based on Hispanic surnames. They want to call in all sorts of people based on their names.

Mr. Speaker, the point is, there has been ample time to conduct this investigation. Those persons whose citizenship was in question, who happened to have Hispanic surnames, were reviewed. Those cases were reviewed. My question now becomes, where is the proof? But I do find it offensive that they would take this tactic.

Having taken this tactic, however, having had the opportunity to pursue this distasteful course of action, again, we have no proof. What we have is a request on their part to continue this activity. I find that unacceptable. I find it a harassment of the gentlewoman from California, Ms. LORETTA SANCHEZ, I find it a harassment of Hispanic voters, and I think our Republican colleagues will suffer the consequences of this unwarranted harassment.

This Congress has much important business to take care of. We do not have much time left. We cannot afford these endless rounds of investigation, this endless procrastination, this failure to communicate, and then attempts at the last minute to say, well, we need to work together. There have been plenty of opportunities to work together; there have been plenty of opportunities to investigate. On both counts, my colleagues on the other side have failed miserably to make a case. I think it is time we bring this matter to a close.

We had a vote today. Unfortunately, we did not win. We said, look, produce your evidence by next week or let us close the door. They are not willing to do that. We are going to continue to press the case before the American people, to say that if they do not have the evidence, quit harassing the Hispanic community, quit harassing the gentlewoman from California, Ms. LORETTA SANCHEZ, and let us move forward with the people's business.

Again, I thank the gentleman from New Jersey [Mr. MENENDEZ] for his efforts in this cause.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for his participation and for his position. It is always a great situation when Members who are not directly involved, in terms of being from California or being Americans of Hispanic descent, are willing to come out and speak for justice in this process. I appreciate the gentleman's being here with us.

Mr. WYNN. I thank the gentleman.

Mr. MENENDEZ. Mr. Speaker, in this regard, let me just say, I know there are those, including someone who called my office and said, watching the debate, he said, this is not about ethnicity, it is about fraud. My problem with that statement is, yes, it is about fraud, alleged fraud which is not proven after a year, and hundreds of thousands of dollars of taxpayers' money. But it is about ethnicity when you target exclusively those with surnames that are either Hispanic or Asian. Those are the groups whose names are being pursued.

Is that not amazing, that those are the individuals who are being pursued? Yet, if we do not want to face up to that hard reality, that of all of the registered voters that could exist and of all of those who did vote, that the only names that they pursue are those who are overwhelmingly Hispanic or Asian, the fact of the matter is that it certainly gives rise that you are pursuing a suspect class of individuals who you are pursuing simply because of their surname. That is the reality.

That is why people across the country, even those not Americans of Hispanic descent, are disturbed, because today it is about a certain ethnic group, and tomorrow it could be about a certain religious group or it could be about some other ethnic group, or some other form of determining a class of individuals who we now want to seek to suppress.

The Republicans know that this is a problem for them. Just recently the Republican National Committee has created a new majority council to highlight Republican issues that would be popular with the Hispanic community. House Speaker NEWT GINGRICH, Senate Majority Leader TRENT LOTT, and 31 other Republicans have signed on to the effort.

But even a local newspaper here on Capitol Hill called "The Hill" said the following in its editorial:

> But when it comes to Hispanic voters, the GOP has a huge monkey on its back. Its efforts to oust Representative Loretta Sanchez, the California Democrat who defeated Bob Dornan, the eccentric Republican who claims she stole the election, Dornan provides a weak foundation on which to base a political campaign.

It goes on to say:

> House Republicans should follow the lead of their Senate counterparts, who dropped their effort to oust Senator Mary Landrieu, whose Republican opponent claimed she stole the election. House Republicans should cut their losses and see their standing in the Hispanic community dramatically improve.

But they have chosen not only not to do that, but they have not chosen to bring I think the type of decency and honesty to the process that could give those people credibility in believing, well, it is taking longer than it should, but at the end of the road we believe in the process. It cannot when you deny the minority opportunities, and it cannot when we heard the gentlewoman from California [Ms. SANCHEZ] talk about the many times she has been denied information, as one of the contestants in this issue. It cannot when we only see that Hispanic and Asian surnames are being pursued.

If it is all right to ask someone named Sanchez or Gutierrez or some other Hispanic surname to prove their citizenship, why do not Republicans go and seek to ask other individuals their citizenship, as well? The bottom line is, that is not what they are doing.

I have many, many new immigrants to my congressional district whose surnames are from European nations. We do not question those surnames as to whether or not that individual is a citizen or not. So the fact of the matter is when some people say you are talking and trying to create a question of ethnicity, we are not trying to create that, that has been created by the Republican majority of the committee, how they have pursued this, the procedures that they have followed, the fact that the only names being pursued are those of Hispanic and Asian descent, and overwhelmingly so.

So it is no question that the Hispanic community nationwide is looking at the 40 Republican Members of Congress who have over 10 percent of their voting population in their districts, who are from the Hispanic community, and saying, how are these people representing my interests? How are they standing up for me as an American of a certain ethnic group?

Certainly today, after today's vote, they are concerned. That is what we heard in phone calls subsequent to this vote today. I think that as the next 2 weeks approach, we are going to find ourselves with another opportunity. I would hope that our colleagues would understand that the precedent being set here today about the gentlewoman from California [Ms. SANCHEZ] is a precedent that can easily be applied to someone else.

If simply the allegation of fraud a year later, without the proof of fraud sufficient to overturn the results of the election, can keep a Member dangling, and the congressional district that they represent in terms of those voters wondering whether or not this person is their Representative by the mere allegation of fraud, and no proof, hundreds of thousands of dollars later, and ultimately, if you can seek to nullify their votes by taking that person's seat away, then the message that will be sent is a very chilling one for the community, and it is also a very chilling one for every Member of this House. Because in next year's election cycle, when individuals, and there have been many individuals here who have won by much less than 900 votes, and their challenger simply claims fraud, and that is sufficient to go ahead and keep them out there for that whole period of time without proof of fraud sufficient to overturn the election, it becomes a dangerous precedent, not only for this institution, for the Members, but more importantly, for our democratic process. We have a right to a speedy determination of whether or not an individual has been duly elected.

Yes, we should take the time to make sure that that person is duly elected, but one year and several hundreds of thousands of dollars later, and with a process that is flawed and that continues to be flawed, where the minority is deprived of rights and where one of the contestants is deprived of rights and information, as we witnessed here today, and heard from her here today, that is an outrage. That outrage will be felt across the land over the next 2 weeks.

THE CONTESTED ELECTION IN CALIFORNIA'S 46TH DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, the last gentleman who spoke in the well states his own opinions as fact. The gentleman is factually challenged. Let me go with some specifics.

First of all, it is a fact that every voter was looked at, not by surname, but every single voter. I am of Irish descent, but I would want to make sure that every voter that voted, whether they are Irish or of any ethnic background, had a legal right to do that. That is the issue.

They cannot win over the majority based on issues. They want bigger government, they want higher taxes, they want big government control. They do not want a balanced budget. They do not want tax relief. They want a centralized Federal Government. So what do they do? They try to scare up the minorities to think the Republicans are going after them. Every single voter was looked at, not by surname. That is incorrect.

Second, for 7 months, 7 months, they refused to comply with subpoenas both from an individual, Mr. Dornan, which the Supreme Court held up, or from the committee. So now they are even bucking the Supreme Court decision to comply with the subpoenas.

What were the subpoenas for? To find out the information, to find out the facts. Seven months, and it went into 8 months, and now they are saying a year is too long. Yes, it is too long. If we would have been able to get the facts, then it would have been over by now.

The rights of the gentlewoman from California [Ms. SANCHEZ], her rights have not been violated. She is a sitting member of this committee and of this House. But until we find out the facts, and from the facts that have been found, there was fraud. That is fact. It is documented. It is documented over and over and over again. The amount of fraud is the question. We have facts and we have figures that were delivered to the minority and to the committee. All we are asking before we go forward is to make sure that the State verifies the facts. We will live with those facts if they are verified, or not. That is the question.

But yet the gentleman over there, they cannot win, so what do they want to do? They want to scare people with surnames, to think that the Republicans are bad people, so they can take over a majority. Well, it is not going to work, because they are smarter than that, Mr. Speaker. I resent, I resent the racist implication. I resent the other side of the aisle making this a racist issue.

The issue is that every single American, as few of them that show up at the polls, want to know that their vote counts, that it is not being canceled out by someone that is not qualified to vote. That is the issue. It is not just in California, it is in Texas, it is in Arizona, it is in every State of the Union. This is bigger than Dornan and bigger than Sanchez.

This is that the American people want to know that their rights count, and that it is not going to be taken away by someone that is fraudulently voting. They do not want that. They want to win at any means, whether it is the DNC taking money from Charlie Huang and Trie and Riady and Chinese money, or the Vice President doing Buddhist monk fund-raisers and the money going to DNC, or whether it is from illegal contributions from the Teamsters, who two people have already pled guilty of laundering money to the DNC for campaigns for the Democrats. They do not want us to know that.

All we are doing is asking, when people go to vote, they want to know that the campaign laws are upheld and not violated, and that someone that wants to vote, their vote counts. I do not care if it is an Irish American that is voting that should not be, or someone from Ireland that is a citizen, that vote should not count and that individual should be taken a look at.

Another fact, the State—the alleged fraud, where the gentleman said, show us the fraud, we have. There is fraud. One liberal group alone had over 300 votes verified, documented by the State. That is why we are asking for these others. The other thousands of votes and fraudulent, allegedly fraudulent votes, we are asking the State to verify that. That is fair, Mr. Speaker. There is nothing racist about that. Guess what, they are not by surname. They are not by any surname. They are looking at every single vote.

□ 2015

But yet my colleague on the other side would like you to think, so he can get the support of certain minorities in his own election and other Democrat elections so they can retake the majority. But yet they will not support a balanced budget, they will not support tax reform. They will not support welfare reform. They cannot win on the issues, so they will play the "R" word, and I resent that, Mr. Speaker.

Mr. Speaker, I had not planned on speaking about that. I was going to speak with the gentleman from Michigan [Mr. HOEKSTRA] on education, which I will continue to do. But I cannot sit here and let facts be disillusioned before this body, the challenged facts go uncontested, because they are wrong and they are incorrect.

REPUBLICAN VISION FOR AMERICAN EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I would be more than willing to engage the gentleman from California [Mr. CUNNINGHAM], but only on one condition. The gentleman has got to get the name right. It is not "HOCK-STRA" it is "Hoekstra." If the gentleman wants to start tonight and talk a little bit about education, that would be fine with me if he would like to go first.

Mr. CUNNINGHAM. Mr. Speaker, I would like to, first of all, thank the gentleman, who is the chairman of the Subcommittee on Oversight. I think it is fair to take a look at the education programs to see if they are good or they are not. A good example is the President wanted a $3 billion new literacy program. We failed, were last of the industrial nations in literacy here in the United States of America. The President wanted a $3 billion literacy program. It sounds good. But there are 14 literacy programs within the Federal Government. Title I is one of those. I would think it would be fair to look and say which of the 14 are good? Can we take one or two, get rid of all the bureaucracies, all the pay for all of those staffs and all of those buildings and focus and say, that is wasted money? Let us put the money in the one or two programs that really work.

Mr. Speaker, if it is title I, fund it. But do it fully instead of just halfway doing it. And the gentleman from Michigan [Mr. HOEKSTRA], and the gentleman from California [Mr. RIGGS] and the gentleman from Pennsylvania [Mr. GOODLING] are doing that. They are going through the over 760 programs, now, and identifying which are correct and which ones that we should absolutely support.

But my colleagues on the other side of the aisle would demagogue to say well, the Republicans are cutting education if they eliminate those programs, even though we are getting more money down to the classroom and to the Zip Code.

Mr. Speaker, I would say this, that this last weekend I attended public school teachers' outstanding teachers in San Diego County. I saw parents lauding those public teachers. I saw children lauding their teachers like we would want. I was a teacher myself in high school, and a coach. I was a college teacher and a coach and a dean of a college. My children went through public schools. I still have a daughter in a public school, a sophomore. I truly believe that one of the keys for this great country is a solid public education program and the investment in that.

But is it not fair, Mr. Speaker, to ask what programs that we can put into those school systems and fully fund and the Jaime Escalantes of this country to encourage teachers and pay teachers finally what they are worth, instead of paying some bureaucrat in Washington, D.C. that is wasting the money?

The average is less than 48 cents per dollar that gets down to the classroom. Is it not fair to say we want at least 90 percent, which this body is going to have a chance to vote on? We want 90 percent of the money from the Federal Government to go to the classroom.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. Certainly I will yield to the gentleman.

Mr. HOEKSTRA. Mr. Speaker, I think this is really an important point, that what the gentleman is saying here, and this is one of the numbers we are trying to get a handle on and I thought it was closer to 60, either one of which is not very good. But what the gentleman is saying is the GAO study, our work on the committee says maybe it is 60 cents but for every dollar that comes out of our hometown that comes to Washington and then leaves here in the form of an education dollar, that of the dollar that comes here somewhere between 52 cents, 40 to 52 cents never leaves here.

So a dollar that comes here; only between 48 cents and 60 cents actually gets back to what we have found is the most effective place for education, which is in the classroom with the teacher under parental and local control. That is the leverage point, that somewhere we lose almost half of every education dollar here in Washington.

Next week, the gentleman from California is absolutely right, we are going to have that debate here on the floor where a resolution that says our vision for the future is that at most for every dollar that comes to Washington, only 10 cents stays here and 90 cents—well, actually only 10 cents is lost between Washington and the classroom, which means the State bureaucracies and that. We want to get 90 cents to the teacher who knows my child's name, and into the classroom where my child sits in the school that is run by the school board that we elect. That is where we want to get the money to.

Mr. SHADEGG. Mr. Speaker, if the gentleman would yield, I compliment the gentleman for his work in this area. He came to Phoenix, Arizona, to my hometown and held a hearing, "Education at the Crossroads: What works and what doesn't?" And I also thank my colleague from California for joining us in this effort.

Mr. Speaker, I have to tell my colleagues that I feel an immense sense of urgency tonight on the topic that we are talking about; that is, education and the whole question of getting money into the classroom, because right now there is a grave threat posed to education in America. It is a feel-good, sound-good idea called national testing.

It is this idea that we ought to adopt in America a single reading test for every fourth grader in America, and a single reading test for every eighth grader in America. It is a proposal that the President made on the floor of this House in his State of the Union speech last January which, as the gentleman I know already knows, the President has already implemented. That is, he created a test panel and has written that test.

Now, a lot of my colleagues in Arizona say, and my friends at home say, "Well, Congressman, what is wrong with national testing? Why are you so impassioned in your opposition to national testing and why am I concerned about it here tonight?" Let me explain that. There is a simple concept: What is tested is what will be taught.

Mr. Speaker, I have an 11-year-old son in Arizona, Stephen, and a 15-year-old daughter, about to turn 16 and to start driving, and what they are tested on throughout their education careers has been what they were taught; that is, their teachers, because they want them to perform well, have gone out and ahead of time learned what is on the tests that they will take each year and made sure that they are taught what will be on those tests.

What that means is that if we let this idea of a single national test written in Washington, D.C., thousands of miles from the teacher in Phoenix, Arizona, who knows my son Stephen's name or my daughter Courtney's name, if we let that test be written in Washington, D.C., hundreds of layers of bureaucrats from the administrators in my children's school or the parents in my neighborhood or the parents in the gentleman's neighborhood in Michigan or the gentleman's neighborhood in California, if we let them write that test in Washington, D.C., we will have ceded control over much of the content of education to Washington, D.C.

Mr. Speaker, that I believe is a severe disaster and the Senate is on the verge of doing it. I hope people will watch tonight and call the Senate and do something about it and urge them not to allow it to happen.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I think the gentleman brings up a very important point. Whether we are talking about dollars, which is what my colleague from California and I started talking about, whether we are talking about testing, whether we are talking about curriculum, we are talking about where is the focal point and where is the decision-making for education? Are we going to move it to bureaucrats here in Washington?

That is exactly what has happened with this testing. We know that we lose somewhere between 40 and 50 cents of every dollar to bureaucrats here in Washington. Was that test written with the Governor of Colorado?

Mr. SHADEGG. No.

Mr. HOEKSTRA. California?

Mr. SHADEGG. No.

Mr. HOEKSTRA. Arizona?

Mr. SHADEGG. No.

Mr. HOEKSTRA. Michigan?

Mr. SHADEGG. No.

Mr. HOEKSTRA. Were they involved?

Mr. SHADEGG. How about the parents?

Mr. HOEKSTRA. No, parents were not involved.

Mr. CUNNINGHAM. How about the teachers? Were the teachers involved?

Mr. HOEKSTRA. No, I do not think so. What we have is we have a group of people here in Washington, and you have some other interesting statistics on tests, but the people here in Washington who developed the test that they expect to work in Holland, Michigan, that they expect to work in San Diego, that they expect to work in Fort COLLINS, is that where my colleague from Colorado is from? Close?

Mr. BOB SCHAFFER of Colorado. Absolutely, Fort Collins.

Mr. HOEKSTRA. Phoenix? It is a very different approach. The Clinton administration has said: We know best and we want to take over education.

Mr. Speaker, here is where Republicans have been. Here is where we have been on our Crossroads project. We have been to Milwaukee, New York, actually twice, Chicago twice, we have been to Napa, California. We have been to San Fernando, California; Phoenix; Wilmington, Delaware; Milledgeville, Georgia; the Bronx, Cincinnati; Louisville; Little Rock; Cleveland; Muskegon Heights, Michigan. We are going to Iowa. We are going to Texas.

Mr. CUNNINGHAM. Mr. Riggs has been in San Diego.

Mr. HOEKSTRA. Mr. Riggs has been in San Diego. We are going to go to Colorado. Number one, we are going to parents and teachers. We have had over 25 educational institutions and hearings that we have visited; 174 grassroots witnesses. They are testifying about their schools, their teachers, and their kids in their hometowns. So we are hearing and we are finding that we feed parental control, we need a focus on basic academics, and we need to get dollars in the classroom.

Mr. Speaker, I will yield to the gentleman from California because I miss him on the committee. I do not know if he went on to bigger and better things, but he was a great colleague on the committee.

Mr. CUNNINGHAM. Well, I am on the Committee on Appropriations and the Committee on National Security, and my two passions are national security and education, and I am trying to get on that committee in Appropriations so I can support the authorizors.

Mr. HOEKSTRA. Mr. Speaker, we would love to have the gentleman back.

Mr. CUNNINGHAM. Mr. Speaker, if we take this dollar and we only have half of it—and I carried this dollar for 40 years because of a lesson that my father taught me, I am not going to get into that today. But if we take half of this dollar and leave it here in Washington, then we are cutting education. That is what has been happening. The liberals that claim that they support education are actually cutting education every single day.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, and what are we trying to do with that dollar?

Mr. CUNNINGHAM. Mr. Speaker, we are trying to get 90 percent of this dollar down to the Zip Code to where parents, teachers, local administrators, and the community, and I would say family as well, because there are grandparents that want to invest in their children.

Mr. HOEKSTRA. Mr. Speaker, I ask the gentleman, how do some of our colleagues describe trying to consolidate programs, get rid of red tape, empower parents and local school boards, and get the money back to the local school?

Mr. CUNNINGHAM. Mr. Speaker, they demagogue and say it is a cut. A classic example: Last year the President's direct lending program cost $3 billion to administer, another $4 billion to collect. GAO study. That was when it was capped at 10 percent.

Mr. HOEKSTRA. But good news on the direct loan program. Right? We had to shut it down this year because they cannot consolidate the loans. I did not bring it with me, oh, I do have it with me. A letter from 75 college students who want to consolidate their loans. What does this mean? It means they are going to take all of their loans that they have gotten for education and put it in one payment. A novel idea?

Mr. CUNNINGHAM. Mr. Speaker, if I could just finish one thought on it on how we are wasting money for education. That was at 10 percent. When the government shut down the President said he wanted 100 percent of student loans to come out of the government. He wanted government control, bigger bureaucracy. I wanted zero. The leadership decided to let it go to 40 percent so the government could go back. I disagreed.

What they did not see is that we put about six little words in there that saved the money going to the bureaucracy. Did we cut $10 billion? What did we do with the money? We increased Pell grant the highest level ever. Special education, it is called the IDEA program. We passed that bill. The President signed it and we got more money there.

We increased student loans by 50 percent. But when the gentleman says what do they do, they demagogue and say we are cutting. What we are doing is cutting, whether it is the 13 programs in literacy to focus all the money on the one that works or whether it is on direct lending or whether it is on AmeriCorps or whatever it is. We are trying to get the money to the education process.

□ 2030

I thank the gentleman.

Mr. SHADEGG. Mr. Speaker, if the gentleman will continue to yield, I want to make a quick point about the issue of money in the classroom and the point you make rather eloquently, about only half of that dollar getting back home to the classroom.

I hope people understand that when some of us rail against the concept of national testing, they understand that the President did not come forward with a bill proposing national testing in which he suggested that the Congress study the issue and implement legislation. He did not seek dollars being appropriated for national testing. He is doing this all on his own.

He will, if we do not stop him in a vote next week, he will pull money out of everywhere else in the Federal Department of Education budget, monies allocated for other purposes, part of that 50 cents that stays here in Washington, he is going to pull off and give to implement national testing.

I believe our children are tested and tested and tested. And I would like to see, as you both would, that 90 cents out of every dollar get back to the classroom. But it is not going to get back to the classroom if the President is able next week to go forward with his national testing program where he will take another 5, 10 or 15 or 20 cents out of each of those dollars and allocate it to a national test written in Washington, D.C. that you and I do not get to control and that the parents and the teachers and students and the administrators in our school districts do not get to control.

He is going to nationalize testing and use those scarce dollars.

Mr. CUNNINGHAM. Which we will have to increase taxes to pay for.

Mr. HOEKSTRA. You bring up a couple of good points. The President has not involved parents, teachers, administrators, governors, as a matter of fact, the President has not even involved Congress. We are going to embark on national testing and it is going to be one branch of government, a few elitist bureaucrats who have developed a test for all of our kids. And we are not even a part of that process.

Mr. SHADEGG. That test will drive the education agenda in America. The handful of textbook publishers in this country who write our students textbooks will write that national test. Can you imagine the amalgamation of power in this small little committee that the President appointed to write this one test and he did an end run around the Congress?

Mr. HOEKSTRA. When you are bringing that out, the testing or whatever it is and the 90 cents of the dollar, I think my colleague from California will agree, we want that 90 cents to go to a local school district, but we want to give them a lot of flexibility as to what they do with it. We do not want to give them 90 cents and then give them a three-ring binder and say, here is how you spend it. We want the parents and local school administrators and local teachers to say, we have got great facilities. We need more computers or we need to invest in books or educational training or whatever.

I yield to the gentleman from Colorado, Mr. BOB SCHAFFER, who has a great passion for this issue, is on the committee with us, and has really been helpful in us getting some work done in this area.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I am grateful that the gentleman is raising this issue of national testing and the Clinton administration's effort to try to centralize testing here in Washington, D.C. and in fact erode the ability of States and local communities to determine quality on their own terms and their own standards.

I hope people will think of this national testing debate in those terms, because we are not opposed to establishing a national quality standard for measurement of education. We are very much in favor of that. The question on national testing, as the Clinton administration proposes, is one of independence, which we do enjoy today. Independent national testing is a good thing, private organizations, private associations, private panels, private boards that are independent of the government measuring quality throughout the country. That gives us a better idea of how schools in Michigan compare to schools in Colorado that compare to schools in California and so on.

But what the Clinton administration is talking about is something entirely different. And what they are suggesting is that independent measures of quality should be pushed aside, that we should forget about independent measures of quality and instead go to the Clinton model of government defining quality of education for the American people.

Mr. HOEKSTRA. I thank my colleague and, just for a moment, yield again to the gentleman from Arizona [Mr. SHADEGG] who has a great definition because, remember, if it is national testing from the Federal Government, you really will not have an option as to whether to take it or not. If there are independent testing organizations out there, which there are, schools can pick which one is the best for their schools, which they think is the most appropriate that actually tests knowledge.

My colleague from Arizona has a wonderful example, I believe that is what you are holding up, is how the Federal Government in their new testing program or at least one of the people involved in this defines quality in the types of things we should test. I believe it is in math. Is that what you have there?

Mr. SHADEGG. I do have it here. That is exactly the point. I want to raise a couple of comments.

First of all, my colleague from Colorado is exactly right. It is not that we oppose the ability of people in Arizona or Colorado to compare how our schools are doing with other schools in Michigan or California. And there are tests to do that right now. Two of the best that we all have heard of are the Iowa test of basic skills, which I know I took and my children take, and the Stanford test. Those are independent, privately written national tests which enable us to compare how schools in our neighborhoods are doing or our States are doing with schools halfway across the country.

There are tests to do that and there should be. We support that.

But as my colleague has pointed out, the Clinton proposal is not that we just have the ability to compare. It is that we have the one Federal, correct, written-in-Washington, D.C., written-inside-the-Department-of-Education test and that is where it gets quite scary.

Mr. HOEKSTRA. Tell us about the math test. This is the kind of math test that I think, actually this is the kind of math test that bureaucrats would give to bureaucrats, is that not correct?

Mr. SHADEGG. There is no doubt about it. It is a wonderful, feel good math test. My colleague on the other side [Senator ASHCROFT] who is fighting this fight against national testing, points out that it is really the rain forest test, because they ask children more questions about rain forests than they do about their ability to do math.

This, in fact, is the national test in both reading and math as proposed by the national test panel proposed and established by President Clinton. The test is already written and, by the way, my colleague said being talked about by the Clinton administration, the sad truth is, it is not just being talked about, it is about to be implemented. They are ready to go.

But the wonderful thing about this test is that you discover, when you examine it, that in the eighth grade test for math, there is not, I want to say this carefully and slowly so people follow it, there is not one single question which requires eighth graders to do a math computation with a pen and pencil. At no point in the eighth grade math test already written is there a single question where they are to do a multiplication problem with a pen and pencil or a division problem with a pen and pencil. There is not one single question. Why is that?

It appears that one of the people on this committee, a Mr. Steven Leinwand, a consultant to the Connecticut Education Department, has written a paper and his school of thought has been adopted by the National Association of Mathematics Teachers. And his school of thought is as follows. It is, he writes, downright dangerous to teach children that 6 times 7 is 42. It is dangerous, he says, to teach them basic computational math skills.

Why, you say, does he consider it dangerous? He says it is dangerous, and I quote, because it will annoint the few to master these subjects and, quote, cast out the many who fail to do so.

First of all, the pessimism in that statement is monumental. I think American children can learn math calculations and do learn them every day. But what he is fundamentally saying is that because some children may not master the multiplication tables, the division tables, may not be able to do a complicated division problem or a complicated multiplication problem, they will feel bad. And we do not want them to feel bad so we should not give them a test that requires them to master those skills.

That is in the national math test which the Clinton administration has written and which will be imposed on America if the Congress does not stop it. It needs to do that next week, and we need, really, the help of our friends in the U.S. Senate; 295 of our colleagues in the House here voted to block national testing as proposed by Bill Clinton. Unfortunately, the House wants to compromise on this issue and let a committee be appointed to write a single national test.

Mr. HOEKSTRA. I am not sure the House wants to compromise. I think the Senate maybe wants to compromise. I think my friend from California has something to say on this issue.

Mr. CUNNINGHAM. Not specifically on this issue. You can see on education, when we had the hearings in the 104th, we had eight of them, and the main concern from industry, small business, unions and major business was that children coming out of our school systems could not qualify for an entry level job because they could not read, they could not write, they did not have the math skills. They did not have the high technology or they could not speak the English language.

We are last, of the 15 industrialized nations, on all core courses. That is a legacy we have been left from a liberal education system. Not only cutting it, but the money that we get there, the teachers are not paid properly. My wife has a doctorate degree in education. She has a master's in education. She has a master's in business. She is bilingual in Spanish. Her sister is in public education, special education program. So I know there are good programs and good teachers out there.

But what do we want to do? Because, A, there is less than 12 percent of the classrooms have even a single phone jack to upgrade them for the 21st century. They are operating in the 1950s. And even the good skilled schools do not have the computer facilities to help the kids to learn, to get ready for jobs. What I would say, and I would like to go through just a few of these, it will take me one minute, no more.

Number one, we have mentioned, to review the 760 programs. Number two, drive 90 percent of the money down to the classroom. A State bureaucracy is just as bad as a Federal bureaucracy. We want to give flexibility. I do not think we ought to tax work. We ought to tax savings, but tax consumption, different issue. But at least we ought to be able to give someone that wants to save for education not to have to pay tax on that for their children. That is an investment. We do think that.

Welfare reform, I think that is going to help. Every child should be able to read the English language by the third grade. There is no such thing as bilingual education. There are over 360 different languages out there. But every child by the third grade should be able to read in the English language and to be able to speak it.

I would say that we ought to incentivize. Of all the good schools that we do have out there, I would ask the gentleman, would you send your children to the worst? No. You would not. And we would say that the people that are trapped in that system want the same right that you do, that I do, that the President has. If their children are in a crime-ridden, drug-infested school or the teachers cannot even read their own readers, in some cases that has happened, it exists today, then that parent should be able to choose, with parental choice, where that child goes to school.

These are just a few of the initiatives that we think that we are being prohibited because of the unions. When the gentleman made a statement the other day about the unions, I happened to agree with you. If you look at Karl Marx' Communist manifesto and take a look at where the folks that want all the power to reside in the government, whether it is health care, whether it is education or whatever it is, in that manifesto it talks about the establishment of unions that will support the government because government will have the power.

If you look at the union bosses, and I say that because 30 percent of the unions are Republicans, 10 percent are independents, but yet the union bosses, like the Communist manifesto, want all the power in Washington so that they will have power. That is what is inhibiting us from going. I happen to agree with the gentleman's statement.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I want to reinforce a couple things. The gentleman has brought up the term 760. Where does 760 come from? What we did, as part of the crossroads hearings, we went around the country, and we also asked the question in Washington, as to how many education programs are there. We went to OMB. We went to a couple of different places in the executive branch, and they came back and said, there are roughly 760 programs.

□ 2045

We said, that is interesting, that sounds like a lot. We asked for these programs typically to move the money from Washington back to the State, what kind of process does it have to go through. 487 steps. No wonder we lose 40 to 50 cents. No wonder 40 to 50 cents of every education dollar that comes from Colorado, for every dollar that comes, only 50 cents makes it back to Fort Collins. I do not think that is good enough for Colorado. I think the people in Colorado at the local level, those parents and those teachers know how to improve their schools better than somebody from Washington who has never been in Colorado.

Mr. BOB SCHAFFER of Colorado. The gentleman is absolutely correct. I try to characterize my education goals and those of the Republican Congress in the following ways. First, we focus on treating parents like real customers. Secondly, we focus on treating teachers like real professionals. The third thing we talk about is the liberty to learn. And then fourth, the freedom to teach. Let me talk about the one we are addressing at the moment.

Mr. HOEKSTRA. If the gentleman will yield for just a second, some people might call that radical, is that correct?

Mr. BOB SCHAFFER of Colorado. I have been accused of that on occasion. I refer to that as the empire striking back.

Mr. HOEKSTRA. Think of that. Empowering parents and teachers and all of that, some people in this Washington establishment down the road believe that that is a radical idea.

Mr. SHADEGG. Taking this one step further, they accuse us, those who support nationalized testing and support really federalizing this whole issue say that we are anti-education because we support empowering teachers. They say we are anti-education because we support empowering parents. They say we are anti-education because we support empowering local school boards and local schools to do what they know how to do best. That makes us anti-education? It is mind-boggling.

Mr. HOEKSTRA. He has got some great ideas on what to do on education, yielding back to our friend from Colorado.

Mr. BOB SCHAFFER of Colorado. The gentleman is precisely right when he stated before that in Colorado, as in any State, that it is the local teachers, the local principals, the local school board members and state legislators and parents, I do not want to leave out parents certainly, but those are the individuals that have the best ideas on what kind of reform needs to take place in order to improve the quality of education for their children.

National testing really places a damper on education improvement. I will tell my colleagues why. It goes back to the comment I made earlier about allowing the government to take over the role of defining quality. When we talk about liberty to learn as a Republican majority in Congress and our approach to reforming schools, what we are really speaking about is creating an education marketplace where intellectual ideas are free to be used and picked up or left behind by those who have different ideas about which educational setting is in the best interests of their children. When we talk about the exchange of ideas, when we talk about the creation of economic opportunity through learning, in an education marketplace it means that you or I as parents have the opportunity to pick the school that best meets the needs of our child.

That really is at the heart of every initiative that we have discussed on this floor over the course of the last 3 weeks when it comes to improving the quality of schools. Liberating parents, liberating teachers, liberating States to pursue education excellence on their terms. What happens when we give the government the authority to define quality is you really do constrain the ability of the customers to define quality. If we look to any other industry in America, all of the great industries that we have that are the best in the world, they are so because of competitiveness. They are so because of a marketplace that they compete in. They compete to do the best, to offer the greatest quality, the greatest amount of convenience and the lowest cost.

Mr. HOEKSTRA. For those companies, who defines excellence?

Mr. BOB SCHAFFER of Colorado. It is the customer. It is the customer.

Mr. HOEKSTRA. Who do we want to have in education define excellence?

Mr. BOB SCHAFFER of Colorado. We want the parents, the customers, to define the quality. There are national tests, we mentioned before. The Clinton administration wants the government to establish a national test that will define quality. But I would submit that there are indicators upon indicators that tell you whether your local school district is succeeding or failing. If you look at things like the graduation rate, the dropout rate, if you look at things like the placement rate of students who graduate and go on to become gainfully employed or pursue higher education or serve in our armed services, whatever the case is, you have a whole battery of independent national tests. You have State tests that compare district to district and so on. All of those independent indicators are the kinds of places that parents look to define quality. I want to give one specific example in my district. I raise this example because those who oppose parental choice in education, treating parents like customers, frequently say that if you really let parents choose which school to send their children to, that the public schools will somehow fail to meet the test and stay in the arena.

I refute that idea and offer the following example. A very good friend of mine, Anita Greeb in Fort Collins, Colorado recently wrote a letter to the editor in the local Fort Collins newspaper. What she discussed was her choice to move her child to 3 different education settings in my school district in my community. She was dissatisfied with school A, the first school. She moved her child to a charter school, a charter school that I helped create. She decided she was not satisfied with the quality of education in the classroom that her child was a part of and she moved her child to a third school, school C, a traditional public school setting with the teacher devoted to meeting the demands of that particular parent. My point again being this: School choice does a couple of things. It allows a parent to play a meaningful role in picking the right place for their child. That parent who cares about her child in this case, more than anybody else. She chose a traditional K–12 public school setting, the very kind of setting that many people believe will go away if we allow school choice. The second thing, though, that it does is it resulted in a lengthy letter to the local newspaper where she named names, she named the specific schools, she gave the specific reasons why she was dissatisfied with the first two options and the specific reasons why she gravitated toward the third.

When we have parents in communities being vocal about defining quality in their neighborhoods, we have won the battle. That is the goal of public school choice, parental choice, allowing parents to define the terms of quality on their terms in a persuasive, meaningful way rather than turning that authority over here to Bill Clinton and the U.S. Department of Education. That is the core element of this debate on national testing, whether we allow Anita Greeb out in Fort COLLINS, Colorado to define quality for her and her child or whether we take that authority from her, confiscate that authority from her and give it to the Clinton White House and to the U.S. Department of Education so far removed from the home and the child and the school district that Anita cares so much about out in our community.

Mr. HOEKSTRA. That is really what we have found as we have gone around the country, is that when you empower parents, you have parents defining quality. The other thing that happens, it is kind of interesting, it happens in the private sector as well. When customers are defining quality, the people that are manufacturing or producing the product pay more attention to the customer and involve the customer in the process. What we find is that when you empower parents, you empower them in a number of ways, to choose, but also what you find out is that it fosters an environment that empowers parents and teachers and administrators to come together and to get a more common vision for their school and identify the school's role, the teacher's role and the parent's role. You actually get a consensus of where you want to go. The empowerment of parents, I think we saw that in Phoenix when we were there, we have seen the same development in California with charter schools. We are seeing it in Michigan with more public school choice. The atmosphere I think raises all of the schools up, traditional public schools. I have got a great example of a public school that is performing, I have got a lot of them in my district but one is kind of personal to me. They did very well in the State Science Olympiad. Some of you may remember at one time I had more hair on my face than I did on my head but they did very well in the State Science Olympiad. It is a traditional public school. I met with them, we kind of celebrated their success at the State Science Olympiad and I told them that you are going to go to the National Science Olympiad, they were smarter than I was because they are competing against 6,000 schools on a nationwide basis, that if you win the National Science Olympiad, you can shave off my beard.

Obviously, they won the National Science Olympiad and so we can have excellence in all different formats of schools. We are not saying charters. A lot of the stuff that we are seeing a lot of States experimenting, vouchers, charters, tax credits. There is not a silver bullet, one answer. There are lots of things that we can do and that is empowering parents, dollars in the classroom, basic academics. The more we move in that direction, the better off we are going to be.

Mr. SHADEGG. I think the gentleman is right. There is clearly not a single bullet but we have ascertained some basic facts. One of those is that the more parental involvement you have, the better the school. The more you empower parents, the more you empower the teachers and the administrators at that school to control that school and to seize its direction, the better an education we produce.

Mr. HOEKSTRA. We saw that in Arizona when we went to, I do not remember the name of the school but we went to one of the gentleman's charter schools, we have seen it in the public schools as we have gone around, in all the different kinds of schools, the schools that are doing well, you go into the school and you go into the classroom and you can feel an energy. Parents are there. They are at our hearings, they are asking questions, they are contributing, the teachers are there, the kids are pumped, the administrators, but the thing that they all have in common, they feel ownership of that school. They are proud of it.

Mr. SHADEGG. That is why I think that America would be in open revolt. There would be an outcry across this country if people understood that that kind of parental control of their local school was about to be stolen away by a one-size-fits-all Washington, D.C. written national test. I want to make a couple of quick points. I pointed out that this education consultant was a part of a group called the National Council of Teachers of Mathematics and that he wrote it is downright dangerous to teach kids math calculations. There are a couple of quotes that I want to read from him to show how radical the people who will influence this test are.

Mr. HOEKSTRA. Explain this. This is the guy that was part of the group that developed what may or may not be a national test, correct?

Mr. SHADEGG. He is listed in this book as one of the experts who helped write the test which the Clinton administration will begin to implement next year in America if it can or the year after that if the Congress does not block them.

Mr. HOEKSTRA. Has the gentleman from Colorado, Mr. BOB SCHAFFER, had more involvement in that test than the gentleman from Arizona, Mr. SHADEGG, is talking about?

Mr. BOB SCHAFFER of Colorado. I have far less.

Mr. HOEKSTRA. Has the gentleman from California, Mr. CUNNINGHAM?

Mr. CUNNINGHAM. Let me give another classic example of where the Federal Government can run amok in writing standards or tests. The ranking minority member, he was my chairman when the Democrats were in the majority and then he became my ranking member when I was chairman of the committee when we took over in 1994 the majority. But he was outraged as a history teacher for the Federal Government producing history standards that spoke more on Madonna than they did the Magna Carta. They demonized veterans and liberalized hippies and liberals in different fields. They demonized in another area the Enola Gay which is right up here in a museum, they demonized American veterans and our military and wanted to apologize to Japan which caused many, many deaths. The gentleman from Texas, Mr. SAM JOHNSON, got that particular individual fired. But when the government takes over, they want their liberal agenda to fit into these exams. That is the whole difference. We want to empower the parents, the teachers, the local communities and the families to empower them to establish what is important to them, not some liberal bureaucrat here in Washington, D.C.

Mr. HOEKSTRA. The real difference here is when you empower local communities and parents, the standards reflect community standards. When you empower bureaucrats here in Washington, you get an agenda from Washington that they are trying to impose on communities around the country. It is bottom up versus top down. We are in favor of bottom up.

Mr. CUNNINGHAM. If I could just finish this one thought, that recently, this month, they did an exam, international exam. The United States was 28th in math skills, internationally, that we score 15 of 15 industrialized nations in almost all core courses. So is there an emergency? Yes. We want more than 50 cents on a dollar down to the classroom. We want local parents and teachers to take care and support, we want the dollars to upgrade the classroom instead of bureaucracies back here. So that everything we are talking about, the other side demonizes as radical. It is not radical to empower people. What is radical under a socialist communist government is to take that power away from the people and put it in the hands of the government alone.

Mr. HOEKSTRA. We do not want to lose one child. We want to give every child the opportunity to develop their full skills.

Mr. SHADEGG. The gentleman makes an excellent point. That is, that just a few years ago, we witnessed an attempt by the Federal Government to impose national standards for education. Only we discovered that their standards taught that our veterans were evil, their history standards taught that great leaders like ABRAHAM Lincoln and George Washington were in fact evil. So the President in this latest effort to nationalize education has said, well, we will not do subjective topics like history or social studies, we will do objective, that is, those subjects we can all agree, objective subjects like mathematics.

□ 2100

Except that we discover that it is not objective, because, and there are really two points I want to make here, one is it is not objective because you and I and all Americans, I think, would agree that we ought to teach children that 6 times 7 is 42, but this test has been taken over by people that believe it is, and I quoted earlier, downright dangerous to teach children that 6 times 7 is 42. So they are radicalizing even an objective subject like math.

I want to read you one or more of these quotes in a few minutes here. One quick quote from Mr. Leinwand, this education expert. "But none of these larger social issues," he writes, "is as compelling as what we know about the sense of failure and pain unnecessarily imposed on hundreds of thousands of students in the name of mastering these obsolete procedures."

The obsolete procedures he is talking about are computational math skills. He goes on and writes, "A few short years ago, we had no alternative to pencil and paper computation. A few short years ago we could even justify the pain and frustration we witnessed in our classrooms as necessary parts of learning what were then important skills. Today there are alternatives. There is no honest way to justify, he writes, no honest way to justify the psychic toll it takes to teach children to do calculations that involve simple math, that is, multiplication and division." "That," he says, "imposes a psychic toll and we shouldn't do it."

I suggest in Japan and Germany, and elsewhere around the world, with whom our children in the next generation will have to compete, they are drilling their children on those same basic computational skills.

The other point is we are going to move away from them if we adopt a national test, if we do not block it next week and get the help of the United States Senate in blocking the President next week.

But I want to make one other point. You asked my colleague from Colorado what input he had had on the test, and he said none. I have had no input on the test, and you have had no input on the test. But, more importantly, the parents and the teachers and the administrators and even the students in the schools in my neighborhood or your neighborhood or their neighborhoods across America have not had any input.

I want to talk about one gentleman that had some input. I mentioned the test was written as Mathematics Committee Recommendations to the National Test Panel. There is a national test panel.

One gentleman on that panel, Alan Wurtzel, wrote a letter of objection. He said wait. This test is a mistake. This test does not test basic math skills. He dissented, and he wrote, quoting from his letter of September 25th, "The test assumes that by the 8th grade, children can do basic arithmetic, including addition, subtraction, multiplication and division of whole numbers, decimals, and common fractions by hand."

This is the guy they got to write the test. He had input. He goes on to say, "The problem is that this assumption is all too often unjustified." Then he goes on and writes about a personal experience where he was talking to the others on the panel that wrote the test.

"As I told the panel, we used to test cashiers at Circuit City to determine if they could calculate the change due on a sale. So many were unable to do so, that we gave up."

He goes on and writes, "We have got to include in this test basic math skills." He is pleading as one of the panel members to include in the test basic math skills, and his ideas have been rejected.

A single test written in Washington will not include the views of the parents and teachers in our schools, and, for that reason, it will nationalize the curriculum and leave America's education behind the rest of the world.

Mr. HOEKSTRA. If the gentleman will yield, one of the places we have had hearings this past year is we had hearings in the State of Delaware. Delaware is the size of one Congressional district. We have 16 in Michigan, 54 in California, or whatever it is, or 52.

But in Delaware, the State of Delaware, they wanted to develop a statewide test, and they used the right process. They started with parents, teachers, local administrators, and it took them three years. They are now to the point where they believe they have a test that is testing the kind of skills that they believe need to be tested.

They have got parental input. What happens when you take a test? They get a score. Who finds out about the score? The kids and parents. What happens if the test is not validated with the parents? They say this test is all wrong, and you end up wasting it.

These guys here in the administration developed a national test with no involvement. They sat in an ivory tower somewhere and developed it in what, six or seven months, and they think they are going to apply it to Arizona, California, Michigan, New York, and what do you think the people in Colorado are going to say?

Mr. SCHAEFER. They will reject it, certainly, because it stands in the way of the local efforts that we have made to establish quality on local terms.

If I can, let me jump for a moment to the bureaucrats who write these tests that we are talking about, the national tests. What they understand is that conflict and controversy within their ranks does not compel public cash. It does not secure the taxpayers' cash for their efforts.

If they can come to the White House, to the President, with a package they have all agreed on in their closed rooms and secret little settings, and come to the White House and say, you know, all of us bureaucrats agree on this particular test, they get the Clinton Administration and the U.S. Department of Education to back them and to move boldly ahead in trying to secure the public money necessary to move these ideas forward.

That is what you see here. That is why a singular idea with this goofy notion on math, for example, that you should not challenge children to do simple computations, that is how a goofy idea like that is able to move forward in the Clinton Administration, because bureaucrats understand if you challenge another bureaucrat, if you embarrass a bureaucratic colleague, that the money goes away, that the American taxpayers lose confidence, they will not spend their cash on those kind of experiments with our children.

So they hide and they mask and they disguise the shortcomings of a Federal Government-owned test in the way that the gentleman from Arizona just described.

Again, it is precisely the reason when we talk about free markets in education, talk about treating parents like real customers, the empire is threatened, and the empire does strike back and begins to characterize us as somehow anti-child and anti-education and so on.

The reality is the greatest hope for improving the quality of education and academic performance for our children is not to give the bureaucrats that the gentleman from Arizona described authority. It is not to make the notion of, what was that, the psychic toll, this notion that you present a psychic toll to children when you ask them to add and subtract, we should not give those kinds of folks more authority and more taxpayer dollars.

Mr. SHADEGG. If the gentleman will yield briefly, my concern here is that we are literally within days, as early as Tuesday of next week, this issue will be decided, and right now we have a fight going on between the U.S. House and the U.S. Senate where the U.S. House has said, no, do not steal local control of education away from our neighborhoods and give it to bureaucrats in Washington, and the Senate is caving in.

I am impassioned in my belief we have to fight this fight and win this fight. Senator ASHCROFT over on the other side is battling his colleagues. We are in grave danger of having a national test imposed by the Clinton Administration, written by these people, and I don't care how good the test is, one test will not work. We need to let parents in America write tests in their neighborhoods.

Mr. BOB SCHAFFER of Colorado. Any caring parent who understands what the Clinton Administration is trying to accomplish with these tests ought to be suffering a psychic toll of their own.

Mr. SHADEGG. I hope they will plead with their U.S. Senator to get into this fight.

Mr. HOEKSTRA. I think it is very interesting. I have learned a new term tonight. Instead of talking about stress or anxiety or whatever, psychic toll, only somebody who would be developing a national test could come up with psychic toll. I think it is about time we create some psychic toll on the other body before we end up really creating, we are going to have a test that does not work, and it will create a lot of stress and anxiety and a lot of wasted effort at the local level, because one more time, it is going to move more power away from that classroom to bureaucrats in Washington.

The leverage point is the classroom, with the teacher that knows my kid's name. That is where the money needs to go, where the decision making needs to go, and we have got to get it there and move it away from Washington, and we need to move to my colleague from California.

Mr. CUNNINGHAM. Who has been patiently standing by. I don't know of my colleagues, how many of you, it is difficult to pass a school bond even on a local district. In California it takes like two-thirds to pass a proposition. It has been very difficult. And if we get less than 50 cents on a dollar down to the classroom, where are we going to get the money to upgrade those schools?

First of all, when you ask the public, more than a majority of the public feels that the education system, even though we have good schools, the majority feels that our public education system does not even rate a C grade. If that is the case, I would ask most of the majority to expect our schools to have nothing less than an A grade in what it teaches our children.

Remember a gentleman named Jaime Escalante, I mentioned his name once before? They thought he was radical when he thought he could teach children mathematics; it was calculus. And the teachers thought he was crazy. This was in a minority district, gang-infested, where the kids were low achievers, high risk.

I would say that the parents thought he was crazy; the teachers thought he was crazy. He got no support from the administration, and he said I am going to teach those kids. And he set out to do that as an individual. What a difference he made. Ninety-seven percent of the kids went on to college in mathematics. Then he got the support of the teachers. He got the support of the students. He got the support of the administrators, and made a difference.

I think when we turn this around that we get the support of people to say, listen, if we invest our dollars into education and there is a tangible result from that, that is going to make my child's life better, I am willing to give more. Part of that is giving them the tax dollars back to their pocket instead of the Federal Government. But I would say one of the ways we found out besides just the Federal dollar, the State dollar, is the 21st Century bill that my colleagues supported, goes in and lets private enterprise invest into high-tech systems into the classroom. They get to write off, say a computer that is less than 2 years old.

We have a nonprofit organization called the Detweiler Foundation that when you take that computer, the school cannot use it, they upgrade that computer with software and hardware. Guess what? They use prison labor and they use military brig labor. It gives them a skill so maybe they are not going to end up back there.

Then they turn around and give that computer, ready to use, to the school. We are putting California schools on an 18-month cycle so that we can upgrade and keep those schools up to speed. There is much more that needs to be done.

Libraries, I think, should be, because we are asking people to come off welfare, they have to have a place to access modern technology so that they can upgrade their skills.

Mr. HOEKSTRA. You would love the story that our colleague from Arizona and I can share with you about the student at the charter school who was, I think, in his previous school had been labeled as a difficult student or whatever.

Mr. CUNNINGHAM. I got one of those, and he is doing great in charter school.

Mr. HOEKSTRA. This kid was put into this environment where he was provided an opportunity to flourish. You know what his strength was? He developed a whole bunch of strengths. Do you know one of the things he is really contributing to the school is—

Mr. SHADEGG. Rebuilding computers.

Mr. HOEKSTRA. Rebuilding computers. They do not need a corporation to rebuild the computer and give it to the school. This kid, they give him, people drop stuff off and they give it to him and he fixes the stuff and he is a great student now.

Mr. SHADEGG. He was flunking out and he is borderline genius in repairing and putting computers back together.

Mr. HOEKSTRA. I think he is a great student now and he is contributing in a very different way to this school. So everything is kind of coming together because we have that student in the right environment.

☐ 2115

It does not mean that the other school was a bad school, but we match the student with the environment.

Mr. CUNNINGHAM. Would the gentleman agree, though, that nationally we have a system where computers are given to the schools, and they are ending up in a corner because they do not have the technology to upgrade? This is fantastic.

Mr. HOEKSTRA. Absolutely. I am just trying to reinforce the point that we need to get the computers and technology in there. When it happens, the gentleman and I need somebody to fix our computers for us, and those kinds of things. These kids out there that are growing up with it, they can do wonderful things, the more technology we give them.

Mr. CUNNINGHAM. Think what we can do if we get 90 percent of the Federal dollars there, eliminate bureaucracy, and get private investment into our schools. That is a vision for the future of education.

Mr. HOEKSTRA. Remember what this means. If we get 90 percent of the dollars to the local school district, instead of 50, that is about a 40 percent operating increase in local budget for every school district, without any new millage. It just says, you know, we have cut this money out and you are getting it, with no red tape.

So I thank my colleagues for joining me in this special order. We have had a wonderful discussion and dialogue on education. The important thing, as my colleague, the gentleman from Arizona [Mr. SHADEGG] keeps coming back to, we are going to be making a decision on this testing issue, which is a much bigger issue than testing. It is about who is controlling education, who is controlling curriculum, and who is controlling dollars and direction for our local schools.

The House is firmly on record saying it has got to be parents, teachers, and local school boards. The other body is moving in the direction of Washington maybe knows best. That is the wrong direction to go.

Mr. CUNNINGHAM. I think the gentleman's crossroads program is one of the most important programs we are working on in Congress.

Mr. HOEKSTRA. I thank my colleagues for joining me.

AMERICA IS FACING A CRITICAL DECISION ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, I just want to reiterate, for those who may be listening at this point, we are on the verge of a very, very critical decision in this country. I hope people understand how important it is.

As Americans, we care about our children's education. We want them to do the best they can, and in this global economy in which they must compete, we want them to be able to compete with children around the world. That is why we embrace almost any idea to improve education, including ideas that are being thrown around nationally. But one of those ideas, while it sounds good, is, I believe, a grave threat to our children and to education in America, and to their ability to compete. That idea is national testing.

People tuning in or just listening might say, what is wrong with national testing? What is wrong with being able to allow parents in Arizona to compare the performance of their children and their schools with parents in Michigan or Florida? The truth is, there is nothing wrong with that, but there are tests to do that right now, independently written tests, like the Iowa test of basic skills, or the Stanford test. We have those tests.

What is being proposed today, and what energizes me and causes me fear, is a single exam written in Washington, DC, deep in the bowels of the Federal Department of Education or written by a committee appointed by the President, to be administered to every student in America. That one exam will have the danger of setting the national curriculum, and taking control away from parents and teachers and local administrators in my school district and in every American school district.

I think Americans trust the teachers and the administrators, and even the parents and the students in their own school district. They know if they want to influence the curriculum at their school, they can go to their school and make their voice heard. They can go to their local school board and make their voice heard.

But let me warn the Members, if we adopt one national test in reading for fourth graders or one national test, and that is Federal Government test, in mathematics for eight graders, we will have ceded the control of our children's education over to faceless, nameless Washington bureaucrats deep in the bowels of the education establishment, deep in the bowels of the Department of Education, or in some consulting firm.

Mr. Speaker, I think we owe our children better than that. We cannot give away local control of our schools to Federal bureaucrats. Why would a national test do that? Members say, how can a national test be that dangerous? How can it be that threatening? The answer is a simple one: What is tested is what will be taught. We all understand that.

My daughter, Courtney, back in Phoenix, AZ, and my son, Stephen, are doing well in school, but they are doing well because their teachers, and I have faith in teachers, they are good people, their teachers learn what Courtney and Stephen are going to be tested on, and they make sure that in the curriculum they teach them what they will be tested upon.

So what is tested is what will be taught, and if we allow the test to be written in Washington, D.C., then what will be taught across America will be what some Federal bureaucrat deep in the bowels of the education department decides ought to be taught, because they will write the test, and your children's teacher and my children's teachers will be forced to teach to that test. We must block that effort to nationalize education. That fight is now, here in Washington, today. The decision will be made in Washington next week. There will be a vote in the U.S. Senate and a vote in the U.S. House.

Americans who do not want to give up control over their children's education to a bunch of nameless, faceless Washington bureaucrats need to speak out now. They need to call Washington, call their Congressman, call their Senator, and say, do not let national testing steal control away from our teachers in our neighborhood, from our school board in our neighborhood.

Some of the proponents of this idea say, do not worry, it is only voluntary. That is a hollow defense of a bad idea, because in America today there are only about 4 or 5 textbook writers. If we write one national test in Washington, D.C. and say, this will be given to all kids, sure, you will be able to opt out of of the test, but the textbook writers, the people who write the curriculum for the schools, will write to that test. They will have no choice. If you sit on a school board or if you sit in your parent-teacher council and do not like that test, do not like that curriculum, you will have no choice.

We have to reject this idea and reject it now, and reject it decisively by a vote in the U.S. Senate as early as next week. I urge Americans who care about their children's education to speak out, and not let Washington seize control of their school's education program. The price is simply too high.

There are radicals in Washington, D.C. who are writing a radical test; a test that, for example, in math does not even test basic math skills. But make no mistake about it, it does not matter whether the radicals write the test or good people write the test. If the test is a top-down, Washington-knows-best, one-size-fits-all idea, it will hurt education, because it will cost those parents and teachers in your school control of education in their neighborhoods. I hope Americans are listening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYUN (at the request of Mr. ARMEY), for today after 4 p.m. and tomorrow, on account of attending his daughter's wedding.

Mr. HOUGHTON (at the request of Mr. ARMEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. SANCHEZ, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes on October 28.

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. LANTOS.
Ms. HARMAN.
Mr. STARK.
Mr. KIND.
Mr. CUMMINGS.
Ms. STABENOW.
Mr. STOKES.
Mr. BARCIA.
Mr. ANDREWS.
Ms. SANCHEZ.
Mr. NEAL of Massachusetts.
Ms. CHRISTIAN-GREEN.
Mr. VISCLOSKY.
Mr. KILDEE.
Mr. SERRANO.
Mr. HAMILTON.
Mr. DICKS.
Mr. SHERMAN.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Mr. GILMAN.
Mr. PAPPAS.
Mr. HYDE.
Mr. BEREUTER.
Mrs. MORELLA.
Mr. WALSH.
Mr. BALLENGER.
Mr. CALVERT.
Mr. PAUL.
Mr. EHLERS.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. BUYER.
Mr. BURTON of Indiana.
Ms. KAPTUR.
Mr. BOB SCHAFFER of Colorado.
Mr. SPRATT.
Mr. FILNER.
Mr. CRANE.
Mr. GINGRICH.
Ms. KILPATRICK.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 56. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States; to the Committee on House Oversight.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 97. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 97. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Friday, October 24, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5577. A letter from the General Sales Manager and Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities [7 CFR Part 17] received October 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5578. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–158, "Public Before-and-After School Care Exemption Temporary Amendment Act of 1997" received October 22, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

5579. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–160, "Juvenile Curfew and Retired Police Officer Redeployment Temporary Amendment Act of 1997" received October 22, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

5580. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–161, "Comprehensive Merit Personnel Act Annuity Offset Temporary Amendment Act of 1997" received October 22, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

5581. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–166, "Comprehensive Merit Personnel Act Pilot Program Temporary Amendment Act of 1997" received October 22, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

5582. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–167, "Alcoholic Beverage Control DC Arena Temporary Amendment Act of 1997" received October 22, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

5583. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kutztown, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–25] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5584. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Zelienople, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–19] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5585. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Belleville, KS (Federal Aviation Administration) [Docket No. 97–ACE–7] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5586. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Kansas City, Richards-Gebaur Airport, MO (Federal Aviation Administration) [Docket No. 97–ACE–10] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5587. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Driggs, ID (Federal Aviation Administration) [Airspace Docket No. 97–ANM–6] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5588. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; French Lick, IN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–26] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5589. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Vinton, IA (Federal Aviation Administration) [Docket No. 97–ACE–13] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5590. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; East Butler, PA; Correction (Federal Aviation Administration) [Airspace Docket No. 97–AEA–02] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5591. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Marion, VA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–018] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5592. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. (formerly Textron Lycoming) Model T5313B, T5317A, and T53 (Military) Turboshaft Engines (Federal Aviation Administration) [Docket No. 97–ANE–38–AD; Amdt. 39–10160; AD 97–21–07] (RIN: 2120–AA64) received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5593. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–30 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–220–AD; Amdt. 39–10164; AD 97–21–11] (RIN: 2120–AA64) received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5594. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–265–AD; Amdt. 39–10163; AD 97–21–10] (RIN: 2120–AA64) received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sauk Centre, MN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–22] received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines (Research and Special Programs Administration) [Docket No. PS–121; Amdt. 195–58] (RIN: 2137–AD 05) received October 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5597. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans and Reservists Education: Additional Educational Assistance While Serving in the Selected Reserve (RIN: 2900–AI79) received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5598. A letter from the Secretary of Defense, transmitting a report entitled "Federally Sponsored Research on Persian Gulf Veterans' Illness," pursuant to Public Law 103—337, section 722(f); jointly to the Committees on National Security and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1493. A bill to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes; with an amendment (Rept. 105–338). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 2265. A bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes; with an amendment (Rept. 105–339). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee of Conference. Conference report on H.R. 1119. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes (Rept. 105–340). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 2621. A bill to extend trade authorities procedures with respect to reciprocal trade agreements, and for other purposes; with an amendment (Rept. 105–341 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 277. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–342). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 278. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 105–343). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2621. Referral to the Committee on Rules extended for a period ending not later than November 4, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JEFFERSON (for himself, Mr. Rangel, Mr. Wynn, Mr. Clyburn, Ms. Eddie Bernice Johnson of Texas, Mr. Fattah, Mr. Towns, Mr. English of Pennsylvania, Ms. Christian-Green, Mr. Watt of North Carolina, Mr. Ford, Ms. Waters, Mr. Frost, Mrs. Clayton, Mr. Lewis of Georgia, Mr. Davis of Illinois, Ms. Norton, Ms. Jackson-Lee, Mr. Hilliard, Mr. McCrery, Mr. Flake, Mr. Thompson, Mr. Dellums, Mr. Scott, Mr. Cummings, Mr. Payne, Mrs. Meek of Florida, Ms. Kilpatrick, Ms. Carson, Mr. Dixon, Mr. Stokes, Mr. Rush, Mr. Clay, Mr. Bishop, Ms. Millender-McDonald, Mr. Owens, Mr. Jackson, Ms. McKinney, Mr. Conyers, Mr. Hastings of Florida, and Ms. Brown of Florida):

H.R. 2707. A bill to amend the Internal Revenue Code of 1986 to permit tax-free reorganizations of specialized small business investment companies into partnerships and regulated investment companies, to expand the exclusion for gain from small business stock for such stock held by such companies, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. Crane, Mr. Kolbe, Mr. Bereuter, Mr. Ewing, Mr. Manzullo, and Mr. Blumenauer):

H.R. 2708. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. Gingrich, Mr. Boehner, Mr. Cox of California, Mr. Solomon, Mr. Hyde, Ms. Ros-Lehtinen, Mr. Rohrabacher, Mr. King of New York, Mr. Chabot, Mr. Fox of Pennsylvania, Mr. Weller, Mr. Saxton, Mr. Nethercutt, Mr. Deutsch, Mr. Schumer, Mr. Gutierrez, and Mr. Borski):

H.R. 2709. A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; to the Committee on International Relations.

By Mr. BALLENGER (for himself and Mr. Goodling):

H.R. 2710. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 2711. A bill to promote full equality at the United Nations for Israel; to the Committee on International Relations.

By Mr. CUMMINGS (for himself, Ms. Norton, Mr. Ford, and Mr. Wynn):

H.R. 2712. A bill to require executive branch agencies annually to review the costs of service contracts and to report to Congress on such review; to the Committee on Government Reform and Oversight.

By Ms. DELAURO (for herself, Mrs. Morella, Mr. McGovern, and Mr. Hoyer):

H.R. 2713. A bill to establish a grant program to improve the quality and expand the availability of child care services, and of family support services, for families with children less than 3 years of age; to the Committee on Education and the Workforce.

By Mr. HOUGHTON (for himself, Mr. English of Pennsylvania, and Mr. Neal of Massachusetts):

H.R. 2714. A bill to amend the Internal Revenue Code of 1986 to disregard certain amounts of capital expenditures in applying $10,000,000 limit on such issues; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. Cunningham, and Mr. Bartlett of Maryland):

H.R. 2715. A bill to prohibit the conveyance of real property at Long Beach Naval Station, California, to China Ocean Shipping Company; to the Committee on National Security.

By Mr. HYDE:

H.R. 2716. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United Sates Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Ms. KILPATRICK (for herself, Mr. Blagojevich, Mr. Blumenauer, Mr. Bonior, Mr. Capps, Ms. Carson, Ms. Christian-Green, Mr. Clement, Mr. Clyburn, Mr. Conyers, Mr. Davis of Illinois, Ms. DeLauro, Mr. Dellums, Mr. Faleomavaega, Mr. Filner, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gordon, Mr. Hilliard, Mr. Jackson, Ms. Jackson-Lee, Ms. Lofgren, Mr. Jenkins, Ms. Eddie Bernice Johnson of Texas, Mr. Lantos, Ms. McKinney, Mrs. Meek of Florida, Mr. Menendez, Ms. Millender-McDonald, Mrs. Mink of Hawaii, Mr. Oberstar, Mr. Poshard, Ms. Rivers, Mr. Rush, Mr. Sandlin, Ms. Stabenow, Mr. Stark, Mr. Thompson, Ms. Waters, Mr. Watts of Oklahoma, Ms. Woolsey, and Mr. Wynn):

H.R. 2717. A bill to authorize the President to award a gold medal on behalf of the Congress honoring Wilma G. Rudolph in recognition of her enduring contributions to humanity and women's athletics in the United States and the world; to the Committee on Banking and Financial Services.

By Mr. KNOLLENBERG (for himself, Mr. Barrett of Nebraska, Mrs. Chenoweth, Mr. Graham, Mr. McCollum, Mr. McIntosh, Mr. Bob Schaffer, and Mr. Watts of Oklahoma):

H.R. 2718. A bill to amend the Internal Revenue Code of 1986 to reduce the rates of income tax paid by individual taxpayers, to eliminate the marriage penalty in the standard deduction, and to change the filing date for individual tax returns to November 1; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2719. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 2720. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 2721. A bill to restore the Second Amendment rights of all Americans; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2722. A bill to amend title 18, United States Code, to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in the State; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2723. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. RIGGS (for himself, Mr. Watts of Oklahoma, Mr. Flake, Mr. Talent, Mr. Gingrich, Mr. Armey, Mr. DeLay, Mr. Boehner, Ms. Dunn of Washington, Ms. Pryce of Ohio, Mr. Solomon, and Mr. Hoekstra):

H.R. 2724. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2725. A bill to amend part C of title XVIII of the Social Security Act to repeal the authority to offer private fee-for-service plans under the MedicareChoice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. Becerra):

H.R. 2726. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to contract with certain hospitals for the provision of certain surgical procedures and related services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 2727. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and reform the Superfund program, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. UNDERWOOD, Mr. TOWNS, Mr. ABERCROMBIE, Mrs. MINK of Hawaii, Mr. SERRANO, Mrs. MEEK of Florida, Mr. DELLUMS, Mr. GONZALEZ, Mr. OWENS, Mr. FLAKE, Mr. STARK, Ms. KILPATRICK, Mr. LANTOS, Mr. YATES, Mr. MANTON, Mr. GUTIERREZ, Ms. SANCHEZ, and Mr. POSHARD):

H.R. 2728. A bill to extend the provisions of the Chinese Student Protection Act of 1992 to certain aliens who entered the United States without inspection; to the Committee on the Judiciary.

By Ms. DELAURO (for herself and Ms. ROS-LEHTINEN):

H. Res. 279. A resolution recognizing the contribution that child care professionals make to the wellbeing of children and their families; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 2706. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FLAME; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 2729. A bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. ENGEL, Mr. MANTON, Mr. PASTOR, Mr. KLECZKA, Mr. POSHARD, Mr. BERMAN, Ms. KILPATRICK, Mr. HINOJOSA, and Mr. VISCLOSKY.

H.R. 27: Mr. TIAHRT.

H.R. 209: Mr. LOBIONDO and Mr. WELLER.

H.R. 453: Mr. STARK, Mr. MILLER of California, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. PAYNE, Mr. KENNEDY of Massachusetts, Mr. MENENDEZ, Ms. DELAURO, Mr. KUCINICH, and Mr. MALONEY of Connecticut.

H.R. 532: Mr. NEAL of Massachusetts.

H.R. 547: Mr. CAMPBELL.

H.R. 616: Mr. MCHUGH, Ms. HOOLEY of Oregon, Mr. BURTON of Indiana, Mr. SALMON, Mr. COBURN, Mr. SCHUMER, Mrs. MALONEY of New York, Mr. PARKER, Mr. TAYLOR of Mississippi, Mr. CUNNINGHAM, Mr. KIM, Mr. WATTS of Oklahoma, Mr. LAHOOD, Mr. BOEHLERT, Mr. BISHOP, Mr. KIND of Wisconsin, Mr. RUSH, Mr. SOLOMON, Mr. TAYLOR of North Carolina, Mr. EWING, Mrs. FOWLER, MR. UNDERWOOD, Mr. MURTHA, Mr. SCOTT, Mr. COOK, Mrs. THURMAN, Mr. MCGOVERN, Mr. LANTOS, Mr. OWENS, Mr. NADLER, and Mr. GEKAS.

H.R. 617: Mr. SCOTT.

H.R. 633: Mr. KUCINICH.

H.R. 696: Mr. MCGOVERN.

H.R. 754: Mr. KIND of Wisconsin, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 758: Mr. KASICH.

H.R. 806: Mr. FILNER and Mr. GUTIERREZ.

H.R. 900: Mr. MARTINEZ.

H.R. 979: Ms. ESHOO, Mr. SUNUNU, Mr. MARTINEZ, and Mr. SCOTT.

H.R. 1010: Mr. LUCAS of Oklahoma, Mr. SESSIONS, Mr. HOEKSTRA, and Mr. MORAN of Kansas.

H.R. 1114: Mr. MCNULTY, Mr. SKELTON, and Mr. FRELINGHUYSEN.

H.R. 1130: Mr. COSTELLO.

H.R. 1234: Mr. UNDERWOOD.

H.R. 1260: Mr. HOUGHTON.

H.R. 1280: Mr. HILLEARY.

H.R. 1283: Mr. KOLBE and Mr. CHRISTENSEN.

H.R. 1302: Mr. GREEN.

H.R. 1322: Mr. TURNER.

H.R. 1334: Mr. WYNN, Mr. DAVIS of Virginia, and Mrs. MALONEY of New York.

H.R. 1390: Mr. MENENDEZ.

H.R. 1456: Mr. HALL of Texas and Ms. STABENOW.

H.R. 1500: Mr. JOHNSON of Wisconsin.

H.R. 1591: Mr. FOLEY, Mr. LATHAM, Mr. SESSIONS, Mr. PETERSON of Minnesota, Mr. BRADY, and Ms. GRANGER.

H.R. 1595: Mr. SPENCE and Mr. SHAW.

H.R. 1625: Mr. SPENCE, Mr. INGLIS of South Carolina, and Mr. BLILEY.

H.R. 1665: Mr. EVANS.

H.R. 1754: Mr. LOBIONDO.

H.R. 1842: Mr. BRADY.

H.R. 1861: Mr. FILNER.

H.R. 1904: Mr. POSHARD.

H.R. 1987: Mr. RUSH, Mr. SANDERS, Mr. ABERCROMBIE, and Mr. FROST.

H.R. 2019: Mr. PICKERING and Mr. SESSIONS.

H.R. 2116: Mr. SAXTON.

H.R. 2172: Mr. OXLEY.

H.R. 2183: Mr. METCALF, Mr. SANFORD, Mr. MCINTYRE, Ms. DELAURO, and Mr. GEJDENSON.

H.R. 2185: Mr. FILNER and Mr. TORRES.

H.R. 2202: Mr. SCHIFF, Mr. PORTMAN, Mr. GUTKNECHT, Mr. WAMP, Mrs. NORTHUP, and Mr. BAESLER.

H.R. 2224: Mrs. MALONEY of New York.

H.R. 2257: Mr. FROST and Mr. PETERSON of Pennsylvania.

H.R. 2273: Mr. KUCINICH, Mr. BALDACCI, Mr. SANDERS, Mr. WAXMAN, Mr. HEFNER, Mr. BOUCHER, Ms. MCCARTHY of Missouri, and Mr. TORRES.

H.R. 2284: Mr. EDWARDS, Mr. BURTON of Indiana, and Mr. HAMILTON.

H.R. 2292: Mr. RIGGS.

H.R. 2321: Mr. HASTERT, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. METCALF, Mr. TRAFICANT, and Mr. UPTON.

H.R. 2349: Mr. BISHOP, Mr. STOKES, Mr. SHERMAN, Mr. COX of California, Mr. MATSUI, and Mr. ROGAN.

H.R. 2377: Mr. LOBIONDO, Mr. PACKARD, Mr. KINGSTON, and Mr. PITTS.

H.R. 2408: Mr. SANDLIN and Mr. FALEOMAVAEGA.

H.R. 2418: Ms. STABENOW, Mr. LEWIS of Georgia, Mr. THOMPSON, Ms. KILPATRICK, and Mr. LAMPSON.

H.R. 2438: Mr. STENHOLM, Mr. BUYER, and Mr. REYES.

H.R. 2450: Mr. TORRES.

H.R. 2451: Ms. ESHOO and Mr. MCHALE.

H.R. 2476: Mr. FOX of Pennsylvania.

H.R. 2495: Mr. FILNER and Mr. POSHARD.

H.R. 2503: Mr. COSTELLO, Mr. FRANK of Massachusetts, Mr. SANDLIN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2509: Mr. HANSEN, Mr. DOYLE, Mr. SPENCE, Mr. EVERETT, Mr. JOHN, Mr. GEPHARDT, Mr. YOUNG of Florida, and Mr. POSHARD.

H.R. 2524: Ms. DELAURO and Mr. PAUL.

H.R. 2525: Mr. HASTINGS of Florida and Mr. DEFAZIO.

H.R. 2527: Mr. POMEROY, Mr. BLAGOJEVICH, Mr. SANDLIN, Mr. BOSWELL, Mr. YATES, Mr. MEEHAN, Mr. DELAHUNT, Mr. MARTINEZ, and Mr. NADLER.

H.R. 2540: Ms. LOFGREN, Ms. PELOSI, and Ms. FURSE.

H.R. 2549: Mr. PICKETT.

H.R. 2552: Mr. BAKER.

H.R. 2584: Mr. LANTOS.

H.R. 2588: Ms. SANCHEZ and Mr. WATTS of Oklahoma.

H.R. 2593: Mr. MATSUI, Mr. WATTS of Oklahoma, Ms. DELAURO, Mr. GIBBONS, Mr. BOB SCHAFFER, and Ms. STABENOW.

H.R. 2595: Mr. KINGSTON.

H.R. 2596: Mr. HOUGHTON, Mr. SKELTON, and Mr. CLYBURN.

H.R. 2599: Mr. CLYBURN.

H.R. 2624: Mr. BATEMAN and Mr. BRYANT.

H.R. 2625: Mr. ARMEY, Mr. RAMSTAD, Mr. CANNON, Mr. BOEHNER, Mr. HILLEARY, Mr. QUINN, Mr. KLUG, Mr. DIAZ-BALART, Mr. ARCHER, Mr. GOODLATTE, Mr. SMITH of Michigan, Mr. LINDER, Mr. NORWOOD, Mr. BARTLETT of Maryland, Mr. CAMP, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. MANZULLO, and Mr. WELDON of Florida.

H.R. 2631: Mr. SPENCE, Mr. VISCLOSKY, Mr. CHAMBLISS, Mr. GIBBONS, Mr. WISE, Mr. GOODE, Mr. CRAPO, and Mrs. CHENOWETH.

H.R. 2642: Ms. DELAURO.

H.R. 2649: Mr. HOYER.

H.R. 2650: Mr. WAXMAN.

H.R. 2657: Mr. ENSIGN.

H.R. 2664: Mr. ENGEL, Mr. RUSH, and Mr. TOWNS.

H.R. 2699: Mrs. KELLY, Mr. CUMMINGS, Mr. FOX of Pennsylvania, and Mr. MILLER of California.

H.J. Res. 71: Mr. TURNER.

H. Con. Res. 13: Mr. SHIMKUS and Mr. REDMOND.

H. Con. Res. 107: Ms. DANNER.

H. Con. Res. 168: Mr. STARK, Mr. CLYBURN, Mr. BORSKI, Mr. GREEN, Mr. TORRES, Mr. ROTHMAN, and Mr. KLECZKA.

H. Res. 37: Mr. SMITH of Oregon and Ms. HOOLEY of Oregon.

H. Res. 224: Mr. POMEROY, Mr. HALL of Texas, and Mr. EDWARDS.

H. Res. 267: Mr. PITTS, Mr. CHABOT, Ms. GRANGER, Mr. WAMP, Mr. BUYER, Mr. BLUNT, Mr. KINGSTON, Mr. LARGENT, Mr. FRANKS of New Jersey, Mr. THUNE, Mr. ROGAN, Mrs. NORTHUP, Mr. DICKEY, Mr. SAXTON, Mr. ARMEY, Mr. GIBBONS, Mr. HANSEN, Mrs. JOHNSON of Connecticut, Mr. WALSH, Mr. COX of California, Mr. THOMAS, Mr. SMITH of New Jersey, Mr. BILBRAY, and Mr. HUNTER.

H. Res. 273: Mr. DAVIS of Florida, Mr. HOUGHTON, and Mr. SHAW.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2490: Mr. THUNE.

H.R. 2527: Mr. CLEMENT.

EXTENSIONS OF REMARKS

TRIBUTE TO WYLIE AND BETTE AITKEN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to pay tribute to a couple who have actively supported our community, Mr. and Mrs. Wylie Aitken. Wylie and Bette are being honored with the Champions For Children's award by the Hillview Acres Children's Home for their strong commitment to children. Wylie and Bette are active participants in many political, legal, and community organizations, many involving children. They include Hillview Acres Children's Home; Rosary High School Board; California State University at Fullerton Special Games; Santa Ana College Bear Essentials and several Children's Hospital of Orange County guilds. Wylie founded the law offices of Wylie A. Aitken in Santa Ana and is the chair of the Democratic Foundation of Orange County. As a nationally recognized trial lawyer, he is called upon frequently as a guest on television and radio talk shows, and is a featured seminar speaker and consultant to other lawyers.

Mr. and Mrs. Aitken were college sweethearts and have been married for 35 years. They have three children, Darren and Christopher, both attorneys and Ashleigh who works in Minority Leader RICHARD GEPHARDT's office. They both grew up in the 46th Congressional District of California and have consistently devoted themselves to their community. They are both long time members of St. Antonio's Roman Catholic Church in Anaheim and donate a great deal of their time to the church and related agencies.

Besides working to help children, Wylie and Bette have been supportive of many other charities. They worked hard to elect women to public office and have spent time and energy combating teenage pregnancy.

I am honored to call them friends and recognize their contributions to the community.

HONORING RIVERDALE TEMPLE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. ENGEL. Mr. Speaker, the Riverdale Temple, the largest reform Jewish house of worship in the Bronx, is celebrating its 50th anniversary. It was founded in 1947 when a small group met to talk about a new liberal Jewish congregation. Later that year a charter was signed and 67 families founded the temple.

The Honorable Francis J. Bloustein was named first president and a dynamic rabbi, Charles E. Shulman, came from Chicago to become the first of a distinguished line of rabbis for the congregants.

The temple had its meetings in the Arrowhead Inn until it was torn down in 1952, and, until its own building was completed in 1954, at various churches in the neighborhood. The temple acquired a Torah which had been damaged during the Kristallnacht terror in Germany and today holds an honored place in the Holy Ark. Then Vice President Gerald Ford, in 1973, donated a Torah mantle to the sanctuary.

The Riverdale Temple now has more than 550 member families. It is affiliated with the Union of American Hebrew Congregations and is a patron of the Hebrew Union College-Jewish Institute of Religion.

The Riverdale Temple, in the words of Rabbi Shulman, strived to be "a great Jewish community in Riverdale, great not only in numbers, but also in knowledge and spirit and faith." The temple and its congregation has succeeded admirably. It has grown and it has affirmed the high principles of Jewish ethics. I congratulate Riverdale Temple on its 50th anniversary and wish it many more years as a central part of our community.

TRIBUTE TO WALTER S. MCAFEE

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to acknowledge a building dedication that honored an American that helped pioneer the Space Age. This new $14 million building is named in honor of Dr. Walter Samuel McAfee and houses CECOM Information and Intelligence Electronic Warfare Directorate.

The late Dr. Walter S. McAfee was one of a team of scientists that were the first to bounce radio signals off the moon's surface. On January 10, 1946, using the Diana Tower in Fort Monmouth, NJ, a high frequency energy beam traveling at the speed of light reached the moon and bounced back in 2.5 seconds. Mr. McAfee's mathematical calculations on this project helped usher in the dawn of space exploration.

Dr. McAfee, the second of nine children, attended Wiley College in Marshall, TX, before achieving his master's degree in physics from Ohio State and a doctorate degree in nuclear physics from Cornell University. As an African-American, Dr. McAfee admitted that he did encounter prejudice in his field however he, in his own words, 'tried to deal with each person as an individual."

Mr. Speaker, Dr. McAfee's accomplishments are a testimony to our Nation's unrelenting thirst for knowledge and his spirit lives on in our national space programs. Our country would not be where it is today if it were not for the creative minds and work ethic like that of Dr. McAfee.

TRIBUTE TO THE GLENDALE UNIT 104 AMERICAN LEGION AUXILIARY CRIME PREVENTION PROGRAM

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize the American Legion Auxiliary of Glendale, Queens, NY, for its continued sponsorship of anticrime and drug prevention seminars on behalf of children and adults in the city of New York.

Mr. Speaker, I recently had the fortune of witnessing, firsthand, the auxiliary's commitment in this regard when I joined New York State Senator Serphin Maltese and New York City Councilman Thomas Ognibene, as well as several concerned citizens and civic leaders of New York's Seventh Congressional District, for a highly informative seminar conducted by Ms. Joanne DeLisi, president of Glendale Unit No. 104 of the American Legion Auxiliary.

The forum commenced with a presentation by Police Officer Marlene Higgs, the Crime Prevention Officer for the New York City Police Department's 104th Precinct, who briefed participants on several facets of crime prevention. Officer Higgs specifically addressed the rising trend of scams which target the elderly of our community. Participants were urged to contact their local police precincts and avail themselves of anticrime initiatives such as vehicle identification No. [VIN] etching and home security surveys.

Ms. DeLisi, in turn, led an intensive and instructive workshop that enhanced the community's awareness of and resolve to fight substance abuse. The central tenets of Ms. DeLisi's segment were: First, recognition of the signs of drug abuse; second, identification of the illegal substances; third, the swift delivery of assistance to the substance abuser through private and/or government agencies or help lines; and fourth, treatment of substance abuser before drug-related crimes are committed.

The seminar succeeded not only in reinforcing traditional crime/drug-prevention techniques, but also in familiarizing participants with a host of "gateway" drugs that are extracted from common household products. The misuse of these products, either through inhalation or ingestion, has become alarmingly popular in our Nation, particularly among our youngsters.

I salute the Glendale American Legion Auxiliary and the community of Glendale as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

whole for continuing to educate their friends and neighbors on the symbiotic relationship between crime and substance abuse. Furthermore, their unswerving attention to this critical issue is a great testimony to the fact that individuals can and do indeed make a difference in the ever-challenging fight against crime and the war on drugs.

Mr. Speaker, I know my colleagues join me in congratulating the Glendale American Legion Auxiliary for continuing to run exemplary programs that enrich the quality of life for all New Yorkers.

RECOGNIZING THE DEDICATION OF THE WOMEN IN MILITARY SERVICE MEMORIAL AND THE BRAVERY OF AMERICA'S WOMEN VETERANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. LANTOS. Mr. Speaker, it is my pleasure both as a Member of Congress and a proud American citizen to recognize the outstanding and courageous contributions of our women veterans. Since the birth of our Republic, through the darkest days of our most painful wars, brave women have selflessly displayed their patriotism by risking their lives in the name of our national security. In honor of these pioneers and the almost 2 million American servicewomen who came before them, the Women in Military Service Memorial at the Arlington National Cemetery was dedicated on Saturday, October 18, 1997.

Mr. Speaker, I am honored to pay tribute to retired Air Force Brig. Gen. Wilma Vaught, who directed this historic project for over a decade, to my former colleague, Congresswoman Mary Rose Oakar, whose 1985 bill to create this memorial I was proud to cosponsor, and to all the women and men who worked tirelessly to recognize the innumerable achievements of these brave Americans.

During the early days of our country, in an era when few doors opened even for the ablest and most talented American women, they served as nurses and cooks and in any capacity where the causes of desperate men were so threatened as to override the gender barriers of the day. During the next two centuries, as women were slowly granted their due rights as American citizens, their roles in our Armed Forces have expanded as well. In the last 5 years, under the leadership of President Clinton and Vice President GORE, women have come still closer to the goal of equality in military opportunity. This administration has presided over the first woman to head one of our service branches, Secretary of the Air Force Sheila Widnall; the first women to serve at 3-star rank; the first woman to command a flying wing; the first woman to command a naval base; and the first women to serve aboard an aircraft carrier. In the words of Vice President GORE: "Today, women are a vital element of virtually every aspect of our mission . . . around the world 24 hours a day; at sea, on the ground, in the air, and even in space." Mr. Speaker, it is high time that we paid these courageous women the respect and honor that they deserve.

The Women in Military Service Memorial fulfills this overdue purpose. This monument, which includes a reflecting pool, an exhibit hall, a theater, and a computerized registry of servicewomen, now serves as a magnificent tribute to our female veterans who, in many instances, fought multiple enemies: the paramount foe in war, and the less conspicuous but omnipresent nemesis of gender discrimination. As President Clinton stated in a videotaped message at Saturday's ceremony: "The . . . memorial is a living reminder that we are all involved, men and women, when it comes to protecting America's security . . . This knowledge was sometimes slow in coming. For much of our history many Americans felt that a woman's place should be closer to the homefront than the frontlines. Still our women volunteered, struggling for freedom all around the world."

Captain Catherine Kocourek Genovese, a retired Marine Corps officer who now lives in my home of San Mateo County, CA, is typical of the competent and dedicated women who are honored at this new memorial. She joined the military at the height of the Vietnam war. After enduring the demanding physical training required of all Marines, both male and female, she faced challenges which tested her mental fortitude as well as her perseverance in the face of gender discrimination. The Washington Post reported on Captain Genovese's experiences in its October 18, 1997 edition:

> As a young commanding officer at a base in Twentynine Palms, Calif., Genovese said, she quickly came up against a group of male recruits who refused to salute her. After a quick lesson in Marine etiquette, she said, it never happened again.
>
> "These guys were tough," Genovese said. "It wasn't easy to confront a group like that. But after that, even if they were half a block away, they'd salute and say, 'Good morning, ma'am.' "

Captain Genovese refused to allow sexism to interfere with her desire and ability to serve her country. At 22, she became the first female Marine to pass a pistol marksmanship test and earn the second-highest ranking as a sharpshooter. She later became the first women assigned to a weapons training battalion. Mr. Speaker, we all owe Captain Genovese and all of her fellow trailblazers an immense debt of gratitude.

As President Clinton declared at the groundbreaking ceremony of the Women in Military Service Memorial in 1995, "For far too long women were treated as second class soldiers. They could give their lives for liberty, but they couldn't give orders to men. They could heal the wounded and hold the dying, but they could not dream of holding the highest ranks." This new monument serves as a constant remainder to all that women have given to their country and to all they have achieved in surmounting the barriers to their full service in the armed forces.

ENCORE, DR. JULIA A. MILLER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. PAYNE. Mr. Speaker, this evening in my district there will be a special event for Julia A. Miller, Ed.D. Dr. Miller will be celebrating her second retirement. You guessed it, Dr. Miller is an exceptional individual. Most of us only celebrate and are recognized for one outstanding career, here we have a woman who has made her mark twice. Dr. Miller is professor emeritus of Seton Hall University where she was director of the Center for African American Studies for 20 years. In 1990 she took an early retirement whereupon she became the State director of New Jersey Cities in Schools, a national dropout program.

Dr. Miller always has been considered a compassionate visionary. She is a woman of substance who recognizes the good of any given situation. She has taken her steadfastness and expertise to expand the Cities in Schools concept into the Communities in Schools concept. She has worked to take her idea of reaching out and nurturing to a level that will provide better and more meaningful services to our young people. We often hear the adage, "It takes a whole village to raise a child", well Dr. Miller and her late husband, the renowned artist Don Miller, have used their lives to espouse that saying. While they had the opportunity and means to move away from the village they did not. Their commitment to our communities and our people will never be forgotten.

Communities in Schools is a very successful program which champions the connection of needed community resources with schools to help young people successfully learn, stay in school, and prepare for life. Under Dr. Miller's direction the program has grown to provide services to over 2,000 students in four New Jersey cities: Elizabeth, Newark, Passaic, and Plainfield.

Mr. Speaker, I am sure my colleagues will want to join me as I extend congratulations and best wishes to Dr. Julia A. Miller on her retirement from her second successful career. Encore.

HONORING THE PASADENA CITIZEN

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Pasadena Citizen newspaper which this week celebrates 50 years of journalistic excellence and service to the community. The Pasadena Citizen's dedication to covering vital but often overlooked local news has made a significant contribution to our community.

Begun as a weekly dedicated to local news by Houston journalists John Murphy, Tom Maes, and Howard Greenwood, and backed by famed oil wildcatter Glenn H. McCarthy, the first issue of the Pasadena Citizen was published December 4, 1947. The Citizen was an immediate success and quickly grew into one of the strongest papers in the region. By the early 1950's it had become a twice-a-week publication.

Times were not always good for the Pasadena Citizen. In 1955, following several tumultuous ownership changes, the Citizen faced its most difficult challenge and temporarily shut down. Citizen employees stepped in to fill the void and soon had the paper on track and running again. Since that time, the paper has continued to prosper, adding new editions to provide service to the neighborhoods growing alongside Pasadena and, beginning in 1977, offering news service 7 days a week to its readers.

Much has changed since the first edition of the Citizen rolled off the presses. In 1947, Pasadena was a small town of 17,000 tied to the growing east Texas oil industry. Today, Pasadena is a diverse, vibrant city, with a population of 125,000. As the city has grown the Citizen has grown along with it. Through it all—the boom times and the busts—the Pasadena Citizen has served as the newspaper of record for the city's triumph and setbacks.

Over the past 50 years, the Pasadena Citizen has faced all of the challenges confronting the newspapers of today—changing ownership and readership, the challenge of television, and new technologies—yet it has flourished because of its continued commitment to covering the local stories. The Citizen has become a model for other community papers to follow and, as it has for half a century, will continue to evolve to meet the economic and journalistic challenges of the 1990's and beyond.

Mr. Speaker, I congratulate the Pasadena Citizen for 50 years of achievement in our community. The people who have made the Citizen what it is deserve our praise and our thanks.

SMYTHE ELEMENTARY SCHOOL: 25 YEARS OF SERVICE TO OUR CHILDREN AND OUR COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. FILNER. Mr. Speaker, I rise today in honor of the 25th anniversary of Smythe Elementary School. For 25 years, Smythe Elementary School has been a vibrant center for the San Ysidro community. The faculty and staff at Smythe Elementary have made a commitment that encompasses far more than the school day, and the school provides programs that address a multitude of needs of the students, parents, and the larger community.

After-school programs sponsored by the U.S. Border Patrol and the YMCA provide children with a safe and healthy atmosphere in which they can do homework, improve their reading skills, and engage in fun activities. Now that more and more homes are headed by a single parent, or by two working parents, activities that keep our children safe and active after school are absolutely essential.

During school hours, education is supplemented with programs like Read Aloud, which focuses on developing reading skills and a love for books; Drop Out Prevention, which starts early to keep kids from ending their education early; and Gifted and Talented Education [GATE], which harnesses the energy and dedication of young scholars.

Health and safety programs like D.A.R.E. teach kids important lessons about staying away from drugs and crime. The teachers at Smythe understand the dangers that our children are exposed to, and they are working to prevent our kids from trouble before trouble starts.

Smythe Elementary is located in an ethnically and socially diverse community, and the school strives to answer to the complex needs of this area by providing citizenship classes, English classes, parenting classes, and a whole host of programs aimed at increasing community awareness.

Many of the programs I have mentioned today are possible because of funding provided by the Federal Government and, unfortunately, many of these programs are constantly threatened with extinction. I urge my fellow members to revisit the schools in their home districts and reacquaint yourselves with the programs they provide. Like Smythe Elementary, many of our schools have become very important community centers, and our continued support is not only necessary for the safety and quality education of our children. It is necessary for the maintenance of our communities and our way of life.

Mr. Speaker, I ask my colleagues to join with me in celebrating and honoring Smythe Elementary for its continued contributions to the community of San Ysidro.

CELEBRATION OF THE 80TH ANNIVERSARY OF THE SPRINGFIELD BUSINESS AND PROFESSIONAL WOMEN'S CLUB

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor to pay tribute today to the Springfield Business and Professional Women's Club as it celebrates its 80th anniversary and rich history of promoting the economic, intellectual, and social welfare of working women. I would like to take this opportunity both to congratulate the members of the club whose hard work and commitment has allowed this group to flourish, and to share some of the history of this club for others to enjoy.

In 1917, 16 women from Springfield gathered at the local YWCA to organize and establish the club. As the original objective they created stated, "the club would blend together women in the professions and businesswomen so that the standard of working women could be raised."

Only 2 years later, delegates from Springfield traveled to St. Louis to join several hundred other women in the founding of the National Federation of Business and Professional Women's Clubs. Several Springfield women were officers in this first decade. Women from Springfield also traveled to Europe, this time to help establish the International Federation of Business and Professional Women's Clubs in 1930. The first treasurer of the international federation was Henrietta Harris of Springfield.

Back in Springfield, the organization supplied several of the presidents of the New England Federation of Business and Professional Women's Clubs and later the Massachusetts Federation of Business and Professional Women's Clubs including Barbara Brown in the 1960's and Caroldine O'Hare in the 1990's. But the club did so very much more than provide leadership at the district, State, national, and international levels.

In 1936, Amelia Earhardt came to speak to the club about her life as an aviator. Also, the club sponsored the Springfield Forums, bringing speakers on current topics to the public. In the seventies, they marched and rallied for the equal rights amendment on Beacon Hill just as earlier members marched and rallied to earn the right of women to vote. In the 1980's and early 1990's, the club, as part of the Massachusetts Federation, supported on Beacon Hill the Family and Medical Leave Act as well as bills to prevent and address domestic violence.

On the local front, the club has been involved through their Harris-Bullman Fund, partly named for Henrietta Harris, first treasurer of the International Federation, with local charities and organizations. In the several past years, they gave to the Open Pantry, Camp Star-Camp Angelina, Grey House, and the Forest Park Zoological Society. Other past recipients have included the Children's Study Home and Rachel's Table. Also through their Jessie M. Bourne-Winifred Daly Scholarship Fund, the club gives scholarships to the nontraditional women student. These recipients are over the age of 21 and have either returned to college or are beginning college as a need to further their career or begin a new one.

But not all of the activities have involved funds. For the past several years, the club has gathered good used working clothing and donated these clothes to the Corporation for Public Management which helps women on welfare or who were in prison get their first employment. The club helps by supplying the clothing and accessories. The club has also been part of the Women's Vote Project providing both funds and volunteer hours. They have helped with Channel 57 and Brightside Angels as well as other organizations.

Not all of the clubs' efforts are serious. They also believe there should be fun and laughter. They have sponsored a Women's Night of Comedy for the last 4 years which has provided area women with a wonderful night. A fashion show helps to provide funds for the national federation's foundation and the local scholarship fund. This year, the club has donated $1,000 to the Hope Diamond Project and has sponsored a challenge which has led the club to contribute another $1,000.

For several years, the club has had a candidate's night which has won them State recognition. Each year as the State federation gathers, one can expect that Springfield will receive several awards. The members are proud of their efforts in many areas. They look forward to each new club year as a challenge for the future and a chance to reflect on the past. They have resolved not to live on past triumphs but to keep achieving far into the next century. While they are proud that their predecessors help to establish both the national federation and international federation, the current members are looking forward to the day when equality for women will not be a dream but a reality and women will be paid the same as men. But they know that even then, they or their successors will continue to strive for the betterment of all working women.

RECOGNIZING CONTRIBUTIONS OF STELLA GABUZDA AND ROBERT ROCHE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, it is my distinct honor to congratulate both Stella Gabuzda and Robert Roche on their receipt of the Founders' Bank 1997 Quality of Life Award. These two distinguished honorees will receive their award on Thursday, October 23 at a special ceremony held on their behalf.

The Founders' Bank Quality of Life Award recipient is chosen by a council of former recipients and is presented by Founders' Bank to members of the southeastern Pennsylvania community who have made a major contribution to the quality of life of the people of their community. Since October of 1988 the Founders' Bank Quality of Life Award has been awarded to one individual each year. This year however, two people have been selected.

Stella Gabuzda began her distinguished career in 1965 when she became a member of the Bala Cynwyd Board of Trustees and subsequently the Lower Merion Library Association Board. In 1976 she joined the township's library staff where she took charge of the fledgling film service at Ludington Library. She moved on to the Penn Wynne Library in 1980 as its head librarian. For 5 years, the Penn Wynne neighborhood reveled in her warm, personal approach, a hallmark of Stella's style. In 1989 she became Ludington's head librarian and met the challenges of running the township's biggest library with her customary zest. Stella's talent to combine professionalism with personal caring led to remarkable growth of special endowments and gifts to the library. Known for her wide-ranging knowledge, enthusiasm, energy, leadership and vision, her 20 years at Penn Wynne and Ludington Library spanned the pre-computer era to today's constantly changing and challenging world of computerized information technology. But she never lost sight of what mattered most to her; giving the residents the best possible library service to fulfill their reading, listening, and informational needs.

Robert Roche began his career of service in 1950 when he joined a Philadelphia fundraising consulting firm where he served such clients as the Children's Hospital of Philadelphia, Saint Christopher's Hospital For Children, and the Hospital of the University of Pennsylvania. In 1958 he became the director of capital campaigns and later director of development of the University of Pennsylvania. There, he ran a $93 million campaign and participated in the building of a truly professional development office. In 1968, he founded Bames & Roche, Inc., a fundraising consulting firm, and since then has personally served some 250 clients. He is currently founding chairman of the firm. He has served the community in many ways. He was an active volunteer firefighter for 25 years and has served several terms as a member of the Merion Fire Company Board of Managers. He currently serves on the Quadrangle Board of Directors, the board of the Lower Merion Conservancy and the Campaign Committee of the Volunteer Medical Service Corps of Lower Merion and Narberth.

Each year the recipient of the Quality of Life Award chooses a charity of his or her choice to receive the donations made by the invited guests. Stella has chosen to support the Bala Cynwyd Library, Ludington Library, Penn Wynne Library, and the Lower Merion Historical Society. Bob has selected the Merion Fire Company, the Lower Merion Conservancy, and the Volunteer Medical Service Corps of Lower Merion and Narberth.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Stella Gabuzda and Robert Roche on their receipt of the 1997 Quality of Life Award. Their numerous endeavors in the field of public service have left an indelible mark on the communities they represent. In addition, I would also like to thank Founders' Bank and especially president Robert F. Whalen for initiating the award and, as a result, bringing to the forefront the courageous actions of these and many other fine individuals. Thanks to Founders' Bank and Robert Whalen, both Stella Gabuzda's and Robert Roche's contributions to the community will not go unrecognized.

HONORING THE SOUTH BRONX OVERALL ECONOMIC DEVELOPMENT CORP.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. ENGEL. Mr. Speaker, the South Bronx Overall Economic Development Corp. [SOBRO] is celebrating its 25th anniversary with a record of accomplishments that is inspiring. In the time it has been working to make the South Bronx a paradigm of development, it has stimulated more than $120 million in investments, created or retained 30,000 local jobs, trained or placed more than 20,000 low-income residents into jobs, completed more than $20 million in reconstruction projects to upgrade local commercial districts, and created a community development revolving loan fund with $600,000 to assist small businesses and entrepreneurs to gain access to credit.

SOBRO is one of the principal reasons that the Bronx, so famous as a model of urban decay that it became a regular presidential campaign stop, was named this year as an all-American city. SOBRO also helped the South Bronx to grow as a regional business hub.

SOBRO was founded in 1972 by five prominent New York City banks and has received the help of city, State, and Federal governments, as well as philanthropic support. SOBRO has worked to create jobs which benefit residents of the South Bronx.

SOBRO has played a large part in the transformation of this area from one famous for being shown on television during the World Series as burning to a model of redevelopment. I congratulate SOBRO on its 25th anniversary for the great work it has done and I know will continue to do.

TRIBUTE TO NEW JERSEY STATE SENATOR JOSEPH A. PALAIA

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to pay tribute to the countless efforts that Senator Joseph A. Palaia has made toward children with disabilities. Mr. Palaia, a State senator from the Eleventh legislative district of New Jersey, has served in the State Senate since 1989. Prior to that he served as a New Jersey State assemblyman for 7 years. On October 25, 1997, the Search Day Program in Ocean Township, a non-profit private school for children with autism, will honor Senator Palaia with a dinner-dance, a well deserved recognition.

Senator Palaia, a graduate of Rider College in 1949, with post-graduate work at both Seton Hall and Rutgers, has been a longtime voice for children with disabilities. Moreover, he has sponsored legislature to protect and fund school-based programs and services for students with disabilities. In fact, in 1987, Senator Palaia was honored by the New Jersey Association of Schools, and Agencies for the Handicapped as Legislator of the Year.

Mr. Speaker, Senator Palaia serves as an example to us all on how we as responsible legislators, can show compassion towards our disabled youth. Senator Palaia's lifelong dedication deserves our wholehearted thanks and I commend him on his years of loyal service to our State and to those who are sometimes forgotten.

TRIBUTE TO BOBBIE BAIRD

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. WELLER. Mr. Speaker, I rise today to recognize and honor the sacrifices and hard work which Mr. Bobbie Baird has so passionately executed for her community of New Lenox, IL. Bobbie Baird was recently named the New Lenox Citizen of the Year for 1997.

While many often wait passively for projects to be completed by others, Bobbie has led by example, consistently dedicated to improving the quality of life in the community where she has lived for 32 years. Bobbie retired in 1996 as executive director of the New Lenox Chamber of Commerce where she has made a career of involvement. For the chamber, Bobbie has helped engineer activities for past Citizen of the Year celebrations, Fourth of July fireworks events, the chamber's Business Expo, a Proud American Days community fair, and the Sunshine Committee which helps to put smiles on the faces of local seniors.

Understanding the importance of community involvement, Bobbie has served as an administrative board member, Sunday School teacher, member of the Old Campground Festival Committee, and as publicity chair for all events at the New Lenox Methodist Church. In addition, Bobbie has offered her time and energy to assist the American Cancer Society while still reserving time to volunteer for the Lincoln-Way High School band boosters. The local Cub Scout and Boy Scout troops have also benefited from her desire to help people of all ages in her community succeed.

Bobbie's family can certainly be proud of the fine example she has shown in her home. Bobbie, and husband Charles, have three children, David, Bill, and John, who have all benefited by the model Bobbie has set as an outstanding parent and community servant.

I salute Bobbie for her dedication and consistent commitment to her community and humanity. I wish Bobbie and her family continued success and happiness in all their future endeavors.

TRIBUTE TO FRED ROSEN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay special tribute to Fred Rosen for his dedication and upon receipt of the 1997 Social Concern Award presented by the American Jewish Committee. This award is bestowed in recognition for contributions to improve the human condition through concern for the welfare of the community, for commitment to help those in need throughout the United States, and to promote human rights.

Fred Rosen's dedication to protecting our citizens is nothing new to the Los Angeles community. Fred has distinguished himself as an entrepreneur with extraordinary devotion to ensure excellent consumer service. With these goals in mind, Fred Rosen became the president and CEO of Ticketmaster; the director of the world's leading computerized ticket service.

Heading the world's largest ticket service was not enough for Fred. He wanted to turn Ticketmaster Corp. into the world's best ticket service company. With a combination of business savvy, innovative marketing techniques, an intense dedication to superior service, and an eye toward technological innovation, Fred transformed Ticketmaster from a struggling company into an internationally respected establishment.

Throughout Fred's tenure with Ticketmaster, he worked quietly and diligently here in Los Angeles. Fred's greatest contribution to our community has been through his work with the City of Hope in conjunction with the National Medical Center. He is a major contributor and active fundraiser for the City of Hope and sits on the executive committee of the music chapter and on the City of Hope National Board of Directors. Fred has been awarded its prestigious Spirit of Life Award for his dedication to fulfilling the City of Hope's mission to treat the body and invigorate the soul. He is also a board member of the California Institute of the Arts, Aids Project Los Angeles, Simon Wiesenthal Center, Rock the Vote, Very Special Arts, and is a trustee of Crossroads School.

Today, we honor Fred for his work with the American Jewish Committee and long history of community and charitable involvement throughout the United States. Mr. Speaker, I ask you and my distinguished colleagues to join me in honoring Fred Rosen for his work and upon receipt of this prestigious award. This recognition is long overdue.

CONGRATULATIONS TO GARY THOMAS FORSYTH COUNTY CLERK OF COURT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. COBLE. Mr. Speaker, on behalf of the citizens of the Sixth District of North Carolina, we would like to congratulate an outstanding public servant for going above and beyond the call of duty. Gary Thomas, Forsyth County Clerk of Court, has earned this recognition for his work in performing his duties so admirably. Mr. Thomas should be congratulated for his extraordinary work.

Mr. Thomas, using his skills from his days as a detective, tracked down a constituent of mine, Mr. Elmer Holt, to give to him a bequest in the amount of $18,530.67, which had been left to Mr. Holt by the late C.H. Davis. If Mr. Thomas had not found Mr. Holt, the inheritance would have been turned over to the State because of the 2-year deadline. Knowing this, Mr. Thomas began an exhaustive search that would conclude with a Randolph County family receiving an unexpected check for a large sum of money.

The search for Elmer Holt led Mr. Thomas to three Elmers in North Carolina. Thomas was looking for the Elmer who previously had a friendship with a Mr. C.H. Davis. Mr. Thomas' conservation with a Ms. Debbie Hold Smith proved to be the key to the puzzle of which Elmer should receive the bequest.

Debbie Holt Smith turned out to be the daughter of the Elmer Holt for whom Mr. Thomas was searching. Thomas declined to tell Ms. Smith why he needed to talk with Elmer Holt. She agreed, however, to discuss the issue with her father. A confused Ms. Smith spoke with her father and discussed with him whether he ever knew a C.H. Davis. Elmer Holt recalled that he had befriended a Mr. Davis when he was younger and had done business with him. He remembered the late Mr. Davis as a generous man had always promised to leave him something in his will when he died.

A letter to Elmer Holt from C.H. Davis was all the evidence that Mr. Thomas needed to realize that the Elmer Holt he had found was indeed the correct Elmer Holt. With the letter in hand, Debbie Holt Smith and her father went to Mr. Thomas' office in Winston-Salem to receive the unexpected surprise. Mr. Thomas gave them a check for more than $18,000. A check they never would have seen if it had not been for his hard work.

Gary Thomas deserves recognition for his outstanding work in Forsyth County on behalf of our constituent. It is not very often that a public servant goes so far beyond the call of duty to find a missing beneficiary who is about to lose his bequest. We are extremely proud of him.

THE 136TH ANNIVERSARY OF THE BATTLE OF LEXINGTON, MO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. SKELTON Mr. Speaker, one of the earliest battles in the War Between the States was in my hometown of Lexington, MO. On September 21 of this year, which was the 136th anniversary of the Battle of Lexington, reenactors from different parts of our country replayed the Confederate victory over the Federal forces. On that occasion, I delivered a speech commemorating the anniversary of this momentous event. I share my remarks with the Members of the House.

SPEECH OF CONGRESSMAN IKE SKELTON 12:45 P.M. SUNDAY, SEPTEMBER 21, 1997—LEXINGTON BATTLEFIELD, LEXINGTON, MISSOURI

Here we are, one-hundred and thirty-six years after a famous battle took place on these grounds—at the Lexington Battlefield.

For someone born and raised in Lexington, as I was, the battlefield has always been here. As boys, my buddies and I would run along the trenches. As Cub Scouts, we played football on this very spot. And when our sons were growing up in Lexington, they would fly kites on this site.

Yes, to a Lexingtonian, the battlefield is a scenic, peaceful, beautiful historic place. But in another day and time, this was the scene of bravery, courage, death, and determination—a struggle between the military might of the blue and the gray. Both sides in this conflict believed they were fighting for freedom. In defense of that belief, they were willing to endure great hardship, sacrifice, and even death. It is thus fitting that we should pause on the anniversary of this struggle and pay tribute to those who walked these hills so long ago.

This battle, one of the earliest in the tragic War Between the States, was a reflection of the deep emotions of the day—the Southerners fighting for the rights of their states, and the Federals fighting to keep the Union indivisible. So, let's in our mind's eye look back to September 18, 19, and 20 in the year 1861. Lexington was a good-sized community, a river port, containing numerous industries and being the outfitting post for the westward movement. Lexington was a waystation in the manifest destiny of our country.

Major Confederate General Sterling Price, leader of the Missouri State Guard, in the glow of victory at Wilson's Creek near

Springfield, brought his troops toward Lexington, which was heavily garrisoned by Union forces, including a brigade of Irishmen, a regiment of Illinois cavalry, together with several regiments of the Union sympathizing Missouri State Militia. Three days of constant perseverance on behalf of the Confederate besiegers, and an honorable endurance on the part of the besieged, culminated in the unconditional surrender of the Federal forces.

For two days, the Battle of Lexington was a battle of sharpshooters. Wherever a head appeared, skirmishers shot at it. From behind every available obstruction, a merciless fusillade poured upon the Union garrison. Earlier there was also brilliant fighting in the capture and recapture of Colonel Oliver Anderson's dwelling-house, the large brick structure which we see only yards from where we stand today.

The climax of the battle was on the third day, when the Confederate troops rolled wet hemp bales, obtained from the hemp factories near the river, up the hill toward the Union entrenchments—the very same trenches that we see here today. The originator of the hemp bale idea has long been in dispute. As a matter of fact, a local man, Colonel Thomas Hinkle of Wellington, claimed it as his own. In any event, whoever originated it certainly had a clear mathematical head. Behind those impenetrable moving walls, the Union garrison saw itself surrounded by slowly moving barriers. Unable to stop the Confederate assailants, the Union commander, Colonel Mulligan, surrendered.

This battle brought to the fore the names of three Confederate leaders who fought until the very end of the war, gaining renown as leaders of men who wore the gray. Joe Shelby, who was from nearby Waverly, distinguished himself as the Commander of the famed "Shelby's Iron Brigade." Lexington's Hiram M. Bledsoe continued to the bitter end of that terrible war gaining fame as an artilleryman. Sterling Price, a former Missouri Governor, led Confederate troops to the very end of the struggle, through numerous battles west of the Mississippi River.

More history of this celebrated battle has been discovered over time. In 1932, the remains of five Union soldiers were uncovered during excavation of the old Masonic College grounds nearby. Those five Federal soldiers were reburied on November 11 of that year in a solemn ceremony in that small plot to my right. The main speaker of the day was another Ike Skelton—my father. On that occasion, my father said, "These men gave their very all for the principles of government that they held dear in their hearts."

So it is with us today witnessing the reenactment of this famous struggle to recall the gallantry of those who fought and those who died for their causes. It is not for us to judge today the rightness or the wrongness of what compelled them to bear arms and participate in this North-South conflict. But it is for us today to reflect upon and draw inspiration from their devotion to duty, their determined efforts, and their military skill. So let us today honor the memory of those who bore the brunt of battle in those clear September days of 1861. Especially those who died here. Today, one-hundred and thirty-six years after the event, we will watch the reenactors following the roles played out here in flesh and blood by men of both the South and the North. We will witness the ingenuity of an American Southern leader whose troops used hemp bales as bulwarks for the advancing charge.

Within a few minutes, we will witness another example—a modern one—of American military ingenuity: the B–2 Stealth Bomber. This futuristic weapons system, which helps guard our country's interests and freedom, is a continuation of those inspired ideas that have been indispensable to Americans engaged in mortal conflict.

The human mind, using whatever technology is available, can change the military equation. And convert an inferior position into a superior position. In this sense, we can say that there is much in common between the way the Confederate soldiers used bales of hemp in 1861 and the way the U.S. Air Force can use the Stealth Bomber today. Past and present fuse together here.

During the Battle of Lexington, Union forces held the superior strategic position on the hill top, but they were defeated by the innovative use of hemp bales which reduced the capability of the Union weapons to find their Confederate enemies. Likewise, the configuration of another weapon of defense stationed in Missouri, the B–2 Stealth Bomber, allows it to reduce the capability of potential enemy weapons to find it.

Two forms of American military ingenuity produced superior results. Both changed the military equation of superiority and inferiority in their respective situations. Both are the product of creative, agile, and strategic American minds.

As we remember this past battle, and recall the strategy of victory applied here, we should remember that only 45 miles from here, the B–2 Stealth Bomber waits for its mission for America. Fast. Lethal. Very difficult to find. But one will find us here today—an exclamation point to our memorial.

Here, past is prologue. The technology may change, but American ingenuity remains a constant. Thank God for that, and for the courage Americans have always demonstrated in defense of a cause.

As we remember the past, we can look to the future with confidence. For if we understand our past, we can expect that we will not repeat historical mistakes. And that we, too, may be called upon in our lifetime to be as inventive as those who won this great battlefield of Lexington, and that we, too, will meet the challenge and honorably discharge our duty.

God bless you.

TRIBUTE TO HOPEWELL BOROUGH

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to join Governor Christine Todd Whitman in praising Hopewell Borough and its mayor, Mr. George Padgett, for the fine fiscal management it has exhibited. The Governor recently presented Mayor Padgett with a proclamation recognizing their efforts in this important area of public policy.

With the recent passing of the Balanced Budget Act, Washington has acknowledged the importance of sound fiscal management coupled with responsible legislative action. Mayor Padgett and the borough council have managed Hopewell Borough efficiently and responsibly while controlling property taxes. They stand as a model to other towns, whether they are in New Jersey or around the Nation.

Mr. Speaker, I am pleased to stand here and acknowledge Mayor George Padgett and the Borough of Hopewell.

ADDRESS DELIVERED BY BERNARD L. SCHWARTZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. BERMAN. Mr. Speaker, I rise today to direct the attention of my colleagues to an important address delivered recently at the Johns Hopkins School of Advanced International Studies by Mr. Bernard L. Schwartz.

Bernard Schwartz is one of America's premier industrialists. For at least the past quarter of a century, he has been a trusted, confidential advisor to Presidents, Cabinet members and Members of Congress. He is currently Chairman and Chief Executive Officer of Loral Space and Communications Ltd, a global high technology firm that primarily concentrates on satellite manufacturing and satellite-based services.

During the first Clinton administration, Mr. Schwartz served on the Defense Science Board Task Force on Antitrust, which issued the guidelines that govern current mergers in the defense industry. Through his private sector efforts and his public sector service, Bernard Schwartz is a true expert on a range of issues affecting America's continuing technological prowess and economic well-being.

In his address—"Defense Industry Consolidation: Where Do We Go From Here?"—Mr. Schwartz astutely describes the state of our Nation's defense industrial base. He provides some excellent suggestions for steps we can take to maintain healthy competition in the defense industry even as that industry undergoes unprecedented consolidation.

As those of us on the House Judiciary Committee know, the importance of competition in this vital industry cannot be understated: it is absolutely essential to ensure that American taxpayers receive a fair return on their investment and that we don't send our men and women in uniform into harm's way with inferior equipment.

Mr. Schwartz also touches on two other issues that are of great interest to me and many of my colleagues: trade with the People's Republic of China and fast track trade negotiating authority.

As the ranking member on the Asia and the Pacific Subcommittee of the House International Relations Committee, I have spent countless hours debating our policy toward China. I believe that negotiating China's integration into the international community is one of the most critical foreign policy challenges we now face. No one can doubt China's emergence as a global power with nuclear weapons and a permanent seat on the U.N. Security Council. Becoming a world, power, however, entails bearing the responsibility of acting like one, and abiding by international treaties and law.

Prior to 1997, I consistently voted to continue MFN for China because I believed that ending that status would not bring about the change we week to encourage. This year I changed my position because China has continued to proliferate technologies associated with weapons of mass destruction to Iran and Pakistan. Such behavior runs counter to all international norms. But I, like Bernard Schwartz, remain very hopeful that we can improve our relations with China and build on our existing economic ties with the people of that country.

I strongly agree with Mr. Schwartz that we should support President Clinton's request for fast track. This authority—held by every President since Gerald Ford—is necessary to ensure that our trade negotiators have the leverage they need to pry open overseas markets.

It is clear that our economic prosperity at home is closely tied to our active participation—and indeed, leadership—in the global economy. Since 1992, almost 40 percent of our domestic economic growth is directly related to international trade. The United States cannot afford to sit on the sidelines while the rest of the world hammers out new trade pacts.

Following is the text of Mr. Schwartz's address:

DEFENSE INDUSTRY CONSOLIDATION: WHERE DO WE GO FROM HERE?

(By Bernard L. Schwartz)

Thank you, Chairman Pitofsky, Dean Wolfowitz, and ladies and gentlemen for joining us for what I hope will be a provocative and useful discussion about defense industry consolidation.

It is a pleasure for me to be back speaking at the Johns Hopkins School and Advanced International Studies. I have, in fact, been giving talks here on subjects associated with the U.S. Defense industrial base for roughly the past decade, and I applaud the continuing interest of the school, under the very able leadership of Paul Wolfowitz, in this subject. I have felt for a long time that the health of the defense industrial base is of critical importance to keeping the United States strong and secure. During the years of the cold war; it was critical for us to have a healthy industry to deter the kinds of threats that we faced in that era, and, in my view, it continues to be critical for us to maintain a vital defense capability to field the most advanced military systems and weaponry. Defense technology and its production base will save lives and provide the foundation of an effective foreign policy.

In the late 1980s, when I first spoke here, I was concerned about the threat posed by foreign companies buying, without suitable constraints, American defense firms. I have always favored opening American markets to foreign participation. But I felt that, particularly in the defense arena, there should be some guidelines governing foreign participation. So I spoke here and subsequently authored a paper that Johns Hopkins published, entitled; "Foreign Ownership of U.S. Defense Companies; Where Do We Draw The Line?" Happily, in my view, in the intervening years the U.S. Government has helped to draw a useful balance in this area, demonstrating that good government policy can work with industry to produce constructive results.

In the early 1990s, Johns Hopkins again provided me an opportunity to address defense issues. On this occasion, the subject was the impact of a planned, precipitous decline in defense procurement. I was particularly concerned about what this might mean for our industrial base and our security interests. I felt then, and feel now, that this country over-armed in the 1980s. The industry has excess personnel and excess capacity to meet the changed threat, so downsizing was appropriate and inevitable. However, I felt that this needed to be done purposefully, with a continuing eye on the changing threats that the United States would be called on to face in a post-cold war world. At that time, I stressed that the DOD and industry needed to form a new covenant to transform, sensibly, our defense industry into a smaller, leaner, but healthier producer of the world's finest weaponry for the world's finest peacekeeping force. At the time, this was in conflict with the apparent Laissez-Faire policy of the DOD.

I was, therefore, delighted when I was asked in mid-1993 to serve as a member of the defense science board task force on antitrust. Its chairman was Bob Pitofsky, who proved to be both a masterful leader and consensus-builder. It was a difficult assignment, not only because the issues were complex, but because they cut across a wide spectrum of government, industrial, defense and social interests. One challenge facing the task force's members was keeping our civility while advocating strongly held convictions.

The resulting report was constructive and balanced, and, I think, unanimous. Its recommendations formed a basic framework for the defense industry consolidation to the overall benefit of all interests. Bob Pitofsky's wisdom, tact and negotiating skills were essential to that successful result.

In the roughly 3½ years since the issuance of this report, the restructuring of the U.S. defense industrial base has gone forward to an unprecedented degree. During this period, there have been more than a dozen major defense mergers, involving roughly $60 billion. The most recent, and one of the largest of these transactions, Lockheed Martin's acquisition of Northrop Grumman, is still pending before the antitrust authorities at the Department of Justice. In all, approximately $100 billion in mergers and acquisitions have already occurred since 1990.

It is appropriate to measure how effective we were during the initial phase of industry consolidation. I think we did well. Recall the consternation that greeted the beginning stages of the downsizing. Stories about plant closings were prime time media events, emphasizing the economic impact on communities, and widespread concern for the one million employees whose jobs were terminated. These men and women, possessed of skills and training that were once regarded as national assets, were suddently rendered redundant. Southern California, Long Island, and many formerly prosperous areas were in serious recession.

But then a miracle of economic recycling occurred. Aggressive entrepreneurialism recycled defense resources, transferring those specialized skills to commercial applications. Thus liberated, this human capital, coupled with huge investment capital, exploded into new businesses, new technologies, new plant investments, and new markets. The genius of American ingenuity, unhindered by the Government bootstrapping of the European economic model, invented, developed, invested and produced at higher levels of efficiency than could ever have been imagined, and brought forth a new paradigm of wealth and job creation, and an expanding economy without inflation.

What a success story—the result of a successful collaboration between government and industry, not unique in the American experience, but nonetheless, fantastic.

My personal experience, and Loral's, is totally consistent with this history. By the end of 1995, Loral Corporation grew to a $7.5 billion high-tech electronics systems company. Almost all of our activities were involved with defense. We were consistently profitable and we were the leading supplier of many of the significant technologies used in defense electronics.

In fact, Loral was a principle beneficiary of defense consolidation. But the merger in 1995 of Lockheed Martin rang a bell. We read the merger between a leading platform company and a leading electronic system supplier into a mega-sized player as the beginning of a new phase in the industry rationalization. This was a vertical integration that left companies, even as strong as Loral, vulnerable. We determined that remaining independent as a defense contractor was not a good strategy for the future. We initiated discussions with Lockheed Martin in a fairly unique transaction, selling the defense operations for about $9.5 billion, keeping the satellite and most of the space operations, and paying a $8 billion plus cash dividend to our shareholders. Twenty years prior, Loral's aggregate shareholder value totalled $7.5 million. In 1996, including the value of Loral Space and Communications and Globalstar, shareholder value totalled about $11 billion. Today's equivalent value is about $14 billion.

The reason we chose Lockheed Martin as a merger partner was that our companies provided the best business and operating fit. The synergies offered the best opportunities for growth and the best prospects for a good integration of Loral's employees. I am proud to say that these considerations were extremely important. It became a win-win transaction, and offered bountiful returns to our shareholders, as well.

What is more relevant to this evening's discussion is management's decision to transfer our energies to commercial space and telecommunications after a long and successful defense experience. Although defense will remain a good business, we nevertheless felt vulnerable to the vertical integration that was coming. The point here is that a merger of mega-resources into a vertically integrated defense supplier present a threat to second tier companies, even if they are large primes. Now, Loral had an option—recycle into an emerging commercial market. But, if others similarly opted out also, a mass exodus of independent producers from the subtier level of the industry would not serve the country's vital interests.

In my judgement, the threat of vertical integration will have a chilling effect on our national capability. It is commonly accepted that much of the most innovative technology developments are advanced by the creative environments of the smaller, independent companies. If we allow the megaforces created by industrial consolidation to vertically consume these second and third tier independents, we risk losing a critically important segment of industry.

However, this development is not inevitable, and I was delighted last year when the defense department decided to create a task force to look at vertical integration. The task force was specifically created to analyze the potential effects of vertical integration on defense products and to identify whether the defense department should take any new initiatives. I know that the task force worked hard, held a number of searching meeting and produced a useful final report, but I think it should have reflected a greater urgency by offering some concrete steps to help maintain a healthy and competitive subtier base. At least two well-established procurement procedures that would serve well the needs of the department and those of the industry are available. One is to separate prime weapon platform procurements from procurements of major subsystems, support services and training. From the RFP offering through the granting of contracts, if government acquisitions were to be so divided, the DOD customer would have access to all available technology and performance on the basis of merit. This practice is more difficult to administer than awarding everything to one contractor, but I believe the offsetting benefits are more than worth the inconvenience and cost.

A successful example of this procedure, and there are many, is the F-15 program in which the platform was competed and then secured from McDonnell Douglas, but a major avionics system, the radar warning receiver, was separately supplied by an electronics company, in this case Loral. The point being, the platform manufacturer could not automatically choose an internally provided system when, in fact, a better solution was available because the DOD acquisitions divided the platform procurement from its major components.

A second initiative that would help to ensure the integrity of our industrial base would be to issue the prime contract for complex weapon system procurement to system integrators. This would separate the hardware and software manufacturing functions from the design, engineering, and integration activities. In one procurement which can be successfully cited, the British Ministry of Defense awarded the procurement of the total helicopter system to an integrator as prime. The helicopter platform supplier, as well as all other subsystem suppliers, are sub-contractors to the integrator prime. It is a large procurement and, thus far, is quite successful. Parallel other examples could also be cited.

The effective implementation of these initiatives would require a vigorous commitment from the DOD, including its most senior officials. I believe that such a commitment is called for at this time.

In summary, then, it would appear to me that a pro-active defense policy that seeks to maintain a healthy defense industry is essential to our national interest. Further, although the industry consolidation has progressed rapidly, the process will continue. In this respect, our concern about the cannibalistic character of vertical integration requires caution as it relates to the industry sub-tier. Finally, there are well-established DOD procurement practices, in place, to provide the appropriate protection, but it will require aggressive leadership implementation to secure the best results.

I am confident we can accomplish this. After all, in the adjustment from war to peace, America has led the way in beating swords into plowshares. We have realized an enormous peace dividend in the form of R&D and production resources released to general economic development, and in this regard, we must credit government initiatives that led the way to downsizing while balancing the interests of national defense and industry viability.

Before I conclude, I should add one controversial issue that is relevant to an effective defense policy. Any dicussion of the future of defense should include the critical role of trade in preventing military confrontation. As I mentioned earlier, Loral is now totally focused on commercial satellite manufacturing and satellite-based services. As such, we are deeply immersed in foreign markets, notably in China, which is a customer for our large geostationary satellites and a partner in our globalstar satellite telephone system.

In my travels to China, and in my involvement in the policy debates on global trade, as well as Loral's widespread engagement in international joint ventures, I have become increasingly convinced that expanding commerce is the best way to promote peaceful relations between our two countries and to avoid the type of isolation that can lead to military miscalculation.

In that regard, I believe it is critical that President Clinton be given fast track authority to continue his highly successful trade policy. Over the past five years, 13 million new jobs have been created in the United States, close to two million of them in new, export-related jobs that pay on average 15 percent higher wages.

Unemployment is at a 24-year low and we are now the most competitive economy in the world. Exports are up by more than $300 billion, notably in high-technology, and we have regained world leadership in automobiles and semi-conductors. This is not the time to hamstring the President and threaten our unprecedented prosperity. Our startling economic progress is due to the combined impact of defense recycling, new technologies, improved productivity, dynamic capital markets, and a global economy. I hope that our friends in the Congress will keep their eyes on the ball and will approve the fast track legislation to keep us on the fast track to even greater prosperity.

Thank you. I will be delighted to answer questions.

WORDS OF POSITIVE INSPIRATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address the topic of human life. I am deeply concerned about the lack of concern for what the Declaration of Independence calls the unalienable * * * Right to Life * * *. Our society today has too often ignored the sanctity of human life to the point of relegating it to someone else's choice. Trivializing human life to this extent debases our culture and erodes our fundamental respect for the self-evident right to life. As such I would like to relay the views of a constituent of mine from Greeley, CO, Miss Sonni Biundo. Her words have powerful meaning, and I think ought to positively inspire our colleagues here today assembled:

My whole life I was programmed to be pro-choice. I was told that as a woman it was my duty to protect women's rights—this included, most of all the right to have an abortion. I entered and finished college a pro-choice activist. I felt that no one had the right to tell me what to do with my body. I thought that pro-life activists who protested at abortion clinics on the nightly news were out of touch with reality, and that the poor women who joined the pro-life fight were simply brainwashed and could not think for themselves. What I didn't understand is when life begins.

That is the essential difference, and what ultimately divides the pro-choice and pro-life camps. As I have grown older, and hopefully wiser, I have begun to understand when life begins—at conception. Therefore, I am not letting government intrude on your life and instruct you on what you can and cannot do with your body—I am asking government to protect the life of a human being who has no voice. If our society cannot protect the most vulnerable in it, then where are we going?

Ask yourself some simple questions. Why is it a tragedy when someone you love suffers a miscarriage? Why do we have a name chosen for a child before it is born? Why do we touch a pregnant woman's stomach to feel movement? Why do we bring pictures from an ultrasound in to work to show our colleagues?

Before my nephew was born, I wondered what he would look like, what he would be good at, the sports he'd like, if he would be tall or short—what his dreams would be. I looked at my sister and her husband and wondered about the miracle they had created, and prayed he would have all the love he needed to get through life. I asked these questions at the very first movement, when all I could see on the ultrasound was a kidney shaped mass. He was already a child to me, already a human being with all the rights that he enjoys now.

Do I believe you are immoral for having an abortion? Yes, but you do not have to answer to me. Only to God. Do I think we can legislate morality? No. When I say it would please me to have abortion outlawed, I am not pleased because I have made you agree with me. I do not think I have made you a "moral" person by making you conform to my standards. I am pleased because a child who deserves a chance has it. A chance that we all got and have taken for granted, by simply being alive.

Mr. Speaker, these words are a good indication of the positive inspiration our country needs. It is crucial for us as a nation to rise above the selfish and politically expedient trend pervading our culture and restore the standard of a paramount value placed upon the lives of all human beings.

OSCAR GARCIA RIVERA POST OFFICE BUILDING

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. RANGEL. Mr. Speaker, I rise today to strongly urge my colleagues to support H.R. 282, a bill that would designate the U.S. Post Office Building located at 153 East 110th Street in my district in New York, as the Oscar Garcia Rivera Post Office Building.

Mr. Oscar Garcia Rivera was the first Puerto Rican to be elected to public office in the continental United States. On March 7, 1937, he made history by becoming assemblyman of the 14th Congressional District, in the State of New York, which at that time was Harlem.

Oscar Rivera was a true leader who was committed to improving the lives of those who resided in his community. He was committed to protecting the rights of manual laborers and encouraged workers to organize themselves into active unions. However, his many contributions did not stop there.

He went on to introduce a bill guaranteeing safeguards against unemployment which was enacted into law in February 1939. He defended minimum wage laws, fought for regulated hours of labor, and worked to establish tariff agreements.

Oscar Garcia Rivera was a man of many talents. His vision of helping others to lead a better and more prosperous life, began as a young man who established the Association of Puerto Rican and Hispanic Employees within the U.S. Postal Service where he was employed, and continued throughout his entire adult life until his passing in 1969.

Mr. Speaker, I am honored and proud to be a part of this legislation honoring this outstanding and renowned individual. The life of Oscar Rivera is an inspiration not only to New York State and the Puerto Rican community, but to all people whose lives were touched in some way by his vision.

Let us salute him and pay tribute to him in this way.

HONORING VIRGINIA B. HARTER FOR FOUR DECADES OF DISTINGUISHED SERVICE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. HORN. Mr. Speaker, I rise today to invite Members to join me in honoring the career of Virginia B. Harter, Assistant Commissioner, Debt Management Services, Financial Management Service, Department of the Treasury. Mrs. Harter retires from the Senior Executive Service effective October 31, 1997, after nearly 40 years of employment in the Federal service. Mrs. Harter's career consistently exceeded the high standards for superior performance and is a credit to the Financial Management Service and the Department of the Treasury.

Mrs. Harter began her career as a civil servant in 1957 with the National Security Agency. After joining the Department of the Treasury's Financial Management Service in 1959, Mrs. Harter rose through the ranks while serving in numerous important management positions. Between 1979 and 1981, Mrs. Harter served as the program manager for the design and development of the Treasury's Direct Deposit/Electronic Funds Transfer Program. As a result of this program, 53 percent of the 840 million Treasury disbursements were made electronically in 1996, saving taxpayers $169 million. Mrs. Harter also served as the Director of the Governmentwide Cash Management Program and Director of the Credit Management/Debt Collection programs at the Financial Management Service.

In 1989, Virginia B. Harter was appointed to the position of the Chief Disbursing Officer for the Federal Government. In that capacity, Mrs. Harter joined the Senior Executive Service where she was responsible for directing the issuance of more than 800 million payments valued at over $1.7 trillion annually. Mrs. Harter remained in this position until 1994 when she was appointed to the position of Deputy Associate Commissioner for Reengineering where she led the research and the development of the conceptual design for the world-class government-wide payments process for the future.

Mrs. Harter earned the 1995 Presidential Award of Meritorious Executive for the Senior Executive Service for her outstanding contributions in building sound financial management programs government-wide and particularly, for her leadership in creating programs to share financial and technical assistance to the new independent states of the former Soviet Union.

In 1996, Virginia Harter was appointed Assistant Commissioner for Debt Management Services at the Financial Management Service. This placed her in the forefront of the Federal Government's effort to recover over $51 billion in non-tax delinquencies owed to the Government. She provided vital leadership in the management and expansion of government-wide debt collection efforts as required by the Debt Collection Improvement Act of 1996. This included services for all Federal agencies and State governments, such as administrative offset, the Treasury Offset Program, and cross-servicing and collection of delinquent debt.

Virginia Harter's exceptional knowledge and expertise in implementing the Government-wide Debt Management Program will be sorely missed by Members of Congress who remain determined to relieve future generations from suffocating Federal budget deficits. I invite my colleagues to join me in saluting a job well done, and in wishing Mrs. Harter an enjoyable and satisfying retirement.

THE BOUNDARY WATERS CANOE AREA WILDERNESS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. OBERSTAR. Mr. Speaker, I rise today to share with my colleagues an article that appeared in today's edition of the Washington Post. It concerns legislation I have introduced entitled "The BWCAW Accessibility and Fairness Act of 1997," H.R. 1739. I offer this article, written by Karl Vick, because it is a particularly well-balanced, informative, and insightful account of an issue that has fallen victim to an enormous amount of misinformation.

Mr. Vick's article describes the historically important role that the Boundary Waters Canoe Area Wilderness [BWCAW] has played in the lives of Northern Minnesotans, as well as the current issue concerning access to this natural treasure that is before this body. I believe it would be beneficial for all Members, as well as the public at large, to learn from Mr. Vick's article.

[From the Washington Post, October 22, 1997]

RIPPLES OF DISCONTENT

(By Karl Vick)

ELY, MINN.—Once again the Boundary Waters Canoe Area Wilderness is awash in the sort of righteous arguments, political torments and generalized stress that people flock to this serene constellation of lakes, islands and sky to leave behind.

And once again the fight is over the preferred method of plying its glassy waters.

Canoeists say a bill set for a vote today in a House committee will expand the use of motorboats, sundering the almost sepulchral tranquillity that has made these more than 1 million acres where Minnesota meets Canada the most popular federal wilderness. More than 200,000 people visited the Boundary Waters last year, arriving from as far away as Holland, and 92 percent made their way among its 1,100 lakes by paddling.

"It's like going back in time. I felt like a fur trader," said Gail Klugman, after a weekend visiting from suburban Minneapolis. "It's just the most peaceful place I've ever been."

Of those who prefer skimming along by outboard motor, on the other hand, most live just minutes away. Locals visit the boundary Waters mostly to fish, and complain that the number of favorite walleye holes accessible by outboard has been effectively reduced even below the 22 lakes left open to them by legislation passed over their objections almost two decades ago.

"The people who live up here and make a life of it—be it at the mines, on the lakes, own your own business, whatever—these people are locked out of their own back door," said Steve Koschak, who owns a resort outside Ely. "And you can say it's a playground for the whole country. But when you live on a lake and you can't go out on it because of some imaginary line going down the middle of it? That ain't right."

Anglers have sought relief from a Republican Congress that likes to approach issues with the assumption that locals know better than Washington. Local advocates insist that the measure the House Resources Committee will take up this morning—an identical bill awaits floor action in the Senate—would do little more than allow pickup trucks to tow motorboats on three rugged trails between lakes, or portages, that have been closed by federal courts.

But the bills would also check a trend that has been running toward canoeists and wilderness advocates for decades. In Minnesota, the lid has come off a controversy that, when last broached 20 years ago, tipped the balance in a U.S. Senate primary, inspired class warfare across the Land of 10,000 Lakes and put local Forest Service employees in the habit of venturing into the woods only in street clothes for fear of drawing gunfire if they wore their uniforms.

"It gets old, to say the least," said Frank Leoni, standing with one foot in Newton Lake and one on the shore.

A Forest Service employee dressed in flannel shirt and rubber waders only because he had been casting a jig for walleye, Leoni had just lifted a fishing boat onto a set of "portage wheels" he and his buddies were about to haul a quarter of a mile on their way home to Fall Lake. The boat was laden with camping gear, fishing poles and the legal limit of fish caught over four days. That's roughly as much time, Leoni pointed out, as it would have taken them to paddle waters they had covered in a single day with their outboard.

"I think that's the concern of the locals, who work, you know. Who want to come in for a day," said Dan Hernesmaa, an Ely native. "We enjoy the wilderness as much as the paddlers do."

But not in the same way.

Sound carries across water, and on the stony, glacial lakes of the Boundary Waters it seems to carry like nowhere else. Located just beyond the Laurentian Divide, north of which rivers flow toward Hudson Bay, it is a lake land matrix unlike any east of the Mississippi: a wilderness of rock fields scooped out by glaciers, then filled by evergreens, aspen and cold, clear water. The result is terrain of lush color but almost austere stillness.

Kevin Proescholdt, who worked as a guide in the area for 10 years before heading the advocacy group Friends of the Boundary Waters, recalled hearing traffic from a road fully six miles from his campsite. In such a setting the putt-putt of a 25 horsepower outboard (the maximum horsepower allowed on most lakes in the wilderness area) is cast as an all-out assault on the hush that canoeists savor.

A pair of them glided into the Newton Lake portage while Leoni and Hernesmaa spoke, their craft's approach so quiet neither man was aware of it until it skimmed onto the landing beside them.

"It's really hard to contradict the locals, but I think they ought to leave it the way it is," said Brian Nugent, 27, a New Orleans bartender armsore but otherwise refreshed after five days paddling a canoe rented from Koschak's resort. His father, an environmental scientist, had traveled from Atlanta for the trip.

"It's just a special place, that's all you can say," Richard Nugent said. "If people want to partake of it they ought to paddle like everyone else."

Residents reply that the Boundary Waters is unusual in another way. Among federal wilderness areas established by Congress in 1964, it is one of only a small handful that historically has made accommodation for motorboats. Even the 1978 bill that banned mining and logging allowed small outboards to continue on the 22 larger lakes that, together, account for 23 percent of the wilderness area's water surface. The problem has become reaching those lakes.

Access to the Boundary Waters is restricted. In order to increase the odds of a "wilderness experience" that federal regulation defines as encountering other humans no more than seven times in a day, the U.S. Forest Service issues permits even for single day use. The agency also allows entry only at specific sites, some a fair hike from the best fishing.

For years, commercial outfitters cut down the inconvenience by making trucks available to haul motorboats on three portages, one four miles long. But under the terms of the hard-fought 1978 legislation, those trucks would be allowed only if it wasn't "feasible" to drag the boats overland by hand. The crucial term was agreed upon in negotiations between Charles Dayton, the attorney representing environmentalists, and Ron Walls, a local lawyer charged with representing Northern Minnesota interests.

Dayton later confided that "feasible" was a linguistic booby trap—a legal term of art that courts would almost surely interpret in a way that would guarantee the motorized portages would be shut down, as, indeed, the U.S. Supreme Court in 1993 ruled they must be.

"Candidly, I doubt whether Ron as a general practitioner in a small town knew that," Dayton is quoted as saying in "Troubled Waters," a book recounting the Boundary Waters battle from the environmentalists' point of view. "And I didn't tell him about it."

Motor advocates waived the passage like a flag at a House subcommittee hearing last month.

"We're not rubes," said Rep. James L. Oberstar, whose district includes the Boundary Waters. "We're not jack pine savages. We're honest, decent people and we took them at their word.

"And that word was 'feasible.'"

Oberstar, ranking Democrat on the Transportation Committee, sponsored the portage bill in the House while Rod Grams (R–Minn.) pushed passage in the Senate. The Clinton administration opposes both, as it did a measure last year that would have increased outboard use while bringing the wilderness area under a "local management council."

Todd Indehar, president of the grass-roots Conservationists With Common Sense, said such a council remains his ultimate goal. But lawmakers insist their ambitions extend only to the three portages (and keeping motors on a section of one large lake where they are scheduled to be banned under the 1978 agreement).

"I'm not saying you have to open this up and kowtow to the people of Northern Minnesota and give them everything they want," Grams said. "But what are they asking for? Only what they had."

In Ely, the appetite for a win is keen. With main roads lined by canoe outfitters and a clutch of outdoorsy boutiques (including one named for polar adventurer Will Steger, the most famous local resident), the town of 4,000 appears prosperous. But Ely has lost population in the decade since the open pit mines cut back at the nearby Mesabi Iron Range. And the tourism that, during the short summer, has taken up some of the slack is built on a more effete appreciation of the outdoors than most locals knew growing up.

"The impression is we get a lot of rich yuppies who don't even know what to do with their money and they tell us what to do, where to do it and when to do it. And the portages is a symbol of that," said Vince O'Conner, 41, of nearby Babbitt.

The enmity goes back to at least 1978 and the "compromise" that Indehar said destroyed a vibrant local heritage of fishing shacks and family outings in the name of an urban elite view of "wilderness." The politically active region mobilized against the U.S. Senate bid of Donald Fraser, who had championed the measure in the House. And the memory of his upset loss is still savored at the Hook, Line & Sinker bait and tackle shop on Sheridan Street.

"You're looking at one of the baldheaded [expletives] who helped send him down the tubes," said owner Leonard Katauskas, the Salem in the corner of his mouth going jaunty for a moment.

It does not matter that the economic benefit of opening the portages likely would be, as Katauskas put it, "minuscule." Nor is there traction for the argument that motors are welcome in the 98 percent of Minnesota lakes that the lie outside the wilderness area.

The lakes many area residents grew up fishing lay inside the Boundary Waters, and locals say they want to reach them again even if the Forest Service imposes a $10 daily user-fee, as it recently announced it would.

"This," Oberstar said, "is a contest over lifestyles."

TRIBUTE TO JUDGE JAMES NOWICKI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. BONIOR. Mr. Speaker, today I rise to pay tribute to Judge James Nowicki who is being honored with the Boy Scout's Distinguished Citizen of the Year Award by the Clinton Valley Council of Boy Scouts of America. The award was presented to Judge Nowicki on October 22, 1997 at Fern Hill Country Club.

Judge Nowicki has served Macomb County as Probate Court Judge since 1975. In 1978, Judge Nowicki's colleagues elected him Chief Probate Judge. Under Judge Nowicki's leadership, the Probate Court has initiated innovated programs such as a mediation process and referee system. He also established the appointment of Guardian Ad Litems to help senior citizens protect their rights during periods of illness or mental incapacity.

Throughout the years, Judge Nowicki has been active in a variety of community organizations. Some of his past and present affiliations include the Founders Day Committee of Orchard Lake Schools, the John W. Smith's Old Timers, the Mt. Clemens JC, and the Clinton Valley Council Boy Scouts of America. His civic contributions have touched the lives of many people.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Judge Nowicki's time, talents, and energy are appreciated by all of us. I thank him for his efforts and commend him for his good work. I applaud the Boy Scouts of Clinton Valley Council for Recognizing Judge Nowicki. He has provided outstanding leadership to our community and I know he is proud to be honored by the Scouts.

On behalf of the Boy Scouts of America, I urge my colleagues to join me in saluting Judge James Nowicki.

TRIBUTE TO HENRY B. GONZALEZ

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to commend Congressman HENRY B. GONZALEZ who, after 36 years of service, is resigning from Congress this year. I would like to join my colleagues in honoring this great leader.

Congressman GONZALEZ leaves a legacy of hard work and dedication to his constituents as well as the entire country. He provided leadership by serving diligently as the House Banking Committee chairman from 1989 to 94, where he shepherded 71 bills through the legislative process from introduction to enactment into law.

Congressman GONZALEZ is a role model for young men and women as well as the Hispanic community. Before serving in Congress, he operated a Spanish-English translating business with his father and taught math to veterans and citizenship classes to resident aliens seeking citizenship. He went on to serve his constituents of San Antonio as a member of the city council for 3 years and then as State senator for nearly 5 years.

Congressman GONZALEZ is a devoted public servant who will be missed by all of his colleagues. I am very proud of his achievements and contributions to our country.

CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. STOKES. Mr. Speaker, I rise today in support of H.R. 2169, the Transportation appropriations conference report for fiscal year 1998. This measure provides a net total of $42.2 billion, which is $5.1 billion—14 percent—more than the current level, but $320 million—1 percent—less than the House-passed bill. H.R. 2169 funds the Department of Transportation and related agencies, including the following agencies within the Department: Coast Guard, Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; and the Federal Transit Administration.

In particular, H.R. 2169 funds two valuable projects for the Regional Transit Authority [RTA] in Ohio's 11th Congressional District. I am very pleased that Congress saw the need for expanding the blue line and the waterfront line. These are important improvements for Greater Cleveland.

The RTA will receive $800,000 for a major investment study of extending the blue line of the Greater Cleveland Regional Transmit Authority through Shaker Heights to the Highland Hills Corridor. This extension would directly link a growing suburban employment center with the region's largest employment center—downtown Cleveland. This rail transportation link is especially important since there is no direct freeway link between these two employment centers.

Congress also allotted $1 million for a major investment study for a waterfront line extension that would serve the Playhouse Square, Cleveland State University, and the rest of the St. Vincent Quadrangle. This study would assess the needs of north-south transportation in the eastern portion of the central business district. The study may also further support how the waterfront line extension could improve the entire region's transportation system goals.

I am pleased with the positive effects the RTA extensions can have on Greater Cleveland's workers. With RTA extensions, the Beachwood-Orange-Highland Hills area will be able to attract major commercial/industrial employers to undeveloped and underdeveloped land. Suburban residents will also be better linked to their downtown employers.

Funding for these RTA studies is part of an effort to assure accommodating and economical access between the city center and the suburbs for all Greater Cleveland citizens. The need for an expansion of our public transit system is a good sign; It reflects the development of the Warehouse District, the success of the Flats Entertainment District, and the popularity of the downtown sports facilities, among the many other assets of Cleveland. I am glad that Congress recognizes these developments, and I support H.R. 2169.

CLARIFICATION OF THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. HOBSON. Mr. Speaker, on August 21, 1996, the *Health Information Portability and Accountability Act* became law. The health care administrative simplification provision of this new law is based largely on prior work done by my colleague Mr. SAWYER and myself.

As is to be expected, a few people don't want to play by the rules. It has come to my attention that a bill that I introduced in 1995 is being used by some of these groups to leverage an interpretation of the current law to say that standards for specific administrative simplification transactions to be adopted under the law are voluntary standards. I want to make it clear that, although voluntary standardization was considered in the past, it was judged to be unworkable in the real world and is not a part of the law today for that reason.

The industry has voluntary standards today. Because the standards are merely voluntary, a number of payers have continued to require others to use their individual formats, which has effectively prevented the industry as a whole from moving to a single, efficient electronic transaction environment. The splintered state of the current electronic interchange world is one key reason for the enactment of the administrative simplification provisions.

The intent of the law is that all electronic transactions for which standards are specific must be conducted according to the standards. These standards were not imposed by the law, but instead were developed by a process which included significant private sector input. Providers are given the option of whether to conduct the transactions electronically or "on paper" but if they elect to conduct them electronically, they must use the standards agreed upon through the law. Payers are required to accept these transmissions in the standard format in which they are sent and must not delay a transaction or adversely affect a provider who wants to conduct the transactions electronically.

I hope my statements today help clarify the intent of this legislation and work to prevent any non-compliance. There are specific deadlines for compliance and penalties in the law for anyone who fails to comply with the intent of this law. Mandatory compliance is required in order to meet the goals of simplifying the administration of our Nation's health care system and improving its efficiency and effectiveness.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. KIND. Mr. Speaker, another day and still no campaign finance reform. As you know, I have been making a statement in the RECORD every day asking for you to schedule a vote on campaign finance reform. Each day I have tried to point to reasons why we need reform, and examples of the problems that exist in the system. Today I was amazed and amused by three items which jumped out at me in the morning newspaper, each pointed once again for the desperate need for campaign finance reform.

The three items brought to our attention today are: the Senate majority dinner, to be held on November 5, where sponsors are asked to raise $100,000 for the Republican Senate majority; a weekend retreat sponsored by the Democratic National Committee this weekend. The retreat costs $50,000 and includes appearances by the President and the Vice President. And, finally, the recent disclosure that the Republican National Committee has spent $800,000 on attack ads in the special congressional election in New York City.

Mr. Speaker, it should be obvious. There is too much money in the system, the average citizen is being shut out of the process, and the leadership of this House is unwilling to allow a vote on fixing campaign finance reform. Now is the time for action.

EXCEPTIONAL ACCOMPLISHMENTS IN CONSERVATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to two families in my district for their exceptional accomplishments in conservation of our resources. Harold and Virginia Schlenvogt are receiving the Menominee Conservation District's 1997 Conservation Farmers Award and Tom and Pat Schloegel are receiving the 1997 Conservation Forestry Award.

Harold and Virginia Schlenvogt own and operate a farm that has been in their family since 1932. The Schlenvogt farm is typical of the farms in Menominee County. It is 280 acres, with 150 acres cleared. There is a milking herd of 50 Holsteins and a herd of 40 young stock. The barns, silos, and sheds were all built by Harold, and a new home stands next to the site of the original farm house.

While the farm may be typical, the commitment of the Schlenvogt family to the task of farming and to community service is something special. In addition to full-time farming, Harold has served on many local boards and commissions, as well as church building and Sunday School boards. Harold and Virginia have passed along their strong family values. One son, Steve, has his own farm just down the road, and another son is serving the county as a member of the road commission.

The Schlenvogt's are now planning to retire and enjoy their 3 children and 10 grandchildren. While Menominee County still has some 300 producing farms, we will truly miss Harold and Virginia's agricultural contributions.

The second couple being honored for their conservation efforts is Tom and Pat Schloegel. The Schloegel's moved to Menominee in the mid 1960's to escape the pace and development of Chicago and to raise their family in God's country. One of their early investments was in a 280 acre parcel of property with many dilapidated old buildings and woods that were in need of sensible forestry management.

Over the past 30 years, Tom, Pat, and their children have harvested wood from the property and planted thousands of trees as part of the Forest Stewardship Program. When the Schloegel's four boys were in school, Tom sent saplings to their classes on Arbor Day to encourage an early education of the importance of forest stewardship in our youth. Tom and Pat's son Scott Schloegel is my chief of staff here in Washington and recalls many weekends spent with his family on the property working their garden, planting trees, and harvesting select trees that were marked for removal to allow healthy growth of the forest. Now every time Scott gets home to see his parents it includes a trip to "the farm" to monitor progress of the plantings and reminisce about the great times spent with the family over the years.

The Schloegel's continue their efforts to encourage stewardship today by planting trees to honor their grandson, constructing ponds for wildlife and giving Global Relief shirts to their children which say "Cool the Globe, Plant a Tree" on them.

Mr. Speaker, it is because of families like the Schlenvogt's and the Schloegel's that we in northern Michigan are able to enjoy such a high quality of life. I thank them for their conservation efforts and congratulate them on receiving their awards from the Menominee Conservation District.

INTRODUCTION OF LEGISLATION TO HELP THE NATION'S SAFETY NET HOSPITALS: CARVE OUT OF DISPROPORTIONATE SHARE HOSPITAL PAYMENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. RANGEL. Mr. Speaker, on behalf of myself and Mr. STARK, Mr. CARDIN, Mr. LEWIS of Georgia, and Mr. BECERRA, I am today introducing legislation to give equitable treatment to the Nation's safetynet hospitals, the hospitals which serve a disproportionate share of the Nation's uninsured and low income.

Our bill carves out disproportionate share hospital [DSH] payments from the amount we give HMO's and pays those DSH funds directly to DSH hospitals when managed care company patients use a DSH hospital.

This legislation completes a process well-started in the Balanced Budget Act. In the just-enacted Balanced Budget Act, we carved out from what we pay HMO's the amount attributable to the cost of graduate medical education [GME] and provided that, when an HMO's patient actually uses a GME hospital, that hospital will be directly reimbursed by Medicare for its extra GME expenses. This provision corrects a serious problem facing our Nation's teaching and research hospitals: HMO's get paid as if they use these hospitals, but in many—but not all—cases, HMO's avoid these more expensive hospitals. The carve out will prevent windfalls to HMO's and permit the GME hospitals to compete fairly for HMO patients.

The same logic that supported the GME carve out supports the DSH carve out. Though the Senate Finance and Commerce Committees' bills provided for both a DSH carve out and a GME carve out, the DSH carve out was dropped from the final BBA. There is no logic to not applying the same principle to DSH payments.

Our Nation's safetynet hospitals desperately need these extra payments—and HMO's which do not use DSH hospitals do not deserve the extra amount. For example, as data from 1995 show, the Nation's public hospitals in over 100 of America's largest metropolitan areas are among the key safetynet hospitals. These hospitals make up only about 2 percent of all the Nation's hospitals, yet they provide more than 20 percent of all uncompensated care and they rely on Medicare and Medicaid to fund more than half of that uncompensated care. in 1995, 67 of these safetynet hospitals reported incurring $5.8 billion in uncompensated care costs—defined as bad debt and charity care—an average of over $86 million per hospital. For these institutions, bad debt and charity care represented 25 percent of their total gross charges. These safetynet hospitals have the worst total margins—that is, "profits"—in the hospital industry. Overall, hospital margins from Medicare payments are at record highs and this fact justified the Medicare payment update freeze and reductions which were included in the Balanced Budget Act. But the Prospective Payment Assessment Commission estimates that in 1997 the Nation's major teaching hospitals, who also tend to be DSH hospitals, will have the lowest total margins of any hospital category: 3.9 percent—a thin and shrinking margin that will surely turn negative in the next economic downturn. The enactment of this legislation could help improve these margins and preserve the more than 800 hospitals who are receiving DSH payments.

Providing a DSH carve out will also help these hospitals compete equally for managed care patients. Failing to provide a carve out serves as an incentive to managed care plans not to use these more expensive hospitals. A recent White Paper from the National Association of Public Hospitals and Health Systems entitled "Preserving America's Safety Net Hospitals" explains why the DSH carve out should be legislated: "The current methodology for distributing Direct Graduate Medical Education, Indirect Medical Education, and DSH payments is seriously flawed in the Medicare managed care context. For Medicare patients enrolled in managed care, these supplemental payments are incorporated into the average adjusted per capita cost [AAPCC] which is the capitation payment made to managed care plans. The plans do not necessarily pass these payments along to the hospitals which incur the costs that justify the payments. In fact, some plans receive the payments and do not even contract with such hospitals. As Medicare increases the use of capitated risk contracting, the amount of DGME, IME, and DSH funds that go to teaching hospitals will diminish considerably unless this payment policy is changed. In essence, payments intended to support the costs of teaching or low income care are being diverted from the hospitals that provide the care to managed care plans that are not fulfilling this mission. For this reason, the GME and DSH payments must be carved out of the AAPCC rate and made directly to the hospitals that incur those costs."

I am pleased to report that the Hospital Association of New York State [HANYS] and the Greater New York Hospital Association [GNYHA] have announced their support for this bill. I hope that other hospital associations around the Nation will quickly join in urging passage of this bill.

The carve out for graduate medical education was wisely included in the Balanced Budget Act. It is logical, appropriate, and important that we complete the work and carve out the DSH payments.

SOROPTIMIST INTERNATIONAL OF WASHINGTON, DC MARKS 75 YEARS OF SERVICE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. MORELLA. Mr. Speaker, I rise today to honor Soroptimist International of Washington, DC formerly known as the Soroptimist Club. November 27, 1997, will mark the 75th anniversary of this distinguished organization's charter, an event that justly deserves our appreciation. The community service efforts of this group of professional women should be recognized, for they have served the needs of the metropolitan Washington, DC, area well. Additionally, they have worked with their counterpart clubs throughout the United States, and all over the world, to help victims of disasters and to improve the quality of life of the less fortunate.

Soroptimists in the Washington metro area have worked tirelessly to improve the education, health, and welfare of residents of all communities. For nearly 40 years Soroptimists have provided a monetary award to a high school senior based on achievements in citizenship. They have awarded scholarships to allow students to attend Gallaudet University and the Howard University School of Nursing. Also, each year they present a grant to a women reentering the workplace. They are a founding benefactor of the Museum for Women in the Arts. Over the years, they have purchased bulletproof vests for police officers, imported German Shepherd dogs for the K–9 Corps, and helped the hospital for sick children install a new roof. They pay for mammograms at Providence Hospital for low-income women, and they purchase sleeping bags for the homeless of our community.

Mr. Speaker, please join me in congratulating and applauding the Soroptimist International of Washington, DC, and all Soroptimists throughout the world.

TRIBUTE TO EILEEN M. McCARTHY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to acknowledge the achievement of a young, prominent American from New Jersey. Eileen M. McCarthy was recently named a national finalist in the second annual Samsung American Legion Scholarship Program. Eileen received this honor based on her participation in the New Jersey American Legion Auxiliary Girls State Program.

Eileen is among 95 other outstanding young Americans named as finalists to complete for 1 of 10 college scholarships, each worth $20,000. These young girls were judged on the basis of their involvement in their school and community and for their academic achievements.

The scholarship program is funded by a $5 million endowment from the Samsung Group, an international company headquartered in South Korea and is administered by the American Legion. The endowment was made in 1995 as an expression of appreciation and in recognition of our country's involvement and sacrifice in the Korean War.

Mr. Speaker, young women like Ms. McCarthy are excellent examples of America's commitment to education and community service. Her hard work and dedication would make veterans very proud. I wish to commend Ms. McCarthy on her exemplary work.

THE "NOT RAISING HOGS" BUSINESS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BURTON of Indiana. Mr. Speaker, this letter came from a young man in the 11th grade in Alabama, and I thought it was worth putting into the Congressional Record so everyone in America could see how some of our Government programs are being used.

To: Honorable Secretary of Agriculture,
Washington, DC.

DEAR SIR: My friend, Ed Peterson, over at Wells Iowa, received a check for $1,000 from the government for not raising hogs. So, I want to go into the "not raising hogs" business next year.

What I want to know is, in your opinion, what is the best kind of farm not to raise hogs on, and what is the best breed of hogs not to raise? I want to be sure that I approach this endeavor in keeping with all governmental policies. I would prefer not to raise razorbacks, but if that is not a good breed not to raise, then I will just as gladly not raise Yorkshires or Durocs.

As I see it, the hardest part of this program will be in keeping an accurate inventory of how many hogs I haven't raised.

My friend, Peterson, is very joyful about the future of the business. He has been raising hogs for twenty years or so, and the best he ever made on them was $422 in 1968, until this year when he got your check for $1000 for not raising hogs.

If I get $1000 for not raising 50 hogs, will I get $2000 for not raising 100 hogs? I plan to operate on a small scale at first, holding myself down to about 4000 hogs not raised, which will mean about $80,000 the first year. Then I can afford an airplane.

Now another thing, these hogs I will not raise will not eat 100,000 bushels of corn. I understand that you also pay farmers for not raising corn and wheat. Will I qualify for payments for not raising wheat and corn not to feed 4000 hogs I am not going to raise?

Also, I am considering the "not milking cows" business, so send me any information you have on that too.

In view of these circumstances, you understand that I will be totally unemployed and plan to file for unemployment and food stamps.

Be assured you will have my vote in the coming election.

Patriotically Yours,

Entre Prenuer.

CONGRATULATIONS J. MICHAEL WILLIAMS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BARCIA. Mr. Speaker, the ability for our manufacturing industry to continue as the world's leader depends upon the knowledge and inventiveness of the professionals who devote their lives to their respective industries. The automotive industry, which is so important in my congressional district, is fortunate to have dedicated individuals such as J. Michael Williams, who this year received the James P. Keating Founders' Freedom Award from the American Foundrymen's Society.

His award from the American Foundrymen's Society is to recognize the many contributions he has made to the foundry industry, and his active involvement in government affairs, human resource management, safety, health and education. He leads a team of 13,000 people at five manufacturing sites and two development facilities. He was directly responsible for an outstanding safety record a these facilities, with only four tenths of one work day lost per 100 employees, while according to the National Safety Council iron and steel foundries generally lost 8.3 work days per 100 employees. Several technological advances were achieved under Mike's direction. He instituted the first plasma cupola in North America, high volume casting of aluminum into greensand, and the use of GMBond, a new environmentally friendly core sand binder.

Mike Williams is the components manufacturing manager for the General Motors Powertrain Group, working in Saginaw, MI. He has been a leader for GM in the development of many advances in casting technology which help make our cars both more durable and more efficient. Having started at Delco Remy as an hourly General Motors Institute student, he rose to several supervisory positions, including superintendent of Delco Remy's plant 10 in 1980, and divisional production manager in 1981. He was director of production control at the Oldsmobile Division in Lansing in August, 1984, and then for the Buick-Oldsmobile-Cadillac J/N product team. He also worked at the Central Foundry Division as director of materials management. In 1990 he was appointed manager of the chassis and transmissions strategic business unit. And in 1992 he became director of manufacturing-casting operations for GM powertrain.

Michael Williams has most definitely had a career of success and advancement, culminating in this richly deserved award from his peers in the foundry industry. I urge you and all of our colleagues, Mr. Speaker, to join me in congratulating him for his award, and in wishing him every continued success.

REPEAL OF PRIVATE FEE-FOR-SERVICE PLANS IN MEDICARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. STARK. Mr. Speaker, I am today introducing legislation to repeal the option of private fee-for-service plans under Medicare+Choice which was enacted this summer as part of the Balanced Budget Act.

These plans make no sense whatsoever. The CBO did not assign any costs to them, because they basically assumed no one would be foolish enough to join one. But the plans hold some potential for further risk segmentation and consumer abuse and should therefore be repealed.

This proposal, which came from the Senate, provides an individual with the equivalent of an amount of money equal to the amount that would be spent on them if they joined an HMO in their area and allows them to use that voucher to buy into an unmanaged fee-for-service plan, which has none of Medicare's billing or utilization protections. In terms of out-of-pocket expenses, the sky would be the limit and the insurance nature of Medicare would be gone.

Who would be nutty enough to want to buy into one of these plans, you ask? The very, very rich who don't have to think about medical bills might be interested. It could be a sort of boutique status symbol and sold as a plan which attracts the very best doctors who would like to charge more. If this Beverly Hills policy were the only danger, one could look the other way. But there is the danger that salespersons could convince some vulnerable senior to join such a plan without understanding the tremendous extra liability they would face. There is a danger that in certain rural or isolated communities a group of doctors could force patients to accept this plan as the only option—thus increasing their income while destroying Medicare' protections.

This proposal is the brainchild of some in the right-to-life community who believe that Medicare payment rates are so strict that some doctors may not provide adequate care under traditional Medicare. Therefore, to avoid euthanasia one can join one of these plans and let your doctor charge you extra. It is too bad that those who care about killing seniors spend so much time helping the rich find fire escapes, and so little time helping the uninsured and those who are not rich live in a good system.

Mr. Speaker, there is no evidence of access or quality problems in the current Medicare system. Indeed, the latest data from the Physician Payment Assessment Commission shows that the major access problem facing seniors is lack of money to pay the 20 percent co-payment—not the fact that we pay doctors on a fee schedule.

The private fee-for-service option is a mischievous amendment that does not good and has potential for harm. Repeal would remove a wart from the Medicare Program and ensure that we all—rich and poor—seek to keep the system a quality system.

SCHOOL LUNCH WEEK: SUSTENANCE FOR OUR CHILDREN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. FILNER. Mr. Speaker, I rise today to recognize the importance of a vital and often overlooked national program. The week of October 20 through October 24 marks the 51st anniversary of the National School Lunch Program, which has served to provide nutritional meals to three generations of American schoolchildren.

In California's 50th Congressional District, as in many other communities across the country, school lunches provide the only balanced meal that many of our children can count on. Sadly, their young voices are not always heard as Congress debates the necessity of this program.

The National School Lunch Program provides the most basic need of our young people—a healthy, balanced meal to give them the nutrition and energy necessary to learn and succeed in school. School lunches provide the sustenance for the body that enables children to learn and provide sustenance for their developing minds.

Incredibly, this beneficial and cost-effective program is under constant attack. Such short-sided logic is a threat to the health and welfare of our children and our Nation as a whole. Many of my colleagues remember attempts to designate catsup as a vegetable and other attempts to eliminate the program entirely. These are not examples of cost-effective government, they are not examples of leadership, they are examples of child neglect—both criminal in intent and cold at heart.

Mr. Speaker, in honor of National School Lunch Week, I ask that my colleagues rise and join with me in support of the National School Lunch Program to continue this important nutritional lifeline to our children.

IS THE IRS A ROGUE AGENCY? FEDERAL EMPLOYEES ARE AGAIN THE SCAPEGOAT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. LANTOS. Mr. Speaker, recently we have heard horror stories from a Senate Finance Committee about Federal employees of the Internal Revenue Agency, the IRS. As these charges have echoed and reechoed across the political spectrum, there have been few voices willing to express a contrary point of view.

I fear, Mr. Speaker, that we are again witnessing an effort to score political points by scapegoating Federal employees. While I do not condone wrongdoing by any Government employee, the recent charges have been blown completely out of proportion and have tainted all employees of the IRS. This is absolutely appalling.

Mr. Speaker, in this atmosphere National Public Radio has again demonstrated that it is a national treasure, a vital information resource that provides critically needed alternate points of view. NPR is not just another "me-too" media outlet reflecting, but not thinking about, the so-called news.

In an excellent commentary broadcast by NPR's "All Things Considered" on Tuesday, October 21, Jacob Weisberg, the chief political correspondent for Slate magazine, provided a much-needed alternate point of view. It puts the IRS bashing into perspective, and it emphasizes that Federal employees are a competent and dedicated group of Americans. Mr. Speaker, I ask that his commentary be placed in the RECORD, and I urge my colleagues to give it serious and thoughtful attention.

Robert Siegel, Host: Commentator Jacob Weisberg says IRS bashing has become a popular new game on Capitol Hill and in the news media. He says the accusations would not stand up to an audit.

Jacob Weisberg, Commentator: Republicans have an excellent new enemy—the Internal Revenue Service. With Senate hearings and a national barnstorming tour, party leaders have spent the past several weeks vilifying the one government bureaucracy they think has no friends.

Democrats and the Clinton administration, sensing a political hazard, have piled on with their own expressions of outrage and called for reform.

But is the IRS really a rogue agency? Consider what we've learned in recent weeks. The Senate Finance Committee heard testimony from four abused taxpayers. These four were culled from some 1,500 who have contacted the committee. There's no way of knowing how many of those have legitimate gripes.

But even if all were genuine victims, it would not remotely approach the kind of systematic sadism alleged by Republicans. There are more than 200 million tax returns filed each year, of which 2 million are audited. Fifteen hundred abject failures would mean an error rate of .00075 percent. And that's not even per year. It's per ever.

Even some Republicans used to think that was pretty good. A bipartisan commission on the IRS recently concluded that there was no systematic abuse of taxpayers. The commission found very few examples of IRS personnel abusing power, its report noted.

What about the IRS using revenue quotas? To the extent this happened, it was a response to pressure from Capitol Hill. In 1995, the newly elected Gingrich Congress passed a compliance initiative authorizing the hiring of 1,200 new agents. It demanded data from the agency to show that the money was being well spent.

But didn't we at least learn that the IRS persecutes the poor? There has been a sharp decline in audits of taxpayers with incomes of more than $100,000, and an increase for those under $25,000. But there are some innocent explanations. In 1990, the IRS began categorizing non-filers about whom it lacked information in the $25,000 and under category. It audited more of them after Congress demanded that it prevents cheating on the Earned Income Tax Credit, which goes to the working poor.

Upper income audits dropped when shelters were closed by tax reform in 1986. Despite the weakness of these and other charges, Republicans seem to think IRS bashing makes a great theme. TRENT LOTT, the Senate Majority Leader, recently slashed the agency as intrusive, abusive, and out of control. That's not a bad soundbite. But the IRS isn't out of control. Its critics are.

TRIBUTE TO RUTH VOORHEES

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to pay tribute to a woman whose service and dedication should serve as an example to us all. For 22 years, Ruth Voorhees has volunteered at Morristown Memorial Hospital.

When Mrs. Voorhees became a widow at the age of 77, she began volunteering at this hospital as a way to cope with her loss. As a volunteer, she became a valuable asset of the Morristown Memorial Hospital volunteer corps. Her ability to turn an adverse situation into something constructive and meaningful is heartwarming and is recognized by many.

Recently, Mrs. Voorhees turned 99. Although birthdays of volunteers aren't usually observed, the staff made an exception and tied a big birthday balloon to her chair. Moreover, each day of the week of her birthday, she was taken out for lunch and dinner. This was all part of a week-long celebration to thank Mrs. Voorhees for her years of service.

Mr. Speaker, Ruth Voorhees embodies the movement this country has made toward placing a higher value on service and voluntarism. Also, Mrs. Voorhees has reaped deep rewards since becoming a volunteer and has found new dimension of life and new friends as a result of becoming a volunteer.

Ruth Voorhees' service and commitment to her community is work deserving of thanks from Congress, members of her community, friends, and family. I join with the staff of Morristown Memorial Hospital in congratulating and thanking Ruth Voorhees for her desire to help make the world as a better place.

INTRODUCTION OF THE COMMON SENSE CONTRACTING-OUT ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. CUMMINGS. Mr. Speaker, on March 30, 1994, President Clinton signed into law the Federal Workforce Restructuring Act [FWRA] (P.L. 103–226) to reduce the Federal employee ceiling between 1993 and 1999 by 272,900 positions to a level of 1.88 million workers.

In his January 23, 1996, State of the Union Address President Clinton proclaimed: The era of big government is over. . . . Our Federal Government today is the smallest it has been in 30 years and it's getting smaller every day.

The FWRA goal has been reached 2 years early. In fact, the administration predicts that by the end of this fiscal year that we will have achieved 110 percent of the original downsizing target.

The question we must now ask ourselves as lawmakers is did we accomplish what we set out to achieve. By getting rid of Federal employees have we made our Government work better and cost less or have we simply replaced civil servants with contractors? Most observers believe that Government downsizing is driving the increase in contracting-out for services.

According to a recent policy analysis from the Cato Institute, at the same time the Government was downsizing there has been a "rapid growth rate of contracted labor, which has become a kind of shadow government." By 1995 the Government was spending $114 billion a year on service contracts while the total cost of the Federal payroll was only $111 billion.

Former OMB Deputy Director for Management John Koskinen acknowledged last year that the Government does not know how many private workers it is paying for. "You can use any number you want," he said, "but whatever it is it is a lot of people." Current OMB Deputy Director for Management Ed Deseve said recently before the House Civil Service Subcommittee that not only do we not know how many contractors work for Uncle Sam "we don't really have any need for this type of information." I disagree.

If you consider the fact that taxpayers are paying the salaries of both Federal employees and contractors, the truth is that we really don't know if the Government today is the smallest it has been in 30 years. More importantly, we really don't know over the long term if contractor performance is more cost effective than in-house performance of Government functions.

When the public sector and the private sector compete to provide Government services, both sides strive to provide the best service for the best price. In these competitions, the public sector wins half the time and the private sector wins half the time. The real winners, however, are the taxpayers who generally benefit from the competition driven 30 percent reduction in the cost of Government services.

Under current Government contracting rules (OMB Circular A–76) when the Government wins a contracting competition its workers are periodically audited to determine if they remain the most cost-effective providers of service. Ironically, no similar rule is applied to contractors that win competitions. My legislation closes the gap in current contracting rules and keeps the competitive spirit alive by providing a mechanism for automatically reviewing contracts that have exceeded their initial projected costs to determine if the work could be performed more efficiently in-house.

If you are interested in ensuring that the American taxpayers are getting the best bang for the buck, I encourage my colleagues to cosponsor this legislation.

CODIFICATION OF TITLE 8, U.S. CODE, ALIENS AND NATIONALITY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. HYDE. Mr. Speaker, today I am introducing a bill to codify and enact certain general and permanent laws, related to aliens and nationality, as title 8 of the U.S. Code. This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as a part of the responsibilities of that Office to prepare and submit to the Committee on the Judiciary, for enactment into positive law, all titles of the U.S. Code. This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a description of the bill, containing a section-by-section summary should contact John R. Miller, Acting Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C., 20515–6711. The telephone number is (202) 226–2411.

Persons wishing to comment on the bill should submit those comments to the Acting Law Revision Counsel no later than January 30, 1998.

HONORING AIR FORCE SECRETARY SHEILA E. WIDNALL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. HARMAN. Mr. Speaker, at the end of the month, a distinguished leader of the Air Force will leave office and begin a new chapter in her life.

Sheila E. Widnall, the first woman to serve as a service Secretary, will leave her position and I want to join her other friends and colleagues in commending her for a job well done.

During her tenure, Dr. Widnall led the Air Force through a critical period of post-cold-war consolidation and modernization. She directed a time-phased modernization program to shape the future of the Air Force and further integrate space systems into military operations.

Dr. Widnall championed the Department's revolution in business practices with unprecedented acquisition reform initiatives and outsourcing and privatization ventures which have assured that scarce taxpayer dollars are wisely spent. And, she helped lead the Nation's stewardship of space by partnering the Air Force with the National Reconnaissance Office, NASA, and the commercial space sector.

Most notably, Dr. Widnall took care of the individuals who serve in the Air Force. She focused on core values of respect and dignity, assured opportunity for men and women, and pursued tirelessly quality of life issues during a period of personnel reductions and increasing operations temp. She made tough, but courageous decisions during her 4-year tenure, particularly a recent one involving Air Force Lt. Kelly Flynn.

A sailor, jogger, and friend, I regret that I was not able to join Sheila on a trip we often discussed—a transcontinental flight aboard a C–17 cargo plane,—an Air Force procurement we both worked to reform and save.

I join my colleagues on behalf of a grateful nation in thanking Dr. Widnall and her husband, Bill. Dr. Widnall set a high standard of leadership and vision, and has prepared the U.S. Air Force for the challenges of the 21st century.

INTRODUCTION OF LEGISLATION TO SAVE MEDICARE MONEY AND LIVES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. STARK. Mr. Speaker, on behalf of Representative BECERRA and myself, I am today introducing legislation which will save Medicare money—and save the lives of many of its beneficiaries.

The bill we are introducing passed the House in the Budget reconciliation bill (H.R. 2015) and was known as the Centers of Excellence proposal. CBO scored the provision as saving $300 million over the 5 years and $800 million over 10 years.

To quote from the Department of Health and Human Service's justification:

The Center of Excellence proposal originated as a result of a demonstration conducted in the early 90's under which certain facilities, referred to as "Centers of Excellence," were paid a single fee to provide all of the facility, diagnostic and physician services associated with coronary artery bypass graft [CABG] surgery. The facilities were selected on the basis of their outstanding experience, outcomes, and efficiency in performing these procedures. Medicare achieved an average of 12 percent savings for CABG procedures performed through the demonstration.

The House provision would have made the Centers of Excellence program a permanent part of Medicare by authorizing the Secretary to pay selected facilities a single rate for all services, potentially including post-acute services, associated with a surgical procedure or hospital admission related to a medical condition. As with the CABG demonstration, selected facilities would have to meet special quality standards and would be required to implement a quality improvement plan.

The amendment was dropped in conference because of resistance from the Senate. Some Senators from States where no hospitals were designated felt that the program tended to cast into doubt the quality or excellence of non-designated hospitals. Mr. Speaker, the name of this program is not important—what is important is that it can save money and by encouraging beneficiaries to use hospitals that have high volume, quality outcomes, it can save lives. Therefore, I am dropping the term "centers of excellence" and just using the phrase "contracting entities."

Like Lake Wobegon, where all the children are above average, it is human nature for all Members of Congress to want their local hospitals to be above average. But not all hospitals are above average—and this is a serious matter. In fact, it is a matter of life and death. Hospitals which do large volumes of a certain type of procedure tend to have better outcomes and quality. Indeed, really good health policy in this Nation would prohibit hospitals from doing sophisticated procedures if they do not do a certain volume per month. This principle is applied to liver transplants, for example, and ought to be applied to some other procedures as well. We may all have pride in our local hospitals, but the fact is: some of them are killing people because they do not do enough of certain types of procedures and therefore are not skilled in those procedures.

Medicare should be able to contract with certain hospitals for quality and volume—both to save money and to deliver better health care.

We are about to begin a commission to make recommendations for the long-term survival of Medicare. Many on that commission will want to cut back benefits and ask beneficiaries to pay more—but before they do, they should explore every possible cost saving in the system. This bill is a two-fer: it saves money while improving quality.

I regret this provision was not included in this summer's budget bill. I hope it will be included in the next Medicare bill that moves through Congress.

As further explanation of why this legislation makes great sense, I am including below "Extracts from the November, 1995 Research Report" on the Centers of Excellence Demonstration.

Centers of Excellence Demonstration—Extracts from November 1995 Research Report

Rational for the Demonstration: Physicians operate under different payment incentives than hospitals, so hospital managers have difficulties Implementing more efficient practice patterns. A global fee that includes physician services aligns incentive and encourages physicians to use institutional resources in a more cost effective.

Design of the Demonstration: Under the demonstration, Medicare paid each of the hospitals a single global rate for each discharge in DRGs 106 and 107 bypass with and without catheterization. This rate included in all impatient and physician services. The standard Medicare hospital passthroughs were also included, i.e., capital and direct medical education, on a prorated basis. Any related readmissions were also included in the rate. Pre- and post-discharge physician services were excluded except for the standard inclusions in the surgeon's global fee. All four hospitals agreed to forego any outlier payments for particularly expensive cases. The hospitals and physicians were free to divided up the payment any way they chose,

Medicare Savings under the Demonstration: From the start of the demonstration in May 1991 through December 1993, the Medicare program saved $15.3 million on bypass patients treated in the four original demonstration hospital. The average discounted amount to roughly 14 percent on the $111 million in expended spending on bypass patients, including a 90-day post0-discharge period.

90 percent of the savings came from HCFA -negotiated discounts on the Part A and B inpatient expected payments.

8 percent came from lower-than-expected spending on post-discharge care

Beneficiary Savings under the Demonstration: Beneficiaries (and their insurers) saved another $2.3 million in Part B coinsurance payments.

Total Savings under the Demonstration: Total Medicare savings estimated to have been $17.6 million in the 2.5 year period.

Also included is an article from the October 23 Washington Post entitled "Turning to a Specialist [Hospital] to Curb Rising Health Care Cost." It is an excellent explanation of how contracting with quality hospitals for a high volume of services can help both the Medicare trust fund and the patient.

Turning to a Specialist to Curb Rising Health Care Costs

(By Steven Pearlstein)

Legal Sea Foods. The Cap. Federal Express. Nucor Steel.

One of the things common to all of these successful companies is focus. Rather than try to be all things to all people, they do one thing and do it very well. And by virtue of their high volume and specialization, they have raised quality and lowered prices for their consumers and made a nice profit beside.

But will the same formula work in health care? In small way, it already has.

At the Shouldice Hospital in Toronto, which performs only hernia operations, the average price of $2,300 was more than a third less than the cost of the same operation at the typical general hospital in the United States. And yet despite the lower cost, only one-half of 1 percent of Shouldice patients need to have the procedure repeated, compared with 10 percent of patients at general hospitals.

And at surgeon Denton Cooley's famed Texas Heart Institute in Houston, a coronary bypass operation cost $26,000, compared with a national average of $30,000. More than 90 percent of Cooley's patients lived five years beyond their surgery; patients elsewhere didn't do nearly as well.

According to Regina Herzlinger, a professor at the Harvard Business School who collected the statistics, these early moves toward specialization are almost sure to be replicated as market forces continue to reshape the health care industry.

Herzlinger notes that a dozen or so medical conditions now account for as much as two-thirds of the nation's health care bill—things such as heart disease, depression, asthma, diabetes, arthritis, cancer and pregnancy. That means that if ways can be found to shave even 15 percent off the cost of treating those conditions, the nation's health care tab could be reduced by $100 billion each year.

Specialization, of course, is nothing new to medicine. There have long been mental hospitals and children's hospitals, rehab centers and eye and ear infirmaries. But for the most part, these centers have specialized in the hardest-to-treat cases, coupling care with medical research and training in ways that have tended to raise costs rather than lower them.

The new genre of speciality facilities—"focused factories," Herzlinger calls them—tend to be much more entrepreneurial, hoping to leverage their lower prices and higher quality to win contracts from big insurers and health and maintenance organizations.

In a sense, these facilities represent the second phase of the effort to rationalize the nation's health care system. In the first phase, competition forced doctors and nurses and hospital administrations to accept higher workloads and less pay while patients were forced to accept less choice and convenience. Now, that process has pretty much reached its limit.

In the next phase, experts say, the way in which doctors and hospitals go about delivering care will be reengineered, disease by disease. Hospitals and doctors that come up with standard treatments that generate the best medical outcomes at the lowest prices will become the preferred providers of the big health care plans. And look for these specialists to roll out their successful model nationwide, driving local suppliers out of the business in much the same way that Subway has trounced the local sandwich shop and Home Depot the local hardware store.

The high-volume specialists will gain some advantage from the fact that they can buy sutures more cheaply or because they can better afford the cost of sophisticated medical equipment. But more important, according to Herzlinger, is that by doing the same thing over and over again, they gain expertise and efficiency.

At Shouldice Hospital, for example, each surgeon performs an average of 600 to 700 hernia operations each year. That means Shouldice surgeons do more hernia operations in two years than most of their counterparts do in a lifetime.

So promising are these results that big HMOs, such as Oxford Health Plans in the New York area, are working with specialists and hospitals to put together their own focused factories in key markets.

General hospitals look at all this with some apprehension. Right now, the "profits" they earn from high-volume procedures such as heart bypasses and baby deliveries are used to make up for "losses" they suffer or running emergency rooms and neonatal units. But if the profitable business is taken away by the lower-cost specialists, hospital administrators warn that they will have no choice but to raise the price of the services they are left with.

James Bentley, vice president of the American Hospital Association, warns that what appears at first blush to be cost *saving* may, in the end, turn out to be nothing more than cost *shifting*.

But a Georgetown University Medical Center, Kenneth D. Bloem, the new chief executive, believes that the trend toward specialization is inevitable—and that general hospitals like his will have to begin preparing for it.

That might require Georgetown to develop one or two focused factories of its own, he said, while closing down some of its departments that cannot achieve minimum economies of scale. Or it might involve a new arrangement under which management of

Georgetown's departments—the coronary surgery unit, say—is turned over to one of the specialty companies.

Right now, says Bloem, officials at a hospital such as Georgetown still think of it as more like a medical department store. In the future, he says, it may have to operate more like a mall made up of a number of market-tested specialty boutiques.

In a small way, that process already has begun. The coffee cart in the lobby of the hospital is run by Starbucks.

FIVE ALARMS FOR FIRE MARSHALL GARY T. CONNELLY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BARCIA. Mr. Speaker, whether it is putting out a multiple alarm fire in a major life-threatening situation, providing emergency first aid in the event of an accident, or the more image-laden activities of rescuing the family cat from a tree or taking the shiny engine to an elementary school for fire safety day, each and every one of us has had a very positive encounter with our local fire departments. The people of my home town of Bay City have been the fortunate benefactors of the 30-year career of our recently retired fire marshal, Gary T. Connelly.

From June 1, 1967, when he started at the Central Fire Station and worked for several years with the first emergency rescue squad within the Bay City Fire Department, to his last 5 years as fire marshal, Gary Connelly has let it be known that he cares about the people he serves, the citizens of Bay City, and the many outstanding men and women of the department who report to him.

His outstanding career as a firefighter, a State-certified emergency medical technician, relief driver, and fire awareness officer, is the result of his ongoing professional training throughout his years. With training at Delta College for programs offered with the accreditation of the National Fire Academy, and other programs offered by the Michigan State Police, Macomb College, Eastern Michigan University, Central Michigan University, and the National Fire Academy itself, Fire Marshal Connelly is living testimony to the fact that one never stops learning, and that there are always opportunities to make even outstanding service even better.

The key element to his successful career, however, is the outstanding support that Gary has received from his family. His brother Kenneth also served as a member of the Bay City Fire Department for 32 years. Until his retirement as assistant chief in 1987. And without doubt, Gary's wife, Rosalyn, and his children Gary Jr. and Sherry, have been most supportive of his career. The dangers of being a fire-fighter are known to many of us, but are a very real daily fear for the families of these brave men and women. The people of Bay City probably own as much of a debt to Fire Marshal Connelly's family as they do to him.

Mr. Speaker, I know how important leadership is within a demanding organization like a fire department. Gary Connelly has provided service beyond what right any of us may have had to expect. I urge you and all of our colleagues to join me in wishing him a most pleasant and well-earned retirement, and the best for all that his future holds for him.

TRIBUTE TO UNION TOWNSHIP VOLUNTEERS

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, on Saturday, September 20, 1997, over 60 parents, teachers and other volunteers gathered together to help build a playground at the Union Township School in my district.

The cost of the equipment was raised by carnivals, book fairs and other projects. Area contractors, builders and merchants all joined forces to donate their skills, supplies, food and support. The parent-teacher association raised money for the project for 3 years.

When all was ready, the volunteers went to work, constructing the new playground which was ready in time for the start of the school year for the children to enjoy.

Mr. Speaker, this demonstration of community service and volunteerism is characteristic of our Nation's growing effort to help one another. It is heart-warming to hear of efforts like this that bring parents and area residents together for the common good of their children. I want to congratulate the residents of Union Township for coming together for such a worthwhile cause. They are truly an inspiration to us all.

THE ENHANCEMENT OF TRADE, SECURITY, AND HUMAN RIGHTS THROUGH SANCTIONS REFORM ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. CRANE. Mr. Speaker, I have long been concerned about the growing resort to unilateral trade sanctions to enforce foreign policy or other nontrade goals. I have always believed that before we impose sanctions, we should think long and hard about the effect of such sanctions on the U.S. economy and our businesses, workers, and consumers. There is little evidence that these sanctions have changed the behavior of the targeted government. Instead, the use of sanctions has translated into billions of dollars of lost opportunities here. In my view, the better policy is to pursue our goals with our trading partners through multilateral fora in an attempt to achieve consensus.

In order to achieve this goal, I am, together with my colleague Congressman HAMILTON from Indiana, today introducing legislation that would provide a framework for consideration of unilateral trade sanctions by the legislative and executive branches. The bill would not prohibit the imposition of trade sanctions, but it would establish a more deliberative and disciplined approach to U.S. sanctions policy.

Specifically, the bill would establish consultations between Congress and the executive branch as well as consideration of alternatives to the use of sanctions. In addition, the bill would ensure that Congress and the administration have adequate information about the likely effectiveness and economic and humanitarian costs of a proposed sanction. The bill would provide for a detailed analysis of whether the proposed sanction is the best tool for achieving U.S. objectives. Finally, the bill would impose regular reporting and sunset establishments. I believe that such a framework would allow us to pause and examine the impact that sanctions would have before we rush into what may be a counterproductive effort.

CUT RED TAPE ON EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, about the importance of education, Thomas Jefferson said, "Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day."

There is no more critical issue in Northern Colorado than education. The strength of our community and the republic rely squarely upon the mature and cultural literacy of the citizenry.

Jefferson observed, "Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its safe depositories. And to render even them safe, their minds must be improved to a certain degree."

My years of work on the state Senate Education Committee and my current position in the U.S. Congress on the House Committee on Education have persuaded me to stick to the vision of the school children as the first priority, and parents as the most essential partners in education reform.

However, volunteering for several years on parent boards at my children's elementary schools in Fort Collins has persuaded me that the best policies established for children are devised at the most local level involving real parents.

But our local traditions of parental involvement, unfortunately, are constantly under attack in Washington by those who favor a stronger federal presence in our classrooms. The track record is clear. As more education authority is usurped by the federal government, and stripped from local professionals, there has been a corresponding decline in national, education performance.

In Colorado, education leaders often feel hamstrung to fully address some alarming trends. About one-quarter of Colorado high school students will drop out before they graduate. The average high school dropout costs society an estimated $563,000 over his lifetime in public subsidies and income support.

A total of 68,135 suspensions occurred in the 1994–95 school year, involving 47,072 elementary and secondary students in Colorado.

The Colorado graduation rate for the class of 1995 decreased 1.4 percentage points from the 1994 graduation rate. Statewide, 40 percent of Hispanic students scheduled to graduate in 1996 did not.

In spite of mammoth growth in the federal education bureaucracy's budget, Washington's agents have produced little in the way of positive results. Consequently, my colleagues and I have moved forward with plans to empower local communities by cutting the red tape and administrative costs associated with large federal programs. For example, we've repealed 87 outdated federal programs over the last two years and consolidated 26 more into four, giving states broader latitude to target funding where they know it's most needed.

We've successfully beaten back the U.S. Department of Education's attempt to take over independent national testing, and we've resisted the federalization of curriculum by transferring hundreds of millions of dollars away from centralized programs toward at-risk kids, vocational education and the disabled.

Our objective in Washington must be to continue shrinking the federal administrative bureaucracy and liberating classrooms, to unleash states and communities and honor our traditions of local, parental authority.

By focusing on the liberty to learn and the freedom to teach, a less intrusive federal government can inspire local communities to pursue their inclinations toward promising, bottom-up innovations, like school choice, charter schools, post-secondary enrollment options and other alternatives, in addition to conventional approaches. Together we can create an education marketplace improving opportunity equally for all students by once again treating teachers like real professionals, and parents like real customers, realizing Jefferson's vision "at the dawn of the day."

REWARDING PERFORMANCE IN COMPENSATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BALLENGER. Mr. Speaker, today I am introducing legislation which will continue our efforts to make the Fair Labor Standards Act [FLSA] applicable to today's work force. Presently, the FLSA requires that certain payments to a nonexempt employee—such as commissions, gain sharing, incentive, and performance contingent bonuses—must be included in the employee's regular hourly rate of pay for the purposes of calculating overtime pay. Oftentimes, this discourages employers from monetarily rewarding their employees for good performance. This legislation will remove the barriers within the FLSA which, in effect, prevent employers from providing bonuses to hourly paid employees.

It is becoming more common for companies to link pay to performance as they look for innovative ways to encourage employee performance and allow employees to share in the company's success. More employers are awarding one-time payments to individual employees or to groups of employees in addition to regular wage increases. Employers have found that rewarding employees for high-quality work improves their performance and the ability of the company to compete. Unfortunately, many employers who choose to operate such pay systems can be burdened with unpredictable and complex overtime liabilities.

Under current law, an employer who wants to give an employee a bonus based on production, performance, or other factors, must divide the payment by the number of hours worked by the employee during the pay period that the bonus is meant to cover and add this amount to the employee's regular hourly rate of pay. This adjusted hourly rate must then be used to calculate time-and-a-half overtime pay for the pay period. On the other hand, employers can easily provide additional compensation to executive, administrative, or professional employees who are exempt under the FLSA without having to recalculate rates of pay.

Many employers who provide discretionary bonuses do not realize that these payments should be incorporated into overtime pay. One company ran afoul of the FLSA when they gave their employees bonuses based on each employee's contribution to the company's success. The bonus program distributed over $300,000 to 400 employees. The amount of each employee's bonus was based on his or her attendance record, the amount of overtime worked, and the quality and quantity of work produced.

When the company was targeted for an audit, the Department of Labor cited it for not including the bonuses in the employees' regular rate for the purpose of calculating each employee's overtime pay rate. Consequently, the company was required to pay over $12,000 in back overtime pay to their employees. The company thought it was being a good employer by enabling its employees to reap the profits of the company and by paying wages that were far above the minimum. Instead it was penalized by the Department of Labor for letting its employees share in its success. Meanwhile, President Clinton was exhorting businesses to work in partnership with employees, by sharing the benefits when times are good.

This legislation will eliminate the confusion regarding the definition of regular rate and remove disincentives in the FLSA to rewarding employee productivity. The definition of regular rate should have the meaning that employers and employees expect it to mean—the hourly rate or salary that is agreed upon between the employer and the employee. Thus, employers will know that they can provide additional rewards and incentives to their nonexempt employees without having to fear being penalized by the Department of Labor regulators for being too generous.

IRAN MISSILE PROLIFERATION SANCTIONS ACT, H.R. 2709

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. GILMAN. Mr. Speaker, along with a number of my colleagues, I am today introducing the Iran Missile Proliferation Sanctions Act of 1997. This legislation provides for tougher sanctions on organizations, particularly in Russia, that have transferred missile hardware or technology to Iran.

It requires the President to submit a report to Congress identifying organizations which have transferred missile hardware or technology to Iran after August 8, 1995, when Russia joined the international Missile Technology Control Regime [MTCR].

Those firms identified in the report would be subject to 2-year sanctions that include a ban on certain types of export licenses and a ban on any U.S. assistance, although the President would have authority to waive the sanctions under certain circumstances.

One of our most important national security objectives is to prevent Iran from obtaining, and in some cases improving, their capability to develop and deploy weapons of mass destruction. Most critical in the short term is the prospect of Iran enhancing its ballistic missile capability.

It is clear that Russia has already provided Iran with critical know-how and technological support. The question now facing us is whether we can halt any further assistance, and time is short. We have only a few months to prevent Iran from achieving a significant advance in its missile program.

There is more than credible information that Russian organizations have been allowed to assist Iran in this area in violation of Russia's international obligations under the Missile Technology Control Regime. Amazingly, however, despite such assistance the administration has not applied United States missile sanctions laws to these Russian organizations.

The purpose of our legislation to require the administration to face up to the dangers that we face as Iran strives to develop weapons of mass destruction, and to take appropriate action.

TRIBUTE TO SHYAMALA B. COWSIK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. LANTOS. Mr. Speaker, relations between the United States Congress and the Government of India have been improving steadily in the past 2 years. One of the major reasons for this improvement has been the excellent work of Shyamala B. Cowsik, the Deputy Chief of Mission at the Embassy of India here in Washington. During her current posting, Ambassador Cowsik has worked tirelessly with Members of Congress and congressional staff to explain India's important economic reforms, its secular democratic government, and its large consuming class. In doing so, she has helped to create a climate in which an ever growing number of the Members of this body have come to realize the importance of a strong India-United States relationship.

Mr. Speaker, Shyamala Cowsik is an Indian Foreign Service Officer. Prior to being the Deputy Chief of Mission in Washington, she served as India's Ambassador to the Philippines. Earlier she held important postings in

Thailand and Yugoslavia. Having now completed her term in the United States, Ambassador Cowsik is leaving at the end of the month to become India's Ambassador to Cyprus. I know my colleagues join me in wishing her success in this position as well as congratulations on a job well done here in Washington.

INTRODUCTION OF LEGISLATION TO INCREASE THE CAPITAL EXPENDITURE FOR TAX-EXEMPT INDUSTRIAL DEVELOPMENT BONDS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today Congressmen HOUGHTON, ENGLISH, and I are introducing legislation which would have a positive impact on small manufacturers. This legislation would increase the capital expenditure limitation for tax-exempt industrial development bonds [IDBs] from $10 to $20 million.

Under current law, the issuance of tax-exempt industrial development bonds for qualified purposes is limited to $10 million. This limitation was set in 1978 and it needs to be increased to account for inflation. The $10 million limit in capital expenditure limits restricts the use of IDB's to provide businesses with affordable capital as part of local economic programs.

Increasing the cap to $20 million would allow many small businesses to grow. This legislation would allow a larger number of small manufacturers in Massachusetts to use low cost, tax-exempt financing to expand their operations and add jobs.

I urge my colleagues to show their support for small manufacturers by cosponsoring this legislation. Increasing the level of tax-exempt financing will result in capital expenditures that will create job growth.

HOUSE OF REPRESENTATIVES—*Friday, October 24, 1997*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the grandeur of Your creation, O God, and the opportunities available to every person spark a new commitment in our own hearts and souls to become involved in good works in our communities and in our neighborhoods. If we use a hammer, let us build. If we can sing, let us join the chorus. If we can share our dollars, let us give generously. If we can be a mentor, let us lead and guide. So bless us each one, whatever our tasks, as we light our candle of hope in our communities and so witness to Your love for all humankind. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida [Mrs. MEEK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MEEK of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1266. An act to interpret the term "kidnaping" in extradition treaties to which the United States is a party.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 830) "An Act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, and Ms. MIKULSKI, be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair will recognize five 1-minutes on each side.

RADICAL REPUBLICANS USHER IN AN AMERICA OF MORE CHOICE, FREEDOM, AND LIBERTY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the 13th amendment of our Constitution says, "Neither slavery nor involuntary servitude shall exist within the United States." Today we take that for granted, and for that I am thankful. It is still our standard, our ideal. But the 13th amendment only came to be the law of the land because of the insistence and persistence of a group of Republicans that were called radical. Radical Republicans.

Well, Mr. Speaker, today those who are protectors of big government and big unions are criticizing new ideas by calling the Republicans radical, extreme, mean-spirited, in hopes of swinging public opinion in their favor.

They do not trust people to choose their own schools. That threatens the big teachers unions, so they call school vouchers radical. They oppose IRS reform because they believe taxpayers should be automatically guilty in an IRS tax audit because big government must be funded, so IRS reform is extreme.

Mr. Speaker, remember, when we hear "radical," "extreme" or "mean-spirited," it is not new. Radical Republicans insisted on abolishing slavery and today these derogatory words are just ushering in a better America of more choice, more freedom, and more liberty.

DEMOCRATS WANT MEANINGFUL CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, today Democrats are lining up for reform. We have had enough. We have had enough delay. We have had enough Republican excuses. We have had enough hiding behind investigations. We want a real, meaningful cleanup of the campaign finance system.

Therefore, we are here lined up to sign a discharge petition to discharge all the proposals on campaign finance reform, some authored by Republicans, some authored by Democrats. Some I am for, some I am against, but we need a meaningful debate on this floor and only one thing has stopped that in this House, and that is the Speaker of the House, who refuses to bring it to the floor.

Mr. Speaker, we say to the American people that we believe the only way to discharge our responsibilities as representatives seeking a cleanup of the corrupting special interests' influence peddling that goes on here in Washington is to put our names right here on a discharge petition forcing a debate so that reform can be effected by the next election.

Mr. Speaker, if the Republicans are ready to join in that effort, it will be a reality. Investigate and prosecute any existing violations, but reform the law.

PAULDING COUNTY APPRENTICESHIP PROGRAM

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, as we in the Congress continue to grapple with the problem of making sure Americans have the skills they need to work productively in today's society, I am pleased to report that the school system in my district has found a successful way to approach this perennial problem without Federal mandates, without government interference, without tax increases, without national standards.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Paulding County School System in Georgia's Seventh District, under Superintendent Ray Parren and Apprenticeship Coordinator Nick Pedro, has developed a youth apprenticeship initiative that places high school students in meaningful work experiences during their junior and senior years. It provides them with a broad range of on-the-job experience with an employer of their choosing that is compatible with their career goals, even allowing them to begin college work while enrolled in high school.

Mr. Speaker, my office is a proud participant in this program. Nichole Robinson and Julie Turner have greatly assisted our staff and acquired valuable work experience along the way.

I encourage all schools to begin actively searching for ways to partner with local businesses and government agencies. By preparing students to compete in an increasingly specialized and complex economy, we can help ensure continued national economic growth, prosperity, and academic excellence.

CAMPAIGN FINANCE REFORM SHOULD BE DEBATED NOW

(Mr. LUTHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUTHER. Mr. Speaker, earlier this year we passed a balanced budget plan and a tax cut for the American people. We did it by working together. But today we are in danger of having that accomplishment marred by the refusal to clean up our political system.

Mr. Speaker, today the target date for adjournment is less than three weeks away and the prospect for bringing this critical issue to the floor diminishes each day. Even the other body, with all of its outdated procedures, has managed a handful of votes. Here in the House we have not even been able to debate the issue.

Mr. Speaker, that is wrong and that is why so many of us have lined up to sign this discharge petition to force debate on this issue. That includes many Democrats and a few Republicans signing that this morning.

Mr. Speaker, let us debate this issue and let us debate it now.

PRESIDENT SHOULD NOT PANDER TO COMMUNIST CHINESE LEADERS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as we know, the Chinese Government leaders are coming to America and President Clinton is welcoming them with open arms. I want to ask the President why these Chinese Communists can do no wrong? Is this not the same Chinese Government who illegally donated funds to the Clinton campaign? The same one that uses slave labor, that imprisons political dissidents, and now has leased up our former naval base in Long Beach; a Communist encroachment right here in the United States?

Mr. Speaker, instead of taking money and wrapping his arms around the Chinese leader, the President should be rapping them on the knuckles for their horrific record of religious persecution and human rights violations.

Mr. Speaker, I say to the President, "Mr. President, stop pandering to a corrupt government that tortures its people and thumbs its nose to a free world."

DEMOCRATS AND REPUBLICANS MUST ADDRESS DRUG PROBLEM AT OUR BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Democrats have claimed another victory. The Democrats were successful in stripping the Traficant amendment that would allow troops on the border from the defense bill, and all the Democrats are excited about it, even though our troops are vaccinating dogs in Haiti, they are building homes in Italy, they are guarding the borders in the Mideast, and they are filming political parties at the White House.

Mr. Speaker, a new report that just came out states that the use of heroin by 12- to 17-year-olds in America is at historic levels and our borders are wide open.

The Democrat Party did not kill the Traficant amendment. The Democrat Party is killing the Democrat Party. There is no program. And if the Republicans do not step up and protect our borders, then both the Democrat and Republican Parties should be thrown the hell out and this country needs a third, new independent party.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT] should avoid profanity in his remarks.

INDEPENDENT COUNSEL NEEDED TO INVESTIGATE WHITE HOUSE FUNDRAISING PRACTICES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, remember what President Clinton said when he first took office? He was going to have the most ethical administration in history. This is the same administration that held fundraisers in the White House and called them coffees. The same administration that held fundraisers in Buddhist temples and called them finance-related events. The same administration whose ethical standards led them to have sleepovers in the Lincoln bedroom so that the people's house could be turned to fundraising purposes. The same administration that dialed for dollars from the White House and then could not remember doing it.

The same administration that denied the existence of videotapes of White House fundraising coffees and then discovered them in the same uncanny manner that subpoenaed documents in the White House Book Room were found, by the same people who could not remember hiring Craig Livingstone. The same administration that puts Dick Morris in charge of their family values charade and the same administration who hired the same Dick Morris to circumvent the campaign reform laws.

Mr. Speaker, it is the same business as usual at the White House. I would ask my colleagues on the other side of the aisle to line up to ask the Attorney General, Janet Reno, to hire an independent counsel so we can investigate this mess.

□ 0915

THE MARRIAGE OF KEVIN McCARTHY AND LESLIE NOLAN

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, I rise today to acknowledge a very special occasion, the marriage today of Kevin McCarthy of Long Island and Leslie Nolan.

Many of my colleagues know the tragic event which compelled Kevin's mother, the gentlewoman from New York [Mrs. McCARTHY], to seek congressional office, the reckless act of violence on the Long Island railroad that fatally injured her husband and left her son critically injured.

It is often impossible for a family to get through such a devastating experience. Yet the gentlewoman from New York [Mrs. McCARTHY] and her son Kevin focused their energies on making a difference and ensuring that such a heinous crime could not so easily happen to another American family.

They are courageous people who refused to give up in the face of tragedy.

Kevin and Leslie met during his mother's successful 1996 congressional campaign. The positive energy surrounding that race must have worn off on these two, for by spring they were engaged. It is rare that we have the opportunity in the well of the House to celebrate the momentous events in people's personal lives and to recognize the silver lining which life offers us.

Mr. Speaker, we wish Kevin and Leslie all the best as they enter this exciting time in their lives. May they accept our sincere congratulations and remember that our thoughts will always be with them.

MORE ON THE IRS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, if a child molester, a bank robber or a mass murderer is hauled before the bar of justice, they are afforded the procedural presumption of "innocent until proven guilty." It is painfully ironic that when an honest American taxpayer is hauled before the IRS for an audit, the presumption often works in just the opposite fashion: presumed guilty until proven innocent.

Recently, the Republican chairman of the House Committee on Ways and Means, the distinguished gentleman from Texas, offered a proposal that would end this injustice: he proposed that taxpayers be given the same presumption the law affords criminals charged with a public offense. Unbelievably, White House spokesman responded to this proposal by saying it would undermine the ability of the IRS to collect all taxes that are legitimately owed.

In response, columnist Joseph Sobran today hit the nail on the head. He wrote, "the IRS is the last bastion of law and order, if you equate law and order with government vigilantism."

IN SUPPORT OF CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, over 200 years ago John Hancock and dozens of other patriots signed the Declaration of Independence to proclaim their independence from England.

Well, today, Mr. Speaker, my colleagues from both sides of the aisle and I are putting our John Hancock on a discharge petition on campaign finance reform. We are doing this to declare this Government's independence from big money and special interests. Just as King George refused the American Colonies the representation they deserve, so has the Republican leadership continued to refuse the American people the debate on campaign finance reform that they want and that they deserve. The colonists declared no taxation without representation. It is time for us to say, no adjournment without a debate on campaign finance reform.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WISE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 318, noes 56, not voting 59, as follows:

[Roll No. 526]

AYES—318

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Wolf
Woolsey
Wynn
Yates

NOES—56

Abercrombie
Baldacci
Becerra
Bonior
Borski
Clay
Clyburn
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Everett
Fazio
Filner
Fox
Gephardt
Gibbons
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Hulshof
Jefferson
Johnson (WI)
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
McDermott
McGovern
McNulty
Meek
Menendez
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Ramstad
Sabo
Schaffer, Bob
Sessions
Stupak
Tauscher
Taylor (MS)
Thompson
Velázquez
Visclosky
Weller
Wicker
Wise

NOT VOTING—59

Archer
Ballenger
Bereuter
Bono
Brown (CA)
Brown (OH)
Chenoweth
Cooksey
Crane
Cubin
Dellums
Dickey
Dixon
Doolittle
Fawell
Foglietta
Gekas
Gillmor
Gonzalez
Houghton
Hunter
Kasich
Kleczka
Kolbe
Leach
Markey
Martinez
McCarthy (NY)
McCrery
McDade
McIntosh
Mollohan
Moran (VA)
Morella
Nadler
Owens
Payne
Pombo
Porter
Rangel
Riggs
Rohrabacher
Roybal-Allard
Ryun
Sanders
Scarborough
Schiff
Sisisky
Smith (OR)
Souder
Stearns
Stokes
Torres
Towns
Waters
Weldon (PA)
Whitfield
Young (AK)
Young (FL)

□ 0939

So the Journal was approved.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, is it not customary for lines forming to sign discharge petitions, that they do so along the side, so that they are not in the middle of the gentlewoman from

New York who is trying to present a rule?

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair is advised the last several times discharge petitions were filed, the line of Members proceeded from the far right-hand aisle so as not to interfere with debate of the House.

The Chair will insist that Members not stand between the Chair and the Members speaking and that Members not congregate in the well during the debate.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 277

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, House Resolution 277 waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read. The conference report for the Department of the Interior and related agencies appropriations bill for fiscal year 1998 incorporates a total of $13.8 billion for the fiscal year 1998.

□ 0945

Mr. Speaker, the agenda of the majority has been misrepresented on a number of issues in the past, one of those issues being our commitment to preserving our natural treasures and the environment. In the 104th Congress, we passed a very proenvironment farm bill, a safe drinking water bill, and nine other major bills that had the support of countless environmental groups. Today we have before us a funding bill that takes care of our national parks and protects our environmental resources by providing funding increases for the national parks, the National Forest System, national wildlife operations, and Everglades restoration.

I am also very pleased that the Interior bill amends the recreational fee demonstration program that will now allow parks, forests, and other public lands to keep all the fees that are collected. This initiative, when combined with the $362 million remaining from the $699 million appropriation for the Land and Water Conservation Fund, will help address the backlog in maintenance on public lands.

We all want our children and grandchildren to enjoy the natural beauty of our Nation's treasures, and I believe that this effort will ensure a better maintained and operated parks system for future generations. Mr. Speaker, I am also pleased that the Interior bill includes funding increases for some quality museums and artistic institutions, including the Smithsonian Institution, the National Gallery of Art, the Holocaust Memorial Council, and the Kennedy Center.

I am not, however, supportive of the funding for the National Endowment for the Arts, which receives a $1.5 million cut in this bill below last year's level. While I am disappointed that we were unable to hold the House position that I strongly supported, I am pleased that this bill contains some major oversight reforms of this agency. We all know that private donations and corporate sponsors provide billions of dollars to encourage an appreciation of the arts, and I simply do not believe we need to fund the NEA when these funds could be put to better use. I urge my colleagues to support this rule so we may proceed with the general debate and consideration of the merits of this very important bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

This conference report has taken a long time to complete, Mr. Speaker, because the Interior appropriations bill encompasses a number of controversial issues, including the arts and the environment. However, I would like to praise the conferees for their hard work in reaching agreement on the report language.

In particular, I am pleased that they ultimately saw fit to include in the report $98 million for the National Endowment for the Arts, a funding level which more accurately reflects America's support for the arts than did the original House bill from which all NEA funding was struck on a point of order. It is essential that we continue Federal support for the arts because the arts enhance so many facets of our lives. From the educational development of our children to the economic growth of our towns and cities, we learn more every day about the ways in which the arts contribute to our children's learning.

One recent study showed that students with 4 years of instruction in the arts scored 59 points higher on the verbal portion and 44 points higher on the math section of the SAT's than did students with no art classes. New research in the area of brain development shows a strong link between the arts and early childhood development. At the University of California in Irvine, researchers found that music training is far superior to computer instruction in dramatically enhancing a child's abstract reasoning skills, which are necessary for the learning of math and science. Another recent study showed that doctors with music instruction had greater diagnostic abilities in using stethoscopes than did doctors without music training, and we were all quite surprised to find that the skill of listening and diagnosing with a stethoscope was missing in far too many of our physicians.

Obviously, arts education pays great dividends in a wide range of fields. No other Federal program yields such great rewards on so small an investment. The arts are also an integral driving force behind the economic growth of our Nation. The small investment that we make this year, $98 million, will contribute to a return of $3.4 billion or more to the Federal treasury.

The arts support at least 1.3 million jobs, not only in New York City or Los Angeles or Chicago, but in smaller cities like Providence, RI; Rock Hill, SC; and Peekskill, NY. These are just a few of the many towns and cities across our Nation whose economies have flourished, largely as a direct result of investments that have been made in the arts.

This is not a parochial issue. Members of the House received a letter earlier this year from Americans United to Save the Arts and Humanities, an organization of business leaders, expressing their strong support for NEA. In that letter the CEO of Xerox Corp., the chairman and CEO of Sun America, Inc., the chairman and CEO of Sara Lee Corp. and over 100 other business leaders endorsed continued Federal funding for the NEA as well as the National Endowment for the Humanities.

While I support the funding for the NEA provided in this conference report, I must express concern over some of the report's other provisions that I believe will have detrimental effects on our environment. For example, the conference report includes a provision to remove the current cap on the use of purchaser road credits in the national forest system. This will encourage excessive road building in our national forests and will allow timber companies to log in remote areas. In addition, the national forest planning provision will interfere with the Forest Service's process of updating and revising its forest management plans, which is required by the National Forest Management Act. Furthermore, the log export rider will drastically reduce the effectiveness of the law that bans the export of logs from our national forests as well as from State-owned lands in the Pacific Northwest.

Another provision in the report allows money from the Land and Water Conservation Fund to be used by Federal land management agencies for the maintenance of existing holdings. The use of LWCF money to meet ongoing maintenance needs is inconsistent with the purpose of the law and would rob the LWCF of funds needed for new acquisitions, without crafting a lasting solution to the ongoing maintenance shortfalls.

Other language in the conference report sets out numerous requirements before the New World Mine and Headwaters acquisitions can move forward, and allows the authorizing committees to stipulate additional requirements for these projects. Given that general authorization already exists for these two acquisitions, any additional requirements are unnecessary and set a dangerous precedent for future acquisitions.

With those reservations, Mr. Speaker, I would like to thank my colleagues on the conference committee for their hard work in coming to an agreement on the report language and in particular for their efforts in regard to the NEA.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. This is the rule on the conference report on the Interior bill. I would urge all Members before we vote on the rule to take a good look at this bill. A lot of groups have worked on it, the White House, the staff from the authorizing committees of both Houses and the Committee on Appropriations and Members from both sides of the aisle, have had input in this piece of legislation.

Obviously, there are things in here that people do not like. There are a few things I do not support. But this is the product of compromise. In a democracy we have to arrive at an agreement on legislation that we find is in the best interests of the United States of America. I think this bill very well qualifies.

I would point out also the breadth of the bill, that over three-quarters of the districts of the 435 congressional districts are impacted by provisions in this bill. I would urge Members to be sure that they understand the impact that this has on their own district.

I call this the "take pride in America" bill. There is so much in here that gives us a reason to take pride in our country. Last night the new concert hall, not the new concert hall but the refurbished concert hall in the Kennedy Center was opened. It was a magnificent evening, and a magnificent facility. It is there because of this bill in the past providing part of the money and also money coming from the private sector by way of contributions, a tremendous partnership of the people of this Nation to put together a concert hall we can all look to with pride and point to with pride.

They did something that I want to compliment them for doing. This was the opening night of the new hall or the refurbished hall, and they invited the people who did the work and their families to share the evening. What a great idea. Think of the pride those people felt that did all of the different things that made this concert hall, I think, the finest in the world today. They were there with their children, with their families. What a wonderful idea. We should do more of that.

I think it is "take pride in America" as you listened to that great symphony play and perform and to listen to Vernon Jordan recite the quotations from Martin Luther King with a background of the National Symphony, a very moving evening. We can take pride in America in this bill because we address diabetes problems in our Indian population. It is a care bill. We have extra money in here because this is a problem for our friends in the Indian population.

It is a take-pride bill because I noted this morning in the news that we have the highest percentage of home ownership ever in the history of this country, over 66 percent. That is one of the great American traditions, to own your own home. Part of that is trees, not a lot, but some of the trees that come out of our national forests, another great asset of America that is used to help build those homes.

It is a "take pride in America" because it provides for Indian hospitals, for Indian schools. It means that the native Americans have a chance to break out, to get an education, to get their health needs met.

I could go on at great length about this, but I think also it is something we can point to with pride that this bill emphasizes maintenance. We recognize that we have to take care of what we have. So we do not try to buy up everything in sight, but rather to say not only selectively buy land or build facilities, but also let us maintain what is already in place. We have added money for maintenance. We have added money for improvements, such as we had noted last night in the Kennedy Center.

I want to address a couple of issues that are of concern to many members, because I think it is very important that we support the rule on this. First of all, the National Endowment for the Arts. I know this has been controversial. A little bit of history. In 1995, we did not have enough votes to pass the rule, so on the Republican side we made an agreement that we would provide 2 years of funding and then eliminate all funding.

Let me point out again, the bill that left the House did not have any money for the National Endowment for the Arts. I would also point out, that in every bill since 1995, the other body has said clearly, we do not agree with this, we are not going to be bound by anything the House does, and we are going to continue to put in funding for the National Endowment for the Arts. When we got into conference, the Members from the other body insisted on their numbers.

I would also point out at this juncture that the total amount of money here is far less than it has been historically. I think at one point we were up around $170 million or more for the NEA. This bill has about $98 million. If we take into account inflation, it is about half of what it used to be. It is almost $40 million less than the President requested. But, also, in view of the Senate's insistence on their position, we put in conditions restricting the way this money would be expended.

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First of all, we provide, and this is a suggestion from the gentleman from Illinois [Mr. YATES], and I think a good one, that there be three Members of each House on the board. We reduce the number of public Members from 26 to 14, add 6 Members of the House and Senate, just as we do with the Kennedy Center and with the Smithsonian. I think that is a very important element. It gives us oversight on a daily basis of the NEA.

We also recognize that the States have done an outstanding job, so we provide that instead of the States getting only 34 percent of the money, they will now get 40 percent of the money.

We also provide that no State can get more than 15 percent of the total available to the States. We want to spread this across the Nation. We provide that grants have to be made to companies that are not professional. Under the rules of the NEA, historically only professional companies could get grants. We said let's make these small communities across the United States, where they have a volunteer ballet or a volunteer opera company, eligible for a little bit of help. So we have done that.

We have put in a strong educational component. We say we want these grants to have an educational impact. I thought, as I listened to the National symphony last night, I just wonder if one of those people performing as part of the symphony might have been inspired by an ensemble that went out from a local community, as they did in ours, and visited the schools. They got a small grant and went out with the small grant, the financing, with an ensemble, to tell students what a symphony is all about. Maybe one of those people last night had that kind of an impact.

We also eliminate seasonal grants and subgranting, because a lot of problems NEA has suffered was a result of their giving a grant which was then subgranted to another group or individual. For example, the experience in Milwaukee, that was a lump sum grant to the institution, and they in turn made a subgrant that we found objectionable. That cannot happen anymore, because we have addressed that problem.

I could mention a number of other things, but I think those are the important ones. More money to the States, spread this over the Nation, get the education component in, and limit what any one State can get, plus, of course, having the oversight of Members of Congress.

I might also add, we have reduced the overhead. We reduced the amount that can be spent on people downtown by $566,000, and there is another feature in here, many of my colleagues who object to NEA say privatize it. Well, we start that. We have a beginning. We give the NEA authority to seek private funds. I think this could lead to an evolution of private financing for the National Endowment for the Arts.

I hope that in making decisions on this, that people will consider what we have done by way of restrictions to ensure that the NEA is focused on the cultural heritage of this Nation; that the NEA is focused on inspiring people to do things that are worthwhile, such as what we saw last night with the National symphony. The other area of contention is in the Forest Service area. I want to point out a few things here.

First of all, we have one of the lowest allowable cuts we have ever had. Just for example, about 10 years ago, we provided for 11 board feet to be cut. This bill limits it to 3.8 billion, a very substantial reduction. I think this should make those of you who are concerned about the environment very happy with this in the bill.

We also provide money to close more roads than we build. That is another very proenvironmental feature of the bill. We provide for forest health. We recognize that we need to have healthy forests for those that want to recreate in our forest, for those who want to enjoy the out of doors.

As a footnote, I might say that twice as many people use the National Forests for recreation as use the national parks, and that is one of the reasons that good roads are very important, because we do not want a family going out there with their kids to camp or to hunt or to fish, going off the road. We do not want these roads pushed through by a bulldozer so when you get the first rain the road goes down in the local creek. So we want them built to certain standards. That is the reason there is an element of Federal control.

We also want roads that when we have insect problems, disease prevention, fire suppression, that our people can get in in a safe way.

So I hope Members will give some thought to that as you make a decision on whether or not to support the rule and support the bill.

We also provide significant withdrawal funds for refuge maintenance. This does not get a lot of attention. But we provide money that they can build dikes, that they can make these facilities more accessible. I know that the Ducks Unlimited people are very supportive of the bill for the reason that we do that, and we are going to have the 100th anniversary of the Fish and Wildlife Service in the year 2003 and we are doing everything we can to make sure that the facilities are in first class condition.

I think there are a lot of positive things in this bill that I would recommend to Members.

One last comment. We have heard a lot about global warming in the last few days, and I think this is another very, very proenvironmental feature of this bill. People are talking about global warming.

How do you address global warming? By reducing emissions. What do we do in this bill? Under the energy section, we have a $42 million increase for conservation programs. Conservation, burn less and do it more efficiently. Part of that is clean coal, part of it is the way we use natural gas and many other things.

But that is the real world of global warming, and that is conservation. We do it. We have increased by $42 million the amount we can allocate to that.

Alternate fuels, new ways. Fuel cells, for example, new technology. Again, this bill provides funding for a number of critical programs, but I want to point out again one feature throughout the bill, and that is we want matching funds. On our energy programs, on the technological developments, we require a match from the private sector, so they, too, have a stake in what is done, and the same thing is true in other parts of the bill.

I think that this partnership approach is an important element in everything we do in terms of research.

There are a lot of other technological items in here, weatherization, which again is designed to conserve fuel to impact on the problem of global warming.

Just let me close by saying to all of my colleagues I am sure that you will find things you do not like about this bill. We all can find things. But we are one Nation, and, on balance, this bill I think overall is good for the United States of America. It is good for the environment. It is fair, it tries to address the problems that we have out there in a way, and we try to do it in a very economical way. That is the reason we were able to reduce the cost $400 million under last year, while at the same time increasing the parks by $79 million, increasing the forest by $42 million, and I could go on.

One last feature I would mention is that we provide 100 percent of the fees collected at the parks, at the forests, in the Fish and Wildlife Service, at the BLM facilities, 100 percent stays in the service. It does not go to the Treasury. It used to go to the Treasury so there was no incentive.

Now, when the management of the parks collect a very modest fee from those parks or forests or any of those facilities, they get to keep it. If you do not think it is great, just talk to a park superintendent about how they have been able to do things that otherwise they were not able to do because of this.

I found one little interesting thing. I visited one of the parks out in California, and the people there told me that since they have had the fee program, vandalism has gone down. Why? Because the individual has got a stake in it.

When they are paying something, they realize that there is value to this. They take better care of it, and at the same time visitation was going up.

So this is a great policy issue that is part of this program, and this is a good bill. This is a good bill. Members should vote for it. It is important to all of us. It is important to the environmental future. It is important to the recreation future. It is important to the conservation, global warming, all of these things. This bill tries to address them in the best possible way.

Mr. Speaker, I urge Members to vote for the rule and vote for the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and the conference report. Those who were here who remember the timber salvage rider, or those who were here in support of the timber salvage rider, one of the worse environmental votes of recent Congresses, and in fact something that was even disastrous for the industry that promoted it because of the backlash, will love this bill. Because this bill is rife with special interest, antienvironment riders, in addition to a rider which effectively repeals the ban on the export of Federal logs.

That is right, we are now going to supply the Japanese with logs from our Federal lands. There is deep denial on the part of a few who promoted this amendment, particularly our colleague from Washington State, but that is true. I will read later from a report which documents that.

It has a provision that would prevent the Forest Service from updating and revising its forest management plans. No matter which side of the forest debate you are on, you should be opposed to that provision. Even if you want higher harvest on the Federal lands, you would freeze in place the current regime. You will not update the plans. You will fall in conflict with other Federal laws.

It overturns a court injunction against the Forest Service on one-half of the grazing leases on 11 southwestern national forests. It has a provision delaying the completion of the Pacific Northwest interior Columbia ecosystem management process, which may well put us again in conflict with the Endangered Species Act and bring more court injunctions against activities in the Pacific Northwest. It has a provision preventing the reintroduction of grizzly bears into the Bitterroot ecosystem and on and on.

Also, for the first time, it takes land and water conservation funds and not acquiring lands that we need to protect the wildlife of this country, sensitive wetlands and others that are threatened with development, taking things from the huge list of backlogs and land and water conservation funds. No. It gives $10 million to Humboldt County in the district of the gentleman from California [Mr. RIGGS], and $12 million for a road maintenance fund in Montana for the gentleman from Montana [Mr. HILL], and $10 million to the State of Montana in terms of Federal mineral holdings. Why? To offset the impact of actual land water conservation purchases promoted by the administration for the headwaters area and in the new world mine.

These are payoffs, these are unprecedented, and a very, very bad use, and an unauthorized use of land and water conservation funds, but they are protected by the rule, as are these other unauthorized provisions in this bill.

But the worst and least understood provision is one that the Department of Agriculture's own inspector general, despite what some here will protest, who are apologists for the log exporters, say, and I quote, "They will effectively gut the 1990 law banning the export of unprocessed logs from National Forests in the West."

Let me repeat that. Effectively gut the 1990 law. She goes on to say? Her opinion, it would basically make enforcement dependent upon voluntary compliance, voluntary compliance, when there are millions of dollars to be made by diverting these scarce Federal resources into export to the Japanese, who do not harvest a single log. Fifteen thousand mills operating in Japan, 350 struggling to operate in the Pacific Northwest.

And, guess what? They do not cut any trees. Why? Because we give them the logs. And under this bill we will give them more logs and they will come off of our Federal lands. It will increase pressure on those Federal lands.

This is a horrible provision, a horrible precedent. Again, the apologists will say, no, we are just fussing it up a little bit. These 12 pages that we put in there, these provisions that the inspector general says will gut the law, they will not really gut the law; do not worry about it, or we will fix the problems later. Not a single hearing was held in the House or Senate by the authorizing committees. Not a single hearing. No discussion on things previously stuck in by the Senate. We are being told we cannot control the Senate.

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Two Senators from Washington State and one Representative from Washington State are particularly promoting this provision. Again, they are denying the reality of it. We have the opposition of 60 national and local environmental groups to the provisions of this bill; we have the opposition of the National Carpenter's Union to this bill.

Mr. Speaker, I include for the RECORD these statements in opposition.

The material referred to is as follows:

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,
Washington, DC, September 4, 1997.

Representative PETER A. DEFAZIO,
U.S. House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DEFAZIO. The United Brotherhood of Carpenters and Joiners has always supported a ban on the export of raw, unprocessed timber from public lands. In response to our calls and those of American workers across the country, Congress approved a ban in 1990. Recently, language was inserted into the Senate FY 1998 Interior Appropriations bill that weakens this bill.

Through the practice of substitution, log exporters can export private, unprocessed timber while buying public timber to make up for the shortfall caused by their own exports. This practice was restricted in the 1990 legislation and any attempts to weaken it should be opposed.

The current Senate rider impacts the anti-substitution aspects of the law. These substitution limitations were included to prevent companies from circumventing the intent of the law by exporting private raw logs and then buying public timber to substitute for the exported logs. This policy was set to encourage companies to make a choice, within any given "sourcing area," between supplying their mills with federal timber or exporting private, unprocessed timber, not both.

The rider would alter the definition of these geographic sourcing areas and render the anti-substitution rules ineffective. The high economic value of these logs and the growing practice of transporting them long distances, between sourcing areas, have diluted the sourcing area limitations. This, along with the Senate rider will make it possible for companies to more easily export raw logs and purchase and process public timber.

Workers suffer when raw logs are exported. Not only do we lose the commodity itself, we lose the manufacturing jobs that turn the raw logs into lumber used for construction and other value-added activities like furniture making.

Representative Peter DeFazio is circulating a letter to President Clinton and the Interior Appropriations Conferees urging them to oppose this weakening of the 1990 log export ban. On behalf of the 500,000 members of the Carpenters Union, I ask you to add your signature to this very worthwhile request.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

SEPTEMBER 5, 1997.

President BILL CLINTON,
The White House, Pennsylvania Avenue NW, Washington, DC.

DEAR MR. PRESIDENT: We urge you to oppose any amendments that may be included in the fiscal year 1998 Interior and Related Agencies Appropriations bill that would weaken the 1990 law banning log exports from federal and state lands in the West, or otherwise prevent the Forest Service from property enforcing the export ban.

As you know, in 1990 Congress overwhelmingly approved a permanent ban on the export of unprocessed timber from National Forests, Bureau of Land Management and state-owned lands in the Western United States. An important part of that law prohibits a log exporting company from purchasing federal timber for its mills as a replacement for private timber the company is exporting. This practice, known as "substitution," is little more than the backdoor export of federal timber.

A Washington State trade group representing the interests of large exporting firms is attempting to significantly weaken the 1990 law. The group has asked members of the House and Senate Appropriations Committees to support an amendment that would make it legal for a company to purchase federal timber as a direct substitute for private timber the company is exporting. Apparently, the Forest Service has drafted an amendment aimed at satisfying the log export lobby's concerns.

Every log exported from the Pacific Northwest increases the economic and political pressure to log the region's federal forests. The Northwest Forest Plan is already under severe stresses and strains from attacks from the timber industry and the 104th Congress. Overcutting federal lands resulted in wild salmon and ancient forest dependent wildlife headed for extinction. Now is not the time to allow for a backdoor to open for cutting down the forests owned by U.S. citizens.

The ban on log exports from public lands enjoys overwhelming support in the Pacific Northwest. Not only is export ban hugely popular, it is critical to the health of the Northwest's forest ecosystems. We urge you to defend the integrity of the 1990 log export ban by insisting that the total prohibition on federal and state log exports continue and that the Forest Service property implement the ban on substitution.

Sincerely,

Steve Thompson (Box 4471, Whitefish, MT 59937) on behalf of, Bonnie Joyce, Friends of the Coquille River (OR);

> Adrienne Dorf, Gifford Pinchot Task Force (WA); Ellen M. Bishop, Grande Ronde Resource Council (OR); Bill Hallstrom, Green Rock Audubon Society; Julie Norman, Headwaters (OR); Rick Johnson, Idaho Conservation League; John Osborn and Steve Thompson, Inland Empire Public lands Council; David Orr, John Muir Project of Earth Island Institute; Jim Britell, Kalmiopsis Audubon Society (OR); Tim Coleman, Kettle Range Conservation Group (WA); Chris Magill, Kitsap Audubon Society (WA); Felice Pace, Klamath Forest Alliance (CA); Dave Stone, Lane County Audubon (OR); Amy Schlachtenhaufen, Lighthawk; Susan Crampton, Methow Forest Watch (WA); Alexandra Bradley, Quilcene Ancient Forest Coalition (WA); David Dilworth, Responsible Consumers of Monterey Peninsula; Cynthia Wilkerson and Owen Reese, Student Environmental Action Coalition; Bill Arthur, Sierra Club, Northwest Regional Office; Steve Marsden, Siskiyou Regional Education Project (OR); Cheryll Blevins, Southern New Mexico Group of the Sierra Club; David Biser, SouthWest Center for Biological Diversity (NM); David C. James, Spokane Chapter of Trout Unlimited (WA); Robert M. Freimark, The Wilderness Society; Ken Carloni, Umpqua Watersheds, Inc (OR); Stephen I. Rothstein, Univ. of California, Santa Barbara, Dept. of Ecology, Evolution and Marine Biology; Ben Watkins and Mary Schanz, Voices for Animals (AZ); Martin C. Loesch, Washington Wilderness Coalition; Steve Phillips, Washington Wildlife Federation; and Jeff Stewart, Washington's Eighth District Conservation Coalition.

Mr. Speaker, there are also a number of mills in the Pacific Northwest, including Boise Cascade, and 20 small independent companies in Oregon and Washington, who oppose the log export provisions.

Again, who supports it? Five very powerful large log exporting companies led by Weyerhauser in Washington State, two U.S. Senators from the State of Washington, and our colleague, the gentleman from Washington. That is about it. Those are the people who are promoting this, overturning the intent of Congress, a longstanding Federal law that says we are not going to take our logs and export them from Federal lands to a country, Japan, which does not harvest any trees of its own, and does not allow freely our finished products into its markets; no tariffs on our logs, but big tariffs and barriers on our finished wood products.

This is not a minor technical revision in the law. Again, according to the Department of Agriculture's inspector general, it will force the forests to rely on the voluntary compliance of timber exporters in order to enforce the ban. The ban will still stand, but they will not be able to enforce it. In fact, the IG's office states that this provision would allow exporters to directly export Federal timber, in the full knowledge that their chances of getting caught are near zero.

Mr. Speaker, I include for the RECORD the opinion of the inspector general from the Department of Agriculture into the RECORD, Ms. Rebecca Batts, director of the Rural Development and Natural Resources Division of the Department of Agriculture's IG office.

The material referred to is as follows:

REVIEW OF THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1997

As requested by Jim Lyons, I have reviewed Title VI, H.R. 2107. I was requested to provide the quickest possible assessment, as the bill is currently in conference. Therefore, this evaluation reflects my preliminary conclusions only and does not reflect an "in-depth" assessment of the myriad factors that could affect implementation.

Implementation of the proposed bill will effectively gut the "Forst Resources Conservation and Shortage Relief Act of 1990." In essence, that act prohibited export of unprocessed logs harvested on Federal land and established limitations on the ability of an exporter to substitute unprocessed Federal timber for unprocessed timber exported from private lands. The amendments currently under consideration allow some direct substitution in Washington State, west of the Colville National Forest, the area where we have been told that most of the exports originate. A person could acquire federal timber, and, in the same area, export private timber if the timber originates from land he does not own or have an exclusive right to harvest timber for more than seven years. The Act also would allow a purchaser of federal timber to export private timber immediately after disposal of federal timber, without regard to the calendar year restriction currently in place. Under current law, this would have been deemed substitution. Further, the Act subjects certain basic internal controls (e.g., log branding and record keeping) to a cost-benefit test that may make restrictions difficult or impossible to enforce. Without these basic internal controls, the risk of commingling federal and non-federal timber escalates dramatically. With cominingling comes an increased opportunity to divert non-export logs into the export market.

Enforcement of proposed bill will be so difficult that the Department will be dependent on the voluntary compliance of timber purchasers, exporters, and mills. Regulations developed to implement the current law were suspended by Congress, in part because of the perceived adverse effect on the Western Forests Products industry. The suspended regulations included key internal controls to enable the Department to enforce the ban on export or substitution. The controls were not significantly different than many currently in place as part of Forest timber theft prevention plans. For example, the suspended regulations required branding and painting of federal timber and reporting information about transactions involving federal timber.

The proposed law subjects the key controls of timber marking and reporting to a cost/benefit analysis—perhaps making it more difficult for the Forest Service to establish these controls which are specifically aimed at the detection of non-compliance. In essence, it will be necessary to demonstrate the existence of violations to obtain support for implementation of the controls. However, demonstrating violation will be nearly impossible, as the controls to allow detection of violations will not be in place. An additional, unintended effect of the requirement could result in Forest Service inability to enforce extant marking requirements aimed at ensuring compliance with domestic timber measurement issues (i.e., branding to ensure proper scaling and payment for federal timber.)

Current requirements mandate reporting of all federal timber acquired and each subsequent transaction involving that timber. The proposed bill would subject the requirement to a cost/benefit analysis and, if the requirement is imposed, allow for waivers in instances where audits have demonstrated substantial compliance during the preceding year or where the tranferor and the transferee enter into an advance agreement to comply with domestic processing requirements.

It will be extremely difficult for an audit to demonstrate that an entity had complied with domestic processing requirements in the absence of an effective system of internal control. Further, the conditions for a waiver will be almost impossible to assess in the subsequent years, when transaction reporting is no longer required, based on demonstrated compliance in the initial year. As a "worst case scenario" a purchaser could determine to strictly comply with domestic processing requirements for one year, carefully document compliance for that year, obtain a waiver for the subsequent year, and intentionally fail to document subsequent transactions. Without documentation and concomitant branding, it will be nearly impossible to identify noncompliance, and a purchaser may be able to violate the act with a reasonable certainty that he cannot be caught and prosecuted.

The second basis for a waiver is also problematic—an agreement between the transferor and the transferee to comply with domestic processing requirements. In essence, the Secretary will be saying "You do not have to report if you agree beforehand to obey the law." It would be an unusual timber purchaser or processor who would not be willing to state an intention to comply with federal law, regardless of actions the individual planned to take.

An additional area of concern is the definition of a violation to mean "with regard to a course of action." This could be interpreted to mean that enforcement official must demonstrate a pattern of behavior before taking action. As a result, even egregious "one-time" offenses very difficult to address.

A new category of violation is created in the proposed bill. A "minor violation" involving less than 25 logs and a total value of less than $10,000 is to be redressed through the contract. In effect, this allows for lower fines to be assessed. It is unclear what effect "minor violations" would have on demonstrating a "course of action." If a pattern of minor violations was not sufficient to demonstrate a "course of action," then enforcement officials could be put in the very difficult position of documenting a series of events, each one individually exceeding 25 logs and $10,000 in value, before prosecution.

The proposed bill requires a hearing prior to debarment—even in cases where a criminal conviction has been obtained (e.g., timber theft) or where a civil judgement has been obtained and no material facts are in dispute. Current debarment regulations permit debarment in these situations based on the administrative record. By changing this provision, the Act will allow a person convicted of timber theft, with outstanding civil judgements, to continue to bid on and be awarded federal timber contracts during the period of the proposed debarment. This course of actions seems unwise, at best.

Mr. Speaker, the radical overhaul of the law banning log exports from our public lands could never stand the light of day. That is why it is stuck into this bill with no hearings, no deliberation, and it was only done by a couple of Senators who we cannot control, along with the other antienvironment riders in this bill.

This is a bad precedent for the U.S. House of Representatives. Are we going to allow the Senate to do these sorts of things repeatedly on these bills, or are we just going to let this cruise by by protecting those things in this rule? I hope not. Future conference reports will be even worse, more rife with special interest riders, if we in the House do not stand up for our prerogatives and oppose this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I want to talk about another point which is not brought up here today. I want to say that I am very personally disappointed that we now have a chance to stop another sale of our strategic petroleum reserve.

I understand when the Committee on Appropriations, over the objection of the Committee on Commerce, proposed a one-time sale, just a one-time sale of SPR oil to pay for the decommissioning of Week's Island in Louisiana. I remember at the time, I said, if you open the door, everybody is going to look at this as a giant piggy bank. All of a sudden, if you need some more money, let us sell some more SPR oil.

This is getting to be the fourth time now that we have gone into this oil reserve. It is about time we make a stop. This is emergency energy for this country, and here we are, dipping back into the oil reserve one more time. Mr. Speaker, I think the taxpayers in this country ought to know this. The oil that we have down there is about $35- or $36-a-barrel oil and we are turning around and selling it for about $22.

This is not a good deal for the American taxpayer. This should be stopped as soon as we possibly can. Mr. Speaker, I am in a position here where I think we have some really good things in this bill, but when we look at the possibility of taxpayers in this country getting ripped off, I think this is a good illustration of it. They are getting ripped off.

So therefore, I think what we have to do is go back and review this again. We had a tremendous discussion prior to this bill going to conference, so I would just say now that this rule should not allow the sale of SPR oil. It should not allow it. It is a ripoff to the taxpayers.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I am supporting this rule, and I am going to support this bill. If the administration vetoes it, I will speak to override the veto. I do not want to do so because I think that this bill is perfect. It is not. There are many items in this bill that I believe should not be here. I agree with the gentleman from Oregon [Mr. DEFAZIO] on the log export question. I think that is outrageous. I also think there are a number of other giveaways in this bill.

But I have to say that I honestly believe that on this side of the aisle we did the best job we could negotiating on this bill, given the fact that the people who are quarterbacking the congressional lobbying for the administration are Little Leaguers. I cannot help that. All I can do is work with what God gives me. So we are doing the best we can under the circumstances.

There is no question, in my view, that the administration gave away far more than they should have, both to some interests in this country and to some individual Members of Congress. We hear a lot of talk from the White House about the money that they are going to save on the line-item veto, for instance.

This bill is a classic example of how the executive branch of Government, regardless of party, will, in the present and in the future, use the line-item veto and use their other powers in order to leverage more spending in a bill, because this bill contains at least three items which are out-and-out gifts to individual Members of Congress in order to facilitate the ability of the administration to spend almost $700 million in additional money.

Mr. Speaker, I will support this bill, because in the public interest it is the best we can do under the circumstances. But I for 1 minute do not want to leave the impression that I in any way am thrilled by the content of much of it. I am not. I think on balance it deserves to be supported because the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] have done the best job they could under the circumstances, but I cannot help the fact that we have had a sometimes pitiful approach from the other end of the avenue.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the distinguished gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise to support this rule, this bill, and engage in a brief colloquy with my friend, the gentleman from California, Chairman YOUNG, on a matter involving Outer Continental Shelf drilling.

Mr. Speaker, I have long been interested in the question of oil and natural gas drilling off the coast of the State of Florida. Each year for well over a decade Congress has adopted a moratorium on oil and gas activities in some of our Nation's sensitive waters, and this year's moratorium is included in the conference report before us. We all agree, this is not the best way to do this.

The moratorium does not provide a long-term solution to the principal problem affecting the OCS program. Notably, the current OCS regime does not provide States and localities with sufficient involvement in decisions that can greatly affect them, in the minds of many.

I have introduced legislation which would establish a joint Federal-State task force to resolve this issue. The task force would be charged with reviewing the scientific and environmental data available, commissioning further studies if necessary, and then making a permanent policy recommendation based on sound science.

Others have other views. I would yield to the distinguished chairman for his comments on that.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman's concerns in OCS matters, particularly with respect to the Gulf of Mexico bordering his State of Florida. I agree that leasing moratoria, such as in this conference report, are not a fully satisfactory way to address our policy for oil and natural gas exploration and development in the OCS.

As chairman of the authorizing committee of jurisdiction, I would like to remind my colleagues of the considerable contribution that oil and gas from the OCS makes toward meeting our Nation's energy needs. Therefore, I am interested in a thorough review of the provisions of H.R. 180, and other bills which would authorize permanent closures of portions of the Outer Continental Shelf, in order to weigh the benefits of oil and gas development versus the potential risks to coastal and shelf resources.

I assure the gentleman that the Committee on Resources will hold a hearing on this issue during the next session of Congress.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman profusely for all of those interested in this issue.

Mr. YOUNG of Alaska. If the gentleman will continue to yield, I would like to say that I rise in support of this rule and this bill. This is of great interest to the gentleman from Wisconsin [Mr. OBEY]. There is a lot in this bill I do not necessarily agree with, either, but this is the work of what I call compromise and working with different factions. I believe this is the best we can do.

There are some parts of it in which I may not agree with the gentleman from Illinois [Mr. YATES], who has done a yeoman's job, but he also has some parts that he does not agree with me. However, this is a good piece of legislation that should be passed.

I urge our colleagues to understand one thing. If this does not pass, a lot of things that are in there will not be available when we go back to the table. I think it is the right thing to do. We should do it. I compliment the gentleman working on it.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I would like to echo the sentiments, and congratulate the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] for good work under very difficult circumstances. I urge passage of the bill when it comes time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I rise in support of this rule, but the comments that I have have absolutely nothing to do with this rule.

Back in May of this year, my brother's wife passed away after a long bout with cancer. I asked for and received permission to be out to attend the funeral. The gentleman from Georgia, at the onset of this debate, said that it had been misrepresented, that the minority had misrepresented so many things around here. I thought this would be a good time to talk about misrepresentation.

There was a press release sent to the newspapers in my district that said that BILL HEFNER had voted against a bill that would cause a train wreck, and would have corrected that. I was not here. I had an excused absence. When I called the NRC, they said they would probably issue an apology or a correction. I approached the gentleman from Georgia and I was told, grow up, this is my job.

If that is the procedure we are going to use in this House, if we talk about comity, it was a very serious thing for me, for a death in my family, as it would be for anybody in this House. And if that is the way politics is going to be played around this place, I think it is a real tragedy for comity in this House.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I want to rise in strong support of the Interior appropriations bill and this rule. We have had a very difficult conference, but we came out of it with $98 million for the National Endowment for the Arts. I think that is a tremendous accomplishment, and something that we could very well lose if we go back into conference.

Second, we came out with $699 million for the Land and Water Conservation Fund, to take care of some very important national priorities. That money could also be lost, and I think probably will be lost, if this conference report is defeated. The other body, people in the other body, senior Members, say they will not put that money in again if this bill does not go through.

To my colleagues, on the question of substitution in the West and on the question of log exports, I believe what we did in this bill is actually going to strengthen the ability to keep public timber at home.

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Also, it will allow the free movement of private timber in the Northwest, which will allow more of it to be domestically processed.

Mr. Speaker, let me point out the bottom line is that under the law that was passed in 1990, at the end of last year the State of Washington would have been able to export 25 percent of its State's logs. What this ban does is say, no, we are going to keep public timber, State and Federal, at home. We are not going to allow it to be exported. Fifty-three percent of those sales of State timber in Washington State go down to Oregon, 53 percent.

Mr. Speaker, we did not hear our former colleague, Mr. Wyden, or we have not heard the gentleman from Oregon [Mr. SMITH] or anybody else from Oregon up here denouncing this bill, because they recognize it will mean more timber for small businesspeople in the State of Oregon.

Mr. Speaker, I frankly am outraged by the deceit that has been put in and surrounded on this particular provision. This is a good provision.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to say, "Thank you, Honorable Congressman SIDNEY YATES." I rise today to applaud the inclusion and protection in this legislation of the National Endowment for the Arts. For anyone to think this was an easy fight, they were not here. For anyone to think that this is not an important fight, they do not know the arts.

Mr. Speaker, everywhere I go in the 18th Congressional District there are people who are saying thank goodness for the gentleman from Illinois [Mr. YATES] and the effort to retain the $98 million in this provision.

Mr. Speaker, the fight will continue, but at least we have made the stand. This is an important part of this conference report. The most important part, however, should be that the fight must continue to not undermine the National Endowment for the Arts as it is being directed to be done.

Let me also acknowledge the Honorable Jane Alexander for her continued strength to interact with legislators and to press the point that the National Endowment for the Arts is not special interests, it is not arts for the big cities, it is art for the rural communities and centers around this Nation which provide the access to arts in school, to give exposure to young artists, to provide the legacy and the continuation of our culture.

Mr. Speaker, this bill does raise some concerns for me, great concerns, environmental concerns. But I do believe that there has been such a strong commitment and effort to preserve and protect the National Endowment for the Arts that preserves and protects our culture, that I would argue that this is an important rule and that we must move forward.

Mr. Speaker, the National Endowment for the Arts has been under attack for a number of years. I hope this legislation will get us reformulated in our strategy to increase its funds, to recognize its stand for the preservation of our culture and legacy and fight against the radical right that want to destroy the arts of this Nation.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the rule and to the conference report because, as has been the case with past appropriations bills, this report is riddled with indefensible and unsound and undebated provisions that represent a direct assault on the environment and the resources of this country.

Mr. Speaker, I want to concur in the statements of the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations, that the negotiations on behalf of the White House have been completely bungled and mishandled and the result is a bill that is very, very damaging to America's environment.

Mr. Speaker, I appreciate all of the work that has been done on the arts, and the arts has become the compelling reason to vote for this legislation. But the arts should not be allowed to destroy the environment in that same legislation.

In fact, Mr. Speaker, what we have here is a piece of legislation that is terribly detrimental to the environment. It completely destroys the $700 million in "priority Federal land acquisitions" because of the conditions placed on those acquisitions. The report inappropriately delays these important acquisitions, even though the Land and Water Conservation Fund already provides the ample authority for these acquisitions. Moreover, the use of any of the remaining funds of the $700 million can easily be blocked by the actions of a small number of Members.

I also object to the outright political payoffs included in this bill to benefit local Members of Congress in the areas of the acquisition. Humboldt County, where the headwaters of the beautiful ancient rain forest is located, is given $10 million even though there is no concrete evidence that this amount had any relationship to any projected economic losses or that this money will be used to compensate any injury in timbering as a result of the acquisition of these lands.

But even more egregious is in the case of Montana, where $12 million is earmarked for highway funds as the result of the acquisition of the New World Mine and then another $10 million is promised to that State. But understand this, that if the Governor does not act on that $10 million and does not accept it, he is then offered some coal deposits that may have a value to the taxpayers of this country of $226 million in royalties and bonus bids. So if the Governor sits on his hands, the taxpayers lose $220 million. No hearings, no discussions. That is what is going on in this legislation.

Mr. Speaker, we have also embarked on a new approach here that we now have Federal acquisitions that are expensive enough, of major environmental assets in this country, that now we are going to start compensating people for imagined loss even though the track record is in most instances where we acquire lands for national parks and monuments and wilderness areas, the fact is that the local economy is dramatically stimulated because visitors from throughout America and throughout the world come there to visit these newly designated sites. As we see in the case of Death Valley and the parks and monuments in California, in southern Utah, the economy is springing forth because of that. But now we are going to compensate these economies with a gift of tens of millions of dollars because we imagine that they might suffer some losses.

Mr. Speaker, I am also terribly disturbed about what this does in terms of the timber programs and the timber management of our national forests and lands. We had very close votes in this House on stopping the construction of new timber roads, and yet what we see when they went to the conference committee, they just disregarded the votes in this House and now we have gone beyond the President's budget. The tragedy is that we will see more destruction of more lands in the Nation's timberlands.

The administration had proposed eliminating the road credits, but in fact we did not do that in this legislation. We headed in the opposite direction. This report, as pointed out by the gentleman from Oregon, makes it easier to export logs off of Federal lands, as the inspector general report tells this Congress. But, again, this step was taken with no hearings, no public review, no discussion about the ramifications of this.

This report also obstructs the efforts for ecosystem planning in the Columbia River Basin. It interferes with the implementation of the grizzly bear program in Idaho under the Endangered Species Act, and it overturns court injunctions helping grazers in the Southwest.

Mr. Speaker, that is the problem with this legislation, that once they got it out of the House, once they got it out of the House where it was a fairly decent bill with respect to the environment, the conference committee went crazy and the administration just badly handled these negotiations. The result is that we now have once again the Interior appropriations bill with antienvironmental riders on it, the same kind of riders that were added 2 years ago when the Republican majority shut down the Government over this legislation. We now see this legislation with the same kind of riders and we cannot get an answer out of the President of the United States of whether or not he will sign the bill.

Mr. Speaker, this bill should be rejected. The rule should be voted down.

Mr. Speaker, I include for the RECORD information from the Greater Yellowstone Coalition.

DOES THE INTERIOR APPROPRIATIONS BILL GIVE AWAY $10 MILLION OF FEDERAL COAL?

No. It gives away far more than that.

The bill requires the Secretary of Interior to give away either $10 million worth of federal coal agreed to by the Governor of Montana and the Secretary, or the Otter Creek tracts. If the Governor does not agree to take $10 million worth of coal approved by the Secretary, the Secretary must give the Governor the Otter Creek tracts—which are worth far more than $10 million.

The Otter Creek tracts cover 10½ square miles and include reserves of 533 million tons of coal. Similar coal sells for $8–9 a ton at the mine mouth. The bonus bids alone on such tracts average roughly 4 cents per ton—or $21 million. But the real value lies in the 12½% royalty the federal government would collect on the value of the coal mined. The value of the coal is $8/ton 533 million tons, or $4.26 billion, of which the federal government would collect 12½%, or 532 million dollars. Under present law, 50% of that would be sent to the state government. This coal would have returned $266 million to the Treasury. This is what the Interior appropriations bill conveys to the State of Montana for no consideration.

ISN'T THIS AN ACCEPTABLE PRICE TO PAY TO ACHIEVE THE BUY OUT OF THE NEW WORLD MINE, WHICH THREATENS YELLOWSTONE NATIONAL PARK?

No, because that purchase will never be consummated if it is tied to this giveaway. The purchase agreement is tied to the settlement of a Clean Water Act lawsuit brought against the gold mining company by local community interest groups. Settlement of the lawsuit is a prerequisite of the purchase. But several of the plaintiffs are strongly opposed to new coal development in the presently unmined area of the Otter Creek tracts—and will not agree to a settlement if it will lead to mining the Otter Creek tracts. They agreed to a settlement with the gold miners—but not with coal mining of presently unmined ranchlands.

For more information, call Russ Shay at 202–544–3198.

GREATER YELLOWSTONE COALITION,
Bozeman, MT, October 23, 1997.
President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We write to urge you to veto the FY98 Interior Appropriations bill that will soon be on your desk. The provision in the bill requiring that 500 million tons of federal coal be given to the state of Montana as a prerequisite for completing the New World mine agreement is completely unacceptable and only serves to hold Yellowstone National Park hostage to pork barrel politics. If developed today, the coal reserves named in the bill would generate at least $250 million in royalties each to the federal treasury and the State of Montana.

Through your leadership, the conservation community and Crown Butte Mines, Inc. found a way to amicably resolve a potentially explosive, expensive and debilitating debate over a mine proposed on Yellowstone's doorstep. The agreement signed in your presence on August 12, 1996 in Yellowstone National Park was a win for all parties. It protected Yellowstone forever from the threat of industrial mining and its resulting water pollution. It protected Crown Butte's property rights and it called for $22.5 million in pollution clean-up in the mining district which will protect human health and create jobs.

The 1996 agreement was embodied in principle in a tentative pact reached between the Administration and Congressional leadership two weeks ago. This proposal, which funded the agreement, also contained funds for the Beartooth Highway and called for a study of mineral resources in Montana.

Now, in a last-minute political maneuver, Representative Rick Hill and Senator Conrad Burns have included a provision in the FY98 Interior Appropriations bill that requires that coal or other mineral assets be given, free, to the state of Montana. This provision not only fleeces the American taxpayer by requiring that property owned by us all be given away, it brings significant new controversy to a process that has been marked by cooperation.

Coal development in eastern Montana has a long and contentious history. Coal mining adversely affects ranchers property rights and the water they depend on for their livestock operations. Coal mining changes the character of local communities and puts significant strains on community infrastructure and resources. It also changes patterns of public use, putting off-limits to entry land that was used for recreation, hunting and fishing.

Because of the controversial nature of coal development, the federal government has taken a very open and public approach to coal. Areas proposed for leasing go through extensive public review with all values considered. None of this is true of the provision in the FY98 Interior Appropriations bill. No public hearings were held on this provision, no public input sought. Giving coal to Montana is a backroom deal, pure and simple. It will benefit a few at the expense of many.

We are in firm support of the 1996 New World agreement. It is an agreement crafted to protect Yellowstone and its water. Coal has nothing to do with the agreement or in protecting the Park. As plaintiffs to a Clean Water Act lawsuit against Crown Butte Mines, Inc., we urge that you veto the bill and insist that Congress send to you legislation that implements the historic agreement signed in Yellowstone.

Sincerely,

Michael Clark, Executive Director, Greater Yellowstone Coalition; Jim Barrett, Board Member, Beartooth Alliance; Tom Throop, Executive Director, Wyoming Outdoor Council; Joe Gutkoski, President, Gallatin Wildlife Association; Julia Page, President, Northern Plains Resource Council; Tony Jewett, Executive Director, Montana Wildlife Federation; Betsy Buffington, Associate Representative, Sierra Club; Sean Sheehan, Northwest Wyoming Resource Council.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I appreciate the generous grant of time. I would like to go back to the issue of log exports, because the gentleman from Washington [Mr. DICKS] tried to obfuscate the issue a little bit.

Mr. Speaker, let us say it in simple language. The inspector general of the Department of Agriculture, a qualified attorney, one versed in the laws of the land and the restrictions on the export of logs at the Department of the Government charged with implementing restrictions on the export of logs harvested on Federal lands says, and perhaps the gentleman can understand this language, "Implementation of the proposed bill will effectively gut the Forest Resources Conservation and Shortage Relief Act of 1990."

She goes on at great length. I realize it is two pages, single space, and it might be difficult for some to understand. But in those two pages she comes to no different conclusion. This effectively repeals restrictions on the export of Federal logs so that we can become a log exporting colony of Japan where they do not harvest trees. I do not think that is right. I do not think it is good even for those log exporting companies in Washington State that are pushing this, because it is going to bring about a backlash if this goes into place.

Mr. Speaker, when people see the scarcity of logs coming off of Federal lands being diverted into a foreign market which does not allow the import of our finished products, it only wants our raw materials so it can protect its own dying and inefficient industry, outrage will run high in the Pacific Northwest and I believe across the Nation.

Mr. Speaker, this is wrong. This is the effect of this legislation. The gentleman from Washington who spoke so eloquently was also an eloquent supporter of the timber salvage rider when it first passed. I was an outspoken opponent when it first passed. A year later, the same gentleman was an eloquent proponent of repealing the timber salvage rider, the one that he had supported so eloquently the year before, because he said he could not have anticipated the impact.

Mr. Speaker, it is the same here. I urge Members to read the single spaced, two-page report. If we pass this legislation, not only will we have the giveaways of our oil, not only will we violate the Land and Water Conservation Fund and do a couple of blatant payoffs to a number of congressional districts, not only will the other anti-environment riders contained in this legislation go forward, we will repeal the ban on the export of logs from Federal lands. Plain and simple. We cannot deny it. That is the bottom line.

So if Members want to vote for anti-environment riders, if they want to vote for a giveaway of the Elk Hills Naval Petroleum Reserve, if Members love those sorts of things, if they want to give away the authority of the House of Representatives to the Senate and protect unauthorized provisions in this bill, if we want to set that precedent, if we want to roll over for the Senate, then vote for the rule.

But if Members do not, if they want to protect our prerogatives and protect the taxpayers and protect the environment, then Members will vote "no" on this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, urging all of my colleagues to support this rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 166, not voting 20, as follows:

[Roll No. 527]

YEAS—247

Allen
Andrews
Archer
Armey
Baesler
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bishop
Blunt
Boehlert
Boehner
Bonilla
Borski
Boucher
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilliard
Hinojosa
Hobson
Horn
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manton
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Peterson (PA)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rodriguez
Rogers
Ros-Lehtinen
Roukema
Sandlin
Sawyer
Saxton
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Spence
Stokes
Sununu
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—166

Abercrombie
Ackerman
Aderholt
Bachus
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Bliley
Blumenauer
Bonior
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Calvert
Capps
Cardin
Carson
Chabot
Christensen
Clay
Clayton
Coburn
Condit
Conyers
Coyne
Crane
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Doggett
Doolittle
Duncan
Ensign
Evans
Everett
Fattah
Fazio
Filner
Furse
Gejdenson
Gephardt
Gibbons
Goodling
Graham
Green
Gutierrez
Hall (TX)
Hefley
Herger
Hilleary

Hinchey
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jefferson
Jenkins
Johnson, Sam
Jones
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Largent
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (KS)
Myrick
Olver
Owens
Pallone
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Pickering
Pitts
Poshard
Price (NC)
Riley
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Shays
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Taylor (MS)
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand

NOT VOTING—20

Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Dixon
Gonzalez
Houghton
Hunter
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Schiff
Smith (OR)
Souder

□ 1106

Messrs. STUPAK, BARR of Georgia, BURTON of Indiana, MORAN of Kansas, HULSHOF, PAXON, PICKERING, CALVERT, PEASE, BENTSEN, KENNEDY of Rhode Island, Mrs. LOWEY, Mrs. THURMAN, and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. McINNIS, DAVIS of Virginia, and COX of California changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 270 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2247.

□ 1108

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. THORNBERRY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 22, 1997, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the Committee amendment in the nature of a substitute is as follows:

H.R. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Reform and Privatization Act of 1997".

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

"(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

"(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

"(B) If Amtrak enters into a contract as described in subparagraph (A)—

"(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

"(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

"(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.".

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

(a) BELOW-COST COMPETITION.—Section 24305(b) of title 49, United States Code, is amended to read as follows:

"(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

"(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.".

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.".

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.".

SEC. 103. FREEDOM OF INFORMATION ACT.

Section 24301(e) of title 49, United States Code, is amended by striking "Section 552 of title 5, this part," and inserting in lieu thereof "This part".

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to identify how Amtrak's specifications can be met by the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall report to the Congress within 2 years after the date of the enactment of this Act on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by striking "NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this

section, at" and inserting in lieu thereof "TIME OF NOTICE.—At";

(3) by striking "90 days" and inserting in lieu thereof "180 days";

(4) by striking "a discontinuance under section 24704 or 24707(a) or (b) of this title" and inserting in lieu thereof "discontinuing service over a route";

(5) by inserting "or assume" after "agree to share";

(6) by striking "(2) Notice" and inserting in lieu thereof "(b) PLACE OF NOTICE.—Notice"; and

(7) by striking "section 24704 or 24707(a) or (b) of this title" and inserting in lieu thereof "subsection (a)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ", 24701(a),".

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.".

SEC. 203. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) EXISTING AGREEMENTS.—Amtrak shall not, after the date of the enactment of this Act, be required to provide transportation services pursuant to an agreement entered into before such date of enactment under the section repealed by subsection (a) of this section.

(c) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) of title 49, United States Code, is amended by inserting ", separately or in combination," after "and the private sector".

(d) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking "or 24704(b)(2)".

SEC. 206. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 24301(f) of title 49, United States Code, is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.".

(2) Subsection (a) of this section shall not affect any trackage rights held by Amtrak or the Consolidated Rail Corporation.

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

(a) DETERMINATION OF COMPENSATION.—Section 24904 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

(3) in subsection (b), as so redesignated by paragraph (2) of this subsection—

(A) by striking "TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES" in the subsection head and inserting in lieu thereof "FREIGHT TRANSPORTATION";

(B) by inserting "relating to rail freight transportation" after "subsection (a)(6) of this section" in paragraph (1); and

(C) by inserting "to an agreement described in paragraph (1)" after "If the parties" in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

"(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

"(2) The parties to a dispute described in paragraph (1) may agree to use the Surface Transportation Board to arbitrate such dispute, and if requested the Surface Transportation Board shall perform such function.".

(b) PRIVATIZATION.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

"(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak's operations.".

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended—

(1) in subsection (e), by inserting "financial or" after "Comptroller General may conduct"; and

(2) by adding at the end the following new subsection:

"(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.".

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—(1) Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to each dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 180 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to any dispute described in subsection (a) which—

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 224 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 302. SERVICE DISCONTINUANCE.

(a) REPEAL.—(1) Section 24706(c) of title 49, United States Code, is repealed.

(2) Any provision of a contract, entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees, relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak is extinguished. This paragraph shall not apply to provisions defining the scope or classification of work performed by an Amtrak employee.

(3) Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

(4) Paragraphs (1) and (2) of this subsection shall take effect 254 days after the date of the enactment of this Act.

(b) INTERCITY PASSENGER SERVICE EMPLOYEES.—Section 1165(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1113(a)) is amended—

(1) by inserting "(1)" before "After January 1, 1983";

(2) by striking "Amtrak, Amtrak Commuter, and Conrail" and inserting in lieu thereof "Amtrak and Conrail";

(3) by striking "Such agreement shall ensure" and all that follows through "submitted to binding arbitration."; and

(4) by adding at the end the following new paragraph:

"(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90 days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.".

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

"§28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

"(A) punitive damages shall not exceed the greater of—

"(i) $250,000; or

"(ii) three times the amount of economic loss; and

"(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than $250,000.

"(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

"(3) For purposes of this subsection—

"(A) the term 'actual damages' means damages awarded to pay for economic loss;

"(B) the term 'claim' means a claim made, directly or indirectly—

"(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

"(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

"(C) the term 'economic loss' means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

"(D) the term 'noneconomic damages' means damages other than punitive damages or actual damages; and

"(E) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

"(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

"(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

"(d) DEFINITION.—For purposes of this section, the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.".

(b) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability.".

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 of title 49, United States Code, is amended to read as follows:

"§24304. Employee stock ownership plans

"In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.".

(2) The item relating to section 24304 of title 49, United States Code, in the table of sections of chapter 243 of such title is amended to read as follows:

"24304. Employee stock ownership plans.".

(b) REDEMPTION OF COMMON STOCK.—(1) Amtrak shall, within 2 months after the date of the enactment of this Act, redeem all common stock previously issued, for the fair market value of such stock.

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

(3) Amtrak shall redeem any such common stock held after the expiration of the 2-month period described in paragraph (1), using procedures set forth in section 24311(a) and (b).

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) NOTE AND MORTGAGE.—(1) Section 24907 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(2) The United States hereby relinquishes all rights held in connection with any note obtained or mortgage made under such section 24907, or in connection with the note, security agreement, and terms and conditions related thereto entered into with Amtrak dated October 5, 1983.

(e) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) of title 49, United States Code, is amended by inserting ", and shall not be subject to title 31" after "United States Government".

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

Section 24104(d) of title 49, United States Code, is amended to read as follows:

"(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.".

SEC. 503. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 of title 49, United States Code, is amended to read as follows:

"§24302. Board of Directors

"(a) EMERGENCY REFORM BOARD.—

"(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

"(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

"(B) In selecting individuals for nominations for appointments to the Emergency Reform Board, the President should consult with—

"(i) the Speaker of the House of Representatives concerning the appointment of two members;

"(ii) the minority leader of the House of Representatives concerning the appointment of one member;

"(iii) the majority leader of the Senate concerning the appointment of two members; and

"(iv) the minority leader of the Senate concerning the appointment of one member.

"(C) Appointments under subparagraph (A) shall be made from among individuals who—

"(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

"(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

"(b) Director General.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, the Chief Justice of the United States shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

"(c) Board of Directors.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved.

"(d) Authority to Recommend Plan.—The Emergency Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.".

(b) Effect on Authorizations.—If the Emergency Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before March 15, 1998, all provisions authorizing appropriations under the amendments made by section 701 of this Act for a fiscal year after fiscal year 1998 shall cease to be effective.

SEC. 504. REPORTS AND AUDITS.

Section 24315 of title 49, United States Code, as amended by section 208 of this Act, is further amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsections (b), (d), (e), (f), (g), and (h) as subsections (a), (b), (c), (d), (e), and (f), respectively; and

(3) in subsection (d), as so redesignated by paragraph (2) of this section, by striking "(d) or (e)" and inserting in lieu thereof "(b) or (c)".

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting "The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak." after "with comparable responsibility.".

SEC. 506. EXEMPTION FROM TAXES.

Section 24301(l)(1) of title 49, United States Code, is amended—

(1) by inserting ", and any passenger or other customer of Amtrak or such subsidiary," after "subsidiary of Amtrak";

(2) by striking "or fee imposed" and all that follows through "levied on it" and inserting in lieu thereof ", fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom"; and

(3) by amending the last sentence thereof to read as follows: "In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.".

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) Appointment.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the "Council") shall be appointed under this section.

(b) Duties.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

(c) Membership.—(1) The Council shall consist of 7 members appointed as follows:

(A) Two individuals to be appointed by the Speaker of the House of Representatives.

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

(E) One individual to be appointed by the President.

(2) Appointments under paragraph (1) shall be made from among individuals who—

(A) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation and corporate management; and

(B) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

(3) Within 40 days after the date of the enactment of this Act, a majority of the members of the Council shall elect a chairman from among such members.

(d) Travel Expenses.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) Administrative Support.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) Access to Information.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) Reports.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress an interim report on its findings and recommendations.

(2) Within 270 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress a final report on its findings and recommendations.

(h) Status.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.) or section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 602. PRINCIPAL PLACE OF BUSINESS.

Section 24301(b) of title 49, United States Code, is amended—

(1) by striking the first sentence;

(2) by striking "of the District of Columbia" and inserting in lieu thereof "of the State in which its principal place of business is located"; and

(3) by inserting "For purposes of this subsection, the term 'State' includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act." after "in a civil action.".

SEC. 603. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking "rail carrier under section 10102" and inserting in lieu thereof "railroad carrier under section 20102(2) and chapters 261 and 281"; and

(2) by amending subsection (c) to read as follows:

"(c) Application of Subtitle IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 604. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking "1996" and inserting in lieu thereof "2000".

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

Section 24313 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) Repeal.—Section 24903 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(b) Conforming Amendment.—Section 24902(a)(1)(A) of title 49, United States Code, is amended by striking "and 40 minutes".

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

Section 24902(f) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "Improvements under"; and

(2) by adding at the end the following new paragraph:

"(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls, Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak's own requirements for electrified passenger service are provided by public

or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.''.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak, and with respect only to the facilities it jointly uses with Amtrak, a commuter authority, shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998. For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (11);

(2) by redesignating paragraphs (4) through (8) as paragraphs (2) through (6), respectively;

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

''(7) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail;'';

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting '', including a unit of State or local government,'' after ''means a person''; and

(5) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

Section 4023 of the Conrail Privatization Act (45 U.S.C. 1323), and the item relating thereto in the table of contents of such Act, are repealed.

SEC. 615. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities and intermodal passenger facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 616. CONFORMING AMENDMENTS.

Part C of subtitle V of title 49, United States Code, is amended—

(1) in section 24307(b)(3), as so redesignated by section 610(b)(2) of this Act, by striking ''Interstate Commerce Commission'' and inserting in lieu thereof ''Surface Transportation Board'';

(2) in section 24308—

(A) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board'';

(3) in section 24311(c)—

(A) by striking ''Interstate Commerce Commission'' in paragraph (1) and inserting in lieu thereof ''Surface Transportation Board'';

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(C) by striking ''Commission's'' in paragraph (2) and inserting in lieu thereof ''Board's'';

(4) in section 24902(j)—

(A) by striking ''Interstate Commerce Commission'' each place it appears and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(5) in section 24904(b), as so redesignated by section 207(a)(2) of this Act—

(A) by striking ''Interstate Commerce Commission'' in paragraph (2) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''.

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

SEC. 618. RAILROAD LOAN GUARANTEES.

(a) DECLARATION OF POLICY.—Section 101(a)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

''(4) Continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States.''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.'' and inserting in lieu thereof ''shall not exceed the annual percentage rate which is equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

''(2) payment of the obligation is required by its terms to be made not less than 15 years but not more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;''.

(d) DETERMINATION OF REPAYABILITY.—Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

''(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL EXPENDITURES.—Section 24104(a) of title 49, United States Code, is amended to read as follows:

''(a) CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $230,000,000 for fiscal year 1995;
''(2) $230,000,000 for fiscal year 1996;
''(3) $224,000,000 for fiscal year 1997;
''(4) $501,000,000 for fiscal year 1998;
''(5) $516,000,000 for fiscal year 1999; and
''(6) $531,000,000 for fiscal year 2000,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title.''.

(b) OPERATING EXPENSES.—Section 24104(b) of title 49, United States Code, is amended to read as follows:

''(b) OPERATING EXPENSES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $542,000,000 for fiscal year 1995;
''(2) $405,000,000 for fiscal year 1996;
''(3) $365,000,000 for fiscal year 1997;
''(4) $387,000,000 for fiscal year 1998;
''(5) $292,000,000 for fiscal year 1999; and
''(6) $242,000,000 for fiscal year 2000,

for the benefit of Amtrak for operating expenses.''.

(c) ADDITIONAL AUTHORIZATIONS.—Section 24104(c) of title 49, United States Code, is amended to read as follows:

''(c) ADDITIONAL AUTHORIZATIONS.—In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(1) $200,000,000 for fiscal year 1995;
''(2) $115,000,000 for fiscal year 1996;
''(3) $255,000,000 for fiscal year 1997;
''(4) $250,000,000 for fiscal year 1998;
''(5) $250,000,000 for fiscal year 1999; and
''(6) $250,000,000 for fiscal year 2000,

for the benefit of Amtrak to make capital expenditures under chapter 249 of this title.''.

(d) REDUCTION OF AMOUNTS.—Section 24104 of title 49, United States Code, is further amended by adding at the end the following new subsection:

''(g) REDUCTION OF AMOUNTS.—For each fiscal year, the total amount authorized to be appropriated under subsections (a) and (c) combined shall be reduced by any amount made available to Amtrak pursuant to the Taxpayer Relief Act of 1997 for that fiscal year.''.

(e) CONFORMING AMENDMENTS.—Section 24909 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(f) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) $50,000,000 for fiscal year 1998;

(2) $50,000,000 for fiscal year 1999; and

(3) $50,000,000 for fiscal year 2000,

for guaranteeing obligations of Amtrak under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(g) CONDITIONS FOR GUARANTEE OF OBLIGATIONS.—Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall not require, as a condition for guarantee of an obligation under this section, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.".

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 105–334 and an amendment in the nature of a substitute by the gentleman from Minnesota [Mr. OBERSTAR]. That amendment may be offered only after the disposition of the amendments printed in the report, shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by an opponent and a proponent, and shall not be subject to an amendment.

The amendments printed in the report may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report. And shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

PREFERENTIAL MOTION OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 214, not voting 24, as follows:

[Roll No. 528]

AYES—195

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Fawell
Forbes
Gonzalez
Goodling
Houghton
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Scarborough
Schiff
Smith (OR)
Souder
Weldon (PA)

□ 1128

Mr. WALSH and Mr. OXLEY changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, I take this time for the purpose of advising the Members about the day's schedule.

Mr. Chairman, of course, as we all know, we are approaching the end of the legislative year. This is always a hectic time in our lives. There are always important matters that must be resolved before we finish.

We come to the point of time in the year's schedule when it becomes difficult, and, many times impossible, to postpone legislation, and while, during the course of the year and at all times I do my very best to in fact honor the commitment for Members with respect to their ability to get away from the week's work at the appointed time, I feel like it is only fair for all the Members to get an early warning, as early as I can realize it, when it might be that we may not be able to meet the departure time for the day.

Today we were, of course, promised, as is our usual custom on Fridays, a 2 o'clock departure time. But we do have two very important pieces of legislation that must be completed today, Amtrak and the Interior conference report. Already today we have had some votes that perhaps we might not have had to have that indicate to me that the 2 o'clock departure time is not likely to be something we can meet.

I would like to, of course, retain the completion of our work to some period of time as soon after 2 o'clock as possible, and I would encourage all our Members to be circumspect and respectful of one another in the use of our time so that we can complete these two important legislative pieces today and finish our work. But it is only fair that I encourage everybody to understand that under any circumstances, we simply do not have time in the legislative calendar into which we can postpone these two pieces of work, if we are then to complete the other work that is still before us.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. FAZIO of California. I think everyone here, Mr. Leader, would like to proceed on the agenda to complete this Congress, and certainly I think most of us would have hoped we could have taken up the Amtrak matter yesterday, as we had scheduled to.

But it seems to me the one key component to getting agreement from both sides of the aisle to proceed on all these important matters is an overridingly important issue that relates to the gentlewoman from Orange County, CA [Ms. SANCHEZ].

She will be having an anniversary, as we all will, of our election here before we leave this town the first Tuesday of November, and yet she has not been accorded the same ability to take and hold her seat that the rest of us have.

I think it is fair to say the people on this side of the aisle, who showed the power of their support for her last night, retain that interest, and implore the majority to bring that issue to close before we leave. If that assurance can be given, I think the process here can be eased greatly.

Mr. ARMEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks, and it is my understanding that the gentlewoman from California [Mrs. SANCHEZ] is in fact seated in the body, is voting, does have her committee assignments, and is working on the same basis as any other Member. The House did, of course, spend some time yesterday addressing this issue. It is an important issue, as the gentleman from California says, and it is in fact so important that it will be done fully, completely, professionally, objectively and fairly.

Finally, before I yield back my time, I should say that another very important component to the effect of successful completion of work is civility.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATOURETTE:

Page 2, strike lines 4 through 6, and insert in lieu thereof the following:

(a) AGREEMENT BY PARTIES.—Section 24312(b)(1) of title 49, United States Code, is amended by inserting ", unless the parties otherwise agree" after "in the bargaining unit".

(b) USE OF OTHER RAIL CARRIERS.—Section 24312 of title 49, United States Code, is further amended by adding at the end the following new subsection:

(c) USE OF OTHER RAIL CARRIERS.—(1) When Amtrak contracts * * *

Page 3, line 1, strike "(b) EFFECTIVE DATE.—Subsection (a)" and insert in lieu thereof "(c) EFFECTIVE DATE.—Subsection (b)".

Page 12, line 11, through page 15, line 16, amend section 301 to read as follows:

SEC. 301. RESOLUTION OF LABOR PROTECTION AND CONTRACTING OUT ISSUES.

Amtrak and a labor organization representing Amtrak employees may present proposals, to a Presidential Emergency Board appointed under section 10 of the Railway Labor Act (45 U.S.C. 160) with respect to a dispute to which Amtrak and the labor organization are parties, concerning all issues relating to—

(1) the provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(2) the limitations imposed under section 24312(b) of title 49, United States Code.

If no contract has been agreed to after the expiration of the 30-day period following the report of the Presidential Emergency Board, then, consistent with the Railway Labor Act, the employees may strike and Amtrak may lock out the employees or impose terms of employment containing changes with respect to issues described in paragraph (1) or (2), notwithstanding sections 24706(c) and 24312(b) of title 49, United States Code. This section shall not apply to any dispute concerning which a Presidential Emergency Board has reported before the date of the enactment of this Act. This section shall not apply to any issue that has been resolved by an agreement between Amtrak and a labor organization. This section shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

Page 15, line 18, through page 16, line 13, amend subsection (a) to read as follows:

(a) EMPLOYEE PROTECTIVE ARRANGEMENTS.—

(1) AMENDMENT.—Section 24706(c)(3) of title 49, United States Code, is amended by inserting ", unless the parties otherwise agree" after "of this title".

(2) APPLICATION OF OTHER LAW.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees if an agreement described in the amendment made by paragraph (1) of this subsection is in effect.

The CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Ohio [Mr. LATOURETTE] and a Member opposed each will control 10 minutes. Does the gentleman from Pennsylvania [Mr. SHUSTER] seek the time in opposition?

Mr. SHUSTER. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent that half of my 10 minutes in support of the amendment be given to the coauthor of the amendment, the gentleman from Ohio [Mr. TRAFICANT], and that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, initially I want to thank the cosponsor of this amendment, my fine colleague, the gentleman from Ohio, [Mr. TRAFICANT]. I also want to commend the chairman of our full committee, the gentleman from Pennsylvania [BUD SHUSTER], for not only his work on this bill, but also in the way that he has been willing to work with us, and even appear at the Committee on Rules and suggest that this amendment be made in order.

This bill is sound in many respects, as it serves to reform Amtrak and many important areas. There is no doubt that one reason that Amtrak continues to run deficits is due to the lack of reform. Where I must respectfully part company, however, with our chairman, is whether the C–2 labor protections for Amtrak are part of that problem.

I supported this bill in the last Congress and in committee this year out of respect for our chairman and the arguments that he made. But that support was based upon the argument that C–2 protections were adversely impacting the financial health of Amtrak.

Based upon information received during the committee hearing, I have doubts, serious doubts, about those claims. Amtrak's current net loss is in the neighborhood of $322 million. In 1995 and 1996 Amtrak paid out only $2 million in labor protection to approximately 2,000 employees. This works out to approximately $1,000 per employee.

The cost of labor protection and contracting out is open to debate, and in regard to C–2 labor protections, which we heard so much about during the course of the rule debated, Amtrak has been unable to produce a single individual who has ever received the C–2 labor protection.

In a July letter written by Tom Downs, the CEO of Amtrak, which I will include for the RECORD, he stated Amtrak does not experience a significant cost in C–2 expenses, so that the impact of the repeal of C–2 would not save us any significant funds except ultimately in the bankruptcy of Amtrak. I also state that I would prefer to be able to negotiate C-2 provisions with labor than to have Congressman date changes.

I mention the Downs letter simply to stress there is an honest difference of opinion regarding the issue of existing labor protection and the prohibition of contracting out. Given this fact, it is only fair that these issues be subject to collective bargaining. The amendment will provide for these issues to be bargained between Amtrak and its union organizations and ensure that neither party negotiates from a disadvantaged position.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must rise in opposition to this amendment. This amendment will destroy the labor reforms in the legislation, leaving in place the status quo that has helped bring us to the brink of bankruptcy with AMTRAK. Indeed, this amendment will destroy the labor reform in this legislation, which is, and I emphasize this, which is precisely, exactly, the same labor reform which passed this House in the last Congress by a vote of 406 to 4.

Indeed, the labor reform which passed this House overwhelmingly in the last Congress and which is in this legislation before us today was drafted by Congressman QUINN back in 1995 with Labor's full participation, and, indeed, is exactly word for word the same labor reforms that Labor supported in the last Congress.

So if we are going to save Amtrak, if we are going to unlock the $2.3 billion needed to help save Amtrak, it is necessary, it is vital, that we keep in place the labor reforms, which this House previously overwhelmingly agreed to.

For that reason, I must oppose the amendment of my friend.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, those concerned about the cost of labor protection need to understand what the gentleman from Ohio [Mr. LATOURETTE], has said. Two thousand people were laid off by Amtrak at an average cost of slightly over $1,000, far less than the plans of most major corporations.

In terms of undoing labor reforms, what you do with the LaTourette-Traficant amendment is you say there will be no more automatic labor protection clauses, no more automatic C-2. Instead, it becomes a subject of collective bargaining, and, indeed, if they do not reach agreement, Amtrak can unilaterally do away with those labor protection clauses.

All we are asking is you treat now these railroad workers with the same ability that you treat those in the private sector. Permit them to go to collective bargaining where labor protection comes in the mix with wages and working conditions and grievance procedures. So one can be bargained away for the other, but at least the workers have something to say about that. That is why it is so important to support the LaTourette-Traficant amendment.

Mr. SHUSTER. Mr. Chairman, I want to deal with this issue of how much it costs Amtrak to lay off workers and the argument that it hasn't really cost them anything.

It begs the question. In fact, it is a red herring. The very fact that 6 years of labor protection and pay must be paid is the reason why Amtrak could not adjust their labor force and layoff anybody, because it was too costly to do so. So it is true they have not spent much money in these layoffs. The reason is they could not afford to do it because of the 6-year guarantee.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin, [Mr. PETRI], the distinguished chairman of the Subcommittee on Surface Transportation.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in opposition to the LaTourette-Traficant amendment. The amendment would gut the labor reforms in the Amtrak bill, leaving Amtrak with the onerous labor provisions that it has been saddled with for the last 26 years.

Let me be clear about what current labor requirements entail. Amtrak must pay up to 6 years of full wages and benefits to any worker who is laid off due to a route elimination or frequency reduction to below three times per week. That is right, 6 years of severance pay.

Even worse, any worker who is asked to move his or her job location more than 30 miles is eligible for the 6 years of benefits. So workers do not even have to be laid off in order to claim the 6 years of pay.

In addition, there is currently a Federal law that prevents Amtrak from contracting out any work other than foods or beverage service if it will result in the layoff of a single employee in a bargaining unit. This prohibits Amtrak from gaining any of the savings that are possible through contracting out work.

Mr. Chairman, the bill before us contains a compromise reform proposal on these two issues that was worked out in the last Congress with the full participation and support of organized labor. It is a fair compromise that allows labor and management to negotiate through the collective bargaining process the issues of labor protection and contracting out. Amtrak could agree to any terms on these issues. Federal law would not predetermine the outcome in any way. It is important to note that at the end of the bargaining process, if there were no agreement, labor would have the right to strike just as it would under any other railroad labor collective bargaining agreement.

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Mr. Chairman, we do not require airlines to pay laid-off employees for 6 years. We do not prevent the airlines from contracting out work. Why should we do that for Amtrak?

I urge my colleagues to defeat the LaTourette amendment, pass the bill, and secure Amtrak's future.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, like the chairman of the full committee, I have great respect for the chairman of the Subcommittee on Surface Transportation, but I would again point out that Amtrak has yet to point out one single employee who has successfully accessed the horrible 6-year severance package they are talking about.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the full committee,

Mr. TRAFICANT. I thank the gentleman for yielding time to me, Mr. Chairman, and I yield to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the LaTourette amendment. We have seen a pattern of trying to undermine and trying to impose incremental changes in labor agreements on this floor. Parties signed agreements. They should change the agreements in collective bargaining. It is not up to the Congress of the United States to take away labor protections. When we have the head of management saying that if these protections are removed, they are going to have very little effect upon the total package, what more do we wish? Labor and management are on the same page. Why should we rip out that page?

If we do not have this amendment, we will eliminate wage protections for displaced passenger rail employees which have been in place since 1930. Many of these workers gave up their seniority on freight railroads to come over to Amtrak when it was created. They would lose severance benefits they deserve under this bill.

Mr. Chairman, I rise in strong support of this amendment.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, I rise in opposition to the LaTourette amendment.

Mr. Chairman, I regret having to oppose my good friends from Ohio. I know we share the strong belief that the men and women who work in the trenches every day are the backbone of each and every business. It is the working men and women who are responsible for the success or failure of a company, and they should be treated fairly and allowed to reap the benefits of their successes.

At the same time, I believe working men and women must share in the responsibilities of maintaining the profitability of the companies from which they derive their livelihood. Unfortunately, I believe the LaTourette amendment would gut some of the most important provisions in the Amtrak reform legislation which Amtrak must have to survive. These are the labor provisions.

As mandated by law today, Amtrak must pay any worker up to 6 years of full wages and benefits if that worker is laid off due to route elimination, or even a reduction in frequency of service below three times a week. Even more costly for Amtrak is the provision that in the case of realignment, an employee can be paid up to 6 years of full wages and benefits if he is asked to move his job location by more than 30 miles and does not wish to do so.

Some have argued that these provisions are not important since payments for labor protection have been relatively low. However, that argument ignores the fundamental need for this legislation. The legislation will allow Amtrak for the first time to act like a business and realign routes and services to be profitable. Today this cannot be done. Why? Because Congress has required Amtrak to provide certain routes and services, whether or not they are profitable. Therefore, labor has been protected from operational changes and costs have been minimal.

However, the GAO has estimated that the total labor protection obligation of Amtrak would cost between $2 and $5 billion, up to more than five times the total annual Federal funding for Amtrak. The taxpayers simply cannot afford this. The LaTourette amendment would leave the current law on labor protection in place. If negotiations set forth under legislation fail, the current labor provisions would remain. Therefore, there would be little or no incentive to negotiate in good faith and the status quo would be maintained.

In this legislation, Congress will determine the future of passenger rail service in this country. With roads and highways becoming increasingly jammed and with regulations on air quality becoming increasingly stringent, many States are having a reviewed and renewed interest in the use of rail.

We are at a point where we have three basic choices. We may choose, first, to raise the amount of subsidy; second, to give Amtrak the opportunity to survive with the reforms provided in this legislation; or third, we can decide that passenger rail service to any great extent is not necessary or desirable in this country.

I urge my colleagues to vote against the LaTourette amendment, and vote in support of passenger rail service in the United States.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member, and a man who was born to be chairman of this committee, like the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to come back to the fundamental issue here, what is driving this issue; what are the costs that are driving the Amtrak problem.

Last year, Amtrak had a $322 million deficit, in 1996. How much of that was caused by labor protection? About $1 million. We cannot lay all of Amtrak's problems at the feet of the working people who run the trains. Amtrak over 2 years laid off 2,000 people. It cost $2 million in labor protective costs. That does not break the back of Amtrak.

Does labor protection provisions, a requirement to pay severance costs to the laid-off workers, prevent Amtrak from shutting off rail service? No, it does not. Ask the people in Idaho, Utah, Alabama, Massachusetts, Florida. Amtrak canceled routes in all those States last year because they knew that the labor protection cost was so small, there were so few employees involved, that the effect would be negligible on savings, so they shut the routes down. We cannot lay the problems of Amtrak at the feet of working men and women.

Mr. Chairman, what does this amendment that Mr. LATOURETTE and Mr. TRAFICANT are offering do? It sets up a process by which the Railway Labor Act can function to resolve these problems. Amtrak and its labor workers can negotiate changes in labor protection and contracting out. If they fail to agree, they can go to a Presidential emergency board to ask it to make recommendations. If they still fail to agree, they can resort to usual self-help remedies. Amtrak management can lock out or impose contract terms. Labor can strike. That is all this does. We ought to support the LaTourette-Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the issue today is the collective bargaining process. By voting for Quinn, we treat Amtrak workers differently, and take away a fundamental right under American law that Congress has steadfastly supported, the right for workers with management to negotiate the salient points of the terms of their employment.

This is not about Amtrak today; this vote is about the collective bargaining process, the sanctity of that process, and the terms guaranteed within the rights to negotiate. If Members vote for the Quinn measure, they take away the right of Amtrak workers to negotiate.

The gentleman from Georgia [Mr. COLLINS] is exactly right. I do not have any more respect any greater for anybody else than for the gentleman from Georgia [Mr. COLLINS], but not once, I would say to the gentleman, has there been a severance pay by Amtrak. They negotiated it.

We cannot, Congress, save Amtrak by destroying and killing Amtrak workers. But by god, if Congress goes forward and sets the precedent today to throw out the window the gains of the collective bargaining process, Congress will have failed itself. Congress would have set a new law, a tragic law.

Let me say this, Republicans are mad, and rightfully so. Labor tried to screw them, but striking back at labor today is not what they are doing. What they are doing is turning back the clock on the rights of workers, duly assembled under our constitutional freedoms, to bargain in good faith, to negotiate and bargain in good faith.

God almighty, how can we be having this debate? There was a blue ribbon panel since the last vote, Mr. Chairman, and that blue ribbon panel says none of these labor provisions is costly or consequential to Amtrak. They do not care what we do. I say the people of America and the workers of America know what we do.

I do not think the Republicans are as unfriendly to working people as to take away a precedent of collective bargaining in this country. This is a sad day. I voted with them many times. The gentleman from New York [Mr. QUINN] has been a friend of labor. He should be very careful, because by treating Amtrak workers differently today, he negotiates a new labor type of system in America where collective bargaining and negotiation in good faith is not important to the Congress of the United States.

Shame, Congress. Shame, Congress. I ask Members to vote "no" on Quinn.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the enthusiasm of my good friend, the gentleman from Ohio [Mr. TRAFICANT]. But facts are stubborn things. The facts are that the legislation before us does not take away the collective bargaining rights of Amtrak employees. In fact, it puts in place the ability of the Amtrak employees and management to engage in collective bargaining. That is a fact. It is in the legislation. All the steamy rhetoric in Washington is not going to change that fact.

Beyond that, it is also significant to note that the 6-year labor protection was not something that was negotiated through collective bargaining. Ironically, the 6-year imposed labor protection was imposed by the Department of Labor, not through collective bargaining. I appreciate all the enthusiastic, steamy rhetoric about taking away collective bargaining and protecting collective bargaining, but facts are facts. The facts are just as I recited them.

Mr. QUINN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New York.

Mr. QUINN. Mr. Chairman, I just want to point out for the RECORD in the few minutes we have remaining, when we talk about collective bargaining, there is nobody in this House, I do not believe, who has fought for collective bargaining longer and harder than me. What is ironic to me is that this same bill, the identical bill of 2 years ago, which talked about collective bargaining and had the support of labor for collective bargaining, is back here again, identical as the first time.

I cannot understand for the life of me, Mr. Chairman, why we had the support and belief that it did not break contracts back then, but somehow it breaks contracts today, the exact same language. We will talk more about it in the amendment.

Mr. SHUSTER. Mr. Chairman, it is interesting that the very Members who are speaking so forcefully about the lack of collective bargaining in this voted in favor of this very legislation just in the last Congress.

Mr. Chairman, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise just briefly, not to rebut but to make a response.

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This bill, 254 days from the date that it is going into enactment, repeals all of the labor protection statutes that are available to Amtrak workers. It creates no incentive. There was an observation made that there is no incentive there for the workers to negotiate. It creates no incentive for the Amtrak workers to negotiate, because they are all gone.

After 16 years of deferrals, wage freezes, entry level wage decreases, the Amtrak worker who just as late as 1980 made a buck-seven, less than a BART worker in San Francisco, now makes $7.39 an hour less. That is not right.

Mr. Chairman, this is the right amendment, and just because of the confusion I want to stress one thing. We need people to vote "no" on Quinn so we have a vote on LaTourette-Traficant.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the LaTourette-Traficant amendment to H.R. 2247, the Amtrak Reauthorization Act of 1997. My colleagues, in today's highly competitive marketplace we need to preserve labor protections and collective bargaining rights of employees and to level the playing field between the employers and employees in negotiating wages, benefits and severance payments.

The LaTourette-Traficant amendment to H.R. 2247 will level the playing field in negotiations between Amtrak and it's employees. H.R. 2247, as drafted fails to do this, it removes labor protections from workers and eliminates statutory wage protection for Amtrak employees, while claiming that it simply subjects these issues to collective bargaining. This is not good for Amtrak workers and that is not good for America in trying to preserve a national railway system for this country.

The LaTourette-Traficant amendment requires Amtrak employees to enter into collective bargaining on two provisions which are currently nonnegotiable under current law. These two provisions prohibit Amtrak from taking Federal funds, firing an employee, and contracting out work and providing protection to Amtrak employees who lost their jobs when a route is eliminated.

The LaTourette amendment requires employees to engage in bargaining with Amtrak on these two issues, just as they must bargain with Amtrak on all collective bargaining issues.

The key issue with these amendments is that these two provisions remain in place while the bargaining continues. If Amtrak is not satisfied with the outcome of the bargaining, Amtrak may refuse to sign a contract with the employees, and the only recourse of the employees is to strike.

Amtrak has also publicly stated that all it wants is to bargain with its employees about these two issues. Privately, Amtrak President Tom Downs has said the LaTourette amendment is acceptable to him.

Proponents of the H.R. 2247 say that this amendment will hurt the financial security of Amtrak. This argument is ridiculous. The two provisions being currently debated have no bearing on Amtrak's financial future. The current bill as written eliminates labor protections and abrogates collective bargaining agreements negotiated between Amtrak and its employees, and repeals existing prohibitions on contracting out Amtrak's operation.

The contracting out provisions in the law bars Amtrak from firing a current employee and contracting out his or her job. But this provision does not really prohibit contracting out—in fact, Amtrak contracts out $10 million worth of work. The labor protections provide severance for workers who lose their jobs when a route is eliminated entirely. Since the layoff of 4,000 employees in the last 2 years, Amtrak has paid out thousands of dollars in protective benefits. Amtrak has said repeatedly that these provisions have nothing to do with its future economic security.

The LaTourette amendment is a fair, sensible compromise. I believe that this amendment reasonably protects the rights of Amtrak employees while satisfying the concerns of Amtrak. My colleagues, all the evidence highlights the continued need for labor protections and statutory wage protections between Amtrak and its employees and to secure Amtrak's future. I urge my colleagues to support the LaTourette amendment which will ensure a strong and secure future of Amtrak and its 20,000 workers.

Mr. KUCINICH. Mr. Chairman, I rise today to support the amendment by Mr. LATOURETTE and Mr. TRAFICANT, my colleagues from northern Ohio, and to honor the men and women who have built and operate the Amtrak railway system.

More than 100 years ago, it was the railroads that formed the basic infrastructure of our country—the infrastructure that enabled our economy to expand and prosper. Hundreds of thousands of dedicated workers—many of them immigrants working for low wages—gave their lives to build America's railroads. Today, railroads employees use their skills to keep the railroads safe—to move freight and passengers quickly and efficiently.

When Amtrak was founded in 1971, the Federal Government made a compact with its workers. We made a pact to treat Amtrak workers fairly, to protect the incomes of Amtrak workers who gave up jobs in higher-paying freight railroad companies. The Government promised to compensate Amtrak employees who are displaced because of the process of restructuring. This Amtrak Reform Act abandons those commitments. It eliminates essential worker protections and places arbitrary time limits on the collective bargaining process. It would lead to greater labor strife in the Amtrak system because workers would have their contract rights canceled. It would demoralize Amtrak workers, forcing them to sacrifice so the system can obtain the Federal financing that was set aside in the Balanced Budget Act. This is blatantly unfair to the people who keep Amtrak running. And it violates the public interest of our Nation.

The amendment by Mr. LATOURETTE and Mr. TRAFICANT is a fair and reasonable compromise. It balances the financial needs of Amtrak with the respect that we owe to Amtrak's dedicated employees. I commend my Ohio colleagues for proposing this measure and I urge my colleagues to support it.

Mr. PAYNE. Mr. Chairman, I rise today in opposition to the Amtrak Reform and Privatization Act because I believe it violates both worker and passenger rights and safety. The bill as it is currently written would violate the rights of Amtrak workers by eliminating wage protections and allowing the company to hire outside contractors. It has been proven that eliminating wage protection or contracting out will do little to improve the financial stability of the company. By eliminating this protection it will only prove to be helpful to Amtrak if the company is forced to lay off a large number of employees. This would be a cruel send off to many dedicated railway workers who have given the best years of their lives to help keep Amtrak going. The bill also threatens the safety of both employees and passengers from receiving the damages due to them and their families as a result of a rail accident. I represent an area of New Jersey that relies heavily on Amtrak service and Amtrak rails to provide needed public transportation to millions of people in one of the most congested areas of the country. Therefore, I cannot support this piece of legislation unless these negative provisions are taken out. I believe Representative

LATOURETTE and Representative TRAFICANT's amendment will allow employees of the rail company to have the proper and safe standards they currently rely on while still ensuring that this bill will reform Amtrak to become a stable and one day profitable company. I urge my colleagues to vote for this amendment and against the bill if the LaTourette-Traficant amendment or the Oberstar substitute is not agreed to.

Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 2 OFFERED BY MR. QUINN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LATOURETTE

Mr. QUINN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 2 offered by Mr. QUINN as a substitute for the amendment offered by Mr. LATOURETTE:

Page 15, after line 16, insert the following new paragraph:

(7) Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 270, the gentleman from New York [Mr. QUINN] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 10 minutes.

The Chair recognizes the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am glad I was here on the floor this past Wednesday to witness the open debate that we held on H.R. 2247, which of course was the "Amtrak Reform and Privatization Act of 1997," because if I had been in my office, Mr. Chairman, and watched the debate on our TV sets I would have thought that I was watching a videotape of our discussion 2 years ago in the full committee markup of this Amtrak bill.

Mr. Chairman, I heard people on the floor just a day or two ago arguing how this bill would break contracts. I heard people argue how thousands of jobs would be lost and how Amtrak would contract out all of its work and how the job loss would wreak havoc with the Railroad Retirement System.

Ironically, Mr. Chairman, those are exactly the same arguments that I used to gain support for amendments that we offered that day. Those were arguments that Members in the House used, both Democrats and Republicans, to get the compromise that we had then and the same compromise that we have this morning.

Has the House forgotten that we amended the bill that day? Have we forgotten that we won a major victory for the working men and women of the railroad that day?

Mr. Chairman, we came up with a fair compromise that would help Amtrak gain the necessary reforms it needed to survive.

I thought about that word "Congress," and thought about the word "compromise" a little bit at the same time. I went back to the office and I got the Webster's Dictionary and looked up "compromise." It said, "A settlement of differences by arbitration or by consent reached by mutual concessions." Consent reached by mutual concession. Is that not what we had on this legislation the last time, consent reached by mutual concession?

Mr. Chairman, the original committee bill that I objected to would have dropped Amtrak labor protections from 6 years to 6 months, no questions asked. It would have happened. The original committee bill would have allowed Amtrak to contract out almost all of its work, no questions asked.

We put together a compromise which we offered on behalf of everybody so that we would have mutual concessions from both sides. That is the definition of a compromise, Mr. Chairman. Unfortunately, I have to rise today with this substitute to the amendment of the gentleman from Ohio [Mr. LATOURETTE], my good friend and colleague. I would have hoped that we would have been able to keep the amendment separate; however, with the rule before us, that is not going to be possible.

While I respect and admire my good friend from Ohio, his amendment would strike from the bill the compromise language that we all worked on, with the support of labor, to protect the rights of working men and women at Amtrak.

I am a little disappointed, Mr. Chairman, with the level of some of that discussion here on the floor. We have been fighting for the survival of Amtrak for over 2 years now, and it makes everything sound that this amendment, this Quinn amendment, is all of the sudden antilabor. I respectfully disagree that I am offering an antilabor amendment today. It is a prolabor amendment that simply does this: It walls off the Amtrak employees so that we are not having any effect today on freight labor or transit labor workers in this act. Plain and simple. Otherwise, it is exactly the same.

Today's amendment would, in addition to walling off those provisions, say to our workers across the country and in our individual districts that we are going to keep Amtrak alive and well and working so that all the jobs can be retained. I am very concerned, Mr. Chairman, if we are not successful here this afternoon, where this funding for Amtrak will end up.

Mr. Chairman, we have a golden opportunity to do the right thing and to save our country's national rail passenger system today while preserving the dignity of its workers. The LaTourette amendment, by stripping out the Quinn compromise, will jeopardize that funding. The release of that money is contingent upon real Amtrak reform. What better reform is there than the compromise reform that we agreed upon in this House 406 to 4? Which Republicans, Democrats and organized labor all agreed to?

I suggest that we keep the necessary compromise reforms in this bill, strip out the unintentional effect that it could have had on freight and transit labor workers, and I ask my colleagues to support the Quinn substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, to first debunk a few myths, one is the myth of the vote of the last Congress. We had an election since then. Seventy-six new Members of Congress. We do not expect them to be retained to whatever was done by their predecessor in Congress.

Second, in the aftermath of that legislation to which senior members of rail labor signed on, there has been an election as well and those two labor leaders were defeated and replaced by new leadership who has charted a new direction for their members and said that it is not a good deal.

Third, the Quinn amendment is opposed by the AFL–CIO, the Transportation Trades Department, AFL–CIO, the United Transportation Union, the Brotherhood of Locomotive Engineers, the Transportation Communications Union, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, and the Transport Workers Union, and all other rail unions. That was set forth in a statement from the Transportation Trades Department this morning.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I want to say in response to the gentleman from New York [Mr. QUINN], my good friend, I am certainly not saying that his amendment is an anti-labor amendment. I think everybody on our side recognized the gentleman as a friend of labor. My problem with the Quinn amendment is this: It walls off freight labor, but it does nothing for the men and women who work for Amtrak.

The fact of the matter is if the Quinn amendment passes we will not have a vote on the LaTourette amendment. What that means is that all of the labor provisions that are in place 254 days after the enactment of the bill, that are in place for all the men and women who work so hard for Amtrak, will blow up. That clearly will put the management at Amtrak, which issued a memorandum to itself saying that they should be careful not to give themselves no more than a 15 percent increase, while the wages of the Amtrak employees have continued to decline.

The observation that I made in the Committee on Rules and that the gentleman from Minnesota [Mr. OBERSTAR] made on the floor the other day is exactly right. The Quinn amendment is a good amendment, but it is half a loaf. We need the whole loaf to protect the good men and women that work for Amtrak.

Mr. QUINN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of the Quinn amendment. I certainly would concur that new Members who were not here in the past Congress are totally free to vote however they choose. But I do believe that Members who were here and with whom we negotiated in good faith, I am quite surprised that they now would flip-flop even though we did work out a compromise.

In fact, the distinguished ranking member of the Subcommittee on Railroads said about virtually this same legislation the last time we had it before us that,

> I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some of the changes were made in the bill, a reasonable compromise was reached. The bill will enable Amtrak to downsize and control its costs while ensuring the fair treatment of Amtrak employees if there is a loss of jobs.

Mr. Chairman, that was their position then. The Secretary of Transportation at the time said,

> I am pleased that the labor provisions of the bill have been altered so the change will be achieved through labor-management dialog. The committee's proposed legislation is a positive contribution to the debate on how to ensure the long-term vitality of inner city transportation.

And Mr. Greg Lawler representing rail labor said at the time,

> We think this is a good compromise on Amtrak. We hope it goes forward. We like it.

This is the biggest flip-flop since Humpty Dumpty fell off the wall. This is not antilabor. This is pro-Amtrak. We are trying to save Amtrak. And at the time, talk about good faith negotiation, at the time we sat down with the Senate and tried to work out funding for Amtrak the agreement was that the $2.3 billion would be put in the reconciliation tax package for Amtrak subject to, contingent upon, real regulatory reforms, meaningful reforms taking place.

So, Mr. Chairman, if the Quinn amendment fails, then I do not believe there is going to be any bill. There is not going to be any bill because we will be in the position of not being able to fulfill our commitment that we made back at the time the $2.3 billion was made contingent upon real reform. If there is no real reform, there is not going to be any bill and there is not going to be any $2.3 billion for Amtrak, and I deeply regret that because I want to save Amtrak.

Mr. Chairman, it is crucial that we pass the Quinn amendment so we can then proceed to pass this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, in this discussion we need to talk about the important role passenger rail plays in the lives of our citizens and our economy. What this Amtrak authorization bill really is about is keeping the vital links open.

There are provisions in the authorizing bill that disregard labor agreements already agreed to by labor and management. If we are really serious about keeping Amtrak running, if we are really serious about supporting the working people of Amtrak and getting people to work, we must vote "no" on this Quinn amendment.

Mr. Chairman, when I served in the Florida House of Representatives we had a saying: "Loving a bill to death." That is what is happening here. We are talking about how we support Amtrak and we support Amtrak workers, but we are putting provisions in here that we know are a killer to the working people of Amtrak and the men and women of this country.

Mr. Chairman, in this discussion, we need to talk about the important role passenger railroads play in the lives of our citizens and to our economy.

What this Amtrak authorization bill really is about is keeping this vital link open. There are provisions in this authorization bill that disregard labor agreements already agreed to by labor and management.

This will kill the chance for a smooth labor negotiation and create a transportation nightmare.

The LaTourette-Traficant bill adds reason and fairness to this bill. It leaves the issues of wage and contracting to the labor and management negotiators.

This amendment must be part of the bill.

The negotiators must have the ability to work out the best deal.

If we are really serious about keeping Amtrak running and getting people to work, we must vote "yes" on this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, the distinguished gentleman from Pennsylvania [Mr. SHUSTER] recalled my words on the floor 2 years ago, so I want to rise to that challenge. The fact is, as the chairman points out, this bill passed 406 to 4, left the House 406 to 4.

But, Mr. Chairman, I would say to my colleagues, please note, walk 100 yards down the hall to the other body. It went nowhere. One of the reasons it went nowhere is because of the provisions in this bill as well as the provisions dealing with liability restrictions.

Do we want an Amtrak bill? Do we want the trains to continue running in the Northeast corridor? Do we want to see some legislation this year? Then we have to vote against the Quinn amendment and for the LaTourette amendment.

Also, because the predictions that were made 2 years ago so eloquently in the debate about what would happen if these provisions were not included in the bill have proven not to come forth. Indeed, the so-called labor protections have resulted in less than slightly more than $1,000 per severed employee, not a great sum to Amtrak.

So for those reasons, 406 to 4, yes, out of this House and the bill then went absolutely nowhere. Stalled on a siding.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Chairman, I rise to express strong opposition to the Quinn amendment. While the Amtrak reform and privatization bill makes some vital improvements to the Nation's passenger rail system, it also includes very dangerous provisions that will hurt Amtrak's employees and passengers.

It throws Amtrak employees into the same uncertainty that faces so many other American workers today. The bill ends race protections for displaced and downgraded Amtrak workers that have been in place since the 1980's. It does away with the law protecting Amtrak employees against being replaced by contract workers without the same guarantees of wages and benefits like health care.

In my district, this provision in the bill would allow Amtrak to replace 706 workers at the Amtrak maintenance shop in Beech Grove, IN, with contract workers in other States. Taking away people's jobs is not reform. Let us not balance Amtrak's books by depriving people like the Beech Grove shop workers of their jobs.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and to reject the Quinn amendment.

Mr. QUINN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA], a member of the full committee and a member of the Subcommittee on Railroads.

□ 1215

Mr. MICA. I thank the gentleman for yielding me the time.

Mr. Chairman, why can we not pass the same bill that this House passed last year by a vote of almost every Member of the House? I submit it is because special interests weighed in.

Here are the folks that supported the legislation last time that have now reversed their position. Special interests have weighed in.

I have a unique approach today. Let us not represent special interests. Let us represent the American taxpayer.

We heard it is not costing us anything. Let me put this in perspective. For every time someone got on an Amtrak passenger train last year, the taxpayer paid $25, $25. There were 20 million boardings. That is hundreds of millions of taxpayer dollars. So it does cost the taxpayer money. In fact, it has cost the taxpayer, since 1971, $19 billion to subsidize Amtrak.

Testimony to our committee said that we could transport people by chauffeured limousine along some of these routes at a lower cost. Why can we not make these changes? Because special interests say that if we eliminate a route, we must pay 6 years full wages and benefits.

We have tried Band-Aids. We have tried bailing wire. We have tried masking tape. I submit that the taxpayer demands that we make real reforms that fix Amtrak.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, thank God we are in the 105th Congress. That was a chart from the 104th Congress.

Specifically speaking, in subtitle 5 of title 49, section 24706, it is very clear what the language is that they are going to take out with the Quinn amendment. It says the following: Employee protective arrangements, Amtrak or a rail carrier shall provide fair and equitable arrangements to protect the interests of employees of Amtrak or a rail carrier, as the case may be, affected by the discontinuance of intercity rail passenger service.

We are talking about the preservation of rights, privileges and benefits of the employees to continuation of collective-bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of priority of employment, reemployment, et cetera, et cetera. All that we are talking about in the LaTourette amendment is to place the words at the end of that section saying, "unless the parties agree."

They cannot even accept that. This is antilabor. I will say it here on the floor.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if we take away the incentive to bargain in good faith, we kill collective-bargaining, period. Every word of the Quinn amendment is in LaTourette and Traficant. If Members vote for LaTourette-Traficant, they vote for Quinn. But what is not in Quinn are basic labor protections.

I am tired of hearing about 2 years ago. Workers were willing to hurt themselves to save Amtrak. But since then there has been a blue ribbon panel that said we do not have to kill the workers. That is not the big cost factor.

Let us allow our workers to negotiate with management. Let us not set a precedent today that does kill collective-bargaining. If we do not incentivize collective-bargaining and we provide a disincentive, we kill collective-bargaining.

That is the issue today. That is the issue today. If Members are supporting Quinn, everything that Quinn says is in LaTourette and Traficant. I want Members to know that. But when they vote for Quinn, they are killing the incentive to negotiate in good faith. Let there be no mistake. That is a sad day.

H.R. 2247, the Amtrak Reform and Privatization Act of 1997, makes some much needed changes to Amtrak that will allow it to streamline its operations and cut costs.

However, as drafted the bill makes changes in current law that are unnecessary and will have a negative impact on Amtrak's employees.

The LaTourette-Traficant amendment does exactly what the Quinn substitute does: it says that freight and transit workers will not be affected by any changes made in the bill.

But the amendment goes further than Quinn: It also says that statutory provisions on labor protection and contracting out will remain in place.

Under the Quinn amendment, Amtrak workers are treated differently than freight or transit workers. Under the Quinn amendment, freight and transit workers retain the protections afforded under the current law. Amtrak workers lose that protection under the Quinn amendment.

The LaTourette-Traficant amendment affords Amtrak management and labor the opportunity to collectively bargain over these issues. The amendment allows these provisions to be altered or eliminated through the collective bargaining process.

Let's tell it like it is. Amtrak seldom, if ever, pays labor protection severance when a route is terminated. When there are job cutbacks, senior employees have rights under collective bargaining agreements to bump more junior employees holding other jobs. These junior employees are eligible for very limited protection.

Over the past 5 years, Amtrak was able to lay off more than 2,000 employees out of a work force of 23,000. The labor protection costs amounted to about $500 per employee.

Let's take a look at contracting out. H.R. 2247, also repeals the statutory prohibition on Amtrak contracting out work if it results in any Amtrak employees losing their jobs.

The fact is, current law allows Amtrak to contract out work, and every year Amtrak contracts out tens of millions of dollars of work.

Yes, in the last Congress almost an identical bill passed with over 400 votes. I supported that bill.

But a lot has changed in 2 years. A blue ribbon panel was established to review Amtrak. The panel did not find that statutory labor protection and contracting out provisions are a major factor in hindering Amtrak's performance.

Since the last Congress, we have also had more time to examine the exact costs Amtrak has incurred because of statutory labor protection and contracting out provisions. Those costs are minimal.

Passing this amendment will not, in any way, compromise the major thrust of the bill, which is to make much needed reforms to Amtrak's operations.

The LaTourette-Traficant amendment ensures that any changes to the current relationship between management and labor are mode through the collective bargaining process—not through the dictates of Congress. That's the way it should be.

Vote "no" on the Quinn amendment and "yes" on the LaTourette-Traficant amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE], cosponsor with the gentleman from Ohio [Mr. TRAFICANT] of the underlying amendment.

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman for yielding me the time.

To amplify on what our good friend from Youngstown, OH, had to say, in 1981 Amtrak unions negotiated an agreement calling for a package of wage increases. Soon after the passage of that agreement, that contract, the unions were told by Amtrak and Members of Congress that Amtrak could not afford what the company just agreed to. The workers were told that they had to defer two-thirds of those increases.

It is now 1997, 16 years later, and that wage increase remains deferred. Amtrak workers have sacrificed for the good of Amtrak.

Again, to reiterate, the Quinn amendment, if we think of a train ride from New York City to Los Angeles, the train stops in Buffalo sadly. It does not get all the way to Los Angeles. In order to get all the way to Los Angeles, we need to reject the Quinn amendment and support LaTourette-Traficant.

The CHAIRMAN pro tempore [Mr. THORNBERRY]. The gentleman from Minnesota [Mr. OBERSTAR] has the right to close debate as he is defending the committee position on a substitute amendment.

Mr. QUINN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I would like to point out that my good friend, the gentleman from Ohio [Mr. TRAFICANT] pointed out what is needed in this bill and referred to the comments of the gentleman from Pennsylvania [Mr. SHUSTER].

If we do not enact these reforms, we are not going to have Amtrak. Maybe some Members in this House do not care about Amtrak. Maybe some Members say it does not affect them. But it does. It is an important component of our rail system that we need to pass the Quinn amendment to be able to keep this alive.

The gentleman from New York [Mr. QUINN] has worked tirelessly on these issues to help promote the common good, to try to draw Members together, to try to draw consensus. If we are to move forward with Amtrak, we need these reforms to be able to put in place the funding.

So if Members care about Amtrak, if they want to see Amtrak continue to operate, this is essential. That is the bottom line. We can talk all we want about everything else. There will not be any jobs. It will be bankrupt. It will be belly up. Those jobs will be gone. So we want these reforms enacted so we can protect it.

Mr. QUINN. Mr. Chairman, I yield myself the balance of my time. Just to close the last 30 seconds that we have, I think the point that the gentleman from New Jersey [Mr. LOBIONDO] and other speakers have made is critically important to all Members before they come over here to vote this afternoon.

We can talk about blue ribbon panels. We can talk about charges back and forth and who is for labor and who is against labor. But at the end of the day, in the next half hour, the important concept is whether or not Amtrak is able to survive.

I will submit that a vote against Quinn is a vote to contribute to the collapse of Amtrak. Support the Quinn substitute.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

I want to thank the distinguished gentleman from Ohio for his principled stand and the gentleman from Ohio [Mr. TRAFICANT] for his stand on this issue of fundamental importance to rail labor.

I have heard some very disturbing comments in the course of the debate yesterday or the day before in reference to labor bosses. Today reference to special interests. Since when are working men and women special interests? It is just a way of blurring their name, smudging their name. I resent it.

Who do you call captains of industry? Management. Fancy term. Why cannot labor be referred to in the same terms of respect?

Make no mistake about it, we support what the gentleman from New York [Mr. QUINN] is attempting to do. His concepts are incorporated into the LaTourette amendment, but we never get to the LaTourette amendment, the LaTourette-Traficant amendment, if we support Quinn. To get to the real reforms in Amtrak we need to defeat the pending amendment of the gentleman from New York in order to vote on what working men and women have said in their elections that they support as the right way to deal with labor conditions in America's passenger rail.

Let us make no mistake about it. The committee bill does this year, as it did in the last Congress, set up a process for wiping out contractual agreements freely entered into between labor and management. I would say, and in the last Congress I did support this bill because it was something I inherited, I kept the word of my predecessor.

I would not have negotiated this bill. But my father told me, what is sacred is what labor negotiates with management. You can never wipe it out. The Congress will wipe out the sacred trust between labor and management in the contract freely negotiated. Defeat the Quinn amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. QUINN] as a substitute for the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

The question was taken; and the Chairman pro tempore announced that the ayes have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any electronic vote, if ordered, on the LaTourette amendment without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 16, as follows:

[Roll No. 529]

AYES—195

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf

NOES—223

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher

Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gonzalez
Klug
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Schiff
Smith (OR)

□ 1247

The Clerk announced the following pair:

On this vote:

Mr. Smith of Oregon for, with Mr. Rangel against.

Ms. SLAUGHTER and Messrs. NEUMANN, TIAHRT, WELLER, and METCALF, and Ms. KELLY changed their vote from "aye" to "no."

Mr. WHITFIELD and Mr. TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to address the Committee for 1 minute.

The CHAIRMAN pro tempore (Mr. Thornberry). Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Chairman, reserving the right to object, is it the objective of the gentleman that the Committee rise at this point after his 1-minute?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, that is my objective, yes.

Mr. OBERSTAR. Mr. Chairman, further reserving the right to object, would not the regular order of business be, without this intervening 1-minute, to proceed immediately to the vote on the underlying amendment of the gentleman from Ohio (Mr. LaTourette)?

The CHAIRMAN pro tempore. It would be the next order of business to proceed on the vote on the LaTourette amendment, the substitute having failed.

Mr. OBERSTAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, when the Taxpayer Relief Act provided $2.3 billion for capital improvements to save Amtrak, it was contingent on enactment of meaningful labor reforms. Unfortunately by the changing, the switching votes here since that previous Congress, we find ourselves in the position where we have no meaningful reforms. Under these circumstances, we simply cannot proceed. I believe we have jeopardized the future of Amtrak's existence.

(Mr. OBERSTAR asked and was given permission to address the Committee for 1 minute.)

Mr. OBERSTAR. Mr. Chairman, I respect the statement the Chairman of our Committee has just made, but I just want to point out that the legislation providing for the $2.3 billion simply calls for a reform, no adjectives to it. The underlying LaTourette amendment is reform. We could proceed to vote on it. It would do the job and it would release the $2.3 billion. I want to make that very clear.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Combest) having assumed the chair, Mr. Thornberry, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO TUESDAY, OCTOBER 28, 1997

Mr. COX of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, October 28, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Michigan [Mr. Bonior].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 244, not voting 21, as follows:

[Roll No. 530]

AYES—168

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston

LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gekas
Gephardt
Gonzalez
Granger
Klug
McCarthy (NY)
McIntosh
Mollohan
Ney
Payne
Peterson (PA)
Rangel
Ryun
Schiff
Smith (OR)

☐ 1311

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on rollcall vote 530 on the motion to adjourn. I was detained in a conference with the House leadership. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I take this time so that I may ask the gentleman from Ohio [Mr. REGULA] a question about the schedule.

Mr. Speaker, there are a number of Members on this side of the aisle who are concerned about what the schedule is for the remainder of the day. Is it correct and can Members be assured that the only remaining business today is the disposition of this conference report, and that we will not be going on to any other legislative matters?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, yes, I have been advised by the leadership that the last vote of the day will be the vote on the Interior conference report, and I also want to assure the Members, because many of them have plane schedules, that we are going to meet the 2 o'clock deadline. We will cut the speeches short, at least on our side, because we have heard it all. So we want to make the deadline.

CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 277, I call up the conference report on the bill [H.R. 2107) making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 277, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 22, 1997, at page 22575.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. Yates) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

☐ 1315

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2107, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from Illinois [Mr. YATES], I have had a couple of requests for colloquies, and I would like to do those now so we can pace our time here.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I would like to engage the chairman in a colloquy.

As the chairman knows, the Fish and Wildlife Service proposed to divide its Pacific region into two regions beginning on October 1, 1997. A new region would be created located in Sacramento, CA. This transfer was intended to assist the large work load on the west coast that is putting a strain on the regional office in Portland, OR.

I understand that the committee is concerned about the outyear costs of the program and that the bill directs the Fish and Wildlife Service to consider alternatives to establishing an additional regional office in Sacramento. However, the language in this bill would not preclude establishing a regional office in Sacramento; is that correct?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, Mr. Speaker, that is correct, that such establishment requires committee approval. The committee will continue to work with the Department of the Interior to identify an acceptable solution to the problem.

Mr. FAZIO of California. Mr. Speaker, the commitment of the administration to include funding for the regional office in its 1999 fiscal year budget, as Interior Secretary Babbitt has indicated he is going to do in a recent letter to the chairman, will help address the committee's concern that the establishment of this office would be facilitated at the expense of other priorities of the Fish and Wildlife Service in the annual Interior appropriations bill.

Mr. REGULA. If the gentleman will continue to yield, Mr. Speaker, that is correct. The committee is also concerned that the budget submitted by the administration to the Congress for fiscal year 1999 appropriately addresses this problem in the context of servicewide priorities for the Fish and Wildlife Service.

Mr. FAZIO of California. I thank the chairman for his assurances.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS] for a colloquy with the chairman.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the conference report includes several provisions related to management of the national forests. I would like to engage the chairman in a brief discussion about a couple of those.

One of those provisions, from the Senate bill, relates to national forest lands in New Mexico and Arizona, where the Forest Service is under court order to adjust grazing levels. As I understand it, the language says that the Forest Service cannot make those adjustments until they have issued an adjustment schedule, or March 1 of next year, whichever comes first. Is that the gentleman's understanding?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, the gentleman is correct.

Mr. SKAGGS. So as I understand it, this will not prevent the Forest Service from making these adjustments as they were ordered to do, once the adjustment schedule has been issued, or March 1, at the latest?

Mr. REGULA. That is correct, Mr. Speaker.

Mr. SKAGGS. On another point, concerns have been expressed about section 332 of the conference report which deals with the process of revising national forest plans. This also originated in the other body, and I understand that as it was approved there, it would have directly affected several forests in Colorado as well as many forests in other States.

While the conference report does include a similar provision, the original language has been revised, and I would like to make sure I understand the effect of this part of the report. I understand the Forest Service has already given notice of its intention to revise the plans for some forests.

Am I right in understanding that in those cases, the revisions can proceed?

Mr. REGULA. If the gentleman will continue to yield, Mr. Speaker, yes, if the Forest Service has given notice prior to October 1 the revisions can proceed.

Mr. SKAGGS. Sometimes there are court orders calling for planned revisions. What about those cases, I would ask the chairman?

Mr. REGULA. Again, those revisions can go forward.

Mr. SKAGGS. I also understand that plan amendments, as opposed to general plan revisions, are not affected by this revision. I ask the gentleman, is that correct?

Mr. REGULA. Yes, that is correct.

Mr. SKAGGS. Finally, would the chairman agree that the Forest Service can and should go ahead with necessary environmental analysis and other work related to the planning process? Would the chairman agree with me that the Forest Service can and should go ahead with necessary environmental analysis and other work related to the planning process to avoid more delays and backlogs, once the process of plan revisions resumes?

Mr. REGULA. Yes.

Mr. SKAGGS. I thank the chairman very much for his discussion of these matters.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this. It is tough to do. There is much in this bill that is very popular and issues we have all worked very hard for. But nevertheless, in the context of acting on measures that are important, we should not be forced to accept spending and a spending policy path that is inappropriate. This bill goes beyond just the responsibility of the Committee on Appropriations and writes fundamental law dealing with many issues.

We won a court case in Alaska of $1.6 billion. In this bill, the authorization exists to send half of that back to the State of Alaska, maybe for good purposes, maybe for bad purposes. I do not know what the consequence of that is going to be.

The timber road credit, which put a limit of $25 million on this bill, takes the limit off, and in fact goes in the reverse in terms of that particular issue. There are many, many additions in this bill that do a lot of good, but it is not worth it. I think we could have done better. These provisions were not in the bill when it left the House. We should not be held up by the Senate and forced to accept these types of antienvironmental provisions.

Mr. Speaker, I rise in strong opposition to the fiscal year 1998 Interior appropriations conference report and urge my colleagues to vote no on this bill. If Congress passes this bill and the President signs it into law, the ramifications for protection and enjoyment of America's natural resources will be grave.

Appropriation measures don't require a rule, if in fact the committee stays within its responsibility, but this measure, not for technical, but for substantive political reasons, is misusing the rule and abusing the process of this House to make bad public policy and wasteful expenditure. I have heard a lot of reasons why I should vote for this bill. There's more money for the parks and national wildlife refuges. There are sensible Indian health provisions. There's importantly $98 million for the NEA when the House measure that passed, didn't even permit a vote upon this issue, but hid behind the lack of reauthorization. There's just enough in this bill to satisfy everybody, but not too much to make folks too angry—at least that's what the supporters of this flawed bill would have you believe.

The popular programs funded by this measure are being used to enact numerous provisions that will cause havoc with our public lands and parks and cost the American taxpayer billions of dollars. I feel compelled to note the flawed policy decisions that have been forced on us in this conference report. Most of these ridiculous proposals have never had a hearing in the House and Senate or been subjected to proper legislative procedures. In short, Mr. Speaker, these proposals were slipped into this bill without review, hearing, or debate. Perhaps after explanation, Members will understand why these measures were shielded from open debate and the light of day.

There is a provision in this law that basically guts the ban on logging exports from our national forests and State-owned lands in the West. This popular law will now be unenforced. It will instead depend on the voluntary compliance of exporters. Voluntary compliance? We wouldn't need a law banning exports if we thought there was going to be voluntary compliance. So we can effectively kiss this timber—that is apparently so important for maintaining our domestic supply of paper products—goodbye.

There is a provision that prevents the Forest Service from updating and revising its forest management plans. This is required by the National Forest Management Act. That sets a foolish precedent, and essentially forces the Forest Service to be unresponsive to the needs of the lands they manage and the people that manage them.

There is a provision in this bill that prevents the reintroduction of grizzly bears into the Bitteroot ecosystem of Idaho and Montana. This hinders proper application of the Endangered Species Act and is based not on sound science but on the fears of a vocal minority. It has absolutely no place in this conference report, a sop to the fears and the pseudo-science that dominates this Congress the past years more concerned with anecdote than facts.

This bill ignores provisions passed by the House earlier this year that placed limits on special subsidies for road construction by the timber industry to $25 million for such credits. I was a supporter of tighter limits than the House passed, but I thought we had begun to make some progress. I thought we may have sent a message to the timber industry that they were going to have start paying their own way if they wanted to despoil our Nation's forests. Apparently, I was wrong. The purchaser road credit program is now just as it always was: bloated, inefficient, and completely unnecessary, wasting tax dollars and despoiling our forests.

This conference report sets a new low mark in establishing a precedent of expending the Land and Water Conservation Fund into the Road Maintenance and Political Payback Slush Fund. This is indeed a sad day and consequence when we don't have the funds to fulfill the purposes of law, the preservation, and conservation of lands. Now we will see these scarce dollars expended. Specifically, this bill now provides a $10 million payoff to Humboldt County, CA and a $12 million road maintenance fund for a highway in Montana—paid for by the LWCF. The State of Montana also will receive a $10-million gift in the form of Federal mineral holdings which three tracts in the year 2000 may be valued at $500 million—also paid for by the LWCF or paid even more by the mineral assets of the American people. Apparently, these gifts serve to ease the blow of protecting the important Headwaters Forest and the proposed New World Mine site. In fact the preservation of such land is a benefit, not a negative to the two States and areas. That sets a horrible precedent, Mr. Speaker. Allowing LWCF money to be used for nonland acquisition purposes is not something that I have ever, can ever, or will ever support. On these grounds alone, the

President should veto this bill if Congress makes the mistake and passes it.

The measure directs $800 million into a fund—improper legislation on this appropriation measure—for capital improvements in our national parks and for research on Alaska fisheries—maybe positive purposes—but again no hearings and only in one State—$160 million in research. The source of the funds is the $1.6 billion awarded the U.S. Federal Government in court over submerged lands and a disagreement with the State of Alaska. So the consequence is the U.S. taxpayer won, but now we convey significant amounts which enure principally to the benefit of Alaska.

There are many more flaws in this bill—the moratoria on road rights of way in law isn't repaired—but I think the ones I have summarized here give the Members of this House an idea of why we should return this legislation to conference. I should note that I do not, Mr. Speaker, believe this conference report is beyond repair. As I have said, there are provisions in this bill that I support and are good policy. I applaud Mr. REGULA and Mr. YATES for making progress in these areas.

But until we fix the LWCF provisions in this bill, until we fix the logging export provisions in this bill, until we restore limits on special subsidy programs for the timber industry, I will oppose it. I urge my colleagues to do the same.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding me the time, Mr. Speaker.

Mr. Speaker, I want to thank the chairman and the ranking member for including language with regard to the Salton Sea, which is now beginning to move forward, and the step required here for a plan of remediation will be of extreme benefit and will lead to a much more definitive program being presented in future years for appropriations to really solve the problem. But the first step I think is adequately taken care of here. I thank the chairman for what he is doing.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the Interior appropriations conference report for fiscal year 1998. While it is not perfect, it represents a fair compromise on the many difficult environmental issues that the subcommittee had to wrestle with under this bill.

I am especially pleased, Mr. Speaker, that the conferees were able to reach agreement on the funding level for land acquisition in our national parks. The nearly $400 million that will be available for this purpose will greatly enhance the possibility that funding will be made available for the purchase of two important parcels in Salt River National Park and the Virgin Islands National Park, in my district.

I also want to thank the chairman and ranking member of the subcommittee, the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES], for their willingness to include in the bill two other provisions that are very important to the economic recovery of the Virgin Islands. This is a good compromise conference report, Mr. Speaker, and I urge my colleagues to vote in favor of it.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee, a very valued member, I might add, for a colloquy.

Mr. NETHERCUTT. Mr. Speaker, I am pleased to enter into this colloquy with the chairman.

On my own behalf, but also, obviously, of the Speaker of the House, who has worked very hard and diligently in favor of research for diabetes funding, I would just engage the chairman, and ask if the chairman would enter into this colloquy regarding the establishment of a coherent and unified policy and the expeditious distribution of Federal money as appropriated by the Balanced Budget Act of 1997 for special diabetes programs for Indians, subsection 4922.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I would be glad to discuss this important issue with a subcommittee member and cochairman of the House Diabetes Caucus. I understand that the gentleman has developed this colloquy in consultation with the Speaker of the House.

Mr. NETHERCUTT. I have indeed, Mr. Speaker, because of the Speaker's great leadership on this issue relative to diabetes.

Mr. Speaker, I would ask the chairman of the subcommittee, is it his understanding that in subsection 4922 of the Balanced Budget Act of 1997, that the 5-year $150 million special diabetes programs for Indians grant be distributed in a timely manner with a coherent, detailed policy formulated by those within the Indian Health Service who have direct programmatic oversight responsibility and expertise in diabetes care for Native Americans?

Mr. REGULA. Yes. We feel those professionals from the IHS diabetes program who deal on a daily basis with the clinical and public health implementation of issues related to diabetes should have full authority, and all necessary resources given to them by national IHS officials to make decisions and administer these grants, after timely consultation with tribal leaders, which shall be completed by November 30, 1997.

Mr. NETHERCUTT. Mr. Speaker, further, I ask the chairman, is it the committee's intent that the extensive epidemiologic data related to prevalence, complications, care process, and outcomes currently collected and coordinated on an earlier basis by the Indian Health Service diabetes program shall be used as the primary basis for the distribution of these funds?

Mr. REGULA. Mr. Speaker, the gentleman is correct.

Mr. NETHERCUTT. Furthermore, is it the intent of the committee that the IHS diabetes program fully consider that 25 percent of the grant should be used for primary diabetes prevention and 75 percent of the grant should be utilized for secondary and tertiary diabetes prevention?

Mr. REGULA. The gentleman is correct.

Mr. NETHERCUTT. I thank the gentleman very much for clarifying the committee's intent on how this money should be utilized. I urge strongly that this conference report be approved. I thank the chairman for his leadership, and that of the Speaker of the House, as well.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to address a question to the subcommittee chairman. How much money is included in this bill for the National Endowment for the Arts?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Ohio.

Mr. REGULA. $98 million.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to commend Chairman REGULA for the job he has done on this bill. It was a very difficult bill. In all the years I have been dealing with Interior bills in this Congress, I have never participated in one that had as many controversies as this had. I think it is a testimonial to the expertise, the effectiveness, and the popularity of Chairman REGULA that we have this bill and this conference report here today.

I find this bill acceptable, Mr. Speaker. I would have preferred if it had other environmental provisions in it than the ones it has, but we succeeded in toning down many of the environmental positions from their original writing.

The bill does give life to the National Endowment for the Arts and Humanities, and that is a very, very good thing. I shall vote for this bill, and I urge its passage.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska

[Mr. Young], chairman of the House authorizing committee.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill has been a torture to get to the floor, primarily because of two issues that came under my jurisdiction, the Headwaters Forest acquisition of $250 million, and the New World Mine acquisition of $65 million.

I agreed to this position of the Headwaters authorization in this bill because of the gentleman from California, Mr. Frank Riggs. The gentleman from California [Mr. Riggs] did an outstanding job conveying the fact that there has been a war in the Headwaters area for about 10 years, and it is time to solve this problem. So I considered this a very good point to solve the problem of the Headwaters, and remember, the President asked for this. We have given it to him, as we should.

The big reason I worked on the New World Mine is because of the gentleman from Montana, Mr. Rick Hill, who is a member of my committee. The gentleman from Montana [Mr. Hill] argued for months that Montana was going to lose 300 rural jobs and lose revenues because of the buyout the administration agreed to. I believe, very frankly, that the mine would have gone ahead.

But the gentleman from Montana has done an excellent job protecting Montana and providing jobs in his district. May I suggest, Mr. Speaker, we have heard some rumblings that the extremist fringes of the President's advisers may recommend vetoing this bill. If that occurs, I think we should send the President a clean bill, I mean strip everything out of it, send him down a bill with none of the so-called extras, including the money he wanted for the project I just spoke of.

So I will suggest, Mr. Speaker, that this conference report is a good conference report; tremendously hard to do, a tremendous effort put forth by the gentleman from Illinois [Mr. Yates] and the gentleman from Ohio [Mr. Regula]. I want to compliment them in their work, but especially these, the gentleman from California [Mr. Riggs] and the gentleman from Montana, Mr. Rick Hill.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. Dicks] for a colloquy with the chairman.

□ 1330

Mr. DICKS. Mr. Speaker, I understand that part of the bill provides authority for the acquisition of the Headwaters Forest in California. One of the key provisions related to the acquisition makes further land acquisitions that enlarge the Headwaters Forest by more than 5 acres at a time subject to specific authorization by Congress. I would ask the gentleman, is that correct?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, yes, the gentleman is correct.

Mr. DICKS. Mr. Speaker, reclaiming my time, would this provision affect land acquisitions by the Federal Government through donation, exchanges, or legal settlement or is it limited to land that is acquired through purchase with appropriated funds?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, the provision requiring an authorization is limited to acquisitions of the Federal Government that are purchased through appropriated funds. It would not restrict the acquisition of lands or interest in lands exceeding 5 acres that are received through donation, exchange, or settlements with the Federal Government.

For example, this provision would not restrict the Federal Government from enlarging ownership of the Headwaters Forest as a result of settlement involving the Federal Deposit Insurance Corporation or the Office of Thrift Supervision.

Mr. DICKS. Mr. Speaker, again reclaiming my time, I would like to have a colloquy with the gentleman from Ohio [Mr. Regula] on title VI of the log export provision contained in the Interior appropriations agreement.

Mr. Speaker, it is my understanding that there is nothing in the language of the log export provision which would allow the holder of a sourcing area to export private timber from within their sourcing area. Is that the gentleman's understanding as well?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, yes, that is my understanding of the language.

Mr. DICKS. Mr. Speaker, again reclaiming my time, would the chairman be willing to work with me and those who supported this provision to monitor implementation with the Forest Service to ensure that concerns such as this are addressed?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, I will be pleased to work with the gentleman from Washington to monitor the provision's implementation.

Mr. DICKS. Mr. Speaker, reclaiming my time, I would like to say that I strongly support the conference report and urge my colleagues to adopt it.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DeFazio].

Mr. DEFAZIO. Mr. Speaker, I believe there are a number of very significant provisions in this bill, riders added to this bill that have had no review by the House, added by the Senate, that are very much to the detriment of the environment. I spoke about them at length during the rule. Nothing has changed here before us. I would urge Members to vote against this bill.

Mr. Speaker, the gentleman from Washington [Mr. Dicks] is trying to clarify some very complicated provisions added into the bill by the Senate having to do with the export of logs. I still have the opinion of the IG from the Department of Agriculture who says, no, in fact this would allow the virtual explicit export of Federal logs. The gentleman says he is trying to fix that. I appreciate that.

Mr. Speaker, that points out the whole problem with doing legislation on appropriations bills. It is an extraordinarily complicated subject. It has not been reviewed by the committee of jurisdiction in either the House or the Senate. It has been added to this bill without any scrutiny.

The gentleman is now trying to say that it does not do what this attorney who works for the agency charged to enforce the law says it does do. I do not really know. Who knows?

So, Mr. Speaker, we should reject this bill. If we need changes in substitution, we should do it in the regular order, not in an appropriations bill.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Speaker, first of all, as I understand it, the memo that the gentleman from Oregon is reading from is a draft provision that has not been cleared by the Department. We will get this straightened out. I guarantee that what we have just said will cure the problem because there was not a problem in the first place.

Mr. REGULA. Mr. Speaker, I want to assure Members that are watching this that we are going to stay on schedule and we are going to be done with this before 2 p.m.

Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. Hill].

Mr. HILL. Mr. Speaker, there may be some malignment in the debate here with regard to a road, a road called the Bear Tooth Highway that someone suggested existed in Montana. I want to point out to my colleagues this is not a Montana road. It is actually within the borders of Wyoming, but it is a U.S. Government road and constructed for the purpose of creating access to Yellowstone Park. Only the Federal Government has jurisdiction and responsibility over this road.

Mr. Speaker, the President's initiative to purchase the New World Mine is going to eliminate 466 jobs in a small community called Cooke City, MT. This road simply provides tourists access to Cooke City, MT. With the withdrawal of these minerals and withdrawal of these roads, it is a community that is isolated and dependent on tourism for its economy in the future. I urge my colleagues to support the bill.

Mr. REGULA. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. Riggs].

Mr. RIGGS. Mr. Speaker, I promise my colleagues I will be brief. I hear the calls of "vote."

Mr. Speaker, this legislation has a tremendous impact on my district, as has been pointed out by certain of my colleagues earlier today. Last September, Pacific Lumber Co., which is the largest private employer in the largest county of my congressional district, agreed to sell the so-called Headwaters Forest, this last old growth stand of redwood trees, to the Federal Government and the State of California.

Mr. Speaker, I endorsed the agreement along with our Senator from California, Senator FEINSTEIN, who worked hard to bring all of the parties to this agreement together. A number of conditions that are set out in this bill must be met before the Headwaters agreement will be finalized.

The bill before us today helps the achievement of one of those conditions by authorizing and appropriating the Federal funds necessary to consummate the transaction, $250 million in Federal taxpayer funding through the Land and Water Conservation Fund.

Mr. Speaker, getting to this very point today, as the gentleman from Ohio [Mr. REGULA] will attest, was not easy. I thank the gentleman and his very capable staff, and I want to thank Chairman LIVINGSTON and Jim Dyer for their work on this, and especially the members of the authorizing committee, Chairman YOUNG, Chief of Staff Lloyd Jones, and somebody who deserves special note, Senior Counsel Duane Gibson, who worked so hard on this agreement.

Mr. Speaker, many in Congress had serious reservations about whether this acquisition which was contemplated by the bipartisan agreement to balance the budget should go forward. For my part, the Government already has a very strong presence in my congressional district along California's north coast. My district includes all or part of four national parks or forests, including the largest and most expensive national park, the most expensive to acquire national park in the continental United States, the Redwood National Park.

This bill provides certainty, though, that this acquisition will happen in the right way. The Federal Government gets access to the funds needed to uphold its part of the bargain. Pacific Lumber Company and the State of California gets certainty that the Headwaters agreement can go forward and will happen and Humboldt County gets an upfront payment plus continuing compensation in the form of a payment in lieu of taxes to mitigate the economic impacts of Headwaters. This is not to compensate for lost timber business, but to compensate for the loss of property tax revenues by transferring this land from private ownership to public ownership and removing it from the tax rolls.

Mr. Speaker, I want to thank all involved for helping this legislation become a reality and helping to resolve a long-simmering dispute in my congressional district.

Mr. Speaker, I rise in strong support of the conference report. I commend the chairman of the subcommittee, Mr. REGULA, for the attention he has given an issue of great importance to my constituents, going so far as to visit my district to learn the facts first-hand for himself. I also thank the chairman of the full committee, Mr. LIVINGSTON and his capable staff for their efforts to reach an agreement that takes into account often-conflicting interests.

In my view, the most significant element of this conference report is title 5, which both authorizes and funds a number of priority land acquisitions. Foremost among these is the acquisition of Headwaters Forest, in my congressional district. Headwaters Forest, the largest stand of old-growth redwoods remaining in private hands, is owned by Pacific Lumber Co., the largest private employer in Humboldt County, CA.

Last September, Pacific Lumber agreed to sell Headwaters Forest to the Federal Government and State of California. I endorsed this agreement, along with our State's senior Senator, Senator FEINSTEIN, who worked hard to bring the parties together.

A number of conditions must be met before the Headwaters agreement can be finalized. The bill before us today helps the achievement of one of those conditions by authorizing and appropriating the Federal funds necessary to consummate the transaction—$250 million. Getting to this point was not easy.

Many of us in Congress had strong reservations about whether this acquisition should go forward. For my part, the Federal Government already has a strong presence along California's north coast. My district includes all or part of four national parks and forests, including the largest and most expensive to acquire national park in the continental United States, Redwood National Park.

This presence has had a heavy impact on the area, and not wholly in a positive way. It has impacted us in the form of greater regulation, lost tax revenues, closed mills, and lost living wage jobs that have not been replaced despite government promises.

On the part of many of my colleagues, there was a feeling that the Federal Government has already acquired too much land. At a minimum, they wanted to assure that the large expenditure for Headwaters was justified, and that the executive branch was not rushing forward without a plan for management of the property to be acquired.

For these reasons, I consistently emphasized to all of the parties the need to involve Congress in the acquisition. Not only would this further legitimize such a large expenditure of public funds, but it would also permit Congress to correct some items the administration had failed to address.

This would also give us an opportunity to address the economic impact of the acquisition on the people of Humboldt County.

Nonetheless, the administration wanted to give the Congress no say in the Headwaters transaction. They said that Congress should just provide the money from the Land and Water Conservation Fund. Yet they could not answer such basic questions as which agency would manage the property, what arrangements would be made for public access, or how they knew the Government was getting fair value it money. Interior Secretary Babbitt even went to so far to say in a July 18, 1997, press release that he did "not believe that requirements for additional authorization are necessary or helpful."

This could not stand. And it did not stand, Mr. Speaker, thanks to your personal intervention and the insistence of the authorizing committees. Mr. Speaker, you assured that action would not be taken in this bill affecting the people I represent without my involvement on their behalf.

Months ago, you promised me that you would look out for the interests of my constituents. You kept that promise by giving me a direct role in negotiating the Headwaters legislation, and by personally interceding when it appeared that negotiations were not on track. For your leadership, I thank you.

I also thank the chairman of the House Resources Committee, the gentleman from Alaska, Mr. DON YOUNG. He brought to the table his extensive knowledge and experience. Because he also represents an area of our country whose economy is heavily resource based, he understands how the Headwaters acquisition impacts Humboldt County.

Perhaps his greatest contribution, however, was allowing members of his senior committee staff to devote a substantial amount of time to the negotiations, including Chief of Staff Lloyd Jones and Counsel Duane Gibson.

Duane merits special recognition. Not only did he travel twice of Humboldt County in recent months, but he was lead negotiator for the committee. On both the Headwaters and Crown Butte, MT, transactions, he fashioned a legislative solution that serves well the interests of all of the parties.

I would be remiss if I did not also thank all of the executive branch personnel who participated in these difficult negotiations. I want to particularly acknowledge T.J. Glauthier of the Office of Management and Budget, who demonstrated both firmness and compromise when appropriate, and who continually was able to disagree without being disagreeable.

I believe, Mr. Speaker, that our persistence has led to a win-win result. This is a balanced package that protects living wage jobs, respects the rights of private property owners, and preserves key environmental assets.

The bill provides certainty that this acquisition can happen the right way. The Federal Government gets access to the funds needed to uphold its part of the bargain; Pacific Lumber Co. and the State of California get certainty that the Headwaters agreement can go forward; Congress gets a role in how $250 million in taxpayer funds are spent; and Humboldt County gets an up-front payment, plus continuing compensation, to mitigate its law enforcement expenses and other economic impacts of the Headwater agreement.

I will not detail all of the provisions of the Headwaters legislation, but I do want to highlight a few.

Securing financial guarantees for Humboldt County was my highest priority in these negotiations. Going forward without an aid package was not an option; economic mitigation had to be on the table or there would be no settlement.

The $10 million to Humboldt County included in this bill is unprecedented. Together with annual payments in lieu of taxes from the Federal Government and increased revenue from timber harvesting on Pacific Lumber lands, the county should be made more than whole.

Another important provision is the limitation on growth of Headwaters Forest. Except for parcels of 5 acres or less, no Federal money can be used to purchase additional land to expand Headwater Forest without express congressional authorization.

I am an ardent believer in private property rights. That is why I fought hard to assure that upon completion of the multispecies habitat conservation plan [HCP] covering Pacific Lumber Co. property, the lands of abutting smaller property owners will be removed from the critical habitat designation for the marbled murrelet.

Of course, Pacific Lumber Co. and Headwaters do not exist in a vacuum in Humboldt County. That is why I was able to get included in this legislation two other notable provisions. In view of the unique circumstances faced by others engaged in harvesting timber, this bill establishes that the Pacific Lumber HCP is not to be considered precedent.

To help both Federal and State officials in California, a provision is included that allows greater flexibility in cooperative management of government lands. This effectively enacts H.R. 262, which I had earlier introduced at the urging of Redwood National Park, but which will be beneficial to many of our National and State parks.

Mr. Speaker, last week my congressional office in Eureka was vandalized by individuals who are not satisfied that we are only protecting 7,500 acres of timber. But I do not believe that this action of a few extremists who favor a 60,000-acre preserve reflects the views of most people. A calm appraisal of this legislation will reveal its balance.

This is a Headwaters solution that all fair-minded people can support. I urge my colleagues to vote in favor of the conference report.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in opposition to this bill. Earlier this year a majority of the Members of this body, in a recorded vote, voted to eliminate funding for the National Endowment for the Arts. We knew what the vote was on. A majority of us said, "No more money. You have misused what you had, and it simply does not make sense to tell our 13,000 soldiers, sailors, airmen, and marines who are on food stamps that we do not have enough money for them to get them off of food stamps, but we have money for the National Endowment for the Arts; to tell those military retirees who are not getting the health care that they were promised that we do not have enough money for them, but we have $100 million for the National Endowment for the Arts."

We spoke on this subject. I want to remind my colleagues that it has made its way back into this bill and if they were serious about the vote earlier in the year, then vote against this bill today.

Mr. YATES. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I should tell the gentleman from Mississippi [Mr. TAYLOR] that the House of Representatives lost the vote by one vote when the opportunity was being presented to offer an amendment on the National Endowment for the Arts in changing a rule.

Second, Mr. Speaker, on my motion to instruct the House conferees when they went to conference to accept the provisions of the Senate bill which provided funding for the National Endowment for the Arts and for the Humanities, the House voted without an objection to do that.

So the gentleman's statement that the attitude of the House is opposed to the National Endowment is entirely incorrect.

Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I have been around here a long time and I have often seen a lot of peculiar things happen. Many of us have seen on many occasions individual Members of this House drag their feet or oppose a project or do very little to promote the project until that project is going to pass, and then all of the sudden there are an awful lot of instant fathers for the project.

Mr. Speaker, I would simply like to say that for the sake of historical accuracy, the RECORD ought to show that with respect to the creation of the Headwaters project in this bill today that without question the driving force in the Congress behind that project was, first of all, the distinguished gentleman from California [Mr. MILLER], the ranking Democrat on the Committee on Resources, and Senator FEINSTEIN, who worked extremely hard to get that project developed.

With respect to the comments of the gentleman from Mississippi, I would simply say if this Congress simply stopped funding idiotic projects like the B-2 bomber or the F-22, we would not only have enough money to put every soldier off food stamps, we would have enough money to put them all in alligator boots.

Mr. REGULA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to commend my staff and especially Barbara Wainman. Barbara has been with me 17 years working with Interior matters, and she will be leaving us. This is her last time on this, and we very much appreciate what she has done.

This truly is a "Take Pride in America" bill, as I mentioned this morning. It does a lot of very positive things for the environment, for the culture of this Nation, for the enjoyment of our parks and our forests, and just a lot of positive things.

Mr. Speaker, three points: It is $400 million less than last year, if we take out the 700 special amount, so we are managing very carefully yet we are getting a lot accomplished. Second, my colleagues heard the colloquies on the forest issue, and I think it is clear that there is latitude in the forest planning that will meet the needs.

Third, on the arts issue, we have constrained the NEA as much as possible in light of the Senate action, and I think all in all the Members should support this bill. It is something I believe we can point to with pride. When Members come over to vote, if they are interested, we have all the sheets about what is contained in the bill.

I want to take this opportunity to clarify that the funding provided to the U.S. Fish and Wildlife Service for habitat conservation planning for the Prebles Meadow Jumping Mouse applies to four counties in Colorado. These mice range over four counties in Colorado and two counties in Wyoming. However, they are on private land in Colorado and on Federal land in Wyoming. The Habitat Conservation Plan only applies to the private lands in Colorado.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	575,664,000	587,495,000	581,591,000	578,851,000	583,270,000	+7,606,000
Wildland fire management	352,042,000	280,103,000	280,103,000	282,728,000	280,103,000	-71,939,000
Central hazardous materials fund	12,000,000	14,900,000	12,000,000	14,900,000	12,000,000	
Construction	4,333,000	3,154,000	3,254,000	3,154,000	3,254,000	-1,079,000
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000	124,000,000	120,000,000	+6,500,000
Land acquisition	10,410,000	9,900,000	12,000,000	8,600,000	11,200,000	+790,000
Oregon and California grant lands	103,015,000	101,406,000	101,406,000	101,406,000	101,406,000	-1,609,000
Range improvements (indefinite)	9,113,000	7,510,000	9,113,000	9,113,000	9,113,000	
Service charges, deposits, & forfeitures (indefinite)	7,966,000	7,966,000	7,966,000	7,966,000	7,966,000	
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	
Total, Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	1,138,323,000	1,135,917,000	-59,731,000
United States Fish and Wildlife Service						
Resource management	526,047,000	561,614,000	591,042,000	585,064,000	594,842,000	+68,795,000
Construction	59,256,000	35,921,000	40,256,000	42,053,000	45,006,000	-14,250,000
Natural resource damage assessment fund	4,000,000	4,628,000	4,128,000	4,328,000	4,228,000	+228,000
Land acquisition	44,479,000	44,560,000	53,000,000	57,292,000	62,632,000	+18,153,000
Cooperative endangered species conservation fund	14,085,000	14,000,000	14,000,000	14,000,000	14,000,000	-85,000
National wildlife refuge fund	10,779,000	10,000,000	10,000,000	10,779,000	10,779,000	
Rewards and operations	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
North American wetlands conservation fund	9,750,000	15,000,000	10,500,000	13,000,000	11,700,000	+1,950,000
Rhinoceros and tiger conservation fund	400,000	400,000	400,000	400,000	400,000	
Wildlife conservation and appreciation fund	800,000	800,000	800,000	800,000	800,000	
Total, United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	728,716,000	745,387,000	+74,791,000
National Park Service						
Operation of the national park system	1,154,611,000	1,220,325,000	1,232,325,000	1,250,429,000	1,233,664,000	+79,053,000
National recreation and preservation	37,976,000	42,063,000	43,934,000	45,284,000	44,259,000	+6,283,000
Historic preservation fund	36,612,000	45,612,000	40,412,000	39,812,000	40,812,000	+4,200,000
Construction	182,744,000	150,000,000	148,391,000	173,444,000	214,901,000	+32,157,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	
Land acquisition and state assistance	53,915,000	70,900,000	129,000,000	126,690,000	143,290,000	+89,375,000
Everglades restoration fund		100,000,000				
Total, National Park Service (net)	1,435,858,000	1,598,900,000	1,564,062,000	1,605,659,000	1,646,926,000	+211,068,000
United States Geological Survey						
Surveys, investigations, and research	740,051,000	745,388,000	755,795,000	758,160,000	759,160,000	+19,109,000
Minerals Management Service						
Royalty and offshore minerals management	156,955,000	157,922,000	139,621,000	135,722,000	137,521,000	-19,434,000
Oil spill research	6,440,000	6,118,000	6,118,000	6,118,000	6,118,000	-322,000
Total, Minerals Management Service	163,395,000	164,040,000	145,739,000	141,840,000	143,639,000	-19,756,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	94,172,000	93,209,000	94,937,000	96,937,000	94,937,000	+765,000
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000	500,000	500,000	
Subtotal	94,672,000	93,709,000	95,437,000	97,437,000	95,437,000	+765,000
Abandoned mine reclamation fund (definite, trust fund)	177,085,000	177,348,000	179,624,000	177,624,000	177,624,000	+539,000
Total, Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	275,061,000	273,061,000	+1,304,000
Bureau of Indian Affairs						
Operation of Indian programs	1,443,502,000	1,542,305,000	1,526,815,000	1,529,024,000	1,528,588,000	+85,086,000
Construction	100,531,000	125,118,000	110,751,000	125,051,000	125,051,000	+24,520,000
Indian land and water claim settlements and miscellaneous payments to Indians	69,241,000	59,352,000	41,352,000	43,352,000	43,352,000	-25,889,000
Indian guaranteed loan program account	5,000,000	5,004,000	5,000,000	5,000,000	5,000,000	
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	
Total, Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	1,702,427,000	1,701,991,000	+83,717,000
Departmental Offices						
Insular Affairs:						
Assistance to Territories	37,468,000	39,494,000	40,494,000	39,494,000	39,794,000	+2,326,000
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal, Assistance to Territories	65,188,000	67,214,000	68,214,000	67,214,000	67,514,000	+2,326,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Compact of Free Association	10,038,000	8,445,000	8,445,000	8,545,000	8,545,000	-1,493,000
Mandatory payments	13,500,000	12,000,000	12,000,000	12,000,000	12,000,000	-1,500,000
Subtotal, Compact of Free Association	23,538,000	20,445,000	20,445,000	20,545,000	20,545,000	-2,993,000
Total, Insular Affairs	88,726,000	87,659,000	88,659,000	87,759,000	88,059,000	-667,000
Departmental management	58,286,000	58,286,000	58,286,000	58,286,000	58,286,000	....
Office of the Solicitor	35,443,000	35,443,000	35,443,000	35,443,000	35,443,000	....
Office of Inspector General	24,439,000	24,500,000	24,439,000	24,500,000	24,500,000	+61,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	....
Office of Special Trustee for American Indians	32,126,000	39,337,000	32,126,000	35,689,000	33,907,000	+1,781,000
Total, Departmental Offices	240,020,000	246,225,000	239,953,000	242,677,000	241,195,000	+1,175,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,335,599,000	6,566,851,000	6,518,192,000	6,592,863,000	6,647,276,000	+311,677,000
Appropriations	(6,365,599,000)	(6,596,851,000)	(6,548,192,000)	(6,622,863,000)	(6,677,276,000)	(+311,677,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	....
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	....
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	179,786,000	179,781,000	187,644,000	188,644,000	187,944,000	+8,158,000
State and private forestry	155,461,000	156,408,000	157,922,000	162,668,000	161,237,000	+5,776,000
National forest system	1,278,176,000	1,325,672,000	1,364,480,000	1,337,045,000	1,348,377,000	+70,201,000
Wildland fire management	1,080,016,000	514,311,000	591,715,000	582,715,000	584,707,000	-495,309,000
Reconstruction and construction	180,184,000	146,084,000	154,522,000	155,669,000	166,045,000	-14,139,000
Land acquisition	40,575,000	41,057,000	45,000,000	49,176,000	52,976,000	+12,401,000
Acquisition of lands for national forests special acts	1,069,000	1,069,000	1,069,000	1,069,000	1,069,000	....
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	....
Range betterment fund (indefinite)	3,995,000	3,811,000	3,811,000	3,811,000	3,811,000	-184,000
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000	92,000	92,000	....
Midewin national tallgrass prairie restoration fund	....	100,000	100,000	100,000	100,000	+100,000
Cooperative work, Forest Service	....	....	128,000,000	....	....	....
Total, Forest Service	2,919,564,000	2,368,595,000	2,634,565,000	2,481,199,000	2,506,568,000	-412,996,000
DEPARTMENT OF ENERGY						
Clean coal technology:						
Rescission	-140,000,000	-153,000,000	-101,000,000	-101,000,000	-101,000,000	+39,000,000
Deferral	....	-133,000,000	....	....	....	....
Subtotal	-140,000,000	-286,000,000	-101,000,000	-101,000,000	-101,000,000	+39,000,000
Fossil energy research and development	364,704,000	346,408,000	313,153,000	363,969,000	362,403,000	-2,301,000
Alternative fuels production (indefinite)	-4,000,000	-1,500,000	-1,500,000	-1,500,000	-1,500,000	+2,500,000
Naval petroleum and oil shale reserves	143,786,000	117,000,000	115,000,000	107,000,000	107,000,000	-36,786,000
Energy conservation	569,762,000	707,700,000	644,766,000	629,357,000	611,723,000	+41,961,000
Economic regulation	2,725,000	2,725,000	2,725,000	2,725,000	2,725,000	....
Strategic petroleum reserve	-11,000,000	209,000,000	....	....	....	+11,000,000
(By transfer)	(220,000,000)	....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
Energy Information Administration	66,120,000	62,800,000	66,800,000	62,800,000	66,800,000	+680,000
Total, Department of Energy:						
New budget (obligational) authority (net)	992,097,000	1,156,133,000	1,039,944,000	1,063,351,000	1,048,151,000	+56,054,000
Appropriations	(1,132,097,000)	(1,444,133,000)	(1,140,944,000)	(1,164,351,000)	(1,149,151,000)	(+17,054,000)
Rescission	(-140,000,000)	(-153,000,000)	(-101,000,000)	(-101,000,000)	(-101,000,000)	(+39,000,000)
Deferral	....	(-133,000,000)	....	....	....	....
(By transfer)	(220,000,000)	....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,806,269,000	1,835,465,000	1,829,008,000	1,958,235,000	1,841,074,000	+34,805,000
Indian health facilities	247,731,000	286,535,000	257,310,000	168,501,000	257,538,000	+9,807,000
Total, Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	2,126,736,000	2,098,612,000	+44,612,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	61,000,000	....	....	....	....	-61,000,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	19,345,000	19,345,000	18,345,000	15,000,000	15,000,000	-4,345,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,500,000	5,500,000	3,000,000	5,500,000	4,250,000	-1,250,000
Smithsonian Institution						
Salaries and expenses	318,492,000	334,557,000	334,557,000	333,708,000	333,408,000	+14,916,000
Construction and improvements, National Zoological Park	3,850,000	3,850,000	3,850,000	3,850,000	3,850,000	
Repair and restoration of buildings	39,000,000	32,000,000	50,000,000	32,000,000	32,000,000	-7,000,000
Construction	10,000,000	58,000,000		33,000,000	33,000,000	+23,000,000
Total, Smithsonian Institution	371,342,000	428,407,000	388,407,000	402,558,000	402,258,000	+30,916,000
National Gallery of Art						
Salaries and expenses	54,281,000	53,899,000	55,837,000	55,837,000	55,837,000	+1,556,000
Repair, restoration and renovation of buildings	5,942,000	5,942,000	6,442,000	5,942,000	6,192,000	+250,000
Total, National Gallery of Art	60,223,000	59,841,000	62,279,000	61,779,000	62,029,000	+1,806,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	12,475,000	11,375,000	11,375,000	11,375,000	11,375,000	-1,100,000
Construction	12,400,000	9,000,000	9,000,000	9,000,000	9,000,000	-3,400,000
Total, John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	20,375,000	20,375,000	-4,500,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840,000	5,840,000	1,000,000	5,840,000	5,840,000	
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	82,734,000	119,240,000		83,300,000	81,240,000	-1,494,000
Matching grants	16,760,000	16,760,000		16,760,000	16,760,000	
Total, National Endowment for the Arts	99,494,000	136,000,000		100,060,000	98,000,000	-1,494,000
National Endowment for the Humanities						
Grants and administration	96,100,000	118,250,000	96,100,000	96,800,000	96,800,000	+700,000
Matching grants	13,900,000	17,750,000	13,900,000	13,900,000	13,900,000	
Total, National Endowment for the Humanities	110,000,000	136,000,000	110,000,000	110,700,000	110,700,000	+700,000
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	22,000,000	26,000,000	23,390,000	22,290,000	23,280,000	+1,280,000
Total, National Foundation on the Arts and the Humanities	231,494,000	298,000,000	133,390,000	233,050,000	231,980,000	+486,000
Commission of Fine Arts						
Salaries and expenses	867,000	867,000	907,000	907,000	907,000	+40,000
National Capital Arts and Cultural Affairs						
Grants	6,000,000	6,000,000	6,000,000	7,000,000	7,000,000	+1,000,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,500,000	2,745,000	2,700,000	2,745,000	2,745,000	+245,000
National Capital Planning Commission						
Salaries and expenses	5,390,000	5,740,000	5,700,000	5,740,000	5,740,000	+350,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	500,000					-500,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000	31,707,000	31,707,000	
Total, title II, related agencies:						
New budget (obligational) authority (net)	6,792,244,000	6,533,095,000	6,434,637,000	6,463,487,000	6,443,162,000	-349,082,000
Appropriations	(6,932,244,000)	(6,819,095,000)	(6,535,637,000)	(6,564,487,000)	(6,544,162,000)	(-388,082,000)
Rescission	(-140,000,000)	(-153,000,000)	(-101,000,000)	(-101,000,000)	(-101,000,000)	(+39,000,000)
(By transfer)	(220,000,000)		(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
TITLE III - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L 105-18)	386,592,000					-386,592,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE V - PRIORITY LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges		700,000,000		700,000,000	699,000,000	+699,000,000
Grand total:						
New budget (obligational) authority (net)	13,514,435,000	13,799,946,000	12,952,829,000	13,756,350,000	13,789,438,000	+275,003,000
Appropriations	(13,297,843,000)	(14,115,946,000)	(13,083,829,000)	(13,887,350,000)	(13,920,438,000)	(+622,595,000)
Emergency appropriations	(386,592,000)					(-386,592,000)
Rescissions	(-170,000,000)	(-183,000,000)	(-131,000,000)	(-131,000,000)	(-131,000,000)	(+39,000,000)
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	
(By transfer)	(220,000,000)		(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	1,138,323,000	1,135,917,000	-59,731,000
United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	728,716,000	745,387,000	+74,791,000
National Park Service	1,435,858,000	1,598,900,000	1,564,062,000	1,605,659,000	1,646,926,000	+211,068,000
United States Geological Survey	740,051,000	745,388,000	755,795,000	758,160,000	759,160,000	+19,109,000
Minerals Management Service	163,395,000	164,040,000	145,739,000	141,840,000	143,639,000	-19,756,000
Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	275,061,000	273,061,000	+1,304,000
Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	1,702,427,000	1,701,991,000	+83,717,000
Departmental Offices	240,020,000	246,225,000	239,953,000	242,677,000	241,195,000	+1,175,000
Total, Title I - Department of the Interior	6,335,599,000	6,566,851,000	6,518,192,000	6,592,863,000	6,647,276,000	+311,677,000
TITLE II - RELATED AGENCIES						
Forest Service	2,919,564,000	2,368,595,000	2,634,565,000	2,481,199,000	2,506,568,000	-412,996,000
Department of Energy	992,097,000	1,158,133,000	1,039,944,000	1,063,351,000	1,048,151,000	+56,054,000
Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	2,126,736,000	2,098,612,000	+44,612,000
Indian Education	61,000,000					-61,000,000
Office of Navajo and Hopi Indian Relocation	19,345,000	19,345,000	18,345,000	15,000,000	15,000,000	-4,345,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	3,000,000	5,500,000	4,250,000	-1,250,000
Smithsonian Institution	371,342,000	428,407,000	388,407,000	402,558,000	402,258,000	+30,916,000
National Gallery of Art	60,223,000	59,841,000	62,279,000	61,779,000	62,029,000	+1,806,000
John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	20,375,000	20,375,000	-4,500,000
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	1,000,000	5,840,000	5,840,000	
National Endowment for the Arts	99,494,000	136,000,000		100,060,000	98,000,000	-1,494,000
National Endowment for the Humanities	110,000,000	136,000,000	110,000,000	110,700,000	110,700,000	+700,000
Institute of Museum Services	22,000,000	26,000,000	23,390,000	22,290,000	23,280,000	+1,280,000
Commission of Fine Arts	867,000	867,000	907,000	907,000	907,000	+40,000
National Capital Arts and Cultural Affairs	6,000,000	6,000,000	6,000,000	7,000,000	7,000,000	+1,000,000
Advisory Council on Historic Preservation	2,500,000	2,745,000	2,700,000	2,745,000	2,745,000	+245,000
National Capital Planning Commission	5,390,000	5,740,000	5,700,000	5,740,000	5,740,000	+350,000
Franklin Delano Roosevelt Memorial Commission	500,000					-500,000
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000	31,707,000	31,707,000	
Total, Title II - Related Agencies	6,792,244,000	6,533,095,000	6,434,637,000	6,463,487,000	6,443,162,000	-349,082,000
TITLE III - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L 105-18)	386,592,000					-386,592,000
TITLE V - PRIORITY LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges		700,000,000		700,000,000	699,000,000	+699,000,000
Grand total	13,514,435,000	13,799,946,000	12,952,829,000	13,756,350,000	13,789,438,000	+275,003,000

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I rise in strong opposition to the conference report to H.R. 2107.

While I may have disagreements with other portions of the bill, I would like to focus my remarks on the funding provided for the National Endowment for the Arts [NEA]. Again, let me state that my primary objection to the NEA is that the agency is constitutionally indefensible. Of course, I object, too, to the cavailier attitude exhibited by the bureaucrats at the NEA in the funding of lewd, sacrilegious, and pornographic art over the years. But regardless of the type of art funded by the NEA, the agency is unnecessary and a waste of taxpayer dollars.

Rather than reiterate my well known objections to the NEA, I want to address the funding and the reforms for the NEA in this conference report. First, the funding for the NEA is hardly a compromise with the other body. When the House passed H.R. 2107, it contained no funding for the NEA. When the other body considered the bill, they inserted $100 million for the fiscal year 1998 operations of the agency. The bill then went to conference. A conference committee is designed to arrive at a compromise between the differences of the two Houses. Yet, this conference report exhibits no signs of compromise on the NEA. A logical compromise may have been a $50 million funding level for the agency, but instead, the bill provides $98 million—a mere $1.5 million cut from last year's appropriation.

Now, my colleagues that served on the conference committee are claiming that the real compromise was with regard to the so-called NEA reforms. While some of these may modestly improve the performance of the agency, history has demonstrated that merely reforming the NEA has produced insignificant results. The arts in America will be better off only when Washington bureaucrats no longer determine what good and proper art deserves the support of involuntarily raised tax dollars.

This NEA appropriation amounts to less than 1 percent of the annual private sector contributions to the arts and humanities in America, which is more than $10 billion. Clearly artists in America rely on privately raised money rather than NEA grants to survive. Yet, with one of the reforms in this bill, the NEA will be allowed to begin to compete with private arts foundations for private contributions. If Congress is allowing the NEA to solicit private contributions, why does the agency need these extravagant taxpayer subsidies?

Mr. Speaker, I would suggest to my colleagues that our constituents will never believe that Washington will balance the budget unless Congress musters the fortitude to eliminate unnecessary and wasteful Government agencies. While the NEA appropriation is a relatively small percentage of the entire Federal budget, it is a huge symbol of both Washington's insatiable appetite for the money of American taxpayers, as well as the attitude that Washington knows better than our constituents what is best for them.

I urge my colleagues to reject this conference report.

Mr. BLUMENAUER. Mr. Speaker, this conference report is really a mixed bag. There are many provisions I strongly support. There are others I just as strongly oppose. On balance, I believe I must oppose this bill because I am deeply concerned about the impact of some of these provisions on our Nation's public lands.

This is a difficult decision for me, because I am impressed with the work of the conferees. They have agreed to some pretty wise investments that are important to me and my constituents. For example, I was pleased to see that the conferees agreed to fund the National Endowment of the Arts at $98 million, especially after the bitter disappointment arts advocates suffered during House consideration of this appropriation. An investment in the arts is an investment in our Nation's culture and the livability of our communities. As a strong advocate of the public/private partnership that characterizes arts funding, it is encouraging to see that the conferees have not abdicated their responsibility to our Nation's cultural heritage.

In addition, the conferees included funding for land acquisition in the Columbia River Gorge National Scenic Area. The Columbia River Gorge is a national treasure—rich in the historical, cultural, and resource legacy of the Nation. Among the countless waterfalls that spill from high hanging valleys is Multnomah Falls, one of the tallest in the United States and the single most visited attraction in the entire National Forest System.

I remain grateful to conferees for providing funds to continue our Nation's commitment to preserving the gorge. The funds provided in the conference report will allow for the purchase of lands critical to the ongoing protection of this geologic, historical, and botanical wonder.

However, in spite of all that is good about this conference report, I will be opposing this legislation. There are simply too many environmental riders that I cannot support, including: Language that effectively guts the 1990 law banning log exports from our National Forests and State-owned lands in the West; delays in funding Land and Water Conservation Fund purchases of the Headwaters and New World Mine; the use of $32 million in LWCF funds for payoff to Humboldt County, CA and for a road maintenance fund in Montana; language that eliminates any limits on the Forest Service's use of purchaser road credit. Congress needs to develop a comprehensive policy on the construction, reconstruction, maintenance and decommissioning of forest roads. These ongoing attempts to legislate forest policy on the Interior appropriation bill simply exacerbate efforts to develop a policy that makes sense.

Mr. Speaker, I support much of this report, and applaud the work of the conferees in making critical investments in the arts and the preservation of our natural resources. I cannot in good conscience, however, vote for a bill that I believe will, in the end, cause more harm than good to our public lands. I urge the conferees to reassess the environmental riders and present to the House a conference report we can all support.

Mr. THUNE. Mr. Speaker, I wish to commend the leadership of the committee and subcommittee and the conferees for the hard work they have done to bring the conference report to H.R. 2107, the Department of Interior and Related Agencies Appropriations Act of 1997, to the House floor. I especially want to express my gratitude to the subcommittee chair, Mr. REGULA, and the ranking minority member, Mr. YATES, for their willingness to work with the conferees to include in the conference report language regarding Marty Indian School, in Marty, SD. The report language promises to be helpful to the Indian School where conditions are a threat to the health and safety of the young students there. I can attest to the serious problems, having been there myself. The language calls on the Bureau of Indian Affairs to consider "high priority requirements" at the Marty Elementary School through the Facilities Improvement and Repair Program. It is my hope that something can be done in the fiscal year 1998 or 1999 budget.

After years of negotiations with the BIA, the Marty School obtained funds to replace half of the school. The leadership at the school and of the Yankton Sioux Tribe decided to use the funds to replace the high school because of the tremendous dropout rate of Indian high school students who attend the public high schools in the area. The dropout rate has traditionally been less at Marty Indian High School.

However, the young elementary school students face attending a facility which is scattered among several deteriorating buildings, some of which are 70 years old. A few years back, the BIA determined that it was not economically feasible simply to repair the school and that the entire school needed to be replaced. However, a grant awarded Marty was enough to do half of the job.

The conference report in my opinion gives clear direction to the BIA to address immediately this serious problem. The tribe's environmental specialists have estimated that it will cost up to $1 million to renovate all elements of the heating system alone. No public school system should allow its students to be educated in such a facility.

It has been my pleasure to work with the chair of the Yankton Sioux Tribal Council, Steve Cournoyer; the vice-chair of the tribal council and former school board president, Bob Cournoyer; the president of the school board, Mike Red Lightning, and his colleagues on the school board. I admire their wilingness to make every effort to have a suitable school for the students at the Marty School and their recognition that the future of the Yankton Sioux Tribe is embodied in their children. I look forward to continuing to work with these good leaders and the BIA. Again, I thank the Committee and its leadership for what it has done to help Marty.

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise to reluctantly oppose H.R. 2107, the Interior appropriations conference report.

There are many programs in this appropriations conference report that I strongly support. I applaud the conferees on their decision to restore funding for the National Endowment for the Arts. I thank President Clinton for his leadership in restoring funds for the land and water conservation fund. I also commend my colleague Senator SLADE GORTON for dropping his opposition to removal of two dams on the Elwha River and allowing the dams to be eligible for acquisition and future removal.

However, I am voting against the legislation because of an issue that has been very controversial amongst my constituents throughout the Interior appropriations process.

Earlier this year the House approved an amendment to the Interior appropriations bill which would have reduced the appropriation for the roads budget of the Forest Service and would have placed a cap on the use of the Purchaser Road Credit Program. Offered as a compromise, the Dicks amendment was a balanced alternative to an enormously controversial policy of the Forest Service.

The Purchaser Road Credit Program may have been an effective tool for some small timber companies in the past, but I feel that it has outlived its usefulness and should be phased out. Timber companies should take more financial responsibility up front when roads are needed for a timber harvest on public lands, as they do currently on private lands.

Unfortunately, the Interior appropriations conferees refused to accept this compromise language, instead opting to raise the cap on the Purchaser Road Credit Program. I am disappointed because the House approved the Dicks amendment, the Senate came within one vote of approving a very similar amendment, and President Clinton has indicated his willingness to begin phasing out the Purchaser Road Credit Program.

Again, I regret that I cannot support this bill because there are many good things in it. However, my concern that we are not taking the first step to reform the outdated Purchaser Road Credit program has forced me to vote "no" on this bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Interior appropriations conference report, H.R. 2107, and to express my appreciation for the hard work of my chairman RALPH REGULA, the distinguished ranking member, SIDNEY YATES, and my other colleagues on the subcommittee. I also want to recognize the staff of the subcommittee, including Debbie Weatherley, Barbara Waneman, Loretta Beaumont, Chris Topik, Joel Kaplan, and Angie Perry. I have thoroughly enjoyed working on the committee and agree with Chairman REGULA that this is one of the most important communities in the House.

I know that some of my colleagues still have problems with this bill because of concerns about the environment. This bill certainly is not perfect. For example, I opposed the provision allowing unlimited use of timber purchaser credits, which funds the construction of new National Forest logging roads. These purchaser credits allow timber companies to build roads throughout our forest system and be reimbursed at taxpayer expense. It's bad policy and I regret that this provision remains in the conference report.

I was also concerned about the provision preventing the revision of forest management plans until the Forest Service issues a final rule on forest plans. Two forests in Virginia are currently on the process of revising their plans and such a provision would have prevented them from completing the work to help bring needed changes into the management of these forests. I support the changes made to the language which exempt plans currently being revised from the provision in the bill and appreciate any clarification the chairman may give on this issue.

There are other provisions in this bill that I have problems with. Looking at the bill as a whole, however, I think it represents a fair compromise on most of the important issues and represents a step forward in funding important initiatives that benefit our environment.

The $699 million appropriation for land acquisitions will ensure that two important acquisitions, the Headwaters Forest and the New World Mine can take place, protecting fragile ecosystems from environmental harm. The remaining funds can be used by the Forest Service, the National Park Service, the BLM, and the Fish and Wildlife Service for additional land acquisitions in environmentally sensitive areas.

I am pleased with the changes in the bill removing provisions allowing Alaska Native corporations to file claims to 30,000 acres of coastal lands within the Lake Clark National Park. Any division of the park, particularly of the coast line, would destroy the integrity of the park as a complete ecosystem and prohibit essential public access to the park.

The additional $136 million in the bill for the Everglades will help provide needed restoration of flora and fauna within the Everglades system; $384 million for maintenance of our National Parks; and an additional $41 million for operating the National Wildlife Refuges will be used for operational and maintenance backlogs on refuges and parklands. This additional funding is sorely needed and will help to improve our refuge and park systems, making them more accessible for all Americans.

As Chairman REGULA has mentioned, there is a large increase in energy conservation programs under the bill, including State energy programs and weatherization assistance programs, which help low-income families insulate their homes to make them more energy efficient.

Finally, I am particularly pleased that the conference committee agreed to restore funding to the NEA. Our country needs the NEA to bring the arts to underserved, underprivileged communities across this country. We have no better tool to help leverage private dollars with Federal dollars to generate quality arts programming. The NEA is a success story and we need to put politics aside and recognize how much it does for citizens across the country. I hope that in the next Congress we can provide a much needed increase to NEA funding so that it does not merely survive, but flourish.

Mr. Speaker, the conference agreement appropriates a total of $13.8 billion for fiscal year 1998 for the Department of Interior and related agencies. While we can all point to certain programs within the bill with which we might disagree, overall I think the conference agreement will improve our environment and enhance the stewardship of our natural resources. I urge my colleagues to support this conference report.

Mr. STUPAK. Mr. Speaker, I would like to clarify the intent of an amendment I offered to the House's version of this bill, which was accepted, in regards to current leaseholders in the Sleeping Bear Dunes National Lakeshore. The conference report contains a different version of my original amendment, and I wish to clarify for the record my intent behind it.

Many of the current leases at Sleeping Bear Dunes will expire soon. While the National Park Service has stated that it plans on restoring the properties of expired leases to their natural state, they do not have the funds to restore these properties. Clearly, this amendment prohibits the Park Service from evicting current leaseholders until they have the necessary funds to do so. However, my intent was also to have the Park Service restore the existing abandoned residential structures before evicting any additional leaseholders.

Currently, there are numerous abandoned structures that have been standing empty for a number of years. Not only are these deteriorating structures blights on the natural beauty of the lakeshore, but they are also health and safety hazards for the visiting public and local citizens. The National Park Service Report on "Residential Occupancy Under Special use Permits" dated June 21, 1996, raises serious concerns about the Park Service's ability to remove the structures on park property. The report states, "Without sufficient funding the lag time between abandonment of a structure and its ultimate disposition will increase. This will create safety, and other problems, for the park."

Who will be served by evicting these families from their homes, leaving deteriorating structures that will become eyesores and health and safety hazards? No one. These families take great price in maintaining the integrity and beauty of Sleeping Bear Dunes. It makes no sense to continue evicting families, adding to the number of deteriorating structures that are blights on this pristine National Lakeshore, when the Park Service has yet to take care of the currently abandoned and decaying structures. It is my hope that the Park Service is willing to address this situation before evicting more families and adding to a growing problem.

In addition, the Park Service has indicated that they may use funds raised through the Recreation Fee Demonstration Program to restore the properties of leases that expire during fiscal year 1998. I believe that this would be a misuse of the revenue generated by this program and violate the intent of the Congress. In 1996, the Congress authorized the National Park Service to collect entrance fees to deal with a growing backlog of maintenance problems due to funding shortfalls. I believe that using the revenues created by this program to restore the properties of leases that will expire during fiscal year 1998, and thereby ignoring the existing backlog of residential structures, is inconsistent with the desire of the Congress in authorizing this program. These fees should be used to address the restoration of properties that have been neglected over years past, not to evict current leaseholders.

Mr. Speaker, I hope to work with the National Park Service to address these concerns and find a solution to this problem that is satisfactory to all parties involved.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 171, not voting 29, as follows:

[Roll No. 531]

YEAS—233

Abercrombie
Ackerman
Allen
Archer
Armey
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Bass
Bateman
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brown (CA)
Burr
Buyer
Calvert
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Cook
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
Deutsch
Diaz-Balart
Dicks
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefner
Herger
Hill
Hilliard
Hobson
Horn
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Kaptur
Kelly
Kennelly
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (CA)
Lewis (GA)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Pastor
Peterson (PA)
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rodriguez
Rogers
Ros-Lehtinen
Roukema
Sabo
Sawyer
Saxton
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith, Linda
Snyder
Solomon
Spence
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Torres
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—171

Aderholt
Andrews
Bachus
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Becerra
Berman
Blagojevich
Blumenauer
Blunt
Bonior
Borski
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Camp
Campbell
Carson
Chabot
Christensen
Coble
Coburn
Combest
Condit
Conyers
Costello
Cox
Crane
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
DeLay
Dellums
Dingell
Dixon
Doggett
Doolittle
Duncan
Ehrlich
Engel
Ensign
Evans
Filner
Frost
Furse
Gejdenson
Gibbons
Goodling
Graham
Green
Gutierrez
Hall (TX)
Hastings (FL)
Hayworth
Hefley
Hilleary
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
Levin
Lewis (KY)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (CA)
Minge
Moakley
Moran (KS)
Morella
Myrick
Nadler
Neal
Neumann
Pallone
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pitts
Poshard
Riley
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sanford
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snowbarger
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Thornberry
Thurman
Tiahrt
Tierney
Velázquez
Vento
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand

NOT VOTING—29

Bereuter
Callahan
Chenoweth
Cooksey
Cubin
Dickey
Everett
Ewing
Foglietta
Ford
Gephardt
Gonzalez
Houghton
Istook
Klug
LaHood
Leach
McCarthy (NY)
McIntosh
Mollohan
Parker
Payne
Pelosi
Rangel
Ryun
Sandlin
Scarborough
Schiff
Smith (OR)

□ 1405

The Clerk announced the following pairs:

On this vote:

Mr. Smith of Oregon for, with Mr. Scarborough against.

Mr. Rangel for, with Mr. Gephardt against.

Messrs. BACHUS, SHIMKUS, MOAKLEY, HINOJOSA, STENHOLM, and SESSIONS, and Mrs. MALONEY of New York changed their vote from "yea" to "nay."

Messrs. JEFFERSON, OWENS, and TORRES changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on Friday October 24, 1997, I was granted a leave of absence. Unfortunately, I missed rollcall votes 526 through 531.

Had I been here, I would have voted: "Yea" on rollcall 526, on approval of the Journal; "nay" on rollcall 527, rule for fiscal year 1998 DOI conference report; "nay" on rollcall 528, motion to rise; "yea" on rollcall 529, Representative Quinn Amendment to H.R. 2247; "nay" on rollcall 530, motion to adjourn; and "nay" on rollcall 531, final passage fiscal year 1998 DOI conference report.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–345) on the resolution (H. Res. 280) providing for consideration of the bill (H.R. 1270) to amend The Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I would like to inquire of the majority leader the schedule for the remainder of the day and of next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I am happy to announce that we have concluded legislative business for the week.

The House will meet on Tuesday, October 28, at 10:30 a.m. for morning hour and 12 noon for legislative business. We do not plan to have any recorded votes before 5:00 p.m. on Tuesday, October 28.

On Tuesday, the House will consider a number of bills under suspension of the rules, a list of which will be distributed this afternoon.

After the suspensions, the House will take up the conference report on the Department of Defense authorization bill.

We will then proceed to the rule, and rule only, on H.R. 1270, the Nuclear Waste Policy Act of 1997.

For Wednesday, October 29, and the balance of the week, the House will consider the following bills, all of which will be subject to rules:

We intend to finish H.R. 1270, the Nuclear Waste Policy Act of 1997; H.R. 2493, providing for uniform management for livestock grazing on Federal lands; H.R. 2616, the Charter Schools Amendments Act; the HELP Scholarships Act; and H.R. 2614, the Reading Excellence Act.

On Wednesday and Thursday, the House will meet at 10:00 a.m. On Friday, the House will meet at 9:00 a.m. We should finish legislative business by about 2:00 p.m. next Friday, October 31.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if the gentleman is available for a question, I would like my friend from Texas to maybe give us a sense of what is in the wind regarding suspensions and his intentions with respect to the Amtrak bill.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I appreciate the gentleman's request and his interest in the subject.

We will be, at this point, consulting with the Senate and talking to the committee chairman, and we would expect to have announcement later.

Mr. BONIOR. I would also say to my friend from Texas, with respect to the case of the gentlewoman from California, Ms. Loretta Sanchez, as the gentleman clearly knows from yesterday and the activities that have gone before that, we feel very strongly about this situation. We think this case has dragged on long enough. And if these matters really have not been resolved next week, I want to inform my colleagues that we will continue to object strenuously and Members should make plans accordingly.

Finally, I would like to make one other comment to my friend from Texas, and that is with respect to campaign finance reform. I recall the gentleman from Texas saying that he hoped that he would get to that issue before the end of this session, some comments to that effect, and I just want to inform him that we have close to 170 Members, if not 170, at the desk, who have signed a discharge petition, and we hope that issue will be brought to the floor so we can have a full debate of all the alternatives before the American people before we adjourn this session.

Mr. ARMEY. If the gentleman will continue to yield, let me first say again that I appreciate the gentleman's affirmation of commitment to his course of action with respect to the Sanchez matter. Let me just reaffirm our commitment on this side of the aisle that we will carry out our constitutional responsibilities regarding this question of the legitimacy of elections of our Members thoroughly, completely, and honestly to that conclusion which is defined by the facts of the matter when fully and completely understood. We can do no less. It is our duty under the Constitution.

Regarding the other matter, I guess the gentleman can proceed with his discharge petition and we will proceed with the business of the House and we will see if either of us get to somewhere.

Mr. BONIOR. Mr. Speaker, I want to make the gentleman aware that it is a bipartisan discharge petition and we hope to have a little more bipartisan help on it as the days move ahead.

Let me also ask my colleague from Texas, I note in the schedule that we only have three suspensions scheduled for Tuesday next. Does the gentleman expect others might be added between now and next Tuesday?

Mr. ARMEY. I thank my friend from Michigan, and if he would continue to yield, we have some from the Committee on Veterans' Affairs that we have had fully vetted and cleared. We expect to perhaps complete the vetting and clearing with some others, and we will inform the gentleman's office as soon as possible.

Mr. BONIOR. Mr. Speaker, I thank my colleague.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 2527.

The SPEAKER pro tempore (Mr. Pease). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mr. FRANK of Massachusetts. Mr. Speaker, because it might benefit me to the extent of $5 a month, I now find out, that is $5 before taxes, I also want to get my name removed from H.R. 2527.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I was out of the Chamber at an intelligence briefing during the vote just held on the Interior appropriations bill conference report, rollcall No. 531. I would ask the Record to reflect that had I been present my vote would have been "nay."

INTRODUCTION OF RAIL SAFETY LEGISLATION

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, quite rightly, today the subject has been Amtrak, but we need to be talking in this Congress about rail safety.

Yesterday, two Norfolk Southern trains collided head on in southern West Virginia. Again today a CSX train hit a tractor trailer at a grade crossing. Great tragedy was avoided because the tractor trailer had just unloaded an explosive mixture.

Yes, it is true that the Federal railroad agency is working with CSX, is working with Union Pacific, in a concerted effort to improve safety practices, but these are reactions. We need to be proactive.

So, Mr. Speaker, we need to have a coordinated approach, the kind of coordinated approach that is in the rail safety legislation that I have introduced and we are seeking to get a hearing on and to get debated on this floor; rail safety legislation that requires positive train separation devices, requires fatigue management plans, requires greater oversight of safety.

And, yes, Mr. Speaker, on Monday we will be unveiling Operation Respond, which is a partial answer to some of the problems we have seen and which for the first time in our State will have emergency responders able to find out immediately upon arriving on the scene what hazardous materials are involved.

☐ 1415

INDIVIDUAL RETIREMENT ACCOUNTS

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, there is a lot of talk currently about changing the Tax Code and doing away with the IRS, et cetera. I suspect that in some form or another, eventually we may get to do something significant with regard to that. But in the meantime, there is an issue which cries out for attention and that is the double taxation of savings under our current Tax Code.

Americans are dissuaded from saving, a very healthy activity that we all recognize; that is, savings. They are dissuaded because they tax money before it is saved and then we tax the returns on the money that is saved. That is why I recently introduced a bill to expand the individual retirement account provisions to include savings to be exempted for medical care, for education, for first-time home buyers, for unemployment as well as for retirement. These are all worthy goals, and I ask other Members to look seriously at this bill with an eye toward supporting our effort to reform and revise and expand the IRA provisions.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF DONALD OLSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a special friend of mine who was called home to glory just in the past couple of weeks. On August 19, 1923, a baby was born to Melvin and Agnes Olson at Sacred Heart Hospital in Eau Claire, WI. They named him Donald. Two weeks ago on October 3, Don Olson died in St. Paul, MN. I am honored that I was able to have met him during his 74 years of life, the time God gave him to be on this Earth, and I am blessed to have called him my friend.

After graduating from his rural Wisconsin high school in 1941, Don answered his country's call to duty and served in the 70th Army Air Force Technical Training Detachment during World War II. He graduated from the Army Air Forces Navigation School in San Marcos, TX in 1945. After the war, Don came back to Minnesota and graduated cum laude from St. Olaf College in Northfield, MN, which is also in my district; he earned a master's degree from the University of Minnesota in 1949; and later a law degree from the St. Paul College of Law.

Earlier this week I was telling my staff about Don Olson and I said, he probably has forgotten more about government and the way it is supposed to work than most of us will ever know. That was not an exaggeration. After working in the Minnesota State legislature, Don came out here to Washington and served in the office of Senator Ed Thye, worked as congressional liaison for the Small Business Administration, and later he was the administrative assistant in the office of Minnesota Congressman Ancher Nelson, where he served for 14 years.

In 1974, Don returned to the Midwest when he was hired by a little family clinic in my district, run by the Mayo brothers, to be their governmental affairs specialist. He was the first person that Mayo Clinic ever hired to do this important job, and his work was nothing short of outstanding in his 14 years there until he retired in 1988.

It was during his years at Mayo that I met Don Olson. It was about 1976. He was always a man of impeccable honesty and a record of personal integrity that no one would ever question. He was also the kind of person that you could confide in. You could tell Don Olson your deepest fears and know that they would go no further than his ears.

Robert Frost once wrote, "Government is a thing made of men and it dies as the men who made it die." With these words in mind, I cannot think of a better place for me to remember Don Olson than from the floor of this House of Representatives.

I know that Don's daughters Tina and Lori as well as his son Wayne and his loving wife of 38 years, Terri, are watching this afternoon. I want you all to know that my thoughts and prayers continue to be with you. This is a great loss for the family, it is a great loss for me, and it is a great loss for America.

CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, the President of China will be visiting here beginning this Sunday. I know that we will treat him in a very courteous manner but I want the American people to know every time they hear President Clinton talk about the President of China and every time they hear the President of China speak, they should remember the following things:

No. 1, China persecutes people because of their religious beliefs. Catholic bishops are in jail, Catholic priests are in jail, hundreds of them, and on October 8, Chinese authorities arrested again and again Bishop Su who has been one of the most prominent bishops who is now back in jail. Protestant pastors are in jail and hundreds of them have been arrested.

No. 2, China denies its citizens basic human rights and imprisons people for speaking out in support of freedom. Wei Jingsheng, one of China's most important prisoners, languishes in not well conditions in jail serving a 15-year sentence. He was detained in 1994 after meeting with Assistant Secretary for Democracy and Human Rights John Shattuck. So when you hear the President of China speak, remember Wei and also Wang Dan, who has also been imprisoned for his activities in Tiananmen Square.

No. 3, when you hear the Chinese President speak at Independence Hall, which will be a disgrace for Independence Hall to have the Chinese President go there where Thomas Jefferson gave the words "We hold these truths to be self-evident," but when you hear him there remember that China is brutally repressing the people of Tibet, destroying their culture, destroying their religion, destroying 4,000 to 5,000 monasteries and in Tibet the one growth industry is the growth of prisons where Buddhist priests and Buddhist nuns are being put in jail. We had testimony of a 28-year-old Tibetan Buddhist nun who told the House Committee on International Relations how her Chinese jailers tortured her with an electric cattle prod, putting it on all parts of her body. You have got to remember this when you hear this Chinese President coming to the country.

No. 4, remember also when you hear him speaking that the Chinese Government runs a gruesome trade in human organs, taking organs from executed prisoners and selling them to foreign buyers for tens of thousands of dollars. They shoot people, they take their blood sample, they take their tissue sample and they sell their organs for $35,000. So when you hear him go to Harvard and speak out, know that his government is selling kidneys of prisoners for $35,000.

Remember also, No. 5, that China's one-child policy results in forced abortions and sterilization of women, where they track them down in the villages and force them to get abortions.

No. 6, when you hear President Clinton speak about our relationship with this man and with the Chinese Government, remember that China has more gulags today than they had in the Soviet Union when Solzhenitsyn wrote the book "Gulag Archipelago." There are more gulag slave camps in China today than there were in the Soviet Union under the worst times.

Also know, No. 7, that China sells arms and dangerous technology to belligerent countries which could one day endanger men and women in the military. Some days on this floor it is almost reminiscent of 1937, 1938, and 1939, where Winston Churchill warned of the danger of Nazi Germany and some of the things that were sold in Nazi Germany were used against Americans. I fear for it and every Member of this body ought to get the intelligence briefing by the CIA, the NSA, and the DIA to find out what weapons they are selling.

No. 8, China continues to violate a range of bilateral and international proliferation and missile technology treaties.

No. 9, China's State-owned companies sold AK-47's to street gangs in California that could be used against American citizens. So when you see the Chinese President standing next to President Clinton, remember that a company connected with his government was selling assault weapons to street gangs in California that could be used to kill American people.

No. 10, the Chinese trade surplus with the United States approached $40 billion last year and is getting bigger every month. In August the United States trade deficit with China jumped 10.6 percent, the highest of any country, driving American men and women out of their jobs.

Mr. Speaker, China's President will visit Washington, Williamsburg, and Philadelphia, which will be a disgrace when he visits Independence Hall and other sites in the United States. Every time he speaks, the world should remember the men and women who are languishing in Chinese prisons under his control and do not buy into his message. I ask him to change his policy.

Mr. Speaker, I include for the RECORD the testimony of Tsultrim Dolma before the House Committee on International Relations hearing on religious persecution on September 10, 1997.

The material referred to is as follows:

TESTIMONY OF TSULTRIM DOLMA—HOUSE COMMITTEE ON INTERNATIONAL RELATIONS—HEARING ON RELIGIOUS PERSECUTION, SEPTEMBER 10, 1997

My name is Tsultrim Dolma. I am 28 years old. I am one of the one thousand Tibetan refugees who came to the United States through the Tibetan Resettlement Program, authorized by the United States Congress in 1991.

I never imagined that I would someday testify before you esteemed gentlemen and gentleladies. Now that I am here, I feel it is both a privilege and responsibility to tell you about my experiences—among the thousands of Tibetans who flee into exile, very few have their stories heard.

I am not an educated person. I don't know about politics. But I do know what it is to live under Chinese rule. And I know, although I was born after the Chinese came into Tibet, that Tibet is different than China.

I have asked my friend Dorje Dolma to read the rest of my testimony because my English is not very good.

I was born in Pelbar Dzong, Tibet, near Chamdo which prior to the Chinese invasion in 1949 was the easternmost administrative center of the Dalai Lama's government. For as long as I can remember, I yearned to become a nun. It was difficult for me to pursue my studies because the nunnery near my village had been completely destroyed during the Cultural Revolution.

I took my nun's vow at age 17 and, soon after, left my home with a small group of villagers to make the customary pilgrimage to Lhasa, the capital and spiritual center of Tibet, and a month's journey from my home. Once there I was able to join the Chupsang nunnery on the outskirts of the city.

In Lhasa it was unavoidable to feel the tension due to the large differences between the Tibetans and Chinese living there, and within a year, on October 1, 1987, China's National Day, I experienced at first hand the consequences of that tension.

On that day, monks from Sera and Nechung Monasteries peacefully demonstrated for the release of their imprisoned brothers. Hundreds of Tibetans gathered around in support. Public Security Bureau Police moved through the crowd videotaping demonstrators. Then, unexpectedly, opened fire on the crowd. The Tibetans responded by throwing stones at the cameras, but a number of monks were arrested and dragged to the Police station.

I joined a large group that converged on the station. We heard gun shots from the rooftop and tried to get inside, but the police fired down into the crowd. Many Tibetans were killed and many other badly injured. Outraged at the massacre, some Tibetans set fire to the building. I watched as Venerable Jampa Tenzin, the caretaker of the Jokhang Temple, led a charge into the building to try to free the monks. When he emerged about ten minutes later, his arms were badly burned and had long pieces of skin peeling off. Two young novice monks came out with him and were also badly burned. Soon afterwards, Jampa Tenzin was arrested and detained at Sangyip Prison where he is known to have undergone severe ill-treatment.

The Great Monlam Prayer Festival which occurred the following spring was the next occasion for major protest. Chinese authorities had ordered the monks of all of Lhasa's monasteries to attend, as they had invited journalists from many different countries to film the ceremony as an example of religious freedom in Tibet. The monks of Sera, Drepung, Ganden and Nechung decided to boycott the ceremony, but were forced to attend at gun point. Under guard, the monks made the traditional cicumambulation around the Jokhang, Lhasa's central cathedral.

After completing the ceremony, those monks joined together in calling out loudly to Tibetan officials working for the Chinese government who were watching the ceremony from a stage next to the Jokhang. They demanded the release of the highly revered incarnate lama, Yulo Dawa Tsering, who had been arrested some months before and of whom nothing had been heard. One of the official's bodyguards then fired at the demonstrators, killing one Tibetan. A riot ensued and the army proceeded to fire into the crowd. Soldiers chased a large number of monks into the Jokhang and clubbed 30 of them to death.

Eighteen lay Tibetans were also killed in the cathedral. Twelve other monks were shot. Two monks were strangled to death, and an additional eight lay Tibetans were killed outside the cathedral. The news of the deaths spread throughout the city.

After we saw the terror and turmoil in the streets, some nuns from my Ani Gompa and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa, particularly the monks who had been arrested and are in prison and whose cases even now have not been settled. On April 16, about six weeks after the massacre during Monlam, four of us demonstrated for their release and the release of women with children. We felt the Chinese were trying to destroy all the patriotic Tibetans in prison by maltreating them. The Chinese government has publicized that there is freedom of religion in Tibet, but in fact, the genuine pursuit of our religion is a forbidden freedom. So many difficult restrictions are placed on those entering monastic life, and spies are planted everywhere.

My sister nuns and I were joined by two nuns from Gari Gompa and we were all six arrested in the Barkhor while shouting out demands. As we stood on the holy walk of the Barkhor, we were approached by eight Chinese soldiers who spread out and grabbed us. Two soldiers took me roughly by the arms, twisting my hands behind by back. Two of the nuns, Tenzin Wangmo and Gyaltsen Loche, were put in a Chinese police jeep and driven away. The rest of us were thrown into a truck and taken to the main section of Gutsa prison, about three miles east of Lhasa.

When we arrived, we were separated and taken into various rooms. I was pushed into a room where one male and one female guard were waiting. They removed the belt which held my nuns robe and it fell down as they searched my pockets. While I was searched, the guards slapped me hard repeatedly and yanked roughly on my nose and ears.

After the search, I was led outside to another building where two different male and female guards waited to begin the interrogation. "What did you say in the Barkhor? Why did you say it?" The cell contained a variety of torture implements: lok-gyug, electric cattle prods, and metal rods. I was kicked and fiercely beaten as I was interrogated until mid-day, and then pulled to my feet and taken to the prison courtyard where I saw the three other nuns from Chupsang.

We were made to stand in four directions. I was near the door so that every Chinese soldier who passed by would kick me in passing. Our hands were uncuffed and we were told to stand with our hands against the wall as six policemen took each one in turn, held us down and beat us with electric prods and a small, broken chair and kicked us. Gyaltsen Lochoe was kicked in the face. I was kicked in the chest so hard that I could hardly breathe. We were told to raise our hands in the air, but it was not possible to stay in that position and we kept falling down. As soon as I fell, someone would come and force me up. We were constantly questioned regarding who else was involved in arranging the demonstration.

All during the interrogation, we were not allowed to fasten our belts and so our robes kept slipping off. We would constantly try to lift them up and adjust them. I tried to think of what I could possibly say to answer the questions. "How did you choose that day? Who was behind you?" I could only see feet. Many different pairs of feet approaching us through the day. We were repeatedly kicked and beaten. "The Americans are helping you! Where are they now? They will never help you! Because you have opposed communism, you are going to die!"

After some hours had passed, a large dog with pointed ears and black and white spots was brought in, led on a heavy chain. The police tried to force us to run, but we simply did not have the strength. The dog looked at us with interest, but did not approach.

Finally, as sunset approached, we were handcuffed and taken into a building and made to walk through the hallway two by two. Here and there were small groups of Chinese soldiers on both sides of the corridor. As we passed, we were punched and kicked, slapped and pulled hard by the ears. My cell, measuring five feet by five feet, was empty except for a slop basin and small bucket. That night, I quickly passed out on the cold cement floor.

The following morning, I was taken to a room where three police were seated behind a table. On its surface was an assortment of rifles, electric prods and iron rods. I was told "Look down!" Throughout my detention, I was never allowed to look straight at their faces. While answering I had to look to the side or face down.

One of them asked me "Why did you demonstrate? Why are you asking yourself for torture and beatings?" My knees began to shake. I told them: "Many monks, nuns and lay people have been arrested, but we know Tibet belongs to the Tibetans. You say there is freedom of religion, but there is no genuine freedom!" My answer angered them and the three got up from behind the table, picking up various implements. One picked up an electric rod and hit me with it. I fell down.

They shouted at me to stand, but I couldn't and so one pulled up my robe and the other man inserted the instrument into my vagina. The shock and the pain were horrible. He repeated this action several times and also struck other parts of my body. Later the others made me stand and hit me with sticks and kicked me. Several times I fell to the floor. They would then force the prod inside of me and pull me up to repeat the beatings.

For some reason I began to think of a precious herb that grows in Tibet called Yartsa Gunbu. Tibetans believe it is a cross between the kingdoms of plants and animals because during the summer it gives the appearance of being a worm. This medicine herb is quite rare. In my region, the Chinese force a monthly quota on each monk and nun which consists of thousands and thousands of such plants. I shouted out: "Before 1959, it was considered a sin for monks to pick the *Yartsa Gunbu!* It was a sin, and you have forced them to do it!"

I remained in detention for more than four months. For the first month, I was beaten every morning during the interrogations. For the first several days, different levels of authorities came to my cell. At first I was afraid but as time went by and I thought about the monks, and other men and women who were imprisoned, many of whom had families to worry about, I began to realize I had nothing to lose. My parents could lead their lives by themselves.

I was continuously terrified of possible sexual molestation. But as the days went by, that did not occur. Sitting in my cell, I would remind myself that I was there because I had spoken on behalf of the people of Tibet and I felt proud that I had accomplished a goal and was able to say what I thought was right.

In Gutsa prison in the summer of 1988, there were all together about 32 nuns and lay women. All the women were kept in the ward for political prisoners. During that time, one of the nuns, Sonam Chodon, was sexually molested.

Fifteen days after my release from prison on August 4, 1988, a Tibetan approached me and asked if my sister nuns and I would like to talk to a British journalist who was secretly making a documentary in Tibet. We all felt to appear in the interview without hiding our faces was the best way to make a contribution. The ultimate truth would soon be known so there was no need to hide. We had truth as our defense.

After our release from prison, we were formally expelled from Chupsang by the Chinese authorities and sent back to our villages. We were not allowed to wear nuns robes and were forbidden to take part in religious activities. We were not allowed to talk freely with other villagers. I was forced to attend nightly reeducation meetings during which the topic of conversation often came around to me as "a member of the small splittist Dalai clique which is trying to separate the motherland." I was so depressed and confused. I never told my parents what had happened in prison. When word came of the British documentary in which I took part, everyone began to discuss it. Most Tibetans thought I was quite brave, but some collaborators insulted me. It soon seemed as if arrest was imminent. I began to fear for my parent's safety and so decided to flee to the only place I could think of—Lhasa—to appeal again to Chupsang nunnery for re-admission.

After arriving in Lhasa, I set out for the hour's walk to Chupsang. I found a Chinese police office had been set up at the nunnery. I was told to register at the office and, while there, was told re-admission was not possible. I realized that the police officer there would arrest me if I stayed. Greatly discouraged, I set out to make my way back to Lhasa.

Just below the nunnery there is a Chinese police compound the Tibetans call Sera Shol Gyakhang. As I passed, I saw three Chinese soldiers on bicycles. They followed me a short distance before I was stopped. One of them took off his coat and shirt and then tied the shirt around by face, and shoved the sleeves in my mouth to stop me from crying and yelling. I was raped by the three on the outer boundary of the compound. After doing that bad thing to me, they just ran away.

I remained in Lhasa for two months under the care of local Tibetans. As expected, the release of the documentary caused an uproar with the Chinese authorities. My sister nuns tried to disguise themselves and wore their hair a little longer. I had lost all hope of continuing to live in Tibet under so many obstructions and restrictions and the ever present possibility of rearrest. Even if I could stay, the Chinese would forbid me to study and I feared them in many other bad ways. I began to think of His Holiness the Dalai Lama in India. At that time, I didn't know there were so many other Tibetans living there as well, but I thought "if only I could reach him, if I could only once see his face. . . .".

Another nun and I heard of some Tibetans nomads who were taking medicines to the remote areas and traveling to Mount Kailash in a truck. From there we joined a group of 15 Tibetans to travel to the Nepalese border. In December 1990, I reached northern India.

When I first met His Holiness, I could not stop crying. He asked, "Where do you want to go? Do you want to go to school?" He patted my face gently. I could not say anything. I could only cry as I felt the reality of his presence. It was not a dream. In Tibet so many long to see him. At the same time, I felt an overwhelming sadness. Because I was raped, I felt I could no longer be a nun. I had been spoiled. The trunk of our religious vows is to have a pure life. When that was destroyed, I felt guilty to be in a nunnery with other nuns who were really very pure. If I stayed in the nunnery, it would be as if a drop of blood had been introduced into the ocean of milk.

I have been asked by esteemed persons such as yourselves what makes Tibetan nuns, many very young, so brave in their support of the Tibetan cause. I say that it is from seeing the suffering of our people. What I did was just a small thing. As a nun, I sacrificed my family and the worldly life, so for a real practitioner it doesn't matter if you die for the cause of truth. His Holiness the Dalai Lama teaches us to be patient, tolerant and compassionate. Tibetans believe in the law of Karma, cause and effect. In order to do something to try to stop the cycle of bad effect, we try to raise our voices on behalf of the just cause of Tibet.

MAKING OUR FOOD SAFER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, about 90 years ago in the early 1900's, Upton Sinclair wrote a book called "The Jungle." This book was about the American meat processing industry. It was about worker conditions in Chicago in the meatpacking industry. Equally importantly, it was about food quality and what Americans were eating and what went into the food that Americans ate. Over these 90 years since the publication of that book, Americans have come to take for granted the quality of their food, that fruits and vegetables were not contaminated, that food products, meat products, fish and dairy products were inspected. We can go into grocery stores through the first 80, 85, 90 years of this century understanding, taking for granted that what we put on our tables, what we buy in these grocery stores, what we prepare in our kitchens, what we eat in our restaurants can in fact, is in fact safe and reliable and will not in any way cause health problems for our people.

Unfortunately, in the last couple of years, some things have begun to happen that make some of us not so much take our food safety for granted. This past Sunday, Parade Magazine ran a cover story called "How To Prevent Food Poisoning." It cites everything from contaminated strawberries that were grown in Mexico, processed in San Diego, sold to schoolchildren and served to schoolchildren in Michigan, many of whom contracted hepatitis A. A handful of these children actually got very, very, very sick; a couple of them almost died. It talks about raspberries grown in Guatemala that were contaminated. It talks about how in this era of free trade, in this era of more and more food sold from one country, into another country into the United States that we simply are not preparing well enough at the border. We are not doing the right kind of inspections. One reporter called all these foods coming into the country passports for pathogens.

□ 1430

As more and more food products come in, inspections at the border generally are not very good, and Americans are more at risk and take less for granted than ever before, at least any time in this century, concerning the products we buy in grocery stores.

About a month ago, at my own expense, I went to the Mexican border, went to Laredo, TX, and went to McAllen, TX, went into Reynosa, Mexico, and looked across the border from Laredo into Nuevo Laredo. I saw the inspections at the border, I saw the number of trucks coming into the United States from Mexico, I saw the number of cars, the hundreds and hundreds and hundreds of cars coming streaming across the border, basically 24 hours a day. And it is clear that when the North American Free-Trade Agreement was passed by this Congress in 1993, that the President, the administration, the leadership in this Congress, simply have not prepared at the border for the huge amounts of materials coming into the country.

There are too many drugs coming across the border undetected, there are too many trucks crossing the border that are not safe, and probably, most importantly, there is too much food coming across the border that is contaminated.

There are pesticides that are illegal in the United States that are legal in some countries in Latin America. There are contaminants in the way that food is grown, contaminated by urine and feces and other kinds of human contaminants and other contaminants and wastes that end up on some of these fruits and vegetables that make their way uninspected into the United States, simply because we are overwhelmed at the border.

The people at the border are doing their jobs very well. Neither the Governor of Texas, Governor Bush, nor the President of the United States, President Clinton, have done what they need to do, to do those protections and those inspections at the border.

That is why, Mr. Speaker, we have no business passing fast track. The President and Speaker GINGRICH and leadership in the other body have asked us in this Congress to give the President fast track authority to extend all of these trade agreements to the rest of Latin America.

My contention and the contention clearly of the majority of this House, that is why we have not voted on this issue yet, my contention is you do not rush headlong into new trade agreements, into more NAFTA's, until you fix the North American Free-Trade Agreement.

You do not rush headlong into a trade agreement with Chile that costs American jobs until you fix NAFTA, so American jobs do not flee to Mexico. You do not extend fast track to Central and Latin America, which will jeopardize our food supply, until you take care of those problems at the border in Mexico where food contamination is becoming more and more common, where pathogens and other airborne and foodborne illnesses are coming into this country.

Do not rush headlong into other trade agreements until we fix NAFTA. Vote no on fast track.

TRIBUTE TO DR. WILLIAM PHILLIPS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ON HIS RECEIVING THE 1997 NOBEL PRIZE FOR PHYSICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today to commend and to congratulate Dr. William D. Phillips of the National Institute of Standards and Technology who, along with Steven Chu of Stanford University and Claude Cohen-Tannoudji, has been awarded this year's Nobel Prize in physics from the Royal Swedish Academy of Sciences.

NIST, originally established as the National Bureau of Standards in 1901, has for nearly a century promoted economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our country's businesses to engage each other in commerce and participate in the global marketplace.

The invaluable research being conducted at NIST is a vital component of the Nation's civilian research and technology development base. Through Dr. Phillips' good work, the Nobel Prize has brought long-deserved attention to the exceptional work done by NIST scientists.

Dr. Phillips' pioneering research in developing methods to cool and trap atoms with laser light is a credit to him and his colleagues at NIST. These advances will open up a new world of physics that will enable the development of ultra-accurate atomic clocks, improve the measurement of gravitational forces, and facilitate the construction of atomic lasers. These advances have many practical applications, such as improving space navigation and the accuracy of global positioning satellites.

I read with pleasure the two articles in the Washington Post recently on Dr. Phillips' many accomplishments. I was especially struck in each article at the universal feeling among colleagues and friends that ". . .. it couldn't have happened to a nicer guy."

Dr. Phillips' unbridled enthusiasm for physics is the spirit we strive to achieve throughout our Federal laboratories. His dedication to improving our understanding of the world through science holds the promise of improving all of our daily lives.

While Dr. Phillips' daily work is on the cutting edge of research into lofty theories involving nature's basic laws. His life is well-rounded by his wife Jane, his two daughters, Christine and Catherine, and his numerous friends. Dr. Phillips' dedication to family and his numerous contributions to his community, such as teaching Sunday school at Fairhaven United Methodist Church, speaks volumes about his character.

We should all be proud of Dr. William Phillips and his family for this remarkable achievement and honor.

Mr. Speaker, I include the October 16, 1997, articles from the Washington Post for the RECORD.

[From the Washington Post, Oct. 16, 1997]

LOCAL SCIENTIST SHARES NOBEL PRIZE FOR PHYSICS

(By Curt Suplee)

A government scientist from Montgomery County has won the 1997 Nobel Prize in Physics, along with colleagues in California and France, for their development of ways to "trap" atoms by herding and subduing them with laser beams. The chemistry award went to an American, a Briton and a Dane for discoveries related to ATP, a compound that is the fundamental energy currency of life.

William D. Phillips, who works at the National Institute of Standards and Technology (NIST) in Gaithersburg, will share the $1 million physics with Steven Chu of Stanford University and Claude Cohen-Tannoudji of the College de France, the Royal Swedish Academy of Sciences announced yesterday.

The Nobel committee divided the chemistry prize into two parts. Half goes to Paul D. Boyer of the University of California at Los Angeles and British researcher John E. Walker of the Medical Research Council Laboratory of Molecular Biology in Cambridge for explaining the complex molecular process whereby living things create ATP. Jens C. Skou of Aarhus University in Denmark won the other half of the prize for discovering the key ATP-related enzyme that controls the transit of sodium and potassium across cell membranes—a process essential to life.

"I'm totally stunned," said Phillips, 48, who lives in Darnestown but was in California for a meeting of the Optical Society of America when he was notified. "At 3:30 this morning California time they called from Stockholm. It was a very nice wake-up call." As things rapidly turned hectic, he said, he got some expert commiseration. "There are two previous Nobel Prize winners here," Phillips said, and one of them, Robert F. Curl Jr. of Rice University "told me, 'Well, welcome to the roller coaster.'"

The prize is the first Nobel won by a NIST scientist since the institute was founded as the National Bureau of Standards in 1901. Phillips has worked at NIST since 1978.

The physics laureates were recognized for separate, complementary efforts that spanned nearly 20 years. Their common goal was to come as close as possible to stopping atoms in their tracks—a horribly difficult prospect. Even when cooled to the temperature of the cosmic void between stars (about 3 degrees above absolute zero) atoms of gases are still vibrating at hundreds of miles an hour. Sedating an atom enough to observe it well for even a fraction of a second requires temperatures millions of times colder.

The physicists devised various means of slowing atoms by striking them with laser beams, a process somewhat analogous to stopping the motion of a ricocheting cue ball on a pool table by shooting hundreds of Ping-Pong balls at it. (Phillips also experimented with magnetic trapping, the equivalent of tilting the pool table to slow the ball.) The general idea was to use the momentum of individual units of light, called photons, to slow the target atoms when the photons were absorbed and reemitted.

One major problem is that an atom will not absorb just any photon, but only those of specific frequencies that correspond to distinctive energy levels in that particular kind of atom.

Moreover, because the atom is in motion, the frequency of the cooling photon has to be adjusted for the Doppler effect. That is the phenomenon that makes a train whistle sound higher in frequency as it approaches the listener than it does when the train is standing still—and that makes a light ray act like one of a higher frequency if an atom is moving toward it. So the scientists had to micro-tune the frequencies of their laser photons to compensate for the estimated speed of the atoms.

Chu, then at Bell Labs, achieved a slowing effect, called "optical molasses," with an array of six lasers in 1985, reaching a temperature of 240 millionths of a degree above absolute zero. In 1988, Phillips attained an astonishing 40 millionths of 1 degree. This was below the theoretical minimum for Doppler cooling until the theory was revised by Cohen-Tannoudji and co-workers, who finally hit .2 millionths of a degree in 1995.

And temperatures have plummeted since, to billionths of a degree, allowing atoms to be interrogated in unprecedented detail.

The work is "one of the great developments of physics in the past couple decades," said Eric Cornell of NIST's Boulder, Colo., facility, who with colleagues used the trapping techniques in 1995 to create a completely new state of matter called a Bose-Einstein condensate in which very cold atoms in effect coalesce into a "superatom."

Physicist Daniel Kleppner of the Massachusetts Institute of Technology, Phillips' alma mater, said the work had opened up a "new world" that would lead to ultra-accurate clocks to improve space navigation and global position system satellites, among other possibilities. (Atomic clocks operate by measuring the frequencies given off by subfrigid atoms stimulated by radiation; the colder the atoms, the longer they can be measured and thus the more precise the timing.) Cornell predicted that the ability to control atoms on that scale would make it possible to detect extremely small effects such as the change in gravitational force at ground level over an oil deposit.

The chemistry award recognized more than 40 years of research into what was once one of the deepest mysteries in biology: How cells create and deploy ATP (adenosine triphosphate), the basic material that provides energy for all living things.

This ubiquitous fuel is produced in enormous quantities in cellular sub-components called mitochondria, each of which is surrounded by its own tiny membrane. Just as one can store energy in a mousetrap by cocking the spring, organisms store energy in the chemical bonds of ATP. It is done by grafting a third bit of phosphate onto an ever-present cellular substance called ADP (adenosine diphosphate), a strand of adenosine that already has two phosphate groups attached. When energy is needed for muscle motion, nerve transmission or sundry metabolic chores, ATP sheds its added third phosphate, liberating the energy of that chemical bond and becoming ADP again.

ATP had been discovered in 1929, but until the work of this year's laureates, nobody knew exactly how it was made except that it was produced by an enzyme called ATP synthase and apparently involved differences in concentrations of charged hydrogen atoms on either side of the mitochondrial membrane.

In the 1950s, Boyer began to study the function of ATP synthase, which has a very complicated structure. The lower part, imbedded in the membrane, gathers energy from the flow of hydrogen atoms like a water wheel picks up energy from a moving stream. The top part, which protrudes above the membrane, resembles a grapefruit with six segments, through the middle of which runs an asymmetric rotation axle connected to the lower section.

As the hydrogen-powered axle turns, it distorts the segments into different shapes that cause them to do various things, such as bind ADP to phosphates, or to cast off freshly minted ATP molecules into the surrounding cellular goo. Boyer also determined that ATP synthase doesn't use energy the way most enzymes do. This "molecular mechanism" model was subsequently confirmed and clarified by Walker and colleagues, who also explained the peculiar axle configuration.

"It's a discovery of fundamental significance to understanding the way living organisms work," said Peter Preusch, a program director at the National Institute of General Medical Science here, which supported Boyer's work for 30 years.

Meanwhile, since 1957 Skou had been trying to understand the processes that cause the normal chemical imbalance between the insides of cells and their surroundings. Within the cell, sodium content is normally very low and potassium very high; outside, it's the opposite. Numerous essential biological processes—such as the electrical build-up and firing of nerve cells—depend critically on changes in the transport of these elements across cell membranes. Skou found that those actions are controlled by an enzyme called Na-K-ATPase that also degrades ATP in cells, and described how it works.

"The insight he had was really crucial, and not just for this one enzyme but for understanding a great deal about the physiology of the cell," said biochemistry expert Kathleen J. Sweadner of Massachusetts General Hospital and Harvard Medical School. "It opened [Researchers'] minds to studying a whole bunch of other processes."

[From the Washington Post, Oct. 16, 1997]

ONE OF SCIENCE'S NICE GUYS FINISHES FIRST

(By Michael E. Ruane)

Bill Phillips is 48, lives in Darnestown, wears a beard and works for the government. He has a wife and two kids. His office is down a brown tile corridor in a government building off I-270. He teaches Sunday school at Fairhaven United Methodist Church and founded the church's gospel choir.

Yesterday, Bill Phillips won the Nobel Prize.

"Couldn't happen to a nicer guy," said Paul Lett, a member of Phillips's team of physicists at the federal agency that used to be known as the Bureau of Standards and now has an even duller name.

A blaze of glory and a bunch of money fell into the life of the anonymous government scientist, who happens to know how to make atoms almost stand still.

"It really is a thrill, an emotional thrill, a physical thrill, like riding a roller coaster," Phillips said in a telephone interview from California, where he was attending a conference when he received the news. "I am surprised, astounded."

Phillips will share the $1 million Nobel award for physics with two other scientists, in California and France, who worked separately in the same field. The award recognized their success in chilling and "trapping" atoms for deeper scientific study.

Phillips has worked in Gaithersburg at the 585-acre campus of the National Institute of Standards and Technology, or NIST, since 1978. He is the agency's first Nobel winner since the institute was founded as the Bureau of Standards in 1901.

Phillips and his colleagues labor in a casual atmosphere, wearing jeans and T-shirts, but they use state-of-the-art equipment and enjoy an esprit de corps that comes from knowing they are at the cutting edge of research into some of nature's basic laws. Although they struggle for the most exact measurement attainable of the location and other attributes of atomic particles, NIST scientists say only God can get it precisely.

Phillips was born in Wilkes Barre, Pa., the son of social workers who fueled his interest in science with books, microscopes and chemistry sets.

His wife, Jane, 50, whom he met in high school in Camp Hill, Pa., said: "He was always the one who got all the A's in physics class, in all the classes, and threw off the curve for everyone."

Phillips said: "It seems like I've been interested in physics for as long as I can remember."

He explained: "It's the simplicity of it. Physics is the simplest science. You're dealing with things that are fundamentally more simple, so you have more of a chance to understand something fully.

"I work with single atoms. More and more, we're finding that single atoms are incredibly rich in the things they have to teach us. . . . Whenever I go into the lab to make a measurement, there are things that we don't understand, things that aren't clear at all."

The "trapping" of normally frenetic atoms has allowed scientists to scrutinize their properties more deeply. It could lead to such things as a new, more precise definition of the duration of a second—that is, an improved way to measure time.

"The trick is getting atoms to stay still," said Michael E. Newman, an institute spokesman. "Trying to get atoms to stay still . . . is a very, very difficult thing to do."

The institute operates one of the nation's two atomic clocks, which keep time according to the known rate of the natural oscillation of cesium atoms. The institute's atomic clock, in Boulder, Colo., is so accurate that it would neither gain nor lose a second in a million years.

If that were not precise enough, Phillips's study of slowed sodium atoms could produce an atomic clock that is even more accurate. Such insanely precise time-keeping can improve such things as global navigation systems, which depend on the time-keeping abilities of orbiting satellites, Phillips's colleagues said yesterday.

There was jubilation yesterday on the institute's campus and in the laser lab, where Phillips's experiments were arrayed along tables like a fantastically complicated electric train set. Printouts of complex graphs and schematic drawings hung on the walls.

In a conference room adjacent to the lab, colleagues toasted Phillips with sparkling cider and carrot cake brought by his wife. Aides scrambled to arrange interviews, fielded an avalanche of phone calls and struggled to explain Phillips's complex work.

Phillips cut short his trip and caught an afternoon plane back to Washington.

"We're tremendously excited by this news and as proud as can be to have Bill Phillips on the . . . staff," Robert Hebner, the institute's acting director, said in a statement. "The elegant work that Bill and his colleagues have done at the frontiers of atomic measurement opens up new possibilities both in science and measurement technology."

Some of Phillips's colleagues heard about the prize while they were still in bed yesterday. Steven Rolston, 38, one of the four members of Phillips's atom-trapping team, said he heard the news when his clock radio clicked on about dawn. "I couldn't believe it. Great way to wake up. I shouted to my wife, who had just gotten up a few minutes before me, 'Bill won the Nobel Prize!' "

Rolston said Phillips is "really just a great guy. He's enthusiastic, happy, always willing to help people, very involved in his church."

Katharine Gebbie, director of the institute's physics laboratory, said she, too, had been in bed when the word came. She had just returned from a long trip, and she said the deputy who called said: "You know I wouldn't be calling you now if there weren't some good news."

Gebbie said, "I held my breath."

"It's a wonderful honor for Bill and his colleagues in the physics laboratory," she said. "We have cherished them very much."

Phillips "is one of the greatest guys in the world, that's all I can say," Gebbie said.

"Anybody who listens to him gets a sense of the great thrill of physics that he's doing . . . He just loves it and wants everybody else to love it."

Another member of Phillips's group, Lett, 39, said he was "thrilled."

"It's well deserved," he said.

Phillips, who has been married for 27 years, has two daughters, one in high school and one in college. Group members said he is "very much a family man." Physics, though, has kept him in thrall.

"It's the same thing that gets a grip on all of us," Lett said. "Wanting to know the nitty-gritty of why things work."

Rolston said, "I always tell my daughter: Everything's physics."

DETERMINING GUAM'S POLITICAL FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I take to the floor to talk a little bit about H.R. 100, which is the Commonwealth bill for Guam. This bill was first introduced in 1989 and it has endured some 8 years of negotiation with both the Bush and the Clinton administration, and to date we have not reached any consensus on this bill.

As a consequence of that, I had asked the gentleman from Alaska, DON YOUNG, chairman of the Committee on Resources, to schedule a hearing in order to perhaps facilitate more discussion on the bill and to get a kind of check on the health of the bill, both from the perspective of the administration and the Congress. The chairman of the Committee on Resources has gratefully allowed us to have this hearing on October 29, next Wednesday.

H.R. 100 has been a bill that we deliberately labeled it H.R. 100, because next year, 1998, stands for the 100th anniversary in which the island of Guam has been associated with the United States. Guam was ceded to the United States by Spain as a result of the Spanish-American War, and next year we commemorate or celebrate, or otherwise acknowledge in one way or another the 100th anniversary of what most historians call the splendid little war.

In that time period, Guam has really, its political status has only been changed once. It was and still is an unincorporated territory, but the process of changing perhaps the way in which Guam has been dealt with occurred only once, and that was in 1950 with the passage of the Guam Organic Act, making the indigenous people, the Chamorro people of Guam, U.S. citizens.

Since that time, it certainly has been clear to the people of Guam that we need to revisit our political status, and that we need to revisit our relationship with the Federal Government.

Throughout the decades ever the 1980's, there were a series of elections that took place on Guam with all eligible voters participating on what political status Guam should pursue for the immediate future. In 1982, this election was held and the two winners were what was labeled Commonwealth and the aspiration for statehood, and a runoff election was held between those two sometime later, 2 years later, and the eventual winner of that, by a 3 to 1 margin, was Commonwealth.

There ensued on Guam a series of discussions and public hearings in which a Commonwealth proposal was fashioned, and this led to a 12-titled piece of legislation, which was in itself voted on, article-by-article, and which eventually surfaced as legislation ratified by the voters of Guam, and legislation which was introduced in Congress in 1989.

At that time, the Subcommittee on Insular Affairs of the Committee on Resources held a hearing on this Commonwealth proposal, and suggested that there be a period of time in which negotiations and discussions could be held between, at that time, the Bush administration, and the Commission on Self-Determination, which is a body created by Guam public law.

There ensued a period of discussions for 3 years, and at the conclusion of the Bush administration, the Bush Administration concluded that they could not agree to major parts of this Commonwealth proposal and left it at that, with a negative report that was actually issued 1 hour before the administrators at the Department of the Interior physically left office, signalling the end of the Bush administration.

As a consequence, we had very serious high hopes when the Clinton administration came in, and for the past few years we have been in discussion with the Clinton administration with a team led by John Garamendi, the Honorable John Garamendi, the Deputy Secretary of the Department of the Interior.

Throughout those discussions we have discovered, somewhat to our dismay, that many of the people we were confronting in earlier times under the Bush administration were essentially the same bureaucrats and had the same bureaucratic perspectives of those under the succeeding administration, and to date very little progress has been made.

What is Guam seeking in this legislation? Well, Guam is seeking in this legislation a new relationship with the Federal Government. It seeks a new relationship with the Federal Government through a joint commission to review the application of laws and the application of rules and regulations for the people of Guam. It seeks to resolve some issues of historical injustice regarding Federal landholdings on Guam and the right of the Chamorro people, the indigenous people of Guam, to ultimately determine their political faith in the future.

Lastly, it offers some economic items that would lead to a greater economic growth for Guam. That is the basis for this package that we call the Guam Commonwealth proposal. At this point in time, I wish that I could report that we had made great progress with the administration, but we have not made that great progress. Yet, I remain the optimist and hope that in the context of the hearing next week, we will have people who will say there may be serious disagreements, but that there will always be opportunities to further discuss this and that the administration would not close the door to further discussion.

It is my hope as well that as the Committee on Resources, which is the only committee in this body that is charged with the general management and review of insular affairs, takes its responsibilities seriously with regard to the territories. It is of note that the Committee on Resources hearing room, the primary hearing room used by the Committee on Resources, is the only committee room in Congress that flies the flags of the insular areas behind the chairman's seat. So this responsibility is entrusted to the Committee on Resources, and I think the people of Guam are coming to the Committee on Resources with a sense that these are people who understand their responsibility with regard to the territories.

At one time or another, even though it may not be of abiding concern to many Americans, because we are talking about fellow Americans who are few in number and quite distant, the island I represent is some 9,000 miles from Washington, DC; is on the other side of the international dateline; takes some 19 hours to get to by air; and has only 150,000 people. It is very difficult to understand why this would be an abiding concern to most Americans. Yet, these people are U.S. citizens. We fight and we die in American wars.

Guam has the distinction of having the highest per capita casualty rate and death rate from Vietnam. And nobody asked us whether we were full citizens or second-class citizens as we sought to participate fully in those challenges that are most presented by American citizenship.

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At some point in time we are going to have to cross that bridge and try to understand what is the meaning for U.S. citizenship and what kinds of ways can we offer people who live in distant and small areas in order to more effectively participate as American citizens in their government.

We all take it as a core creed of America that the only legitimate form of government is through the consent of the governed. That is not true for all

Americans, because it is certainly not true for the insular areas. The insular areas do not have meaningful participation in the development of the laws under which they must live, laws which are passed in this body in which we have nonvoting representation by delegates, laws which are passed in the other body in which there is no representation, and laws which then become administrative rules created by an administration which the people of the territories cannot vote for. So in that sense there is no meaningful participation, and that violates the very creed of America and the sense of American democracy.

So we need to be creative as we try to figure out what is the meaning of American citizenship for the people of the insular areas, and certainly I am making that pitch for the people of Guam.

The real test of our democratic creed is not to try to act when only it is in our best interests, but to try to act and to understand the necessity to act when there is no personal interest at stake, other than the pure understanding of democratic principles.

So the people of Guam come to this hearing hoping for a fair hearing and a fair opportunity for their proposal, and I am sure that most of the members of the Committee on Resources will give them that opportunity. I am sure that most of the people of this great country will understand that if they had the opportunity to draw a little attention to it.

When we talk about extending the basic principles of democracy to other parts of the world or shoring them up, and we are talking about millions and millions of people, and we are talking about trade interests and strategic interests and security interests, there is an imperative in that beyond the desire for democracy, to make democracy work in other parts of the world.

But when we are challenged simply by the existence of 150,000 citizens by people who live on what is a relatively small island some 9,000 miles away, really, when there is no abiding interest to address those issues, we are really testing whether we do really care about democracy, where we are willing to think outside the box, and try to come up with and fashion an instrument which gives these people meaningful participation in the Government which controls their lives.

The people of Guam will be represented by a large delegation: The three living Governors, the current Governor, Carl Gutierrez, the Honorable Paul Calvo, and the Honorable Joseph Ada, both of whom are Republicans, Carl Gutierrez is a Democrat, this proposal is very bipartisan on Guam and supported across the board by the elected leadership; Senators Tony Blaz, who is the vice speaker of the Guam Legislature, Senator Mark Forbes, the chairperson of the Federal Relations Committee of the Guam Legislature, Senator Ben Pangelinan, the minority leader, Senator Elizabeth Barrett-Anderson, chairperson of the Committee on the Judiciary of the Guam Legislature; Chief Justice Pete Siguenza; presiding judge, Alberto LaMorena; members of six groups that are important in the context of Guam; and a very important symbolic figure for most people on Guam, the Archbishop, Anthony Apuron; leader of the Chamorro Nation, Ed Benavente; leader of the Organization of People for Indigenous Rights, Hope Cristobal; chairman of the Chamber of Commerce, Sonny Ada; president of the Guam Bar Association, J. Arriola; and president of the Filipino Community of Guam, Roger Ruelos have all received invitations, and we look forward to their testimony.

We certainly look forward to welcoming them to Washington and hope that they have a safe trip to this very distant city, when you look at it from Guam's point of view; and hopefully we will give them a warm welcome, and entertain warmly the proposal of a people who are striving to create a mechanism to better participate in the fabric of American democracy through a Commonwealth proposal.

It is a proposal whose time has come, it is a proposal that must be addressed, and it is a proposal that deserves the serious attention of the members of the Committee on Resources as well as all Members of the House of Representatives and the American people at large.

THE HAZARDS OF NUCLEAR WASTE TRANSPORT

The SPEAKER pro tempore [Mr. PEASE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Nevada [Mr. GIBBONS] is recognized for 60 minutes as the designee of the majority leader.

Mr. GIBBONS. Mr. Speaker, I believe it was H.G. Wells who was once quoted as saying, "Human history becomes more and more a race between education and catastrophe." Right now, Mr. Speaker, this Congress is in a race and we must not let catastrophe win.

In examining both the education and catastrophe spectrum here, I would first like to do my part in educating the ladies and gentlemen of America, Mr. Speaker, on the facts concerning H.R. 1270, the Nuclear Waste Policy Act of 1997. This legislation will mandate transportation of high-level radioactive nuclear waste by way of our national highways and railways.

This deadly waste will traverse 43 States to a nuclear waste dump at Yucca Mountain, NV, that is right, through 43 States out of 50, traveling right alongside of you during your commute to work or on your weekend outing, or with your family over bridges that traverse your community's source of water, near schools where your sons and daughters are attending their education. On these routes will be nuclear, radioactive waste from 109 of our country's nuclear reactors.

American citizens from Los Angeles to New York, from Atlanta to Denver, from Pittsburgh to Dallas, St. Louis to Tucson, Kansas City to Baton Rouge, Jacksonville to Chicago, and from here in Washington, DC, to Cleveland, are all in harm's way. That is exactly why it is important for us to educate Members on H.R. 1270.

Mr. ENSIGN. Mr. Speaker, would the gentleman yield?

Mr. GIBBONS. I am happy to yield to my colleague from district 1.

Mr. ENSIGN. Mr. Speaker, I would ask, is the gentleman aware that in the transport of this nuclear waste across the country, that the most highly dangerous substance ever produced by mankind is an environmental problem, is a health and safety problem? This high-level nuclear waste on these routes of transportation will be going near even elementary schools, day care centers, and the like across the country?

Is the gentleman aware that we tried to offer and tried to get approved in order an amendment just to make nuclear waste not go within 1 mile of schools, and that the leadership, the Republican leadership, did not allow this amendment to be in order? Is the gentleman aware of that?

Mr. GIBBONS. I thank the gentleman from Nevada for reminding me of that fateful day when we proposed those amendments, and certainly were told that we could not offer those amendments; an amendment which would, in essence, protect children from transportation and the exposure to the transportation of nuclear waste by their schools. I am aware of that.

Mr. Speaker, we would like to point out to everyone just exactly where the proposed railway and highway routes are going to be. Imagine, if you will, that 75 percent of all the nuclear waste in America is generated east of the Mississippi, and it is all coming right here to southern Nevada. Seventy-five percent of those 109 reactors are going to have to funnel their waste through what could be regular hub and spoke communities. For example, if we took St. Louis, MO, where I–70 passes through St. Louis, MO, crosses over the Mississippi River, an accident in St. Louis, MO, could have catastrophic results.

As we recall, earlier, I would remind the gentleman today that we heard earlier about a train accident in West Virginia, a terrible catastrophe. In fact, there were two train accidents in the last several days in West Virginia: a head-on, two trains colliding head on, and a train intersecting or a train intersection where it impacted a truck.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, from what I understand from hearing the gentleman from West Virginia this morning, or this afternoon, he talked about this train collision happening, and he even said, luckily, only by God's grace, was the explosive material on one of the trains taken off just before these trains collided.

Mr. GIBBONS. If the gentleman will yield for point of correction, I think he said that that was a truck that was at an intersection that was loaded with explosives, or previously loaded with explosives, just hours before.

Mr. ENSIGN. Yes. If the gentleman will yield further, let us take, for instance, if we had nuclear waste in these tri-cask cannisters, which are supposed to, based on the testing, if I am correct on this, they are supposed to be able to withstand temperatures of up to 1,500 degrees.

Mr. GIBBONS. One thousand five hundred, that is correct.

Mr. ENSIGN. Explosive materials could lead to a fire. Diesel fuel, what does diesel fuel, if the gentleman would answer, being a geologist and a scientist, what does diesel fuel burn at?

Mr. GIBBONS. Diesel fuel burns at 1,830 degrees, but in addition to that, if cooked long enough, the metal surrounding structures will burn in excess of 3,000 degrees, sometimes.

So the problem we have here is twofold. We have natural hazards, diesel fuel from trains and trucks and the metal surrounding it, the incendiary position of the metal; as well as the explosives, if the accident had occurred with a trainload of nuclear fuel and this truck, loaded with explosives; or a terrorist act.

Not too long ago in Arizona it was reported that a terrorist blew a bridge out in Arizona and a train derailed. The exposure of hazard to this material in transportation across America exposes a great risk. But it is a fact that these casks are dangerous.

I would tell the Members, Mr. Speaker, just what is in one of these casks. That is the critical part. These concrete and steel casks contain 24 nuclear fuel rods, spent nuclear fuel rods. Each one of these casks contains 10 times the nuclear radioactive fallout as the bomb we dropped on Hiroshima in the Second World War. That is 10 times that in one cask, in one cask; and we have nearly 80,000 tons of this material being transported primarily from the East Coast over to the West.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, from what I am understanding, based on the scenario that the gentleman has painted, based on this hot metal burning and causing one of these casks to come apart, looking at the gentleman's map down there and looking at St. Louis, looking at Denver, CO, right through the center of Denver, CO, looking at Los Angeles, CA, looking at potentially coming across Hoover Dam, which is, from Arizona coming into Nevada, if one of these transport mechanisms, say, was on Hoover Dam, had a crash, went over the side of Hoover Dam, which is about 450 feet down onto a concrete slab, and we had a fire down there, one of these casks broke open, what State would be most affected, besides the State of Nevada, which is sitting right there, and the State of Arizona? What is the No. 1 State that would be affected by this radiation fallout?

Mr. GIBBONS. First, let me address the issue that the gentleman has talking about, dropping these casks. These casks are certified to be fracture-resistent when dropped from a height of 30 feet. It is a lot different from dropping a cask from the top of the Hoover Dam to the bottom, 450 feet.

Only 2 months ago we had an 18-wheel tractor-trailer rig in an accident, spun out on the top of that dam, and the back end was hanging over the edge of the dam. It can happen. It is not a farfetched idea.

□ 1500

But, what you present is one of the greatest environmental catastrophes for the most populated State in the United States and the most populated community that gets a lot of its drinking water and agricultural water from the Colorado River, and that is Los Angeles, CA. All of those millions and millions of people, the lives along the southern Colorado River would be in danger of jeopardy from a nuclear contamination spill just off of that one roadway.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, people say if we cannot bring it to Nevada in an interim storage facility or a permanent repository that Congress is talking about, they ask me, "What is the answer?"

Correct me if I am wrong on this. When they were developing the transport mechanism, these things they say are safe, the Committee on Commerce says they are safe, but when they were developing this—and I had a conversation today with the gentleman from Michigan [Mr. UPTON], the lead sponsor of the bill from the Committee on Commerce, and I asked him when they were developing the transport mechanism they developed these dry casks to store them. I asked him, are these dry casks safe for up to 100 years? And he said, yes, they are safe for up to 100 years. And I said why not leave them right where they are instead of transporting them and talking about the potential accidents?

Mr. Speaker, I would ask the gentleman from Nevada if he sees any reason at all for transporting this dangerous waste through cities like St. Louis and Denver and Los Angeles and many other cities like Atlanta across the country?

Mr. GIBBONS. Mr. Speaker, reclaiming my time again, that is exactly what the problem is here that we are facing today. It is a poor policy developed in the 1980's in order to provide an industry with an escape mechanism for something which we should have changed when we allowed them to build these nuclear reactors. Notwithstanding the issue of the nuclear reactor, what we are talking about is what should the policy of this country be with regard to the storage of nuclear waste?

Current technology today indicates that these dry cask storage mechanisms that are on site at the nuclear powerplants are indeed safe for the next 25 to 75 years, if not a longer period of time for the storage of nuclear waste. During that time we have talked to a number of physicists from MIT to Brigham Young University regarding how we could better handle the nuclear waste; rather than just burying it in the ground to an uncertain fate or transporting it across this country with an exposure of danger to all the American people in its path, and that is twofold. One is recycling and reprocessing the material to be used by the reactors that are still in existence or, No. 2, developing the research and the technology that will allow us to change the radioactive hazard of the material.

One physicist that I talked to, a professor from a university in Utah, indicated that he has just recently developed technology that will allow this material, the radioactive waste, to be converted through his process into titanium and copper, to relatively inert but precious metals that we can use in the industries around this country. But it is a far better policy to convert the nonuseful, very dangerous, very deadly toxic substance of nuclear waste into a rather inert valuable metal of titanium and copper. That is the policy that this country ought to be developing rather than the dangerous transportation and uncertain burial.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield further, could the gentleman possibly address what seems to be happening in the Congress? We have talked about many different parts of the science, whether it be on site, dry cask storage being the best storage up to 50 years. Second, the gentleman mentioned some type of recycling, reprocessing this waste. Even if the new technologies the gentleman talked about are not developed, there are older technologies currently in the works in Great Britain, in France, and in Sweden, and they are doing it very safely and they have obviously a much better nuclear power industry in those countries.

So when we are looking at what is driving this policy in this country, I believe and the gentleman's comments on this would be appreciated, from my perspective I see several things happening. First of all, Members of Congress that have nuclear reactors in their districts, they want to get the wastes out of their State. But probably, and most significantly, the driving force behind this is the nuclear power industry, because the nuclear power industry right now only has nuclear powerplants that are going to last 20 to 30 years from now. After that, if we left it where it is, they would be responsible for storing this waste and paying for that storage.

If the Yucca Mountain or the interim storage facility is built in Nevada, would the case not be that ratepayers and the nuclear power industry no longer would have to pay the bill, but now the taxpayers from across the country, even in those States which do not have any nuclear reactors, all of those States and the taxpayers in those States would be left holding the bill? So not only do people have to have this stuff transported through their State when they never had nuclear power in their State, but they are also going to have to foot the bill to pay for the storage of this stuff for thousands of years.

Mr. GIBBONS. Mr. Speaker, again reclaiming my time, I would like to point out something specifically. The gentleman raised absolutely an important question that fails to be asked and answered publicly, and I am glad he brought the subject up.

Yes, indeed, what we see today, for example let us take the State of Connecticut. It has four nuclear reactors and for the problem of safety they have shut those nuclear reactors down. They are not generating nuclear waste anymore, but they have it sitting in this dry cask storage or on site. They want to get it out of their backyard because the nuclear power company sees a serious problem and it is called a "stranded capital" problem. It will ultimately have to be responsible for the nuclear waste that that industry, that powerplants generated, unless it transfers that to the gullible taxpayer to take care of it. And that is what is driving this.

If we look here, this chart provides a very insightful window on what is taking place in the nuclear industry. As the gentleman said, every powerplant that is in America today, due to its shelf life or operating life, is scheduled to shut down within the next 20 years or so. This nuclear waste takes 10,000 years to at least get through a half-life of most of it. They have been charging their customers a mill rate on the electricity generated to store this. And it has generated a trust fund. This indicates the balance by the mill rate paid by the end user of the electricity for that storage of about $600 million.

But if we take the time from 1995 and spread it out, as those powerplants shut down the mill rate drops off. In other words, the fund balance goes to zero because expenses are still taking place. Well, it is that timeframe out there when the powerplants are no longer producing electricity and those powerplants are no longer bringing in that revenue that that fund balance is zero. Well, guess who gets to pick up that fund difference for the storage, the monitoring, and the handling of that nuclear waste? The taxpayer.

If I may say so, the cost of storage on site today has been told to us by the nuclear contractors who are capable in this field and have the knowledge of this field, but the cost of securing that material on site, where it is at even for the next 100, 75 to 100 years is about $300 million. And giving them the benefit of the doubt, add another $100 million in it, $400 million, even if they were wrong, the cost of shipping it, just shipping it across this country from the east coast to Yucca Mountain, is not $300 million, but $2.3 billion. Well, there is no way $2.3 billion is going to come out of this waste fund. So who picks that tab up? The taxpayers.

Mr. Speaker, this is an unfunded mandate by a nuclear power industry that wants the taxpayers to pick up the tab.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, speaking of what the taxpayer is going to end up holding the bag on, the Committee on Commerce in its infinite wisdom, Republicans and Democrats alike in the Committee on Commerce, and correct me if I am wrong on this, from what I understand in reading the bill, and we checked with many sources that agree with this, if we had a driver of one of these trucks that was going through, say, Denver, CO, the driver of the truck happens to be drunk, happens to be coming through during the evening one time barreling down and ends up crashing through an apartment building killing *x* amount of children and adults, even though that person should be held totally responsible and that company should be held totally responsible, not only do we have the loss of life but we have an incredible environmental disaster.

Mr. Speaker, I have heard that this company, because of what the Committee on Commerce did, that this company will not be held liable, that the financial end of this will fully be picked up by the taxpayer. Mr. Speaker, I would ask the gentleman, is that correct?

Mr. GIBBONS. Mr. Speaker, the gentleman is correct. It is absolutely mind boggling and the answer to his question is yes. Under the current law, and the laws that they want to pass with regard to this, we are indemnifying the transportation companies. They are going to haul this stuff clear across America and what do they have for responsibility or accountability? Zero, zip, nada, nothing.

There is nothing that says they cannot go out and hire somebody who has never driven a truck before to haul this stuff around. If they crash off one of these bridges or leave the truck in the middle of a railway and they create a nuclear accident, that company that hired them, who should have known better, who had responsibility to do that, who had accountability for any other accident at any other department or any other material in America for any damage or environmental problem would be liable for that.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, I heard the gentleman from Nevada speak this morning in front of the Committee on Rules on the cost of the potential cleanup if we had one of these accidents with leakage in an area. Could the gentleman address the cost of cleaning up one of those environmental disasters?

Mr. GIBBONS. Mr. Speaker, this is a Freeland, MI, picture of a train accident. Just say this accident occurred somewhere near one of those communities. Say it was Denver, CO; Kansas City; St. Louis, just name the place the stuff is going to go.

Mr. ENSIGN. Salt Lake City.

Mr. GIBBONS. You bet. An accident like this, if it even allowed a fraction of the radioactive material out of these casks, would contaminate an area that they estimate would be as large as 4 square miles. Cleanup of that 4-square-mile area would cost nearly $19 billion. That is billion with a "B" dollars. Because every structure on it in that 4 square miles would have to be razed. The soil, depending upon the penetration of the cesium and other parts of the nuclear reactor content, if they penetrated the soil would also have to be removed. And it would be years before they could actually certify that they have cleaned up that area.

Put that in downtown Denver, put that in downtown Cleveland, and put that in downtown St. Louis on the Mississippi River and guess what we have got? We have a national catastrophe within which the Superfund that we have created to handle environmental cleanup would never be able to even address in its wildest, richest moments, let alone the fighting and the attorneys that would take the money.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, this possibly could be why every major environmental group in the United States opposes this legislation.

I have heard NEWT GINGRICH lately talk about that he wants to be friendly to the environment. I think that NEWT, the Committee on Commerce, and the rest of the people supporting this bill, both Republicans and Democrats alike, because make no mistake about it, this has been a bipartisan effort to bring nuclear waste, transporting it across so many different communities and across this country, across 43 States, that they have to look themselves in the mirror and say, "Why is every major environmental group opposing this legislation?"

Mr. Speaker, I think that we have heard the answers today. It is because it can be such a potentially damaging incident to our environment if we end up with an accident occurring during the transporting of this waste.

I thank my friend from Nevada. I have to go catch a plane back to our lovely State. I thank the gentleman for allowing me to participate in this special order.

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Mr. GIBBONS. I thank the gentleman from Nevada for joining me in this dialog here with regard to the hazards of H.R. 1270. I appreciate his support. I appreciate his eloquence and his delivery of this information.

I would like to continue the rest of my time to help educate the American public a little more about the hazards about what is taking place. I know many of my colleagues today, on their way in to work, might have driven down 395, taken the House or Senate exit here over to the Capitol, and could have noticed one of those big red signs that say, no hazardous material transported here. That is because it is not in my backyard are we going to have them transport this material. That is because they do not want it here. It is the classic NIMBY syndrome.

But if you look at the transportation of nuclear waste in Maryland, guess what? To those people who do not want nuclear waste in our Nation's Capital, it is actually going to go right through the Nation's Capital, in fact, right through the center of the Nation's Capital; that is, Union Station, just down the street, part of the railway transportation scheme for transportation of nuclear waste on this route.

In addition to that, let me talk a little more about what was brought up about hazards of this material and why the American public is being duped in this regard. If we want to take standards and use sound scientific evidence to establish hazards of materials, then all we have to look at is some of our previous experience in the legislative history of this material and come up with a basis of what is taking place.

First of all, the Environmental Protection Agency has established the number of millirems per year that is allowable in drinking water. And that is 4, 4 millirems per year is available to be safe in drinking water in our country. The Nuclear Regulatory Commission says, well, we will up it a little bit, for a low-level nuclear waste site, you can be exposed to 25 millirems a year and still be healthy.

EPA again, under the waste isolation pilot project plant in New Mexico, where they are taking high level nuclear waste and treating it in storage there as a pilot project, they have got a whopping 15 millirems per year. An independent spent nuclear storage facility is estimated to have 25 millirems per year, and the interim storage exposure range is about 10.3.

Under 1270, H.R. 1270, all of those standards, the EPA standards do not have to be met. All of the safety guarantees that we have got environmentally around this country do not have to be met. In fact, they guarantee that they will exceed 100 millirems per year in the transportation of nuclear waste.

Mr. Speaker, absolutely incredible that we could have the American public be duped by the nuclear power industry into accepting this material.

Now, we have heard a lot recently about the site or the location where this material is going to be placed, in a mountain in southern Nevada. Theoretically it is dry, no problem with storing it there. After all, people only live miles away.

Mr. Speaker, let me tell you, from a scientific basis, after all, I think I am qualified inasmuch as I have a degree in mining geology, I have studied it. I have a master's degree. I understand some of the hazards with regard to geologic settings.

Yucca Mountain did not become a safe storage site unless you take the standards and you keep changing and reducing the bar and the acceptable level downward and downward and downward. Yucca Mountain did not get to be Yucca Mountain because of a stable geotectonic event. It became Yucca Mountain due to faulting and geologic volcanic activity which is currently active today. Numerous faulting in the area exists and has continued even today with 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius over the last year. That is incredible. There are at least 33 known earthquake faults in Yucca Mountain itself, this little piece of land that they want to put this.

A National Science Foundation study showed that previous testing at the Nevada test site, located 20 miles away, had released plutonium into the surrounding dry rock during one of the underground testings. As a result, they wanted to study that plutonium, very dangerous, half-life much longer than uranium, enriched uranium, to see what the migration into the groundwater would be. Thinking that it would not have gone anywhere in the last 20 years, it has gone nearly a mile. It has migrated a mile. That is 5,000 feet.

Well, 10,000 feet below that is the water aquifer, a huge aquifer for all of the Southwest, including Las Vegas, a city of 1.2 million people, as well as other surrounding communities in the area.

This tells us one thing, that the standards by which they are judging Yucca Mountain are wrong. It is not geologically safe. It is not geologically stable. The transportation and migration of radioactive nuclides through the rock, through the soil and into the groundwater is more than just an expectation. It is an inevitability. It will occur.

We have today probably one of the greatest opportunities to stop this nuisance, to stop this nonsense, to change the policy of this country, to change the idea of sticking it in the ground and walking away from it.

As we talked earlier, the cost of transportation, seven times more expensive than storage on site where it is at. You pick the difference up. You pick up that $2.3 billion. It comes out of your pocket, takes away from your children's education, takes away from your highways, takes away from anything, the defense of this Nation. That is $2.3 billion out of your pocket just to move it versus 300 million that the industry itself could pay to store it for the next 100 years while technology is developed to change the hazard of this material so that we do not have to bury it.

They say they have built a storage site that will last. I defy them to answer me how they know that. We in this country have never built anything to last longer than 1,000 years. We have never been in existence for 1,000 years. The Egyptians built the pyramids 3,500 years ago. They are not lasting. What is it that they expect to see, 1,000, 2,000 or 5,000 years from now when they come across this cavernous Yucca Mountain site where they have buried this nuclear waste?

Who knows what we will find at that point in time, if it is accessible, if it has not erupted or some cataclysmic activity destroyed or changed the site itself. I wonder what the warnings will look like 1,000 years from now that say, do not dig here. We buried high-level nuclear waste.

What sort of paint will they put on the sign that will last for 1,000 years? Will they chisel it in stone and place it at the entry? Will 1,000 years or 2,000 years from now allow us to have that warning available to those people, if there are people, who may stumble upon that area? We do not know. And that is the question of the day. What do we know? We do not know what it will be like. We do know we have the ability to change the policy today, to ask that we go forward with research and development, that we go forward with science to change the hazard of this material.

H.R. 1270 is the transportation of nuclear waste across America. We talked earlier about the odds of an accident. River Front Times, June 12 through the 14, 1996 said it very clearly: No matter how slim the odds of an accident, the potential consequences of such a move are cataclysmic. Under the plan, tons of radioactive material would likely pass through the St. Louis area by either truck or rail a few times a week for the next 30 years. Each cask would contain the radiological equivalent of 200 Hiroshima bombs. Altogether, the nuclear dunnage would be enough to kill everybody on Earth.

Maybe a little bit eccentric, maybe a little bit exaggerative in terms of the cataclysmic event that might occur, but certainly not impossible, not far-fetched.

Whether it is a terrorist act on the railway transportation of this material or a simple accident along the highway or railway with this material, you, the Americans, are both at risk economically, environmentally, personally.

I think it is up to America to advise their representatives in Congress of their opposition tq H.R. 1270, the Nuclear Waste Policy Act of 1997. We have a chance today to educate our Members through your phone calls, through your letters, requesting that they oppose H.R. 1270. Do not let this opportunity, do not let this time go by without taking advantage of that opportunity because your future, your children's future and the future of this country depend on your ability to see through the nuclear wool that the nuclear industry wants to pull over the eyes of America.

FAST TRACK TRADE AUTHORITY

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am going to talk today about why I am opposing the Presidential request for fast track legislation and, while I am not authorized to speak for anyone but myself, I think I reflect the views of many of my Democratic colleagues and some of my Republican colleagues, but particularly my Democratic colleagues who are opposing the request, even though for many of us the goal of more trade negotiated through fast track authority is ultimately something we want to support.

I want to take this time because of the absolutely central imperative that Thomas Jefferson urged on all of us engaged in the making of public policy when he wrote the Declaration of Independence, the decent respect for the opinions of mankind. It is essential that we be explicit about our reasons, especially since, as I said, expanded trade negotiating authority and the agreements that would result therefrom ultimately, I believe, are in the public interest, but not in the current context.

We are at a time in this country and in the world in which a combination of increased globalization of economies and the technological advances that spur that on and are spurred and turned on by it are doing two things: First, they are increasing, I believe, the overall wealth of the world. Expanded economic activity among nations, the greater efficiency that comes from increased mobility of capital without artificial barriers, and certainly the technological changes that occur, those do allow us overall to produce more. Unfortunately, absent appropriate public policies, they result both in increased wealth and in increased inequality. That is especially true within the United States and other developed nations.

Mr. Speaker, I wish more people had read, and I will be submitting for the RECORD once again, because I have done this before, some passages from the world economic review in 1993 of the Economist magazine, a magazine very much in favor of free trade, devoted to free trade in its inception.

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What they said in 1993, as we were in the midst of the NAFTA debate, was that some of their colleagues on behalf of free trade were not being fully intellectually honest. Because the argument was being made that free trade, specifically in this case NAFTA, was a good thing, and either implicitly or explicitly was being argued that it was, therefore, good for everybody; that it would benefit everybody and hurt nobody, or at least benefit a large number of people, benefit the totality and not have any negative consequences.

As the economists acknowledged, trade does not work that way, and they pointed out that the whole theory of comparative advantage, developed in the 19th century, which continues to be a major argument in favor of trade, the theoretical underpinning for much of the argument, assumes that some people will not do as well. The theory says that countries will do better in trade and increase their production in areas where they have a comparative advantage, but they will lose to some extent in areas where they do not have a comparative advantage. The overall will be to people's benefit.

In the United States that means that people who are technologically skillful, people who can take advantage in their work of globalization and technology will benefit greatly. Those people in our country who are in industries, where America does not have a comparative advantage, where the level of technology is not high, where trade factors will work to the benefit of others rather than ourselves will be worse off.

Yes; it is probable that overall we will be better off, certainly in the long run. But in the real world that people live in, some people will be hurt.

I see this in my own district, Mr. Speaker. I was given by the Massachusetts Legislature in 1992 a rather bizarre shaped district. They were not doing it particularly to help me or hurt me. The legislature had in mind helping one of my colleagues; the Governor wanted to hurt another. The result is a district, which I dearly love and am proud to represent, but it is rather oddly shaped on a map. It almost disappears at a few points.

Indeed, Mr. Speaker, under the current jurisprudence of the U.S. Supreme Court, I think if I were African-American my district would probably be held unconstitutional. But white people are allowed to benefit from extreme gerrymandering in America, only black people are not, so I continue to be lucky enough to represent the district and it is divided.

The northern part of my district has a number of economic activities that are beneficiaries of the new economic order. There are places where the world is now more of a market for them. There are places where technology is being used to great advantage, not just for the economic benefit of those who participate but for the benefit of the world. Software development; biotechnology, bringing great new products; medical care in general, because we get a lot of people coming to Massachusetts from other parts of the world and paying us for the first-rate medical care available there; financial services, where America has led the way and has been exporting our services, those are just some of the areas where we benefit. We have other industries, Raytheon and others, that benefit from exports.

In the southern part of my district I have other industries where people work very, very hard, sometimes in difficult circumstance, but without, up until now, a lot of technological aid at their disposal; in areas where other parts of the world have been able to compete, in areas where labor not as highly skilled as other parts of our economy is a very intensive factor, and these are people who are being hurt.

Garment and textiles are two industries that produced a great deal of the livelihood of many of the people in the southern part of my district. American trade policy has essentially presided over the substantial erosion of those industries.

So here is the problem that I and many of my Democratic colleagues confront: We are being asked to promote greater trade and greater globalization knowing that along with that will come an increase in technological innovation, because I think the two spur each other, and we know that this will benefit a great many people, and may benefit the country as a whole, but it will exacerbate the tendency toward inequality in this country. Some people will do very, very well; others will not do well.

And while there are debates about exactly how it has happened and why it has happened, the fact that income growth has at best stagnated for many, many people in the lower sectors of the economy is indisputable. Working people who do not have the advantage of great technological sophistication behind them have not participated nearly as much in the prosperity as other segments. We have increased inequality, and people in the lower half of the income sphere, in the lower three-quarters, have not done nearly as well as they should have.

What I and many others believe is that if we simply project current policy trends forward, if we do nothing but increase trade, we will exacerbate that tendency. Yes; many people will get richer, some people not now rich will get rich. That is a good thing. But other people will be left further behind. And I and many others will oppose increased trade negotiation powers to the President until we have public policies in place that see that the wealth that we will gain thereby is more fairly shared.

Now, let me acknowledge that people have said, well, trade is only a small part of the reason for some of the inequality. I have read the economists' analysis. Most of them agree that technology is even more important than trade. The point, of course, is that trade and technology reinforce each other.

What we have is the physical capacity, thanks to technology, increasingly to make anything anywhere and sell it somewhere else. That includes not just the production processes, but the reduction in size of many products, increased transportation, and communications equipment which allows us to make geography much less important.

But while technology has physically made it possible to make almost anything almost anywhere and sell it almost anywhere else, trade policies are essential because they make that legally possible. And the combination has left many working people worse off. Because what we are told is, to get the full benefit of modern trends we have to make capital as mobile as possible. We have to remove barriers to capital. Mobile capital, among other things, has the capacity to get the upper hand over labor. In virtually every part of the developed world, and increasingly in the developing world, working people are told they must moderate their demands; they must take less and they must not ask to participate in the increase, because if they take too large a share, the owners will move their capital elsewhere.

The mobility of capital is increasing at a great rate, and it is, of course, trade and technology both that are involved, both the legal and physical aspects of that, and the result is that the bargaining position of labor has been undercut. We have added to that in this country because during the 1980's there were de facto and legal changes that reduced the ability of working people to defend themselves.

And let me fill in one other thing that gets neglected. Substantial deregulation. This economy has been very substantially deregulated and it has been bipartisan. It has been a Republican interest, but it was a Democrat interest as well. Senator KENNEDY, in the areas of transportation. President Carter. We have deregulated. We were told that deregulation would make us more efficient, better able to compete internationally.

But deregulation, while it has produced enormous benefits in many ways, has also, of course, weakened the economic position of the workers in those industries. We know that as a fact.

Now, there is another problem I am going to address in a later special order, Mr. Speaker, and it is this: Workers in America were told, let us deregulate, let us increase efficiency, let us fully implement new technology without any requirement that we maintain a certain work force, and while this will weaken workers' bargaining position, the result will be a more efficient overall economy and we will be able to grow more.

And I think that is happening. I think that is why we have the situation where we have for 5 years now been growing at a faster rate than most economists thought possible without inflation, yet we have been doing it without inflation.

I recently wrote a letter to the editor of the New York Times that they declined to print. I sometimes think if your letters to the editor are too much on point they are disqualified. A New York Times business reporter noted that the economy had grown by 3 point something percent in the second quarter, and this reporter noted that this was above the 2.2 percent that most economists think is the absolute outer limit of growth that will not produce inflation.

He said everybody agrees, or almost everybody agrees that if we grow at more than 2.2 percent, we will get inflation. Three paragraphs later he noted that we have grown at an average of 2.8 percent over the past 5 years, with, of course, very little inflation. In other words, we are being told simultaneously that 2.2 percent is the absolute limit of growth without inflation and that we have in fact grown at nearly 30 percent more than that without any inflation over the last 5 years.

I think the only response to that would be the one that Marx formulated when Chico said to Groucho, "Who are you going to believe, me or your own eyes?" Do we believe the 2.2 percent limit that the New York Times' financial pages state or the 2.8 percent that in fact happened over 5 years?

The point of that, however, is that working people in America were told that we were going to implement some policies that were going to weaken their bargaining position so that in relative terms they might be worse off, but they would be compensated by being part of an economy growing more rapidly. The problem is that we are now being told by orthodox economists in the New York Times' financial pages and others that we cannot grow any faster than we used to grow without the possibility of inflation, even though no inflation yet looms, not even the hint of inflation yet looms. So we have people saying the Federal Reserve should cut growth.

Essentially what they say, quite explicitly, is that unemployment is too low. Indeed, our own Congressional Budget Office, Mr. Speaker, recently told me that they think 5.8 percent is as low as unemployment can go without generating inflation. Of course, unemployment is now at about 4.9 percent. So if we follow that logic, what we need is about 1 million more people unemployed.

The problem is that we are in the position, if we take that view, of saying to working people, gotcha. First, we told them we would deregulate and we would weaken unions and we would implement technology and we would weaken their position in relative terms, but the compensation would be faster growth. And now that faster growth has been a reality, we have people saying, what, they were kidding; that they did not really mean it when they said if we deregulated we would be more efficient and grow faster; that implementing technology would improve technology?

Because many of the people in the financial community and in the orthodox sector of the economics community are basically saying to workers, yeah, we did all the things that undercut them, and while that has produced more growth, we do not think more growth is really such a good thing after all because we are worried that an inflation, that has not yet even begun to stick up its head yet, might be lurking somewhere around the corner, so we will give workers the worst of both worlds. We will continue the implementation of those things which weaken their relative position vis-a-vis capital, but we will also deny them the benefits of the faster growth that was supposed to come.

Now, with regard to trade, we have an exacerbation of that. Because all of these things together, increased globalization, deregulation, flexibility for the ownership that comes in part from the weakening of labor unions, and the implementation of technology without any restriction, all of those together can be seen to increase the overall pie, although I think the weakening of labor unions is, in fact, not necessary to that, and I reject the notion that we had to undercut the rights of working men and women to bargain collectively to get growth. I think, in fact, the opposite is the case.

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But all of these things have been implemented. The result has been faster growth than almost any economist thought possible without inflation, and at the same time increased inequality. What we are being asked now, those of us who believe that growth and fairness are both important goals, we are being asked now to continue with the implementation of policies that will result in faster capacity to grow at the cost of ignoring inequality, and our response is, no, we will not support the request for fast track labor negotiations unless they are accompanied with some equity elements. In effect, what we are saying is we are prepared to support efforts that will provide faster growth but only if they can be somewhat more equitably shared.

That has two aspects. First of all, it means that in the trade agreements themselves, we should be acting to encourage fairer working conditions and environmental standards in our trading partners. It ill behooves those who tell us that we should support increased trade to elevate the status of the poor people overseas to object when we try to take that seriously. When the President asked us to support the loan to Mexico 2½ years ago, and I think ultimately we benefited from making that loan, it was a good thing to do, but what many of us said was we do not want to do it unless at the same time we put a condition on it, we put conditions on that there has to be fair collective-bargaining agreements in Mexico, so that the Mexican workers benefit some from this, which has two advantages. In the first place it raises their standard of living. In the second place, it diminishes the extent to which other countries have a comparative advantage over this solely because of depressed wages.

They will have advantages, no one is denying that, in some cases. They will get to be able to sell us things. But we do not believe that that advantage should be artificially increased by their being able to employ child labor or not have fair representation for their workers or to engage in practices that degrade the environment. So, first, we want within the trade agreements efforts to require those who would benefit from trading with our economy to show some concern for the workers in their own country and for environmental standards.

But that is not all. After all, trade in and of itself, I agree, is not the only cause of the worker insecurity here. It may not even be the major cause. Technology may, according to analyses I have read, be more important. But it clearly exacerbates it and the business community, the financial community that is so eager to see international trade because there will be benefits both for the country as a whole and for themselves. Because the owners of capital will benefit more than any other sector of this economy from the increased trade, they should not expect us to support what will be so much in their interest if they are unprepared to support measures for fairness.

Mr. Speaker, I believe there are moral arguments why we ought to be concerned about fairness. I do not think it is right for 45-year-old people in my district or anybody else's district to be thrown out of work because of a combination of technology and international trade and then to lose their health care and maybe lose their homes, on which they have been making mortgage payments, and accept a very, very substantially reduced standard of living not because of anything they did wrong, not because of a failure on their part to work hard but because that is what technology and trade led to.

We know there are millions of Americans who have lost jobs over the past few years because of this. Many of them have gotten new jobs, some of those new jobs have been lower in pay, some have not gotten new jobs. We do know also that there has been an erosion of the bargaining power of those who have stayed on the job, and the threat that capital will become mobile and leave behind, as I said, is one of the major advantages that the owners have used to the disadvantage of workers.

I think morally we should do more. I do not think that 7 and 8-year-olds in one part of my district ought on the whole to face a future that is fairly bleak because they do not have access every day to computers and people to teach them how to use it or people in other parts of my district do. I am glad the people in other parts of my district do. I will work to help that. But I also feel the moral obligation to help people in the other part of my district.

Let me address my friends in the financial community, the academic economists who are so distressed that those of us on the liberal side will not join in right away on the free-trade expansion movement. People in the business community, if you are not moved morally, and I should say my liberal economist friends, they share our moral view and many of them told me they regret the fact that we have public policies that leave behind so many working people but, they say, we should still go ahead with trade and then they will be for the other. They have got to learn a little more game theory, a little more bargaining in particular.

There is not any reason in the world for those of us who believe equity is getting the short end of the stick ought to forget about that and join in policies that help one sector more than another without asking for something in return. And to the business community and to the financial services community, I want to quote John Kennedy. When John Kennedy initiated his Alliance for Progress 35 years ago or so, he harkened back to the good neighbor policy of Franklin Roosevelt, the first time America even pretended to be treating our Latin American neighbors on an equal basis, although regrettably we were a long way from reaching that ideal then.

Of course, Franklin Roosevelt called his policy the good neighbor policy for Latin America. John Kennedy, launching the Alliance for Progress said, "Franklin Roosevelt could be a good neighbor abroad because he was a good neighbor at home." Those who want, Mr. Speaker, a more active engagement by the United States with the international economy, those who want America to be a better neighbor abroad must understand that they will not get the support to do that unless they are prepared to start being better neighbors at home.

It is one thing to tell a worker in the garment and textile industry that she will lose her job because of international trade and other factors over which she has no control. It is another to tell her that, oh, and by the way in addition to losing your job, you are going to lose your health care and you are not going to get much in the way of help in finding a new job.

Health care is a big example. We still have a situation in this country in which the penalty for losing your job is to lose your health care in many, many cases. We have made it a little better with Kennedy-Kassebaum and a few other things, but the fundamental gap is still there. Until we have a system in which health care is not determined by your employment, do not be surprised, I say to my friends in the business community, when the average worker reacts so strenuously to the suggestion that he or she may lose their job. Because they do not just lose their job, they suffer by loss of their job in many cases a drastic reduction in their standard of living. And so if you want to implement internationalism, if you want to take full advantage of technology and globalization, I have to say to people in the business community, join us in concern about equity.

Stop doing everything you can to frustrate the right of men and women who work to bargain collectively in an effective manner. Drop your opposition to a health care system in this country that will separate out employment from health care so people will not face the loss of their health care when they lose their jobs. Do not insist that when we come to the Federal budget, we cut back on the retirement benefits for poorer elderly people. People tell us, the CPI is too high, the Consumer Price Index. Old ladies living on 9, $10,000 a year are getting too much when they get a 2 percent increase. Let us cut it to 1 percent. You cannot impose that kind of what I believe is cruelty on people at the low end and then be surprised when we say, we are not going to help you get richer until and unless you are prepared to do a little more sharing.

No one is advocating that we avoid any job loss. Of course it is going to come. International trade will bring more job loss. I believe, properly done, it will bring overall more benefit. But we ought precisely for that reason to be able to share that benefit more fairly than we have. Of course, that has been the case in America, where we have weakened the workers' positions. We look at Western Europe and in Western Europe they have not yet progressed as far as we have, in deregulation and in other ways. We are told that the Western Europeans, therefore, have more unemployment but they also have, of course, greater job protections for the workers there. What the workers of Europe are being told is you must give up much of what you now have so your economy can be more flexible, so you can grow more.

But that gets us back to the point I raised about interest rates. It does not present the very encouraging example to the workers of Western Europe if they look here and they see American workers having been told we are going to deregulate and we are going to implement technological change, we are going to do a lot of things that increase the flexibility of capital so we can grow more. The consequence will be, as I said, a weakened position for you in some ways but overall you will have a work force that is better off because we will generate more jobs. You cannot then turn around and say as orthodox economists and the financial community and others are now saying, "Oh, but we didn't really mean that and we're not going to give you the benefit of the increase in jobs." I cannot stress enough, Mr. Speaker, how much I think these are interrelated. On the one hand, people say give us fast track, knowing that that is going to throw some people out of work because overall we will be better off and then at the same time have a Congressional Budget Office, and I just heard from Ms. O'Neill, our new Congressional Budget Office Director, that she believes if unemployment gets below 5.8 percent it will be inflationary and therefore unemployment is too low.

The economics profession, in general there are some very welcome exceptions, tells us, many of them, that unemployment has to be half a million people more than it is today, 6 or 700,000 more than it is today. These are not going to work together. The point is this. Those who want fast track cannot see it as an isolated element, because it is not. It is one element in an overall economy. It is a part of an overall economy in which growth and inequality have been going together.

Until we get a national consensus that we are going to put concerns for equality back in the mix, you are not going to get the growth. I have had some tell me, well, OK, we agree in general, that would be nice, we would like to have some more growth but we cannot really do anything about it.

We have had two arguments why public policies at the Federal level to try to share the wealth a little better, not make it equal. No one rationally thinks we should even try to do away with inequality. Inequality is the engine of the market system. The fact that people will be unequally rewarded is a very important incentive. But we can reduce the extent of inequality, I believe clearly, without in any way hindering the efficiency of the market.

Now, as I said, there have been two arguments. One is precisely what I have just been talking about. One is people say to us, no, you cannot do that. If you try to minimize or even mitigate the harshest aspects of inequality, you will so interfere with the market system that it will not work. We have had a couple of tests of that, Mr. Speaker, in the last couple of years.

In 1993, this Congress passed at the request of President Clinton a budget which, by the way, according to CBO did about 3½ times as much to reduce the budget deficit as the package we just passed. The current CBO in which the head was appointed by the Republican majority certifies that the budget deal of 1993 contributed more than $400 billion in deficit reduction while the current budget package, they say, contributed somewhere over $100 billion, about 3½ to 4 times as much in 1993. But the package we passed in 1993 not only contributed to deficit reduction, it contributed a little bit to equity, because its major deficit reduction engine was an increased set of taxes on upper income people, and we were told and told and told again by the Republicans that raising taxes on wealthy people would devastate the economy. The predictions were explicit. The Wall Street Journal editorial page, the Republicans, you are going to cause a recession. You are going to increase unemployment.

We had a test. The Republican Party overwhelmingly argued that the tax increase on upper income people in the 1993 budget deal, which CBO says contributed 3½ times as much in deficit reduction as this year's package, the Republican argument was that in our effort to be equitable, in our effort to raise taxes on upper income people as a way to cut the deficit rather than cut out programs that help the poor or make taxes more regressive, in our effort to combine deficit reduction with equity we were going to destroy the economy.

Mr. Speaker, I cannot remember a time when more people were more wrong about a more important issue. Exactly the opposite happened.

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In the year after the budget of 1993, when the Republicans predicted we would begin to see these terrible problems, the Federal Reserve slowed down the economy, because it was growing too fast, by raising interest rates. Since that time we have continued to have growth, which has been not as vigorous as I would like, but more vigorous than the economists tell us is possible. The Republican prediction that you could not combine equity with deficit reduction was absolutely, totally wrong and disproven as conclusively as you can prove an economic argument.

Then we had another case. We were able, this time in Republican control of the House and with the support of a minority of tough-minded Republicans in this regard and the overwhelming support of the Democrats and the President, we raised the minimum wage; not nearly enough, not enough to live on, but we raised the minimum wage.

Once again the Republican mainstream predictions were "Your concerns for equity may make you feel good, but it will be backfire. You will have more unemployment. The working people you are trying to help will be worse off."

Mr. Speaker, if it is possible to be more wrong than they were in 1993, that is how wrong they were in 1995. The increase in the minimum wage having gone into effect, it had none of the negative impacts on employment that the conservatives predicted. Unemployment has continued to drop, and it has continued to drop in that sector of the economy where the minimum wage increase has an effect.

So for those who tell us I am wrong and we cannot as an economic fact take public policy steps to reduce inequality without somehow destroying the economy, I will point to the two most recent examples of that, 1993 and 1995, the budget deal of 1993 and the minimum wage bill of 1995, and the fact is we were right and they were wrong in both of those cases.

Well, the other argument is we cannot afford it. There are people who said yes, we would like to do more, but we cannot afford it; to do health care, to keep the CPI as it is. What is the argument for reducing the Consumer Price Index? It is to cut the deficit down. People argue we cannot do that.

Well, here we get to an item we will talk about again next week, the military budget. If the United States were not now subsidizing our Western European and Asian allies, we could get our budget down.

I want to talk here about one of the great intellectual and moral failings of the people who preach to the rest of us about fiscal responsibility, the willful ignoring of military overspending.

Why are we constantly told that we must look to the elderly poor to cut the budget deficit? Why is it 82-year-old women getting a 2-percent increase in their Social Security are singled out as the cause of our fiscal problems? Why is it not a military budget that continues to exceed any rational need? And not just in America, but in much of the world.

The area in the world where governments most overspend is in the military. We are recently now going to sell more arms to Latin America, to countries where no gun has been fired in anger at anybody other than one of their own citizens for anybody's memory.

The business community, shockingly to me, preaches fiscal discipline when it comes to social welfare and preaches the virtues of cutbacks when it comes to trying to alleviate poverty and hunger and distress. But when it comes to worldwide overspending on the military, the only time you hear from elements of the business community is when they are the people who can make some money off the overzealous.

So they are sometimes there as advocates of selling more, but they are collectively shockingly silent on the waste of resources that occurs internationally in the military.

So, Mr. Speaker, let me summarize. I know, Mr. Speaker, you would be delighted to have me summarize. You would have liked for me to summarize 20 minutes ago, I understand that. I appreciate your indulgence.

But I want to summarize and say I and many other Democrats, liberals, supporters of working people, think trade properly done is a very good idea. We want to help lift up people in other parts of the world.

We want the greater growth that comes. We welcome internationalization as a way to reduce tension and, potentially, war in the world. But we are not prepared to support the regime that we are now in internationally and nationally, in which everyone is asked to exalt the complete and total mobility of capital, both physically and legally, in which everyone is asked to be completely supportive of technological change and free trade and currency exchanges, without regard to the negative consequences that can have for equity. And we can have both.

We can have growth through the market. We can encourage the mobility and the most efficient use of capital, if we will, at the same time, put into place public policies that shelter working people from some of its negative different consequences. We can do that in ways which we have seen recently in this country which do not interfere with the advantages we get from the market.

But to tell us what we should get is more trade so that capital can be more mobile, so that working Americans can be more frequently threatened with the loss of their jobs if they do not acquiesce in a reduction in their wages or a cutback in their benefits, if we do not accept untrammeled trade without any offset, then we will say no.

I am pleased to see that we appear now to be in a situation where there are enough of us ready to say no. We are not saying never, Mr. Speaker. We are saying to free trade, not under these conditions. We will not agree to a continuation of public policies in this country and elsewhere which exalt the mobility of capital and do nothing to provide some offset for the inequality that is exacerbated thereby.

In the next few weeks, Mr. Speaker, I hope we will decide not to proceed with fast track, and instead to work together with a package of proposals that will see that trade is accompanied, in addition to greater efficiency, better use of technology, greater mobility of capital, with some concern for working people, with some minimum standards below which people do not go, with some concern that the competition that takes place within the world is not a competition for who can show the least concern for the environment.

And I hope we will also look at what the economists said in 1993, that some American workers will be hurt by free trade. That is inevitable, and they will be those who have the lease. Under theory of comparative advantage as it will work out, Americans at the lower end of the skill chain, at the lower end of our economic reward system, will on the whole benefit lessor, actually be hurt, than people at the other end.

Let us accompany increased free trade with measures that alleviate the distress that free trade will cause some, even while it is benefiting many others, and let us try to insist to the extent that we can that other countries do well. By the way, I did want to address one other point. We are told we cannot interfere. We shouldn't interfere in their labor relations or their environmental policies.

That is, Mr. Speaker, hypocritical nonsense, because many of the people who tell us that we should not accompany our trade policies with concern about human rights or concern about worker rights or concern about the environment, are perfectly prepared to dictate to these other countries about how much they must respect capital.

We are told that it is perfectly legitimate for the American Government to insist that our trading partners have a complete respect for property rights. I agree. But to insist that we get total respect for property rights, for the rights of contracts, for the rights of ownership, and, on the other hand, claim that we cannot tell them about the rights of workers or environmental protections, is hypocritical nonsense.

What it means is we will do those things which benefit capital and enhance its mobility and the return on it, while doing nothing to cope with the consequences of that.

Mr. Speaker, I look forward to being able to vote for increased trade negotiations. I wanted to do that as part of a package which provides for the health care of Americans that lose their jobs, which makes sure to the extent that we can that Americans are not further disadvantaged if they are at the low end of the spectrum, to make sure that Americans who lose their jobs are not left bereft of an ability to support themselves and their family, to make sure that working people in our trading partner countries are given some reasonable hope that they will be beneficiaries in the increased benefits of trade, and in the hope that we can clean up some of the environmental abuses that would otherwise occur.

Free trade can be a wonderful thing if its benefits are fairly shared. But we are being asked now to provide a free trade expansion which will benefit disproportionately those who are already wealthy, will do either nothing or harm to many of those who are most vulnerable, and that is a proposition, Mr. Speaker, which I very much look forward to joining in defeating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SANDLIN (at the request of Mr. GEPHARDT), for today after 1:15 p.m., on account of personal business.

Mrs. MCCARTHY of New York (at the request of Mr. GEPHARDT), for today, on account of her son's wedding.

Mr. PAYNE (at the request of Mr. GEPHARDT), for today through October 29, on account of official business.

Mr. BEREUTER (at the request of Mr. ARMEY) for today, on account of official business in his district.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today after 10 a.m., on account of medical reasons.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, on October 28.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on October 28.

Mr. TIAHRT, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. KANJORSKI.
Mr. DOYLE.
Mr. VISCLOSKY.
Ms. HARMAN.
Mr. RUSH.
Mr. CAPPS.
Mr. ETHERIDGE.
Mr. KIND.
Ms. LOFGREN.
Mr. SHERMAN.
Ms. KAPTUR.
Mr. MCNULTY.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BEREUTER.
Ms. ROS-LEHTINEN.
Mr. HULSHOF.
Mrs. CHENOWETH.
Mr. THORNBERRY.
Mr. DAN SCHAEFER of Colorado.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. TAUZIN.
Mr. GINGRICH.
Mr. MENENDEZ.
Mr. CRANE.
Mr. HINOJOSA.
Mr. COSTELLO.
Mr. HUTCHINSON.
Mr. PASCRELL.
Mr. RODRIGUEZ.
Mr. CONYERS.
Mr. BARRETT of Wisconsin.
Mr. KILDEE.
Mr. PAPPAS.
Mrs. TAUSCHER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1266. An act to interpret the term "kidnaping" in extradition treaties to which the United States is a party; and to the Committee on International Relations.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 28, 1997, at 10:30 a.m. for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 424. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; with an amendment (Rept. 105–344). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 280. Resolution providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982 (Rept. 105–345). Referred to the House Calendar.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; with an amendment (Rept. 105–346, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; with an amendment (Rept. 105–346, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 1702. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; with an amendment (Rept. 105–347). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2614. A bill to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes; with an amendment (Rept. 105–348). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TANNER:

H.R. 2730. A bill to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the "Jere Cooper Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. TAUZIN (for himself, Mr. CRAMER, Mr. BURR of North Carolina, Mr. BACHUS, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BERRY, Mr. BILIRAKIS, Mr. BRYANT, Mr. CAMP, Mr. CANADY of Florida, Mr. CARDIN, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. DICKEY, Mr. DICKS, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FROST, Mr. GILLMOR, Mr. GOODLING, Mr. GORDON, Mr. GREEN, Mr. HEFLEY, Mr. HEFNER, Mr. HILLEARY, Mr. HOLDEN, Mr. INGLIS of South Carolina, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. KLUG, Mr. LATHAM, Mr. LATOURETTE, Mr. LINDER, Mr. LIVINGSTON, Mr. LUTHER, Mr. MANTON, Mr. MANZULLO, Mr. MATSUI, Mr. MCINNIS, Mr. MCINTYRE, Mr. MINGE, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. PICKERING, Mr. PRICE of North Carolina, Mr. REGULA, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SANDLIN, Mr. SAWYER, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SISISKY, Mr. SKAGGS, Mr. SKEEN, Mr. SMITH of Oregon, Mr. SPRATT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mr. UPTON, Mr. WAMP, Mr. WATKINS, Mr. WHITFIELD, and Mr. WICKER):

H.R. 2733. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. SESSIONS, Mr. GOODE, Mr. BARTON of Texas, Mr. WISE, Mr. BUNNING of Kentucky, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. BARCIA of Michigan, Mr. CUNNINGHAM, Mr. WATTS of Oklahoma, and Mr. BRADY):

H.R. 2734. A bill to clarify the standard required for the importation of sporting arms into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DOOLEY of California:

H.R. 2735. A bill to amend the Agricultural Adjustment Act to exempt actions undertaken to administer a marketing order issued under such Act from the antitrust laws; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 2736. A bill to amend the Omnibus Taxpayer Bill of Rights to clarify that quotas and goals shall not be used as a basis for evaluating Internal Revenue Services employees; to the Committee on Ways and Means.

By Mr. HINOJOSA:

H.R. 2737. A bill to redesignate the Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, as the "Kika de la Garza Subtropical Agricultural Research Center"; to the Committee on Agriculture.

By Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. RUSH, Mr. DELLUMS, and Mr. HEFNER):

H.R. 2738. A bill to amend the Agricultural Fair Practices Act of 1967 to provide for the accreditation of associations of agricultural producers, to promote good faith bargaining between such accredited associations and the handlers of agricultural products, and to strengthen the enforcement authorities to respond to violations of the Act; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 2739. A bill to amend title 28, United States Code, to create a Judicial Conduct Board and a Court of Judicial Discipline to investigate and make determinations with respect to complaints regarding judicial discipline; to the Committee on the Judiciary.

By Mr. McINNIS (for himself, Mr. Cox of California, and Mr. McHale):

H.R. 2740. A bill to limit attorneys' fees in the tobacco settlement; to the Committee on the Judiciary.

By Mr. McKEON (for himself, Mr. Herger, Mr. Dreier, Mrs. Emerson, Mr. Calvert, Mr. Cunningham, Mr. Gallegly, Mr. Horn, Mr. Lewis of California, and Mr. Rogan):

H.R. 2741. A bill to provide a conditional exemption under section 404 of the Federal Water Pollution Control Act, relating to discharges of dredged or fill material, for maintenance of certain flood control projects; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (by request):

H.R. 2742. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Resources.

By Mr. YOUNG of Alaska (by request):

H.R. 2743. A bill to reduce the fractionated ownership of Indian lands, and for other purposes; to the Committee on Resources.

By Mr. HUNTER (for himself and Mr. Cunningham):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress regarding the need for a comprehensive management strategy to save the tundra from continued excessive depredations by the mid-continent lesser snow goose; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. DeLay, Mr. Blunt, Mr. Watts of Oklahoma, Mr. Wolf, Mr. Pitts, Mr. Ehlers, Mr. Rohrabacher, Mr. Bob Schaffer, Mr. Hoyer, Mr. Horn, Mr. Aderholt, Mr. Pickering, Mr. Cook, Ms. Sanchez, Mr. Whitfield, Mr. King of New York, Mr. Rush, Mr. Calvert, Mr. Snowbarger, Mr. Hayworth, Mr. Hoekstra, Mr. Oberstar, Mr. Markey, Mr. Gordon, Mr. Meehan, Mr. Doyle, Mr. Ackerman, Mr. Souder, Mrs. Emerson, Mr. Cunningham, Mr. McNulty, Mr. Pappas, Mr. Adam Smith of Washington, Mr. Inglis of South Carolina, Mr. Talent, Mr. DeFazio, Mr. Ryun, Mr. Wicker, Mr. Crapo, and Mr. Hansen):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that the RussianFederation should preserve and protect the rights and freedoms currently afforded those of religious faith under the Russian Constitution; to the Committee on International Relations.

By Mr. MINGE:

H. Con. Res. 177. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Resources.

By Mr. COSTELLO (for himself, Mr. Rush, Mr. Shimkus, Mr. LaHood, Mr. Lipinski, Mr. Ewing, Mr. Jackson, Mr. Hyde, Mr. Weller, Mr. Blagojevich, Mr. Gutierrez, Mr. Evans, Mr. Davis of Illinois, Mr. Hastert, Mr. Poshard, and Mr. Yates):

H. Res. 281. A resolution to express support for an interpretive site near Wood River, Illinois, as the point of departure for the Lewis and Clark Expedition; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT:

H.R. 2731. A bill for the relief of Roy Desmond Moser; to the Committee on the Judiciary.

By Mr. DELAHUNT:

H.R. 2732. A bill for the relief of John Andre Chalot; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2744. A bill for the relief of Chong Ho Kwak; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 2745. A bill for the relief of Sylvester Flis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Ensign.

H.R. 38: Mr. Goss.

H.R. 40: Ms. Waters, Mr. Rangel, and Mr. Poshard.

H.R. 44: Mr. Faleomavaega.

H.R. 65: Mr. Kennedy of Rhode Island, and Mr. Weldon of Florida.

H.R. 84: Mr. Dingell.

H.R. 107: Mr. LoBiondo, Mrs. Chenoweth, and Mr. Pickett.

H.R. 123: Mr. Stenholm, Mr. Fawell, Mr. McInnis, and Mr. Quinn.

H.R. 145: Mr. Boehlert, Mr. Hinchey, Mrs. Kennelly of Connecticut, Mr. Menendez, Ms. Stabenow.

H.R. 218: Mr. Christensen and Mr. Tiahrt.

H.R. 251: Mr. Klug and Mr. McIntyre.

H.R. 339: Mr. Kanjorski.

H.R. 399: Ms. Dunn of Washington and Mr. McIntyre.

H.R. 438: Mr. Poshard.

H.R. 620: Mr. Bob Schaffer.

H.R. 716: Mr. Campbell.

H.R. 789: Mr. Sanford.

H.R. 802: Mrs. Myrick.

H.R. 872: Mr. Campbell, Ms. Harman, Mrs. Johnson of Connecticut, Mr. Sherman, and Mr. Weldon of Pennsylvania.

H.R. 991: Ms. Slaughter.

H.R. 992: Mr. Gallegly.

H.R. 1010: Mr. Stenholm, Mr. Ensign, Mr. Cramer, and Ms. Danner.

H.R. 1166: Mr. Gibbons, Ms. Pelosi, Mr. Cummings, Mr. Traficant, Mr. Rodriguez, and Mr. Ney.

H.R. 1174: Mr. Levin, Mr. Dickey, Mr. Sabo, and Mr. Hobson.

H.R. 1194: Mr. Sessions and Mr. Ehlers.

H.R. 1195: Mr. Sessions and Mr. Ehlers.

H.R. 1356: Mr. Jenkins.

H.R. 1407: Mr. Largent.

H.R. 1415: Mr. Romero-Barcelo, Mr. Maloney of Connecticut, Mr. Calvert, Mr. Hansen, Mr. Horn, and Mr. Ganske.

H.R. 1507: Mr. Diaz-Balart.

H.R. 1625: Mr. White, Mr. Archer, Mr. Largent, and Mr. Sensenbrenner.

H.R. 1679: Mr. Lantos and Mr. Faleomavaega.

H.R. 1836: Mr. Wynn, Ms. Norton, Mr. Ford, Mrs. Morella, and Mr. Waxman.

H.R. 1872: Mr. Norwood and Ms. McCarthy of Missouri.

H.R. 1984: Mr. Rodriguez.

H.R. 1995: Ms. Lofgren, Mr. Fazio of California, Mr. Olver, Ms. Millender-McDonald, Mr. Ehlers, and Mr. Pallone.

H.R. 2023: Ms. Millender-McDonald.

H.R. 2029: Mr. Radanovich.

H.R. 2090: Mr. Stupak.

H.R. 2139: Mr. McGovern and Mr. Stump.

H.R. 2163: Mr. Sam Johnson.

H.R. 2183: Mr. Scarborough.

H.R. 2221: Mr. Callahan, Mr. LaTourette, and Mr. Cunningham.

H.R. 2321: Ms. Stabenow.

H.R. 2327: Mr. Tiahrt, Mr. Riley, Mr. Sam Johnson, Mr. Archer, Mr. Sessions, and Mr. Metcalf.

H.R. 2351: Mr. Kucinich, Ms. Millender-McDonald, and Mr. Rahall.

H.R. 2365: Mr. Houghton and Mr. McNulty.

H.R. 2397: Mr. Pickering, Mr. Peterson of Pennsylvania, Mr. Hinojosa, Mr. Holden, and Mr. Burr of North Carolina.

H.R. 2408: Ms. Christian-Green, Mr. Ford, and Mr. Brown of California.

H.R. 2432: Mr. Manton and Mr. Coble.

H.R. 2454: Mr. Kucinich and Mr. Condit.

H.R. 2457: Mr. Kucinich and Mr. Condit.

H.R. 2468: Mr. Clay.

H.R. 2481: Mr. Upton and Mr. Adam Smith of Washington.

H.R. 2483: Mr. Cook, Mr. Redmond, Mr. Goodlatte, Mr. Bonilla, Mr. Thune, and Mr. Livingston.

H.R. 2519: Ms. Carson.

H.R. 2596: Mr. Smith of Oregon and Mr. Weller.

H.R. 2602: Ms. Woolsey.

H.R. 2604: Mr. Hulshof, Mr. Largent, Mr. Hayworth, Mr. Calvert, Mr. Yates, Mr. Rahall, Mr. Pickett, Ms. Furse, Ms. Eddie Bernice Johnson of Texas, Mr. Clyburn, Ms. Millender-McDonald, Mr. Shays, and Mr. Boehlert.

H.R. 2606: Mr. Green and Mr. Hinojosa.

H.R. 2613: Mr. Frost, Mrs. Clayton, Mr. Burr of North Carolina, Mr. Hefner, Mr. Klug, Mr. Sandlin, Mr. McIntyre, and Mr. Evans.

H.R. 2614: Mrs. Roukema, Mr. McKeon, Mr. Riggs, Mr. Greenwood, Mr. Norwood, and Ms. Danner.

H.R. 2626: Mr. Boswell and Mr. Fox of Pennsylvania.

H.R. 2637: Mr. Metcalf, Mr. Costello, and Mr. Manzullo.

H.R. 2649: Mr. Serrano.

H.R. 2650: Mr. Murtha, Mr. Neal of Massachusetts, and Mr. Serrano.

H.R. 2676: Mr. Bliley, Mr. Sherman, Mr. Hill, Mr. Price of North Carolina, Mr. Green, Mr. Cook, Mr. Cannon, Mr. Salmon, Mr. Baldacci, Mr. Goodling, Mr. Etheridge, Mr. Gilchrest, Mr. Adam Smith of Washington, Mr. Calvert, Mr. Riggs, Mr. Bentsen, Mr. LoBiondo, and Mr. Barr of Georgia.

H. Con. Res. 6: Mr. Brown of Ohio and Mr. Lazio of New York.

H. Con. Res. 80: Mr. Kanjorski and Mr. Condit.

H. Con. Res. 126: Mr. Pitts and Mr. Hyde.

H. Con. Res. 159: Mr. Evans, Mr. Rothman, Mr. Hinchey, Mr. Weygand, Mr. Kucinich, and Mr. Stupak.

H. Res. 37: Mr. Serrano.

H. Res. 83: Mr. Faleomavaega.

H. Res. 139: Mr. Tiahrt and Mr. Hilleary.

H. Res. 211: Mr. Archer, Mr. Aderholt, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bunning of Kentucky, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Calvert, Mr. Camp, Mrs. Chenoweth, Mr. Combest, Mr. Crapo, Ms. Danner, Mr. Deal of Georgia, Mr. Doyle, Mrs. Fowler, Mr. Hefley, Mr. Herger, Mr. Hoekstra, Mr. Hostettler, Mr. Istook, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. McIntosh, Mr. Mollohan, Mrs. Myrick, Mr. Nethercutt, Mr. Ney, Mr. Peterson of Pennsylvania, Mr. Pombo, Mr. Oxley, Mr. Pitts, Mr. Riley, Mr. Rohrabacher, Mr. Sessions, Mr. Bob Schaffer, Mr. Stump, Mr. Upton, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Bachus, Mr. Dickey, Ms. Dunn of Washington, Mrs. Emerson, Mr. Frelinghuysen, Mr. Green, Mr. Hastings of Washington, Mr. Hayworth, Mr. Sam Johnson, Mr. LaHood, Mr. Linder, Mr. Lucas of Oklahoma, Mr. McKeon, Mr. Mica, Mr. Pease, Mr. Portman, Mr. Quinn, Mr. Riggs, Mr. Smith of Michigan, Mr. Souder, Ms. Stabenow, Mr. Talent, Mr. Thornberry, Mr. Traficant, Mr. Weldon of Florida, Mr. Barcia of Michigan, Mr. Bonilla, Mr. Callahan, Mr. Chambliss, Mr. Christensen, Mr. Collins, Mr. Dooley of California, Mr. Duncan, Mr. Hansen, Mr. Hastert, Mr. Kingston, Mr. Metcalf, and Mr. Jenkins.

H. Res. 231: Mr. Lantos.

H. Res. 248: Mr. Kildee.

H. Res. 267: Mr. Bob Schaffer, Mr. Paxon, Mr. Chambliss, Mr. Nussle, Mr. Boehner, Mr. Jenkins, Mr. Manzullo, Mr. Quinn, Mr. Abercrombie, Mr. Mica, Mrs. Fowler, Mr. Spence, Mr. Gilchrest, Mr. Watkins, Mr. Goodling, Mr. McHugh, Mr. Goss, Mr. Callahan, Mr. Linder, Mr. Duncan, Mr. Cunningham, Mr. Stump, Mr. Collins, Mr. Livingston, Mr. Christensen, Mr. Horn, Mr. Bateman, Mrs. Roukema, Mr. Young of Alaska, Mr. Regula, Mr. LaTourette, Mr. Shuster, Mr. Archer, Mr. Ewing, Mr. Sisisky, Mr. Pickett, Mr. Hefley, Mr. Peterson of Pennsylvania, Mr. Gutknecht, Mr. Hill, Ms. Dunn of Washington, Mr. Pickering, Mr. Castle, Mr. Traficant, Mr. Riggs, Mrs. Emerson, Mr. Cooksey, Mr. Bunning of Kentucky, Mr. Goode, Mr. Lewis of Kentucky, Mr. Bryant, Mr. Shaw, Mr. Porter, Mr. Greenwood, Mr. Tiahrt, Mr. Sam Johnson, Mrs. Kelly, Mr. Forbes, Mr. Gallegly, Mr. Skeen, Mr. Hostettler, Mr. McCollum, Mr. Cannon, Mr. DeLay, Mr. Pombo, Mr. Kind of Wisconsin, Mr. Lewis of California, Mr. McKeon, Mr. Doolittle, Mr. Ballenger, Mr. Smith of Texas, Mr. Sessions, Mr. Talent, Mr. Norwood, Mr. Deal of Georgia, Mr. Barr of Georgia, Mr. Everett, Mr. Scarborough, Mr. McCrery, and Mr. Young of Florida.

H. Res. 268: Mr. Watts of Oklahoma and Mr. Gibbons.

H. Res. 275: Mr. Barr of Georgia, Mr. Nethercutt, and Mr. Souder.

H. Res. 279: Ms. Eddie Bernice Johnson of Texas, Ms. Pelosi, Mrs. Kelly, Mrs. Lowey, Mrs. Maloney of New York, Ms. DeGette, Ms. Norton, Mrs. Meek of Florida, Mr. Frank of Massachusetts, Mr. Poshard, Mr. Dellums, and Mr. Hoyer.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2527: Mr. Frank of Massachusetts and Mrs. Morella.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 3, October 24, 1997, by Mr. BAESLER on House Resolution 259, has been signed by the following Members: Scotty Baesler, Lucille Roybal-Allard, David E. Bonior, David Minge, Christopher Shays, Martin T. Meehan, Pat Danner, Carrie P. Meek, Vic Fazio, Charles W. Stenholm, Bob Etheridge, Thomas H. Allen, Eddie Bernice Johnson, Jesse L. Jackson, Jr., Marge Roukema, Barbara B. Kennelly, Marion Berry, Patrick J. Kennedy, Calvin M. Dooley, John Elias Baldacci, Robert E. Wise, Jr., Robert A. Weygand, John W. Olver, Ron Kind, Julia Carson, James P. McGovern, Bart Stupak, Karen L. Thurman, Ted Strickland, Max Sandlin, Jay W. Johnson, Alcee L. Hastings, William J. Coyne, Elizabeth Furse, Nydia M. Velázquez, Sam Gejdenson, Lane Evans, Silvestre Reyes, Sidney R. Yates, Lloyd Doggett, John S. Tanner, W. G. (Bill) Hefner, George Miller, Karen McCarthy, John Lewis, Thomas C. Sawyer, Bill Luther, Diana DeGette, Earl Pomeroy, Earl Blumenauer, Louise McIntosh Slaughter, James H. Maloney, Neil Abercrombie, Darlene Hooley, Ruben Hinojosa, Richard A. Gephardt, Steven R. Rothman, Gene Green, Nick Lampson, William J. Jefferson, Sanford D. Bishop, Jr., Carolyn C. Kilpatrick, Juanita Millender-McDonald, Vic Snyder, Bruce F. Vento, Ellen O. Tauscher, Carolyn B. Maloney, Marcy Kaptur, Melvin L. Watt, Lynn C. Woolsey, Nancy Pelosi, John F. Tierney, Thomas M. Barrett, Ike Skelton, Gary L. Ackerman, Zoe Lofgren, Jim McDermott, Danny K. Davis, Lynn N. Rivers, Loretta Sanchez, Mike McIntyre, Gary A. Condit, Leonard L. Boswell, Elijah E. Cummings, Joseph P. Kennedy II, Ciro D. Rodriguez, Robert E. Andrews, Robert A. Borski, Ken Bentsen, David E. Price, David E. Skaggs, Jane Harman, Earl F. Hilliard, John M. Spratt, Jr., Bobby L. Rush, Rod R. Blagojevich, John J. LaFalce, Sheila Jackson-Lee, Henry A. Waxman, Norman Sisisky, James P. Moran, James E. Clyburn, Patsy T. Mink, Anna G. Eshoo, Robert T. Matsui, Sam Farr, Maurice D. Hinchey, Luis V. Gutierrez, Jose E. Serrano, Nita M. Lowey, Barney Frank, John D. Dingell, Peter A. DeFazio, Michael R. McNulty, Chaka Fattah, Collin C. Petersen, Sander M. Levin, Owen B. Pickett, Robert Menendez, Benjamin L. Cardin, Frank Pallone, Jr., William O. Lipinski, Bill Pascrell, Jr., Maxine Waters, Steny H. Hoyer, Chet Edwards, Harold E. Ford, Jr., Bob Clement, Tom Lantos, Eva M. Clayton, William D. Delahunt, Esteban Edward Torres, Bob Filner, Jim Turner, Floyd H. Flake, Paul McHale, Sherrod Brown, Thomas J. Manton, Major R. Owens, Adam Smith, Eliot L. Engel, Fortney Pete Stark, Howard L. Berman, Allen Boyd, Walter H. Capps, Charles E. Schumer, Virgil H. Goode, Jr., Cynthia A. McKinney, Thomas M. Foglietta, Robert E. (Bud) Cramer, Jr., Christopher John, Ronald V. Dellums, Bernard Sanders, Debbie Stabenow, Brad Sherman, Solomon P. Oritz, Dennis J. Kucinich, Corrine Brown, Xavier Becerra, Jerrold Nadler, George E. Brown, Jr., Gerald D. Kleczka, Robert Wexler, Edward J. Markey, Glenn Poshard, Paul E. Kanjorski, Jim Davis, and Bart Gordon.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. PETERSON of Minnesota on H.R. 1984: Bill Barrett and Stephen E. Buyer.

SENATE—*Friday, October 24, 1997*

The Senate met at 9:45 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, You always are right, just, and fair. Your fairness is the result of Your righteousness and justice. Today, we pray for the character pillar of fairness, of fairness for our own lives. Help us to play by Your rules of absolute honesty, purity, and love. We not only want to do to others what we would want them to do to us, but we want to treat others as You have treated us.

Thank You that we have Your commandments and Your truth in the Bible as our guide. You have taught us not only to meet but to go beyond the just standard. May we be distinguished for our generosity in exceeding what is expected.

May our expression of the character trait of fairness also include our judgments of other people and what we say about them. Forgive us when our evaluations of people are polluted by pride, envy, or competitiveness. Remind us of the power of words to assassinate other people's characters. When we can say nothing positive, may we say nothing.

Lord, You know the strength of this pillar of character called fairness. It is tested when people are unfair in what they say about us or are unfair in their dealings with us. Our temptation is to retaliate, but we know that resentment fired by retaliation usually results in recrimination. Help us break that cycle by being fair by Your standards and with Your strength. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, this morning the Senate will immediately begin a cloture vote on the committee amendment to the ISTEA legislation. It is the leader's hope that cloture will be invoked. Let me repeat that. It is the leader's hope that cloture will be invoked and the Senate will be able to consider and dispose of highway-related amendments. If cloture is not invoked, the Senate may consider any available appropriations conference reports—possibly the Interior conference report. Therefore, additional votes may occur during today's session.

As always, all Members will be notified as additional schedule information becomes available in regard to votes today, and the leader will update all Senators later today as to the schedule for Monday's session.

CLOTURE MOTION

The PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, Pat Roberts, Slade Gorton, Jon Kyl, Dan Coats, Ted Stevens, Mitch McConnell, Mike DeWine, John W. Warner, Larry E. Craig, Don Nickles, Jesse Helms, Chuck Hagel, Dirk Kempthorne, Lauch Faircloth.

CALL OF THE ROLL

The PRESIDENT pro tempore. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Oklahoma [Mr. INHOFE], the Senator from Arizona [Mr. KYL], the Senator from Arizona [Mr. MCCAIN], the Senator from Wyoming [Mr. ENZI], and the Senator from Utah [Mr. HATCH] are necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "no."

The yeas and nays resulted—yeas 43, nays 49, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—43

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Jeffords
Kempthorne
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wyden

NOT VOTING—8

Domenici
Enzi
Harkin
Hatch
Inhofe
Kyl
McCain
Wellstone

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I would just ask, what is the order of business for the Senate?

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1173) to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee-Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee-Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee-Warner amendment No. 1314 (to amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. BREAUX. Mr. President, I ask unanimous consent, if no one else is waiting to speak, that I be allowed to speak as in morning business for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT OF THE FEDERAL MARITIME COMMISSION REGARDING JAPANESE PORT PRACTICES

Mr. BREAUX. Mr. President, I will just use this time to make a comment about a resolution that is soon to be introduced in a bipartisan fashion, dealing with trade practices between our country and the country of Japan. As many may have recognized recently in the news, we have been involved in a very long and very serious dispute with the country of Japan regarding access, opening up their ports to our industries the same way that our American ports are open to Japanese ships when they call on United States ports here in this country. This dispute has been going on for a number of years. It has gotten to be very, very serious.

We will soon be introducing a resolution. We have talked to Chairman HELMS and Majority Leader LOTT and our Democratic leader, TOM DASCHLE. I know Senator HOLLINGS is very interested in this as well. We worked on a resolution, which will be introduced, which will commend the administration and also the Federal Maritime Commission for their efforts to date in bringing this 15-year problem with the Japanese port practices to a successful conclusion. Since the press and many of my colleagues have already adequately described the history of the Japanese port practices, I am not going to repeat it here. But I would like to make a few comments on what has happened.

First, I think it is very important from this Senator's perspective to recognize that we have been able to work for a successful and satisfactory conclusion of this problem because of the strong, independent action that the Federal Maritime Commission was able to take. As an independent agency, the Federal Maritime Commission has the flexibility to carry out policies that are good for America without having to go through a number of steps and consultations with agencies within our Government that sometimes actually impede the process of quickly and appropriately making decisions that must be made. Because of its independent status, it was able to take this action in a way that should bring about what I think will be a satisfactory conclusion.

The second point I would like to make is I think it is appropriate at this time to recognize the decision of our U.S. Trade Representative, Charlene Barshefsky, last year, to refuse to commit the United States to an inadequate GATS maritime agreement. Had the United States accepted that proposal last year, which was a so-called standstill proposal, these same Japanese port barriers would have been grandfathered in and would have been recognized as the international law of the land. The Federal Maritime Commission, including the rest of the U.S. Government, would have then been powerless to do anything about them except to try to negotiate them away during subsequent rounds of talks with the WTO starting in the year 2000. No agreement is better than a bad agreement. This is a clear example that what the U.S. Trade Representative did at that time was appropriate and proper.

Finally, I believe any agreement on the port practices dispute involving the United States and the country of Japan must include two fundamental points: First, a collection of fines to the extent it shows other countries around the world, not only Japan, that the United States is very serious about reciprocal market access and compliance with our laws; and, second, a vigilant, continued monitoring and enforcement by the Federal Maritime Commission of the changes in port practices promised by the Government of Japan. Both of these two elements are absolutely essential for any type of credible agreement. The Federal Maritime Chairman, Hal Creel, the Federal Maritime Commissioners, Ming Hsu, Del Won, Joe Scroggins and their staffs are to be commended for their extraordinary efforts to resolve this matter in a firm and fair manner. Likewise, I commend our State Department Undersecretary for Economic Affairs Stu Eisenstadt and his staff. They are to be commended for their perseverance in this matter.

Now is not the time, however, for congratulations. We are not quite there yet. Negotiations are continuing. But with additional fortitude, consumers and carriers and their customers, both in Japan and the United States, will soon enjoy the fruits of our labors. We have come too far to settle for any type of mediocre agreement. We cannot and should not give up now. I think a solid resolution of this issue is feasible and I expect one to be concluded in a reasonable amount of time.

Mr. President, if no one else is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INVESTITURE OF ERIC CLAY

Mr. ABRAHAM. Mr. President, I rise today to comment on an event that will be taking place in Detroit, MI, a little later on this morning. Unfortunately, because of our votes today, it was not possible for me to attend what will be the investiture of Eric Clay, of Michigan, to become a judge on the Sixth Circuit Court of Appeals. I worked on behalf of Mr. Clay during the nomination process. It was a long and arduous one. Although his nomination was first sent up here in 1996, because of various factors we did not complete action on his nomination during the 104th Congress. Therefore, his nomination was sent up again at the beginning of the 105th Congress. Happily, after another hearing and after once again being able to seek and receive unanimous support on the Judiciary Committee, he was confirmed by the full Senate in July of this year.

Mr. Clay has been an able advocate of his profession. He has been a very successful attorney. He is one of the cofounders of one of the Nation's largest minority-run law firms, and a very successful one in our State. He is well respected by people throughout the legal community. So, for those reasons and for a variety of others, I was delighted to support his nomination and to work for his confirmation.

Unhappily, as I say, I will not be able to be at the investiture today, but I know his many friends and colleagues are with him and will celebrate his official swearing in to the Sixth Circuit Court of Appeals. As I indicated at the hearing, in any case where people might not necessarily agree, as we find ourselves perhaps occasionally in disagreement on matters that come before the court, or before the Senate for that matter, I think he will bring strength and competence.

He served at one time as a clerk to Judge Damon Keith, who is currently on the sixth circuit and has just recently taken senior status. And, although not directly filling Judge Keith's spot, he, I am sure, will carry on Judge Keith's legacy on the bench and I think will be a fine advocate for the State of Michigan on the sixth circuit, and also, I think, will bring to the

Sixth Circuit Court of Appeals a great deal of talent and will make a valuable contribution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I am authorized to say that there will be no further votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER TRAGEDY

Mr. DEWINE. Mr. President, I rise today to call the attention of my colleagues to a story that appeared last week in the Cincinnati Post. This is the story. The headline is: "Woman Torched Nephew, Police Say—Youngster's Burns Untreated for Weeks"

Mr. President, the article tells the story of the awful abuse of an 8-year-old child in the Cincinnati area. The boy was set on fire—set on fire—with nail polish remover, and then sent to school for 3 weeks with his burns unattended.

Cincinnati police investigated what happened to this little boy. They have now charged his aunt with child endangering. They charged his aunt with setting him on fire—and also with abusing him with a belt, an extension cord, and shoes.

Mr. President, this is an obscene crime. After this woman's arrest, it was revealed that she had been charged with a similar crime involving the same little boy 2 years before. Don't we have to ask, Mr. President, what on Earth was that woman doing taking care of that child or any child? Why in the world was that child put back into that same home, put back with that abusive woman?

Mr. President, 3 weeks ago, I rose on the Senate floor to tell a similar tragic story. That story took place in Washington, DC. It was the story of a little 4-year-old girl named Monica Wheeler who was found dead, beaten to death in the bathroom of a man who was an acquaintance of her mother. Three years ago, one of Monica's siblings, her brother Andre, then aged 2, was also found dead in the same man's bathroom.

Mr. President, as I have come to the floor and cautioned before, it is up to the police and the courts to find out the truth about these particular cases. And we should not be interested in prosecuting anyone here on the Senate floor, no matter what we think. That certainly is what the courts are for. But I cannot stress enough that these awful crimes point to a responsibility that lies with us here in Congress, the responsibility to make sure we do all we can to stop these crimes from ever happening.

One thing we know for certain about these two cases—the Cincinnati case and the Washington case, and far too many other cases—is that there are too many children in this country today being returned to the care of people who have already abused and battered them, people who should not be allowed to take care of these children. Children are being returned to homes that are homes in name only and to parents who are parents in name only.

Every day in this country, three children actually die of abuse or neglect at the hands of a parent or their caretakers. That is approximately 1,200 children a year who die. And almost half of these children, shockingly, Mr. President, are killed after—after—their tragic circumstances have come to the attention of the child welfare agencies.

At the end of 1996, Mr. President, over 525,000 children were in foster homes across this country. Over a year's time, it is estimated that 650,000 children will be in a foster home for at least a portion of that year. And shockingly, roughly 25 percent of the children in the foster care system at any one time will languish in foster care longer than 4 years. And 10 percent of these children will be in foster care longer than 7 years.

Mr. President, this problem has been growing for many years. It is at least in part the very unintended consequence of a law passed by Congress in 1980, a law that I have spoken on this floor I suppose at least a dozen times about since I came to the Senate. It is a law that was passed in 1980 that requires that reasonable efforts always be made to reunify families. In practice, Mr. President, this law has resulted in unreasonable efforts, unreasonable efforts being made to reunite families that are families in name only, families that never should be reunited. Children are being sent back to abusive parents, abusive care givers, and many times the result is death.

Mr. President, I have been working to change this for almost 3 years now. Last month, along with Senators CHAFEE, CRAIG, and ROCKEFELLER, and others, I introduced a bill that I hope will represent the culmination of this effort. The PASS Act—the Promotion of Adoption Safety and Support for Abused and Neglected Children Act—would make a difference. It would save young lives. It would change this 1980 law that I referenced. It would put an end to a tragic policy that has put parents' interests above the health and safety and even the survival of innocent children.

It would help child welfare agencies move faster to rescue these children. Mr. President, every child deserves a better fate than being shuttled from foster home to foster home for years on end.

That is why, Mr. President, we are working to pass this very important bill. Let us work together, after we pass the bill, then on the next step, which will be to continue to try to improve the system.

But the work that is in front of us today, Mr. President, is to pass the PASS Act, a bill that has been worked on extensively, a bill that will in fact benefit children in two ways: One, by moving them quickly through the system once they are in fact in foster care so that they do not languish in foster care for years on end so that they can have what every child needs, which is a caring and loving family; and the second thing the bill would do is save lives. We will never know what child's life will be saved or how many, but I am convinced, after talking with caseworkers throughout the State of Ohio, children service agencies, and after having talked to many people throughout this country, that the 1980 law that our bill will amend will in fact, by amending that law, save lives.

So I urge my colleagues, when this bill is brought to the floor, as I hope it will be in the next several weeks, to look at this bill, to pass it, and to move on so that we can make a very strong statement and do something very positive for America's children.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Ohio very much for the work he has done on this legislation, the support he has given it, the kind things he has had to say about my part in it.

I think it is very important to stress that the Senator from Ohio has long been active in children's matters, particularly this area that we are involved with, namely, adoption and foster care. He knows the existing problems in this system and has been very, very helpful in the meetings we have had in putting this legislation together.

So I thank the Senator from Ohio very much for his work. And I share his enthusiasm and his desire to see this legislation come up this year, before we leave hopefully. So certainly both of us will do everything we can. We have had some fine meetings with the majority leader on it. Next week, we will be meeting with the chairman of the Finance Committee. Hopefully this legislation can come before us before we leave.

If there is nobody else desiring to speak, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1313 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

LEGAL CUSTODY OF MEI MEI

Mr. DEWINE. Mr. President, I rise this morning to draw the attention of my colleagues to a very sad, unnecessary controversy involving the Government of the United States and the Government of China, a controversy which also involves a little 3-year-old girl.

Mr. President, this is the sad story. A Chinese woman living in Cleveland was diagnosed with schizophrenia. For many reasons, including this diagnosis, it was clear that this woman was not capable of taking care of her daughter. In fact, they had both been evicted from a Salvation Army shelter because of concerns that the mother was mistreating the daughter. Evidence showed that the child had been seriously neglected. So the court stepped in and sent this child into foster care. By the time this little girl was 16 months old, tragically, she has been in four foster homes.

The natural mother was allowed visiting rights. During one of these visits she abducted the child and took her to the People's Republic of China. In June 1997, Mr. President, the Ohio court permanently terminated the birth mother's rights and awarded legal custody of Mei Mei—this little girl's name—to Mei Mei's foster mother. Since last October, the foster mother, the legal guardian of this child, has been trying, naturally, to get Mei Mei back. She wants to adopt Mei Mei, but her efforts thus far have not been successful.

Mr. President, I urge President Clinton to raise the issue of this little child with the Chinese President when they meet. There is an adoptive family waiting in Ohio for Mei Mei. They love her and they will be able to take good care of her. I hope this problem can be resolved in a positive and expeditious way. Therefore, I urge the President to raise this at the highest level between our countries.

A few minutes ago on the floor I circulated a letter—and a number of my colleagues have already signed it—to send to President Clinton urging him to bring the matter up.

Mr. President, sometimes it is easy, as we debate issues, to lose the personal sense about these horrible cases. Sometimes we hear about statistics and sometimes we hear about stories of bad things occurring, such as I have just related.

To try to bring it home, though, and put a more personal face on it, let me read just one paragraph that was written by the foster mother who wants to adopt Mei Mei. This is what she writes:

> We have been applauded for our dedication and uninterrupted love for Mei Mei. I can honestly tell you, however, that it was not difficult. When a child enters your life and needs to be held, you hold them. You teach them to laugh, you teach them that you are there, you teach them to be gentle, you teach them that everything in life is beautiful. And then when they start to see that life is not something to be just tolerated but rather to be enjoyed, they develop a sparkle in their eye, which fuels your love further for them. That's what happened with us and with Mei Mei.

So I urge, again, Mr. President, that our President, President Clinton, bring this matter up with the Chinese. It is a small matter, I suppose. But it is a little girl; it is her life. She has an opportunity for a loving family to raise her. She was snatched away from that opportunity by a woman who has clearly demonstrated that she is unfit to take care of this little girl. So I urge the President, as he discusses issues with the Chinese, to raise the issue of Mei Mei.

Mr. President, I yield the floor, and at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FDA REFORM

Mr. DEWINE. Mr. President, I want to discuss today an important issue involving the FDA. First, let me congratulate my colleague from Arkansas, Senator TIM HUTCHINSON, for his fine work on the legislation that he has just introduced. This bill that Senator HUTCHINSON has introduced would prevent the FDA from implementing a proposed rule that is harmful and unnecessary.

Mr. President, this is the story. Earlier this year, the Food and Drug Administration issued a proposed rule to accelerate the phaseout of metered-dose inhalers that are propelled by chlorofluorocarbon gases, commonly known as "CFC's." Essentially, Mr. President, the FDA has proposed to ban from the market safe and effective medicines that millions of Americans use to help them breathe. For many patients, these medicines mean, quite literally, the difference between life and death.

This FDA proposed ban is not based on concerns of safety, but rather the ban on these inhalers was put forward on the grounds that inhalers that use CFC's deplete the Earth's ozone layer. Now, the fact is, Mr. President, that these inhalers have only a minimal effect on ozone depletion. Asthma inhalers account for only a very small part of this problem. It is estimated that asthma inhalers account for less than 1.5 percent of the total problem.

Perhaps more important, Mr. President, the companies that make these inhalers have already agreed to develop new CFC-free devices by the year 2005—the deadline that was previously set forth in the international Montreal Protocol. These companies are working hard to bring these products to the market quickly and, in fact, they think they will beat the 2005 year deadline.

So I think, Mr. President, it's clear that the FDA's proposed rule to accelerate the phaseout of these products yields no significant benefit to the global environment. What it will do, however, is take away essential medications from Americans who depend on these inhalers to manage serious respiratory illnesses.

Mr. President, over 30 million Americans suffer from some type of respiratory disease, including asthma. Many of these patients rely on a combination of inhalers to be able to function normally. The FDA's proposed policy would limit their treatment options and force them to switch from proven treatment regimens that have been carefully adjusted to control their symptoms.

Mr. President, asthma is a serious national health problem. The morbidity and mortality rates from asthma continue to increase in the United States, particularly among minority and inner-city children. Mr. President, I think we have to question the FDA's judgment in putting forth a proposal that puts these patients at further risk. I hope others will agree with me as well.

Mr. President, the FDA has already received over 10,000 letters from patients, providers, and health care organizations expressing concern about this issue. In a letter to Health and Human Services Secretary Donna Shalala, Dr. C. Everett Koop, former Surgeon General of this country, wrote the following:

> This proposal will adversely impact patient health, while providing negligible environmental benefit.

Dr. Koop went on to state:

> Any efforts to limit the medications available to asthma patients and their physicians would be a serious mistake that would lead to severe consequences for American asthmatics.

Mr. President, there is another aspect to this whole issue. Under the proposed guideline, the FDA would remove from the market products that have been tested and labeled for use in children and replace them with CFC-free versions that while containing the same active ingredients have not been tested or approved for use by children. They have not been tested or approved for pediatric use. Mr. President, asthma is the leading cause of chronic illness among children—5 million children suffer from asthma today. How in the world can the FDA remove products from the market which are proven to be safe and effective for children while at the same time the FDA laments the lack of adequately labeled products for children? It just doesn't make sense.

Mr. President, the Food and Drug Administration is charged with protecting the health and well-being of American citizens. It seems incomprehensible to me that it could put forth a proposal that secures really negligible environmental benefits at a potentially steep cost to human lives and health. I urge the FDA to reconsider its proposal. The health of millions of Americans who depend on metered-dose inhalers is too important.

Mr. President, I thank the Chair. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the question before the Senate and what is the business before the Senate?

The PRESIDING OFFICER. The Senate is conducting morning business with Senators to speak for up to 10 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that I may speak out of order for as long as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

THE LINE-ITEM VETO

Mr. BYRD. Mr. President, I have been intrigued—modestly, if I may say, so as not to exaggerate—at the plethora of complaints that are being in some instances stridently expressed about the President's use of the line-item veto. I suppose what amazes me so much about this matter is that all of this vast panorama of problems that could be expected to occur in the train of passage of the Line-Item Veto Act have been addressed time and time and time again on this Senate floor by me; by my colleague, Senator MOYNIHAN; by my colleague, Senator LEVIN; by my colleague, Senator REID; and many other colleagues on both sides of the aisle, including, of course, former Senator Mark Hatfield. We spoke to the galleries here and across the land repeatedly about what could be expected from the use of a President's line-item veto pen should such legislation be passed. We also spoke of the constitutional ramifications of a line-item veto. At the time, I felt that in all probability our expressions of concern were falling upon deaf ears.

So of late it has been brought home to me very clearly that although one may speak with stentorian voice, as with the combined voices of 50 men or as if his lungs were of brass, there will nonetheless be ears that will not hear, there will be eyes that will not see, and there will apparently be minds that will not think.

So one is left with very little consolation other than to know that what he or she said as a warning in days past was on point, and that history will prove that the point was well taken.

Mr. President, I see my dear friend, Senator MOYNIHAN, who is a great teacher. I wish I would have had the opportunity to sit in his classes—a man who is noted in the Congressional Directory as having received 60 honorary degrees. That will make one sit up and take notice—60 honorary degrees! I have never counted my honorary degrees. But I suppose that if I have been the recipient of ten or a dozen, that would certainly be the limit.

But Senator MOYNIHAN has foreseen the ramifications of this unwise legislative action by the Congress—and it is now coming home to roost—the so-called "Line-Item Veto Act." He has joined with me previously many times in discussing the act here and elsewhere. He has joined with me, as did Senator LEVIN and former Senator Hatfield and two of our colleagues in the other body, in a court challenge against the Line-Item Veto Act. And he joins with me today in cosponsoring this bill to repeal the line-item veto.

So I am going to yield to him. I have legislation that I have prepared to repeal this act. Senator MOYNIHAN has joined with me in the preparation of the legislation. And I am going to yield to him because, as I understand it, he needs to get to another appointment right away. So I gladly yield to my friend for as long as he wishes. I ask that I be permitted to yield to Senator MOYNIHAN without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, it is again an honor and a privilege to join with one of the great constitutionalists in the history of the U.S. Senate, ROBERT C. BYRD, who has written the history of the Senate.

I can so well remember the occasion on which that great volume was introduced. One of our finest American historians was present saying that it is difficult to understand and very hard to forgive that there has been so little scholarly attention given to this body, to the Congress, as against the Presidency, and suggesting that it is not hard to explain. There is only one President, and there are 435 of us—a more complicated subject that comes later in our historymaking.

But I think it may be said that in the history of relations between the Congress and the Presidency there has never been an issue equal in importance to the constitutional challenge we face with the Line-Item Veto Act.

I think of difficulties in the past. There have been clashes between the Executive and the legislative. There are meant to be, sir, I presume to tell you.

Madison and Hamilton, when they explained the Constitution to the people of New York in that series of essays that became the Federalist Papers, said citizens might well ask. At that time people knew the history of classical Greece and Rome, and they knew how turbulent it was. Madison had the solicitous phrase of speaking of the "fugitive existence" of those republics. And they asked: What makes anyone suppose that we will have a better understanding, a better, a more durable existence than those of the past? And the answer was, "We have a new science of politics." That was their phrase, " * * * a new science of politics." Because in the past, theories of government depended on virtue in rulers. We have made up a different arrangement, an arrangement by which the opposing forces, the checks and balances, set off one group against another. And the result is that in the end you have outcomes that make up for—again, a wonderful line of Madison's—"the defect of better motives." And, in that regard the Framers very carefully defined in article I and article II this distinction.

If I may say, again because it is so important, the framers of the Constitution presumed conflict. They did not assume harmony. They did not assume common interests. They assumed conflict. When they were asked, Why should we expect this Republic to survive given the "fugitive existence" of republics of classical Rome and Greece?, they replied "Because we have a new science of politics." We can have one interest balance another interest. And they devised it because they knew there were conflicting interests.

I believe it would surprise us, Mr. President, to know the extent to which—until the American Constitution came along—political theory assumed virtue and harmony in rulers and in government. We have seen it in our time, sir, in its most notorious form in the dictatorships of the proletariat in the Soviet Union, in the Republic of China, now in North Korea, if you like. The dictatorship of the proletariat is a wonderful way of saying rule by the virtuists, and rule by the virtuists turned out in reality to be rule by tyrants, by monsters. Indeed, Mr. Pol Pot is just now being interviewed by Mr. Thayer in the Far Eastern Review, and in the name of virtue, in the name of the people's republic, Mr. Pol Pot murdered perhaps as many as 2 million Cambodians. All in the name of virtue.

Well, this Constitution does not assume virtue. It assumes self-interest. And it carefully balances the power by which one interest will offset another interest and in the outcome make up, again in that wonderful phrase of Madison, "the defect of better motives."

In the judgment of this Senator, shared of course by our revered leader in this regard, nothing could violate that constitutional design more clearly than the Line Item Veto Act. On January 2 of this year, the first business day after the Line Item Veto Act took effect, I joined Senator BYRD, Senator LEVIN, and our never-to-be-forgotten friend from the State of Oregon, the former chairman of the Appropriations Committee, Senator Hatfield, in a lawsuit challenging the constitutionality of that Act on the ground that it violates article I, section 7, clause 2 of the U.S. Constitution, known as the presentment clause.

Mr. President, the issue of this Act's constitutionality has now been commented upon by two Federal judges. In the U.S. District Court for the District of Columbia, Judge Thomas Penfield Jackson took exactly 3 weeks from the date of oral argument to conclude that it is unconstitutional. He wrote in his April 10, 1997 opinion that by passing the Line Item Veto Act, "Congress has turned the constitutional division of responsibilities for legislating on its head."

The Justice Department appealed that decision, and we went to the Supreme Court where, in a manner that I think is generally understood, the Court is a little shy about getting into arguments between Members of Congress and the President. I could use the image, sir, that the Court likes to see someone before it with a broken arm saying, let me tell you how it happened to me and why. And they held that we did not have standing—seven Justices did. Justice Breyer thought we had standing. But most importantly, sir, Justice Stevens dissented. He said we did have standing, and what is more, that this measure is unconstitutional. He is the one Supreme Court Justice who has commented on the question of this statute's constitutionality. In his opinion he wrote:

> The same reason that the respondents have standing provides a sufficient basis for concluding that the statute is unconstitutional.

I quote, Sir, from the case of Franklin D. Raines, Director, Office of Management and Budget, et al., Appellants, versus ROBERT C. BYRD, et al.

Now, this is a constitutional question. There is another more subtle one. It goes directly to the constitutional intention of the separation of powers and the balance of powers, and that is the idea of the shift in power from the Congress to the executive that this legislation makes possible.

In this morning's Washington Post there is an article about the President's recent exercise of this authority. And rather to my distress, if I may say it, a number of Senators on this floor and a number of Members on the House floor have discovered that there is politics being played in the White House. Politics, Mr. President? I am shocked to hear that there are politics in the Presidency. Of course, there are—ever have been. In today's story in the Post a very distinguished scholar, Stanley E. Collender, who is an expert on spending issues, says, "The line-item veto is never going to be a deficit reduction tool and you would think they"—the Congress—"would have realized it when they gave it to the President. It's a raw exercise in power." Mr. President, if you want to shift power from the Congress to the executive, fine. Amend the Constitution. Do not abuse it by statute. And if it came to amending it, I am not sure we would.

I talked earlier about the "Federalist," which was written as essays in New York State newspapers in support of ratification by New York State of the Constitution, which was a very close matter. Rhode Island, as the distinguished sometime President pro tempore knows, was the last to ratify it. It took them years. But they didn't have Madison and Hamilton and Jay to read at the time, and we did.

Now, there has just appeared a wonderful small volume called the New Federalist Papers, a twentieth century fund book written by Alan Brinkley, Nelson Polsby and Kathleen Sullivan. They try to make their essays about the length of the original Federalist. Nelson Polsby has a succinct and devastating essay on the line-item veto.

Nelson Polsby, who happens to be a friend of many years, is Professor of Government at the University of California, Berkeley, and his many books include, most importantly in my view, his book "Congress and the Presidency." And he writes here on the line item veto. He says:

> The line-item veto would make Congress severely dependent on Presidential good will. A shrewd President would not veto everything but would use the line-item veto selectively, in effect bribing legislators into cooperating. Americans have a stake in preserving the independent judgment of Congress on issues of public policy. This is not the way to do it.

"Americans," I say again, "have a stake in preserving the independent judgment of Congress on issues of public policy. This is not the way to do it."

I should say that Mark Hatfield, our coplaintiff, is using this text in his seminars back in Oregon just now.

Early on in our deliberations—and I hope I will not take any liberty when I say it—a most distinguished and admired colleague, "Mac" Mathias, a Senator from Maryland, who was with us so long, when this first came up commented from his long experience, "The President won't veto any great number of items. He will just let it be known that he can." And the conversation goes as follows: Senator, I know how much this radiation laboratory means to that fine hospital you have worked so hard to develop. I know how much it means to the health of the American people, to science, to medicine. But, you know, Senator, expanding NATO is a very important issue to me. And I hope that if I understand your needs, and I feel your needs, you will understand mine, and surely you will. Can we have that understanding as responsible persons in Government?

Well, that kind of trading goes on and is meant to go on. That's what checks and balances are about. But not with the threat of an unconstitutional act to change a bill passed by this body and the other body and sent to the President, take something out of it, and the bill that in consequence never passed either body becomes law. That violates the Constitution's "single, finely wrought and exhaustively considered procedure," as the Court in INS versus Chadha called the presentment clause of article I.

Now if you want to do that, fine. Amend the Constitution. But you cannot amend the Constitution by statute.

I do not want to go on because there are so many distinguished persons in the Chamber, and the Senator from West Virginia, our teacher in these matters, is being very patient. But simply to say, as Mr. Collender says in this morning's Washington Post, this will never save any money. What will happen is, as Mr. Polsby says in his essay, it simply shifts power from the legislative branch to the executive branch. And it does so in a manner that Justice Stevens in the Supreme Court not 4 months ago said is unconstitutional. More I do not know what need be said. The Congress could do itself a great service by passing Senator BYRD's legislation. Then we would have a real test of political reality. Would that bill be signed or vetoed? We do not know, but one good way to find out is simply to adopt this direct and simple legislation.

Mr. President, I will not go on, but I ask unanimous consent that at this point in my remarks, that there be printed in the RECORD the text of the four pages by Nelson W. Polsby on the line-item veto as published in the New Federalist Papers.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the "New Federalist Papers"]

On the Distinctiveness of the American Political System

(By Nelson W. Polsby)

Americans of a certain age will remember that at the first opportunity after the Allied victory in World War II, the voters, fed up, so it was said, with meat shortages and the privations of war, threw out a large number of incumbent congressmen and elected a new majority. The nation embarked upon a decade or so of jitters focused upon problems of domestic security. The Truman administration, under severe Republican pressure, launched a loyalty/security program. Senator Joseph McCarthy, with his careless charges of communism in government, flourished.

This, evidently, is the way Americans celebrate global victories. Neither the dismantling of the Soviet empire nor the meltdown of the Soviet Union itself seems to have convinced Americans of the possible virtues of their own political system. Rather, complaints about the way the United States is governed have never been louder or more insistent, as "malaise" has given way to "gridlock," and gridlock to "funk" as the most fashionable way to describe a system the chief feature of which is held to be an inability to cope. If presidents and leaders of Congress, Democrats and Republicans, talk this way, never mind advocates of one or more third parties, must they not be right? After all, a key test of the viability of any political system surely must be the willingness of political elites to defend it.

On these grounds alone, the American political system is in plenty of trouble. But a nagging doubt intrudes. One wonders whether the bashing of the political system has been used for narrow partisan purposes and whether, also, it is simply ill-informed.

The American government is not easy to grasp. Most nations are much smaller than the United States, with less space, fewer people. The Western democracies with which the United States is most commonly compared have one-third (Germany) to one-fifth (United Kingdom, France) the population of the United States, and some comparison nations (Sweden, 9 million people; Switzerland, 7 million; Denmark or Israel, 5 million) are even smaller. Only a few of the world's political systems—China, India, Russia, Indonesia, Brazil—have anywhere near the population of the United States, and most of the larger nations—perhaps half our size, like Nigeria, Pakistan, Bangladesh, or Mexico—are governed by tiny groups of bureaucrats, military leaders, families, or cliques of the educated. Thus, even when the political system embraces many people, only a few inhabit the top in the nations as large or larger than the United States. Most democracies of medium size have political classes that are by U.S. standards small.

In the United States, responsibilities for public policy are not concentrated in a few hands but are spread to dozens of different places. Take transportation policy. Roads and their policing are devolved functions of the several states, and the fifty states parcel large chunks of authority out even further to cities, towns, and boroughs within their jurisdictions. To be sure, some transportation policy is made in Washington, for example, the rules governing Amtrak or air traffic control. But the licensing of vehicles, the control of on-street parking, the maintenance of roads and ports, the routing of buses, the building of subways—in short the vast bulk of the gigantic enterprise of American public transportation policy—can be fathomed only by traipsing around the country and looking at the disparate detailed decisions and varied decisionmakers who fix the prices of taxi medallions in New York City and plow the snow off the roads in Minnesota and provide for the coordination of rapid transit routes and schedules in the San Francisco Bay area.

Transportation is only one policy area. There are dozens more, some the responsibility exclusively of national government, some all local, some mixed. These matters are much easier to sort out, and to track, in smaller and less heterogeneous nations, and in nations with unitary constitutions. Federalism, just illustrated in the field of transportation, is embedded in the American Constitution and is one source of the spread of governmental authority, but only one source.

Consider next the separation of powers, a means of organizing government at the center of the political system where power is shared among executive, legislative, and judicial branches, all for some purposes mutually dependent, for other purposes independent of one another. Consider Congress, the world's busiest and most influential national legislature. Proposals go in the door of Congress and regularly emerge transformed by exposure to the complexities of the lawmaking process. Unlike parliamentary bodies that run on the Westminster plan, Congress is an entity independent of the executive branch. Its members are elected state by state, district by district, by voters to whom they are directly responsible. Members are expected to have opinions about public policies, to respond to the concerns of their constituents, and to participate as individuals in the making of laws.

To be sure, Congress has its division of labor; not every member sits on every committee. And who within Congress gets what primary responsibilities is orchestrated by partisan caucuses and party leaders. So the fate of any particular proposal depends greatly on where it is sent—to which subcommittees and committees, superintended by which members. Congress cannot have strong party responsibility without sacrificing some of the advantages of this division of labor, which allows committee specialists to acquire authority over the subject matter in their jurisdictions by learning over time about the substance of public policy. Federalism supports the separation of powers by giving members of Congress roots in their own communities, where local nominating procedures for Congress lie mostly beyond the reach of the president, and of central government.

Beside these two interacting constitutional features—federalism and separation of powers—sits a strong judiciary, fully empowered to review acts of political branches and to reject those acts contradictory to the provisions of the written constitution. The strength of the judiciary evolved as a natural consequence of the existence of enumerated, explicit rights—a Bill of Rights, in fact—that ordinary citizens possess, mostly phrased as restraints on the government. How can an individual citizen assert these rights except through appeal to the courts? Once courts respond to the piecemeal invocation of the Bill of Rights by citizens, a strong and independent judiciary, and a political system dominated by lawyers, is given a strong evolutionary preference.

Many political systems have one or more of these distinctive features of the American constitutional order: federalism, a separation of powers, a Bill of Rights. All three features, working together in the very large American arena, produce a decentralized party system with its devolved nominations and highly localized public policy preferences, a vibrant, hard to coordinate, independent legislative branch, and lawyers and lawsuits galore.

Giving up any or all of these distinctive features of the American "real-life constitution" is urged mostly in the interests of centralized authority and hierarchical coordination. Most modern democracies, it is pointed out, do without distinctively American constitutional trappings. Why cannot the United States do the same? Perhaps we could if the government of a smaller, more homogeneous nation were at stake. But when the governed are spread far and wide, and are deeply divided by race, religion, and national origin, civil peace may well require political instruments sufficiently decentralized to produce widespread acceptance of national policies and tolerance of national politicians. Although the American system is weak in forward motion, it is strong in its capacity to solicit the marks of legitimacy: acceptance of decisions, willingness to go along, loyalty in time of emergency.

It is, according to this interpretation of the emergent design of the Constitution, thus no accident that the one major period of constitutional breakdown into civil war could be understood as a matter of a failure of center-periphery accommodation. Civil War-era theories of nullification, states' rights, and concurrent majorities were all attempts to fashion an even more developed constitution, one that could contain the enormity of slavery. As this episode teaches, and as observers of events in the modern world from Beirut to Bosnia might attest, obtaining the consent of the governed when the body politic is heterogeneous is no mean feat.

American democracy, on this reading, is more democratic than any of the large, complex nations in the world, and larger and more complex than all of the other democratic nations (save India). Proposals for change that appreciate the size and complexity of the system have a better chance of success than proposals that merely complain that the system is sizable and complicated. Judging from the success of smaller democratic nations, Madison was clearly wrong in arguing that a large, extended republic was necessary to prevent tyranny. But he was undoubtedly right in observing that an extended republic is what the United States would become. In 1787, soon after the Constitution was written, it is recorded that "a lady asked Benjamin Franklin, 'Well, Doctor, what have we got, a republic or a monarchy.' 'A republic,' replied the Doctor, 'if you can keep it.'"

Mr. MOYNIHAN. I thank the Chair. I thank the Senator from West Virginia for yielding me this time.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York, Mr. MOYNIHAN, our most learned Member, for his eloquent statement in support of the legislation that I am introducing on behalf of myself and the Senator from New York and the Senator from Michigan. He has never faltered in his opposition to the passage of legislation that would give this President, any President, Democrat or Republican, line-item veto authority. And as he has said so many times, if this is something that is going to be done, it ought to be done as the framers made provision for, and that is by way of a constitutional amendment which will constitute the judgment, hopefully the considered judgment, of the American people from whom all power and authority in this Republic springs. I think Senator MOYNIHAN's reference this morning to the "New Federalist Papers" essays is timely. He was kind enough to give me a copy of that volume which I have not yet had the opportunity to read but which I shall very soon. And he has printed in the RECORD today one of the essays from that volume. I shall look for it in the CONGRESSIONAL RECORD with great interest.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I had a question——

Mr. BYRD. I have the floor.

Mr. CHAFEE. I had a couple questions for the Senator from New York whenever the proper time is.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Senator from Rhode Island for the purpose of his propounding those questions, if I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request? If not, the Senator may proceed.

Mr. CHAFEE. Mr. President, I listened carefully to the remarks by the Senator from New York. I am on the other side on this issue. But nonetheless, it was very edifying to hear the comments that the Senator from New York had to make. Several times the Senator from New York said, if I understood correctly, that this measure, this line-item veto, is unconstitutional. My question is, has it been so tested? Or is there anything underway to so test it? In other words, is there a case working its way up through the system to challenge the constitutionality of the line-item veto—which I guess we passed, was it last year? Was it in 1996?

Mr. BYRD. May I respond to that particular question?

Mr. CHAFEE. Surely.

Mr. BYRD. Mr. President, the Senate passed the so-called Line-Item Veto Act on March 23, 1995. The legislation went to conference where it lay dormant for something like a year, and I am told that the standard bearer of the Republican Party in last year's Presidential election prevailed upon the leadership in both Houses to get this matter out of conference and get it passed into law so that, I assume, he, Mr. Dole, would then feel that he would become the first wielder of the pen under this act.

So the leadership went to work and on March 27—these dates are so etched in my gray matter between my two ears that I will never forget the dates. If anything ever happens to my mind and I lose my memory, I daresay this will be one of the last things that will be lost. So, on March 27, 1996, the Senate stabbed itself in the back by adopting that conference report.

I have answered the Senator's question.

Mr. MOYNIHAN. If I might reply to my distinguished friend and chairman who asked, "Who has agreed? If we assert this is unconstitutional, who has agreed?" May I just read a passage from the opinion of the one Justice of the Supreme Court who has commented on the constitutionality question? It was John Paul Stevens, 26 June, 1997. Our complaint had been filed on January 2, the first business day of this year after the act took effect. He says:

> The line-item veto purports to establish a procedure for the creation of laws that are truncated versions of bills that have been passed by the Congress and presented to the President for signature. If the procedure were valid, it would deny every Senator and every Representative any opportunity to vote for or against the truncated measure that survives the exercise of the President's cancellation authority. Because the opportunity to cast such votes is a right guaranteed by the text of the Constitution, I think it clear that the persons who are deprived of that right by the act [meaning the plaintiffs] have standing to challenge its constitutionality.
>
> Moreover, because the impairment of that constitutional right has an immediate impact on their official powers, in my judgment they need not wait until after the President has exercised his cancellation authority to bring suit.
>
> Finally, the same reason that the respondents have standing provides a sufficient basis for concluding that the statute is unconstitutional.

Now, on October 16 of this year—this month—the city of New York filed suit with respect to a vetoed item in the Balanced Budget Act of 1997. New York City was joined by the Greater New York Hospital Association and two labor groups that represent hospital workers. I have asked to file an amicus brief. The case is now pending in the district court and we will hear presently from them.

Mr. CHAFEE. I thank the Senator from New York for that description. Because it is interesting. So, now, there is underway an appeal, seeking a court determination.

Mr. MOYNIHAN. By persons I described as standing before the court with a broken arm.

Mr. CHAFEE. I remember when we had the debate on this. I wasn't deeply involved but I supported it. I always have. But I can only believe that there must be a stack of constitutional opinions by learned lawyers, and maybe judges for all I know but certainly many from the legal profession, saying that this, indeed, is constitutional. In other words, the suggestions of the difficulties and constitutional problems, as outlined by the distinguished Senator from New York and the distinguished Senator from West Virginia, are not new. In other words, they foresaw what was going to happen and raised those points on the floor. So I can only assume that there was all kinds rebuttal information prepared. I will confess I can't remember the debate with that clarity. I certainly remember the Senator from West Virginia was against it right from the word go, that was clear, and spoke eloquently, as did the Senator from New York.

But my question is, there must be a quantity of information or opinion on the other side? I can only assume.

Mr. MOYNIHAN. May I respond to my learned and good friend, there are no judicial pronouncements to the effect that this is constitutional, for the simple reason that it is rather new. It was enacted by Congress for the first time in 1996. But although it has never been adjudicated by the courts, it has been the subject of scholarly commentary. At the time we debated the measure in the Senate, I cited several such scholarly opinions, including those of Lawrence H. Tribe of the Harvard Law School, and Michael J. Gerhardt, then of the Cornell Law School, now dean of Case Western Reserve Law School. I noted that in Professor Tribe's treatise "American Constitutional Law," he writes:

> Empowering the President to veto appropriation bills line by line would profoundly alter the Constitution's balance of power. The President would be free, not only to nullify new Congressional spending initiatives and priorities, but to wipe out previously enacted programs that receive their funding through the annual appropriations policy.

He goes on to say:

> Congress, which the Constitution makes the master of the purse, would be demoted to the role of giving fiscal advice that the executive would be free to disregard. The framers granted the President no such special veto over appropriations bills, despite their awareness of the insistence of colonial assemblies that their spending bills could not be amended once they passed the lower house had greatly enhanced the growth of legislative power.

As the conference report on the Line Item Veto Act came back to the Senate in 1996, we asked Professor Tribe for his opinion, as Senator BYRD will recall. He read the conference report and telephoned in the morning, and he gave us this statement:

> This is a direct attempt to circumvent the constitutional prohibition against legislative vetoes, and its delegation of power to the President clearly fails to meet the requisites of article I, section 7.

I say to my friend once again, if you want to give the President this power, do so in the mode the Constitution provides. That is by constitutional amendment. But you cannot do it by legislation.

Mr. CHAFEE. Thank you very much.

Mr. MOYNIHAN. I thank my friend from Rhode Island. I thank my leader.

(Mr. SMITH of Oregon assumed the chair.)

Mr. BYRD. Mr. President, I thank again my friend, the Senator from New York.

I have been trying to get in touch with Senator LEVIN, but I have been unable to do that today, so I will not add his name at this point until I can be reassured by him that he wishes to be a cosponsor. I have no doubt that he will be. But I shall in due time add his name, and others', if they so wish.

Mr. President, the legislation which I am introducing is very simple. It reads as follows:

> The Line Item Veto Act, (Public Law 104–130), and [any] amendments made by that Act [would be] repealed.
>
> The Impoundment Control Act of 1974 shall be applied and administered as if the Line-Item Veto Act had not been enacted.

Mr. President, I hope that we will proceed to have hearings on this legislation that I am introducing on behalf of Mr. MOYNIHAN and myself, and that we can generate some interest on the part of Members to testify on the bill.

Even though there will undoubtedly be more and more cases in the courts resulting from the line-item vetoes that have already occurred, and those that will occur in the future, I think that the legislative branch should proceed to correct the grievous error that it made in passing the act.

In the meantime, I hope that the courts will also proceed. I hope they will not withhold their judicial power and fail to exercise their judicial responsibility simply because Congress, at some point in time, can itself repeal the Line-Item Veto Act.

The point is that, if I am correct in the way I feel about this legislation, our Government is operating under an unconstitutional act with respect to the appropriations process. The President is acting under the presumed authority that he has been given by this nefarious legislation.

But the act itself, I maintain, is unconstitutional. And so, feeling as strongly as I do about the act, I believe that I have a responsibility to offer legislation to repeal it. And that is what I am doing.

In one way or the other, hopefully, the act will be stricken by the Court or repealed by the Congress. And I hope that neither body will wait on the other, that neither department will wait on the other to perform the action that would be necessary.

In offering this legislation, I am attempting to restore the kind of Government, with its separation of powers and checks and balances, that the American people have enjoyed for over 200 years. Never before has Congress enacted legislation that would disturb that separation of powers, those checks and balances.

There has been some talk about it over the years. President Grant first advocated the line-item veto. And the first resolution or the first bill that was ever introduced in the Congress to provide for a line-item veto was introduced, interestingly enough—or perhaps ironically enough—by a West Virginian—Charles J. Faulkner—a West Virginia Congressman, well over 100 years ago.

And since President Grant's first advocacy, most Presidents, or perhaps all with the exception of President Taft, have advocated the line-item veto.

President Washington, the first President of the United States, indicated unequivocally—unequivocally—that any President, under the Constitution, had to accept legislation in toto. The President had to sign it in toto or veto it in its entirety. He could not pick and choose provisions in a bill.

There have been hundreds of pieces of legislation introduced over the years since the administrations of President Grant that would provide either for a constitutional amendment or provide legislation, such as was the case in this instance, to give the President the line-item veto authority.

I have listened to the arguments over the years. And what I said would happen has come true. There is considerable turbulence now. I said that the outcome of this legislation, if it ever became law, would be that the relations between the executive branch and the legislative branch would be hurt, that it would prove to be bad for the country, that tensions which normally exist and were expected to exist between the branches of Government—expected by the framers to exist—those tensions would be intensified, and they have been.

There has been considerable turbulence on Capitol Hill as a result of the President's having exercised his line-item veto—this new tool, this new and polished, sharp-edged Damocles' sword that now hangs by a slender hair over the head of every legislator on Capitol Hill.

We have given the President a political tool. We have given him a weapon by which he can expect to cower any or all of us and by the threat of the use of that sword which hangs over our collective heads, he will expect to get what he wants, not only on a particular appropriations bill but also in connection with a particular nomination or treaty.

I have said these things time and time and time again. I have said that Senators would rue the day, rue the day that they enacted legislation giving to this President or any President line-item veto authority. The chickens are coming home to roost. Members are already ruing the day on which they voted to give the President this line-item veto. I have said time and time again that the President would use it, that Members would be intimidated by it, and that, to a degree, it would have an impact on our freedom of speech in this body. I am sure that there are Members who will now hesitate in some instances to speak out against the administration because they must always carry in the back of their minds a remembrance that the President may exact retribution for words spoken in this Chamber or outside the Chamber by Members in criticism of the administration. They will hesitate because they will understand that the President now can wreak some vengeance. He can threaten to cancel this project or to cancel that program that affects a particular constituency or region. It does not have to be one State or one congressional district, it can be an entire region and the veto can be used politically.

I am amazed at the expressions of surprise that the line-item veto is "being used as a political weapon." We need not be surprised that a President will use the item veto as a political weapon. Who is to blame? Not the President. We are to blame. We are supposed to be grown-up men and women. I am amazed, absolutely amazed, that grown-up men and women—who are expected to know something about the Constitution, are expected to have read it at some point in their lives, and who should be expected to retire to it from time to time and read it again or read portions of it—I am amazed that Members who have stood at the desk in front of this Chamber and with upheld right hand, and the left hand on the Bible, literally or figuratively speaking, have sworn an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, would hand the President such a weapon to be used against themselves.

Then they have turned right around and taken that oath lightly by emasculating the Constitution passing the Line Item Veto Act. Obviously, lightly.

Montesquieu said, when it came to the oath, the ancient Romans were the most religious people in the world. They honored their oath.

The first consul, Lucius Junius Brutus, took office in the year 509 B.C., that being the date when the Roman republic was first established. Lucius

Brutus was purported to be a distant ancestor of Marcus Brutus, who was involved in the conspiracy to assassinate Caesar. Lucius Junius Brutus required the people of Rome to swear on oath that never again would they be ruled by a king. Tarquin the Proud had just been vanquished and run out of Rome, and so Lucius Junius Brutus, the first consul—there were two consuls but he was one of the two, and he was most responsible for the driving out of Tarquin the Proud—felt so strongly about the matter that he required an oath on the part of the Roman people that they would never again be ruled by a king.

But it wasn't long until there came to his attention information that his own two sons, Titus and Tiberius, were conspiring to bring back a king, an Etruscan king to rule over Rome.

Upon receiving this information, Brutus called the people to come together in an assembly, and in the midst of the people he had his two sons, Tiberius and Titus, executed—his own sons—because they had violated their oaths and conspired to reinstitute the monarchy.

The Romans were religiously attached to the oath. They took it seriously. When Marcus Atilius Regulus was sent by the Carthaginians as a prisoner back to the Roman Senate in the year 249 B.C., he went as a prisoner of the Carthaginians. He was a Roman consul and had been taken prisoner by the Carthaginians. In their efforts to secure peace and to have the Romans relinquish Carthaginian prisoners, the Carthaginians sent an envoy to Rome to attempt to work out some arrangements whereby the Carthaginian prisoners would be released and a peace pact could be agreed upon. The Carthaginian Government thought that if they sent this imprisoned Roman consul it would give the delegation more stature and that the Romans would be more likely to come to an agreement.

When Marcus Atilius Regulus reached the Roman Senate he was called upon for his opinion concerning the matter and he told the Roman Senate that in his judgment Rome would not benefit by such a treaty. And he said "I am a chattel of the Carthaginian Government. I am their prisoner and I know that they will hear about what I have stated to the Roman Senate. I know they won't be pleased. Nevertheless, I think it would not benefit my government. I'm with you in spirit. I am a Roman at heart. Even though I am a Carthaginian chattel, I am with you in spirit."

The Roman Senate offered to protect him and proposed that he not return to Carthage, but he said, "I took an oath that I would return. I swore to the Carthaginian Government that I would return." He said, "When I make an oath, even to an enemy, I will keep that oath." He was conscious upon leaving Rome of the tears of his wife and children who clung to him and who begged him not to return to Carthage. Nevertheless, he felt so strongly about keeping his oath that he went back.

As he had predicted, the Carthaginians tortured him. They cut away his eyelids and prepared an enclosure in which there were spikes upon which he was forced to lie, at all times, day and night. With his eyelids cut away, the heat and light from the Sun bore fiercely upon him. He lay upon his back on those spikes, and soon perished. This was an example of a Roman who believed in giving his life rather than break his oath.

I am reminded again of what Montesquieu said: When it came to keeping the oath, the Romans were the most religious people in the world. What about us? How faithful are we in keeping our oath to support and defend the Constitution of the United States? Time and time again I have pondered on this, I have reflected on this, and I have wondered as to how often have Members of the Senate gone back and reread the Constitution, the charter of our liberties?

Mr. President, we should keep that oath. It is not something to be taken lightly. I think if we take it seriously, we will struggle with our conscience and on matters such as the line-item veto and say to ourselves: How does that fit into this Constitution? Where do I find in this Constitution that the President of the United States has any legislative power? Where is it?

Let me read for the RECORD section 1 of article 1, the very first sentence in the Constitution of the United States, in the operative section. Article 1, section 1: "All legislative powers herein granted * * *"

All legislative powers—not just some, not a few, not most legislative power, but "All legislative powers herein granted." Well, if legislative powers are not "herein granted," they don't exist.

"All legislative powers herein granted shall be vested * * *" Not may be, but "shall be vested in a Congress of the United States." Not in the House of Delegates of West Virginia, but in "a Congress of the United States which shall consist of a Senate and House of Representatives."

There it is. It is not because I said so, but there it is in the Constitution. And yet with English words plainly written and with those words meaning precisely what they say, we nevertheless have ears and cannot hear, eyes that cannot see, and apparently minds that cannot think when we cavalierly give to the President of the United States a line-item veto with its legislative powers.

Now, can we do that? Can we give to the President legislative power? Can we give to the President legislative powers that the Constitution says shall be vested only in one place—the Congress of the United States? Can we, as Members, give away something that is a legislative power? Is it a legislative power? In the Line Item Veto Act, the President is authorized to sign a bill into law, and then, after signing that bill into law, he can "cancel," or repeal, parts of that law.

The Constitution says that the President shall faithfully execute the law. But he has just signed this bill into law and he is allowed, under this nefarious piece of legislation, to go back and pick up the same pen with which he signed an appropriation bill into law and he can strike an item, he can strike two items, or he can strike many items. He can strike away 5 percent of the bill, 10 percent of the bill, 90 percent of the bill. Of course, it is a law by then. He can strike it. He can amend it. He can repeal it.

It is a legislative power to strike an item from an act. When a Senator moves to strike an item from a bill, that is a legislative act. He moves to amend or he moves to strike, and that is a legislative act. That is an action in the legislative process. He is exercising a legislative power. That Senator will have to have a majority of the Members of the Senate join in support of his motion to strike, else his motion will be lost. "Those in favor of the motion will say aye, those opposed to the motion will say no. In the opinion of the Chair, the ayes have it, the ayes do have it, and the motion is agreed to." If somebody asks for a rollcall or a division, the Chair will proceed accordingly. But a single Member cannot single-handedly strike any item from any bill. He has to go according to the legislative process, which requires a majority of the votes—except in some few instances, which are set forth, in which supermajorities are required. But we are talking here about the normal legislative process.

That Member has not yet succeeded. He can get a headline in the paper, but he has not yet succeeded in striking, or amending, or canceling, or repealing that item.

He has to also have a majority of the other body, and if the other body is in full attendance, as sometimes it is—there are 435 Members there and he has to have 218 Members supporting him in that other body, and 51 in this body, with all 100 Senators present. He has to have a total of 269 votes in both Houses.

That is the legislative process. That is majority rule. And yet to think that grown-up, intelligent, educated, responsible men and women, who are the elected representatives of the people, would come here and cavalierly vote in such a way as to give this President, or any President, Republican, Democrat, Independent, or whatever, the power to unilaterally, with the stroke of a pen, strike out an item in a law; unilaterally, with the stroke of a pen, to amend a law; unilaterally, with the stroke of a pen, to repeal what is in that law that was passed by a majority of the Members of both Houses of Congress—to give all that power to one man, or woman, as the case may be, the President of the United States is beyond all credulity.

It is the acme of ridiculosity to even imagine that an intelligent group of men and women in a civilized body, working under a written Constitution, would even think of doing it. I cannot comprehend what motive may have guided a majority of men and women in these two bodies to prostrate themselves before any President and willingly and voluntarily cede away the power over the purse that has been vested by the Constitution in these two bodies, to the President of the United States.

Men and women have died in past centuries to have that power vested in the hands of the elected representatives of the people. There was the struggle of Englishmen, which extended over centuries of time, against tyrannical monarchs, to wrest the power of the purse away from the kings and entrust it to the elected representatives of the people. And we cavalierly handed it away to the President.

The Roman Senate was not required to yield power to Sulla. The Roman Senate voluntarily handed the power over the purse to Sulla and to Caesar. It made Caesar dictator for 10 years; then it made Caesar dictator for life, with all of the power of the executive and the legislative and the judicial branches in his control. The Roman Senate wasn't required or forced to give Caesar that power; it willingly and voluntarily ceded that power to him. And all of the centuries of time that have come and gone since that fatal act have borne testimony to the unwisdom of the Roman Senate. And history was changed as a result. It had far-reaching consequences when the Roman Senate lost its nerve, lost its vision, lost its way, and willingly and voluntarily ceded over to the dictators, and later to the emperors, the power over the purse. For hundreds of years the Roman Senate had had complete and unchallenged control over the public moneys.

We can also read the history of England—and we will find, as I have already indicated, that Englishmen, for centuries, struggled with monarchs who believed that they ruled by divine right, struggled for the prize—the power over the purse. It was at the point of the sword that Englishmen took from the Kings the power over the purse and vested it in Parliament.

We can see in our own colonial experience the continuing thread of representative government, with the control of the purse being vested in the hands of the elected representatives of the people in the various State assemblies during the colonial period, and later when the colonies became States.

So I am chagrined, I am puzzled, and I am disappointed that Members of Congress would willingly give to any President this power. That is what Congress did.

In looking at the letter I received from the Director of the Office of Management and Budget, Mr. Raines, yesterday, I bemusedly pondered again over these words. I will insert this letter into the RECORD in its entirety.

I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 23, 1997.

Hon. ROBERT C. BYRD,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: I am writing to provide the Administration's views on S. 1292, the bill Disapproving the Cancellations Transmitted by the President on October 6, 1997.

We understand that S. 1292 would disapprove 36 of the 38 projects that the President canceled from the FY 1998 Military Construction Appropriations Act. The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

The President carefully reviewed the 145 projects that Congress funded that were not included in the FY 1998 Budget. The President used his responsibility to cancel projects that were not requested in the budget that would not substantially improve the quality of life of military service members and their families, and that would not begin construction in 1998 because the Defense Department reported that no design work had been done on it. The President's action saves $287 million in budget authority in 1998.

While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. BYRD. We will recall that the President had disapproved various projects that had been included in the Fiscal Year 1998 Military Construction Appropriations Act. The President, under his newly gained authority, had disapproved 38 of the projects. In the letter, Mr. Raines states: "The President used his authority responsibly to cancel projects that were not requested in the budget." He doesn't have any authority that I know of to cancel projects solely on the basis that they were not requested in his budget. He can do it, of course. He has the veto pen. But he is not acting on any "authority" that I know about. It is not in the Constitution. He doesn't get any authority there.

He doesn't get his authority from the Line-Item Veto Act to "cancel projects that were not requested in the budget." That Line Item Veto Act sets forth certain criteria for the guidance of the President in exercising the line-item veto pen. But nowhere in those criteria will there be found a criterion which says that the President may "cancel projects that were not requested in the budget." Yet, Mr. Raines refers to such authority in his letter. "The President used his authority responsibly to cancel projects that were not requested in the budget."

Well, I say, as I have said many times, that the administration—whatever administration is in power—will see that Line Item Veto Act as it wishes to see it. It will read into it whatever it wants to read into it. It will hear whatever it wants to hear from anonymous bureaucrats working in the subterranean tunnels of the White House who will advise the President as to what should be stricken by the veto pen. We can trust them to expand upon the power that has been given them in the act. And they will read into it and interpret the words, and constantly be expanding their power. I predicted that that would be the case.

Mr. President, I hope with this legislation to be able to remove that sword of Damocles that we ourselves helped to suspend over our unlucky and graying heads. But we have nobody to blame except ourselves. I am not going to blame the President if he uses that authority that we have given to him. We gave it to him without a whimper; no resistance. Resistance? No. We eagerly gave it to him. "Take it, Mr. President. Take it. Take this authority. Take this legislation. Use your veto pen."

President Reagan said we had the line item veto in every State government. "They have it at the State level. Give it to me. If the States can have it, why can't I have it?" I have heard that argument ad nauseam—that if the States have the line item veto power, therefore, why not have it at the Federal level? Why not let the President have the line-item veto? The Governors have it. They balance their budgets. Of course, I argued time and time again that they don't really balance their budgets. They go into debt just as the Federal Government goes into debt. But we were told, "The States have the line item veto. The President should have it."

Mr. President, that kind of an argument signifies and reveals a lack of knowledge on the part of those who use the argument. This is the Constitution of the United States. It is not the constitution of the State of West Virginia or the State of New York or the State of Alabama or the State of Tennessee. It is the Constitution of the United States of America. And this Constitution, while it contains some inhibitions upon certain actions by the States, does not attempt to tell the State governments how they shall legislate. It assures the States of having republican forms of government. But it does not say to any State, "Thou shalt not have the line item veto."

The Constitution, with reference to legislative powers, speaks of the Congress. "All legislative Powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives."

There are 50 States. There are 50 State constitutions, and whatever any State wishes to write into its constitution as to a line-item veto power, there is no prohibition in this Federal Constitution against the State's doing it.

The theory and the system of separation of powers and checks and balances are more finely drawn at the Federal level than at the State level. Under our Federal system, we have the separation of powers. We have mixed powers. We have checks and balances. That is at the Federal level.

I heard a Senator say the other day, "Well, I am disappointed that when the President exercised this veto, he didn't do as we are accustomed to seeing done at the State level with the line-item veto." But, Mr. President, that Senator was talking about two entirely different things—apples and oranges, black and white. This is a Federal Constitution that was meant to guide the Congress and the Federal departments and officers of government, and the framers very wisely provided a scheme whereby there would be checks and there would be balances. There would be the separation of powers, and there would be the interweaving and overlapping of powers between and among the departments. That is at the Federal level.

The State constitutions are different. The State of West Virginia may have the line-item veto. The State of West Virginia has a constitution, and in its legislative branch it is governed by that State constitution until and unless the State takes actions that violate the Federal Constitution. But as to how the State will legislate and as to how the Governor of the State will exercise his veto pen, that is entirely up to the State under its constitution. There can be 50 State line-item vetoes. But those are State constitutions. Those are State governments.

We are talking about the Federal Constitution. Why Senators haven't been able to distinguish between the State and Federal governments. I can't understand. I thought they would have learned that in their civics classes long, long ago. But they should have learned it back in the elementary schools. There are 50 State governments. There is one Federal Government. Each is supreme in its own sphere of actions. But if there is any conflict, the Federal Government—the Federal Constitution—will then prevail. It is that simple. One doesn't have to be a Phi Beta Kappa to know that. Yet, Senators, many of them, and many Members of the other body, in explaining their support for this ill-advised, unwise piece of legislation, took the stand and said, "My own State has it. It works well there. I think that the Federal Government should have it"—thus displaying an amazing lack of knowledge of the Constitution, an amazing lack of knowledge of constitutional history, an amazing lack of knowledge of American history and the history of England.

The Framers of the Constitution were very well aware of the colonial experience and what had happened in England. They knew that a king had had his head severed from his body on January the 30th of 1649. Imagine that. Parliament created the High Court of Justice which concluded that Charles I was a tyrant, a traitor, and an enemy of the good people of England, and that he should have his head severed from his body. That court was created on January 6, 1649, and 24 days later King Charles was dead. He was executed in front of his palace at White Hall before thousands of people. He and his father, James I, had believed that kings ruled by divine might and that they were above Parliament and above the people.

So it is out of that history that the liberties and freedoms of the American people were born. And they are written down and guaranteed in this Constitution.

But I have said these things many times, and, no doubt, if the Lord let's me live and keep my voice, I shall have the opportunity to say them again on several occasions.

I feel so strongly about this. The Congress of the United States has never, never committed such an act as it committed in enacting the line-item veto. That action flew in the face of the plain English words that are in this Constitution. And Congress did it nonchalantly; cavalierly. Was it being guided by the Constitution? No. Was it being guided by the polls? Apparently. Because it was a popular thing. The American people believed by a tremendous majority that the line-item veto was to be desired.

It won't reduce the national debt. I say to Senators, take a good look at the budget after this year and after next year, if, God forbid, this ill-advised piece of legislation still governs the legislative process. The savings that accrue from the line-item veto will indeed be meager

I read in the newspapers where the President said he was saving X amount of dollars by these vetoes. Well, he cut out a little item in West Virginia. "Ah, that's why Senator BYRD is against the line-item veto. There it is. He likes his pork. That's why he is opposed to this."

Well, I am not going to ask the President for it back, and if I did, he could not put the vetoed item back. He has cut off its head. He cannot breathe new life into that stiff and cold corpse. After having committed the act of execution, after having wielded the ax, he cannot put it back. I have seen something here and there in the newspapers to the effect that the administration would be willing to negotiate with Senators to restore such vetoed projects. Well, Mr. President, use your pen. Veto the item in West Virginia. There will be other bills coming to you. There will be other items for West Virginia.

The President's advisers may say, perhaps you can get Senator BYRD to negotiate with you if you tell him you won't veto that piece of pork. Perhaps he will vote for your nominee for such and such a position or he will vote for such and such a treaty or he will vote with you on the fast-track bill. Just tell him that you don't want to line-item veto those West Virginia items, that West Virginia pork. Senator BYRD may then come to his senses.

Well, I say go to it. "Lay on, Macduff; and damned be him that first cries 'hold, enough.'" I am not negotiating with any administration over any item for West Virginia.

So much for that. So much for the suggestion that Senator BYRD's pork for West Virginia is why he is against this line-item veto. Well, perish the thought. That has never guided my thinking. I feel more strongly about what the Congress has done in enacting this piece of trash, the line-item veto, than I do about all of the pork that those hollows could possibly hold among the high and majestic mountains of what I consider to be the greatest State in the Union, whose motto is "Moutaineers are always free."

Mr. President, could the Senate of the United States give away its advice and consent power? No. Could the Senate of the United States give away its power to try impeachments? No. There are other powers in the Constitution that this Senate and the Congress, as the case may be, cannot give away. And I maintain that the same is true with the legislative power that is set forth in the first sentence of the Constitution.

There are those who would be willing to sit down with the White House, with the representatives of the President, on items that he may threaten to veto. There are Senators, there are Members of the House, who may be willing to sit down and negotiate with the White House, to come to terms, as it were, to yield to the administration on this matter or that matter, or some aspect of the appropriation which he has threatened to veto. There will be those who may very well be lured by the siren call of negotiation in order to save the project of a particular Member of the Senate or House of Representatives.

I say to my colleagues, don't negotiate, because when an item has reached the stage of conference, I think that we have reached a stage when it is too late to negotiate.

Some subcommittees spend weeks and months in studying appropriations bills that come under their jurisdiction. The people who sit on a particular subcommittee that has jurisdiction over a particular appropriation bill are, for the most part, experts in the subject matter of that appropriations bill. Some have had experience for years and years, perhaps even decades, in dealing with that particular appropriation. They know the subject matter well. They have worked over it. They have had their staffs work on it. They have received the budgets that have been submitted by the President. They already know what the wishes of the administration are. And from time to time they receive further guidance as to the wishes of the administration with respect to a particular project or program, or with respect to all of the items in the President's budget that are within the jurisdiction of that subcommittee. They have had all that guidance all along and it has been good. And we welcome that guidance.

But once the subcommittees go through all of these months of labor, and with their staffs working hard on legislation, it is too late when, at the last minute, the White House sends its representatives up to Capitol Hill and says, "This is veto bait. That item is veto bait. That project is veto bait. The White House will not accept it. The White House wants thus and so. That wasn't in the President's budget."

Where in the Constitution are we told that the Congress may only consider items that are in the President's budget? Is that inscribed in any law, that Congress may only consider items that are in the President's budget; that Members of Congress can't add items of their own, based on the needs of their own constituents, needs which they, the elected representatives, know best? Where is it written that Congress has to be confined only to the items that are in the President's budget? Where is that set down in stone? I have never seen it in stone or in bronze, or inscribed upon any piece of granite. It just isn't there.

I am not willing at that point, then, to sit down and be jerked around by any administration, Republican or Democrat. They are all the same, as far as I am concerned, when it comes to this matter that we are discussing.

I was chairman of the Appropriations Committee for 6 years. I said, "There will be no politics in here, no partisanship." When Senator Hatfield was chairman of the committee there was no partisanship. When Senator Stennis was chairman of the committee we didn't have politics in the committee. As far as I am concerned, there are no Democrats and no Republicans on the Appropriations Committee. We are all Members of the Senate and there is no partisanship. If they want to argue over politics they can do it on the floor, but we don't do it in that committee.

And I feel that Members have just as much right under the Constitution and laws of this land, its customs, traditions and regulations—just as much right as any administration has to request appropriations for projects and programs that are deemed to be in the interests of the constituencies of the elected representatives.

So I will not hear—I have ears, but will not hear those who exhort, "That little item you have in West Virginia is veto bait." I say, "Go ahead, go ahead, veto it. Lay on, Macduff." That's the way I feel about the projects of other Members.

I want to help the President where I can help him. I want to help the administration where I can help it. There have been times when I have helped Republican administrations and Republican Presidents. But this is one Senator who will not be persuaded or swayed by threats that, "That item is veto bait. You'll have to modify it, you'll have to do it our way or the President will veto it."

So, Senators, don't negotiate. In so doing we legitimize what I consider to be an illegitimate end run around the Constitution of the United States. We legitimize it. That's where the administration wants us. That's where they would like to have us—under their thumb. "Oh, we've got them now, they are negotiating."

Finally, just a word more about the letter that I received yesterday from Director Raines, the Executive Office of the President. It says in the last paragraph, "While we strongly oppose S. 1292"—we? Who is "we"? I wish the President would have signed the letter himself. But I understand he can't sign all the mail that goes out of his office. I know who is purportedly the author of the letter. But, nevertheless it says:

> While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided to the Department of Defense.

Now, in saying that, the President, through his surrogate, admits that some of the projects were canceled based on errors, based on inaccuracies, based on data that were inaccurate and provided by the Department of Defense. The administration was mistaken in exercising the veto pen, and they admit it there.

I would like for any Senator within the range of my voice, or anybody else, to tell me how Mr. Raines, or the President, or anybody in the administration, expects to, "restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense." Mr. Raines says that we—I assume that he means by "we," the personal pronoun "we," I assume he means the President and the administration, "we"—"While we strongly oppose [this disapproval resolution] * * * we are committed to working with Congress to restore funding for those projects that were canceled. * * *"

Now, how is the funding going to be restored? Those projects are dead. The head has been severed, the corpse has been laid out on a piece of cold marble and every drop of blood has been drained from the veins of those projects. How, then, do they propose to restore funding? How is it going to be done? The item has been canceled. The President has unilaterally exercised a legislative act and unilaterally repealed that legislation. It is dead. That project is dead. The line-item veto does not give the President the authority to restore it. It may have been an item that he canceled 5 minutes after he had signed the bill into law. He may have slept on it a while and then overnight thought, "Well, I think it might be a good idea to cancel a few more of those items," and he cancels a few more. And the third day after the bill has become law, some of his aides come to him and say, "Mr. President, we think we have found some more. We didn't find it written in the four corners of the appropriations bill, we found it in a table. We found it in a committee report."

These aides will say to the President, "You know what? We have been working 36 hours and we find projects on these tables that are not in the bill. Don't look in there, Mr. President. But there are tables that were used in some hearings, or used during markup. And in those tables we have found some more items that we think you ought to consider vetoing," and the President goes back and he vetoes them. Then along comes the 5th day, the 23rd hour and the 59th minute, and the President thinks, "Ah, that BOB BYRD, he said one day, he wouldn't negotiate. Can you find another item for me? I want to strike one of his projects. I'll make him rue the day he said those words."

In any event, those items are gone. The President cannot go back and restore them, no matter how sorry he may be. He finds from the Department of Defense data that he was mistaken; the data were wrong. It is too late.

So how does Mr. Raines intend to work with Congress to restore funding for those projects that were cancelled? Tell me how? How do they intend to restore funding? They can't be restored by inoculation, by the use of a needle. How do they intend to restore funding?

As I was saying earlier, they claimed that they saved x millions of dollars through these cancellations, but Senators should watch. That project that they struck out of that bill for West Virginia this year, I intend to try to put it back next year, because it can be justified. It is important to the defense of this country. It is in the 5-year plan of the Department of Defense. I intend to put it back in.

That may be a year away. So, have they saved money? How much does one subtract from the figures that they say they save through their actions, through the President's actions in line-item vetoing these projects? As we look back a year from now, how much will they have saved when some or most of the items will have been put back into the bills we pass next year

Many of the projects will be put back, so the President's veto of projects really won't constitute savings after all. What it will result in is perhaps increased costs because of inflation or other reasons; the items will cost more when they are put back.

Therefore, while it warms the cockles of my heart to see in the letter from Mr. Raines that "the administration is committed to working with Congress to restore the funding for those projects that were canceled," I shall go home wondering what is meant by that, how they will work with Congress to restore the funding. How will they do it?

Mr. President, I hope that by introducing legislation today to restore the legislative branch to the standing and the stature that it has had for over 200 years, I hope to contribute to the welfare of my country, the well-being of our people, the perpetuation of the dream of America and the dream of a system that has its roots, not just in Philadelphia in the year 1787, but also in the colonial experience, and the history of England, roots that extend back, yes, as Montesquieu thought, even to the ancient Romans.

I hope that we will restore the system which was given to us by our forebears and which they expected us to hand on to our sons and daughters.

> Who saves his country saves all things, saves himself and all things saved do bless him.
>
> Who let's his country die let's all things die, dies himself ignobly, and all things dying curse him.

Mr. President, let us act and let us work to save our country!

I ask unanimous consent that an article in the Washington Post titled "Line-Item Veto Tips Traditional Balance of Power" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 1997]

Line-Item Veto Tips Traditional Balance of Power—Capitol Hill Plots Strategy To Counter President's Pen

(By Guy Gugliotta and Eric Pianin)

On Oct. 6, Sen. Conrad Burns (R-Mont.) invited President Clinton to lunch at Montana's Malmstrom Air Force Base's dining hall, a broken-down wreck whose "serving areas," he said later, "would be borderline" on a health inspection.

Clinton had just used his new line-item veto power to strike the dining hall's proposed $4.5 million rehab from one of the annual spending bills, and Burns, a senior member of the Senate Appropriations Committee with enormous responsibility for military construction projects, told Clinton he was "disappointed" by the decision. He wanted to discuss it "and other important projects" at "your convenience."

The advent of the line-item veto has shaken the 200-year-old power relationships in the federal government. While presidents have always paid close attention to their own priorities, the veto has given them an unprecedented ability to micromanage the appropriations process.

White House sources say the line-item veto has provoked a blizzard of letters and phone calls from Congress to Clinton, touting the merits of tiny projects that until this year were tucked so deeply into appropriations bills that they scarcely merited a presidential glance.

Thus Burns, chairman of the Senate's military construction subcommittee, lost his own project in his own bill. Burns shrugged off the snub, but said, "We haven't given up on this." The Malmstrom rehab, he said, is included in legislation to override the veto that the Appropriations Committee approved yesterday.

Micromanaging projects may be the most obvious evidence of the new executive presence in Congress's business, but many experts and lawmakers believe it may be only the tip of the iceberg. Both Republicans and Democrats worry presidents may use the veto to extract promises of support on unrelated legislation, exact revenge against political enemies or to make policy, leaning on individual lawmakers where they are most vulnerable—tending to their home town affairs.

"It's not lost on me that this has political overtones, but that's fine, it comes with the territory," said Sen. Rick Santorum (R-Pa.), a conservative, who, like Burns, lost a military construction project to the veto pen. "If you're a big boy, you take your lumps and go after them next year."

But many lawmakers have decided not to sit still, and budget mavens on Capitol Hill are brainstorming ways to counter or cope with the veto. Some appropriators are talking about legislative mechanisms to immunize particular items; others are suggesting that obvious veto bait be jettisoned from the final versions of bills.

Others see the veto as a precedent-setting escape mechanism that could be used to break deadlock on controversial appropriations bills. They say the president could veto provisions he opposes, but let the rest stand, thus averting the danger of a government shutdown or the need for an interim spending measure based on the previous year's expenditures. Congress has yet to clear six of the 13 annual spending bills, three weeks after the start of the fiscal year.

Still, cautioned House Appropriations Committee Chairman Bob Livingston (R-La.), it is too early to predict what will happen. "When the president signed the line-item veto legislation we were all shooting in the dark as far as how it would work. We are still groping."

One thing on which almost everyone interviewed could agree, however, was that the line-item veto would not serve as a significant brake on federal spending, even for parochial "pork-barrel" projects. Of the five appropriations bills signed so far, only $458 million in projects has been lined out by Clinton, or less than a percentage point of the $291.3 billion in the bills.

"The line-item veto is never going to be a deficit reduction tool, and you think they [Congress] would have realized it when they gave it to the president," said Stanley E. Collender, an expert on federal spending issues. "It's a raw exercise in power."

The line-item veto, a pillar of the House Republicans' "Contract With America," passed both houses of Congress overwhelmingly and was signed into law in early 1996.

It took effect during the budget year that began Oct. 1.

The law has been challenged in court for radically altering the balance of power within the federal government without the enactment of a constitutional amendment. Many experts believe the law will be struck down, but until it is, the president for the first time in history may delete individual spending items from appropriations bills without vetoing the entire bill.

Clinton first used the authority in August to veto three provisions from the five-year omnibus budget agreement, but it was not until Oct. 6, when he struck 38 projects worth $287 million from Burns's military construction appropriations bill, that he caught Congress's attention.

"He had to convince everybody he was willing to use it," Collender said.

Lawmakers were convinced. The vetoes touched off an uproad among congressional leaders who had not been consulted in advance. "We're dealing with a raw abuse of political power by a president who doesn't have to run again," thundered Senate Appropriations Committee Chairman Ted Stevens (R–Alaska).

But since the military construction vetoes, Clinton has used the authority sparingly on three other appropriations bills, prompting speculation in some quarters that he had become gun shy after the initial upheaval.

Just yesterday, Office of Management and Budget Director Franklin D. Raines acknowledged that several projects were mistakenly crossed out of the military construction bill. In a letter to Stevens, Raines said, "We are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense."

"This is clearly evolving," said Senate Budget Committee staff director G. William Hoagland. "Maybe like the kid in the candy store, his eyes were bigger than his stomach, and now he sees he has to be careful not to jeopardize the power."

But OMB spokesman Lawrence J. Haas said there was no "pattern" of political manipulation. The president, he said, was trying to use the veto "because of the substance before him, not because of the politics."

A crucial test may come next week when Clinton will examine the Veterans Affairs-Housing and Urban Development and independent agencies appropriations bill. Lawmakers acknowledge it is full of special projects, and one White House source described the bill as "one of the most project-based in years."

Despite uncertainty about how Clinton will next use the veto, it is clear that Congress is wary and mistrustful. "I've never seen a vote taken where more people wanted their vote back," said House Appropriations Committee member Rep. Jose E. Serrano (D-N.Y.), who opposed the line-item veto.

Indeed, hundreds of lawmakers have been contacting the White House since the military construction bill. Burns and Santorum wrote to complain about vetoes already exercised and to warn of adverse consequences to military readiness.

Florida Sens. Bob Graham (D) and Connie Mack (R), by contrast, wrote a joint letter stressing the need for $1 million to establish a Central Florida High Intensity Drug Trafficking Area. "We would request that you keep in mind the importance of the Central Florida HIDTA to the national war on drugs and to us personally as you consider the Fiscal Year 1998 Treasury Appropriation," the letter said. The line item survived.

Among those who lost favored projects, Rep. Jerry Lewis (R-Calif.) was still steamed a week after Clinton vetoed his district's $4 million breast cancer research grant. And he spoke of exacting a penalty—suggesting he might oppose Clinton in his efforts to obtain "fast-track" authority to negotiate trade agreements. "I don't like to link things," he said, but "there is a two-way street here."

Collender cautioned that in the revenge game, "the president holds all the cards." A member may withhold one vote, but he will lose on another bill or be embarrassed on another line-item, Collender said. "The president may lose a battle, but he will win the war."

Most lawmakers, however, agreed with former Congressional Budget Office director Robert D. Reischauer, who described veto gamesmanship as "a two-edged sword. The more influence the president tries to exert, the more of a backlash he will see. We have already seen it."

Sen. Bob Kerrey (D-Neb.) used the line-item veto as his state's governor, but voted against the federal line-item veto. He said it gave the president too much power, suggesting he could use it to trade projects for votes. "Now the president is going to say, 'I want X,' would you help me? And the answer will be, 'Yes, but what are you going to do for me this year?'"

This is one way the president can make policy with the line-item veto. Another way is to veto items that effectively eliminate entire programs. Clinton has already done this by striking our $39 million for the SR-71 Blackbird spy plane, said Sen. John McCain (R-Ariz.). "They never wanted to keep it."

McCain, a dedicated cost-cutter who has criticized Clinton for not being aggressive enough with the veto, nevertheless cautions against "politicizing" the process and permanently poisoning relations between the two branches of government.

As for those who complain about the veto, McCain noted that many lawmakers spent years fighting for it when a Democratic Congress remained adamantly opposed. "To my Republican colleagues, I say, 'Be careful what you ask for. You may get it.'"

Mr. BYRD. Mr. President, I send to the desk the bill to which I have referred, and I ask unanimous consent that it be printed in the RECORD and that it be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE LINE ITEM VETO ACT OF 1996.

(a) IN GENERAL.—The Line Item Veto Act (Public Law 104–130) and the amendments made by that Act are repealed.

(b) APPLICABILITY.—The Impoundment Control Act of 1974 shall be applied and administered as if the Line Item Veto Act had not been enacted.

Mr. BYRD. I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. LOTT. I now ask the Senate resume the highway bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John Chafee, John Ashcroft, Larry Craig, Don Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, Robert Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spence Abraham, and Jesse Helms.

Mr. LOTT. For the information of all Senators, I have just filed the last cloture motion to the highway bill. This cloture vote will occur on Tuesday. If cloture is not invoked on Tuesday, I will have to ask the Senate then to move on to other items.

Needless to say, I hope cloture will be invoked on Tuesday. I know there are some Senators who have voted against cloture three times who intend to vote for it if this is going to be the last one. I have, as majority leader, basically given 2 weeks to opening statements and a preliminary discussion about the highway bill while we tried to see if other issues could be resolved. But unless we can get cloture invoked and I can unstack the tree of amendments and allow us to go forward with full debate and amendments on ISTEA, if this matter is going to continue to be held up at the insistence of Senator MCCAIN and Senator FEINGOLD because of the campaign finance reform issue, then I have no alternative but to stop.

I really think that is unfortunate. I think the Senate was showing leadership by moving on to the ISTEA highway bill. The Environment and Public Works Committee came up with a good bill. It was reported unanimously from the committee. I think we would show leadership to pass the 6-year bill whereas the House had only passed a 6-month extension. I think it would be better for the country if we did this bill now. I think it would be better for the Senate if we did it now. I think that next spring or next summer or, heaven forbid, next fall, if we are still working on the highway bill, it will get tougher and tougher and tougher as more problems are developed, more amendments are written and as we get closer to elections. Every State is going to believe it has to have a little bit more, a little bit more for highways and bridges. That is fine. We all need that. But we need some kind of closure on how we deal with the formula and what funds are going to be available to our States.

I think this is very unfortunate. I do not see there is any process now for there even to be a short-term extension. Everything seems to be tied to something on campaign finance reform that we have not been able to develop yet. I want to emphasize to all Senators that yesterday I believed Senator DASCHLE and I had come very, very close to having an agreement worked out whereby we would consider this other, unrelated to the highway bill, campaign finance issue next March, by the end of the first week in March, and that amendments would be in order and that there wasn't going to be an effort to fill up the tree and that Senators could offer amendments, first degree, second degree, and motions to table would be in order. Everything would basically go the regular order. But for some reason, at the last minute, interested Senators could not agree to that, but a very good-faith effort was made by Senators on both sides of the aisle and on both sides of the issue, and it did not come about.

I am willing to have the Senate have this issue before it and have one more cloture vote, but then we will have to move on.

I also want to emphasize that next Monday we do intend to take up some important issues, including the Interior appropriations conference report we have finally completed action on. If we have to, we are going to call for a vote on the Federal Reserve nominees that the President has sent to the Senate and the Senate committee has now reported to the full Senate for action. And we are going to have to take up legislation dealing with the threatened Amtrak strike.

So we will have a full plate of things to do Monday and Tuesday, and we hope other appropriations bills will be ready in short order next week. In fact, we had meetings this morning on two of them, the Labor, HHS appropriations bill—we think maybe some good progress was made there, I say to the Senator from West Virginia—and we are getting closer, I believe, on the foreign operations appropriations bill. So we have other business that we need to do and must do, and we cannot give the balance of our time to the delay of the ISTEA bill based on the campaign finance reform issue.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate resume morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-CHINA RELATIONS

Mr. ASHCROFT. Mr. President, I rise today to address the state of United States-China relations as the summit with Chinese President Jiang Zemin approaches. President Clinton is expected to give a speech this afternoon on United States-China relations, a speech that will, no doubt, continue to defend the administration's policy of so-called "constructive engagement" with China. The policy generally posits that there is no alternative for the United States but to accommodate China in virtually any behavior in hope of establishing a good relationship with Beijing.

I want to be clear that I certainly do hope that a stable and positive relationship can be established between our two countries, but the administration's China policy of engagement gives little regard to the behavior of China and is putting the prospect of a strong relationship with Beijing at risk. Rather than constructively engage Beijing, this administration's China policy has been advanced at the expense of discarded American principles and lost United States credibility in the international arena. For instance, China has a weapons proliferation record that is unrivaled in the world, distributing weapons of mass destruction in spite of previous nonproliferation commitments. Beijing also maintains trade barriers which continue to block United States goods and United States companies from being involved in the kind of free and open commerce we should have with China. And in the last several years, Beijing has had a human rights record that has resulted in the most intense religious persecution in several decades, and in the silencing of all active political dissidents.

The latest State Department report on human rights noted that all Chinese political dissidents had been detained and imprisoned. We have to remind ourselves that there are 1.3 billion people in China and to be without any political dissent in a country that large is indeed a troubling matter.

In spite of these distressing areas in our relationship with China, there is near unanimity in the administration that China must be embraced, that it must be accommodated, that it somehow must be honored. Betraying our country's history of leadership in defense of freedom and a stable international environment is not a way to enhance our relationship with China.

I believe a strong relationship would be based on mutual respect and trust, but when we constantly compromise, when we constantly accommodate, and when we constantly ignore violations by the Chinese of their responsibilities in the international community and their responsibilities to respect human rights, I believe we don't provide a foundation for a good United States-China relationship.

Nuclear cooperation with China is one of the issues for discussion during the summit, and it is an issue of particular concern to me. If the President allows nuclear cooperation with China to proceed, it may be the clearest illustration yet of the appeasement-at-any-cost approach in our present United States-China policy.

The President is considering giving China advanced United States nuclear technology in spite of the fact that a CIA report identified China as the world's worst proliferator of weapons-of-mass-destruction technology. This CIA report is not a stale document. This report indicates that the Chinese have been the worst proliferators of weapons of mass destruction, and this report came out last June.

The report says:

> During the last half of 1996, China was the most significant supplier of weapons-of-mass-destruction-related goods and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs. China was also the primary source of nuclear-related equipment and technology to Pakistan and a key supplier to Iran during this reporting period.

The period the CIA report covers is the last half of 1996. In May 1996, just before the period for the CIA report was to commence, the Chinese made a commitment to stop their proliferation activities.

In the face of one of their rather notable assurances that they were going to act differently, they continued to persist in their active nuclear technology proliferation and the proliferation of other weapons of mass destruction technologies. Of course, the definition of weapons of mass destruction includes nuclear, chemical and biological weapons. If there is any doubt as to what kind of nuclear-related equipment was provided, the CIA report goes on to state:

> Pakistan was very aggressive in seeking out equipment, material and technology for its nuclear weapons program with China as its principal supplier.

The administration says China has honored its nonproliferation pledge of May 1996. But let me again make clear that the CIA report covers the last half of 1996, the period after China made its so-called nuclear nonproliferation commitment. How the administration can expect to be a credible actor in the international community by saying that the nonproliferation commitment of May 1996 was honored, when the CIA says that after May, China was the principal supplier to Pakistan of equipment, material and technology for a nuclear weapons program—how the administration can say that is consistent with the nonproliferation commitment is beyond me.

Since 1985, no President has been able to certify that China's proliferation activities meet the legal requirements that would allow us to start designating them as a nuclear cooperator and to extend to them nuclear exports from the United States. I certainly don't believe China's recent activities warrant such certification now, not in the face of our own Government's report that they were the worst proliferators of components, equipment, and technology related to weapons of mass destruction, particularly nuclear weapons of mass destruction.

I might point out that Ken Adelman, President Reagan's Director of the Arms Control and Disarmament Agency and a key official involved in the formulation of the original 1985 agreement, also does not believe that China's recent activities warrant the certification for nuclear cooperation to proceed.

China has made several nonproliferation promises in recent weeks to reassure the administration. While these commitments have the potential to improve China's proliferation record, China has made and broken nonproliferation commitments for a decade. I think we should first ask that China at least keep its word for some interval of time rather than blindly accept China's most recent nonproliferation promises even though the previous ones have been broken.

We all know the potential for this nuclear technology to be used in a variety of settings and ways. I believe China must establish its commitment to nonproliferation in deeds, not just words. Chinese credibility should be established before nuclear-related trade takes place between the United States and China.

The administration does not want Chinese President Jiang Zemin to return to Beijing emptyhanded. I think that is kind and generous and warm hearted, but I question the need to give China nuclear technology just to make President Jiang happy.

Have we forgotten the summit itself is a major gift to President Jiang, and why are we so anxious to make concessions to China? I hope the President of the United States understands that at stake in the nuclear cooperation debate is the credibility of the United States in combatting the global spread of weapons of mass destruction. Rather than forcefully address this critical national security threat, our administration apparently is downsizing our counterproliferation apparatus and making life uncomfortable for key personnel who have dedicated their lives to protect our country from the spread of weapons of mass destruction.

The recent announcement of the retirement of Gordon Oehler from the Central Intelligence Agency is, according to an article in the Washington Post, driven by the administration's disapproval of Mr. Oehler's candor and his honesty in informing Congress of the weapons proliferation activity, not only of China but of other nations.

Is our administration so infatuated with charming China at any price that we are willing to ignore the facts presented by our intelligence personnel, and when the facts are troublesome to us, that we make these intelligence officers so uncomfortable that they resign?

Government personnel like Gordon Oehler should be praised and thanked for helping defend our country and keeping Congress informed of rising threats to our national security.

Mr. President, China potentially has broken every major commitment that it has made concerning the production or proliferation of weapons of mass destruction or the missile delivery systems to deliver such weapons. In light of China's behavior, it is difficult to understand why President Clinton is so eager to accept placebos and questionable promises in exchange for the transfer of valuable and potentially dangerous nuclear technology. The United States needs to be sober and vigilant in dealing with China.

A stable and truly constructive relationship with Beijing will be established only when our national security interests are defended and when our commitment to the principles of liberty and freedom is preserved.

There is something substantially different between our commitment to freedom and liberty and what is occurring in China. President Jiang's remarks recently indicate that he does not believe that freedom is for all individuals, that freedom is something that is negotiable. He said, "The theory of relativity worked out by Mr. Einstein which is in the domain of natural science, I believe, can be applied to the political field."

We in the United States believe in God-given rights that are not relative, and our policy with regard to China should be a policy which is based on credibility and integrity. Appeasement or engagement without integrity is nothing more than a surrender of American principles.

Mr. President, I ask unanimous consent that the Washington Post article to which I referred earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AGING MAOISTS OF BEIJING

(By Michael Kelly)

It has been 12 years since the leader of the People's Republic of China has honored the United States with a visit, and in the meantime relations between us have become—as they say—strained. It has seemed at times almost as if the aging Maoists of Beijing were trying to flaunt their disdain for American values and American interests. There was the ever-ending campaign of torture and imprisonment against advocates of political and religious liberty. There was, despite Richard Gore, the continued occupation and subjugation of Tibet. There was the unpleasantness at Tiananmen Square. There were the arms sales and the nuclear assistance to nations unfriendly to the United States. There was the missile-rattling off the cost of Taiwan. There was the finely calculated humiliation of Warren Christopher. There was the cool, unblushing dismantling of democracy's infrastructure in Hong Kong. Finally, it appears, there was the attempt to subvert our very own democratic system by illegally funneling PRC cash into the 1996 elections.

Now comes Jiang Zemin, president of China, unapologetically. On the eve of his week-long American journey, Jiang gave careful interviews to The Washington Post and Time magazine. He told the reporters that the slaughter of democracy's hopefuls at Tiananmen had been necessary for China's economic boom (you can't make an omelet without rolling a tank over a few hundred eggs); that Taiwan must accept "the principle that there is only one China," which is to say rule by Beijing; that Chinese democratic activists such as Wei Jingsheng and Wang Dan were languishing in prison "not because they are so-called political dissidents but because they violated China's criminal law"; that the good-hands people of Beijing would continue to hold Tibet in their cossetting grasp; and that the United States must accept that China has its own standards of what constitutes a proper respect for democracy and human rights. "The theory of relativity worked out by Mr. Einstein, which is in the domain of natural science," the old despot lectured, "I believe can also be applied to the political field."

Quite so, say the Einsteinists in the Clinton administration who are driving the China policy they call "engagement." Under the rules of this engagement, the United States has during the past five years answered China's slights and slurs with shows of affection. The Commerce Department has had its way in maintaining trading status for China as a most-favored nation. The State Department has kept its complaints about the oppression of democrats and Christians to a discreet murmur. The president himself has most graciously entertained the friends of Mr. Johnny Chung and Mr. John Huang. The approval for an official visit by Jiang Zemin was the greatest engagement gift yet. The trip, which will begin with Ziang laying a wreath for the slain of 1941 in Pearl Harbor, is planned as an elaborate exercise in propaganda, and it is intended to serve both to ratify China's post-Tiananmen diplomatic rehabilitation and to solidify Ziang's domestic political status.

And yet, the nervous suitors at the White House fret, there must be something more we can do, something really grand. Indeed, it develops, there is. Jiang's government would like to buy some of the new-generation nuclear reactors that have been jointly developed by the American nuclear industry and the government in an $870 million research project. The moribund nuclear industry is desperate to sell to China, and it has lobbied the administration heavily. The nuclear industry has, of course, large sums at its disposal, and this president is always willing to grant potential or actual big-money donors what he has called "a respectful hearing," so there is naturally a desire at the White House to see the sales go forward.

But there is a problem: China's impressive record in spreading the advance of the bomb—a record that includes the export of nuclear technology and materiel to Iran, Iraq, Pakistan and India. In 1985, as Washington prepared for, the last Sino-American summit, the Chinese were found, in violation of recent promises, to be assisting the Pakistani nuclear program. As a result, Congress passed a law barring implementation of the Nuclear Cooperation Agreement signed by President Reagan and the then-Chinese President Li Xiannian, to permit nuclear trade with China until the President certified that China had stopped aiding the spread of the bomb.

Such certification has never been given because China has never changed its behavior. Gordon Oehler, the CIA's senior official responsible for monitoring mass-weapons proliferation, has testified to Congress that China has provided Iran with large numbers of anti-ship missiles that are considered a direct threat to U.S. naval forces in the Persian Gulf. Oehler, by the way, resigned this week amid reports that he had been under pressure from administration policymakers over his unwelcome assessments.

The administration insists that China has—just in the nick of time for a gift grand enough for a summit—changed its ways. it points to two promises: one in 1996 to stop aiding Pakistan's nuclear program; the other last week not to sell any more anti-ship missiles to Iran. So, that's that, the White House argues, it's time to certify China as a respectable member of the nuclear club at last and get on with the business of the United States, which is business. As for human rights—if everything goes to their satisfaction next week, the Chinese hint they might be willing to let Wang Dan out of jail for a while.

This is policy so wrongheaded that it isn't even interesting. It is possible that the Chinese are suddenly serious about nonproliferation. And it would be nice to provide some foreign business for the nuclear industry, so it doesn't die from a lack of business at home. But the Chinese have broken or bent most of their previous promises on issues of nuclear exports, and their new promises are untested.

We are engaged for the moment. A responsible president must not attempt to certify what he cannot know to be so; a responsible Congress must stop, by a veto-proof two-thirds majority, a president who puts the interests of Beijing and Westinghouse ahead of national security. Let's verify before we trust. And let's get something in return a little less pathetic than the release of one well-beaten man from his prison cell.

Mr. HAGEL assumed the chair.

Mr. ASHCROFT. I thank the Chair, and I yield the floor.

GLOBAL WARMING

Mr. MURKOWSKI. Mr. President, I noted that the White House recently released a strategy for climate change talks. The President said the United States would not assume binding obligations until developing countries agree to participate meaningfully in the climate-change issue. White House officials said they expect requirements for developing countries would be fleshed out in negotiations.

This is what concerns me, Mr. President, "fleshed out in negotiations." The senior Senator from West Virginia and the occupant of the chair, Senator HAGEL, authored a resolution that has been supported in this body by an overwhelming vote of 95 to 0. The Byrd-Hagel resolution said developing nations must have targets and timetables in the same timeframe as the United States.

Mr. President, it is my contention that the President is glossing over the issue of developing-country participation.

The Berlin Mandate says "no new commitments for developing nations." Has the President repudiated the Berlin Mandate? Otherwise, how in the world can President Clinton simply state that this is something that can be taken care of in negotiations when the Berlin Mandate clearly says no new commitments for developing nations? Our President only says "meaningful commitments for developing nations." I wonder what meaningful really means.

At this time, we are somewhat at the mercy of our negotiators on this matter. We have seen comments in the RECORD from various members of the Senate praising the President's plan, stating that they are encouraged by the policy announcements and pleased with the White House plan. Another member said that the President's position should satisfy demands of the Byrd-Hagel resolution as expressed in this body.

Those demands are not met, Mr. President, because Byrd-Hagel says developing nations must have targets and timetables in the same timeframe as the United States. That is the test.

Another Senator indicates this is a green light that speaks to our Nation's commitment to reducing greenhouse gases. I am a bottom line person, a nuts and bolts kind of guy. How are we going to get there from here? How will we reach the goal the President expressed, which is to go back to emissions levels of 1990 by the years 2008 to 2012?

Let's do the math.

Fifty-five percent of our U.S. energy production is coal. What is happening to coal? If a new climate treaty is signed, there will be reductions in coal use. EPA's new air quality standards on ozone and particulate matter are likely to decrease coal use. EPA's tightened air quality standards on oxides of sulfur and nitrogen will put more emphasis on coal reduction. EPA's proposed regional haze rule will put more pressure on coal as will any new EPA mercury emission rules.

So there is going to be more pressure to reduce use of the resource supplying 55 percent of our electricity.

What about nuclear?

Well, the President threatens to veto our nuclear waste bill. There have been no new orders for new plants in the United States since 1975. There is the potential inability to recover stranded costs of nuclear plants in electric restructuring, so nuclear use is likely to fall.

Nuclear is the largest carbon-free generator of power. The President didn't even mention it in his plan.

Let us go to our next contributor—10 percent of our energy comes from hydroelectric. Yet, there are considerations in the administration to tear down dams. An example that has been discussed is the Glen Canyon Dam. If we tear down Glen Canyon, we would drain Lake Powell—252 square miles. That is a lake that provides the water for Los Angeles, Phoenix, and Las Vegas. It would eliminate sources of carbon-free electricity for 4 million consumers in the Southwest. We would scuttle a $500 million tourist industry.

What about gas that supplies 10 percent of our power? Gas also emits carbons, but not as much. Demand would increase, prices would increase, and shortages might result.

Some people say we will pick up the slack with wind and solar. I like wind and solar, but you can't always count on it. It is kind of interesting to see the Sierra's Club announcement the other day opposing wind farms. They refer to them as "Cuisinarts for birds." So they are opposed to that.

So the point is, Mr. President, how do you get there from here if the administration does not consider nuclear or hydroelectric? In his speech, the President specifically excludes hydro from renewable energy.

What about the rest of the world? Let me tell you what one of our witnesses said at a hearing yesterday. Mr. Bill Martin, former Deputy Secretary of Energy, said the world is likely to increase its dependence on coal primarily due to energy demand in China. This dependence is likely to result in the doubling of sulfur dioxides in Asia and at least a 30-percent increase in global CO_2, in 1990 levels, by the year 2000. To reach a sustainable energy with respect to carbon, the world will have to triple natural gas production, increase coal efficiencies through clean coal technology, triple renewables, triple nuclear power to a worldwide total of 1,000 gigawatts and increase energy efficiency by at least 25 percent.

Mr. President, these are the real terms and conditions in the world that we are living in. Nuclear energy, renewables and energy efficiency emerge as the only viable source to date that are emissions-free and offer some energy independence to nations which adopt them.

The point I want to make here, Mr. President, is that nuclear and hydro, a big part of the solution, are not addressed in the administration's proposal on how to reduce emissions to the 1990 level by the year 2008 to 2012.

The witnesses at the hearings we held yesterday said you cannot get there from here. You cannot physically do it unless you triple nuclear and the renewables, including hydro.

Let me conclude with one other thing. The President says we can do this without a carbon tax. The Department of Energy says you need a carbon permit price of $50/ton. There is no difference. There are no free rides. Somebody has to pay it. If it is a carbon tax, it is $50 a ton, and it goes to the consumer. If we set up some kind of a market in emissions, somebody like the Board of Trade starts trading permits, they are estimated to equate to $50 a ton. Somebody is going to have to pay for that, and that is the U.S. consumer.

Let me conclude with just one observation as we address China, as we address the question of whether we should sell nuclear reactors and technology to China.

China has the availability of nuclear power reactors from France. They have it from other nations. Canada is selling; Russia is selling. And certainly they are a nuclear power.

Do we want China to burn more coal? We already have a prohibition against assisting China in the development of the world's largest hydroelectric project. It is called the Three Gorges Dam. The Eximbank will not assist.

Let me tell you how big Three Gorges is. That plant would produce 18,000 megawatts, equal to 36 500-megawatt coal plants. So that is how China will address some of its energy demands from carbon-free hydropower. But we are prohibited from participating. And we are prohibited from participating in their nuclear power program.

So I think, Mr. President, we have to be realistic. As the administration comes down with its plan, again, I suggest to you that the President has glossed over the issue of the developing countries' participation.

I suggest and remind my colleagues of the Byrd-Hagel vote that was 95 to 0. It said developing nations must have targets and timetables in the same timeframe as the United States. And the Berlin Mandate says, no new commitments for developing nations.

So I conclude by saying the President only says "meaningful commitments for developing nations." And I say "meaningful" means what?

Mr. President, I thank the Chair.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 23, 1997, the Federal debt stood at $5,424,897,442,383.46. (Five trillion, four hundred twenty-four billion, eight hundred ninety-seven million, four hundred forty-two thousand, three hundred eighty-three dollars and forty-six cents)

One year ago, October 23, 1996, the Federal debt stood at $5,229,624,000,000. (Five trillion, two hundred twenty-nine billion, six hundred twenty-four million)

Five years ago, October 23, 1992, the Federal debt stood at $4,061,912,000,000. (Four trillion, sixty-one billion, nine hundred twelve million)

Ten years ago, October 23, 1987, the Federal debt stood at $2,384,077,000,000 (Two trillion, three hundred eighty-four billion, seventy-seven million) which reflects a debt increase of more than $3 trillion—$3,040,820,442,383.46 (Three trillion, forty billion, eight hundred twenty million, four hundred forty-two thousand, three hundred eighty-three dollars and forty-six cents) during the past 10 years.

AN EMMY FOR KEVIN WALLEVAND: LAND MINE DOCUMENTARY

Mr. DORGAN. Mr. President. A bright young reporter, Kevin Wallevand, who covers news in Fargo, ND for WDAY television, has made my State, and me, awfully proud. Kevin's documentary, "The Quilt: Hope from the Heartland," has been awarded an Emmy, television's highest award.

In North Dakota, we have always known that Kevin is a talented reporter, writer, and producer. Now, his documentary about the dark side of human nature that allows exploding land mines to do the work of war; and the bright side of human kind, the compassion people show toward one another in the aftermath of war's tragedies, has earned him national acclaim.

Kevin Wallevand has produced a moving story about a rural community where women create by hand a beautiful, colorful quilt in the hope that it will warm and cheer someone less fortunate than themselves. The resulting quilt begins its travels near the North Dakota border on the Buffalo River, and ends its journey along a river in Angola, Africa where a homeless family—bodies ravaged by exploding land mines—clutches the quilt for warmth and safety.

Sadly, we learn that the family's story is not an isolated one. Kevin takes us into the hospital beds of other villagers who have fallen victim to landmines—who are displaced and anticipating the help and the arrival of thousands of quilts, blankets and other donated items from American volunteers.

Hundreds of churches, like the one in Kevin's story, and other humanitarian groups have taken it upon themselves to give a little comfort and a little hope to landmine victims. Now we, as a country, owe it to them to prevent this instrument of war, which targets innocent people long after the peace agreement has been signed, from ever being used again.

Like Kevin, I have seen first hand the tragic human costs of landmines. While serving in the House of Representatives, I visited a clinic in Central America where landmine victims who had lost hope, along with a leg or an arm, were fitted for artificial limbs. I witnessed how important it was to support this program which could turn their lives around. When I returned, I worked to get funding so that other landmine victims might be able to get prosthetic limbs and I'm proud to say I helped get it done. Kevin must have the same kind of satisfaction—because by showing others the horrors of this war against the innocent, he has struck a blow against the worldwide scourge of land mines. But more must be done.

I commend Kevin Wallevand, and the others who worked on this story at WDAY, for bringing this tragedy to the attention of others. Landmines are a worldwide problem, but with a very simple solution. We must rid the world of landmines and promise future generations that this weapon of destruction will never be used again for warfare. In sharing this Emmy winning story, Kevin's work heightens our awareness of the problem and brings us a step closer to that ultimate goal. Congratulations to Kevin Wallevand. You make North Dakotans very proud.

RURAL SATELLITE SUBSCRIBERS

Mr. HATCH. Mr. President, I rise today to raise an issue that my colleagues may have heard about, the recent decision by an arbitration panel convened under the auspices of the Copyright Office in the Library of Congress regarding the rates satellite carriers will pay under the satellite copyright compulsory license. The panel, in attempting to set a fair market value of the retransmission of broadcast signals, has decided to raise those rates and has made the new rate effective July 1, 1997. The arbitration panel's decision is currently on appeal to the Librarian of Congress who is empowered to review the decision. The standard of review is limited to one of arbitrariness or contrariness to law. The Librarian's decision will be announced next Tuesday, October 28. At that point, the Librarian's decision is subject to appeal to the Court of Appeals for the District of Columbia. The decision to raise the rates and especially its retroactive effective date has raised objections by the satellite carriers. Obviously, copyright owners disagree with the satellite carriers. My colleagues may be contacted by one side or the other of this dispute in the coming weeks or months.

My colleagues should know that as chairman of the Senate Judiciary Committee, the committee of jurisdiction over copyright matters generally, and the Satellite Home Viewers Act in particular, I have begun a review of the satellite and cable licenses. Earlier this year I asked the Copyright Office to conduct in depth public hearings and make a comprehensive report to the Judiciary Committee on the licenses, together with recommendations for reforms. The Judiciary Committee is now reviewing these recommendations.

As we make our review of the compulsory licenses, I believe we need to keep in mind the needs of rural families. The Satellite Home Viewers Act was originally intended in 1988 to ensure that households that could not get television in any other way, such as traditional broadcast or cable, would be able to get television signals via satellite.

The market has changed substantially since 1988, and those changes have led to many of the controversies that currently surround the act. Many are looking to satellite carriers to compete directly with cable companies for viewership. But as we consider reforms to make the license work better in the current marketplace, we need to consider carefully the impact on the original beneficiaries, rural folks who are otherwise beyond the reach of traditional television signals.

I come from a state that has a fine broadcast industry that invests its energy and capital in trying to reach as many viewers as it can in our mountainous State of Utah. But there are some Utahans, or others in similar rural States, who appear to be simply beyond the reach of broadcast transmitters and translators, despite the best efforts of our broadcasters. As the chairman of the Judiciary Committee, I hope to find a fair way of helping the greatest number of Utahans have the greatest amount of choice in television entertainment. Obviously this means balancing a number of interests, since consumer choice will be curtailed if any segment of the industry is disadvantaged too much to support the other segments. We need to try to get a system that will be consumer-friendly, fair to creators and copyright holders to encourage them to continue to produce quality entertainment, and that makes for a competitive environment that will lower prices and increase choices. As we do this, we need to remember the original purpose of the satellite license, which is to make television available to those who cannot otherwise get it.

I believe many of my colleagues on the committee and in the Senate share my views, particularly my good friend, the ranking member of the Judiciary Committee, Senator LEAHY. Mr. President, I would ask the distinguished ranking member if he shares my concerns about rural satellite viewers, as well as the other affected interests in this industry?

Mr. LEAHY. I thank Senator HATCH for his comments. I am also very concerned about rural areas in my home State of Vermont and about the needs of rural satellite viewers throughout the country.

Mr. HATCH. I thank my colleague. Mr. President, I would ask my colleague from Vermont if he will work with me and the other members of the Judiciary Committee to help ensure that we keep the needs of rural satellite viewers in mind as we consider reforms to the compulsory licenses?

Mr. LEAHY. I look forward to working with you and the rest of the committee on these important issues.

Mr. HATCH. I thank my colleague, and I invite my colleagues in the Senate to work with me and with the ranking member of the Judiciary Committee as we review the compulsory licenses to ensure the best situation for all our constituents.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

A message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 1313. A bill to provide market transition assistance to quota owners, tobacco producers, and communities that are dependent on tobacco production, to phase out Federal programs that support tobacco production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. FAIRCLOTH):

S. 1314. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1315. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. NICKLES, and Mr. GRAMM):

S. 1316. A bill to dismantle the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. BAUCUS):

S. 1317. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 1318. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BYRD (for himself and Mr. MOYNIHAN):

S. 1319. A bill to repeal the Line Item Veto Act of 1996; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1320. A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf war for purposes of determining a service connection relating to such illnesses, and for other purposes; to the Committee on Veterans Affairs.

By Mr. JEFFORDS:

S.J. Res. 37. A joint resolution to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. BREAUX, Mr. HOLLINGS, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. INOUYE):

S. Res. 140. A resolution expressing the sense of the Senate in support of the President's action to eliminate discriminatory trade practices by Japan relating to international shipping; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 1313. A bill to provide market transition assistance to quota owners, tobacco producers, and communities that are dependent on tobacco production, to phase out Federal programs that support tobacco production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TOBACCO TRANSITION ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to reform the federal tobacco quota and price support programs. This legislation would provide economic assistance to tobacco quota owners, tobacco producers, and tobacco-dependent communities as they make the transition to the free market.

Nearly every American is aware of the global tobacco settlement between 40 States' attorneys general and cigarette companies. Tobacco farmers and their communities were conspicuously omitted from these negotiations. Yet the settlement offers Congress a unique opportunity to provide economic assistance to tobacco farmers while ending the federal government's support for tobacco production.

My legislation would buy out tobacco marketing quotas, provide transition payments to tobacco producers, phase out the price support program, and provide economic assistance to tobacco-dependent communities. The cost of these reforms would be approximately $15 billion and would be paid for with funds from the tobacco settlement. Because farmers were not considered in the negotiations that led to this settlement, this amount would be added to the current $368.5 billion.

Under my legislation, the tobacco quota program would end in 1999 and, beginning that year, the price support program would be phased out over three years. In 1999, price supports would decline by 25 percent, then by an additional 10 percent in each of 2000 and 2001, and would end thereafter.

Quota owners would receive $8 for every pound of quota they own. They could elect to receive either first, a lumpsum payment in 1999 if they agree to cease tobacco production altogether, or second, three equal annual payments beginning in 1999 if they choose to continue to produce tobacco.

Tobacco producers would receive transition payments of 40 cents per pound over 3 consecutive years for tobacco quota that they lease or rent on a cash-rent or crop-share basis. Transition payments would be based on the average of at least 3 years of production over the 1993–97 period. Producers who both own and lease quota would receive transition payments based on their leased quota and a buyout based on the quota they own.

Under this legislation, producers would be able to grow whatever amounts of tobacco they choose—free of Government control. Most other farm programs went through a similar change just last year when Congress passed the freedom-to farm legislation. The global tobacco settlement would provide the funds to assist tobacco farmers as they join other farmers in the free market.

Communities that are economically dependent on tobacco production would receive $300 million in economic assistance. Eligible States would receive block grants to facilitate the development of alternative crops, industries, and infrastructure. Recipient States would then determine the areas most in need of assistance.

Mr. President, with or without a settlement, the forces to reform the tobacco program have been converging for some time now and they can no longer be ignored. High-domestic price supports have hurt the competitiveness of U.S.-grown tobacco. Exports of tobacco have fallen, while imports have grown. Congress has already ended Government control over nearly every other farm commodity. And, most importantly, Congress cannot ask Americans to accept Federal support for tobacco production when we are considering legislation to settle claims that stem directly from tobacco use.

Clearly, the tobacco program may not be sustainable for much longer. With that reality facing all tobacco producers, we should not pass up this opportunity to provide economic assistance to farmers and their communities.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tobacco Transition Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—TOBACCO PRODUCTION TRANSITION

Subtitle A—Tobacco Transition Contracts

Sec. 101. Tobacco Transition Account.
Sec. 102. Offer and terms of tobacco transition contracts.
Sec. 103. Elements of contracts.
Sec. 104. Buyout payments to owners.
Sec. 105. Transition payments to producers.

Subtitle B—Rural Economic Assistance Block Grants

Sec. 111. Rural economic assistance block grants.

TITLE II—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

Subtitle A—Tobacco Price Support Program

Sec. 201. Interim reform of tobacco price support program.
Sec. 202. Termination of tobacco price support program.

Subtitle B—Tobacco Production Adjustment Programs

Sec. 211. Termination of tobacco production adjustment programs.

TITLE III—FUNDING

Sec. 301. Trust Fund.
Sec. 302. Commodity Credit Corporation.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize the use of binding contracts between the United States and tobacco quota owners and tobacco producers to compensate them for the termination of Federal programs that support the production of tobacco in the United States;

(2) to make available to States funds for economic assistance initiatives in counties of States that are dependent on the production of tobacco; and

(3) to terminate Federal programs that support the production of tobacco in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term "association" means a producer-owned cooperative marketing association that has entered into a loan agreement with the Commodity Credit Corporation to make price support available to producers.

(2) BUYOUT PAYMENT.—The term "buyout payment" means a payment made to a quota owner under section 104 in 1 or more installments in accordance with section 102(c)(1).

(3) CONTRACT.—The term "contract" or "tobacco transition contract" means a contract entered into under section 102.

(4) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(5) LEASE.—The term "lease" means a rental of quota on either a cash rent or crop share basis.

(6) MARKETING YEAR.—The term "marketing year" means—

(A) in the case of Flue-cured tobacco, the period beginning July 1 and ending the following June 30; and

(B) in the case of each other kind of tobacco, the period beginning October 1 and ending the following September 30.

(7) OWNER.—The term "owner" means a person who, at the time of entering into a tobacco transition contract, owns quota provided by the Secretary.

(8) PHASEOUT PERIOD.—The term "phaseout period" means the 3-year period consisting of the 1999 through 2001 marketing years.

(9) PRICE SUPPORT.—The term "price support" means a nonrecourse loan provided by the Commodity Credit Corporation through an association for the kind of tobacco involved.

(10) PRODUCER.—The term "producer" means a person who during at least 3 of the 1993 through 1997 crops of tobacco (as determined by the Secretary) that were subject to quota—

(A) leased quota;

(B) shared in the risk of producing a crop of tobacco; and

(C) marketed the tobacco subject to quota.

(11) QUOTA.—The term "quota" means the quantity of tobacco produced in the United States, and marketed during a marketing year, that will be used in, or exported from, the United States during the marketing year (including an adjustment for stocks), as estimated by the Secretary.

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(13) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(14) TOBACCO.—The term "tobacco" means any kind of tobacco for which a marketing quota is in effect or for which a marketing quota is not disapproved by producers.

(15) TOBACCO TRANSITION ACCOUNT.—The term "Tobacco Transition Account" means the Tobacco Transition Account established by section 101(a).

(16) TRANSITION PAYMENT.—The term "transition payment" means a payment made to a producer under section 105 for each of the 1999 through 2001 marketing years.

(17) TRUST FUND.—The term "Trust Fund" means the National Tobacco Settlement Trust Fund established in the Treasury of the United States consisting of amounts that are appropriated or credited to the Trust Fund from the tobacco settlement approved by Congress.

(18) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

TITLE I—TOBACCO PRODUCTION TRANSITION

Subtitle A—Tobacco Transition Contracts

SEC. 101. TOBACCO TRANSITION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Trust Fund a Tobacco Transition Account.

(b) USE.—Funds appropriated or credited to the Tobacco Transition Account shall be available for providing buyout payments and transition payments authorized under this subtitle.

(c) TERMINATION.—The Tobacco Transition Account terminates effective September 30, 2001.

SEC. 102. OFFER AND TERMS OF TOBACCO TRANSITION CONTRACTS.

(a) OFFER.—The Secretary shall offer to enter into a tobacco transition contract with each owner and producer of tobacco.

(b) Terms.—Under the terms of a contract, the owner or producer shall agree, in exchange for a payment made pursuant to section 104 or 105, as applicable, to relinquish the value of quota that is owned or leased.

(c) Rights of Owners and Producers.—

(1) Owners.—An owner shall elect to receive a buyout payment in—

(A) 1 installment for the kind of tobacco involved, in exchange for permanently foregoing production of tobacco; or

(B) 3 equal installments, 1 installment for each of the 1999 through 2001 crops of tobacco, in which case the owner shall have the right to continue production of each of those crops.

(2) Producers.—In the case of each of the 1999 through 2001 crops for the kind of tobacco involved, a producer who is not an owner during the 1998 marketing year for the kind of tobacco involved shall not be subject to any restrictions on the quantity of tobacco produced or marketed.

SEC. 103. ELEMENTS OF CONTRACTS.

(a) Deadlines for Contracting.—

(1) Commencement.—To the maximum extent practicable, the Secretary shall commence entering into contracts under this subtitle not later than 90 days after the date of enactment of this Act.

(2) Deadline.—The Secretary may not enter into a contract under this subtitle after June 31, 1999.

(b) Duration of Contract.—

(1) Beginning date.—The term of a contract shall begin on the date that is the beginning of the 1999 marketing year for the kind of tobacco involved.

(2) Termination date.—

(A) In general.—Except as provided in subparagraph (B), the term of a contract shall terminate on the date that is the end of the 2001 marketing year for the kind of tobacco involved.

(B) Exception.—In the case of an owner who enters into a contract and elects to receive a buyout payment in 1 installment under section 102(c)(1)(A), the contract shall be permanent.

(c) Time for Payment.—

(1) In general.—A buyout payment or transition payment shall be made not later than the date that is the beginning of the marketing year for the kind of tobacco involved for each year of the term of a tobacco transition contract of an owner or producer of tobacco.

(2) Applicability.—This subsection shall be applicable to all payments covered by section 102(c).

SEC. 104. BUYOUT PAYMENTS TO OWNERS.

(a) In General.—During the phaseout period, the Secretary shall make buyout payments to owners in accordance with section 102(c)(1).

(b) Compensation for Lost Value.—The payment shall constitute compensation for the lost value to the owner of the quota.

(c) Payment Calculation.—Under this section, the total amount of the buyout payment made to an owner shall be determined by multiplying—

(1) $8.00; by

(2) the average annual quantity of quota owned by the owner during the 1995 through 1997 crop years.

SEC. 105. TRANSITION PAYMENTS TO PRODUCERS.

(a) In General.—The Secretary shall make transition payments during each of the 1999 through 2001 marketing years for a kind of tobacco that was subject to a quota to a producer who—

(1) produced the kind of tobacco during at least 3 of the 1993 through 1997 crop years; and

(2) entered into a tobacco transition contract.

(b) Transition Payments Limited to Leased Quota.—A producer shall be eligible for transition payments only for the portion of the production of the producer that is subject to quota that is leased during the 3 crop years described in subsection (a)(1).

(c) Compensation for Lost Revenue.—The payments shall constitute compensation for the lost revenue incurred by a tobacco producer during each of the 1999 through 2001 marketing years for the kind of tobacco involved.

(d) Election by Producer; Production.—

(1) Election.—The producer may elect which 3 of the 1993 through 1997 crop years shall be used for the calculation under subsection (e).

(2) Production.—The producer shall have the burden of demonstrating to the Secretary the production of tobacco for each year of the election.

(e) Payment Calculation.—Under this section, each of the 3 transition payments made to a producer for the kind of tobacco involved shall be determined by multiplying—

(1) 40 cents; by

(2) the average quantity of the kind of tobacco produced by the producer during the 3 crop years elected by the producer under subsection (d).

Subtitle B—Rural Economic Assistance Block Grants

SEC. 111. RURAL ECONOMIC ASSISTANCE BLOCK GRANTS.

(a) In General.—For each of fiscal years 1999 through 2001, the Secretary shall use funds in the Tobacco Transition Account to provide block grants to tobacco-growing States to assist areas of such a State that are economically dependent on the production of tobacco.

(b) Funding.—To carry out this section, there shall be credited to the Tobacco Transition Account, from the Trust Fund, $100,000,000 for each of fiscal years 1999 through 2001.

(c) Payments by Secretary to Tobacco-Growing States.—

(1) In general.—The Secretary shall use the amount available for a fiscal year under subsection (b) to make block grant payments to the Governors of tobacco-growing States.

(2) Amount.—The amount of a block grant paid to a tobacco-growing State shall be based on—

(A) the number of counties in the State in which tobacco production is a significant part of the county's economy; and

(B) the level of economic dependence of the county on tobacco production.

(d) Grants by States to Assist Tobacco-Growing Areas.—

(1) In general.—A Governor of a tobacco-growing State shall use the amount of the block grant to the State under subsection (c) to make grants to counties or other public or private entities in the State to assist areas that are dependent on the production of tobacco, as determined by the Governor.

(2) Amount.—The amount of a grant paid to a county or other entity to assist an area shall be based on (as determined by the Secretary)—

(A) the ratio of gross tobacco sales receipts in the area to the total farm income in the area; and

(B) the ratio of all tobacco related receipts in the area to the total income in the area.

(3) Use of grants.—A county or other entity that receives a grant under this section shall use the grant in a manner determined appropriate by the county or entity (with the approval of the State) to assist producers and other persons who are economically dependent on the production of tobacco, including use for—

(A) on-farm diversification and alternatives to the production of tobacco and risk management; and

(B) off-farm activities such as development of non-tobacco related jobs.

(e) Termination of Authority.—The authority provided by this section terminates October 1, 2001.

TITLE II—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

Subtitle A—Tobacco Price Support Program

SEC. 201. INTERIM REFORM OF TOBACCO PRICE SUPPORT PROGRAM.

(a) Price Support Rates.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—The price support rate for each kind of tobacco for which quotas have been approved shall be reduced by—

"(1) for the 1999 crop, 25 percent from the 1998 support rate for the kind of tobacco involved;

"(2) for the 2000 crop, 10 percent from the 1999 support rate for the kind of tobacco involved; and

"(3) for the 2001 crop, 10 percent from the 2000 support rate for the kind of tobacco involved.";

(2) by striking subsections (b) and (f); and

(3) by redesignating subsection (c), (d), and (g) as subsections (b), (c), and (d), respectively.

(b) Budget Deficit Assessment.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) (as amended by subsection (a)(3)) is amended by striking subsection (d) and inserting the following:

"(d) Tobacco Transition Payment.—Effective only for the 1998 crop of tobacco, the Secretary of the Treasury shall transfer from the Tobacco Transition Account of the National Tobacco Settlement Trust Fund an amount equal to the product obtained by multiplying—

"(1) the amount per pound equal to 2 percent of the national price support level for each kind of tobacco for which price support is made available under this Act; and

"(2) the total quantity of the kind of tobacco that is produced or purchased in, or imported into, the United States.".

(c) No Net Cost Tobacco Fund and Account.—

(1) No net cost tobacco fund.—Section 106A of the Agricultural Act of 1949 (7 U.S.C. 1445–1) is amended to read as follows:

"SEC. 106A. NO NET COST TOBACCO FUND.

"(a) Definitions.—In this section:

"(1) Association.—The term 'association' means a producer-owned cooperative marketing association that has entered into a loan agreement with the Corporation to make price support available to producers of a kind of tobacco.

"(2) Corporation.—The term 'Corporation' means the Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture through which the Secretary makes price support available to producers.

"(3) Net gains.—The term 'net gains' means the amount by which the total proceeds obtained from the sale by an association of a crop of quota tobacco pledged to the Corporation for a price support loan exceeds the principal amount of the price support loan made by the Corporation to the association on the crop, plus interest, charges, and costs of administering the price support program.

"(4) No net cost tobacco fund.—The term 'No Net Cost Tobacco Fund' means the capital account established within each association under this section.

"(5) Purchaser.—The term 'purchaser' means any person who purchases in the United States, either directly or indirectly for the account of the person or another person, Flue-cured or burley quota tobacco.

"(6) Quota tobacco.—The term 'quota tobacco' means any kind of tobacco for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

"(7) Trust fund.—The term 'Trust Fund' means the National Tobacco Settlement Trust Fund established in the Treasury of the United States consisting of amounts that are appropriated or credited to the Trust Fund from the tobacco settlement approved by Congress.

"(b) Price Support Program; Loans.—The Secretary—

"(1) may carry out the tobacco price support program through the Corporation; and

"(2) shall, except as otherwise provided by this section, continue to make price support available to producers through loans to associations that, under agreements with the Corporation, agree to make loan advances to producers.

"(c) Establishment of Fund.—

"(1) In general.—Each association shall establish within the association a No Net Cost Tobacco Fund.

"(2) Amount.—There shall be transferred from the Trust Fund to each No Net Cost Tobacco Fund such amount as the Secretary determines will be adequate to reimburse the Corporation for any net losses that the Corporation may sustain under its loan agreements with the association, based on—

"(A) reasonable estimates of the amounts that the Corporation has lent or will lend to the association for price support for the 1982 and subsequent crops of quota tobacco, except that for the 1986 and subsequent crops of burley quota tobacco, the Secretary shall determine the amount of assessments without regard to any net losses that the Corporation may sustain under the loan agreements of the Corporation with the association for the 1983 crop of burley quota tobacco;

"(B) the cost of administering the tobacco price support program (as determined by the Secretary); and

"(C) the proceeds that will be realized from the sales of tobacco that are pledged to the Corporation by the association as security for loans.

"(d) Administration.—The Secretary shall—

"(1) require that the No Net Cost Tobacco Fund established by each association be kept and maintained separately from all other accounts of the association and be used exclusively, as prescribed by the Secretary, for the purpose of ensuring, insofar as practicable, that the Corporation, under its loan agreements with the association with respect to 1982 and subsequent crops of quota tobacco, will suffer no net losses (including recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation under paragraph (3), except that, notwithstanding any other provision of law, the association may, with the approval of the Secretary, use funds in the No Net Cost Tobacco Fund, including interest and other earnings, for—

"(A) the purposes of reducing the association's outstanding indebtedness to the Corporation associated with 1982 and subsequent crops of quota tobacco and making loan advances to producers as authorized; and

"(B) any other purposes that will be mutually beneficial to producers and purchasers and to the Corporation;

"(2) permit an association to invest the funds in the No Net Cost Tobacco Fund in such manner as the Secretary may approve, and require that the interest or other earnings on the investment shall become a part of the No Net Cost Tobacco Fund;

"(3) require that loan agreements between the Corporation and the association provide that the Corporation shall retain the net gains from each of the 1982 and subsequent crops of tobacco pledged by the association as security for price support loans, and that the net gains will be used for the purpose of—

"(A) offsetting any losses sustained by the Corporation under its loan agreements with the association for any of the 1982 and subsequent crops of tobacco; or

"(B) reducing the outstanding balance of any price support loan made by the Corporation to the association under the loan agreements for 1982 and subsequent crops of tobacco; and

"(4) effective for the 1986 and subsequent crops of quota tobacco, if the Secretary determines that the amount in the No Net Cost Tobacco Fund or the net gains referred to in paragraph (3) exceeds the total amount necessary for the purposes specified in this section, suspend the transfer of amounts from the Trust Fund to the No Net Cost Tobacco Fund under this section.

"(e) Noncompliance.—

"(1) In general.—If any association that has entered into a loan agreement with the Corporation with respect to any of the 1982 or subsequent crops of quota tobacco fails or refuses to comply with this section (including regulations promulgated under this section) or the terms of the agreement, the Secretary may terminate the agreement or provide that no additional loan funds may be made available under the agreement to the association.

"(2) Price support.—If the Secretary takes action under paragraph (1), the Secretary shall make price support available to producers of the kind or kinds of tobacco, the price of which had been supported through loans to the association, through such other means as are authorized by this Act or the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

"(f) Termination of Agreement or Association.—If, under subsection (e), a loan agreement with an association is terminated, or if an association having a loan agreement with the Corporation is dissolved, merges with another association, or otherwise ceases to operate, the No Net Cost Tobacco Fund or the net gains referred to in subsection (d)(3) shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that the net gains shall, to the extent necessary, first be applied or used for the purposes specified in this section.

"(g) Regulations.—The Secretary shall issue such regulations as are necessary to carry out this section.".

(2) No net cost tobacco account.—Section 106B of the Agricultural Act of 1949 (7 U.S.C. 1445–2) is amended to read as follows:

"SEC. 106B. NO NET COST TOBACCO ACCOUNT.

"(a) Definitions.—In this section:

"(1) Area.—The term 'area', when used in connection with an association, means the general geographical area in which farms of the producer-members of the association are located, as determined by the Secretary.

"(2) Association.—The term 'association' has the meaning given the term in section 106A(a)(1).

"(3) Corporation.—The term 'Corporation' has the meaning given the term in section 106A(a)(2).

"(4) Net gains.—The term 'net gains' has the meaning given the term in section 106A(a)(3).

"(5) No net cost tobacco account.—The term 'No Net Cost Tobacco Account' means an account established by and in the Corporation for an association under this section.

"(6) Purchaser.—The term 'purchaser' has the meaning given the term in section 106A(a)(5).

"(7) Tobacco.—The term 'tobacco' means any kind of tobacco (as defined in section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b))) for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

"(8) Trust fund.—The term 'Trust Fund' has the meaning given the term in section 106A(a)(7).

"(b) Price Support Program; Loans.—Notwithstanding section 106A, the Secretary shall, on the request of any association, and may, if the Secretary determines, after consultation with the association, that the accumulation of the No Net Cost Tobacco Fund for the association under section 106A is, and is likely to remain, inadequate to reimburse the Corporation for net losses that the Corporation sustains under its loan agreements with the association—

"(1) continue to make price support available to producers through the association in accordance with loan agreements entered into between the Corporation and the association; and

"(2) establish and maintain in accordance with this section a No Net Cost Tobacco Account for the association in lieu of the No Net Cost Tobacco Fund established within the association under section 106A.

"(c) Establishment of Account.—

"(1) In general.—A No Net Cost Tobacco Account established for an association under subsection (b)(2) shall be established within the Corporation.

"(2) Amount.—There shall be transferred from the Trust Fund to each No Net Cost Tobacco Account such amount as the Secretary determines will be adequate to reimburse the Corporation for any net losses that the Corporation may sustain under its loan agreements with the association, based on—

"(A) reasonable estimates of the amounts that the Corporation has lent or will lend to the association for price support for the 1982 and subsequent crops of quota tobacco, except that for the 1986 and subsequent crops of burley quota tobacco, the Secretary shall determine the amount of assessments without regard to any net losses that the Corporation may sustain under the loan agreements of the Corporation with the association for the 1983 crop of burley quota tobacco;

"(B) the cost of administering the tobacco price support program (as determined by the Secretary); and

"(C) the proceeds that will be realized from the sales of the kind of tobacco involved that are pledged to the Corporation by the association as security for loans.

"(3) Administration.—On the establishment of a No Net Cost Tobacco Account for an association, any amount in the No Net Cost Tobacco Fund established within the association under section 106A shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that the amount shall, to the extent necessary, first be applied or used for the purposes specified in that section.

"(d) Use.—Amounts deposited in a No Net Cost Tobacco Account established for an association shall be used by the Secretary for the purpose of ensuring, insofar as practicable, that the Corporation under its loan agreements with the association will suffer, with respect to the crop involved, no net losses (including recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation under subsection (g).

"(e) Excess Amounts.—If the Secretary determines that the amount in the No Net Cost Tobacco Account or the net gains referred to in subsection (g) exceed the total amount necessary to carry out this section, the Secretary shall suspend the transfer of amounts from the Trust Fund to the No Net Cost Tobacco Account under this section.

"(f) Termination of Agreement or Association.—In the case of an association for which a No Net Cost Tobacco Account is established under subsection (b)(2), if a loan agreement between the Corporation and the association is terminated, if the association is dissolved or merges with another association that has entered into a loan agreement with the Corporation to make price support available to producers of the kind of tobacco involved, or if the No Net Cost Tobacco Account terminates by operation of law, amounts in the No Net Cost Tobacco Account and the net gains referred to in subsection (g) shall be applied to or disposed of in such manner as the Secretary may prescribe, except that the net gains shall, to the extent necessary, first be applied to or used for the purposes specified in this section.

"(g) Net Gains.—The provisions of section 106A(d)(3) relating to net gains shall apply to any loan agreement between an association and the Corporation entered into on or after the establishment of a No Net Cost Tobacco Account for the association under subsection (b)(2).

"(h) Regulations.—The Secretary shall issue such regulations as are necessary to carry out this section.".

(3) Conforming amendments.—

(A) Section 314(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314(a)) is amended in the first sentence—

(i) by striking "(1)"; and

(ii) by striking ", or (2)" and all that follows through "106B(d)(1) of that Act".

(B) Section 320B(c)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314h(c)(1)) is amended by inserting after "1445–2)" the following: "(as in effect before the effective date of the amendments made by section 201(c) of the Tobacco Transition Act)".

(d) Administrative Costs.—Section 1109 of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 1445 note) is repealed.

(e) Crops.—This section and the amendments made by this section shall apply with respect to the 1999 and subsequent crops of the kind of tobacco involved.

SEC. 202. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM.

(a) Parity Price Support.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) is amended—

(1) in the first sentence of subsection (a), by striking "tobacco (except as otherwise provided herein), corn," and inserting "corn";

(2) by striking subsections (c), (g), (h), and (i);

(3) in subsection (d)(3)—

(A) by striking ", except tobacco,"; and

(B) by striking "and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;"; and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) Termination of Tobacco Price Support and No Net Cost Provisions.—Sections 106, 106A, and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445, 1445–1, 1445–2) are repealed.

(c) Definition of Basic Agricultural Commodity.—Section 408(c) of the Agricultural Act of 1949 (7 U.S.C. 1428(c)) is amended by striking "tobacco,".

(d) Review of Burley Tobacco Imports.—Section 3 of Public Law 98–59 (7 U.S.C. 625) is repealed.

(e) Powers of Commodity Credit Corporation.—Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by inserting "(other than tobacco)" after "agricultural commodities" each place it appears.

(f) Transition Provisions.—

(1) Liability.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the effective date of this section.

(2) Tobacco stocks and loans.—The Secretary shall issue regulations that require—

(A) the orderly disposition of tobacco stocks; and

(B) the repayment of all tobacco price support loans by not later than 1 year after the effective date of this section.

(g) Crops.—This section and the amendments made by this section shall apply with respect to the 2002 and subsequent crops of the kind of tobacco involved.

Subtitle B—Tobacco Production Adjustment Programs

SEC. 211. TERMINATION OF TOBACCO PRODUCTION ADJUSTMENT PROGRAMS.

(a) Declaration of Policy.—Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking "tobacco,".

(b) Definitions.—Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (6)(A), by striking "tobacco,";

(3) in paragraph (7), by striking the following:

"tobacco (flue-cured), July 1—June 30;

"tobacco (other than flue-cured), October 1–September 30;";

(4) in paragraph (10)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(5) in paragraph (11)(B), by striking "and tobacco";

(6) in paragraph (12), by striking "tobacco,";

(7) in paragraph (14)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraphs (B), (C), and (D);

(8) by striking paragraph (15);

(9) in paragraph (16)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B); and

(10) by redesignating paragraphs (16) and (17) as paragraphs (15) and (16), respectively.

(c) Parity Payments.—Section 303 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1303) is amended in the first sentence by striking "rice, or tobacco," and inserting "or rice,".

(d) Marketing Quotas.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is repealed.

(e) Administrative Provisions.—Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking "tobacco,".

(f) Adjustment of Quotas.—Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(1) in the first sentence of subsection (a), by striking "peanuts, or tobacco" and inserting "or peanuts"; and

(2) in the first sentence of subsection (b), by striking "peanuts or tobacco" and inserting "or peanuts".

(g) Reports and Records.—Section 373 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373) is amended—

(1) by striking "peanuts, or tobacco" each place it appears in subsections (a) and (b) and inserting "or peanuts"; and

(2) in subsection (a)—

(A) in the first sentence, by striking "all persons engaged in the business of redrying, prizing, or stemming tobacco for producers,"; and

(B) in the last sentence, by striking "$500;" and all that follows through the period at the end of the sentence and inserting "$500.".

(h) Regulations.—Section 375(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is amended by striking "peanuts, or tobacco" and inserting "or peanuts".

(i) Eminent Domain.—Section 378 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1378) is amended—

(1) in the first sentence of subsection (c), by striking "cotton, tobacco, and peanuts" and inserting "cotton and peanuts"; and

(2) by striking subsections (d), (e), and (f).

(j) Burley Tobacco Farm Reconstitution.—Section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379) is amended—

(1) in subsection (a)—

(A) by striking "(a)"; and

(B) in paragraph (6), by striking ", but this clause (6) shall not be applicable in the case of burley tobacco"; and

(2) by striking subsections (b) and (c).

(k) Acreage-Poundage Quotas.—Section 4 of the Act entitled "An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes", approved April 16, 1965 (Public Law 89–12; 7 U.S.C. 1314c note), is repealed.

(l) Burley Tobacco Acreage Allotments.—The Act entitled "An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended", approved July 12, 1952 (7 U.S.C. 1315), is repealed.

(m) Transfer of Allotments.—Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

(n) Advance Recourse Loans.—Section 13(a)(2)(B) of the Food Security Improvements Act of 1986 (7 U.S.C. 1433c–1(a)(2)(B)) is amended by striking "tobacco and".

(o) TOBACCO FIELD MEASUREMENT.—Section 1112 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203) is amended by striking subsection (c).

(p) LIABILITY.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the effective date under subsection (q).

(q) CROPS.—This section and the amendments made by this section shall apply with respect to the 1999 and subsequent crops of the kind of tobacco involved.

TITLE III—FUNDING

SEC. 301. TRUST FUND.

(a) REQUEST.—The Secretary of Agriculture shall request the Secretary of the Treasury to transfer, from the Tobacco Transition Account in the Trust Fund, amounts authorized under sections 104, 105, and 111, and the amendments made by section 201, to the account of the Commodity Credit Corporation.

(b) TRANSFER.—On receipt of such a request, the Secretary of the Treasury shall transfer amounts requested under subsection (a).

(c) USE.—The Secretary of Agriculture shall use the amounts transferred under subsection (b) to carry out the activities described in subsection (a).

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall expire on September 30, 2001.

SEC. 302. COMMODITY CREDIT CORPORATION.

The Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act and the amendments made by this Act.

By Mr. FAIRCLOTH:

S. 1315. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in U.S. securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. MARKET SECURITY ACT OF 1997

Mr. FAIRCLOTH. Mr. President, on October 28 the President of the People's Republic of China will begin an official state visit to this country. Jiang Zemin is coming. It is reported, as a gift to him, the Clinton administration will applaud China's policy on weapons proliferation.

As a reward for China's responsible behavior, President Clinton and Vice President GORE plan to willingly, without reservation, share our most sensitive nuclear technology with China.

There is something very suspicious about this drastic shift in U.S. foreign policy. I cannot understand why the administration would negotiate this kind of deal?

Hasn't the CIA told us that China serves as the weapons clearinghouse of the world? Why in the world would President Clinton seek to abandon a longstanding Federal law that has prohibited American corporations from selling nuclear technology to Communist China.

It appears this is payback time.

Senator THOMPSO9N and the Governmental Affairs Committee have spent the last few months searching for why China would funnel illegal contributions into American political campaigns. Perhaps the pieces of the puzzle are starting to come together.

Clearly, the Chinese Government wants the best American technology for both military and commercial use. China wants both nuclear weapons and nuclear powerplants.

Apparently, President Clinton and Vice President GORE are convinced that the best American nuclear technology is none too good for Beijing.

Now I understand that there are some very good American companies which stand to make billions from this deal. Certainly the foreign policy establishment is excited about all of the new lobbying and consulting possibilities. But aren't there some far more important factors to be considered?

Let me remind the Clinton administration that its own Central Intelligence Agency concluded in July that the People's Republic of China had become the most significant supplier of nuclear and chemical weapons technology to foreign countries.

Let me remind the Clinton administration that the People's Republic of China sold chemical weapons materials to Iran and missiles and ring magnets used to process uranium to Pakistan.

Let me remind the Clinton administration that the People's Republic of China has a long history of misrepresenting the use of American technology it buys and then reselling it to other nations, often terrorist countries like Iran.

Mr. President, selling nuclear technology to the Chinese is a terrible idea. Even worse, however, is the thought that Americans are paying for it too.

Since 1989, the Peoples Republic of China and various businesses connected to the Chinese Government have issued nearly $7 billion in bonds denominated in United States dollars.

China itself has issued some $2.7 billion in such bonds.

The Chinese International Trading and Investment Co., Chaired by Wang Jung, reportedly connected to the Chinese Army, has issued $800 million in bonds in the United States during the past few years.

If Mr. Jung's name sounds familiar—its because he was at the White House having coffee with the President on February 6, 1996. What a delightful man for a tea party.

It was also discovered that Mr. Jung's other company, Poly Technologies, was responsible for smuggling AK-47's to Los Angeles gangs.

This is the man that was at the tea party.

The Bank of China has also issued some $80 million in dollar denominated bonds in the United States. This is the same bank that wired money to Charlie Trie on a regular basis.

Mr. President, my greatest concern is that American mutual funds and pension funds will end up owning these bonds. Where else is there for them to go except to mutual funds and pension funds? To say that these bonds are risky is putting a nice face on them. If these companies default, they will stick the American taxpayer with the bill on the Chinese bonds.

Today, I am introducing legislation that will require the SEC to establish an office of national security that will routinely report to the Congress on security offerings by foreign governments and companies. This will also require the Pension Benefit Guaranty Corporation to annually review America's pension funds and report on the number of foreign securities being held.

It is time that Congress and the American public start paying attention to this quiet financial invasion. We need to pay attention to what is in America's retirement funds because we know who will pick up the deficit.

Already, it has been reported that the Arkansas State Teachers' Retirement Fund is holding roughly 40 percent of its assets in Pacific rim entities, several of which are Chinese.

If so, this is a tragedy for people who worked all their lives and are counting on that pension for their retirement peace of mind, when in reality it might not happen.

Mr. President, maybe this administration thinks the American people don't care about China's activities. Maybe I'm wrong, but I believe the American people do care. They know the Chinese people are oppressed by a Communist government that uses capitalism when it is convenient to further their death grip on political power.

They know that China engages in unfair trading practices which result in a $50 billion trade deficit with the American people on an annual basis. They know that China oppresses their people and flagrantly violates human rights. They know China uses slave labor to make products for sale. They know that China sells the internal organs of executed prisoners on the black market. They know China infringes patents by selling pirated copies of American products. They know the People's Liberation Army is buying businesses in the United States as fronts for their secretive dealings. They know China persecutes Christians and religious believers.

I say to President Clinton and Vice President GORE that the American people do care. And remember that while the People's Republic of China may have supported their reelection campaigns, they do not support the freedom campaign of their own people.

Selling highly sensitive nuclear technology to China is a bad idea with extremely dangerous consequences. Permitting the invasion of our capital markets is another bad idea with worse potential consequences.

I also believe that allowing China to own ports on both ends of the Panama Canal is another bad idea, from whence they could dominate the canal and will bring dangerous consequences to our national security.

The Clinton administration and this Congress will face a difficult decision between two very strong competing forces—money and morality. I hope they decide to do what is in the best interests of the American people, not their foreign campaign donors that have all fled the country.

By Mr. LAUTENBERG (for himself and Mr. BAUCUS):

S. 1317. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites; to the Committee on Environment and Public Works.

THE ENVIRONMENTAL HEALTH PROTECTION ACT

Mr. LAUTENBERG. Mr. President, all across America toxic time bombs lurk beneath the soil. Many of our families find their futures poisoned by a long-gone industrial past.

And sadly we've made our families—especially our children—the canaries in the coal mine. Only after they've been stricken, do we move on the danger.

We need to change our emphasis.

Mr. President, we should help local communities meet the health treats bubbling up from toxic waste sites. That is why I am today introducing the Environmental Health Protection Act—legislation to require the Agency for Toxic Substances and Disease Registry [ASTDR] to actively work with local community health and safety leaders both to design and train local health authorities to better manage a potential toxic hazard and to design site-specific remedies and monitoring systems.

Today, the ranking member of the Environmental and Public works Committee, Senator BAUCUS, is joining with me in introducing legislation to significantly boost the role that public health considerations play in Superfund decisions.

Mr. President, the potential health hazard posed from toxic waste dumps is great and growing.

According to a recent study of 136 Superfund toxic waste sites by the Agency for Toxic Substance and Disease Registry [ASTDR], more than half the sites they examined represent serious, ongoing public health hazards. ATSDR placed an additional 23 percent of toxic waste sites in an indeterminate hazard category because they potentially pose a long-term risk to human life.

Communities and community leaders must have the tools and resources to meet these potential disaster—just like we prepare communities to meet potential natural disasters.

ATSDR recently determined that 11 million Americans reside within 1 mile of the 1,309 Superfund National Priority List [NPL] sites. These families are at particular risk from the hazardous substances wafting through the air they breath or oozing into water they drink.

The problems that communities face from toxic waste dumps are immense and complicated by the need for specialized knowledge, training and skills to address toxic waste problems. Dr. Barry Johnson of the ATSDR recently testified before the Superfund Subcommittee of the Senate Environment and Public Works Committee about the kinds of health problems communities face. He told the committee that:

ATSDR health investigations at hazardous waste sites across the country found that nearby residents were exposed to increased health risk from a wide variety of maladies including: birth defects; nerve damage; skin disorders; leukemia; cardiovascular abnormalities; respiratory problems, and immune disorders.

Two sets of studies in my home State of New Jersey—one carried out by the Environmental Protection Agency [EPA] and the other by the New Jersey School of Medicine and Dentistry—showed an increase in cancer cases in counties surrounding hazardous waste sites. The New Jersey Medicine study by Dr. G. Najem found that age-adjusted gastrointestinal cancer morality rates were higher in 20 of New Jersey's 21 counties than national rates.

An ATSDR 1995 study of residents of Forest City and Glover, MO, who live near Superfund sites, showed an increase in reports of breathing disorders and decreased pulmonary function; especially among nonsmoking women.

Compilation of studies in California report the occurrence of an increased risk of birth defects in the children of women living near the State's 700 hazardous waste sites.

The results of another recent study funded by ATSDR and performed by the New Jersey Department of Health, are particularly disturbing and, understandably, have frightened many of my constituents in the town of Maywood, NJ. The study reviewed data gathered on 15,000 residents living near Superfund sites and found the incidence of brain cancers running at 50 percent above the expected level. In addition, the study found cancer clusters—areas with unusually high rates of certain forms of cancer—existing in Ocean County and distressing 50 percent increase in various kinds of childhood cancers.

In short, ATSDR research demonstrates how important it is to the health of Americans living near Superfund sites to clean up those sites as quickly as possible. And this is no small task.

Communities struggling to come to grips with the potential health hazards of a toxic waste dump are too often left to fend for themselves. No one agency is specifically charged with coordinating the various health-relief efforts these families need.

Currently, EPA uses a risk assessment process to write plans for dealing with the problems posed by toxic sites. As a result, the selection of containment as a remedy rather than removing the toxins from a site has grown to 30 percent of the EPA remedy decisions. If containment is to work for the communities surrounding Superfund and other toxic sites, we must increase health monitoring and provide other health care assistance, advice, and tools to those living with near these sites.

Congress established ATSDR specifically to address possible health problems arising from Superfund sites. Now is the time to use what we have learned and to actively involve local communities in their efforts to meet the health challenges posed by the hazardous waste sites. This bill requires ATSDR to do just that.

First, my bill both allows ATSDR to study any location where there is concern that hazardous wastes threatens public health and requires that ATSDR work closely with State and local health officials in making its assessment. Presently, Mr. President, State and local health and environmental officials are only required to be involved at sites listed on the Environmental Protection Agency's national list of priority sites—the National Priority List [NPL]. By mandating that ATSDR work with the State and local officials from the get-go at any potential site, we will be insuring the understanding, cooperation, and consultation necessary to effective environmental cleanup exists in a community.

Second, critics frequently complain that ATSDR's health assessments are completed too late in the process to be of any real use to the local officials struggling to manage the health impact of a hazardous waste site on a community. This bill changes the way EPA and the health authorities do their job. It requires EPA to notify local and State health officials early in the process that an investigation is commencing and to better coordinate its activities with local authorities so that EPA's proposed remedy better reflects local conditions and needs.

Third, this bill requires EPA to directly involve State and local health officials in decisions concerning analysis and sampling methods used at hazardous sites. State and local health officials are often the frontline experts. They have important first-hand information on how a toxic waste dump affects their community. Working with EPA, they can better determine and analyze possible health problems patterns in a community and whether that arises from a toxic waste dump. With this information, EPA can zero-in on those areas for additional sampling and further studies and design a site appropriate remedy that meets the special circumstances of the affected community.

Fourth—and this is critically important—better training and up-to-date information are essential to helping communities deal with hazardous waste sites. This legislation will ensure that State and local health officials receive the training and technical information they need to diagnose and treat environmental health problems, and it will also empower local authorities to help EPA make appropriate, site-specific decisions about clean up remedies.

Fifth, this bill requires that when EPA selects to leave toxic wastes in place, then EPA must work with local health officials to design a site specific health monitoring program. This will be paid for by the parties responsible for the hazard, and those requirements will become an enforceable part of any clean up agreement. It will no longer be adequate for a polluter to simply build a fence around a toxic waste site and hope the toxins stay in and community residents stay out. EPA's remedy must now ensure that the health of the residents in the line of fire is protected first, foremost, and always. And, when EPA revisits a site to evaluate whether the clean up is working, EPA will now specifically have to consider the recommendations of local health officials on the effectiveness and appropriateness of the solution.

Since the Superfund amendments of 1986, the communities near hazardous waste sites have appealed to us to strengthen the public health requirements of the law. A major focus of our efforts in cleaning up toxic waste must be the health of our people. This bill will put community health and safety back at the top of the Superfund agenda. It will increase the information available to the public and cooperation between public health officials at all levels of government. It will result in health considerations being made a central part of any discussions of clean up strategies and effective long-term monitoring of toxic waste sites. This bill will ensure that the remedy chosen by EPA better protects the millions of Americans who live around our nation's hazardous waste sites.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Health Protection Act of 1997".

SEC. 2. DEFINITIONS.

(a) GENERAL DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) ATSDR.—The term 'ATSDR' means the Agency for Toxic Substances and Disease Registry.".

(b) DEFINITIONS IN THE PUBLIC PARTICIPATION SECTION.—

(1) IN GENERAL.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) is amended—

(A) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(B) by inserting after the section heading the following:

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED COMMUNITY.—The term 'affected community' means a group of 2 or more individuals who may be affected by the release or threatened release of a hazardous substance, pollutant, or contaminant from a covered facility.

"(2) COVERED FACILITY.—The term 'covered facility' means a facility—

"(A) that has been listed or proposed for listing on the National Priorities List;

"(B) at which the Administrator is undertaking a removal action that it is anticipated will exceed—

"(i) in duration, 1 year; or

"(ii) in cost, the funding limit under section 104; or

"(C) with respect to which the Administrator of ATSDR has approved a petition requesting a health assessment or other related health activity under section 104(i)(6)(B).

"(3) WASTE SITE INFORMATION OFFICE.—The term 'waste site information office' means a waste site information office established under subsection (j).".

(2) CONFORMING AMENDMENTS.—

(A) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(i) in section 111(a)(5) (42 U.S.C. 9611), by striking "117(e)" and inserting "117(f)";

(ii) in section 113(k)(2)(B) (42 U.S.C. 9613)—

(I) in clause (iii), by striking "117(a)(2)" and inserting "117(b)(2)"; and

(II) in the third sentence, by striking "117(d)" and inserting "117(e)".

(B) Section 2705(e) of title 10, United States Code, is amended—

(i) by striking "117(e)" and inserting "117(f)"; and

(ii) by striking "(42 U.S.C. 9617(e))" and inserting "(42 U.S.C. 9617(f))".

SEC. 3. AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

(a) NOTICE TO HEALTH AUTHORITIES.—Section 104(b) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b)) is amended by adding at the end the following:

"(3) NOTICE TO HEALTH AUTHORITIES.—The President shall notify State, local, and tribal public health authorities whenever a release or a hazardous substance, pollutant, or contaminant has occurred, is occurring, or is about to occur, or there is a threat of such a release, and the release or threatened release is under investigation pursuant to this section.".

(b) AMENDMENTS RELATING TO ATSDR.—Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by striking "and appropriate State and local health officials" and inserting "the Indian Health Service, and appropriate State, tribal, and local health officials";

(B) in subparagraphs (A) and (C), by inserting "and Indian tribes" after "States"; and

(C) by striking the last sentence and inserting the following flush sentence: "In a public health emergency, exposed persons shall be eligible for referral to licensed or accredited health care providers.";

(2) in paragraph (3)—

(A) in the matter following subparagraph (C)—

(i) by striking the sentence beginning "The profiles required";

(ii) in the sentence beginning "The profiles prepared", by inserting before the period at the end the following: "and of substances not on the list, but that have been detected at covered facilities (within the meaning of section 117) and are determined by the Administrator of ATSDR to pose a significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances at such facilities.";

(iii) in the sentence beginning "Profiles required under", by striking ", but no less often" and all that follows through the period at the end and inserting "if the Administrator of ATSDR determines that there is significant new information."; and

(iv) in the last sentence, by inserting "and Indian tribes" after "States"; and

(B) by inserting after subparagraph (C) the following:

"(D) Evaluations of the cumulative effects (including synergistic effects) of other chemicals.";

(3) in paragraph (4)—

(A) in the first sentence, by striking "State officials" and inserting "State, tribal,"; and

(B) in the second sentence, by inserting "or Indian tribes" after "States";

(4) in paragraph (5)(A)—

(A) in the first sentence, by inserting "and the Indian Health Service" after "Public Health Service";

(B) in the second sentence, by inserting after "program of research" the following: "conducted directly or by such means as cooperative agreements and grants with appropriate public and nonprofit institutions. The program shall be"; and

(C) in the last sentence—

(i) in clause (iii), by striking "and" at the end;

(ii) by redesignating clause (iv) as clause (vi); and

(iii) by inserting after clause (iii) the following:

"(iv) laboratory and other studies that can lead to the development of innovative techniques for predicting organ-specific, tissue-specific, and system-specific acute and chronic toxicity associated with a covered facility; and

"(v) laboratory and other studies to determine the health effects of substances commonly found in combination with other substances, and the short, intermediate, and long-term cumulative health effects (including from synergistic impacts).";

(5) in paragraph (6)—

(A) by striking "(6)(A) The Administrator" and all that follows through the end of subparagraph (A) and inserting the following:

"(6) HEALTH ASSESSMENTS AND RELATED HEALTH ACTIVITIES.—

"(A) REQUIREMENTS.—The Administrator of ATSDR shall perform a health assessment or related health activity (including, as appropriate, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers or any other health activity authorized in this subsection) for each covered facility (as defined in section 117(a)).";

(B) in subparagraph (B)—

(i) in the first sentence, by inserting "or other health related activity" after "health assessments";

(ii) in the second sentence, by inserting "or other health related activity" after "health assessment"; and

(iii) in the third sentence—

(I) by inserting "or other health related activity" after "health assessment" the first place it appears; and

(II) by striking "a health assessment" the second place it appears and inserting "the requested activity";

(C) in subparagraph (C)—

(i) in the first sentence—

(I) by inserting "or other health related activity" after "health assessments"; and

(II) by striking "existing health assessment data" and inserting "data from existing health assessments or related activity"; and

(ii) in the second sentence, by inserting "or other health related activity" after "health assessments";

(D) in subparagraph (D), by adding at the end the following: "The President and the Administrator of ATSDR shall obtain and exchange facility characterization data and other information necessary to make a public health determination sufficiently before the completion of a remedial investigation and feasibility study to allow full consideration of the public health implications of a release, but in no circumstance shall the President delay the progress of a remedial action pending completion of a health assessment or other health related activity. When appropriate, the Administrator of ATSDR shall, in cooperation with State and local health officials, provide to the President recommendations for sampling environmental media. To the extent practicable, the President shall incorporate the recommendations into facility characterization activities.";

(E) in the first sentence of subparagraph (E), by striking "or political subdivision carrying out a health assessment" and inserting "Indian tribe, or political subdivision of a State carrying out a health assessment or related health activity";

(F) in subparagraph (F)—

(i) by striking "(F) For the purpose of health assessments" and inserting the following:

"(F) DEFINITION OF HEALTH ASSESSMENTS.—

"(i) IN GENERAL.—For the purpose of health assessments or related activity";

(ii) in the first sentence—

(I) by inserting "(including children and other highly susceptible or highly exposed populations)" after "human health";

(II) by striking "existence of potential" and inserting "past, present, or future potential";

(III) by striking "and the comparison" and inserting "the comparison"; and

(IV) by striking the period at the end and inserting "and the cumulative effects (including synergistic effects) of chemicals."; and

(iii) by striking the second sentence and inserting the following:

"(ii) PROVISION OF DATA.—The Administrator shall consider information provided by State, Indian tribe, and local health officials and the affected community (including a community advisory group, if 1 has been established under subsection (g)) as is necessary to perform a health assessment or other related health activity.";

(G) in the last sentence of subparagraph (G)—

(i) by striking "In using" and all that follows through "to be taken" and inserting "In performing health assessments"; and

(ii) by inserting before the period at the end the following: "and shall give special consideration, where appropriate, to any practices of the affected community that may result in increased exposure to hazardous substances, pollutants, or contaminants, such as subsistence hunting, fishing, and gathering"; and

(H) in subparagraph (H)—

(i) in the first sentence—

(I) by inserting "or other health related activity" after "health assessment"; and

(II) by striking "each affected State" and inserting "appropriate State, Indian tribe, and local health officials and community advisory groups and waste site information offices; and

(ii) in the second sentence, by inserting "or other health related activity" after "health assessment";

(7) in paragraph (7)—

(A) by striking "pilot" each place it appears;

(B) by inserting "or other related health activity" after "health assessment" each place it appears; and

(C) in subparagraph (A), by inserting "covered facilities" after the "individuals";

(8) in paragraph (10)—

(A) by striking "two years" and all that follows through "thereafter" and inserting "Every 2 years";

(B) by striking "and" at the end of subparagraph (D);

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(F) the health impacts on Indian tribes of hazardous substances, pollutants, and contaminants from covered facilities.";

(9) in paragraph (14)—

(A) by striking "distribute to the States, and upon request to medical colleges, physicians, and" and inserting the following: "distribute—

"(A) to the States and local health officials, and upon request to medical colleges, medical centers, physicians, nursing institutions, nurses, and";

(B) by striking "methods of diagnosis and treatment" and inserting "methods of prevention, diagnosis, and treatment";

(C) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(B) to the community potentially affected by a facility appropriate educational materials, facility-specific information, and other information on human health effects of hazardous substances using available community information networks, including, if appropriate, a community advisory group or a waste site information office established under section 117.";

(10) in the last sentence of paragraph (15), by striking "through cooperative" and all that follows through "which the Administrator" and inserting the following: "through grants to, or cooperative agreements or contracts with, States (or political subdivisions of States) or other appropriate public authorities or private nonprofit entities, public or private institutions, colleges or universities (including historically black colleges and universities), or professional associations that the Administrator"; and

(11) by adding at the end the following:

"(19) COMMUNITY HEALTH PROGRAMS.—When appropriate, using existing health clinics and health care delivery systems, the Administrator of ATSDR shall facilitate the provision of environmental health services (including testing, diagnosis, counseling, and community health education) in communities that—

"(A) may have been, or may be, subject to exposure to a hazardous substance, pollutant, or contaminant from a covered facility; and

"(B) have a medically underserved population (as defined in section 330(b) of the Public Health Service Act (42 U.S.C. 254b(b)) or lack sufficient expertise in environmental health.

"(20) PUBLIC HEALTH EDUCATION.—

"(A) IN GENERAL.—If the Administrator of ATSDR considers it appropriate, the Administrator of ATSDR, in cooperation with State, Indian tribe, and other interested Federal and local officials, shall conduct health education activities to make a community near a covered facility aware of the steps the community may take to mitigate or prevent exposure to hazardous substances and the health effects of hazardous substances.

"(B) ENVIRONMENTAL MEDICAL EXPERTS.—The health education activities may include providing access and referrals to environmental health experts.

"(C) DISSEMINATION.—In disseminating public health information under this paragraph relating to a covered facility, the Administrator of ATSDR shall use community health centers, area health education centers, or other community information networks, including a community advisory group, a technical assistance grant recipient, or a waste site information office established under section 117.".

(b) PUBLIC HEALTH RECOMMENDATIONS IN REMEDIAL ACTIONS.—Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(c)) is amended in the first sentence by inserting after "such remedial action" the second place it appears the following: ", including public health recommendations and decisions resulting from activities under section 104(i),".

(c) STUDY OF MULTIPLE SOURCES OF RISK.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry (referred to in this subsection as "ATSDR"), in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study relating to the identification, assessment, and management of, and response to, multiple sources of exposure affecting or potentially affecting a community.

(2) COMPONENTS.—In conducting the study, the Administrator of ATSDR may—

(A) examine various approaches to protect communities affected or potentially affected by multiple sources of exposure to hazardous substances; and

(B) include recommendations that the President may consider in developing an implementation plan to address the effects or potential effects of exposure at covered facilities (as defined in Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(a)).

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 1318. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOPTION PROMOTION AWARENESS ACT

Mr. ABRAHAM. Mr. President, I rise to urge my colleagues' support for the Adoption Promotion Awareness Act. This legislation will provide the means necessary to keep women fully informed concerning all their options regarding any unexpected pregnancy.

Mr. President, each year more than a million couples eagerly await the opportunity to adopt a child. Unfortunately, only 50,000 domestic, nonrelated adoptions occur each year. That means that only 5 percent of American couples willing and able to open their hearts and homes to a child who needs them are able to do so.

As a result, Mr. President, would-be parents often must wait several years for the opportunity to adopt a healthy child. For the anxious parents, the waiting seems to last an eternity. And their waiting is made even more tragic by the fact that only 4 percent of women in America choose adoption as an option for an unplanned pregnancy. We have hundreds of thousands of empty homes, waiting to welcome children who are never born.

There are many reasons for the sharp disparity between the relatively limited number of children available for adoption and the growing number of families anxiously waiting to adopt a child. Crucial is the fact that many women are not provided adequate information about adoption when they are making the crucial decision of how to deal with an unexpected pregnancy. Too few women are fully informed concerning the adoption option. If we could get the news out to these women that couples are waiting with open arms to welcome their children into a loving home, more would chose to have their babies and release them for adoption.

This is not mere speculation, Mr. President, it is supported by the facts. Michigan's private adoption agencies, for instance, report that 21 percent of the women seen for services decide to release their children for adoption. Studies have shown that women are more likely to choose adoption when clear, positive information is provided concerning that option.

We know that providing information to women on adoption as a choice can increase the number of adoptions that occur each year and decrease the number of abortions. I believe that this is an important goal. For this reason, I have introduced, along with my colleague, Senator LANDRIEU, legislation that authorizes an Adoption Awareness Promotion Program. This program will provide $25 million in grants to be used for adoption promotion activity. It will also require recipients to contribute $25 million of in-kind donations. The total amount going to adoption promotion will, therefore, be $50 million. This amount will allow for a thorough information campaign to take place—reaching women all over the country.

The legislation provides for grants to be used for public service announcements on prints, radio, TV, and billboards. Grants will also be provided for the development and distribution of brochures regarding adoption through federally funded title X clinics. These provisions will enable women to have accurate and clear information on adoption as an alternative when at a crucial point in their pregnancies. Further, the campaign will help to raise the level of awareness around the country about the importance of adoption.

Mr. President, I believe that each and every one of us, whether pro-life or pro-choice, should be working to reduce the number of abortions that occur each year. Indeed, I have often heard on this floor that abortion should be "safe, legal and rare." I take my colleagues at their word and urge them to join me in this voluntary information program; a program designed to inform women of all their choices regarding any unexpected pregnancy.

Too many women in America feel abandoned and helpless in the face of an unexpected pregnancy. The father of the child may have left, the woman's family and friends even may desert her. Even those who stay with her may simply pressure her to end an embarrassing and troublesome situation.

Too often, then, our women, in a vulnerable state, are left without full, unbiased information and guidance concerning their options. I think it is crucial in these circumstances that we keep these women fully informed of all their options—including the option of releasing their child into the arms of a welcoming couple, anxious to become loving parents.

If we truly are committed to making every child a wanted child, Mr. President, I believe it is our duty to see to it that pregnant women know that there are couples out their who would love to care for their children. It is time for us, as a nation, to make clear our commitment to truly full information for expectant mothers, information that includes the availability of safe, loving homes for their children.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1320. A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes; to the Committee on Veterans' Affairs.

THE PERSIAN GULF VETERANS ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today the Persian Gulf War Veterans Act of 1997, legislation which establishes a clear framework for the compensation and health care needs of Persian Gulf war veterans. This bill implements the recommendation of the Presidential Advisory Committee on Gulf War Veterans' Illnesses to create a permanent statutory authority for the compensation of ill gulf war veterans. It builds upon the system of scientific review and determinations for presumptive compensation that currently exists for veterans exposed to agent orange during the Vietnam war.

As ranking member of the Committee on Veterans' Affairs, I have witnessed firsthand the struggles of many of our Nation's gulf war veterans. The Persian Gulf war will undoubtedly go down in history as one of our country's most decisive military victories. Despite our fears of potentially huge troop injuries and losses, the careful planning and strategy of our military leaders paid off. The ground war lasted only four days, and the casualties we experienced, while deeply regrettable, were fortunately few. But as with any war, the human costs of the gulf war have been high, and the casualties have continued long after the battle was over.

Many of the men and women who served in the gulf have suffered chronic, debilitating health problems. Unnecessarily compounding their pain has been their difficulty in getting the government they served to acknowledge their problems and provide the appropriate care and benefits they deserve. This legislation will go a long way to address some of these concerns. We can't wait the 20 years we waited after the Vietnam war to assess the effects of agent orange, or the 40 years we waited after World War II to concede the problems of radiation-exposed veterans. We must learn from the lessons of the past and act now. We have already waited too long.

For the past 6 years, we have looked to the leaders of the Department of Defense and the Department of Veterans Affairs for a resolution of these difficult issues. While they have made some progress, I think we can all agree there is much more to be done. This legislation will require VA to enlist the National Academy of Sciences—an independent, nonprofit, scientific organization—to review and evaluate the research regarding links between illnesses and exposure to toxic agents and wartime hazards. Based on the findings of the NAS, VA will then determine whether a diagnosed or undiagnosed illness found to be associated with gulf war service warrants a presumption of service connection for compensation purposes. This will provide an ongoing scientific basis and nonpolitical framework for the VA to use in compensating Persian Gulf war veterans.

SUMMARY OF PROVISIONS

Mr. President, I will now highlight some of the provisions contained in this legislation.

First, this legislation calls for the Secretary of the Department of Veterans Affairs to contract with the National Academy of Sciences [NAS] to provide a scientific basis for determining the association between illnesses and exposures to environmental or wartime hazards as a result of service in the Persian Gulf. The NAS will review the scientific literature to assess health exposures during the gulf war and health problems among veterans, and report to Congress and the VA.

Second, this legislation authorizes VA to presume that diagnosed or undiagnosed illnesses that have a positive association with exposures to environmental or wartime hazards were incurred in or aggravated by service even if there was no evidence of the illness during service. Having that authority, VA will determine whether there is a sound medical and scientific basis to warrant a presumption of service connection for compensation for diagnosed or undiagnosed illnesses, based on NAS' report. Within 60 days of that determination, VA will publish proposed regulations to presumptively service connect these illnesses.

Third, this bill requires NAS to provide recommendations for additional research that should be conducted to better understand the possible adverse health effects of exposures to toxic agents or environmental or wartime hazards associated with gulf war service. The VA, in conjunction with the Department of Defense (DOD) and the Department of Health and Human Services [HHS], will review and act upon the recommendations for additional research and future studies.

Fourth, this legislation tasks NAS with assessing potential treatment models for the chronic undiagnosed illnesses that have affected so many of our gulf war veterans. They will make recommendations for additional studies to determine the most appropriate and scientifically sound treatments. VA and DOD will review this information and submit a report to Congress describing whether they will implement these treatment models and their rationale for their decisions.

Fifth, this legislation calls for the establishment of a system to monitor the health status of Persian Gulf war veterans. VA, in collaboration with DOD, will develop a plan to establish and operate a computerized information data set to collect information on the illnesses and health problems of gulf war veterans. This data base will also track the treatment provided to veterans with chronic undiagnosed illnesses to determine whether these veterans are getting sicker or better over time. VA and DOD will submit this plan for review and comment by NAS. After this review, VA and DOD will implement the agreed-upon plan and provide annual reports to Congress on the health status of Persian Gulf war veterans.

Finally, this legislation requires that VA, in consultation with DOD and HHS, carry out an ongoing outreach program to provide information to gulf war veterans. This information will include health risks, if any, from exposures during service in the gulf war theater of operations, and any services or benefits that are available.

DISCUSSION

After the war, DOD and VA acknowledged that they couldn't define what health problems were affecting Persian Gulf war veterans. Nonetheless, we did not want to make these veterans wait for the science to catch up before we could provide health care and compensation for their service-related conditions.

That is why, back in 1993, we provided Persian Gulf war veterans with priority health care at VA facilities for conditions related to their exposure to environmental hazards. Congress went on to pass legislation in 1994 that confirmed that VA could provide compensation to Persian Gulf war veterans who suffered from chronic undiagnosed illnesses. Prior to this authority, VA asserted that it could not compensate veterans whose health problems could not be diagnosed.

However, some gulf war veterans are falling between the cracks and still cannot receive compensation under current law. These veterans have been diagnosed with a condition several years after leaving service, such as chronic fatigue syndrome or migraines. Therefore, they are not eligible for compensation under VA's undiagnosed illness authority, nor are they eligible under the guidelines for diagnosed illnesses because the diagnosis was not made within the proscribed period following service. At the same time, these illnesses are due to unknown causes which could, someday, be tied to their gulf service. We cannot require veterans to wait for that day to arrive. This legislation will address this unfortunate catch-22 unwittingly created through previous legislation.

We will continue to retrace the steps and decisions that were made in deploying almost 697,000 men and women to the Persian Gulf in 1990. Hopefully, we will learn from the lessons of this war to prevent some of these same health problems in future deployments where our troops will again face the threat of an everchanging and increasingly toxic combat environment. But we also must address what our ill gulf war veterans need now. We need to provide a permanent statutory authority to compensate them. We need to be able to answer the questions of How many veterans are ill? and Are our ill veterans getting sicker over time?

Mr. President, this legislation targets these important issues. As Veterans' Day approaches, we prepare to honor those who offered to make the ultimate sacrifice for our country. Many of us will be called upon to make speeches in support of these brave men and women. I ask my colleagues in the Senate to join me now in supporting this legislation. Let us honor our gulf war veterans through our deeds—and not just our words—this Veterans' Day.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans Act of 1997".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following:

"§1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War

"(a)(1) For purposes of section 1110 of this title, and subject to section 1113 of this title, each illness (if any) described in paragraph (2) shall be considered to have been incurred in or aggravated by service referred to in that paragraph, notwithstanding that there is no record of evidence of such illness during the period of such service.

"(2) An illness referred to in paragraph (1) is any diagnosed or undiagnosed illness that—

"(A) the Secretary determines in regulations prescribed under this section to warrant a presumption of service connection by reason of having a positive association with exposure to a biological, chemical, or other toxic agent or environmental or wartime hazard known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; and

"(B) becomes manifest within the period (if any) prescribed in such regulations in a veteran who served on active duty in that theater of operations during that war and by reason of such service was exposed to such agent or hazard.

"(3) For purposes of this subsection, a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and has an illness described in paragraph (2) shall be presumed to have been exposed by reason of such service to the agent or hazard associated with the illness in the regulations prescribed under this section unless there is conclusive evidence to establish that the veteran was not exposed to the agent or hazard by reason of such service.

"(b)(1)(A) Whenever the Secretary makes a determination described in subparagraph (B), the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for the illness covered by that determination for purposes of this section.

"(B) A determination referred to in subparagraph (A) is a determination based on sound medical and scientific evidence that a positive association exists between—

"(i) the exposure of humans to a biological, chemical, or other toxic agent or environmental or wartime hazard known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War; and

"(ii) the occurrence of a diagnosed or undiagnosed illness in humans.

"(2)(A) In making determinations for purposes of paragraph (1), the Secretary shall take into account—

"(i) the reports submitted to the Secretary by the National Academy of Sciences under section 3 of the Persian Gulf War Veterans Act of 1997; and

"(ii) all other sound medical and scientific information and analyses available to the Secretary.

"(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

"(3) An association between the occurrence of an illness in humans and exposure to an agent or hazard shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Persian Gulf War Veterans Act of 1997, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness (if any) covered by the report.

"(B) If the Secretary determines that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

"(C)(i) If the Secretary determines that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

"(ii) If an illness already presumed to be service connected under this section is subject to a determination under clause (i), the Secretary shall, not later than 60 days after publication of the notice under that clause, issue proposed regulations removing the presumption of service connection for the illness.

"(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under paragraph (1), the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

"(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

"(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

"(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

"(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 3 of the Persian Gulf War Veterans Act of 1997.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1117 the following new item:

"1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War.".

(b) CONFORMING AMENDMENTS.—Section 1113 of title 38, United States Code, is amended—

(1) by striking out "or 1117" each place it appears and inserting in lieu thereof "1117, or 1118"; and

(2) in subsection (a), by striking out "or 1116" and inserting in lieu thereof ", 1116, or 1118".

(c) COMPENSATION FOR UNDIAGNOSED GULF WAR ILLNESSES.—Section 1117 of title 38, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Whenever the Secretary determines as a result of a determination under section 1118(c) of this title that a presumption of service connection for an undiagnosed illness (or combination of undiagnosed illnesses) is no longer warranted under this section—

"(A) a veteran who was awarded compensation under this section for such illness (or combination of illnesses) on the basis of the presumption shall continue to be entitled to receive compensation under this section on that basis; and

"(B) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the disease on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

"(2) This subsection shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 3 of the Persian Gulf War Veterans Act of 1997.".

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(b) AGREEMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section and sections 4(a)(6) and 5(d). The Secretary shall seek to enter into the agreement not later than two months after the date of enactment of this Act.

(c) IDENTIFICATION OF AGENTS AND ILLNESSES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall—

(A) identify the biological, chemical, or other toxic agents or environmental or wartime hazards to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service; and

(B) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) that are manifest in such members.

(2) In identifying illnesses under paragraph (1)(B), the Academy shall review and summarize the relevant scientific evidence regarding illnesses among the members described in paragraph (1)(B) and among other appropriate populations of individuals, including mortality, symptoms, and adverse reproductive health outcomes among such members and individuals.

(d) DETERMINATIONS OF ASSOCIATIONS BETWEEN AGENTS AND ILLNESSES.—(1) For each agent or hazard and illness identified under subsection (c), the National Academy of Sciences shall determine, to the extent that available scientific data permit meaningful determinations—

(A) whether a statistical association exists between exposure to the agent or hazard and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association;

(B) the increased risk of the illness among human populations exposed to the agent or hazard; and

(C) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent or hazard and the illness.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) REVIEW OF POTENTIAL TREATMENT MODELS FOR CERTAIN ILLNESSES.—Under the agreement under subsection (b), the National Academy of Sciences shall separately review, for each chronic undiagnosed illness identified under subsection (c)(1)(B) and for any chronic illness that the Academy determines to warrant the review, the available scientific data in order to identify empirically valid models of treatment for such illnesses which employ successful treatment modalities for populations with similar symptoms.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) and the data referred to in subsections (d), (e), and (f) that became available since the last review of such evidence and data under this section; and

(B) make its determinations on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(h) REPORTS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the committees and officials referred to in paragraph (4) periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be transmitted not later than 18 months after the date of enactment of this Act. That report shall include—

(A) the determinations and discussion referred to in subsection (d);

(B) the results of the review of models of treatment under subsection (e); and

(C) any recommendations of the Academy under subsection (f).

(3)(A) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(B) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the 2-year period preceding the date of such report.

(4) Reports under this subsection shall be submitted to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences submits the first report under subsection (h).

(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period set forth in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) If the Secretary enters into such an agreement with another organization, any reference in this section and in section 1118 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

SEC. 4. MONITORING OF HEALTH STATUS AND TREATMENT OF PERSIAN GULF WAR VETERANS.

(a) INFORMATION DATA BASE.—(1) The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, develop a plan for the establishment and operation of a single computerized information data base for the collection, storage, and analysis of information on—

(A) the diagnosed and undiagnosed illnesses suffered by current and former members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War; and

(B) the treatment provided such members for—

(i) any chronic undiagnosed illnesses; and

(ii) any chronic illnesses for which the National Academy of Sciences has identified a valid model of treatment pursuant to its review under section 3(e).

(2) The plan shall provide for the commencement of the operation of the data base not later than 18 months after the date of enactment of this Act.

(3) The Secretary shall ensure in the plan that the data base provides the capability of monitoring and analyzing information on—

(A) the illnesses covered by paragraph (1)(A);

(B) the treatments covered by paragraph (1)(B); and

(C) the efficacy of such treatments.

(4) In order to meet the requirement under paragraph (3), the plan shall ensure that the data base includes the following:

(i) Information in the Persian Gulf War Veterans Health Registry established under section 702 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note).

(ii) Information in the Comprehensive Clinical Evaluation Program for Veterans established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 1074 note).

(iii) Information derived from other examinations and treatment provided veterans who served in the Southwest Asia theater of operations during the Persian Gulf War.

(iv) Information derived from other examinations and treatment provided current members of the Armed Forces (including members on active duty and members of the reserve components) who served in that theater of operations during that war.

(v) Such other information as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(5) Not later than one year after the date of enactment of this Act, the Secretary shall submit the plan developed under paragraph (1) to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(D) The National Academy of Sciences.

(6)(A) The agreement under section 3 shall require the evaluation of the plan developed under paragraph (1) by the National Academy of Sciences. The Academy shall complete the evaluation of the plan not later than 90 days after the date of its submittal to the Academy under paragraph (5).

(B) Upon completion of the evaluation, the Academy shall submit a report on the evaluation to the committees and individuals referred to in subparagraphs (A) through (D) of paragraph (5).

(7) Not later than 90 days after receipt of the report under paragraph (6), the Secretary shall—

(A) modify the plan in light of the evaluation of the Academy in the report; and

(B) commence implementation of the plan as so modified.

(b) COMPILATION AND ANALYSIS OF INFORMATION IN DATABASE.—(1) The Secretary of Veterans Affairs shall compile and analyze, on an ongoing basis, all clinical data in the data base under subsection (a) that is likely to be scientifically useful in determining the association, if any, between the illnesses (including diagnosed illnesses and undiagnosed illnesses) of veterans covered by such data and exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(2) The Secretary of Defense shall compile and analyze, on an ongoing basis, all clinical data in the data base that is likely to be scientifically useful in determining the association, if any, between the illnesses (including diagnosed illnesses and undiagnosed illnesses) of current members of the Armed Forces (including members on active duty and members of the reserve components) and exposure to such agents or hazards.

(c) ANNUAL REPORT.—Not later than April 1 of each year after a year in which the Secretary of Veterans Affairs and the Secretary of Defense carry out activities under subsection (b), the Secretaries shall jointly submit to the designated congressional committees a report containing—

(1) with respect to the data compiled in accordance with subsection (b) during the preceding year—

(A) an analysis of the data;

(B) a discussion of the types, incidences, and prevalence of the disabilities and illnesses identified through such data;

(C) an explanation for the incidence and prevalence of such disabilities and illnesses;

(D) other reasonable explanations for the incidence and prevalence of such disabilities and illnesses; and

(E) an analysis of the scientific validity of drawing conclusions from the incidence and prevalence of such disabilities and illnesses, as evidenced by such data, about any association between such disabilities and illnesses, as the case may be, and exposure to a toxic agent or environmental or wartime hazard associated with Gulf War service; and

(2) with respect to the most current information received under section 3(h) regarding treatment models reviewed under section 3(e)—

(A) an analysis of the information;

(B) the results of any consultation between such Secretaries regarding the implementation of such treatment models in the health care systems of the Department of Veterans Affairs and the Department of Defense; and

(C) in the event either such Secretary determines not to implement such treatment models, an explanation for such determination.

SEC. 5. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Health and Human Services shall jointly carry out a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(b) PROGRAM REQUIREMENTS.—(1) Under the program under subsection (a), the Secretaries shall, pursuant to criteria prescribed pursuant to paragraph (2), jointly award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretaries shall jointly prescribe criteria for—

(A) the selection of entities to be awarded contracts or to receive financial assistance under the program; and

(B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) REPORT.—The Secretaries shall jointly report the results of studies conducted under the program to the designated congressional committees.

(d) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under the agreement entered into by the Secretary of Veterans Affairs and the National Academy of Sciences under section 3—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit any recommendations that the Academy considers appropriate regarding any studies reviewed for purposes of this subsection to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(D) The Secretary of Health and Human Services.

SEC. 6. OUTREACH.

(a) OUTREACH BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, carry out an ongoing program to provide veterans who served in the Southwest Asia theater of operations during the Persian Gulf War the information described in subsection (c).

(b) OUTREACH BY SECRETARY OF DEFENSE.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, carry out an ongoing program to provide current members of the Armed Forces (including members on active duty and members of the reserve components) who served in that theater of operations during that war the information described in subsection (c).

(c) COVERED INFORMATION.—Information under this subsection is information relating to—

(1) the health risks, if any, resulting from exposure to toxic agents or environmental or wartime hazards associated with Gulf War service; and

(2) any services or benefits available with respect to such health risks.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term "toxic agent or environmental or wartime hazard associated with Gulf War service" means a biological, chemical, or other toxic agent or environmental or wartime hazard that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "designated congressional committees" means the following:

(A) The Committees on Veterans' Affairs and Armed Services of the Senate.

(B) The Committees on Veterans' Affairs and National Security of the House of Representatives.

Mr. DASCHLE. Mr. President, several years ago, I authored legislation that today allows Vietnam veterans to receive disability compensation for their exposure to Agent Orange and other toxic herbicides. This legislation, known as the Agent Orange Act of 1991, called for the National Academy of Sciences to review scientific and medical information related to the health effects of exposure to Agent Orange. In addition, it provided permanent presumptions of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, chloracne, and any additional diseases the Secretary of Veterans Affairs, based on the Academy review and other relevant information, may determine to be associated with such exposure.

For more than a decade, many in Congress and the Department of Veterans Affairs [VA] debated whether there was a connection between exposure to Agent Orange and other toxic herbicides and the illnesses suffered by Vietnam veterans. There were allegations of bureaucratic attempts to thwart scientific investigations of the issue and alter, bury, or delay Government reports that did exist. Ultimately, independent scientific evidence and a long-term effort to uncover Government information convinced Congress to pass the Agent Orange Act of 1991.

With the help and guidance of Senator ROCKEFELLER and many others who cosponsored this legislation in the House and Senate, Vietnam veterans exposed to Agent Orange and other herbicides are beginning to receive the treatment and compensation they deserve. And, with the passage of additional legislation last year, approximately 2,800 children of Vietnam veterans whose exposure to Agent Orange has been linked to their children's diagnosis of spina bifida, a congenital defect in the spine, are now eligible for health care and related services from the VA.

Although we have made great strides to determine the cause of illnesses suffered by Vietnam veterans and their children and agreed to provide them with just compensation, we have yet to do the same for those men and women who served in the Persian Gulf war. When the first reports of gulf war illness emerged, several of us warned that we needed to be sure that we did not repeat the mistakes that were made with respect to Agent Orange. We needed to act quickly to ask all the appropriate questions and secure timely answers. Whatever our investigation might reveal, we needed to uncover the truth and act accordingly. Our Nation's veterans deserve no less.

Unfortunately, the effort to get to the truth has been undermined by actions painfully reminiscent of the Agent Orange experience. I am hopeful, though, that those actions are behind us and that we are now moving ahead with a single-minded commitment to the truth.

Countless studies have been conducted to determine whether there is a connection between a wide range of toxins as well as environmental and wartime hazards and the illnesses suffered by Persian Gulf war veterans and their families. Despite these efforts, the actual causes of Persian Gulf war illnesses remain unknown, and many veterans and their families continue to suffer.

Mr. President, it is time for Congress, the VA, the Department of Defense [DOD] and the Department of Health and Human Services [HHS] to step up their efforts to find the causes of Persian Gulf war illnesses. More importantly, we must provide veterans and their families with proper medical care and compensation regardless of whether we know the particular causes of their illnesses.

That is why I am proud to join my friend and colleague from West Virginia, Senator ROCKEFELLER, in introducing the Persian Gulf War Veterans Act of 1991. As ranking member of the Senate Veterans' Affairs Committee, Senator ROCKEFELLER has been a tireless advocate for all veterans. His commitment and dedication to improving the lives of veterans and their families is well known, and he and his staff on the Veterans' Affairs Committee deserve to be commended for their work in drafting this important legislation.

Since the Persian Gulf war ended in 1991, many veterans have been suffering from a variety of symptoms, including extreme fatigue, joint and muscle pain, short-term memory loss, diarrhea, unexplained rashes, night sweats, headaches, and bleeding gums. Many believe that these illnesses may be caused by exposure to a wide range of toxins as well as environmental and wartime hazards. Among the potentially hazardous substances to which United States servicemembers may have been exposed are smoke from oil-well fires set by retreating Iraqi soldiers; pesticides and repellents; depleted uranium used in munitions; infectious diseases; petroleum products; and vaccines to protect against chemical warfare agents.

U.S. servicemembers may have also been exposed to chemical warfare agents. For 5 years, the Pentagon had steadfastly insisted that no United States soldiers had been exposed to chemical weapons in Iraq. In June of last year, however, the Pentagon revealed that chemical munitions had been unknowingly destroyed near an ammunition dump at Khamisiyah in southern Iraq and that 20,000 United States troops may have been exposed. In July of this year, the Pentagon changed its assessment again and announced that nearly 100,000 U.S. servicemembers may have actually been exposed to trace levels of poisonous sarin gas.

Much like the Agent Orange Act of 1991, the Persian Gulf War Veterans Act of 1997 calls for the Department of Veterans Affairs to contract with the National Academy of Sciences to evaluate the available scientific evidence regarding associations between illnesses suffered by Persian Gulf war veterans and their exposure to toxins or environmental or wartime hazards. Specifically, the Academy would identify the biological, chemical, or other toxic agents or environmental or wartime hazards to which U.S. service members may have been exposed during the Persian Gulf war.

The National Academy of Sciences would be required to identify those diagnosed and undiagnosed illnesses among Persian Gulf war veterans. In addition, it would be responsible for reviewing potential treatment for chronic undiagnosed illnesses. As it did under the Agent Orange legislation, the Academy would also be authorized to make recommendations for additional scientific studies regarding the exposure that Persian Gulf war veterans may have had to toxic agents or environmental or wartime hazards.

Based upon the assessments of the National Academy of Sciences and any other relevant scientific and medical information, the Secretary of Veterans Affairs would then determine whether a presumption of service connection is warranted for various diagnosed or undiagnosed illnesses. The Secretary would provide compensation when there is a positive association between the illness and exposure to one or more toxic agents or environmental or wartime hazards during the Persian Gulf war. A positive association is regarded as one where credible evidence for the association is equal to or outweighs credible evidence against the association. Like the Agent Orange Act, this legislation provides for ongoing Academy reviews and puts a mechanism in place whereby the Secretary may provide compensation for additional illnesses as the scientific evidence warrants.

The bill Senator ROCKEFELLER and I are introducing today also requires the VA to collaborate with the Pentagon to operate a computerized database for the collection, storage, and analysis of information on the diagnosed and undiagnosed illnesses suffered by Persian Gulf war veterans. I should point out that the database would also include information on the treatment veterans receive for chronic undiagnosed illnesses. The VA would be required to continuously compile and analyze the information in this database that is likely to determine the association between the diagnosed and undiagnosed illnesses suffered by veterans and their exposure to toxic agents or environmental or wartime hazards during the Persian Gulf war.

In June, the General Accounting Office issued a report stating that, "although efforts have been made to diagnose veterans' problems and care had been provided to many eligible veterans, neither DOD nor VA has systematically attempted to determine whether ill Gulf War veterans are any better or worse today than when they were first examined." The database we are proposing would correct that deficiency. It would permit VA and DOD to determine whether Persian Gulf war veterans are getting better over time and whether they are responding to the treatment they are receiving.

The bill we are introducing today also calls for enhanced outreach to those who served in the Persian Gulf war. Specifically, it would require the VA to consult with DOD and HHS to create an ongoing program to provide information to veterans and their families. For example, they would receive information pertaining to the possible health risks to Persian Gulf war veterans who were exposed to toxic agents or environmental or wartime hazards. In addition, veterans would receive valuable information on any services or benefits available to them.

Mr. President, as I mentioned previously, we have made great strides to determine the cause of illnesses suffered by Vietnam veterans and their children and agreed to provide them with just compensation. We must now enhance our efforts to help those who served our country during the Persian Gulf war. Passage of this legislation is essential to providing answers to the many questions we have about the causes of Persian Gulf war illnesses. More importantly, it will ensure that our veterans are receiving proper medical care and the compensation they have earned. I again thank Senator ROCKEFELLER for his leadership on this issue and hope my colleagues will support this important legislation.

SENATE RESOLUTION 140—RELATIVE TO INTERNATIONAL SHIPPING

Mr. HELMS (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. BREAUX, Mr. HOLLINGS, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. Inouye) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 140

Whereas restrictive and discriminatory Japanese port practices have been a significant source of international concern for many years, have increased the cost of transporting goods to and from Japan for American consumers, and all ocean carriers and their customers, and have restricted United States carriers' operations in Japan while Japanese carriers have not faced similar restrictions in the United States.

Whereas for many years the Federal Maritime Commission, and the United States Departments of State and Transportation, have investigated and monitored these practices and urged the Japanese Government to remedy the problems caused by these restrictions; and

Whereas recent actions by the Federal Maritime Commission and negotiations conducted by the Departments of State and Transportation with the Government of Japan have reportedly produced agreements which would, when implemented, reform the Japanese port practices and remedy these problems: Now, therefore, be it

Resolved, That the Senate express strong support for—

(1) the efforts of the President and executive branch to achieve removal of Japanese port restrictions, and

(2) vigilant, continued monitoring and enforcement by the Federal Maritime Commission of changes in port practices promised by the Japanese Government that will benefit international trade.

Mr. HELMS. Mr. President, I, Senator FAIRCLOTH, Senator LOTT, Senator BREAUX, Senator HOLLINGS, Senator BROWNBACK, Senator INOUYE, AND Senator BINGAMAN, are introducing today a sense of the Senate resolution which commends the administration for its actions in attempting to end the Japanese blockade of American ships who wish to use Japanese port facilities. We are also urging the administration to remain firm and stand behind the Federal Maritime Commission in these negotiations with the Government of Japan.

This issue is a no-brainer. The Japanese are simply throwing up a blockade against American ships, who seek to dock at Japanese ports.

Mr. President, this protectionist stand has increased cost of shipping for the American consumer and all American ocean carriers and their customers. We simply will not tolerate that kind of treatment from Japan or any other trading partner.

The Federal Maritime Commission is to be commended for taking a tough stand toward the Japanese port authorities. We encourage the administration to stand squarely behind the Commission's efforts to achieve fairness for American ships, especially because we allow the Japanese open access to our ports.

There is the Biblical saying of "Do unto others as you would have them do unto you." The Japanese version is the complete reverse of that.

We accommodate Japanese shipping and we should expect no less of them.

Mr. President, I urge the Senate to swiftly adopt this resolution.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 943

At the request of Mr. SPECTER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 1096

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport."

S. 1299

At the request of Mr. HUTCHINSON, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. SESSIONS], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1299, a bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers.

S. 1306

At the request of Mr. INHOFE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1306, a bill to prohibit the conveyance of real property at Long Beach Naval Station, California, to China Ocean Shipping Company.

AMENDMENTS SUBMITTED

THE ECONOMIC GROWTH DIVIDEND PROTECTION ACT OF 1997

ABRAHAM AMENDMENT NO. 1524

(Ordered referred jointly to the Committee on the Budget and to the Committee on Governmental Affairs.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 800) to create a tax cut reserve fund to protect revenues generated by economic growth; as follows:

On page 2, strike lines 6 through 13 and insert the following:

"(1) ESTIMATE.—OMB shall, for any amount by which revenues for a budget year and any outyears through fiscal year 2002 exceed the revenue target absent growth, estimate the excess (less any unexpected excess receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, the Federal Hospital Insurance Trust Fund established by section 1817 of the Social Security Act, and the Highway Trust Fund) and include such estimate as a separate entry in the report prepared pursuant to subsection (d) at the same time as the OMB sequestration preview report is issued.

On page 3, strike lines 18 and 19 and insert the following: "be considered to be in order for purposes of the Congressional Budget Act of 1974.".

THE PRODUCT LIABILITY REFORM ACT OF 1997 BIOMATERIALS ACCESS ASSURANCE ACT OF 1997

ROCKEFELLER AMENDMENT NO. 1525

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill (S. 648) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Product Liability Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Definitions.
Sec. 102. Applicability; preemption.
Sec. 103. Liability rules applicable to product sellers, renters, and lessors.
Sec. 104. Defense based on claimant's use of alcohol or drugs.
Sec. 105. Misuse or alteration.
Sec. 106. Statute of limitations.
Sec. 107. Statute of repose for durable goods used in a workplace.
Sec. 108. Transitional provision relating to extension of period for bringing certain actions.
Sec. 109. Alternative dispute resolution procedures.
Sec. 110. Offers of judgment.
Sec. 111. Uniform standards for award of punitive damages.
Sec. 112. Liability for certain claims relating to death.
Sec. 113. Workers' compensation subrogation.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

[TO BE SUPPLIED]

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 301. Federal cause of action precluded.
Sec. 302. Effective date.

SEC. 2. PURPOSES.

Based upon the powers contained in clause 3 of section 8 of article I of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) providing for reasonable standards concerning, and limits on, punitive damages over and above the actual damages suffered by a claimant;

(3) ensuring the fair allocation of liability in product liability actions;

(4) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harm both plaintiffs and defendants;

(5) establishing greater fairness, rationality, and predictability in product liability actions; and

(6) providing fair and expeditious judicial procedures that are necessary to complement and effectuate the legal principles established by this Act.

TITLE I—PRODUCT LIABILITY REFORM

SEC. 101. DEFINITIONS.

In this title:

(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" includes any beverage in liquid form that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLAIMANT'S BENEFITS.—The term "claimant's benefits" means the amount paid to an employee as workers' compensation benefits.

(4) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy that standard is more than that required under a preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(5) COMMERCIAL LOSS.—The term "commercial loss" means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by the Uniform Commercial Code or analogous State commercial or contract law.

(6) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic loss.

(7) DRAM-SHOP.—The term "dram-shop" means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(8) DURABLE GOOD.—The term "durable good" means any product, or any component of any such product, which—

(A)(i) has a normal life expectancy of 3 or more years; or

(ii) is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986; and

(B) is—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(9) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(10) HARM.—The term "harm"—

(A) means any physical injury, illness, disease, death, or damage to property caused by a product; and

(B) does not include commercial loss.

(11) INSURER.—The term "insurer" means the employer of a claimant if the employer is self-insured or if the employer is not self-insured, the workers' compensation insurer of the employer.

(12) MANUFACTURER.—The term "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who—

(i) designs or formulates the product (or component part of the product); or

(ii) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) which holds itself out as a manufacturer to the user of the product.

(13) NONECONOMIC LOSS.—The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(14) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(15) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term "product" does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(16) PRODUCT LIABILITY ACTION.—The term "product liability action" means a civil action brought on any theory for harm caused by a product.

(17) PRODUCT SELLER.—

(A) IN GENERAL.—The term "product seller" means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term "product seller" does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(18) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded against any person or entity to punish or deter that person or entity, or others, from engaging in similar behavior in the future.

(19) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

(20) TOBACCO PRODUCT.—The term "tobacco product" means—

(A) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(B) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(C) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

(D) pipe tobacco;

(E) loose rolling tobacco and papers used to contain that tobacco;

(F) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

(G) any other form of tobacco intended for human consumption.

SEC. 102. APPLICABILITY; PREEMPTION.

(a) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2) and title II, this title governs any product liability action brought in any Federal or State court on any theory for harm caused by a product.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable commercial or contract law.

(B) ACTIONS FOR NEGLIGENT ENTRUSTMENT; NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION; DRAM-SHOP.—

(i) NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(ii) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.—A civil action brought under a theory of negligence per se concerning the use of a firearm or ammunition shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(iii) DRAM-SHOP.—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or provision of an alcoholic beverage to an intoxicated individual or an individual who has not attained the age of 21 shall not be subject to the provisions of this title, but shall be subject to any applicable Federal or State law.

(C) ACTIONS INVOLVING HARM CAUSED BY A TOBACCO PRODUCT.—A civil action brought for harm caused by a tobacco product shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(D) ACTIONS INVOLVING HARM CAUSED BY A BREAST IMPLANT.—

(i) IMPLANT DEFINED.—As used in this subparagraph, the term "implant" has the same meaning as in section   .

(ii) EXCLUSION.—A civil action brought for harm caused by a breast implant shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to a matter covered by this title. Any matter that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

SEC. 103. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this title, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 101(17)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 104. DEFENSE BASED ON CLAIMANT'S USE OF ALCOHOL OR DRUGS.

(a) GENERAL RULE.—In any product liability action that is subject to this title, it shall be a complete defense to a claim made by a claimant, if that claimant—

(1) was intoxicated or was under the influence of alcohol or any drug when the accident or other event which resulted in that claimant's harm occurred; and

(2) as a result of the influence of the alcohol or drug, was more than 50 percent responsible for that harm.

(b) CONSTRUCTION.—For purposes of subsection (a)—

(1) the determination of whether a person was intoxicated or was under the influence of alcohol or any drug shall be made pursuant to applicable State law; and

(2) the term "drug" means any controlled substance as defined in the Controlled Substances Act (21 U.S.C. 802(6)) that was not legally prescribed for use by the claimant or that was taken by the claimant other than in accordance with the terms of a lawfully issued prescription.

SEC. 105. MISUSE OR ALTERATION.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this title, the damages for which a defendant is otherwise liable under Federal or State law shall be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the claimant's harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, a defendant's express warnings or instructions if the warnings or instructions are adequate as determined pursuant to applicable Federal or State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For purposes of this title, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) WORKPLACE INJURY.—Notwithstanding subsection (a), and except as otherwise provided in section 113, the damages for which a defendant is otherwise liable under State law shall not be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of the product by the claimant's employer or any coemployee who is immune from suit by the claimant pursuant to the State law applicable to workplace injuries.

SEC. 106. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Except as provided in subsection (b) and subject to section 107, a product liability action that is subject to this title may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered, the harm that is the subject of the action and the cause of the harm.

(b) EXCEPTIONS.—

(1) PERSON WITH A LEGAL DISABILITY.—A person with a legal disability (as determined under applicable law) may file a product liability action that is subject to this title not later than 2 years after the date on which the person ceases to have the legal disability.

(2) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this title is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

SEC. 107. STATUTE OF REPOSE FOR DURABLE GOODS USED IN A WORKPLACE.

(a) IN GENERAL.—

(1) APPLICABLE PERIOD.—Except as provided in subsections (b) and (c), no product liability action that is subject to this title concerning a durable good described in paragraph (2) may be filed after the 18-year period beginning at the time of delivery of the product to the first purchaser or lessee.

(2) DURABLE GOODS DESCRIBED.—A durable good described in this section is a durable good that is—

(A) used in a workplace; and

(B) alleged to have caused harm (other than toxic harm) that is covered under an applicable State workers' compensation law.

(b) APPLICABILITY OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a product liability action that is subject to this title and that concerns a durable good described in subsection (a)(2) may be filed during the applicable period prescribed in section 106 (including any applicable period prescribed under the exceptions under subsection (b) of that section) if the condition under paragraph (2) is met.

(2) CONDITION.—Paragraph (1) shall apply with respect to a claimant in an action described in that paragraph if that claimant discovers the harm that is the subject of the action during the 18-year period beginning on the date of the delivery of the product to the first purchaser or lessee.

(c) GENERAL EXCEPTIONS.—

(1) IN GENERAL.—A motor vehicle, vessel, aircraft, or train, that is used primarily to transport passengers for hire, shall not be subject to this section.

(2) CERTAIN EXPRESS WARRANTIES.—Subsection (a) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety or life expectancy of the specific product involved which was longer than 18 years, except that such subsection shall apply at the expiration of that warranty.

(3) AVIATION LIMITATIONS PERIOD.—Subsection (a) does not affect the limitations period established by the General Aviation Revitalization Act of 1994 (49 U.S.C. 40101 note).

SEC. 108. TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.

If any provision of section 106 or 107 shortens the period during which a product liability action could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding sections 106 and 107, bring the product liability action not later than 1 year after the date of enactment of this Act, except that nothing in this section shall affect the application of section 107(b).

SEC. 109. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) NOTIFICATION REQUIREMENT.—In any case in which an applicable State law provides for an alternative dispute resolution procedure, each defendant in a product liability action that is subject to this title shall, not later than 10 days before the applicable date specified for service of an offer under subsection (b), notify the claimant to inform the claimant of the applicability of that State law.

(b) Service of Offer.—A claimant or a defendant in a product liability action that is subject to this title may serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which that action is maintained, not later than 60 days after the later of—

(1) service of the initial complaint; or

(2) the expiration of the applicable period for a responsive pleading.

(c) Written Notice of Acceptance or Rejection.—Except as provided in subsection (d), not later than 20 days after the service of an offer to proceed under subsection (b), an offeree shall file a written notice of acceptance or rejection of the offer.

(d) Extension.—

(1) In general.—The court may, upon motion by an offeree made prior to the expiration of the 20-day period specified in subsection (c), extend the period for filing a written notice under such subsection for a period of not more than 60 days after the date of expiration of the period specified in subsection (c).

(2) Permitted discovery.—Discovery may be permitted during the period described in paragraph (1).

SEC. 110. OFFERS OF JUDGMENT.

(a) Offers of Judgment by Claimants.—Any claimant in a product liability action that is subject to this title may, at any time after filing the complaint for that action, serve an offer of judgment to be entered against a defendant for a specified dollar amount as complete satisfaction of the claim.

(b) Offers of Judgment by Defendants.—A defendant in an action referred to in subsection (a) may, during the period described in that subsection, serve an offer of judgment to be entered against that defendant for a specified dollar amount as complete satisfaction of a claim referred to in that subsection.

(c) Response Period.—Subject to subsection (d), the period for response to an offer of judgment under this section shall be the later of—

(1) the date that is 30 days after the date of the receipt of the offer; or

(2) the date of expiration of any otherwise applicable period for response.

(d) Extension of Response Period.—

(1) In general.—The court may extend the period for response to an offer of judgment under subsection (c) on a motion made by an offeree.

(2) Requirements for motion.—Any motion made by an offeree under paragraph (1) shall be accompanied by an affidavit that—

(A) sets forth the reasons why the extension requested in the motion is necessary; and

(B) includes a statement that the information that is likely to be discovered during the period of the extension referred to in subparagraph (A) is—

(i) material; and

(ii) not, after reasonable inquiry, otherwise available to that offeree.

(e) Penalty to Defendants for Rejection of Offer.—

(1) Modification of judgment.—The court may modify a judgment against a defendant under paragraph (2) if—

(A) a defendant, as an offeree, does not serve on the claimant a written notification of acceptance of an offer of judgment served by the claimant in accordance with this section—

(i) during the applicable period for response referred to in subsection (c); or

(ii) in any case in which the responsive pleading of the defendant contains a motion to dismiss, not later than 30 days after the date on which the court denies that motion to dismiss; and

(B) the unadjusted final judgment against the defendant includes damages (including any compensatory, punitive, exemplary, or other damages) in an amount greater than the amount specified by the claimant in the offer of judgment.

(2) Amount of modification.—The court may make a modification under paragraph (1) to provide for an increase of the civil penalties assessed against that defendant in an amount not to exceed the lesser of—

(A) $50,000; or

(B) the difference between—

(i) the amount of the unadjusted judgment; and

(ii) the amount of the offer of judgment made by the claimant.

(f) Penalty to Claimants for Rejection of Offer.—

(1) Modification of judgment.—The court may modify a judgment against a defendant in accordance with paragraph (2), if—

(A) a claimant, as an offeree, does not serve on the defendant a written notice of acceptance of an offer of judgment served by that defendant in accordance with this section during the applicable period for response referred to in subsection (c); and

(B) the unadjusted final judgment against that defendant includes damages (including any compensatory, punitive, exemplary, or other damages) in an amount less than the amount specified by that defendant in the offer of judgment.

(2) Amount of modification.—The court may make a modification under paragraph (1) to provide for a decrease of the civil penalties assessed against that defendant in an amount not to exceed the lesser of—

(A) $50,000; or

(B)(i) the difference between—

(I) the amount of the unadjusted judgment; and

(II) the amount of the offer of judgment made by the defendant; reduced by

(ii) a reasonable attorney's fee.

(3) Claimant not prevailing party.—In any case in which the claimant is not the prevailing party, the refusal of the claimant to accept an offer of judgment shall not result in the payment of a penalty under this subsection.

(g) Evidence of Offer.—An offer of judgment that is not accepted by the offeree by the applicable date for response specified in this section—

(1) shall be considered to have been withdrawn; and

(2) except in a proceeding to determine reasonable attorney's fees and costs, shall not be admissible as evidence in an action brought under this title.

SEC. 111. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) General Rule.—To the extent punitive damages are permitted by applicable State law, punitive damages may be awarded against a defendant in any product liability action that is subject to this title if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others.

(b) Special Rule.—

(1) In general.—Subject to subsection (c), in any action described in subsection (a) against a person or entity described in paragraph (2), an award of punitive damages shall not exceed the lesser of—

(A) 2 times the amount of compensatory damages awarded; or

(B) $250,000.

(2) Persons and entities described.—

(A) In general.—A person or entity described in this paragraph is—

(i) an individual whose net worth does not exceed $500,000; or

(ii) an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has—

(I) annual revenues of less than or equal to $5,000,000; and

(II) fewer than 25 full-time employees.

(B) Annual revenues and employees.—For the purpose of determining the applicability of this subsection to a corporation, the calculation of—

(i) the annual revenues of that corporation shall include the annual revenues of any parent corporation (or other subsidiary of the parent corporation), subsidiary, branch, division, department, or unit of that corporation; and

(ii) the number of employees of that corporation shall include the number of employees of any parent corporation (or other subsidiary of the parent corporation), subsidiary, branch, division, department, or unit of that corporation.

(c) Bifurcation at Request of any Party.—

(1) In general.—At the request of any party, the trier of fact in any action that is subject to this section shall consider in a separate proceeding, held subsequent to the determination of the amount of compensatory damages, whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) Inadmissibility of evidence relative only to a claim of punitive damages in a proceeding concerning compensatory damages.—If any party requests a separate proceeding under paragraph (1), in a proceeding to determine whether the claimant may be awarded compensatory damages, any evidence, argument, or contention that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

SEC. 112. LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.

(a) In General.—Subject to subsection (b), a defendant may be liable for damages that are only punitive in nature without regard to section 111 in any product liability action that is subject to this title—

(1) in which the alleged harm to the claimant is death; and

(2) that is subject to an applicable State law that, as of the date of enactment of this Act, provides, or is construed to provide, for damages that are only punitive in nature.

(b) Limitation.—Subsection (a) shall apply to an action that meets the requirements of paragraphs (1) and (2) of that subsection only during such period as the State law provides, or is construed to provide, for damages that are only punitive in nature.

(c) Sunset.—This section shall cease to be effective on September 1, 1998.

SEC. 113. WORKERS' COMPENSATION SUBROGATION.

(a) General Rule.—

(1) Right of subrogation.—

(A) In general.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this title.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this title, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of that harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN NOTIFICATION.—Except as provided in subparagraph (C), an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without written notification to the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this title, the manufacturer or product seller attempts to persuade the trier of fact that the harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the insurer.

(B) RIGHTS OF INSURER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an insurer shall, in the same manner as any party in the action (even if the insurer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is submitted to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 301. .FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 302. EFFECTIVE DATE.

This Act shall apply with respect to any action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before that date of enactment.

ADDITIONAL STATEMENTS

THE NOMINATION OF PETER SCHER TO BE SPECIAL TRADE AMBASSADOR FOR AGRICULTURE

• Mr. FEINGOLD. Mr. President, I want to make a few brief comments regarding the nomination of Mr. Peter Scher to be the Special Trade Ambassador for Agriculture which the Senate approved yesterday. I am pleased to report that the Senate Foreign Relations Committee, on which I serve, considered the nomination of Mr. Scher and favorably reported his nomination last month.

I met with Mr. Scher following his confirmation hearing before the Senate Foreign Relations Committee to discuss with him the problems Wisconsin's agricultural sector has had with our existing trade agreements such as the Uruguay Round of GATT and the North American Free Trade Agreement. I urged Mr. Scher, in his new position, to work diligently to ensure that our trading partners are complying with their agricultural trade obligations established by these agreements.

Specifically, I asked Mr. Scher and the USTR to accept a Section 301 petition filed by the dairy industry asking USTR to challenge the Canadian export pricing scheme before the World Trade Organization. Canada's dairy export subsidies violate the export subsidy reduction commitments under the Uruguay Round. These subsidies disadvantage the U.S. dairy industry in its efforts to compete in world markets. I also pointed out that Canada also has effectively prohibited our dairy industry from exporting products to lucrative Canadian markets. Not only must USTR aggressively pursue WTO dispute settlement proceedings against Canadian export subsidies, but it must also seek greater access for U.S. dairy products to Canadian markets, among others, in any upcoming trade negotiations.

I am pleased that late last month U.S. Trade Representative Barshefsky agreed to pursue formal WTO dispute resolution proceedings challenging the Canadian dairy export subsidy scheme as well as European Union violations of the dairy provisions of the Uruguay Round. I appreciate the cooperation of Mr. Scher and Ambassador Barshefsky on this important matter.

I also raised with Mr. Scher the problems the U.S. potato industry has had with respect to access to both Canadian and Mexican markets. I urged him to pursue negotiations with the Canadians to allow greater access of U.S. potatoes to their domestic markets and to aggressively seek accelerated reduction in Mexican tariffs for U.S. potatoes, a commitment made to potato growers when NAFTA was approved. Mr. Scher assured me that potatoes would be among the commodities to be considered in upcoming negotiations with Mexico.

I believe Mr. Scher has a fundamental understanding of both the importance of trade to agriculture generally and of the complex trade problems the U.S dairy industry faces regarding compliance with existing trade agreements. For that reason, I have supported the approval of his nomination. But I expect USTR, with Mr. Scher acting as Ambassador, to aggressively pursue the resolution of the critical issues facing our domestic dairy and potato sectors. I will continue to work with USTR to resolve these issues and will hold Mr. Scher to his commitment that USTR will use all existing tools to ensure compliance with existing trade agreements and to pursue greater access for agriculture to international markets.

I continue to have serious reservations about U.S. efforts to begin new trade negotiations until the problems with our current bilateral and multilateral agreements are successfully resolved. Wisconsin is home to 24,000 dairy farmers, 140 cheese processing plants and many other businesses associated with milk production and processing. Dairy contributes some $4 billion in income to Wisconsin's economy and provides 130,000 jobs. Wisconsin is also the fifth largest potato producing state with a large chip and french fry processing sector. Overall, Wisconsin ranks tenth in the nation in farm numbers and ninth nationally with respect to market value of agricultural products sold.

Wisconsin's farmers and food processing industry could greatly benefit by gaining a greater share of international markets. However, for that to happen, our trade agreements must not only be fair, they must be enforceable. To date, our trade agreements have not only failed to provide significant benefits for many agricultural sectors, including dairy, they have placed some sectors at a distinct disadvantage. I will look at all future trade agreement proposals with an eye to these issues and make decisions on those proposals based, in part, on how they treat Wisconsin farmers.•

TRIBUTE TO LEE H. CLARK

• Mr. ABRAHAM. Mr. President, I rise today to pay homage to a man of great character, commitment, and integrity.

Lee H. Clark has dedicated his life to public service. Beginning at the tender age of eighteen, Lee entered the United States Navy in 1943 where he served honorably for three years. After his commitment to the Navy, Lee entered college where he threw himself into academics, gaining a Master's degree in business from the University of Michigan. Following his education, Lee returned home and started his own business. Soon after, with his company flourishing, Lee's interest in the political process was sparked after serving as a precinct delegate in 1956. Lee entered into the political realm with the same determination and vigor that he displayed throughout his entire life and four years later ran for Congress. Although his bid for office was unsuccessful, Lee's desire for public service was unabated and he began a long, meritorious career in service to the State of Michigan.

Michigan has been greatly affected by Lee's energetic guidance and leadership. In the intervening years between 1956 and the present, Lee has been a driving force for the Republican Party. From community elections to those elections national in scope, Lee always offered great wisdom and foresight. Throughout his life, Lee has shown tremendous concern for his fellow citizens and was always a willing volunteer for any task. I am proud to have had the chance to work beside him.

Mr. President, I am extremely honored to have this opportunity to thank him for his many years of service and friendship. He is a very dear friend and my thoughts and prayers go out to him, his wife Nancy, and the rest of his family.•

TRIBUTE TO WESTERN COVENTRY SCHOOL, 1997 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

• Mr. REED. Mr. President, I rise today to recognize the achievement of Western Coventry School of Coventry, Rhode Island, which was honored earlier this year as a U.S. Department of Education Blue Ribbon School.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, many of the very best public and private schools in the nation are identified as deserving of this honor. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. At the Western Coventry School, a kindergarten through sixth grade school, parent-teacher cooperation, through an award winning Parent Teacher Association (PTA), has helped to improve the quality of education. The school has instituted a mentoring program for at-risk youth and has made concerted efforts to ensure that students with special needs receive the assistance they require. In addition, teachers have taken an aggressive role in developing new approaches to teaching reading and math.

Mr. President, Western Coventry School is dedicated to the highest standards. It is a school committed to a process of continuous improvement with a focus on high student achievement. Most importantly, Western Coventry recognizes the value of the larger community and seeks its support and involvement. This school and community are making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in every school to help all students succeed. I am proud to say that in Rhode Island we can look to a school like the Western Coventry School. Under the leadership of its principal, Barry Ricci, its capable faculty, and its involved parents, Western Coventry School will continue to be a shining example for years to come.•

HOW NOT TO BUILD CONFIDENCE IN GOVERNMENT STATISTICS

• Mr. MOYNIHAN. Mr. President, on October 16, following the release of monthly price data by the Bureau of Labor Statistics [BLS], the Social Security Administration announced a 2.1-percent cost of living adjustment [COLA] for Social Security and other Government programs. Yet a week earlier, the Social Security Administration circulated a table which indicated that the benefit increase would be 2.7 percent.

How could this happen? Simple. The Administration, as I have noted on numerous occasions, insisted on using an outdated economic forecast so as to obscure the fact that the budget was approaching balance in fiscal year 1997 in the absence of a budget agreement. While that budget legislation was pending in Congress last summer, it was feared that if the economic outlook was too favorable, pressure for the budget bills would decrease and agreement would not be reached. And so the Social Security Actuaries had no recourse other than to use the official forecast when presenting data on the actuarial status of the trust funds.

Here is why the numbers were, to put it mildly, misleading. The Administration notes that its midsession budget review—released almost 2 months late on September 5—is based on economic projections finalized in early June. But even by then it should have been clear what was happening to prices. By early June 1997, data for 8 months of the benefit computation period, August 1996–April 1997, indicated that, on an annual basis, CPI–W had increased by 2.4 percent. To increase by 2.7 percent for the full year would require, on an annual basis, a 3.2-percent increase in CPI–W for the remaining 4 months, April 1997–August 1997, of the computation period. Put another way the Administration was predicting a one-third increase in the inflation rate. Yet, on an annual basis, CPI–W increased by only 1.5 percent during these 4 months. That is, the inflation rate actually declined by almost 40 percent.

In short, by the spring it should have been clear that the benefit increase would be less than 2.7 percent. And by late summer it was virtually certain that the increase would be 2.0 to 2.2 percent, but nowhere near 2.7 percent.

What does this mean to the average beneficiary now receiving a monthly benefit of $749? Instead of a $20 monthly benefit increase—2.7 percent of $749—the benefit increase will be about $16. Fortunately, few if any Members of Congress rushed out in early October and announced to constituents, based on the Administration's estimates, that they would receive an expected 2.7-percent benefit increase.

The Advisory Commission to Study the Consumer Price Index—the Boskin Commission—concluded that the Consumer Price Index [CPI] overstates changes in the cost of living by about 1.1 percentage points. And many other researchers concur with the findings of the Boskin Commission. The American Association of Retired Persons [AARP], and others, have argued that the only way to keep politics out of the process is to let the BLS do it. Such critics should be mindful that accurate statistics include timely and accurate projections. By late September or early

October of each year Social Security beneficiaries should be able to rely on their Government to provide reliable projections of upcoming benefit increases.

Mr. President, I ask that a table prepared by the Social Security Administration, Office of the Actuary, on October 7, 1997, be printed in the RECORD.

The table follows:

TABLE 1.—ECONOMIC ASSUMPTIONS UNDERLYING THE MID-SESSION REVIEW OF THE PRESIDENT'S FISCAL YEAR 1998 BUDGET

[In percent]

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Change in real GDP	2.4	3.5	2.0	2.0	2.1	2.4	2.4	2.4	2.4	2.4	2.4	2.4
Civilian unemployment rate	5.4	5.0	5.2	5.4	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5
Change in average annual CPI	2.9	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Change in average covered wage	4.3	4.6	3.2	3.8	3.9	3.7	3.6	3.8	3.8	3.8	3.9	3.9
Real wage differential	1.4	2.0	0.7	1.2	1.4	1.2	1.1	1.3	1.3	1.3	1.4	1.4
Benefit increase	2.9	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Average annual interest rate	6.6	6.7	6.1	5.7	5.6	5.4	5.4	5.4	5.4	5.4	5.4	5.4

Note: Social Security Administration, Office of the Chief Actuary, October 7, 1997.●

WORKING MOTHER'S 100 BEST COMPANIES FOR WORKING MOTHERS

● Ms. MOSELEY-BRAUN. Mr. President, yesterday afternoon, I attended the White House Conference on Child Care. Business, labor, and religious leaders will be sharing their strategies and successes for improving and expanding child care opportunities. This afternoon's discussion is entitled "learning from what works."

In government, we can do no better than to look to the private and nonprofit businesses and organizations in our communities to learn what works. With today's focus on child care issues, I commend to my colleagues, this month's issue of Working Mother Magazine, and it's 12th annual survey of the 100 best companies for working mothers.

The companies included on the 100 best list are ones that provide working mothers with exceptional opportunities to contribute to the company's success, and to care for their families. Working Mother Magazine measures companies based on five criteria: pay, opportunities to advance, child care, flexibility, and other family friendly benefits.

The 100 best companies have made a commitment to strengthening families and communities. At the same time, these companies are strengthening their bottom line. In order for our Nation to remain globally competitive in the 21st century, we must utilize all of the talents of all of our people. Working mothers have talents and abilities our country cannot afford to be without. The 100 best companies are utilizing creative, effective solutions to the problems working mothers face as they try to balance career and family concerns. By doing so, these companies profit as mothers are able to focus more energy and attention on their work.

Making jobs work for women and their families is what these companies are all about. I am especially proud that 7 of the companies on the 100 best list are based in my home State of Illinois. Each of the Illinois companies has taken steps to recognize the talents of working mothers, and to help them help their families. Among other accomplishments,

Allstate Insurance Co. recently opened a $3 million child care center in Northbrook, IL, that not only provides child care at the company's headquarters, but also offers full day kindergarten and holiday, vacation, and backup care;

Amoco Corp. provides elder and child care referral services that were used by over 6,000 employees last year, and provides reimbursements for child care expenses accrued due to travel or overtime;

Leo Burnett Co., Inc., continues to promote working mothers to executive positions. Today, the president and the chief creative officer are women;

Fel-Pro, Inc., offers family friendly programs ranging from an 8-week summer camp to a $1,000 savings bond for newborns. Fel-Pro has been included in the 100 best list since its inception years ago;

First Chicago NBD Corp. has been improving on their already impressive array of services with financial support for adoptions, and benefits for part-time employees;

Motorola, Inc., according to the magazine, "remains the corporate leader in providing subsidized child care for employees' kids";

Northern Trust Corp. has doubled the number of employees working at home in the past year; and

Sara Lee Corp. has a commitment to helping working mothers advance. Today, its general counsel, chief financial officer and treasurer, among others, are female.

This list includes some of the most successful companies in the country, including the largest advertising firm in the country, and one of the Nation's oil companies. What each of these seven corporations has shown is that both companies and children benefit from policies that take not only the employee, but her whole family into account. Working mothers are an important asset to the Nation's employers. Strong families are an important asset to us all.

I urge my colleagues to read this month's issue of Working Mother Magazine so that we can learn from industry leaders—we all benefit from policies that support working families.●

THE IMPORTANCE OF RENEWABLE FUELS

● Mr. HARKIN. Mr. President, just this week, we in the U.S. Senate have been confronted with two strong reminders of the importance of renewable fuels to this country. This emerging industry, potentially lucrative for American farmers and agribusiness, can help solve two key problems that we face: the impact of greenhouse gases on the global climate, and the growing dependency of the American economy on the import of foreign petroleum products.

On Wednesday, President Clinton, announced the U.S. position with respect to the climate change treaty to be negotiated in Kyoto in December. Under his instructions, American negotiators will seek to fashion an agreement that will commit, on an equitable basis, the nations of the world to reducing emissions of greenhouse gases over the next several decades. If implemented, our ability to meet such goals will depend greatly on the development and adoption of new technologies which are more energy efficient. The President's proposal to provide tax incentives for more energy efficient technology should be important in spurring such development efforts. Renewable fuel technologies, especially those derived from agricultural products, will be a crucial component of such activities. Many forms, such as the energy that will be produced from the switchgrass project underway in Centerville, IA, offer the added benefit of actually withdrawing carbon from the atmosphere. Expansion of production of renewable fuels also increases income for the farm sector, and creates new jobs. In keeping with a key theme voiced at the recent White House Conference on Climate Change, with renewable fuels we can do well by doing good, for American agriculture and the whole country.

If that were not enough, Mr. President, Tuesday's announcement by the Commerce Department that record oil imports caused our merchandise trade deficit to increase in August gives added urgency to the promotion of renewable fuels. It is clear that even if no treaty on climate change comes out of Kyoto, our dependence on oil imports still looms on the horizon. The share of imports in U.S. oil consumption has been climbing steadily over the last few years, and the Energy Information Administration of the Department of Energy projects that the share could reach 75 percent within the next 10–15 years. Increased production and use of renewable sources of energy could help to stem that tide, and reduce our need to rely on energy sourced in large part from a politically unstable region of the world.

During this session of Congress, we can begin to respond to these events in at least one concrete way, by passing into law the proposed extension of the ethanol tax credit to the year 2007. I urge my colleagues to seize this opportunity now to show our confidence in agriculture's ability to make a positive contribution in these areas by producing renewable energy for American consumers to use.●

MEASURE READ THE FIRST TIME—SENATE JOINT RESOLUTION 37

Mr. LOTT. Mr. President, I understand that Senate Joint Resolution 37, which was introduced earlier today by Senator JEFFORDS, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER (Mr. FRIST). The clerk will read the joint resolution for the first time by title.

The assistant legislative clerk read as follows.

A joint resolution (S.J. Res. 37) to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees.

Mr. LOTT. I now ask for its second reading and would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—H.R. 2646

Mr. LOTT. Mr. President, I understand that H.R. 2646 has arrived from the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time by title.

The assistant legislative clerk read as follows.

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. LOTT. I now ask for its second reading and object to my own request on behalf of the other side of the aisle, Mr. President.

The PRESIDING OFFICER. Objection is heard.

DAVID B. CHAMPAGNE POST OFFICE BUILDING

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2013.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A bill (H.R. 2013) to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, RI, as the "David B. Champagne Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2013) was passed.

ORDERS FOR MONDAY, OCTOBER 27, 1997

Mr. LOTT. Now, Mr. President I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, October 27. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until the hour of 1:30 p.m. with Senators permitted to speak for up to 10 minutes each with the exception of the following: Senator THOMAS for 30 minutes, Senator FEINSTEIN for 30 minutes, and Senator DORGAN for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. As I just indicated, on Monday I hope the Senate will be able to take final action on the Federal Reserve Board nominees. We may still give some additional time to consideration of the pending highway bill. It is our intent to have the Interior appropriations conference report voted on following the vote on Judge Marbley at 5 o'clock. Also, the Senate could be asked to consider Amtrak reform legislation in conjunction with the strike legislation.

Under a previous order, at 5 o'clock, we will conduct the one rollcall vote on Judge Marbley. Then it could be followed by as many as three other votes, and we will have to determine that during the day Monday. But a minimum of one and possibly a maximum of five votes.

Another cloture motion was filed today, of course, on the highway bill, and that vote would occur on Tuesday.

DISAPPROVING PRESIDENT'S VETO OF CERTAIN PROJECTS IN THE MILITARY CONSTRUCTION APPROPRIATIONS ACT

Mr. BYRD. Mr. President, before the distinguished majority leader yields the floor, will he allow me to inquire, is he in a position to say when the Senate will take up the resolution reported from the Senate Appropriations Committee on yesterday disapproving the acts of the President in vetoing certain projects in the fiscal year 1998 Military Construction Appropriations Act?

Mr. LOTT. Mr. President, if I could respond to the distinguished Senator from West Virginia, I would need to consult further with Senator STEVENS, the chairman of the Appropriations Committee, and the Senator from West Virginia. But if they would agree, I think we should look for a time on Tuesday or Wednesday to take that matter up, because we are not sure exactly what will be our final days in session this year but it could be just the next 2 weeks. So I would like to go ahead and take this up at the earliest possible time.

I yield the floor.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:08 p.m., adjourned until Monday, October 27, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 24, 1997:

DEPARTMENT OF ENERGY

CURT HEBERT, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999, VICE ELIZABETH ANNE MOLER.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM R. FERRIS, OF MISSISSIPPI, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE SHELDON HACKNEY, RESIGNED.

THE JUDICIARY

L. PAIGE MARVEL, OF MARYLAND, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER SHE TAKES OFFICE, VICE LAWRENCE A. WRIGHT, RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN P. JUMPER, 7457.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. FRANK B. CAMPBELL, 9031.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID W. MCILVOY, 0022.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LANSFORD E. TRAPP, JR., 7799.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. DAVID J. MCCLOUD, 2670.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. PATRICK K. GAMBLE, 2878.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE U.S. OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. HOWARD L. GOODWIN, 3547.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. DAVID R. BOCKEL, 3146.
BRIG. GEN. JAMES G. BROWDER, JR., 1364.
BRIG. GEN. MELVIN R. JOHNSON, 3385.
BRIG. GEN. J. CRAIG LARSON, 1659.
BRIG. GEN. RODNEY D. RUDDOCK, 9485.

To be brigadier general

COL. CELIA L. ADOLPHI, 1255.
COL. DONNA F. BARBISH, 2133.
COL. EMILE P. BATAILLE, 3318.
COL. JOEL G. BLANCHETTE, 9014.
COL. GEORGE F. BOWMAN, 9374.
COL. GARY R. DILALLO, 1920.
COL. DOUGLAS O. DOLLAR, 9730.
COL. RUSSELL A. EGGERS, 7764.
COL. SAM E. GIBSON, 7099.
COL. FRED S. HADDAD, 5653.
COL. KAROL A. KENNEDY, 8598.
COL. DENNIS E. KLEIN, 0720.
COL. DUANE L. MAY, 3910.
COL. ROBERT S. SILVERTHORN, JR., 7380.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. WILLIAM J. FALLON, 0304.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 24, 1997, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF ENERGY

CURT HERBERT, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999, VICE ELIZABETH ANNE MOLER, WHICH WAS SENT TO THE SENATE ON OCTOBER 23, 1997.

EXTENSIONS OF REMARKS

TRIBUTE TO MICHAEL VECCHIO

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to commend the efforts of Michael Vecchio and his crusade to bring an all war monument to Flemington, NJ. Currently on the main street of Flemington, there exists a Civil War monument. Dedicated 107 years ago, the monument honors Flemington's Civil War dead. However, Mr. Vecchio, a naval officer during the Vietnam war, noticed that Flemington needed a monument dedicated to those residents of Flemington who died in service of their country in the other great conflicts of this century.

Mr. Vecchio, chairman of the Hunterdon County Veterans Memorial Committee, proposed an upgrade to the already existing Civil War monument, adding a stone walkway and a granite wall around the statue. His efforts have paid off. Dedication ceremonies for the new monument took place on Sunday, September 14.

Mr. Vecchio, like many of us, realizes the importance of remembering fallen patriots from past conflicts. The Korean Memorial, which recently opened in Washington, shows our Nation's ongoing commitment to remembering our veterans. Also, through efforts like Mr. Vecchio's, we will never forget those still lost as POW/MIA's.

Again, I would like to congratulate Mike Vecchio for his campaign to help us remember our war heroes and thank him for his selfless commitment to veterans across our Nation.

TRIBUTE TO THE LATE DR. ANNE CAMPBELL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BEREUTER. Mr. Speaker, on Saturday, October 18, Nebraska lost a great education leader when Dr. Anne Campbell passed away. There certainly is no need to exaggerate about the tremendous accomplishments of Dr. Campbell in the field of education or about the wonderful person she was. Her leadership on education matters will have a very positive and lasting effect on countless Nebraskans and indeed people throughout our Nation. Her legacy is the kind that enriches our civilization.

This Member frequently called upon Dr. Campbell over the years for her advice on education and in choosing among applicants for our service academies. If sound and farsighted advice on educational issues was needed, this Member thought first of Dr. Campbell. She will be sorely missed by the great number of us who had the good fortune to have her friendship and by all who benefited from her leadership role in education. It is no surprise that Nebraska Governor E. Benjamin Nelson ordered State flags to fly at half-mast as a final tribute to Dr. Anne Campbell.

The following article from the October 20, 1997, Lincoln Journal Star lists her numerous accomplishments and career highlights.

[From the Lincoln Journal Star, Oct. 20, 1997]

NEBRASKA'S "GRAND LADY OF EDUCATION" DEAD AT 79

(By J. Christopher Hain)

One of the pillars of Nebraska education, M. Anne Campbell, Ph.D., died in Lincoln Saturday at the age of 79.

Campbell was a former Nebraska commissioner of education and is the namesake of Campbell Elementary School at North 21st and Superior streets in Lincoln.

She had been suffering from colon cancer and had been in and out of the hospital several times since April, said her husband Leonard Campbell.

Former U.S. Sen. J. James Exon, who was governor of Nebraska when Campbell became state commissioner of education, said "the educational systems in Nebraska have lost an outstanding and stellar person."

"People instinctively liked her and her approach to education," Exon said. "You could sense her dedication to the cause of education."

Campbell began her career as Madison County superintendent of schools from 1955 to 1963. During that time, she earned a master's degree from Wayne State College. She worked for two years as director of professional services and lobbyist for the Nebraska State Education Association.

In 1965, she began work as an administrative assistant for government services at Lincoln Public Schools. Her duties included lobbying the Legislature and seeking and administering federal funds. During her time at LPS, she worked behind the scenes on development of Nebraska's educational service unit system and the state's technical community colleges.

In 1969, she received a doctoral degree from the University of Nebraska. She worked for two years as director of public affairs for the university.

In 1974, Campbell became state commissioner of education. During her tenure, she served as an influential member of the National Commission on Excellence in Education. The commission's landmark report, "A Nation At Risk," helped to focus the nation's attention on the condition of its schools. She retired in 1982.

She was former national president of the PTA and former president of the Council of Chief State School Officers, the American Association of University Women and the Easter Seal Society of Nebraska.

Campbell served as chairman of the Governor's Committee on the status of Women. She was a member of the committee that selected teacher Christa McAuliffe as the first private citizen to ride in a space shuttle.

Joe Lutjeharms, who worked under Campbell and succeeded her as commissioner of education, said it was her kindness that made her a successful educator.

"She was a very, very great people person," he said. "When you win friends, you influence people."

Lutjeharms said Campbell worked to ensure that education efforts were always directed toward kids. "She was the grand lady of education in Nebraska."

TRIBUTE TO DR. ROBERT JACKSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recall the life of Dr. Robert Jackson of Toledo, OH, a rare and outstanding citizen, a man of letters. In special tribute to his life and work, he will be remembered in a memorial service in Toledo on September 6, 1997. Our dear friend, Bob, died to this life on July 30, 1997 at age 88.

Bob Jackson was a generous and gifted human being, a genuine brother to us all, a confidante, a soulmate. He relished being a trusted political advisor to many including myself. He understood that community involvement requires commitment. Perhaps it was this sense of civic responsibility which prompted him—at age 85—to be the precinct captain for his neighborhood and work hard to get out the vote. He loved politics and he loved being a Democrat. He pondered the endless possibilities presented to each of us as Americans. He mused always with piercing humor about our body politics, its greatness and its foibles.

A voracious reader and devoted educator, Bob Jackson was elected to the Toledo Board of Education and had retired from the mathematics department of the University of Toledo. An Arkansas native, Bob graduated from the University of Oregon, was a Rhodes Scholar at Oxford University, and earned his Ph.D. in mathematics from Harvard University. A complicated man with a boundless sense of humor, he also was a retired naval officer along with being a proud member of the ACLU. While his education and social position could have taken him to elite surroundings, he used his considerable talent to teach youth at Scott High School in Toledo.

Bob and his wife, Agnes, together pursued commitments to causes dear to their hearts, especially to help those whose voices in the public weal were weak. They advocated on behalf of family planning initiatives for which they labored in order that mothers and fathers and children would have a better chance at successful family life, childhood, and adulthood. Even after Agnes' passing, Bob carried on their work. In poignant tribute to his wife, Bob created a living testament to her while at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the same time dedicating himself to their mutual love of nature and of neighborhood: he created the Agnes Reynolds Jackson Arboretum, a truly splendid yet tranquil garden setting adjacent to what was their home in an area of grand old homes in the central city. The arboretum is a place to find true beauty and peace, and now stands as a most fitting memorial to both Agnes and Bob, their love for each other and their lives of service.

When his friends and family gather to memorialize Bob Jackson—and remember Agnes as well—we will do so in that arboretum. As we share stories and remembrances, together we will recall and enjoy the legacies left by two who lived spirited lives dedicated to others. How we will miss him as we miss her and know we are privileged to have considered them friends.

JITCH WALSH TRIBUTE IN CAYUGA COUNTY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. WALSH. Mr. Speaker, I want to pay tribute today to a family with the same last name as mine, though I am not directly related and cannot claim to know firsthand the entire history of their local fame. I, like many central New Yorkers in the Auburn and Cayuga County area, know the Walsh family of which I speak because of Mr. Thomas "Jitch" Walsh.

On October 7, 1997, Jitch Walsh Day was held at the original site of the family hot dog stand in Emerson Park on Owasco Lake. Auburn, for those who do not know, is blessed by its location in the Finger Lakes, close to several of the lakes and accustomed to these lakes for summertime leisure activities. It was at this hot dog stand, Jitch's and his wife Ellie's stand, that at 1940's-era generation of Cayuga County residents watched softball games, went to carnivals and otherwise wiled away the hot and humid mid-year months.

Jitch's unusual nickname, by the way, is a childhood moniker which has stuck over all these years. When friends and elders are nicknamed "Hip 'O Hay," "Joker" and "Pearshape," something like "Jitch" didn't sound so odd.

One of Jitch's nephews is John Walsh, who stars on the television show "America's Most Wanted." Jitch's and Ellie's own son, Thommie, is a very successful choreographer and director who has won three Tony awards. Their daughter, Barbara, is a banker in Syracuse. But the fame of the Walsh clan in Auburn centers more on Jitch's father, T.J., "the mayor of Market Street" and his mother Loretta. Not to mention their connection to Ellie's father, Ross Cosentino, and her mother Rose.

The nickname comes from the word "jits," which in Italian slang is said to mean someone who borrows small change constantly, as Jitch did when he was a young teen who wanted to buy a bag of peanuts at the softball games at the Y-Field. When he and his wife Ellie open their hot dog stand in the park in 1952, it naturally became Jitch's Stand—and a local legend was born.

As a gathering place, Jitch's Stand was a sensation, selling over 2,000 pounds of hog dogs a week. The popularity of the spot, and the spirit of local customers, is evidenced by the reunions. In 1980 Jitch Reunion Days drew 700 people; in 1986, more than 1,000.

And of course this year's Jitch Walsh Day was a huge success as well. In my family we respect family tradition—as does the Walsh family in Auburn. I am very proud to be able to express these sentiments today, and thank my colleagues for joining me in recognizing this important social milestone for many of my constituents.

HAPPY 60TH ANNIVERSARY ST. DEMETRIOS GREEK ORTHODOX CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BARCIA. Mr. Speaker, any student of history knows that one of the strongest nations to offer leadership to the world in the development of civilization, culture, philosophy, and science is the nation of Greece. And it is equally no secret to any student to religion that one of the strongest faiths known to us is that offered by the Greek Orthodox Church. This Saturday, the Greek Orthodox Church, St. Demetrios, in Saginaw, MI, is celebrating its 60th anniversary of providing a place of worship, solitude, and support for its many members.

Just as the structures of ancient Greece provide us today with a moving reminder of the strength of that great era, St. Demetrios church provides a guidepost for its parishioners, including many of Greek heritage. For nearly 100 years people of Greek descent have been an important part of the Saginaw community. Since the mid 1920's, there have been services in the Greek Orthodox faith within the community. The growing population in the area resulted in the founding of St. Demetrios Greek Orthodox church in 1937, with Rev. George Stathis as the first established priest.

The many activities throughout the history of the church are a wonderful lesson in faith and culture. A Greek language school was held in Saginaw and Bay City for many years. Young men visited Greece, and returned to St. Demetrios with their brides. A Greek war relief fund was established, with the grade school children dressing in native Greek costumes to help solicit contributions to help families in Greece who were ravaged by World War II.

A wonderfully detailed history of the church reports of the many proud moments of its history, its growth, its concerns, and its challenges. The church was destroyed by fire and rebuilt in 1950. A new church was built in 1969. A classroom wing for Sunday school and Greek school was dedicated in 1982. The Hellenic center was built in 1991. And through each of these efforts, the most important component of St. Demetrios—its dedicated and supportive members—was the key to its continued success and endurance. The women of the church have seen their role elevated from individuals of support and devotion to that of leadership with three women becoming members of the parish council in 1995—Soula Economou, president; Mary Kookootsedes, secretary, and Elaine Rapanos, treasurer.

Mr. Speaker, as this place of holiness celebrates its 60th anniversary, I invite you and all of our colleagues to join me in wishing Rev. Mark Emroll, the pastor, and all members of St. Demetrios, a very happy anniversary, with best wishes for many more to come.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. POMBO. Mr. Chairman, I rise in support of H.R. 1534 and compliment my colleague, Mr. GALLEGLY, on bringing this long overdue legislation to the floor today. H.R. 1534 will greatly increase the ability of landowners in this country to protect their basic civil and constitutional rights. The fifth amendment of the U.S. Constitution guarantees that no private property shall be taken for a public use without the payment of just compensation. We have seen an increasing disregard by various levels of government for this fundamental civil right.

As chairman of the ESA Task Force of the Committee on Resources in the 104th Congress, I held hearings around the country on how the Endangered Species Act has impacted private property owners. The task force found that our Government often declares private property to be habitat for various species, with little if any concern about how that impacts the legal right of the landowners. We tried to address this problem by setting up a system of administrative appeals and arbitration to insure that landowners are promptly and fairly compensated when the needs of wildlife are placed above the needs of individual landowners. The response by the Government and environmental groups was that we should simply let the courts resolve these problems.

The Environmental Defense Fund, the National Audubon Society, the National Wildlife Federation, the Natural Resources Defense Council, the Sierra Club. These are the groups leading the opposition to H.R. 1534. Have any of these groups ever professed their faith in the abilities of local officials to make land use decisions? No. In fact, they have always taken the exact opposite position, that Federal environmental programs like the Endangered Species Act, the Clean Water Act, and Superfund have to be run in Washington. In their eyes, local officials are not capable of protecting the health and environment of the areas they represent.

Why the sudden change of heart? Why are these environmental groups and their supporters in Congress now posing as champions of States' rights and local decision-making? Because they don't want individual property owners to have fifth amendment rights protected. The existing system of expensive and time-consuming delays serves their purpose—allowing them to control land use without having to consider the right of property owners.

The Natural Resources Defense Council opposes H.R. 1534 out of fear that it could lead to more Federal lawsuits, burdening the Federal courts. Since when have they been concerned about flooding the courts, except when it is their own right to flood the courts. Who has abused the Federal court process more than the environmental movement? Why should we listen to their pleas to stop property owners from asserting their constitutional rights in Federal court when they have spent the last 30 years trying to expand their own access to Federal courts?

The argument is intended to confuse and distract from the real issue at hand—that the constitutional rights of property owners across America are being eroded by expanding land use regulations imposed by all levels of government. H.R. 1534 doesn't attack local government—they are already required to follow the Constitution.

H.R. 1534 is a procedural bill—it simply helps people with Federal claims that are already in Federal court to get a hearing on the facts of their case without having to wait 10 years for the privilege. Opponents of H.R. 1534 like the obstacles and hurdles that keep people from having access to courts to defend their fifth amendment rights because they know if the delay is long enough, the small property owners cannot afford to fight them anymore. This is wrong. Vote for H.R. 1534 and support the rights of property owners. Everyone should be treated equally under the Constitution, even property owners.

ABOLISH THE IMF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAUL. Mr. Speaker, it has recently come to my attention that William E. Simon has publicly called for the Congress to reject the Clinton proposal to approve $3.5 billion in new funding for the International Monetary Fund (IMF). He points out that the IMF was established over 50 years ago as an institution to maintain the Bretton Woods system of stable exchange rates that the world rejected in the early 1970's. The IMF has a poor track record. "All of the major currency and banking crises of the last five years have occurred under conditions of heightened surveillance by the IMF," according to Gregory Fossedal, a leading expert on the subject. George Schultz, the former Secretary of State and of the Treasury, has also called for the IMF's elimination. Wisely, the House of Representatives did not include any new appropriation for the IMF. It is hoped that the conference committee will act as prudently.

Mr. Simon, the former Secretary of the Treasury and the current president of the Olin Foundation, authored in today's issue of the Wall Street Journal an incisive article on the subject that I would like to include in the RECORD. This article clearly explains why the IMF "may actually promote crises, because governments often resist sound economic and financial policies * * * because they know that the IMF will be there to bail them out in the event of a crisis." We should add that the IMF will be bailing them out with U.S. taxpayers' money if the conference committee fails to follow the sound judgment of the House and reject any additional IMF funding.

[From the Wall Street Journal, Oct. 23, 1997]

ABOLISH THE IMF

(By William E. Simon)

The Clinton administration is asking Congress to approve $3.5 billion in additional funding this year for the International Monetary Fund. Congress should not only reject this proposal, but also take the long overdue step of ending all future funding for the IMF. As a practical matter, the institution cannot continue to exist without the participation of the most powerful nation in the world. By withdrawing its funding, then, the U.S. can take a leadership role in putting this outdated organization out of business.

The IMF is ineffective, unnecessary and obsolete. It was established after World War II, together with the World Bank, to promote trade and development in an international economy that had been torn apart by two decades of depression and war. In the system of fixed exchange rates established by the Bretton Woods agreements, the IMF's purpose was to provide short-term loans to countries experiencing temporary problems with their balances of payments. This was an important function during the period following the war, and the IMF generally performed it quite well.

But this function became obsolete in the early 1970's when the world abandoned the Bretton Woods system in favor of the current system, in which currency values are set by the market. Instead of going out of business as that new system matured, the bureaucrats at the IMF invented a new function for themselves—namely, to provide so-called structural adjustment loans to countries that are, for various reasons, deeply in debt. These loans are granted on the condition that the recipient countries take steps to reduce their debt, often by increasing taxes and reducing government spending. This mission, of course, was never contemplated in the IMF's original charter; indeed, these structural adjustment loans look very much like the development loans that are supposedly under the purview of the World Bank.

Many critics of the IMF point out that these loans have been quite ineffective in preventing currency crises and in promoting stable economic growth in developing countries. Quite the contrary, as these critics say, the IMF may actually promote crises, because governments often resist sound economic and financial policies (which may be unpopular) because they know that the IMF will be there to bail them out in the event of a crisis. As Gregory Fossedal, a leading expert on the IMF, has pointed out, "All of the major currency and banking crises of the last five years have occurred under conditions of heightened surveillance by the IMF." These include the crises in Mexico in 1994, in Africa in 1995 and in Thailand, Korea and Malaysia in 1997. The IMF, with the help of the U.S., has now bailed Mexico out four times since 1976, and it will no doubt do so again and again unless the IMF is put out of business once and for all.

Because the IMF has no legitimate function in our present system of floating exchange rates, we can eliminate it, and safely rely on private institutions, operating in the context of a free market, to provide liquidity and capital for developing nations, just as they do for the industrial nations.

As a former secretary of the Treasury, I do not lightly call for the elimination of a financial institution that has been in operation for more than 50 years, and that served a pivotal role in the international economy in the period following World War II. It is obvious, however, that the IMF no longer serves a constructive role in the world economy, and has not done so since the 1970s. We should therefore have the courage to close it down—and the most effective way to accomplish this goal would be to withdraw U.S. funding.

A few years ago, such a call to end the IMF would have been attacked on all sides as an extreme and highly controversial recommendation. But today a growing number of respected observers agree that the organization is no longer needed. George Shultz, the esteemed former secretary of state and of the Treasury, has recently called for the elimination of the IMF. In a 1995 lecture before members of the American Economic Association, Mr. Shultz observed that "the IMF has more money than mission." As a consequence, he said, we should "merge this outmoded institution with the World Bank, and create a charter for the new organization that encourages emphasis on private contributions to economic development." This would make a great deal of practical sense.

The House and Senate now have a golden opportunity to force the long overdue elimination of the IMF. There is no longer any reason to burden taxpayers with the expenses of this outdated institution.

INTRODUCING LEGISLATION FOR THE CONGRESSIONAL GOLD MEDAL FOR WILMA G. RUDOLPH

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. KILPATRICK. Mr. Speaker, I rise today to proudly introduce a bill that will confer a Congressional Gold Medal to Wilma G. Rudolph. I was honored and proud to chair a hearing yesterday, organized by the Congressional Caucus for Women's Issues, on the 25th Anniversary of Title IX. Title IX provides for the equal funding of educational and athletic programs, and has provided for much of the breakthrough for women and girls in academics and athletics. I can think of no better person, male or female, who better embodies the spirit of Title IX than Wilma Rudolph. As a matter of fact, the date of Title IX's enactment into law—June 23—is Wilma Rudolph's date of birth. We explored where we were, where we are, and where we need to go regarding Title IX at yesterday's hearing of the Congressional Caucus of Women's issues. However, this conversation would be moot if not for the stellar achievements and contributions to academics, business, and athletics, of Wilma Rudolph.

Wilma G. Rudolph, born the 20th of 22 children, was initially never given a chance to walk or resume a "normal" life. Through the hard work of her parents, she overcame scarlet fever, polio and pneumonia to become an athletic pioneer and champion in her home State of Tennessee in basketball and track. As a high school athlete, Wilma Rudolph once scored 49 points in a single game for Burt High school in Clarksville, TN, a record that still stands for the most points scored in a single game in the State of Tennessee. In her first major track meet, the national Amateur Athletic Union championships in 1956, Wilma placed first in the 300 yard dash, second in the 100 yard dash, and fourth in the 75 yard dash. Despite suffering from a severe ankle sprain, she was the first woman to win not one, but three gold medals in a single Olympiad. Her gold medals were in the 100 meter dash, the 200 meter dash, and the 400 meter relay at the 1960 Olympics.

Wilma Rudolph was not one, however, to rest upon the laurels that the celebrity of winning Olympic gold medals brought to her. Upon her return to Clarksville, TN, in 1960 Wilma Rudolph demanded, and received, the first integrated parade in the city of Clarksville. She continued her education, graduating from Tennessee State University. She became a successful businessperson, coach, teacher, and mother. The effort and example of Wilma Rudolph helped to blaze the trail that resulted in Title IX today. The opportunities of Title IX has allowed for lucrative careers in business for women, and the opportunity for women to enjoy, like men, to be able to afford the life as a professional athlete. Although Wilma Rudolph passed away on November 12, 1994, her legacy continues to inspire men and women, able-bodied and physically challenged, to overcome odds. Her life truly embodies the American values of hard work, determination, and love of humanity. I am honored that so many of my colleagues, through their co-sponsorship of this bill, recognize the broad talents and contributions of my heroine and friend, Wilma G. Rudolph.

Original co-sponsors of the bill are Representatives Rod Blagojevich, Earl Blumenauer, Minority Whip David Bonior, Walter H. Capps, Julia Carson, Donna Christian-Green, Bob Clement, James E. Clyburn, John Conyers, Jr., Danny K. Davis, Rosa DeLauro, Ronald V. Dellums, Eni F.H. Faleomavaega, Bob Filner, Harold E. Ford, Jr., Barney Frank, Martin Frost, Bart Gordon, Earl F. Hilliard, Jesse L. Jackson, Jr., Sheila Jackson-Lee, Zoe Lofgren, William L. Jenkins, Eddie Bernice Johnson, Tom Lantos, Cynthia McKinney, Carrie Meek, Robert Menendez, Juanita Millender-McDonald, Patsy T. Mink, James L. Oberstar, Glenn Poshard, Lynn Rivers, Bobby Rush, Max Sandlin, Debbie Stabenow, Fortney Pete Stark, Bennie G. Thompson, Maxine Waters, J.C. Watts, Lynn C. Woolsey, and Albert R. Wynn.

RED RIBBON DRUG AWARENESS WEEK, OCTOBER 23–30, 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. GILMAN. Mr. Speaker, today marks the beginning of Red Ribbon Week, an important drug awareness effort in our Nation to ensure that we do not lose generation after generation to the scourge of illicit drugs.

To those of us long familiar with the struggle against illicit drugs, Red Ribbon Week has a special meaning. It grew out of the gruesome murder of a courageous and dedicated DEA agent killed in the line of duty in 1985 fighting drugs in Mexico. The first red ribbon was worn in his memory back then, and the tradition has continued in an important drug awareness effort in our Nation.

I ask that a letter from our outstanding DEA Administrator Tom Constantine to me on the historical background and importance of Red Ribbon Week be included in the Record. I am also providing to both cloakrooms red ribbon lapel pins that Members can wear in the days ahead to help promote this worthy effort to prevent the spread of drugs, especially among our youth.

U.S. Department of Justice,
Drug Enforcement Administration,
Washington, DC, October 22, 1997.

Hon. Benjamin A. Gilman,
U.S. House of Representatives,
Washington, DC.

Dear Congressman Gilman: October 23, 1997, marks the beginning of Red Ribbon Week. As you know, the red ribbon became a symbol of the fight against drugs after Drug Enforcement Administration (DEA) Special Agent Enrique "Kiki" Camarena was kidnapped, tortured and murdered in Mexico in 1985. The ribbon was first worn in memory of Special Agent Camarena, and later evolved into a nationwide drug awareness campaign.

DEA Headquarters was honored to have Andrea Mazzenga, a student at Clarkstown South High School in Nanuet, New York, perform at our Red Ribbon Kick-Off Rally. Andrea sang "Hands Across the Universe," a song composed by another Nanuet resident, Jordan Spivak. The song extolled the virtues of being drug-free.

The DEA would greatly appreciate it, Congressman Gilman, if you would submit a statement into the Congressional Record about the fact that October 23 to 30, 1997, is National Red Ribbon Week. The DEA urges everyone to wear a red ribbon in support of a drug-free nation. In 1986, 80 million children in all 50 states celebrated Red Ribbon Week and made the choice to be drug-free.

We have enclosed approximately 450 red ribbon lapel pins for you to distribute on the House floor. The people of the United States look up to their Congressional leaders. We believe that if members of Congress were to wear red ribbons, it would inspire the nation to reflect on the sacrifices that agents such as Kiki Camarena have made and also to concentrate on making the positive choice to be drug-free.

The DEA appreciates all the support you have given our agency and the drug effort throughout your career. We hope we can count on you to introduce Red Ribbon Week into the Congressional Record. If you need more information about Red Ribbon Week, feel free to call Robert D. Dey, Chief of DEA's Demand Reduction Section, at 202-307-7936.

Thank you again for all your support throughout the years.

Sincerely,
Thomas A. Constantine,
Administrator.

COMMENDING PASTOR JAMES ANDERSON ON HIS RETIREMENT AND 39TH ANNIVERSARY AS A PASTOR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to commend Pastor James Alexander Anderson on the momentous occasion of his retirement and 39th anniversary as a pastor. A week-long retirement and anniversary celebration for Pastor Anderson, given by the Washington Street Church of God parishioners, will take place form October 26, 1997 to November 2, 1997. The celebration will include a program of revival ministers throughout the week, who will offer remarks on Pastor Anderson's distinguished career. The festivities will conclude with a banquet at Marquette Park Pavilion in Gary, IN, on Sunday, November 2, 1997.

Pastor Anderson received his calling in 1947, upon returning to Gary, IN, from his service with the U.S. Army. During a revival meeting, without hesitation, he accepted his summons with a resolute commitment to fulfill and carry out his mission to preach. Although Pastor Anderson had initially planned to attend college and pursue a medical career, he fully embraced his new challenges as a spiritual healer and guide. His first pastorship was in Muncie, IN, where he remained for over a year. In 1957, Pastor Anderson was selected as pastor of the Washington Street Church of God, where he has faithfully served in this capacity since then. Throughout his career, Pastor Anderson has demonstrated his commitment to being an effective and instrumental leader through his diligent pursuit of a greater understanding of scripture and the ministry. Over the years, Pastor Anderson attended such institutions as Anderson College and Anderson College Seminary in Anderson, IN, and the Moody Bible Institute in Chicago, IL.

Over the years, Pastor Anderson has made numerous contributions to his congregation, as well as to the surrounding community. Perhaps his most noteworthy accomplishment was his founding of a homeless shelter in 1984. Pastor Anderson led the Washington Street Church of God congregation in undertaking the challenging task of renovating a church-owned building into the Brother's Keeper Homeless Shelter. Had it not been for Pastor Anderson's leadership and ambition, many individuals in the city of Gary would be left without lodging over an extended period of time. Pastor Anderson has also devoted much of his time to assisting various church-affiliated organizations. For 13 years, he served as a member of the missionary board of the Church of God in Anderson, IN. He was also a member of the Interfaith Clergy Council of Gary and vicinity, and the credentials and ordination committee in Indianapolis, IN. Pastor Anderson is also the former dean of the Sunday School Superintendents and Teachers Council of Gary, and for 10 years, he was treasurer of the General Ministerial Assembly of the National Association of the Church of God in West Middlesex, PA.

Pastor Anderson's retirement and anniversary is of special importance to the Washington Street Church of God family, as the occasion serves as a unique opportunity to celebrate the valiant leadership, commitment, and selflessness that have characterized his service to the congregation and to the community at-large. During this special time, the congregation will remember Pastor Anderson's steadfast will and determination to complete his mission, which motivated him to successfully recover from a severe stroke in 1988. Above all, Pastor Anderson will be remembered for doing many good things for a wide variety of people, without seeking credit for his accomplishments.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating James Alexander Anderson on the event of his retirement and 39th anniversary as a pastor. His wife, Hardina Anderson, can be proud of her husband's ministry, as his dedication to his church and to his community serves as an inspiration to us all.

CONGRATULATIONS TO ROLAND ROEBUCK

HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to offer congratulations to Mr. Roland Roebuck, who was recently recognized by the District of Columbia's Superior Court and Court of Appeals, for his work in the D.C. Hispanic community. The Community, Outreach, Recognition and Opportunity Award or CORO, which was presented during Hispanic Heritage Month, goes to an individual who has made an impact on the lives of members of the Latino population.

Roland, who hails from the Island of St. Croix, served in the military during the Vietnam era. After his honorable discharge, he moved to the Washington Metropolitan Area, and has been the Hispanic program coordinator for the Government of the District of Columbia for more than 20 years.

Roland is privileged to be of dual heritage, Puerto Rico and the Virgin Islands, and has used this position to continue to foster the two cultures in his homeland, on the Continental United States and internationally, His intelligence, charm, wit and sense of humor have opened doors all over the world, allowing others to get a taste of who we are.

I am proud to call Roland Roebuck my friend, and I join the members of the Hispanic Heritage Committee, my Virgin Islands and Puerto Rican communities and the Hispanic population at large, in paying tribute to this true American.

TRIBUTE TO SEAN F. DALTON

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. ANDREWS. Mr. Speaker, I rise to bring to the attention of my colleagues an outstanding public servant and one of New Jersey's finest individuals, Sean F. Dalton. Sean Dalton comes from a long line of distinguished public servants, from his father, Bill Dalton, the former mayor of Glassboro and chairman of the South Jersey Transportation Authority; to his brother, Daniel Dalton, who served with distinction as a State assemblyman and senator and as New Jersey's secretary of state.

Sean is an outstanding member of the New Jersey General Assembly. But my reason for praising him today has more to do with his heart than his work as a public servant. Specifically, Sean has dedicated much of his time to helping New Jersey's veterans population. As you may know, Mr. Speaker, New Jersey has among the largest veterans populations in the Nation. The willingness of these veterans to jeopardize their lives for our future goes well beyond bravery, and the least that we as a society can do to repay them is to ensure that their accomplishments are recognized and their civilian years are as enjoyable as possible. Sean Dalton has tirelessly led this effort.

He has sponsored legislation to have the State of New Jersey issue a special medal to those citizens who were on active duty during the Vietnam conflict. He has worked with other veterans to ensure that all deserving individuals received their long-overdue medals and other military awards from America's other wars.

Of course, Sean Dalton's accomplishments don't begin and end with our veterans community. He has been a tireless advocate for our seniors, for workers, for local homeowners and taxpayers, and for our youngest citizens. In recognition of his remarkable efforts, the Chapel of the Four Chaplains will be awarding Sean Dalton with its Legion of Honor Award on Monday, October 27 at St. John Episcopal Church in Chew's Landing, NJ.

This remarkable honor has been given to some of our Nation's most distinguished citizens, from Presidents Truman and Eisenhower to John Cardinal Wright of Pittsburgh and John Cardinal Krol of Philadelphia to Gen. Colin Powell and Gen. Norman Schwarzkopf. The Legion of Honor membership is given in recognition of loving service rendered by the recipient to persons regardless of their race or religious faith. No one is more deserving of this outstanding award than Sean Dalton. His family and friends, along with his many admirers, should be extremely proud of his many achievements, and I ask my colleagues to join me in commending and congratulating Sean Dalton on his receipt of the Legion of Honor Award.

HONORING THE NEW CAPITAL AREA TRANSPORTATION CENTER ON THE 25TH ANNIVERSARY OF THE CAPITAL AREA TRANSPORTATION AUTHORITY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. STABENOW. Mr. Speaker, I wish to recognize the Capital Area Transportation Authority, which has provided more than 70 million rides to the citizens of Ingham County in its 25-year history.

CATA has grown from 55 employees in 1972, serving 700,000 annual customers, to 175 employees today, providing more than four million customers each year with the most reliable form of transportation in the area.

The communities of Lansing, East Lansing, Meridian Township, Delhi Township, Lansing Township, and rural Ingham Country have come to rely on the service, efficiency, and accessibility of our local transit system. This high quality can be credited to the dedication and strong work ethic the men and women of CATA bring to their jobs each day.

On October 24, CATA will celebrate their silver anniversary by dedicating a new state-of-the-art transit center in downtown Lansing. The new transit center demonstrates that our State and Federal Governments can work together to provide the strongest possible transportation system available. With the new facility, CATA will continue to provide safe, reliable, and high quality transit service well into the 21st century.

I am very proud of our public transportation system in Ingham County and am pleased that we can celebrate 25 years of service with a new facility.

ANTE PERKOV: RECIPIENT OF THE BOYS & GIRLS CLUB OF SAN PEDRO 1997 KEYSTONE AWARD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Ante Perkov, who will be honored tonight at the 70th annual Keystone Awards dinner held by the Boys & Girls Club of San Pedro.

In San Pedro, when you hear the phrase "it's better to give than to receive," one immediately thinks of Ante Perkov. Known to the community as the kind, warm-hearted man with a carnation behind his ear, Ante has contributed significantly to all types of community activities since his arrival to San Pedro.

He has spent his life building his restaurant, Ante's, into one of the finest ethnic restaurants in the South Bay, while never saying "no" to any charity or person in need. Ante has given his time and his talents whenever called upon because of his concern and love for people.

Ante has cooked for and helped raise funds for the Mary Star of the Sea Parish, the Holy Trinity Parish, the Salvation Army, Homer

Toberman Settlement House, the Boys & Girls Club of San Pedro, the San Pedro Peninsula YMCA, the Boy Scouts, and the San Pedro Lions Club. Ante also serves on the board of directors for the Salvation Army and the Boys & Girls Club of San Pedro.

His personal recognitions include a doctor of philanthropy degree from Pepperdine University, Honorary Mayor of San Pedro, Citizen of the Year from the Boy Scouts of America, Man of the Year from the Lions Club, and the Steering Wheel Award from the San Pedro High School Lady Pirate Boosters, in addition to being a lifetime member of the San Pedro Elks and the San Pedro Lions Club.

With his gentleness, kindness, and giving heart, Ante has touched the lives of the Harbor area community with his generous and unheralded gift of caring. I am proud to join the Boys & Girls Club of San Pedro in extending my sincere administration and appreciation to Ante Perkov.

Congratulations Ante.

TRIBUTE TO WOMEN'S ARMY CORPS OF NEW JERSEY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAPPAS. Mr. Speaker, I rise to day to acknowledge the efforts of veterans from the Women's Army Corps in raising money to refurbish Flemington County's veterans memorial.

On the weekend of July 19, 10 members of the Women's Army raised $1,250 to contribute to the $80,000 needed. Organizer Anna Hoffman sat outside a local ShopRite with Janet Thatcher, Ruth Lincoln, Estelle Lokowsky, Josephine Knoblock, Linda Trimbath, Mabel Kauffman, and Grace Meyer, taking turns sitting at a table, collecting money.

Mr. Speaker, there are many women veterans who served valiantly and without regard for their own lives in both World Wars, Korea, Vietnam and the gulf war. Their efforts need to be acknowledged and honored.

The refurbished memorial was dedicated on September 14, 1997, to all Hunterdon County veterans. I thank each and everyone of these men and women who served our great Nation.

INTRODUCING THE DAVIS-BACON REPEAL ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. PAUL. Mr. Speaker, I rise today to introduce the Davis-Bacon Repeal Act of 1997. The Davis-Bacon Act of 1931 forces contractors on all federally-funded construction projects to pay the local prevailing wage, defined as "the wage paid to the majority of the laborers or mechanics in the classification on similar projects in the area." In practice, this usually means the wages paid by unionized contractors. For more than 60 years, this congressionally-created monstrosity has penalized taxpayers and the most efficient companies while crushing the dreams of the most willing workers. Mr. Speaker, Congress must act now to repeal this 61-year-old relic of the era during which people actually believed Congress could legislate prosperity. Americans pay a huge price is lost jobs, lost opporuntities and tax-boosting cost overruns on Federal construction projects every day Congress allows Davis-Bacon to remain on the books.

Davis-Bacon artificially inflates construction costs through a series of costly work rules and requirements. For instances, under Davis-Bacon, workers who perform a variety of tasks must be paid at the highest applicable skilled journeyman rate. Thus, a general laborer who hammers a nail must now be classified as a carpenter, and paid as much as three times the company's regular rate. As a result of this, unskilled workers can be employed only if the company can afford to pay the Government-determined prevailing wages and training can be provided only through a highly regulated apprenticeship program. Some experts have estimated the costs of complying with Davis-Bacon regulations at nearly $200 million a year. Of course, this doesn't measure the costs in lost jobs opportunities because firms could not afford to hire an inexperienced worker.

Most small construction firms cannot afford to operate under Davis-Bacon's rigid job classifications or hire the staff of lawyers and accountants needed to fill out the extensive paperwork required to bid on a Federal contract. Therefore, Davis-Bacon prevents small firms from bidding on Federal construction projects, which, unfortunately, constitute 20 percent of all construction projects in the United States.

Because most minority-owned construction firms are small companies, Davis-Bacon keeps minority-owned firms from competing for Federal construction contracts. The resulting disparities in employment create a demand for affirmative action, another ill-suited and ill-advised Big Government program.

The racist effects of Davis-Bacon are no mere coincidence. In fact, many original supporters of Davis-Bacon, such as Representative Clayton Allgood, bragged about supporting Davis-Bacon as a means of keeping cheap colored labor out of the construction industry.

In addition to opening up new opportunities in the construction industry for small construction firms and their employees, repeal of Davis-Bacon would also return common sense and sound budgeting to Federal contracting, which is now rife with political favoritism and cronyism. An audit conducted earlier this year by the Labor Department's Office of the Inspector General found that an inaccurate data were frequently used in Davis-Bacon wage determination. Although the inspector general's report found no evidence of deliberate fraud, it did uncover material errors in five States' wage determinations, causing wages or fringe benefits for certain crafts to be overstated by as much as $1.08 per hour.

The most compelling reason to repeal Davis-Bacon is to benefit the American taxpayer. the Davis-Bacon Act drives up the cost of Federal construction costs by as much as 50 percent. In fact, the Congressional Budget Office has reported that repealing Davis-Bacon would save the American taxpayer almost $3 billion in 4 years.

Mr. Speaker, it is time to finally end this patently unfair, wildly inefficient and grossly discriminatory system of bidding on Federal construction contracts. Repealing the Davis-Bacon Act will save taxpayers billions of dollars on Federal construction costs, return common sense and sound budgeting to Federal contracting, and open up opportunities in the construction industry to those independent contractors, and their employees, who currently cannot bid on Federal projects because they cannot afford the paperwork requirements imposed by this Act. I therefore urge all my colleagues to join me in supporting the Davis-Bacon Repeal Act of 1997.

FOREIGN SPENDING

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address the topic of foreign spending. While it is to our benefit to assist less fortunate countries, it is also important to ensure that taxpayer resources are well spent. I would like to share one opinion as written by Mr. Cory Flohr from Colorado.

"America must change the way it does business with regard to foreign assistance spending. For too long, our government has taken billions of dollars out of the pockets of the hardworking taxpayers of this country, only to squander it in far-off lands in an attempt to settle our national conscience. At best, the recipients have benefitted very little from our handouts. At worst, these people, who truly are in need of real assistance, have been left in a worse predicament than that in which they were found.

"As a nation of immigrants, America has a distinct interest in, and direct responsibility to, the world outside of our borders. Not only do our ancestral ties often bind us emotionally to the well-being of our familial homelands, but our nation's economic, political, and military interests rely directly on the prosperity, stability, and security of the rest of the world. Furthermore, Americans are simply, and arguably, the most generous, compassionate, and "charitable people on Earth. It is just our nature to assist those in need.

"For these reasons, it is not surprising that the issue of foreign assistance can evoke strong feelings from a large portion of our population. Unfortunately, our prosperous nation learned long ago that we can quickly engage, if not solve, the world's problems by throwing money in the general direction of the source. The problem is that very few substantial and complicated problems can be effectively solved with cash alone. This is especially true of the afflictions most developing countries face which are driven by flawed national policies and which cannot be cured until meaningful policy changes are enacted from within.

"The unfortunate fact is, that although our country has dumped hundreds of billions of dollars overseas, the great majority of the recipient countries are no better off today, and in many cases worse off, than they were before. For example, of the 64 countries that have received U.S. foreign aid for 35 years or more, 41 have economies that have remained virtually the same or have deteriorated over the past three decades. Of those 41 countries, 21 of them are poorer today than they were thirty years ago.

"Now many people argue that while the economies of recipient countries may not have improved, their plight can be blamed on factors beyond their control—natural disasters, lack of natural resources, civil unrest, or colonial exploitation. These explanations would be enlightening if not for very significant contradictory examples from the past. Many of the world's richest countries, Japan for one, have virtually no natural resources. America, a former British colony, was torn apart by a devastating Civil War in the 1800's, yet managed to "generate massive economic growth both during, and after the war.

"The one thing, however, that all economic powerhouses have in common, and that all poor countries lack, is a policy of economic freedom. This concept is characterized by the ability of individuals to pursue their own economic desires with minimal governmental intervention and control, low barriers to trade, lowered taxes, limited regulatory burdens, high foreign investment, freedom of private property ownership, and access to competitive banking.

"No amount of government-to-government charity will ever create wealth, nor can it counteract the detrimental effects of repressive economic policies that do nothing but stifle productive output and discourage the creation of wealth. This is why, rather than continuing to send our bundles of cash overseas year after year, we should instead demand, demonstrate, and encourage those countries to begin implementing long-lasting, and self-sustaining economic reform. Unless, of course, our true goal is to play the role of global welfare provider, keeping recipient countries in a subservient role and dependent upon America's handouts.

"Many try to justify America's high level of foreign spending by arguing that, compared to the mammoth size of our overall federal budget, the expense is negligible. No amount of money taken out of the American taxpayer's pocket should ever be considered negligible, particularly when we are talking about $12 to $13 billion per year. There are simply too many hardworking families living paycheck to paycheck in this country for that argument to work. No, instead of blindly throwing money at the world's problems, hoping they will disappear long "enough to ease our conscience, it's time to pull in the reins, make some tough decisions, and provide some real foreign assistance."

Mr. Speaker, we can all learn a valuable lesson here. Our government has an opportunity to optimally utilize our resources in a responsible and beneficial fashion so as not to waste resources but to accomplish the most good for the global community.

AMTRAK REFORM AND PRIVATIZATION ACT

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2247), to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes:

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2247 and in support of continued long-distance Amtrak service.

During the 104th Congress this Member voted against a similar bill due to concerns about its possible adverse impact on long-distance routes through States such as Nebraska. In a statement which appeared in the November 30, 1995, CONGRESSIONAL RECORD, this Member expressed the view that passenger train service should not be confined only to high-density corridors. If Federal subsidies are provided to Amtrak then it should continue to serve as a truly national system. Federal subsidies from taxpayers from throughout the Nation for a limited, regional system would not be justified.

While these concerns remain, this Member also recognizes that H.R. 2247 contains necessary and appropriate labor reforms and other restructuring provisions designed to provide relief for the ailing railroad. In addition, most important, passage of this reform legislation is necessary to allow Amtrak access to the $2.3 billion for capital improvements included in the recently enacted Taxpayer Relief Act.

Therefore, this Member supports H.R. 2247 and expresses his hope that Amtrak will continue to provide at least the current important long-distance transportation alternative routes for and across the sparsely settled States such as Nebraska and others in the Northern Great Plains and Rocky Mountain West. Amtrak clearly should continue to have an important role in the Nation's overall transportation.

A TRIBUTE TO AMBASSADOR SHYAMALA B. COWSIK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Ambassador Shyamala B. Cowsik, the Deputy Chief Minister at the Indian Embassy in Washington, who will leave at the end of this month to become India's Ambassador to Cyprus. Her departure comes at the end of 2 years of service in Washington and at a time when relations between Washington and New Delhi are very positive.

Mr. Speaker, I have enjoyed the opportunity to come to know Ambassador Cowsik in her current capacity. She has been an excellent source of information and assistance and has played an integral role in helping to enhance relations between the world's largest democracy and the modern world's oldest democracy. I know my colleagues join me in congratulating Ambassador Cowsik on her work in Washington on behalf of the Indian Government and wish her every success in her new position in Cyprus. I look forward to continuing to work with her on efforts to build peace in Cyprus.

SALUTE TO MARTHA DOMINICK

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. SPRATT. Mr. Speaker, I rise today to salute Mrs. Martha Dominick, of Gaffney, SC for her years of distinguished service to the people of my State.

Martha Dominick was a school teacher and guidance counsel for 44 years, and inspiration for hundreds of students.

As a member of the Gaffney Business and Professional Women's Club, she worked tirelessly to raise the status of women in our society. She campaigned for the equal rights amendment, helped women compete for political office, taught study courses for women in the Methodist and Lutheran churches, and became the only woman to serve on Gaffney's Zoning Board of Adjustment and Appeals.

Martha Dominick's fight for women's rights has not gone unnoticed. The South Carolina Conference on the Status of Women presented her with their Distinguished Service Award. She won recognition as the Outstanding Business Woman and Leader in South Carolina. This week, she will receive South Carolina's most prestigious award, the Order of the Palmetto. And this December, the Gaffney Business and Professional Women's Club will break ground on the Martha Dominick Women's Center, which will provide skills and training for women entering the job market for the first time.

Martha Dominick has reached out not only to women and young people, but to her entire community, volunteering for the American Heart Association, March of Dimes, Community Chest, and 4–H Club, and helping families in need. Her love and compassion, her intelligence and wit, and her style and grace inspired all whom she touched.

Mr. Speaker, I am proud that Martha Dominick is one of my constituents, and I am pleased to recognize her today on the floor of the U.S. House of Representatives.

CONGRATULATION'S TO THE GARY COMMUNITY HEALTH CENTER, INC. ON IT'S FALL FUNDRAISER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate the Gary Community Mental Health Center, Inc. [GCMHC] on its Fall Fantasy Fundraiser. In particular, I would like to commend Danita Johnson Hughes, GCMHC's chief executive officer, on this special occasion. The fundraiser will be held at the Center for Visual and Performing Arts in Munster, IN, on Sunday, October 26, 1997. All proceeds from the Fall Fantasy Fundraiser will be used to benefit the organization's new children's emergency shelter, the ALPHA Center, which has been in operation since September 3, 1997.

The GCMHC has continued to extend its commitment to serving the northwest Indiana community with the establishment of the ALPHA Center, which is an acronym for "All of Life's Problems Have Answers." The center operates as an emergency shelter for children between the ages of 6 and 17, who have been removed from their homes due to neglect and/or physical and emotional abuse. Referrals to the program come from the courts and the Department of Family and Children Services, which determine how to best continue the care these children need and deserve. The ALPHA Center provides transitional and reintegration programs, such as individual and family therapy, tutoring, substance abuse counseling, therapeutic recreation, and after care services. Prominent in all facts of the center's operations is genuine compassion and concern for the children it serves.

The GCMHC was founded in 1974 as a nonprofit organization with the goal and vision of providing effective lifestyle intervention and treatment programs for individuals, couples, families, and children. The organization seeks to serve the community by offering quality behavioral health care services, administered by an experienced staff of physicians, psychiatrists, therapists, case managers, and office support personnel. Several GCMHC programs are specially designed to address the needs of young people in the community. The center's Placement Diversion Program, for instance, works to prevent unnecessary placement of children into residential psychiatric programs, while working to strengthen the relationship between family members. In conjunction with the Gary school system, the center also strives to address the needs of school-age children with behavioral difficulties through its Act Program. The GCMHC also offers substance abuse counseling to both adolescents and adults.

Mr. Speaker, I ask you and my other colleagues to join me in congratulating the Gary Community Mental Health Center on the occasion of its Fall Fantasy Fundraiser and the recent establishment of the ALPHA Center. I wish the GCMHC continued success in all of its endeavors, as the services this distinguished organization has provided over the years have been invaluable to the residents of Indiana's First Congressional District.

CONGRESSMAN KILDEE HONORS CATHOLIC SOCIAL SERVICES OF OAKLAND COUNTY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize Catholic Social Services of Oakland County for 50 years of dedicated service to our community. As a Member of Congress I consider it my duty and my privilege to work on behalf of the American family. It is in this spirit that I urge my colleagues to join me in supporting an organization that is on the frontlines everyday working to protect and preserve families.

In 1947, the Archdiocese of Detroit gave Catholic Social Services of Oakland County space above a downtown Pontiac drug store. During the 1950's a new office was established in Pontiac's historical district, with subsequent openings in Farmington, Royal Oak, Southfield, and Waterford. With its 6 offices operating throughout the county and a staff of 140, over 8,000 people every year have benefited from Catholic Social Services' programs, resources, and activities. Many of the group's accomplishments were the result of the selfless dedication of the late Leonard Jagels. Mr. Jagels had been a mainstay since 1949 and served as executive director for many years. His work has left a lasting impression on the organization.

Catholic Social Services has maintained a tradition of providing prompt and effective service to individuals through community outreach, outpatient treatment and in-home programs, and child placement programs. The Families and Schools Together Program, the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Older Adult Day Care Program are just a few of the programs administered by Catholic Social Services. In addition to their services for at-risk children, the group's outpatient and in-home programs are a valuable resource, always on hand for clinical, family, mental health, and substance abuse counseling. Finally, the organization participates in child placement programs, acting as an advocate in matters of special needs adoption, post adoption services, and foster care.

Catholic Social Services is more than just one organization, but rather an integral part of a tremendous service network, one that includes United Way of Oakland County, United Way Community Services, Catholic Charities USA, and the Michigan Federation of Private Child and Family Agencies. Working together to achieve common goals these organizations serve as an inspiration to us all. The dedicated individuals who work with these organizations deserve our gratitude for in my eyes they are true heroes.

Mr. Speaker, without a doubt, our community is a much better place in which to live because of the 50 years of service, love and support from Catholic Social Services of Oakland County. I urge my colleagues in the House of Representatives to join me in congratulating Catholic Social Services on a fulfilling 50 years, and in wishing them even greater success in the years ahead.

INTRODUCTION OF THE SANCTIONS REFORM ACT, H.R. 2708

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. HAMILTON. Mr. Speaker, today Congressman PHILIP CRANE and I introduced H.R. 2708, the Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act. This bill would reform the process by which both the Congress and the executive branch consider unilateral sanctions proposals. I would like to share with my colleagues the rationale for this bill and describe its key provisions.

The United States needs economic sanctions in its foreign policy toolkit. We need to respond to many international problems. Economic sanctions can be an attractive policy option when military action is not warranted, and diplomacy seems to have failed. In some circumstances, the conduct of a particular country may be sufficiently abhorrent or dangerous that we will feel compelled to respond, regardless of whether other countries join us.

Prior to 1980, several major laws authorized the imposition of economic sanctions for foreign policy purposes. Those laws tended to give the President considerable flexibility to decide when and how to impose sanctions. They also tended to target foreign conduct, rather than specific countries.

During the past two decades, however, and especially since 1990, U.S. sanctions policies have evolved substantially.

First, we impose unilateral sanctions more frequently. In a report prepared earlier this year, the President's Export Council noted that more than 75 countries are now subject to, or threatened by, one of more unilateral U.S. sanctions.

Second, we use a wider variety of unilateral measures to target a wider range of foreign conduct. The Export Council counted 21 specific sanctions covering 27 different target behaviors. We have also given the President less latitude in implementing sanctions.

Third, during the past 2 years we have adopted unilateral sanctions that are extraterritorial in scope. In 1996, we departed from our longstanding policy of opposing secondary boycotts by enacting two laws that penalize foreign firms for activities for activities in Cuba, Iran, and Libya. Meanwhile, roughly 20 States and localities have adopted laws prohibiting government commercial dealings with United States or foreign companies that do business with countries that have poor human rights records.

Fourth, over the past year, several of our colleagues have introduced measures that seek to narrow the presidential waiver or lower the decision threshold in existing sanction statutes. None of these measures has made it to the President's desk. If any do, however, they will raise difficult questions about the roles of Congress and the President in the conduct of foreign policy.

CONCERNS ON UNILATERAL SANCTIONS

I have several concerns about the increasing frequency and scope of unilateral sanctions.

First, unilateral measures often cost U.S. exports. The private Institute for International Economics estimated earlier this year that restrictions imposed for foreign policy purposes are costing $15–19 billion in export sales annually.

An extraordinary example of the cost of unilateral sanctions recently came to my attention. According to the U.S. Department of Agriculture, the five countries currently under total U.S. trade embargoes—Iran, Iraq, Libya, Cuba, and North Korea—will together account for roughly 11 percent of the world's wheat export market this year. This means that 11 percent of the world wheat market is off-limits to U.S. farmers. But it doesn't mean those countries can't get wheat. If they have the cash, there are plenty of other countires willing to do business with them.

My second concern is that our reputation for unilateral sanctions is costing potential export sales and foreign investment opportunities. Many executives I have spoken with over the past couple of years have told me that foreign firms and governments are increasingly steering clear of U.S. companies when making procurement decisions. They are concerned that deals with U.S. firms could be jeopardized by subsequent sanctions. I also understand that some European companies have begun to tell prospective customers that U.S. competitors can't be counted on because of U.S. sanctions policies.

Third, exports lost to unilateral sanctions mean lost jobs. Fifteen to twenty billion dollars in export sales would support tens of thousands of American jobs.

Fourth, third-party unilateral sanction measures like the Helms-Burton and Iran-Libya statutes put us at odds with many of our closest friends. That can undermine both our trade leadership and the effectiveness of our foreign policy.

Fifth, in addition to antagonizing foreign governments, some of our State and local sanctions raise difficult questions concerning the constitutional authority to conduct U.S. trade and foreign policy.

INEFFECTIVENESS OF UNILATERAL SANCTIONS

Unilateral sanctions might be worth their price in exports, jobs, and foreign policy interests if they succeeded in achieving their aims. They rarely do. In fact, they are sometimes counterproductive and harmful to the very people we are trying to help.

A number of studies have concluded that sanctions, both unilateral and multilateral, have worked less than half the time since the early 1970's. One of the most thorough and credible of these studies, from the Institute for International Economics, found that unilateral and multilateral sanctions together have succeeded less than 20 percent of the time since 1990. Unilateral sanctions rarely work because the world economy has become too interdependent. When we deny a country access to our products or our markets, it has plenty of alternatives.

WEAK INFORMATION BASE

One of the most alarming aspects of U.S. sanctions policy, in my view, is the weak information base upon which most unilateral sanction decisions are typically made.

Congress does not usually have before it a detailed assessment of new sanctions bills when it takes them up. We hold hearings and we debate proposals in mark-ups. But our review of sanctions is rarely systematic or comprehensive.

We need to improve our decisionmaking on sanctions. Before they act, Congress and the President should both have in hand better information on the potential costs and benefits of unilateral sanctions proposals. And they should both proceed in a more deliberative and disciplined manner.

SANCTIONS REFORM ACT

The bill Congressman CRANE and I will introduce is a bill that seeks to accomplish these objectives. H.R. 2708 would reform the process by which both Congress and the executive branch consider unilateral sanctions proposals.

The bill defines a unilateral sanction as any restriction or condition on foreign economic activity that is imposed solely by the United States for reasons of foreign policy or national security.

For both Congress and the executive branch, the bill sets out guidelines for future sanctions proposals and procedures for their consideration and implementation.

The guidelines would be largely similar for both branches. We propose that sanctions bills approved by Congress and sanctions measures imposed by the President:

Contain a 2-year sunset;

Provide waiver authority for the President;

Protect the sanctity of existing contracts;

Be targeted as narrowly as possible on those responsible for sanctionable conduct;

Minimize any interference with humanitarian work performed by nongovernmental organizations; and

Include measures to address any costs incurred by U.S. agricultural interests, which are especially vulnerable to foreign retaliation.

With the exception of this agriculture provision, all of the guidelines would be mandatory for the executive branch. But the President could waive several of them in the event of a national emergency.

The bill's procedural reforms for Congress would require a committee of primary jurisdiction to include in its report on a sanctions bill an analysis by the President of the bill's likely impact on a range of U.S. foreign policy, economic, and humanitarian interests. The committee would also need to explain in its report why it did not adhere to any of the sanctions guidelines.

By invoking the Unfunded Federal Mandates Act of 1995, the bill would also require a report by the Congressional Budget Office on a sanctions bill's likely economic impact on the U.S. private sector. Under the terms of the Unfunded Mandates Act, the bill could not be considered on the House or Senate floor until the CBO analysis was completed and made public.

With respect to the Executive Branch, the bill would require the President to report to Congress prior to implementation on the likely impact of a proposed measure on U.S. foreign policy, economic, and humanitarian interests. The President would also be required to consult with Congress and to provide opportunities for public comment. To provide time for this consultation, public comment, and reporting, a sanction could not be imposed—except in the event of a national emergency—until 60 days after the President has announced his intention to do so.

It is also important to understand what our bill would not do:

The bill would not prevent Congress or the President from imposing unilateral sanctions.

The bill would not impact any sanctions currently in effect. The bill's executive branch guidelines and procedural requirements would apply, however, to future sanctions imposed by the President pursuant to existing laws.

The bill would impose no limitations on the foreign countries or conduct that could be targeted by sanctions.

The bill would have no impact on any of the following kinds of measures—now or in the future:

Sanctions imposed under any multilateral agreement to address a foreign policy or national security matter—including proliferation, human rights, and terrorism.

Restrictions or controls on the export of munitions.

Resolutions disapproving a Presidential decision to maintain MFN trade privileges for China or any other country.

Measures imposed under U.S. laws and regulations implementing trade agreements, combating unfair foreign trade practices, and safeguarding the domestic market.

Import restrictions designed to protect food safety or to prevent disruption of domestic agricultural markets.

Measures to implement international environmental agreements.

Import restrictions designed to protect public health and safety.

This bill is not a red light for sanctions. It is a flashing yellow light. Its message is to take a careful look around and proceed with caution.

I hope that Members who have supported sanctions in the past—as I have—would be able to support this bill. To oppose a measure like this is to say that Congress and the President can't use and shouldn't have better information about sanctions. That is a position neither we nor the President should take. We need not fear information.

This bill would require those who propose sanctions to work harder to justify their proposals. It would ensure that elected officials and the public are better informed about the potential consequences of a proposed measure. Sanctions that receive the kind of careful scrutiny this bill will require are bound to be more effective in achieving their aims and to cause less collateral damage to humanitarian and economic interests. Better-designed sanctions will also be more likely to retain public support.

ANN'S CAMPAIGN FOR A SAFER AMERICA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. DICKS. Mr. Speaker, perhaps one of the greatest nightmares that any family could experience is receiving a call in the middle of the night informing you that your daughter has been killed. Even worse to learn that she has been murdered by a random shooting clear across the country. That is the nightmare faced by Coleman and Jean Harris of Mount Vernon, VA, last spring when their daughter, Ann was murdered while visiting friends in Tacoma, WA. This bright and energetic honor student had a most promising future, having just gained early admission into Purdue University. While riding in a car on March 27, she was struck and killed by a bullet fired senselessly into the car by a joyriding group of young men. All too often these incidents of random violence are happening across America, representative of a society that is becoming more and more numb to the violence occurring on our streets. All of us know that something must be done to develop in our young kids a better sense of values and a more fundamental respect for human life. Getting guns out of the schools is critically important, but we must go further to address the value structure that results in such a cavalier attitude about life among many young people today.

I am proud, Mr. Speaker, of the campaign that has been launched by the Harris family—Ann's Campaign for a Safer America. This effort represents a wonderful attempt by a grieving family to use the tragedy of Ann's death as the impetus for action to stop youth violence. The Harris family is speaking out in schools and in many communities to bring this message of understanding and respect for others to young kids. This is an incremental effort, Mr. Speaker, reaching out in small ways to kids who need this message. If it reaches 50, 100 or 1,000 young people and helps them to care more for their fellow students, it will represent a very significant and meaningful accomplishment. If even one more tragedy such as Ann's senseless murder can be averted through the work of this campaign, it will be a remarkable success and a very important memorial to this very talented and inspiring young woman. Mr. Speaker, I want to commend Coleman and Jean Harris and express my appreciation for their desire to turn Ann's tragedy into a positive and constructive educational effort.

DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in support of the Moran substitute to H.R. 2607, the Fiscal Year 1998 District of Columbia appropriations bill. Unamended, H.R. 2607 will provide $7 million for a school voucher program that will enable only 2,000 of the Districts 78,000 students to attend private schools or schools in the suburbs at the cost of $3,200 each.

Vouchers will drain critical financial resources from the D.C. public schools. These schools—as are many schools across the Nation—are already over burdened with financial problems. We need to do all that we can to strengthen the D.C. Public School System, not weaken it. Over 5 years, the proposed voucher program will siphon $45 million away from D.C. public schools while helping only 3 percent of the school population.

Mr. Chairman, supporters of school vouchers say that vouchers provide an opportunity to save 2,000 of the District's poor students. But, I ask, "What will happen to the District's other 76,000 students?" Supporters also believe that vouchers will be a shot in the arm for the D.C. Public School System, creating competition that will force them to improve the quality of education offered by the D.C. public schools. I do not believe that will be the case. The school voucher plan in this bill reaches a limited number of students seeking to opt out of the D.C. Public School System. In fact, it is not powerful enough to impact the school system in the way school voucher supporters would like to believe.

Residents of the District of Columbia do not support school vouchers. In fact, 89 percent said so in a referendum on school vouchers. The parents in the District want to rebuild and reform their Public School System. We have no business imposing a voucher program on the District, against its will. Rather, we are morally obligated to ensure that all students in the District of Columbia—and across the Nation—have equal access to quality education. We must not abandon the D.C. public schools. Instead, we must strengthen our commitment to improving them.

Mr. Chairman, I strongly support—and urge my colleagues to join me in supporting—the Moran substitute to H.R. 2607. This substitute is clean and replaces the House provisions with the Senate bill—as reported by the Appropriations Committee. This version has no veto threats and does not include any controversial riders or funding for school vouchers. It also has bipartisan support. I urge my colleagues to vote "yes" on the Moran substitute.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. KIND. Mr. Speaker, another day has gone by and still no campaign finance reform. As we approach the end of one more week we are inching closer and closer to the end of the 1997 legislative session. If we do not take action before we adjourn, now expected to be November 7, we will not have the chance to fix the campaign finance system before the 1998 election. Next year will be an election year and any chance to change the system during a campaign year is very unlikely.

Today we spent over an hour debating a contested election for Congress. That debate is important, and must take place. However, if this House can find the time to consider the outcome of one election, why can't we take the time to consider legislation that will impact every Congressional election from this day forward. The answer is clear. The leadership of this House has no desire to consider campaign finance reform.

The sad fact is, because of the reluctance of the House leadership to allow a vote, Members are going to be forced to take action on their own. That will happen tomorrow.

Before that happens, I hope the Speaker will reconsider his opposition to allowing a vote on campaign finance reform. I hope the Speaker will give the majority of the public what they want. They want Congress to get serious about cleaning up our house by passing campaign finance reform.

TRIBUTE TO MID BRONX DESPERADOES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mid Bronx Desperadoes for 22 years of service to our Bronx community.

Mr. Speaker, the Mid Bronx Desperadoes [MBD] was founded in 1974 as a group of volunteers who understood the need to revitalize the Crotona Park East section of Bronx Community District 3 that was devastated by arson, disinvestment, abandonment, and population loss.

First in cooperation with the local police and fire departments, and later with government officials and Community Board 3, the volunteer coalition was able to establish Mid Bronx Desperadoes Community Housing Corporation [MBDCHC] which created over 2,100 housing units with development costs of approximately $213.5 million within Community District 3. MBD has also helped residents of the South Bronx become homeowners, serving as community sponsor, marketing and sales agents for 328 new homes, including the widely acclaimed Charlotte Street development of 89 single family homes. MBDCHC is a part of the Comprehensive Community Revitalization Program [CCRP].

Throughout its 22 years of service, MBD has been a model of excellence in providing our community with exemplary services through housing development and property management, economic development, and delivery of human services.

With the collaboration of a qualified staff, MBD has expanded its network to include additional services in conjunction with other local organizations and medical centers. Among these are: affordable housing development, marketing and management, Mid Bronx Community Development Federal Credit Union, Family Practice Health Center, Head Start Day Care, Community Crime Prevention, Comprehensive Case Management, Job Training and Placement, and Community Organizing.

The achievements of the Mid Bronx Desperadoes are measured by the people they have served. Thousands of Bronx residents have been employed and benefited from the center's education and training programs. And hundreds of thousands of people, from children to senior citizens, have received quality health care.

Mr. Speaker, it is a privilege for me to honor the family and friends of the Mid Bronx Desperadoes. I ask my colleagues to join in celebrating this milestone and acknowledge this outstanding agency for 22 years of accomplishment and service for the South Bronx community.

SENSE-OF-CONGRESS RESOLUTION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HUTCHINSON. Mr. Speaker, for more than 200 years, our Nation has prospered as a democracy because we have enjoyed certain freedoms, including freedom of speech, freedom of the press, freedom of association, and freedom of religion. And, as other nations have moved away from more restrictive forms of government toward democracy, those that have made successful transitions have guaranteed their citizens the same.

Mr. Speaker, although the emerging democracy of Russia has made significant strides since the fall of the Soviet Union, it appears that she has taken a step backward in recent days. On September 25, 1997, President Yeltsin signed into law the On Freedom of Conscience and Religious Association Act. This measure, which he vetoed once before, denies legal status to all religious groups except those which were officially registered with the Soviet Government at least 15 years ago. Such denial of legal status would automatically strip a number of religious minorities of fundamental rights, such as the right to rent or own property, employ religious workers, produce or possess religious literature, maintain bank accounts, or conduct organized charitable or educational activities.

This new law violates not only the Russian Constitution but also the U.N. Universal Declaration of Human Rights and the 1989 Concluding Document of the Conference on Security and Cooperation in Europe. On a more basic level, the intent of the law runs contrary to the very principles that form the foundations of a democratic society. For, if the Russian Federation Government sees fit to discriminate against individuals and organizations according to their religious beliefs, what will prevent those in power from discriminating against those with different political or philosophic affiliations? What is to prevent government officials in outlying provinces, who have historically been oppressors of those of differing political or religious affiliation, from cracking down on religious and political minorities? What recourse is open to an individual who has been denied basic civil rights or who has been substantively injured by a local government official if the government of the nation essentially condones oppressive action?

These questions have already proven to be valid. The new law clearly states that religious organizations have until the end of 1999 to register with the Russian Federation under the new law. And officials from Russia's Ministry of Justice have assured religious organizations and officials in the United States that implementation of this new law will not result in discrimination or oppression of religious organizations in that nation. However, cases have already been reported of churches that have been prohibited from meeting in rented or public facilities as a direct result of this law. This leads me to question how effective the Federation will be in ensuring that the rights and freedoms of religious minorities are protected.

As such, I feel it necessary that we express our concern over the enactment of this law to the Russian Federation, and that we encourage the Federation to embrace all of the foundational principles of a free and open society. To that end, I am introducing today a resolution that affirms the role of freedom of religion in a democracy and expresses the Sense of Congress that enactment of the On Freedom of Conscience and On Religious Association law violates internationally accepted standards of human rights. In addition, this resolution affirms the action of the House and Senate conferees on the Foreign operations appropriations bill in including language to prohibit the Federation from receiving funding assistance unless the Federation certifies that the new law is not implemented.

Mr. Speaker, Russia has come a long way from its authoritarian Czarist and Soviet roots. Let us encourage her officials and her people to continue on the path toward a free and open society by passing this resolution and condemning a return to regulation of thought and belief that hindered the country's progress for so may centuries.

TRIBUTE TO DR. GEORGE KING

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to George King for being the U.S. Tennis Association national champion and for his support of California's children. Dr. King exemplifies a champion athletically, socially and professionally.

George King has participated in U.S. Tennis Association events since 1985. Currently, King is a competitor in the 30 and over division and held their the No. 1 ranking in 1992 and 1993. It was during these years that King won his back to back national championships.

Dr. King's accomplishments are not limited to the court. He is committed to his family and to the children of California. Specifically, Dr. King competes annually in the Northern California Pro Am, of which the proceeds benefit junior tennis programs. He also assists with the instruction and teaching of juniors at the Fig Garden Swim and Racquet Club, his home court. Finally, Dr. King is a member of Rotary International and supports their college scholarship and youth exchange programs. Professionally, Dr. King maintains two dentistry practices that serve the communities of Fresno and Livingston. These two offices offer a full range of dental services.

Mr. Speaker, it is with great honor that I pay tribute to Dr. George King for his tennis accomplishments and his support of California's children. I ask my colleagues to join me in wishing Dr. King many more years of success.

IN HONOR OF THE 25 ANNIVERSARY OF THE SPANISH SPEAKING PROGRAM OF KEAN UNIVERSITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding educational program, the Spanish speaking program of Kean University—which has served the needs of the growing population of adults in the community. On October 25, 1997, the Spanish speaking program of Kean University will celebrate its 25th anniversary with a dinner-dance celebration at Kean University, college center cafeteria in New Jersey.

The Spanish speaking program was founded in 1972 to respond to the needs of Hispanic students who needed to achieve greater proficiency in English to pursue a college education. The program has played a very important role in the academic and personal development of the Hispanic student population and the Hispanic community itself. The Spanish speaking program has provided a clear pathway for students to progress into the regular curriculum.

The Spanish speaking program is administered by a dedicated group of professionals under the guidance of Dr. Ronald L. Applbaum, president, and Dr. Orlando Edreira, director. For two decades, this program has been meeting the needs of limited English proficient Hispanics. This program was the first of its kind in U.S. higher education, and it has provided opportunity and access to more than 5,000 students in its 25-year history. The program provides an environment for the fostering of pride and reward for personal dedication and accomplishment.

It is an honor and a pleasure to be part of this celebration and also be able to recognize the dedication and commitment of the Spanish speaking program. Communication is now more important than ever. Being able to know more than one language is no longer a privilege, but a necessity. I am certain that my colleagues will join me in paying tribute to this remarkable program.

RECOGNIZING THE 300TH ANNIVERSARY OF LAWRENCE TOWNSHIP

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to recognize a major activity that will occur in a few weeks in the Township of Lawrence, NJ as part of the Township's tricentennial celebration.

Over the past 300 years Lawrence Township has been and continues to be a patriotic town, dedicated to recognizing the events and people of its Township that have made the United States a free country. Some of the community's ancestors are signers of the Declaration of Independence. Other former and present residents have fought in the Revolutionary War, the Civil War, and the World Wars, Korea, Vietnam, and the gulf. The men and women of Lawrence have often given their lives in the service of our Nation.

On November 8 the Lawrence Township Veterans Memorial Committee will join the Township of Lawrence to honor those who served this country. I would like to take this opportunity to commend and thank the citizens of Lawrence for their efforts to help keep this country free. I would also like to congratulate the Township on its 300th anniversary, a milestone deserving of our recognition.

TRIBUTE TO PATRIARCH BARTHOLOMEW OF CONSTANTINOPLE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to His All Holiness Patriarch Bartholomew of Constantinople who began his visit to the United States in Washington, DC this week. I welcome Patriarch Bartholomew to the United States on behalf of the Greek Orthodox community in the San Fernando and Conejo Valleys and look forward to his visit to Los Angeles in November.

Patriarch Bartholomew, the 27th successor of the Apostle St. Andrew and the spiritual leader of 300 million Orthodox Christians, is a man of extraordinary abilities and achievements who speaks seven languages. My colleagues and I honored His All Holiness with the award of the Congressional Gold Medal in recognition of his contributions to world peace, ecumenism, and the protection of the global environment. Patriarch Bartholomew has met with government and religious leaders in the Balkans, the Eastern Mediterranean and the Middle East in efforts to promote peace and an interfaith dialog. His All Holiness is a champion of religious freedom who has fought against all forms of persecution.

Patriarch Bartholomew is equally committed to the protection and preservation of the Earth's environment for future generations. He has sponsored several international conferences on the environment, including an upcoming summit in Santa Barbara, and has led conservation efforts in the Black Sea. These efforts have earned him the title, "the Green Patriarch."

Mr. Speaker, it is truly an honor to have His All Holiness Patriarch Bartholomew visit the United States and to have the President bestow upon him the Congressional Gold Medal. He joins only five other religious leaders, including the late Mother Theresa, who have been awarded the Congressional Gold Medal, the highest honor of the U.S. Congress.

IN PRAISE OF SANTA MARIA

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. CAPPS. Mr. Speaker, the vitality of our Nation depends upon the vitality of the towns and cities of which it is made up. One such vital city is Santa Maria, CA, in the district I represent.

Thirty of the citizen leaders of Santa Maria were in the Capital this week. This group represented an extraordinary cross section of entrepreneurs, farmers, government officials, social service providers, educators, and civic activists. As a result of this visit, these Santa Marians know Washington better than before and, perhaps more importantly, Washington has a better understanding of Santa Maria.

Mr. Speaker, we face many challenges in this country while at the same time we are surrounded by immense opportunities. This is the case in Santa Maria. I'm proud that this delegation held fruitful and mutually informative discussions with congressional leaders, top White House officials, and senior representatives from the Department of Justice, Commerce, Agriculture, the Small Business Administration, and the U.S. Trade Representative's office. The citizens of Santa Maria are facing their challenges creatively and are seizing opportunities boldly.

Mr. Speaker, last evening, the unforgettable aroma of Santa Maria Barbeque danced in the crisp Washington air. The culmination of this extraordinary visit was a dinner that attracted Members of Congress from all over the country. For one night, a corner of Capitol Hill was transformed into Santa Maria. As I celebrated with my constituents and my colleagues, I couldn't help but feel enormous pride to be the Representative of Santa Maria in the U.S. Congress.

CONGRATULATIONS TO PHILTEX

HON. WILLIAM M. "MAC" THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. THORNBERRY. Mr. Speaker, I rise today to pay special recognition to the Philtex plant, a division of the Phillips Petroleum Co., that is located in Borger, TX. Just last seek Philtex, received the first Award for Workforce Excellence from the National Association of Manufacturers.

The award is a direct reflection of the commitment to safety by the employees of Philtex. As a result of a program called [POWER], People Observing Work Eliminating Risk, Philtex has achieved a 65-percent reduction in recorded injuries and most importantly the plant's employees have remained injury-free for over 6 months.

Mr. Speaker, Phillips Petroleum is an important industry for my congressional district and for the entire Texas Panhandle. The employees of this company should be proud of their achievement and Phillips Petroleum should be commended for their efforts to provide a safe work environment and for the commitment to their employees safety.

TRIBUTE TO GOTTLIEB (GEORGE) BORGARDT

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to George Borgardt on the occasion of his 100th birthday. The event will be celebrated on December 15th, 1997.

George Borgardt was born in Leninskoye, Russia, to Gottfried and Maria Neiderquel in 1887. As one of six children, George grew up in a large German family that worked and played on the banks of the mighty Volga river. When George turned 26, he came to Chicago to tour the United States and to visit family. However, the start of World War I kept the Borgardt's from returning to his home.

In 1923 George moved to Fresno to find employment in California's rich fields and booming industries. It was there that George fell in love with and married a German girl named Amelia Schneider. America's preparation for entrance into World War II placed George's maintenance skills in high demand. Because of this, the two moved to Los Angeles where they were blessed with their son, Gilbert. After the war, George had a successful career with both the Lyons and McDonalds corporations as a food service equipment installer.

After 54 years of marriage, Amelia sadly passed away in 1978. This event brought George back to Fresno where he became very active in the American Historical Society of Germans from Russia. George's retirement and activeness with the society introduced him to a second wife, Yvonne Gates Curran. The two of them have been happily together since 1983.

Mr. Speaker, it is with great honor that I pay tribute to the 100th birthday of George Borgardt. Mr. Borgardt's longevity and hard work serve as a model for all Americans. I ask my colleagues to join me in wishing George my best wishes for the future.

IN HONOR OF THE SICILIAN CITIZENS CLUB OF BAYONNE'S HONOREE OF THE YEAR FOR 1997: FRANK CARINE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an honored citizen, Mr. Frank Carine, who has served the community of Bayonne and Hudson County for many years. The Sicilian Citizens Club will honor Mr. Carine on October 25, 1997, at the organization's 70th Anniversary Dinner-Dance at Villa Nova in Bayonne, NJ.

Mr. Frank Carine was born in Bayonne where he has lived all his life. He graduated from local schools and attended Mount Saint Mary's College in Emmitsburg, MD, Seton Hall University and St. Peter's College. He also received certification from the University of Wisconsin School of Industrial and Labor Relations. Mr. Carine is a life long parishioner of Our Lady of Assumption Church. He is an Army veteran of the Korean era and resides in Bayonne with his wife, Margaret. He is the son of Lillian and the late Nicholas Carine, and has three children, Frank Jr., Beth Ann Taraba, and Jill Ripp and five grandchildren.

Mr. Carine's professional career included service at the Western Electric in Kearny, where he is an honorary member of Local 1470 IBEW AFL–CIO. He has extensive experience in organized labor, negotiations, and contracts. He is an active member of many local clubs and organizations. Mr. Carine is present leader and past president of the Sicilian Citizens Club of Bayonne, president of the Sons of Italy Del Monte Lodge, a member of the Catholic War Veterans Post 1612, Korean War Veterans, Telephone Pioneers of America, and the Bayonne Columbus Committee. He is currently employed as a special deputy in the office of the Hudson County Register.

It is an honor and a pleasure to be able to recognize the dedicated service of Mr. Frank Carine to his community. Once again, I offer my congratulations to Mr. Carine for being named Sicilian Citizens Club of Bayonne's "Honoree of the Year" and for offering his time and kindness to those in the community. I am certain that my colleagues will join me in paying tribute to this remarkable gentleman.

TRIBUTE TO RUDOLPH BOLES WELLNITZ

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to honor an outstanding native of New Jersey whose years of commitment and service to the agricultural industry in my State have helped New Jersey truly fulfill its claim as the Garden State.

Rudolph Wellnitz was born in 1929 and grew up around agriculture. After assuming ownership of the family business when his father retired, Mr. Willnitz formed Jeffwell Farms in partnership with Walker Gordon. Due to hard work and perseverance, Jeffwell Farms has been a New Jersey State winner of the National Corn Growers Irrigated Corn Yield Contest as well as the New Jersey Soybean Growers Yield Contest. In 1995, Mr. Wellnitz retired as a successful farmer and a great example of what diligence and commitment can accomplish.

Recently, the Middlesex County Fair Association honored Mr. Willnitz as the "Middlesex County Farmer of the Year" an honor well deserved.

Mr. Speaker, our Nation needs to depend on a strong agricultural industry in order to support the needs of the people. Moreover, every nation needs people like Mr. Wellnitz, who go above and beyond the call of duty to serve his country and support growth into the next millennium. Much of the food that each of us sits down to eat every day can be traced back to family-owned farms.

I rise today to congratulate Rudy Wellnitz and his years of hard work to make New Jersey and our Nation a better place.

A TRIBUTE TO BETTY PFAFF

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HULSHOF. Mr. Speaker, today I step on to the House floor to express gratitude to a true public servant for Missouri's Ninth Congressional District—Betty Pfaff. Betty has been working for the people of the Ninth District for the last 20 years. Her last official day was October 2, leaving behind a record of hard work, dedication, and service to others.

Betty began her tenure during former Congressman Harold Volkmer's first campaign for office. After Mr. Volkmer won the seat in 1976, he invited Betty to join his staff. Betty stayed on through the duration of Mr. Volkmer's public service for 19 years and 3 months. Her responsibilities included casework and constituent services. What speaks volumes about Betty's character was her ability to continue to serve the people of Missouri's Ninth District for a newly elected Representative of a different political party. Her willingness to do so demonstrates her professionalism and stands as a testament that Betty Pfaff was not a servant of politics, but a servant of the people.

Betty possesses a unique knowledge of the District. She is on a first-name basis with many of the constituents in northeast Missouri. She has been a valuable asset to the office of a new Member of Congress. I would not have been able to make the transition as smoothly without her.

Mr. Speaker, you'll be happy to know that now that Betty is retired, she spends her free time as a grandmother to her three grandchildren, John Pfaff and Emily and Andrew Richards. In addition to her important role as grandmother, Betty intends to help her husband, Dwaine, with his business, Hannibal Glass. She also plans to continue her service in the community where she has made her home since 1964 as a volunteer.

The people of Missouri's Ninth District are losing a humble, honorable servant. Betty, on behalf of all of whose lives you have touched, we thank you and wish you a long and happy retirement.

TRIBUTE TO SAMI AND ANNIE TOTAH

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Sami and Annie Totah for their effective leadership and untiring commitment on behalf of many important political, cultural, and religious causes. Their achievements have reverberated throughout the community and have been felt on a local, national and international level.

Sami and Annie are deeply devoted to promoting Jewish heritage, human dignity and a democratic lifestyle throughout the United States, Israel, and Armenia. They have given generously of their time, energy, and knowledge to affect change and progress to better serve human kind.

Annie has dedicated countless hours to promoting ethnic diversity through her work with the United Jewish Appeal Federation, the Armenian General Benevolent Union, the American Sephardic Federation, and other organizations. She has supported the Armenian Assembly of America where she serves as the first female chairperson in its history. She has also received the United Nations Association's certificate of appreciation for outstanding contributions to human rights. Most notable is her role in the Maryland community where she has raised funds, cultural awareness, and political consciousness about issues affecting all people.

Sami has also demonstrated a strong commitment to promoting human rights here and abroad. He has worked as the vice chairman of the Young Leadership Campaign of the United Jewish Appeal Federation. He is responsible for the construction of the first and only Sephardic Synagogue here in our Nation's capital. His presence in the community is a blessing to us all.

Sami and Annie's benevolence and warmth have touched many lives. They have made outstanding efforts on behalf of many philanthropic and civic organizations. Mr. Speaker, distinguished colleagues, please join me in honoring Sami and Annie Totah.

CHAN FAMILY HONORED AS EARLY PIONEERS OF THE VALLEY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Ms. LOFGREN. Mr. Speaker, I rise today to salute Gordon and Anita Chan, and their family, selected as "Early Pioneers of the Valley" by the Chinese Historical and Cultural Project in San Jose, CA.

I know the Chans well as I have had the pleasure of working with them over the years on matters important to the district I represent in the 105th Congress. Among many other things, the Chan family is being honored for their valuable contribution in the opening of the Museum of Chinese American History in San Jose in 1991, and their continued efforts to establish a traveling exhibit of Chinese American history.

Gordon Chan's grandfather, Chien Lung, came to America in 1880, and became a very successful farmer in the Sacramento Delta area. History books refer to him as the "Chinese Potato King," a prosperous farmer until he was forced to sell his land because of Alien Land Laws in the 1920's. Gordon's father, Ted Chan, started a successful flower-growing business, and served as president of the Chinese Wholesale Flower Market in San Francisco.

Gordon and Anita, who met while attending college, continued working in the flower business, and have expanded into real estate development and restaurant operations.

The Chans have shared their success with others in our community through their many generous contributions to local groups and organizations, and most importantly, they have been an encouragement to others to actively participate in civic affairs. Gordon Chan is legendary in San Jose for his community work, having served on many boards and commissions in our county.

Mr. Speaker, on October 25, 1997, the Chinese Historical and Cultural Project will honor the Chan family as "Early Pioneers of the Valley," at its 10th Anniversary Gala Celebration, the Dragon Ball. I would like to invite my colleagues in the United States House of Representatives to join me in saluting the Chan family as they receive this very distinguished honor.

CONGRATULATIONS TO MS. ODILE HOWELL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Ms. Odile Howell on the occasion of her 104th birthday. The event was celebrated on September 18, 1997.

Odile Howell was born in the Alsace region of France, in 1893. Leaving France's wine country in 1907, Howell came to Los Angeles to care for an ill uncle. It was at this time that she fell in love with the United States and decided to become a citizen. In 1922, Howell married her sweetheart, William Sylvester Gallet, a successful painter in southern California. Shortly thereafter, they were blessed with two children, a boy and a girl.

Above all else, Ms. Howell is proud to be an American. Her short time in France gave witness to food shortages and scarcities in other basic human needs that were not present in the United States. Not a day goes by that Howell fails to profess her admiration and reverence for our country.

Although Ms. Howell is still very active, some special needs have moved her from Los Angeles to Mariposa, CA. Specifically, Mariposa places her closer to many of her 9 grandchildren and 19 great-grandchildren. Currently, Howell resides at John C. Freemont Hospital, where she still maintains a shining smile and wonderful sense of humor.

Mr. Speaker, it is with great honor that I pay tribute to the 104th birthday of Ms. Odile Howell. Her patriotism and longevity serve as a model for all men and women and should be held in the highest respect. I ask my colleagues to join me in wishing Ms. Odile Howell our best wishes.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY'S 7TH ANNUAL CONVENTION AND EXPO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Statewide Hispanic Chamber of Commerce of New Jersey's 7th annual convention and exhibition which is geared toward putting small businesses on the road to success. On October 24, 1997, the Statewide Hispanic Chamber of Commerce [SHCC] will host the Annual Expo Trade Show at the Sheraton Meadowlands Hotel in East Rutherford, NJ.

The seventh annual convention and exhibition will recognize the efforts and contributions of business owners, CEO's and other top management from both large and small Hispanic businesses throughout the State. This year's theme and challenge are "Partnering for Success." Among the several innovations and workshops are commercial loan approvals, on-line networking and marketing, maximizing office efficiency through computer technology, business start-up, expansion, and exporting. The SHCC has been integral in New Jersey realizing an 87 percent growth of Hispanic business over the past 10 years. They have also helped generate 128,000 jobs and helped produce $1.5 million in business alone. It is reassuring to know that organizations like SHCC continue to foster growth and provide leadership to Hispanic businesses as we approach the 21st century.

The SHCC is a voluntary membership network of several Hispanic chambers of commerce and professional business associations across New Jersey and the Philadelphia area. The organization aims to identify and communicate the needs of the Hispanic business community by increasing relations with the corporate sector, influencing legislation, policies and programs that have a positive impact on the business community, providing leadership and support for excellence in education for future business leaders, and providing technical assistance to Hispanic businesses, professional associations, and entrepreneurs through regional meetings, seminars, conferences and annual state conventions.

I asked my colleagues to join me in recognizing the outstanding annual event of the Statewide Hispanic Chamber of Commerce of New Jersey. I commend their accomplishments and all they have done for Hispanic businesses throughout my home State of New Jersey.

TRIBUTE TO GEORGE KARTIKIS

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to remember the life and service of George Kartikis who served as benefactor chairman of the AHEPA Fifth District Cancer Research Foundation. I think that almost everyone has known a friend or family member that has been effected by this devastating disease. This organization is responsible for fundraising and grant awarding to scientists and research medical institutions whose primary goal is to find a cure for cancer. Mr. Kartikis played a very important role in this organization, and on November 1 the foundation will honor him.

In 1996, under the direction of Mr. Kartikis, the foundation awarded grants to the Fox Chase Cancer Center, the Cancer Institute of New Jersey and Hackensack Medical Center in the amount of $170,000. This is no small donation and it was made possible because of the efforts of many generous individuals, including Mr. Kartikis. The entire cancer research community in this country will miss his energy and dedication to this most worthy cause.

George Kartikis set an example of giving. He lent a hand to help cure a disease that affects millions of Americans. Mr. Speaker, let us all learn by his example.

THE SUPERFUND RECYCLING EQUITY ACT INTRODUCED

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, today, Congressman BILLY TAUZIN introduced the Superfund Recycling Equity Act. I am an original cosponsor of this measure.

This legislation is similar to a proposal offered during the 104th Congress by then-Representative Blanche Lincoln. That bill had 238 cosponsors and enjoyed overwhelming support of industry, environmental groups, the Clinton administration. This year's bill has the same broad base of support.

Simply put, the Superfund Recycling Equity Act gives business in the recycling industry peace-of-mind that they will not be unduly drawn into the Superfund liability web as long as they do not knowingly contribute hazardous wastes and follow standard business practices. This legislation will encourage more recycling of paper, glass, textiles, metals, plastics and other materials greatly reducing the volume of the Nation's waste stream.

The House Commerce Committee is currently engaged in bipartisan negotiations to reform Superfund, which will speed cleanups and reduce needless litigation. I look forward to working with Congressman TAUZIN to include this proposal as part of this comprehensive Superfund reform effort.

20TH ANNIVERSARY OF THE BATTERED WOMEN'S ALTERNATIVE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the 20th Anniversary of Battered

Women's Alternative, a non-profit agency in Contra Costa County, California, that serves battered women and their families. Founded in 1977, Battered Women's Alternative is a leader, providing technical assistance and resources to many other programs across the country.

As we are all too aware, domestic violence is the leading cause of injury to women between the ages 15 and 44 in the United States. More women are injured as a result of domestic violence than are injured in car accidents, muggings, and rapes combined. Women of all cultures, races, occupations, income levels, and ages are battered by husbands, boyfriends, and partners. Batterers are not restricted to low-income or unemployed men. Approximately one-third of the men who undergo counseling for battering are professional men who are well-respected in their jobs and their communities. These include doctors, psychologists, lawyers, ministers, and business executives. Domestic violence also affects children. Half the children who live in violent homes experience some form of physical abuse. Unfortunately, one-third of boys who grow up in violent homes become batterers themselves, simply perpetuating the cycle.

For 20 years, Battered Women's Alternative has provided a safe haven for those women who have taken the critical first step and escaped from their homes. Battered Women's Alternative serves more than 15,500 women annually through its 24-hour crisis line, emergency shelter, safe homes, traditional housing, legal advocacy, counseling, employment assistance and placement programs. Battered Women's Alternative also conducts extensive educational programs in the hopes of preventing future instances of domestic violence, many of which are targeted toward abusive men as well as younger children.

Battered Women's Alternative is the largest domestic violence agency in the Bay Area and is the only agency which serves my constituents in the 10th District. The cities and County of Contra Costa formerly recognized the outstanding community service provided by Battered Women's Alternative on October 16, 1997. I ask that you join me in honoring this organization for their outstanding work and dedication in rebuilding the tarnished lives of the many women and children who are victims of domestic violence.

UNITED NATIONS DAY IN NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise to call the attention of the Congress to North Carolina Governor James B. Hunt, Jr.'s proclamation of October 24, 1997 as "United Nations Day" in North Carolina, and I join him in urging all citizens to participate in all activities related to this day. I commend the work of members of the United Nations Association in the Second Congressional District and across North Carolina. The proclamation reads:

> UNITED NATIONS DAY 1997
>
> (By the Governor of the State of North Carolina)
>
> A PROCLAMATION
>
> WHEREAS, the United Nations system was founded in 1945, and the anniversary of its founding is observed each year on October 24; and
>
> WHEREAS, the United Nations system has a commendable record of achievement and faces extraordinary challenges in preventing and resolving conflict, protecting the earth's environment, elevating standards of living through sustainable economic development, and promoting humane and democratic values; and
>
> WHEREAS, the United Nations is the only organization capable of dealing with the global implications of a post-Cold War, and the best vehicle for finding collective solutions to these challenges; and
>
> WHEREAS, the work of the United Nations impacts all Americans, directly affecting their health, security, economic freedom and democratic values; and
>
> WHEREAS, the United States was one of the founding members of the United Nations, representing the fervent desire of the United States and its World War II allies to "save succeeding generations from the scourge of war"; and
>
> WHEREAS, the United Nations deserves support from both the United States government and American citizens if it is to continue its important work in the 21st century; and
>
> WHEREAS, Judge William A. Creech was appointed Chair of United Nations Day in North Carolina to work with a United Nations Day Committee composed of community leaders to organize events and activities to educate citizens about the continuing need for the United Nations, and United States leadership in a changing world;
>
> NOW, THEREFORE, I, JAMES B. HUNT JR., Governor of the State of North Carolina, do hereby proclaim October 24, 1997, as "United Nations Day" in North Carolina, and urge all our citizens to participate in all activities related to this day.
>
> JAMES B. HUNT, Jr.,
> *Governor of North Carolina.*

TRIBUTE TO THE GOOD COMPANY PLAYERS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Good Company Players of Fresno. Good Company Players is an exceptionally talented theater production company where Fresnans can view the performing arts.

The Good Company Players opened its doors in 1973 in the ballroom of the Fresno Hilton. After three summers there and two summers at other Fresno auditoriums, Good Company Players moved to its current location at Roger Rocka's Music Hall. With its yearround performances, Good Company Players became the centerpiece in Fresno's Tower District, a cultural and entertainment hub in the central valley. Finally, 1982 marked the opening of Good Company's Second Space Theater which accommodates performances from school groups and junior programs.

Good Company is the premier production company throughout the Fresno area and has entertained 1,250,000 people. Over 1,683 performers have participated in a total of 7,500 shows. Currently, Good Company offers 12 performances a year and several acting workshops for both children and adults.

As Fresno's gateway to Broadway, Good Company boasts several acclaimed alumni. Specifically, Audra McDonald—who plays Eponine in Les Miserables—is a two-time Tony winner. Other Broadway veterans include Sarah Uriate, Duane Boutte, Sharon Leal and Tony nominee Bob Westenberg. Along with Broadway, Good Company has launched many of Fresno's residents into television, technical and choreographic careers.

Mr. Speaker, it is with great honor that I pay tribute to the Good Company Players of Fresno. I ask my colleagues to join me in wishing the Good Company Players many more years of success.

IN HONOR OF THERESE ROCCO, MOM'S HOUSE 1997 COURAGEOUS WOMAN

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. DOYLE. Mr. Speaker, the contributions made by Therese Rocco to our local communities and our Nation serve as a testament to the lasting impact that can be achieved by a single individual. It is with extreme pleasure that I congratulate Therese on being named Mom's House Courageous Woman of 1997.

Therese's accomplishments are as extensive as they are impressive. Her efforts have won praise from the Federal Bureau of Investigation, several mayors of Pittsburgh, the International Association of the Chiefs of Police, Allegheny County Commissioners, the Pennsylvania State Service Commission, and Newsweek magazine, to name a few. Therese has been rightly recognized not only for her skill and dedication, but for her foresight regarding emerging needs in the criminal justice system. Clearly, Therese is a woman of great courage who has demonstrated the vision and spirit that is necessary to raise awareness and bring about real change.

A female pioneer in police enforcement and public administration, Therese brought to light the need for community policing and greater representation of women officers, as well as the plight of underprivileged and abused children. That these issues are still of concern today illustrates that Therese was way ahead of the curve when she began examining them over 30 years ago. Without question, Therese is an excellent choice for this award, as her life has the power to inspire young women who may have doubts about the validity of their own worth and aspirations.

I, along with my distinguished colleagues form western Pennsylvania, salute your most recent award, Mom's House Courageous Woman of 1997. Please accept our most sincere congratulations and best wishes for continued success.

HONORING THE 68TH ANNIVERSARY OF THE ST. JOHN'S BAPTIST CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise to pay tribute to the founding family and faithful members of the St. John's Baptist Church of Jersey City, NJ. On October 25, 1997, at the Newark Airport Hilton in Elizabeth, NJ, the church will celebrate its 68th anniversary of service.

St. John's Baptist Church was inspired and founded by Rev. Franklin Saunders, Deacons B.J. Johnson and George Bedtison, and a handful of faithful members in 1929. That same year, the newly established church at 121 York Street in Jersey City, NJ was incorporated by the State of New Jersey. Before settling in to its current location at 525 Bramhall Avenue in 1948, the church relocated three times within Jersey City: The corner of Monmouth and Grand Streets, 291 Grand Street, and 70 Monticello Avenue. The latter purchase, during the Depression in 1936, required two men of substantial employment—Deacons Johnson and Bedtison as signatories on a note for $4008 to qualify for purchase of that property.

The church has not only survived for 68 years but also thrived, while enriching the community. The church's numerous humanitarian public service projects and the friendly nature of its members has helped make Jersey City and the surrounding area a better place to live. For 68 years, members and clergy have worked diligently to ensure the success of the church and the community.

Among the faithful St. John's members and contributors over the years are Reverend Sammie Hawkins, Jr., Reverend Brawner, Associate Ministers Reverend Richard Hare and Leroy Witcher and Reverend R.L. Williams. Reverend Hawkins, the church's new administrator, originally from East Dublin, GA arrived permanently on December 28, 1990 with his lovely wife, Sister Latichal Hawkins, and daughters, Ebony and Valerie.

It is an honor to have such an outstanding congregation in my district. I ask that my colleagues join me in recognizing the excellent work of the St. John's Baptist Church.

SUPPORT MORAN SUBSTITUTE TO D.C. APPROPRIATIONS

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise in support of the Moran amendment to the D.C. appropriations bill. I find the arguments of the gentlelady from the District of Columbia, the members of the Congressional Black Caucus, and the minority members of the Appropriations Committee to be most persuasive. This bill breaks the rules of the House. Once again, the Republican majority is attempting to legislate on an appropriations bill. They have thrown everything but the kitchen sink into this bill. They cannot pass their social agenda on a national scale, so they are starting small with one city.

The Moran substitute eliminates some of the more egregious provisions of the bill. First, it deletes the provision that establishes a new program to provide educational scholarships to low-income students. In our country, every child is guaranteed the right to a free, public education. We have all heard the horror stories about the terrible state of disrepair of the DC schools. There is no doubt about the fact when we have statistics from reliable sources like the GAO telling us that in 1996, 49 percent of the schools in the District had at least one building in need of extensive repair and 68 percent had at least one unsatisfactory environmental condition.

Rather than aggravating the situation, we should be working to improve the DC public schools. Unfortunately, the misguided Republican Leadership has chosen to "fix" this problem by including a proposal to provide up to $3,200 per student so that 2,000 children from low-income families could attend private schools. This plan will drain $45 million in Federal funds away from the public schools already in dire straits and will do absolutely nothing for the 97 percent of students in the District who remain in the public schools.

Only two private schools in DC have tuition rates lower than the amount provided by the "scholarships". This plan does not provide any great "choice" for most families in the District. It simply adds two schools to the many public schools they can currently choose. Those two schools, however, still have the option of saying "no" to any student who does not meet their standards for admission. In fact, even if they did not decline admission to students based on their admission requirements, they would have to decline admission to the large majority of students simply due to inadequate space.

The public schools of the District will continue to fund facilities, staff, and administrative support regardless of what Congress does. Instead of taking tax dollars out of the DC schools and placing those schools at risk of even greater disrepair, we must direct funds to fix the problems so all of the children in the District have an opportunity to learn in a safe, well-equipped public school. The $45 million in question would be much better spent on school renovation, basic repairs, and improvements in academic performance.

General Becton—who was appointed by the Control Board created by Congress only last year—is implementing a program to improve academic quality, corporate and community relationships, infrastructure and management in the District's schools. The five schools where the reforms are in place have shown dramatic improvement in only 6 months. The public schools in our Nation's capital should be a shining example for the rest of the country, but they will never be if we do not give the programs already in place a chance to work.

Second, the Moran substitute eliminates the provisions of the committee bill that allow for the waiver of the Davis-Bacon Act. The Republicans are once again using the unions as a straw man to gain support for their position. They are trying to say that the Democrats are bowing to the pressure of the union bosses. Well, Mr. Speaker, I don't even know what a union boss is. The union members I know are hardworking men and women working for a boss. I oppose this provision because it just doesn't make good economic sense.

Research has shown that construction costs in States with prevailing wage laws are lower than in States without such laws. In addition, Davis-Bacon ensures that we have a skilled workforce that produces a quality product that will last for many years. This year, the District's schools were 3 weeks late opening because of the crumbling schools. Why would we want the District schools to go through this ordeal again a few years down the road because their schools were rebuilt with shoddy construction?

Third, the Moran substitute eliminates the provision that sets limits on punitive damages in medical malpractice suits in the District. When people go to the doctor, they place their trust in that doctor. They expect and deserve to receive competent, ethical, professional treatment—and most receive it. Clearly, we have the finest medical professionals in the world. However, when citizens are maimed or killed due to medical malpractice, they or their survivors deserve a remedy.

The District ranks 45th nationwide in doctor discipline records—one of the worst in the country. Without an effective disciplinary board, punitive damages are the only means to punish physicians for egregious wrongs. By capping punitive damages, we dramatically reduce the ability of the District's civil justice system to deter wrongdoing by negligent doctors. The citizens of the District deserve better.

Mr. Chairman, today I stand with the members of the Black Caucus in opposition to this bill. We cannot continue to ignore the needs of the District. Now is not the time for this ill-conceived, irresponsible plan to advance the Republican legislative agenda to a simple appropriations bill. I urge my colleagues to support the Moran substitute and stop this social experimentation.

TRIBUTE TO BISHOP LARRY D. TROTTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RUSH. Mr. Speaker, on October 26, 1997, the Sweet Holy Spirit Full Gospel Baptist Church will come together to honor a great man. Their senior pastor, Bishop Larry D. Trotter, will celebrate 16 years of leadership within this august body and almost a lifetime of service to the community as well.

As a child, Bishop Trotter had an extraordinary desire to serve God. He attended Sunday school regularly and dedicated his life to

Christ at the young age of 12. His unwavering dedication continued throughout high school and into adulthood.

It was not until 1981 that Bishop Trotter was called to minister at Sweet Holy Spirit Full Gospel Baptist Church. Once there he led the body from a membership of only 20 active parishioners to one with over 3,000 parishioners.

Bishop Trotter's work extends far beyond the church. His ministry has taken him around the world to countries such as Uganda, Kenya, Belgium, and Israel. Bishop Trotter developed a C.A.R.E.—Counseling, Activity Resource and Education—Center and organized several antidrug and anticrime marches throughout the city. Bishop Trotter has maintained these and other commitments while having time to reach out to thousands through his weekly radio and television broadcasts.

I am pleased to be here today in honor of Bishop Larry D. Trotter. I with the bishop and the Sweet Holy Spirit Full Gospel Baptist Church many continued years of growth and success.

TRIBUTE TO VA-HACU HEALTH CARE INTERN PARTNERSHIP

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RODRIGUEZ. Mr. Speaker, I rise today to commend the Veterans Administration and the Hispanic Association of Colleges and Universities [HACU] for undertaking a new partnership aimed at increasing Hispanic participation in health care professions. The program is being launched this morning at the Audie L. Murphy Memorial Veterans Hospital in San Antonio. VA Under Secretary for Health Dr. Kenneth Kizer and HACU President Dr. Antonio Flores will be present at the kick-off ceremony.

The program's goal is to place Hispanic interns in VA facilities across the country, providing them hands-on experience in a variety of VA health care settings. Students accepted into the summer internship program will work at medical centers, outpatient clinics, nursing homes and community-based clinics, thus providing a broad spectrum of experience opportunities.

The interns will complement over 100,000 health care professionals who are trained at VA facilities across the country. This experience is designed to educate interns who are pursuing careers in health care services, ranging from physical therapy to health care administration. I commend the VA for its commitment to develop a workforce which reflects the communities served by the VA health care system.

CONGRATULATIONS TO KEVIN McCARTHY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. PASCRELL. Mr. Speaker, I rise today to honor my good friend CAROLYN MCCARTHY, and her son Kevin who will be getting married very soon.

Each of us are familiar with the circumstances that inspired CAROLYN to seek election to this House. Since the day she arrived, her commitment to making our society safe and to improving the lives of those she represents has been an inspiration to us all.

I know that CAROLYN is immensely proud of her son, who has demonstrated remarkable strength in overcoming odds most of us would find insurmountable.

Kevin McCarthy is truly a "profile in courage," and I am proud today to join those from our class in wishing he and his fiance Leslie Nolan all the love and happiness in the world on their wedding day.

One phrase that is too often thrown around these days is "family values." If anyone really wants to know the meaning of that phrase, they need to look no further than to CAROLYN and Kevin McCarthy.

It is a privilege to serve in this body with CAROLYN, and to honor her son Kevin for the life he has led—and wish him all the best in his new life with Leslie:

BACKGROUND ON THE WEDDING OF KEVIN McCARTHY AND LESLIE NOLAN

Kevin McCarthy and Leslie Nolan met last fall during his mother's successful 1996 Congressional campaign. Previous to her employment with NASA, Leslie had worked for 10 years on Capitol Hill. With the political season heating up, she got the itch to get back into the game and contacted a friend at EMILY's List, a campaign resource group for female candidates, where she was hooked up with the McCarthy campaign. She arranged to take 6 weeks of vacation and came to Long Island to volunteer for the campaign. She became the candidate's travel assistant.

Leslie returned home in November to her job as a Senior Policy Analyst at NASA Headquarters in Washington, D.C. The couple began a long distance relationship via the telephone, train and New York shuttles. They became engaged on April 26, 1997 at Longwood Gardens in Pennsylvania. Kevin got down on one knee and proposed with a diamond engagement ring and a card in front of Longwood's beautiful waterfall. Leslie received a dozen roses each day the week before the engagement!

Their wedding will be celebrated by Deacon John Reinhart at the Corpus Christi Catholic Church in Mineola. 225 guests are expected. The couple will celebrate their nuptials with a wedding ball at the historic Oheka Castle in Huntington. They will honeymoon in the Caribbean and are planning to make their home on Long Island.

Kevin McCarthy is the only child of Congresswoman Carolyn McCarthy and the late Dennis McCarthy. Kevin is a Mutual Funds Clerk with Prudential Securities in New York City. He is a graduate of the New York Institute of Technology and is presently pursuing a Masters in Business Administration in International Business at the same school.

Leslie Nolan is the oldest child of Mary and Nicholas Nolan, Sr. of Upper Marlboro, Maryland. Until recently she resided in Bowie, Maryland. Leslie is employed by NASA's Goddard Institute for Space Studies as Assistant Chief for Outreach in New York City. She has 2 sisters & 1 brother, as well as 3 nieces and 1 nephew. Leslie is a graduate of the University of Maryland. Her paternal grandparents, John and Mary Nolan of Venice, Florida, recently celebrated their 60th wedding anniversary. Her maternal grandparents, Jules & Iola Jorgenson, reside in Fremont, Nebraska.

TRIBUTE TO GOLDA GILCREASE HENGST

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Golda Gilcrease Hengst on the occasion of her 100th birthday. The event will be celebrated on October 26, 1997.

Ms. Hengst was born on October 28, 1897 in Lemoore, CA. She had a romantic childhood playing in the orchards and vineyards of the rich California countryside before attending Lemoore Union High School. After studying at the University of California at Berkeley, she returned home and fell in love with William E. Hengst, a very successful car dealer. In those days, Mr. Hengst served double duty as a driving instructor, as most buyers of new automobiles had never even driven before.

William's skills were in great demand during World War I, so he answered our Nation's call by serving as an airplane mechanic in France. After the War, William and Golda were reunited and moved to Exeter, CA. Exeter brought the Hengst's more good fortune as they tried their hand at the plum farming business. The Hengst's plums soon became known for being of such high quality that they decided to patent two of their varieties. Today, their Golden Nectar and October Gem varieties remain industry leaders in taste, size, and pulp.

Along with ranching, Golda performed bookkeeping, served on the local school board and was a member of the Exeter Women's Club. She has been blessed with 5 daughters, 10 grandchildren, 20 great grandchildren and 12 great-great grandchildren. Currently, Golda remains fairly active and enjoys spending time with all members of her family.

Mr. Speaker, it is with great honor that I pay tribute to the 100th birthday of Golda Hengst. Ms. Hengst's entrepreneurship serves as a model for all Americans. I ask my colleagues to join me in wishing Golda Hengst all the best.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising

Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Ms. HARMAN. Mr. Chairman, earlier this week, I voted in support of H.R. 1534, the Private Property Rights Implementation Act.

As with most measure this body considers, the bill is a first broad stroke at a very important problem—helping property owners resolve as quickly as possible issues related to land use. The bill is intended to afford property owners access to Federal courts when constitutionally protected rights have been taken or affected by government actions.

To be sure, the bill needs some tailoring of its provisions and, as it moves forward, I believe that in working with landowners, environmentalists, and local officials such tailoring will occur. But to vote down the bill is a mistake. It is a mistake. It is a mistake because reforms need to be made in this area of our law and we need to begin the process by which these reforms can be made. H.R. 1534 is that beginning.

I very much appreciate the concerns raised by local elected officials. Dee Hardison, the mayor of Torrance, the largest city in my district, outlined in a letter to me the effect city officials believe H.R. 1534 might have. But let me point out that local governments will have no new limits imposed on their ability to zone or regulate land use. Local agencies will still have at least two and up to three opportunities, including one involving elected officials, to resolve land use controversies before their decision will be defined as final.

At that point, under the bill, landowners will be afforded recourse to file private property takings cases in Federal court. Takings cases, or claims that a State or local government action reduced the value of property, take on average over 9 years of litigation before conclusion, yet it is important to point out that the legal basis for takings cases is the fifth amendment prohibition against taking private property without just compensation.

Because some landowners do not have the resources to defend their cases for so long and that the current situation causes unreasonable delay in resolving takings cases, the bill allows property owners to take their cases directly to Federal courts, thereby circumventing the more lengthy and often disadvantageous State courts or local resolution processes. Under current law, the cases cannot go to Federal court until it is ripe, or local resolution processes and State court appeals have been exhausted. This bill shortens the period after which ripeness occurs.

Property use decisions are appropriately the provence of local communities and States. H.R. 1534 is intended to affect a streamlining of a time-consuming process where landowners are denied a requested use but where the ultimate question is a constitutional one—has there been a taking. In my view, the opportunity to answer that question is appropriately accelerated under the bill and appropriately raised before the Federal courts.

I support H.R. 1534 and look forward to making such changes as necessary to ensure it protects property rights consistent with the Constitution.

THE LOWER RIO GRANDE VALLEY NATIONAL WILDLIFE CORRIDOR

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HINOJOSA. Mr. Speaker, to say I am disappointed with the outcome of the Interior Appropriations Conference Report as it pertains to the Lower Rio Grande Valley National Wildlife Corridor would be an understatement. The level of funding agreed to by the conferees does not in any way reflect the priority this is to the administration, to the House, and most importantly to the Nation.

The administration requested $2.8 million for the wildlife corridor, which is truly a national treasure. I wholeheartedly supported this $2.8 million request, and was successful here in the House in securing this amount. To see this amount reduced by $1.9 million in conference reflects a true lack of vision not to mention a lack of commitment to preserving one of America's most priceless legacies.

By providing only $900,000 for land acquisition, the conferees have ignored the importance of acting now to purchase lands from individuals willing to sell valuable wildlife habitat to the refuge. And let me point out that this is not a parochial issue. For years the Lower Rio Grande Valley NWR has ranked first among the Nation's wildlife refuges. It is famous for its wealth of birds. Half of all bird species in the United States are found here.

The unparalleled wildlife richness is in danger. Twenty-one species in the Valley are federally listed as endangered or threatened, and another 3 species are considered imperilled in Texas. More than 100 of the 465 bird species found in the Valley are considered by the Texas Partners in Flight program to be "species of special interest."

Funding for the conservation land acquisitions through the Land and Water Conservation Fund (LWCF) has fallen short of the existing need for years. This year, the President and the Congress agreed in the Balanced Budget Agreement to provide an additional $700 million for the LWCF. This was to be in addition to the $166 million included in the President's request for fiscal year 1998. While the conferees have retained the total request, restrictions have been imposed that directly undercut funding for high-priority land acquisitions such as the Lower Rio Grande Valley National Wildlife Refuge. Diverting these already scarce funds to other uses, including construction of a road and maintenance of buildings and other structures in refuges and parks, undercuts the entire purpose of the Land and Water Conservation Fund and reduces America's ability to conserve its vulnerable wildlife.

This initiative ranks among my highest priorities here in Congress. As I have this year, I will in the next session continue to do all I can to see that this refuge receives the attention and the funding it deserves. I hope my House colleagues will join with me in this deserving effort.

IN MEMORY OF DR. LUIS FERNANDEZ-CAUBI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to remember a great friend, outstanding lawyer, loving father, and a true patriot, Dr. Luis Fernandez-Caubi, who was born in Sagua la Grande, the son of a schoolteacher and a businessman. He was a lawyer and an ardent defender of human rights and those accused of anti-Castro activities by the Communist Government of Cuba.

After immigrating to the United States, his adoptive country, he continued the fight against Castro's tyranny, a fight that led him to the United Nations in 1988 and which continued in Spain, France, and other countries until his demise.

Dr. Fernandez-Caubi studied law at the University of Havana and began his law practice in 1948. He was admitted to the Florida bar after his completion of studies at the University of Florida and continued his practice until his death.

Dr. Fernandez-Caubi was a renowned author, winning journalism awards for his political commentary and books which included "Justicia y Terror", an indictment of the judicial system under communism and "Apuntes Sobre La Nacionalidad Cubana". He also hosted programs for radio and TV stations, including Radio Marti.

In the legal arena, his firm led a coalition of law firms in representing the elderly in the precedent setting Meek versus Martinez lawsuit to entitle the elderly in south Florida to receive their proportionate share of benefits from the government; his firm also advocated for human rights in the United Nations, which eventually led to the condemnation of Cuba for its human rights abuses. He represented numerous indigents, including the Mariel Cubans at the Terre Haute penitentiary, and won three Pro Bono Publico Service Awards. He participated in local politics and received the City of Miami Citizen of the Year Award in 1992, and the Sagua La Grande Favorite Son Distinction, among many honors.

Dr. Fernandez-Caubi was the father of 5 children and had 10 grandchildren, who were his pride and joy. He lived a full and rewarding life, and his legacy will live in the hearts of all who had the opportunity to be associated with him.

20TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CAUCUS ON WOMEN'S ISSUES

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. McNULTY. Mr. Speaker, I am pleased to join with Representative ELEANOR HOLMES NORTON and others in commemorating the 20th anniversary of the founding of the Congressional Caucus on Women's Issues.

Since it was first formed in 1977, the Caucus has had a tremendous impact on this body, and has played an important role in efforts to recognize that the diversity of America is our preeminent strength.

John Kennedy once said: "Effort and courage are not enough without purpose and direction." For the last 20 years the Caucus has given direction and purpose to issues of particular importance to women, families, and children.

In the last few years the Caucus has undergone some changes, but its role as the premier vehicle for raising and addressing the concerns of women has remained the same. The Caucus has shaped critical public policy such as equal pay, domestic violence, breast cancer research, family leave and access to quality health care.

While we have made significant advances in moving toward gender equity, progress has been slow and much more work needs to be done. If we hope to ensure equality, this Congress must continue the commitment necessary to remove the economic, political and educational barriers which hinder far too many women.

As the father of four daughters, I am well aware of the obstacles which women face and I am proud of the progress we've made in the last 20 years. Many of these changes are a direct result of the great work done by the Caucus—in serving as a catalyst in efforts to increase opportunity and ensure equality for all Americans.

In celebration of these achievements, I urge all Members of the House—and all my fellow Americans—to recognize the accomplishments of the Congressional Caucus on Women's Issues on the occasion of its 20th anniversary.

LIKE BETSY ROSS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. BEREUTER Mr. Speaker, this Member highly commends to his colleagues the following poem by Miss Anne Louise Rezac, who is a third grader at East Butler Public School in my congressional district. The poem is entitled, "Like Betsy Ross." Miss Rezac's poem was chosen for publication by the Mile High Poetry Society of Denver, CO, in its anthology of poems titled "Muse."

LIKE BETSY ROSS

(By Anne Louise Rezac)

Betsy made a flag out of colors, red, white, blue,
Which sort of makes me feel, like I could do it too.
On Tuesdays I would stitch, two hours before noon,
and I would cut the blue part, in the month of June.
In the month of July, I had few done,
so I moved the stars on, one by one.
Then who came to visit me,
when I felt like a shrewd boss? Washington and Morris, and John's uncle Ross.
They had some news to tell me, about our nation's flag.
I didn't want to dispute or begin to brag.
I knew their news was true, every single word.
Because when I was in school, that's the lesson I heard.
When the men had left, and months and days went by,
I had got the flag done! My oh my.
I went to pursue Washington, to tell him my good news,
and when I finally got there, he did not refuse.
George used the flag when he went near and far,
he even told the people what I used from the sewing jar.

UNIVERSITY OF TOLEDO CELEBRATES ITS 125TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the 125th anniversary of the University of Toledo. Throughout its history and into the present, the University of Toledo has been cause for great pride and growth in our community, educating our citizens and providing brighter futures as a result. In its first 125 years, the University of Toledo has developed tremendously. UT is a nationally recognized public university with a wide range of undergraduate and graduate programs serving students across Ohio, all 50 States, and 98 countries. The University of Toledo is a leader in enrolling National Merit Scholars. In further testament to its success, it has grown from only one building on one campus to more than 60 on several campuses today.

The mission of the University of Toledo is manifold. UT strives for excellence in research and scholarship and is equally concerned with disseminating this knowledge through its academic programs. The University is highly committed to helping students achieve their highest potential by providing open access to the institution and challenging course work within its programs. Further the University of Toledo holds the promotion of pluralism, racial diversity, and gender representation as high priorities, making the University a place in which all types of people and viewpoints are valued. Renaissance writer John Heywood captured the spirit of UT's philosophy when he wrote, "The very spring and root of honesty and virtue lie in a good education." The University's guiding principles of freedom of expression and social justice make clear that UT proudly operates by the same belief system.

I am pleased to join the community to recognize, with gratitude, the University of Toledo's 125 years of excellence in education. I know my colleagues join me in wishing the University a happy 125th anniversary.

JACK WALLACE RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a veteran newspaper reporter and noted labor leader from my Congressional District in Pennsylvania, Mr. Jack Wallace. This week Jack will be honored on the occasion of his retirement from the Citizens' Voice Newspaper in Wilkes-Barre, Pennsylvania. Jack is an institution in Wilkes-Barre, and I am pleased to join his friends and colleagues in recognizing his outstanding career.

Although Jack's byline has appeared on only two articles during his 46-year career, he has written thousands of stories. And, though he has not gotten recognition for his authorship, he is the most recognized face at the Luzerne County Courthouse, his beat for 29 years. During the course of his career, he has covered eight District Attorneys beginning in 1968 and numerous County Commissioners, elected officials, and political campaigns.

Jack began his career 46 years ago with the Wilkes-Barre Publishing Company in its maintenance department. As was common in those days, he worked his way up to reporter. A strong supporter of labor unions and the right for workers to organize for representation, he was actively involved with the Newspaper Guild. He served 3 years as an executive board member, 7 years as union vice-president and 29 years as the local president.

Along with his journalistic endeavors, Jack is also active in the community. He is a member of St. Therese's church, the Friendly Sons of St. Patrick, the Donegal Society and the Ancient Order of Hibernians. He was a little league baseball umpire for 16 years.

Mr. Speaker, I am proud to join with Jack's many friends, his family, coworkers and the community in honoring this dedicated professional. I send Jack my best wishes for a happy, productive retirement and congratulate him on an exemplary career in journalism.

A WELCOME TO HIS ALL HOLINESS BARTHOLOMEW, ECUMENICAL PATRIARCH OF CONSTANTINOPLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to welcome His All Holiness Bartholomew, ecumenical patriarch of Constantinople as he comes to visit the United States. His service as a religious leader has provided a great deal of inspiration and spiritual leadership to millions of Orthodox Christians.

Ecumenical Patriarch Bartholomew is the current Archbishop of Constantinople of the 2,000-year-old Orthodox Christian Church. The title of "ecumenical" means that Patriarch Bartholomew is the worldwide father and spiritual leader of nearly 300 million Orthodox Christians. It is the role of Ecumenical Patriarch Bartholomew to coordinate the work of the Orthodox Church, to convene councils and to facilitate inter-Church and inter-faith dialogs.

The ecumenical patriarch of Constantinople emerged as the world center of the Orthodox Church during the Great Schism in 1054. It was at this time that ecumenical was recognized by other Orthodox hierarchies as the principal patriarch of the faith. This position, although influential and significant, also represents the lives and sacrifices of the persecuted Orthodox Christians of the 20th century. Specifically, the ecumenical works in memory of the 700,000 Orthodox Serbians killed by Hitler and the thousands of Orthodox Christians repressed in the former Soviet satellites.

As the new millennium approaches, Ecumenical Patriarch Bartholomew is striving for religious reconciliation and toleration. Evidence of this is the Ecumenical's establishment of an Orthodox archdiocese in China during a landmark visit to Hong Kong in 1996. Similarly, his commitment to bring harmony between the Christian, Jewish, and Islamic religions led to cosponsorship of the Peace and Tolerance Conference in Istanbul in 1994. The Ecumenical Patriarch Bartholomew's most current undertaking is facilitating peace and unity among the Catholic, Muslim, and Orthodox communities of the former Yugoslavia.

Mr. Speaker, it is with great honor that I welcome His All Holiness Bartholomew, ecumenical patriarch of Constantinople in his visit to the United States. His character and wisdom are symbolic of his outstanding service as a religious leader and human being. I ask my colleagues to join me in wishing Ecumenical Patriarch Bartholomew continued happiness and inspirational religious leadership.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. VISCLOSKY. Mr. Speaker, I was unavoidably detained and unable to vote on rollcall Nos. 523 through 525. Had I been present, I would have voted "no" on rollcall No. 523, the Rangel amendment to H.R. 2646; "no" on rollcall No. 524, passage of H.R. 2646; and "yes" on rollcall No. 525, in support of House Resolution 276, offered by Democratic Leader GEPHARDT regarding the Sanchez-Dornan case.

THOUGHTS ON NATO

HON. TOM BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to enter into the RECORD an article on NATO expansion written by a respected reporter from my home State of Wisconsin, Mr. Bill Kaplan.

Mr. Kaplan's article appeared in the Saturday, August 2, 1997, edition of the Wisconsin State Journal:

NATO EXPANSION NEEDS PUBLIC DEBATE

(By Bill Kaplan)

In the film "Advice and Consent" actor Henry Fonda, playing a U.S. secretary of State nominee, says: "Son, this is a Washington, D.C., kind of lie—that's where the other person knows you're lying and he knows you know."

That's a good description of the recent debate in Congress on the defense budget and President Clinton's decision to expand NATO. A brief review of the end of the Cold War makes the case.

The West won the Cold War decisively. The Berlin Wall came down in 1989. By 1991 all Communist regimes in Central and Eastern Europe had collapsed, the Warsaw Pact had ceased to exist and the Soviet Union had dissolved. By 1994 Russian troops had withdrawn from former Soviet satellites. Moreover, tough conventional arms agreements were reached in 1990–92 by the West, Russia and all other former Communist nations.

Also by 1994 Belarus, Kazakhstan and the Ukraine had given up all of their nuclear weapons and signed the Nuclear Non-Proliferation Treaty. The United States and Russia began to implement the Strategic Arms Reduction Treaty, START I, reducing their nuclear weapons. Moreover, START II, with even greater reductions in nuclear weapons, was signed by the United States and Russia, though only the United States has ratified it.

Finally, all observers agree that the Russian military has sharply degraded and could not prevail even in Chechnya. In contrast, the United States is the only remaining superpower.

So what about U.S. defense spending at near Cold War levels and the expansion of NATO?

Recently, the House and Senate approved a $268 billion military budget bill. That's 5½ times what Russia spends. It's 18 times as large as the combined spending of Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria. Moreover, U.S. defense spending dwarfs what all our NATO allies and Japan spend combined. But it gets worse.

The House version of the $268 billion military budget bill calls for buying more B-2 bombers, which the Pentagon does not need or want. The final price tag will be about $27 billion for planes that have no mission.

Wisconsin can be proud that only one member of the state's congressional delegation—GOP Rep. Mark Neumann—voted for this bonanza for defense contractors. And, most members of the Wisconsin congressional delegation, in the spirit of bipartisanship, went on to vote against the wasteful $268 billion military budget bill.

There were two exceptions. Democratic Ray Jay Johnson deserves a dart for voting for this bad bill. And, Neumann, after voting for the B-2 bombers, did not bother to vote on final passage of the military budget bill, which had the funds for the B-2.

But what about the expansion of NATO? Perhaps former Wisconsin Rep. Bob Kastenmeier said it best. "NATO expansion is an extension of American power and influence, and represents an abject inability of European leaders to take responsibility for what happens in Europe. What should really be of interest to the U.S. is joining together the East and West in the European Union."

Kastenmeier added: "If the expansion of NATO is not aimed at Russia, then who?"

Similarly, retired Rear Admiral Eugene Carroll of the Center for Defense Information, a Washington, D.C., think tank, said: "The U.S. is cynical and misrepresents the purpose of NATO expansion. Its purpose is to prevent a Soviet (Russian) revival. And, it will change NATO from a defense alliance to one based on hegemony."

Carroll went on to say: "It will cost a lot and prevent further nuclear arms control—nukes will become a safety net for the Russians."

Wisconsin Rep. David Obey warned "The expansion of NATO will create a new division in Europe. It will move the line eastward."

Yet, there has been almost no public debate on what is the most far-reaching foreign policy initiative in a generation.

However, Sen. John Warner, R-Va., and 19 other senators, recently sent a letter to President Clinton questioning the expansion of NATO. This bipartisan group spans the gamut from conservative Sen. Jesse Helms, R-N.C., to liberal Sen. Paul Wellstone, D-Minn. So why didn't Wisconsin's Feingold and Kohl sign on?

It is time for both Wisconsin senators to step forward and join the debate. As Warner pointed out. NATO expansion requires two-thirds of the Senate to vote for it, and the "Senate's approval is no mere formality." Better yet, Feingold and Kohl ought to convene grass roots hearings in Wisconsin to find out what the state's residents think before the Senate votes on NATO expansion.

MR. KILDEE RECOGNIZES THE LAKE ORION YOUTH TO YOUTH/PRIDE PROGRAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in honoring an exceptional group of young people participating in Youth to Youth/Pride Program in Lake Orion, MI.

These dedicated students have been selected to represent the State of Michigan at the International Drug Free Conference in Bermuda, November 12–16, 1997. I am very proud of these individuals for their efforts on behalf of drug and alcohol free youth. The honor of being chosen to participate in the conference in Bermuda is proof of the caliber of these young people.

I am honored to represent this group in Congress. They have set an example worthy of praise, and one which I hope will be met by others who will pledge to do their part in our fight against drugs. With cooperation between teens and adults we can work to achieve our mutual goal of providing an environment where our children are strengthened in their resolve not to use drugs or alcohol.

Mr. Speaker, I urge my colleagues to recognize the commitment of all the young people participating in Youth to Youth/Pride programs. They deserve both our gratitude and our support.

TRIBUTE TO LLOYD STOREY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Lloyd Storey, a man whose contributions to the uniquely American art form known as tap dancing earned him the title of Detroit's Ambassador of Tap. Mr. Storey died September 21 at home in Detroit. He was 74.

Mr. Storey was artistic director of the Tap Repertory Ensemble and a faculty member at Detroit's Center for Creative Studies. Born in Detroit, he grew up in New York where he spent countless hours watching tap dancers in vaudeville shows. He quickly picked up tap's intricate rhythms, fused them with his own gliding energy, and developed a style that seemed effortless in its execution.

When he was 14 years old, he began dancing in New York's Apollo Theatre as a member of the famed Apollo Chorus Boys. Although his career was interrupted by World War II where he served as a member of the U.S. Navy shore patrol, Ninth Naval District, he quickly fell into step upon his return home. One of Mr. Storey's most notable accomplishments was his membership in New York's exclusive Hoofer's Club.

Throughout his life, Lloyd Storey introduced the joy and the beauty of tap dancing to appreciative audiences around the globe. A social worker by training, he knew the cultural and historical significance of this indigenous dance form, and he dedicated his life to teaching others of its value. Indeed, he was a major contributor to the rebirth of tap in our country.

It was because of cultrual legends such as Mr. Storey that I intoduced legislation to designate May 25 as National Tap Dance Day. The companion bill was introduced by U.S. Senator ALFONSE D'AMATO. May 25 was selected as National Tap Dance Day because it is the anniversary of the birth of Bill "Bojangles" Robinson who made outstanding contributions to this art form on both stage and film. On November 7, 1989, President George Bush signed the bill into law.

The language in the House Joint Resolution 131 says that tap dancing reflects "the fusion of African and European cultures into an exemplification of the American spirit, that should be, through documentation, and archival and performance support, transmitted to succeeding generations."

House Joint Resolution 131 continues: "it is in the best interest of the people of our Nation to preserve, promote and celebrate this uniquely American art form" because of tap dancing's historic and continuing influence on other American art forms.

I am proud to say, Mr. Speaker, that Lloyd Storey was able to testify before the U.S. Congress on this bill. His role in gaining national recognition for tap dancing was noted by his family in the remarks in his obituary.

Our society lost a true culture bearer with the death of Lloyd Storey. Over the years, he performed with Fletcher Henderson at Chicago's Regal Theatre, with Count Basie and Andy Kirk at the Apollo, and with Gregory Hines at Detroit's Fisher Theatre and Orchestra Hall. I only have time to skim the list of the gifted performers with whom he appeared. He displayed his talent with the likes of Louis Armstrong, Cab Calloway, Duke Ellington, Redd Foxx, Peg Leg Bates and Tony Bennett. In Detroit, a city that proudly claims Lloyd Storey as its own, this legendary performer was living proof that greatness attracts greatness. His performances with such luminaries as Dr. Theodore Harris Jr., J.C. Heard, Marcus Belgrave, and Dr. Beans Bowles lifted audiences from their chairs in a swell of pure joy. In the early 1950's Mr. Storey and Fletcher "T Bone" Hollingsworth founded an ensemble know as the Sultans.

Whenever he was asked to name the person who had the greatest impact on this career, Mr. Storey did not hesitate. He named his great friend and mentor Bill "Bojangles" Robinson. Not only did Mr. Storey dance with Bojangles' famed troupe, he learned from him the importance of passing his craft to the next generation of tappers. Mr. Sotry taught at the advanced level and provided lectures and demonstrations both at home and abroad. In the 1980's Lloyd Storey taught tap in Europe and Japan as part of a cultural exchange program.

In addition to his dance career, Mr. Storey earned a bachelor of arts degree and a master of social work degree from Wayne State University. He was a program director for the Neighborhood Service Organization in Detroit until his retirement in 1989.

Mr. Storey's last professional performances were in 1995 with the European tour of the Tony-Award-winning Broadway production of "Black and Blue." He was taken ill while performing on stage in Zurich, Switzerland. Lloyd Storey was far more than a gifted dancer and dedicated community activist. He was a man whose elegance on the dance floor was a reflection of his innate grace and style. He was a loving husband and father and a trusted friend whose buoyant spirit and lively sense of humor rivaled the movement of his feet. Survivors include his wife, Joyce; five children and four grandchildren.

Mr. Speaker, our Nation and our world are richer because a gentleman named Lloyd Storey was gracious enough to share his love of tap dancing with us.

THE HISTORIC LEGACY OF LEWIS AND CLARK

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. COSTELLO. Mr. Speaker, I rise today to urge my colleagues to join me in supporting legislation which will draw attention to the historic legacy of Meriwether Lewis and William Clark and their journey West as the first white Americans to reach the Pacific.

It is little known outside of my congressional district that Lewis and Clark began their mission West near Wood River, IL. Lewis, Clark, and their expedition spent the winter of 1803 near what is now home to the communities of Hartford and Wood River, IL, at the confluence of the Mississippi and Missouri Rivers. During this winter season final selections of area woodsmen and soldiers were made for the journey to the Pacific.

This expedition, my colleagues will recall, came about by an act of Congress. On February 28, 1803, Congress appropriated funds for a small U.S. Army unit to explore the Missouri and Columbia Rivers and inform western Indian tribes that traders would soon come to buy their furs. President Jefferson was increasingly concerned about British furriers and trappers expanding their influence south, through Canada, into American territories. Irving W. Anderson, past president of the Lewis and Clark Heritage Foundation, describes the journey's goals:

> The explorers were to make a detailed report on western geography, climate, plants and animals, and to study the customs and languages of the Indians. Plans for the expedition were almost complete when the President learned that France offered to sell all of Louisiana Territory to the United States. This transfer, which was completed within a year, doubled the area of the United States. It means that Jefferson's Army expedition could travel all the way to the crest of the Rockies on American soil, no longer needing permission from the former French owners.

Mr. Anderson notes that Meriwether Lewis recorded in his journal that Wood River was "to be considered the point of departure" for the westward journey. This 28-year-old Army captain, who knew the President well from their previous residences near Charlottesville, VA, spent that winter selecting 45 men to begin the journey West. When they left Camp DuBois on May 14, 1804 and headed West, little did they know what the journey would hold. Their Corps of Discovery reached the Pacific Ocean over a year later, in November 1805, and began their journey back across the mountains, returning to St. Louis on September 23, 1806.

It goes without saying that this journey was among the most significant in our Nation's history. The Louisiana Purchase and opening of the West to new exploration and development paved the way for settlement of California, establishment of a greater American union and relocation of millions of Americans westward throughout the 20th century. And while Americans can identify F. Clatsop and other Lewis and Clark historic sites, many do not yet know about the Lewis and Clark Site No. 1, Camp DuBois, near Wood River, IL. That is the intention of this legislation.

I want to congratulate the dedicated individuals in my congressional district who have worked for years to build the Lewis and Clark memorial, which now stands at the confluence of the Mississippi and Missouri Rivers. In particular, Mr. George Arnold, who is president of the local Lewis and Clark Memorial Society, has dedicated many years of his life to the legacy of Lewis and Clark and the construction of both the memorial and an interpretive center to lay out the rich Illinois history of the Lewis and Clark expedition.

My legislation has the strong support of the Illinois congressional delegation, will call attention to this journey and seek to expedite efforts by local, State and Federal officials to build this interpretive enter. The Congress has played an active role in this process; in fiscal year 1991, Congress appropriated $115,000 for land acquisition adjacent to route 3, on the dry side of the flood levee; and in fiscal year 1993, Congress appropriated $88,000 for a National Park Service study to determine who best to build and design the center. Both of these funds were appropriated under the 1972 Lewis and Clark National Historic Trail, which remains the authorizing legislation for the interpretive center as well.

Our next goal is to move forward with the interpretive center. State and local resources are in place to begin this process; it will be a 50–50 cost-share with the Federal Government. It is my strong hope that much of this local support will be in place in the spring of 1998, so that we can ask the National Park Service and the Congress to appropriate sufficient funds to begin construction of the Visitors Center.

I want to thank the local, State and Federal officials who are now ready to work with me not only on this commemorative legislation but also on the funding required to make the new center a reality. It will serve as a tribute to the Illinois legacy of these great explorers, and enhance what the Nation understands about the sacrifice and heritage of Meriwether Lewis and William Clark's journey to the Pacific.

THE SUPERFUND RECYCLING EQUITY ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. TAUZIN. Mr. Speaker, today I am introducing the Superfund Recycling Equity Act. This legislation addresses an unintended consequence of Superfund which has created a serious, negative impediment to our goal of increased recycling in our country.

The Superfund Recycling Equity Act is the product of negotiations between the Government, representatives of the environmental community, and the scrap recycling industry. The bill which I am introducing is the same as H.R. 820 of the 104th Congress with some modifications addressing the concerns of the paper industry. The original negotiating parties have agreed to these minor changes. I am pleased that once again, this legislation attracts incredible support from numerous members across the ideological spectrum.

The Superfund Recycling Equity Act aims to level the playing field between recyclable paper, glass, plastic, metals, textiles, and rubber and the competitive virgin materials where both the recyclable and virgin materials can be used as manufacturing feedstocks. Specifically, the bill relieves those who sell the recyclable materials from Superfund's liability regime if the recyclers meet specified conditions. These conditions ensure that sham recyclers are excluded from the bill's benefits. In order for legitimate recyclers to be relieved of Superfund liability, they must continue to prepare their product in an environmentally sound manner and sell their product to manufacturers who have environmentally responsible business practices.

The language added to the bill to accommodate the paper industry's concerns does three things. It clarifies the term "customary business practice," which previously was undefined. It specifies that the polychlorinated biphenyl [PCB] limits are concentration limits. Finally, if the EPA Administrator determines at some future date that recycled paper contains a hazardous substance heretofore unknown, recyclers would share with mill owner/operators any cleanup costs.

The need for this legislation occurs due to rulemaking and subsequent court interpretations of the rulemaking, not as a consequence of statutory law. The Resource Conservation and Recovery Act [RCRA] regulates the way in which solid wastes, both hazardous and nonhazardous, are handled. However, another important purpose of RCRA appears directly in its title: To conserve and to recover—recycle—scarce resources. While the RCRA statute states that solid wastes are discarded, or disposed of, when the RCRA rule defining solid waste was written, recyclables were included in the promulgated regulation as a subset of solid waste. From that moment forward, recyclables became, and remain, solid waste—not by Act of Congress—but by rulemaking. When Superfund was written, its liability section, section 107, tracked the RCRA rulemaking language and stated that those who dispose of hazardous substances are liable under Superfund's liability scheme.

Despite the intent of public policy, whenever a recycler processes traditional recyclable materials and sells them to mills as feedstocks, or raw materials, for the manufacturing process, be it paper, glass, plastic, metals, textiles, or rubber, they are not selling a product—but rather, under regulatory law—they are disposing of solid waste. Even though such substances are inert and harmless in the solid form, if the recycler sells material to mills that contain hazardous substances, which then contaminates the environment solely because of the activity of the mill's owner/operator, under current legal interpretations recyclers can be required to clean up all, or a portion, of that third party contaminated site. Perhaps you are thinking, I've heard this before, everybody caught in Superfund always says, I didn't pollute anything, and always points to the other guy who did it. Then consider this question. If a supplier of hazardous virgin material used as manufacturing feedstock, for example nickel or chromium, sold it to a mill which then creates a Superfund site, what portion of the cleanup is assigned to the supplier of the virgin material?

The answer is none, not one penny. Neither the mill's owner/operator, nor the government can seek cleanup costs from suppliers of virgin materials. Why? Because legal interpretations consider virgin materials to be products, not wastes. One does not dispose of a product. But, one discards, or disposes, of waste. If the waste contains a hazardous substance found at the site, the person who shipped the waste to the site and the owner/operator, if one still exists, are required to pay the cost of cleanup.

My bill does not relieve the recycler of liability for contamination related to the recycler's disposing of wastes off-site. My bill deals only with Superfund liability arising from the sale of recyclable material to a third party site which is contaminated by that third party.

Let's review this. A recycler and a virgin material supplier each provide their product to a stainless steel mill, for example. Old, damaged, or obsolete stainless steel knives, forks, and spoons are sold to the mill by recyclers. Stainless steel is steel alloyed with nickel and chromium. Virgin material suppliers sell iron ore, chromium, a hazardous substance, and nickel, a hazardous substance, to the same mill. The mill creates a Superfund site where chromium and nickel are found. The mill operator, and/or the government, can and do seek out recyclers to help pay the cost of cleaning up the site. Yet neither the owner/operator nor the government can seek contributions for cleanup from the virgin material suppliers of the nickel and chromium.

Clearly, this doesn't make sense. More importantly it stifles recycling activities in our country. If we are serious about recycling, and I believe that the public and their public officials are serious about it, then we must correct the anomaly.

While I strongly believe that the existing inequities need to be corrected, I remain committed to the swift passage of comprehensive Superfund reform. The recyclers' concerns are one of many problems which due to the current liability system and remedy selection process have prevented Superfund from accomplishing more. I look forward to working with the subcommittee chairman, Mr. OXLEY, and the Commerce Committee chairman, Mr. BLILEY, to ensure that a more rapid cleanup of NPL sites begins this Congress.

Please join me in cosponsoring the Superfund Recycling Equity Act and encouraging comprehensive reform during the 105th Congress.

SENATE—*Monday, October 27, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

We conclude our character counts prayers by asking for the character trait of caring that is expressed in loyal citizenship. Dear God, You have lavished Your love in the natural resources and expressed Your providential care in the blessing of our Nation. Thank You for the privilege of being citizens of this land of liberty, justice, opportunity, and promise. You call us to be loyal in our patriotism and diligent in seeking Your very best for our land.

Sovereign of America, give us a character transplant. In a time when so many say, "I couldn't care less," help us to remember how much You care for us and respond by saying, "We dare not care less." We cast all our cares on You because You care for us. May this motivate us to confront the problems of our Nation and seek Your solutions.

Gracious Father, bless the women and men who express their citizenship by serving here in this Senate. You have told us that if we pray for them You would pour out Your power. Guide these leaders as they seek to know and do Your will. Fill this Chamber with Your shalom and make us one with shared patriotism and united vision. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. Thank you, Mr. President.

SCHEDULE

Mr. HAGEL. This morning, the Senate will be in a period of morning business until 1:30 p.m. Following morning business, we hope to begin consideration of the pending Federal Reserve Board nominees or the Interior appropriations conference report.

Also, later in the day, we hope to make progress on amendments to S. 1173, the highway legislation. As Members are aware, a fourth cloture motion was filed to the highway bill on Friday, so there will be a cloture vote on Tuesday at a time yet to be determined.

In addition, the Senate could be asked to consider Amtrak strike legislation during this week as well. Under the previous order, at 5 p.m. today the Senate will vote on the confirmation of the Marbley of Ohio nomination to be U.S. district judge. Members are reminded that this may not necessarily be the only vote scheduled today. Members will be notified when other votes are scheduled.

MEASURES PLACED ON THE CALENDAR—SENATE JOINT RESOLUTION 37 AND H.R. 2646

Mr. HAGEL. Mr. President, I understand that there are two items that are due to be read a second time. I ask that they be read consecutively at this time.

The PRESIDENT pro tempore. The clerk will read the measures by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 37) to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees.

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. HAGEL. Mr. President, I object to further consideration of these matters at this time.

The PRESIDENT pro tempore. The bill and joint resolution will be placed on the Calendar of General Orders.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed beyond the hour of 1:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

THE DEPARTMENT OF DEFENSE'S ILLEGAL PROGRESS PAYMENT POLICY

Mr. GRASSLEY. Mr. President, I would like to speak about the Department of Defense's illegal progress payment policy.

I have spoken on this policy a number of times since the beginning of the year. Well, I thought we had finally laid the issue to rest. But how wrong I was. On July 22, DOD made a commitment to bring that policy into compliance with the law.

The commitment was made by the nominee to be Deputy Secretary of Defense, Mr. John Hamre. At the time, he was the department's chief financial officer or CFO. He is now the Deputy Secretary of Defense.

Mr. Hamre made the commitment in front of the leaders of the Armed Services Committee: Senator STROM THURMOND, chairman of the Armed Services Committee; Senator CARL LEVIN, ranking minority member of the committee; and The committee's ranking Republican, my friend from Virginia, Senator WARNER; and the Senator from Iowa was also present.

Mr. Hamre promised to put the new policy into effect on October 1, 1997. But October 1 has come and gone. As of this moment, the illegal policy is still in operation. For over 6 years now, the inspector general; the IG, has been telling DOD to fix the policy. And DOD has repeatedly promised to fix it. Unfortunately, Mr. President, these were empty promises. They are broken promises.

Mr. President, John Hamre gave me his word he would fix it this time. A man's word is like gold. You should be able to take it to the bank. He proposed to bring the policy into compliance with the law. And he did it in front of the leadership of the Armed Services Committee. I expect him to keep his word. And the IG is involved, as well. The IG made a commitment to verify compliance. And DOD is not in compliance. This is a bad situation. The basic agreement is outlined in the IG's letter of July 23. I placed a copy of that letter in the RECORD on July 24. It can be found on page S8110.

The July agreement started to unravel barely 1 month after being put together. It unraveled because of complaints from industry—mainly a group called the Council of Defense and Space Industry Associations—that is CODSIA.

The group sent a letter to DOD on August 27. Mr. President, I ask unanimous consent to have a copy of this letter printed in the RECORD.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL OF DEFENSE AND SPACE
INDUSTRY ASSOCIATIONS,
Washington, DC, August 27, 1997.

Hon. ALICE C. MARONI,
Acting Under Secretary of Defense (Comptroller), Pentagon, Washington, DC.

Mrs. ELEANOR R. SPECTOR,
Director of Defense Procurement,
Pentagon, Washington, DC.

Mr. GARY W. AMLIN,
Acting Director, Defense Finance and Accounting Service, Arlington, VA.

DEAR MRS. MARONI, MRS. SPECTOR, and MR. AMLIN: The undersigned members of the Council of Defense and Space Industry Associations (CODSIA) are very concerned with DoD's decision to implement the requirement to distribute contract financing payments starting October 1, 1997, without allowing final action on DFARS Case 97-D011 and without determining the impact of such a decision on DoD and industry. This change will increase significantly the administrative workload and cost for all parties involved in the payment process.

The cost impact of this decision on industry is extremely onerous. It will require major changes to accounting and billing systems and to electronic commerce systems to meet the new requirements. We estimate that the additional staffing and administrative effort necessary to ensure compliance with the required distribution in the billing process will cost the industry about $1.3 billion in FY98.

The $1.3 billion estimate does not include (1) the impact on any contracts not paid from DFAS Columbus, (2) actual cost accumulation by ACRN or CLIN/SLIN, (3) any additional subcontractor cost, (4) progress payments on basic ordering agreements, (5) the cost of breaking down contracts below the ACRN level, (6) new billing system audits, and (7) higher prices resulting from delayed payments.

The October 1 implementation date does now allow time to comply with the requirements of both the Regulatory Flexibility Act and the Paperwork Reduction Act. The statement in the proposed rule that it pertains primarily to internal Government accounting procedures ignores the impact of the rule on industry. It is our opinion that a regulatory flexibility analysis is required and that industry should have an opportunity to participate in that analysis. As to the paperwork burden, the proposed rule will result in significant new information collection requirements in order for contractors to be paid. The statement that the proposed rule will *not* impose any information collection requirements that OMB must approve is inaccurate.

Industry is not prepared to implement progress payments distributions on October 1, 1997, and we believe that DFAS will have great difficulty in doing so. Therefore, we urge you to delay the implementation to allow time for a thorough analysis of the impact of this decision.

Whatever decision is made on implementation, the new requirement should not apply to existing contracts. Furthermore, if this decision is implemented, the progress payment rate should be increased to eighty-five (85) percent to compensate for slower payments.

If the implementation date cannot be delayed, we urge the following steps to reduce the administrative cost and disruption of the progress payment process.

Do not make progress payment distributions retroactive. The decision to implement progress payment distributions on existing contracts with five or less progress payments as of October 1, 1997, will result in claims for equitable adjustment. This applies to contracts that have been awarded as well as to prospective contracts that are currently in a solicitation or negotiation phase.

Require DoD to simplify contracts to one ACRN by not using multiple appropriations per contract and not assigning multiple ACRNs per appropriation. This is the only way DoD can comply with this requirement without creating a significant problem for industry and DFAS.

Distribute progress payments by ACRN rather than CLIN/SLIN.

Continue the current DFAS procedure of reallocating payment by ACRN when there are not enough funds in an ACRN to make the payment.

Take steps as detailed in Enclosure I to reduce administrative effort.

Further details of industry's concerns and an analysis of the cost impact are contained in Enclosures I and II to this letter.

DFAS has made significant progress in making timely payments on both progress payment and delivery invoices. The implementation of progress payment distributions would be a major setback for DFAS, and a setback for acquisition reform and payment efficiency. We would be pleased to discuss this matter with you. For further information, please contact Dave Koonce of the Lockheed Martin Corporation at (301) 897-6657.

Sincerely,

Don Fuqua, President, Aerospace Industries Association; Lorraine M. Lavet, Chief Operating Officer, American Electronics Association; Gary D. Engebretson, President, Contract Services Association; Kenneth McLennan, President, Manufacturers Alliance for Productivity and Innovation; Lawrence F. Skibbie, President, American Defense Preparedness Association/National Security Industrial Association; Cynthia L. Brown, President, American Shipbuilding Association; Dan C. Heinemeier, Vice President, Electronic Industries Association; Bert M. Concklin, President, Professional Services Council; Penny L. Eastman, President, Shipbuilders Council of America.

Mr. GRASSLEY. Industry's complaint boils down to one key point: The new policy will cost $1.3 billion in the first year alone. This is pure, grade A Pentagon baloney. The IG says it is baloney.

No one knows what the new policy would cost—if anything.

Maybe it would save money.

DOD is paying accounting firms like Coopers & Lybrand hundreds of millions of dollars to resolve accounting errors.

These accounting errors are caused, in part, by the current policy.

If payments were made according to law, all the money paid to Coopers & Lybrand could be saved. Surely these saving would offset any new costs. Let's face it, the thought of more cost makes industry lick its chops. More cost is not the issue.

More money is the issue. What I am talking about here is the flow of funds.

The new policy threatens to interrupt the money flow.

That is what scares CODSIA.

And I am not talking about not paying legitimate bills on time. Under law, DOD must pay its bills promptly.

I am talking only about bills that cannot or should not be paid. I am talking about overobligations and overpayments.

DOD cannot write checks and pay bills with no money in the bank.

Mr. President, this simple rule applies to most citizens in this country but not to entrenched bureaucrats in the Pentagon.

They can dip into a bottomless well that is the $250 billion defense budget.

This bottomless well allows DOD bureaucrats to merge and comingle appropriations.

They do this to cover shortages—beyond the purview of Congress. Say a bill is submitted for payment, but the bureaucrats discover that there is insufficient money in the account to pay it.

Under the current policy—that is Mr. Hamre's policy—the bureaucrat is authorized to arbitrarily and deliberately post it to another account—the wrong account—but one fat with cash.

Mr. President, that is illegal. Yet that is exactly what CODSIA is asking DOD to keep doing. CODSIA refers to ACRN for accounting classification reference number. ACRN's identify appropriation accounts.

I quote from CODSIA's letter to DOD:

> Continue the current DFAS [Defense Finance and Accounting Service] procedure of reallocating payment by ACRN when there are not enough funds in an ACRN to make the payment.

In other words, CODSIA says: Keep charging the wrong account if there isn't enough money in the right account.

Mr. President, that is a blatant violation of law.

When an ACRN contains insufficient funds to pay a bill, the account is overdrawn. It is in the red. It is time for heads to roll.

That is a violation of the Antideficiency Act—section 1341 of title 31, and that carries criminal penalties. It's a felony.

And when you arbitrarily reach into another account to get the money, as CODSIA suggests, you also violate sections 1301 and 1502 of title 31.

These laws are the sacred constitutional cornerstones of Congress' control over the purse strings.

CODSIA shows no respect for these sacred constitutional principles.

At least CODSIA is up-front about what it wants. It wants industry to get paid—even if it means breaking the law.

There is another problem—overpayments. These are bills that should not be paid.

DOD has a nasty habit of overpaying contractors and does it with great regularity.

The bad part about it is DOD doesn't know when it happens. DOD doesn't have the controls in place to detect them.

The only way DOD knows about an overpayment is when the contractor voluntarily returns the money.

Well, Mr. President, guess what is causing overpayments?

Answer: Mr. Hamre's current progress payment policy—the one he promised to terminate on October 1.

A recent GAO report—No. 97-37, page 12—says this policy is "the most frequent cause of DOD's overpayments."

The GAO report is entitled "Fixing DOD's Payment Problem Is Imperative."

The new policy promised—but not delivered—by Mr. Hamre should put a lid on overpayments.

Now if overpayments were stopped, who would suffer: CODSIA or the taxpayers?

Mr. President, I think CODSIA has plenty of self-serving reasons for wanting to keep the current policy.

CODSIA lost its credibility when it insisted that DOD break the law to keep the money spigot wide open.

Mr. Fuqua's letter to Acting Comptroller Alice Maroni was followed by a similar letter to Mr. Hamre.

This one was from the defense heavyweights: Boeing, Hughes, Lockheed Martin, Northrop Grumman, and Raytheon.

The message was the same.

Mr. President, I ask unanimous consent to have this letter printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Boeing Co., Hughes Aircraft Co., Lockheed Martin Corp., Raytheon Co., Northrop Grumman Corp.,

September 22, 1997.

Hon. John Hamre,
Deputy Secretary of Defense,
Pentagon, Washington, DC.

Dear Dr. Hamre: We are writing to convey our concern regarding the Department's plan to implement new requirements for progress payment distributions effective October 1. We are particularly concerned that there has not been time to ascertain fully the cost of compliance or the impact on timeliness of payments. A quick cost impact estimate conducted by industry indicates a minimum impact for Fiscal Year 1998 of $1.3 billion (see enclosed CODSIA letter dated August 27). These costs, plus those to be incurred by DOD for implementing this requirement, will have to be borne by the U.S. Government.

We understand that the DOD Inspector General and the General Accounting Office indicate the need for improvements in the DFAS accounting system. However, until DOD and its contractors can fully assess the cost and related impacts of the policy change made in your two memoranda of July 23, 1997, we are not confident that this is the least expensive means of ensuring the improvements. We should also explore legislative action for the Fiscal Year 1999 authorization cycle.

In the meantime, we request that you delay the October 1, 1997, implementation date for the proposed progress payment distribution policy change and that the change, when it does become effective, be applied only prospectively and not to any existing contracts. We respectfully request the opportunity to meet with you to discuss the grave nature of this issue and obtain your guidance on appropriate actions industry can take to mitigate the associated cost impact and delay.

We appreciate your prompt attention to this matter and look forward to your response. We remain confident that the taxpayers' interest can be protected in a cost effective manner.

Sincerely,

Scott E. Carson, Vice President, The Boeing Co.; Marcus C. Bennett, Executive Vice President and Chief Financial Officer, Lockheed Martin Corp.; Peter R. D'Angelo, Executive Vice President and Chief Financial Officer, Raytheon Co.; Charles S. Ream, Vice President and Chief Financial Officer, Hughes Aircraft Co.; Richard B. Waugh, Corporate Vice President and Chief Financial Officer, Northrop Grumman Corp.

Mr. GRASSLEY. Mr. Hamre buckled under all the pressure from industry.

He responded with what I fear may be an open ended deferral of the new policy.

In doing that, I am afraid he is breaking his word to me and the leadership of the Armed Services Committee.

At this point, the future of the new policy is very much in doubt.

Mr. President, I will have much more to say about this issue in the near future.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for up to 30 minutes.

Mr. THOMAS. Mr. President, I probably will not use 30 minutes.

THE SENATE STANDSTILL

Mr. THOMAS. I come to the floor to express some feeling of sadness, some feeling of impatience, frankly, some feeling of irritation, that we are not doing more than we have been doing.

The last 3 weeks we have come in, we have talked about things, we have set them aside, we haven't been able to proceed with the country's business. I think that is a shame. We have many things to do. We have lots of opportunities to do some things that need to be done, and here we are sort of ground to a stop. We are being held up by people who insist on having it their own way or no way, their own way or the highway. That is not really what we ought to be doing here.

We have an opportunity to deal, for instance, with Federal funding for highways, something that ought to be done, an authorization that expired in September, and we need to move forward with it. It has been passed by the committee. It is on the floor, but because of objections we are still here and not doing a thing. ISTEA expired in September and we need to be doing it. The stalling, of course, is basically a result of campaign finance. We voted several times not to bring McCain-Feingold to the floor. That bill did not receive a majority vote.

Many in this body, including myself, are favorable to doing something in campaign finance, but not McCain-Feingold. That is where we are. We are being held up for that, I think for a couple of reasons. One is to sort of change the image of the hearings that are taking place, to switch the hearings from the potential of the allegation of breaking the law, to changing the law. Those are two different things. But we ought to be talking about whether or not there was realism to the idea that foreign funds were taken into campaigns. That breaks the law. We ought to be talking about the changing or shifting soft money to hard money. That is against the law. The allegations of laundering money, that is against the law. That is what we are talking about there. Then we ought to be talking over here about campaign reform, fine. But McCain-Feingold is not one this body is willing to accept.

As a result of that, we are not doing anything simply because of complaints—well, we can't go forward unless I get my way. I think the majority leader has done a great job of trying to negotiate something, trying to put campaign finance on the menu for next March—that is the thing to do—and then come up with a bill that has some support, bipartisan support, and we can do something. But that is not where we are.

Think a minute about the agenda that we might be able to pursue, the things that people really want to do. One, of course, is ISTEA, the funding of highways. Now, some say it doesn't matter, there is enough money, there is enough cash-flow, we don't need to do it until next year. And there is probably cash-flow to finish the contracts there now, to operate, but there is not the kind of money that highway departments need to plan for next year, to go ahead and let contracts and move forward as we should. We ought to be doing that.

IRS reform—most people want to do something about the IRS in two areas. One, change the way the agency works, and that can be done, to make it more friendly. There are proposals out there that most people agree with. The other is to start talking about changing the Tax Code which underlies the problem, which we need to be doing.

What are we doing? We just can't move forward with anything because you are not doing it the way you want to. Come on, that is not why we are were sent here.

We ought to be doing something to make sure that our balanced budget agreement is ready for next year. A balanced budget means more than anything else. We need to be doing something, as I mentioned, about the Tax Code to make it simpler. Most people agree with that. We can do some things, but you can't do them unless you undertake it. You can't do it by just stalling.

We need to do something about educational IRA's to give people an opportunity to set aside money for education so they can use it not only for higher education but for elementary and secondary. Those proposals are out here and are ready to be worked on. Can't do that because you don't agree to what we want on McCain-Feingold. Give me a break. We have a lot of things we ought to be doing.

We ought to be talking about ways to have smaller Government, ways to bring the private sector into contracting those nongovernmental activities in Government that can be done to help small business—the main thing small business has talked about in the White House meetings for the last 3 years. Can't do that, though, because we don't have it our way.

States rights. We ought to be talking about the proper role of Government, individual freedom and responsibilities. Those are the things that we are here for.

Mr. President, I am disappointed that we aren't able to move forward. I am disappointed that we are not able to do some useful things while we are here. That is why we are here, why we were sent here. I have no objection to disagreement. That is part of the system. Certainly not everybody is going to agree. In the first place, we have different philosophies. That is kind of why we have two parties; we represent different philosophies on things. That is perfectly legitimate. Whenever anybody has a bill, there are reasons why others don't agree. That is why we have a system to vote to decide how they will work out. There is no problem with debate, no problem with argument, no problem with disagreement. But we need to move beyond that. We need to move beyond that and do some of the things that we were sent here to do—and there are so many. As people begin to look at next year's election, the issues begin to identify themselves, as they should, and we ought to be doing something with them. We ought to be doing something with them.

Mr. President, we will have an opportunity, I guess, this afternoon to move forward. Perhaps we can move on. At least we have six more appropriations bills to pass to keep the Government operating. We have had to extend the time twice because we haven't been able to get to them. It would be interesting at some time to have everybody in this body write down the 10 issues that they think are most important to this country and to set about to do them. Wouldn't that be interesting and useful? We can do that.

Mr. President, I hope that when we come together this afternoon to vote, we will also bring together the Interior appropriations bill and move forward on that. There will be things we don't agree with. I can tell you one I don't agree with procedurally. You will find on the appropriations bill—it was put on there—a $400 appropriations dealing with endangered species, the jumping mouse. Well, I don't have any particular objections to jumping mice, but I do have an objection to someone putting it on the appropriations bill when it is in the conference committee, has never been talked about in either House, and they put it on there and you don't have any chance to do anything about it. That's wrong. It's the wrong procedure. We should not do that. But I am not going to try to hold the thing up because of that. It ought to go forward. So should the other things that are before us here in this conference.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEGRADATION OF THE SALTON SEA ECOSYSTEM

Mrs. FEINSTEIN. Mr. President, I rise to bring to the attention of my colleagues in the Senate what I believe to be a building environmental crisis in southern California, and that has to do with the Salton Sea. Let me begin by telling you what the Salton Sea is. The modern day Salton Sea is often referred to as the largest manmade water body in California. It was formed in late 1905 as a result of a break in a temporary levy along the Colorado River. For a period of about 16 months after the breach, the Colorado River flowed into the below-sea-level depression then known as the "Salton sink," filling it to a depth of more than 80 feet above its lowest elevation. Since that time, the water level in the sea has been seeking a balance between desert forces that extract water as a product of evaporation and the inflows of water from surface and subsurface sources. The Salton Sea is about 350 square miles. It is 35 miles long, it has 115 miles of shoreline, and it is 15 miles wide. It is a big body of water. Today, the depth is about 51 feet, and I believe it is about 234 feet below sea level.

This lake was originally a freshwater lake. It is now dying because of a confluence of events. It is the combination of the rising salinity levels caused by the evaporation I just mentioned—and the body of water is now 25 percent saltier than the ocean—plus major disease outbreaks and other up to this point identified as unknown causes that scientists believe are linked to millions of gallons of polluted agricultural drainage as well as chemical wastes coming out of Mexicali. Now, these wastes flow from the Alamo and the New Rivers, which go from Mexico, flow north, and empty into this huge body of water. The body of water is best known as being between Palm Springs and the Mexican border. It is near the areas we considered for the Desert Protection Act, and originally it was hoped that it would be a major recreation area. As a matter of fact, it was hoped that about $500 million a year in revenues would be produced because of recreational and job opportunities. Instead, it is now just a dreadful situation.

The two rivers I just mentioned, the New River and Alamo River, account for about 78 percent of the water replenishment of the Salton Sea. The Whitewater River on the northern end also dumps agricultural runoff into the Salton Sea. I first visited the area in 1990 when I was in El Centro. I remember going to the banks of the New River and there were workers there, volunteers, picking up rubbish along the riverside. They had on elbow-high gloves. I asked the question, "Why do you wear these gloves?" They told me that even above the gloves they would get blisters when they worked around the area. So in 1990 something was going on. It has gotten a lot worse since then.

In 1996, pathogenic micro-organisms were identified in the sea's environment, and that includes the New River. Among them were the organisms capable of causing polio, typhoid, cholera, and tuberculosis. Also, concerns about public health from disease-causing agents have resulted in the issuance of public health advisories warning of the dangers of eating fish caught in the sea.

Because of its diverse ecosystem, the Salton Sea National Wildlife Refuge has been ranked among the top 10 of our Nation's 510 national refuges. It is of critical importance to the western region because of its proximity to the Pacific Ocean and Mexico. It is a key component in the Pacific flyway for millions of migratory water birds that rest at that refuge on their annual journeys to and from Canada and South America. So birds that touch down there may well also be dying elsewhere. However, an increased frequency and severity of massive die-offs of thousands of waterfowl and shore birds and millions of fish have been occurring in the Salton Sea in recent years, and it's threatening the existence now of the entire regional ecosystem.

The size of the calamity is mind-boggling. The mortality toll includes birds from every one of the species that visit the sea, including the endangered California brown pelican, with which I happen to be particularly enamored.

The degradation of the Salton Sea ecosystem is also taking a toll on the economy of the surrounding area, and we have seen economic values drop off precipitously. There are some who believe it is too late to save the Salton Sea because the problems are too complex and too large. I don't share that point of view, and I am asking this body's support for increased efforts to address the sea's problems to prevent further degradation of this environmentally rich ecosystem and to preserve it for all time.

Let me quickly mention a brief chronology of happenings. In 1992, more than 150,000 waterfowl, known as eared grebes, died from an undiagnosed cause. In 1996, a severe botulism outbreak killed more than 15,000 birds, including more than 1,400 endangered brown pelicans. About 15 percent of the western race of the North American white pelican have perished in the last 2 years. That is 15 percent of the entire white pelican population of the west coast.

Earlier this year, an outbreak of Newcastle disease decimated an entire nesting colony of nearly 2,000 double-crested cormorants. The destruction of the cormorant nesting colony on a small island less than 100 yards long, which had been popular with the birds, shows how quickly death comes in this area. One week the island was alive with the sounds and sights of hundreds of nesting waterfowl, of eggs hatching and new fledglings checking out their surroundings. The next week they were all dead, every one of them. Today, all that is left are the skeletal remains and the rotting carcasses that dot the island. It is a macabre, tragic scene, as I think some of these photos begin to show. This is a bird skeleton in a nest. Right here you can see one of the bird skeletons and a baby carcass in the sand with a nearby pen, just to show you the size. There are just a few in this photo, but they dot the whole landscape.

The birds died in their nests or where they collapsed in the sand, unable to fly or walk. So the scenes you see are depicted all over the island. Two of my staff members visited the Salton Sea recently—just a couple of weeks ago—and had to carefully pick their steps in order to avoid stepping on dead birds.

Equally tragic is the sight of birds stricken with botulism which affects the nervous system. First they lose their ability to fly, and then the ability to stand upright or walk. Lastly, as the deadly disease progresses they become completely paralyzed and can no longer raise their heads, and they drown or they die of starvation.

So the task of rescuing sick and dying birds and cleaning up the endless stream of carcasses is being handled by dedicated men and women of the U.S. Fish and Wildlife Service at the Salton Sea National Wildlife Refuge in Imperial County. I have the utmost respect for their work.

Since last March, they have been bringing in boatloads—often three times a week—of stricken birds and carcasses of the dead that have been picked up throughout the sea. The death toll as of October 22 for this year stood at 6,792 birds, including 234 endangered California brown pelicans. The White pelican held by refuge worker, Marcos Orozco, rescued a week or so ago, and the other sick birds in the boat may have a chance to survive. They are the lucky ones who will undergo emergency treatment at the refuge's recently completed hospital in an attempt to stabilize them until they can be transferred to a volunteer organization's rehab facility in Orange County. If successful there they will be released back to the wild.

Let's talk about the brown pelican that you see dead in this photograph. And you see part of the Salton Sea here with this small island and vastness behind it. Last year more than 1,400 of these birds perished in the waters and on the mud flats of the sea. For refugee worker Orozco, it was the first time in his 26-year career at the Salton Sea that he had seen a die-off of brown pelicans. However, the deaths are continuing, and the prospects are not good.

"It is not a pretty sight," notes refuge manager Clark Bloom who has observed grown persons breaking down and crying when they witnessed the sick and dying birds.

My big concern here is that not enough is being done. And I am almost as sure as I am standing here that it is only a question of time before some of these micro-organisms also begin to impact people as well. Right now it is birds. But if it were people, I think the shouts would be deafening.

And it is hard for me to imagine what 1 million dead fish floating on the surface of this lake must look like. But for Ken Sturm, the wildlife biologist at the Salton Sea National Wildlife Refuge, the scene is one he will not forget.

He reported that the lifeless mass of Tilapia, a popular sport fish which he observed at the northern end of the sea, extended more than 3 miles in length. That was on September 8, about 6 weeks ago. But that isn't the beginning nor the end. On September 24, another floating mass of at least 1,000 dead fish was spotted at the southern end of the refuge.

Scenes like this are commonplace along many shoreline areas, and in much larger numbers, I am sorry to say. A parasite which affects the gills of the fish is a prime suspect in some of the fish die-offs, but more scientific research is needed to pinpoint the exact cause.

Another suspect which some experts believe could trigger conditions leading to the fish kills is a purplish algae like that shown in this photo. It doesn't look like much. But they believe it is a potentially deadly algae. I would hazard a guess that it probably comes from some chemical waste.

There are some bright spots.

The first, of course, is the staff of the Salton Sea National Wildlife Refuge. They have been doing a truly commendable job. However, they need additional resources, including boats and personnel, in order to respond adequately.

Also, the Pacific wildlife project in Orange County, a volunteer group, deserves commendation. Ninety percent of the birds that are rescued would have perished without their care.

Also noteworthy is the fact that private groups, agencies, and businesses in the area have contributed to date more than $60,000 this year in cash and services to finance construction of a field hospital for sick birds at the Federal refuge. Whether the sick white pelicans in the refuge that you see in the photo here make it or not is unknown. They have just been brought in from the sea and given emergency treatment, and we will see if they survive.

While these efforts are underway, the Federal Government and others are analyzing projects for restoration of the Salton Sea. This is where it gets very complicated.

The Bureau of Reclamation in September of this year issued its final draft on the Salton Sea which evaluated 54 alternatives to improve the physical, chemical, and biological conditions of the sea. Five of those alternatives will be now considered further. The problem is no one agrees.

The recently enacted 1998 Energy and Water appropriations bill includes $400,000 for the Bureau of Reclamation to continue its research project.

The conference report in the fiscal year 1998 VA–HUD and independent agencies appropriations bill includes $6 million in the EPA's budget for continued research on the Salton Sea—now you are beginning to see the number of agencies that are coming into this—including $1 million for the University of Redlands and $5 million for the Salton Sea Authority.

I have written letters, which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 23, 1997.
Hon. FRANKLIN RAINES,
Director, Office of Management and Budget, Washington, DC.

DEAR DIRECTOR RAINES: As you prepare the Administration's budget for Fiscal Year 1999, I would like to bring to your attention the need to provide $2 million to address the environmental calamity which has struck the Salton Sea ecosystem in Southern California.

Disease outbreaks of catastrophic proportions have hit the bird and fish populations at the inland lake which is a major element of the migratory Pacific Flyway where some 49 bird species are found. Unless corrective action is taken, experts predict even more dire consequence which would mean the destruction of the Sea's ecosystem within a decade, or sooner.

In order to deal with the immediate crisis and to formulate actions needed to restore the Salton Sea ecosystem, the Fish and Wildlife Service had identified a number of programs, actions and equipment components in need of funding in Fiscal Year 1999. They are summarized as follows:

$1 million for operational support at the Salton Sea National Wildlife Refuge to include $119,000 for four full-time equivalent employees (16 persons for a four month period) to pick up dead, sick or dying birds, and for sampling work; $25,000 for equipment and supplies, $88,000 for purchase of more cages, wildlife medical supplies and equipment for a field hospital and rehabilitation center; $40,000 for a new incinerator for disposal of dead wildlife and to meet air quality standards; $125,000 for assignment of a full-time science coordinator and one support person to the Salton Sea to orchestrate the implementation of scientific studies and associate field operations; $350,000 for modular facilities for research and support staff to work on site; $60,000 for purchase of two new air boats for field operations; $40,000 for equipment maintenance that supports operations such as vehicles and boat repairs and minor equipment replacement; $183,000 for a short-term study to provide information on how to understand factor driving the current pelican/fish die-offs and methods for eliminating the kills.

$1 million for a Salton Sea Response Plan to included $525,000 for hiring a team leader and assemble a interagency team and to pay for consultant contracts; $115,000 for miscellaneous office equipment rental or purchase; $125,000 for technical assistance contracts, such as a contract with the Torres-Martinez Desert Cahuilla Indians to identify Native American sites within the study area; $100,000 for rental of temporary work space for team members; $85,000 for conducting public scoping workshops, and $50,000 for printing of a final plan.

The catastrophic degradation of the Salton Sea ecosystem has helped to focus national and local attention to the problem, providing considerable momentum among various agencies, interest groups and the public for addressing the problem. The funding needs cited above are critical in getting a start on restoration of the Salton Sea ecosystem and preventing a recurrence of the devastation that has taken such a heavy toll of waterfowl and fish. Therefore, I respectfully request your cooperation in providing the $2 million for the Fish and Wildlife in the Fiscal Year 1999 budget request. Because of initiatives underway to further identify critically needed scientific research associated with restoration of the Salton Sea, additional funding proposals will be brought to your attention as soon as they are identified.

Thank you for your attention to this matter, and for your commitment to preserving our nation's precious natural resources.

With warmest personal regards.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 20, 1997.
Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter regarding the Fish and Wildlife Service's request for funding for the Salton Sea ecosystem restoration. I appreciate your bringing this matter to my attention, since OMB has just begun to review Administration budget proposals for Fiscal Year 1999.

In that process we have many important needs to address. The information you provided will be helpful as we undertake our evaluation of the Service's request. The Administration will strive to fund as many important projects as possible within the constraints of the Balanced Budget Agreement.

Thank you again for your interest in this matter. If I can provide further assistance, please do not hesitate to contact me.

Sincerely,

FRANKLIN D. RAINES,
Director.

U.S. SENATE,
Washington, DC, September 23, 1997.
Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: I am writing to ask your assistance regarding the environmental crisis at the Salton Sea in Southern California where the die-off of waterfowl and fish has reached catastrophic proportions.

Recent disease outbreaks in birds and fish at the Salton Sea have brought local and national attention to the degradation that is occurring to the ecosystem of this inland lake which is a major stop for migratory water birds along the Pacific Flyway. The scope of the devastation underscores the need for immediate steps to save the Salton Sea and its precious resources. Last year an outbreak of Newcastle disease killed 14,000 birds, and the die-off is continuing unabated. The bird mortality toll through September 15, for example, was 6,293, including 182 endangered California brown pelicans. Also, on September 8, a massive fish kill composed of more than 1 million Tilipia extending over three miles in length was observed by the biologist at the Salton Sea National Wildlife Refuge.

Several major engineering projects have been proposed by various interests, including the Salton Sea Authority and Congressional representatives for addressing the deterioration of the inland lake. However, because of the complexity of the problems confronting the Salton Sea, I agree with experts of the U.S. Fish and Wildlife Service and others who stress the need to fully understand the ecosystem and its problems before committing vast amounts of funds to any single restoration project. In this regard, I believe it is imperative that the report to Congress which the Bureau of Reclamation is preparing on its findings and recommendations for solving the Salton Sea's problems be completed as soon as possible. I am hopeful that the bureau's report will contain an action plan, and recommendations for funding of necessary scientific studies associated with any proposed restoration project.

In that regard I respectfully ask your assistance in calling on federal agencies with responsibility in the Salton Sea to review and re-prioritize their FY 98 work programs so that research tasks which are deemed most critical for implementation of restoration projects can begin as soon as possible. Also, because the Salton Sea is an environmental and economic resource of regional and national significance, I strongly believe that the federal, state and local governments all must share in the responsibility for saving the Sea and in paying for its restoration.

In light of the environmental calamity which grips the Salton Sea, and the need for immediate action to prevent further degradation, I ask that you give your personal attention to these matters. I have been informed that because of limited staff and equipment, personnel to the Salton Sea National Wildlife Refuge are hampered in their ability to handle the rescue of waterfowl and in the cleanup and disposal of dead birds. Therefore, I would appreciate your consideration of what additional resources can be provided for field operations at the Salton Sea to deal with the massive die-off of birds and fish that is occurring there, including reimbursement for the Pacific Wildlife Project for the assistance in rehabilitation diseased birds. I believe it is imperative that the federal agencies be given the resources that they need to do the job and that wherever possible, volunteer groups who have provided invaluable service in rescuing and rehabilitating diseased birds, be compensated for their expenses.

Thank you for your cooperation in this matter. I am committed to doing all that I can to ensure that the causes of the environmental degradation of the Salton Sea are identified and eliminated, and pledge to work with you to make it a reality.

With warmest personal regards.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, September 19, 1997.
Hon. JOHN M. BERNAL,
Commissioner, International Boundary and Water Commission, El Paso, TX.

DEAR COMMISSIONER BERNAL: I am writing to ask your assistance in providing a progress report on the cleanup of the New River pollution and in determining how completion of the improvement project can be expedited.

As you know, the cleanup of the New River is a critical factor to the elimination of the environmental degradation of the Salton Sea and the public health threat which the pollution poses for residents of Imperial County and the border region. Disease outbreaks among birds and fish at the Salton Sea have brought local and national attention to the degradation of the inland sea and the region's ecosystem. Moreover, the mortality toll of fish and wildlife continues to rise, and has served to heighten interests in finding solutions that will result in the elimination of the complex problems besetting the Salton Sea.

Because of the concerns cited above, I respectfully request your assistance in providing a progress and status report on the short term and long-term New River pollution cleanup measures which the IBWC is overseeing. I have been informed that while much progress has been nade on the package of 11 so-called "quick fix" projects, that, because of technical and other reasons, the project has taken longer than expected to complete. I would appreciate information on the expected completion date for all of the improvements. Also of interest is the status of the other major work on upgrading of the Mexicali I wastewater treatment plant and construction of the new Mexicali II treatment plant.

Because of the importance of these projects for reducing New River pollution and other serious threats to the environment and public health, I also ask that the IBWC, in conjunction with its Mexico partners, do all that it can to accelerate completion of the improvements and certification by the Border Environment Cooperation Commission.

Thank you for your cooperation. I also pledge to assist in any way possible so please do not hesitate to contact me in that regard.

With warmest personal regards.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

Mrs. FEINSTEIN. I thank the Chair.

The first letter is to Frank Raines of OMB asking that 2 million additional dollars in fiscal year 1999 be included, and giving the rationale for those inclusions.

I have received a letter dated October 20 indicating—and I thank him very much for that—that OMB is reviewing the request.

I also have a letter dated September 23 to Bruce Babbitt of the Interior, and to John Bernal of the International Boundary and Water Commission. I have received no response to either of these letters.

It is my view that the Department of the Interior should take this off of the back burner and put it on the front burner. And I would respectfully suggest that they utilize the same club-fed methodology that they have used I think with great success in handling California's water problems. This is where the Secretary of the Interior really takes the responsibility to pull together all of the disparate groups into a kind of working commitment to see that the right thing is done.

My concern is that the die-off could continue for years, and the chemical and agricultural wastes continue to interface.

If you fly above this river you will see where the river leaches out a crystalline substance into the agricultural heartland of the Imperial Valley. You will see where it directly abuts green field row crops. This I think is the potential danger in terms of the future for people working in that area, not only for blisters but also for something potentially much more serious.

So I am hoping that Secretary Babbitt will elevate this into a club-fed effort and that we can really get cracking.

The House Subcommittee on Water and Power also held an oversight hearing in Palm Desert on October 3 of this year, a few weeks ago, helping to focus national and regional attention on the Salton Sea and the need for action. However, as I said, at this time there is no agreement on a plan. And the critical research must be done. But what is clear to me is that it must be expedited. We now have a die-off that has been going on throughout this decade, and is escalating. We now have identified microorganisms which yield typhoid, cholera, and tuberculosis, and other diseases in what is a 350-square-mile body of water which is polluted in a major and very sad way.

So the longer a solution is delayed, Mr. President, the worse the situation will become.

I thank the Chair. I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 24, 1997, the Federal debt stood at $5,425,466,348,255.95. (Five trillion, four hundred twenty-five billion, four hundred sixty-six million, three hundred forty-eight thousand, two hundred fifty-five dollars and ninety-five cents).

One year ago, October 24, 1996, the Federal debt stood at $5,232,047,000,000 (Five trillion, two hundred thirty-two billion, forty-seven million).

Twenty-five years ago, October 24, 1972, the Federal debt stood at $438,275,000,000 (Four hundred thirty-eight billion, two hundred seventy-five million) which reflects a debt increase of nearly $5 trillion—$4,987,191,348,255.95 (Four trillion, nine hundred eighty-seven billion, one hundred ninety-one million, three hundred forty-eight thousand, two hundred fifty-five dollars and ninety-five cents) during the past 25 years.

WYOMING'S POW/MIA RECOGNITION DAY

Mr. ENZI. Mr. President, I rise today to recognize the action of my State's Governor in proclaiming September 19, 1997, as Wyoming's POW/MIA Recognition Day. I believe such a proclamation to be wholly appropriate in light of the fact that over 2,000 Americans are still missing in Vietnam, Cambodia, and Laos, and over 8,000 on the Korean Peninsula. These men gave their last full measure in causes whose worthiness is rendered more secure with every passing year of historical distance. Though the same can be said of all who sacrificed so, we often forget the sacrifice of those who have no headstones to call to us each memorial day. Hence the importance of efforts such as Governor Geringer's, which remind the Nation of our continuing and unfulfilled responsibility to account for the remains of these men for the sake of their families and our national conscience. I am reminded of something written half a century ago:

> The universe is so vast and so ageless that the life of one man can only be justified by the measure of his sacrifice.

That passage was in a young Royal Air Force pilot's last letter to his mother before his death during the Battle of Britain. I commend Governor Geringer for his proclamation and I urge the President to intensify his efforts at retrieving the remains of America's missing in action. In their sacrifice they proved their measure. America owes them this small debt.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

GOVERNOR'S PROCLAMATION

Two thousand one hundred sixteen Americans are still missing and unaccounted for from the Vietnam War, and their families, friends and fellow veterans still endure uncertainty concerning their fate. Six are listed from Wyoming.

U.S. Government intelligence and other evidence confirm that the Government of Vietnam could unilaterally account for hundreds of missing Americans, including many of the 454 still missing in Laos and the 76 still unaccounted for in Cambodia, by locating and returning identifiable remains and providing archival records to answer other discrepancies.

The President has normalized relations with Vietnam and believed that such action would generate increased unilateral accounting for Americans still missing from the Vietnam War, and such results have not yet been provided by the Government of Vietnam.

Wyoming calls on the President to reinvigorate U.S. efforts to press Vietnam for unilateral actions to locate and return to our nation remains that would account for hundreds of America's POW/MIAs and records to help obtain answers on many more.

For these significant reasons, I, Jim Geringer, Governor of the State of Wyoming, do hereby proclaim September 19, 1997, to be "POW/MIA RECOGNITION DAY" in Wyoming, and encourage all citizens to observe this day with appropriate ceremonies.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 22nd day of August, 1997.

JIM GERINGER,
Governor.

OHIO'S POW/MIA RECOGNITION DAY

Mr. DEWINE. Mr. President, I rise today to call my colleagues' attention to a resolution introduced by the Governor of Ohio, George Voinivich, to commemorate National POW/MIA Day, which took place on September 19, 1997. That day last month and more important, the issue itself, are of great importance to all Americans, especially to those that served our country in military missions abroad.

As of today 2,116 Americans are classified as either prisoners of war or missing in action (POW/MIA) from the Vietnam war. Thousands more remain missing and unaccounted for from the Korean war and even the Second World War. The families and friends of these soldiers still have to endure the awful uncertainty concerning their fate. Every effort must be made to determine the fate of these soldiers. In the case of Vietnam, I am hopeful that the normalization of diplomatic relations with Vietnam and the reopening of the American Embassy will encourage the government of Vietnam to fully cooperate with American officials in their search to gain the fullest possible accounting of POW/MIA's. I strongly encourage the President and the Ambassador to Vietnam to give the POW/MIA issue top priority and insist that the Vietnamese Government disclose all pertinent information on American POW/MIA's.

Mr. President, I am hopeful that last month's POW/MIA Day, and Governor Voinivich's eloquent resolution will serve to heighten American awareness and inform foreign governments of the United States' serious commitment to bringing our soldiers home.

Mr. President, I ask unanimous consent that the State of Ohio's POW/MIA Recognition Day resolution be inserted in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, 2,116 Americans are still missing and unaccounted for from the Vietnam War, including 114 from the State of Ohio; and

Whereas, their families, friends and fellow veterans still endure uncertainty concerning their fate; and

Whereas, U.S. Government intelligence and other evidence confirms that the Government of Vietnam could unilaterally account for hundreds of missing Americans, including many of the 454 still missing in Laos and the 76 still unaccounted for in Cambodia, by locating and returning identifiable remains and providing archival records to answer other discrepancies; and

Whereas, the President has normalized relations with Vietnam believing that such action could generate increased unilateral accounting for Americans still missing from the Vietnam War, and such results have not yet been provided by the Government of Vietnam;

Now, therefore, I, George V. Voinovich, Governor of the State of Ohio, do hereby call on the President to reinvigorate United States efforts to press Vietnam for unilateral actions to locate and return to our nation any Americans who may still be alive, remains that would account for hundreds of America's POW/MIAs, and records to help obtain answers on many more; and do hereby designate September 19, 1997 as POW/MIA Recognition Day in honor of all American POW/MIAs, in particular the 114 from Ohio, and encourage all citizens to observe this day with appropriate ceremonies.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is currently in morning business.

Mr. HARKIN. Mr. President, might I then inquire as to if there are any constraints on time, limits on Senators speaking in morning business?

The PRESIDING OFFICER. Senators are allowed to speak for up to 10 minutes.

Mr. HARKIN. Mr. President, I have more than 10 minutes of remarks that I want to make on Fed nominees and on the economy in general. It is going to take certainly more than 10 minutes. I will speak for my allotted time of 10 minutes and then ask unanimous consent at that point to extend it beyond that.

The PRESIDING OFFICER. That Senator from Iowa.

THE FEDERAL RESERVE

Mr. HARKIN. Mr. President, 16 months ago we had a debate on the nomination of Alan Greenspan as Chairman of the Federal Reserve System. I argued at that time that he was far too concerned about a possible increase in the rate of inflation and had far too little concern about the employment and incomes of working people.

At that time, we had a number of Senators who came to the floor and said, with unemployment at 5.5 percent, a further decline in unemployment would likely lead to higher inflation. They seemed to believe that raising interest rates was the best course of action.

In the last year, unemployment has dropped three-tenths of 1 percent. But that represents only a part of the increase in the work force. The pool of workers that can get jobs not only comes from the 4.9 percent who are unemployed now but also from those who are not considered part of the labor force, such as younger retirees, women at home, and people who have been discouraged from looking for work in the past, and, of course, persons on welfare. Our economy has brought an additional 400,000 of these persons into the work force over the year beyond those considered as unemployed.

In the past year, the economy has grown at a rate of about 3.3 percent, roughly about 1 percent over what the Federal Reserve's target was to be.

In terms of economic growth, a little means a lot. A 1 percent higher rate of economic growth in an $8 trillion economy means at extra $80 billion a year, year after year. That comes out to be $300 for every man, woman, and child in America.

Now, unfortunately, the Fed seems intent on restraining the economy and keeping from building on its success. Many at the Fed, including the two nominees, Mr. Gramlich and Mr. Ferguson that will soon be before the Senate, believe in a concept called NAIRU—the non-accelerating inflationary rate of unemployment. If it sounds arcane, that is because it is.

But it is still important nonetheless. It is important because so many people adhere to it and believe in it. NAIRU basically says, if the unemployment goes below a certain level, inflation will accelerate, not just increase, but will accelerate at such a rate that only unnecessarily high interest rates can slow it down.

Just 3 years ago, it was widely accepted among the economic elites that the economy would shift toward higher inflation if unemployment fell below 6 percent. That was the NAIRU cutoff. But it fell below 6 percent, and actually some measures showed inflation dropping after unemployment went below that.

Then the common wisdom was then if unemployment went below 5.5 percent for long, then inflation will accelerate. Greenspan and others insisted on this. Well, it fell below 5.5 percent. Then the magic point became 5 percent, below which inflation was sure to accelerate at dizzying speeds if we went below 5 percent.

Unemployment has been under 6 percent for more than 3 years now and less than 5 percent since early this year, and no one, including the Fed Chairman, can point to any signs of accelerating inflation.

Unfortunately, economic reality and the new world has yet to penetrate the thinking of those at the Fed.

I was deeply disappointed with Mr. Greenspan's statement before the House Budget Committee on October 8 when he said, "the performance of the labor markets this year suggests that the economy has been on an unsustainable track."

In other words, a 3.3 percent rate of growth, he says, is unsustainable. Let me respectfully disagree.

I disagree with the basic premise that Alan Greenspan and the nominees before us are promoting. Their focus seems to be on when we should raise interest rates—not "if" but "when."

I believe the debate should be broadened. Let us broaden it to consider lowering interest rates.

A number of economic experts believe that unemployment could possibly go as low as 4.5 percent, maybe even lower, and economic growth increased beyond current levels without triggering any inflationary threat.

Defenders of Fed policy constantly point to the inflation we experienced in the 1970's as the No. 1 reason why it is better to sacrifice higher unemployment for lower inflation.

Let us take a look at the causes behind the inflation of the 1970's.

We had massive Government spending, both on the Vietnam war and the war on poverty; there was a serious energy crisis; and American companies and their workers were no longer as productive as their foreign counterparts.

Today, all that has changed. Congress and the President recently reached an agreement to balance the Government's budget by 2002. I might also point out that it was the 103d Congress—and I am very proud to say I was one of those who helped to cast the deciding vote in the Senate on the budget of 1993—that enacted President Clinton's budget package that helped put our Government's finances on the road to balance. However, we heard from the other side of the aisle saying, "If this budget passes, disaster is going to happen. We're going to have recessions and people will be out of work." And on and on.

Well, we passed that budget. What happened? The size of the budget deficit began to shrink dramatically. That, coupled with the Clinton administration's goal of downsizing Government and reorganizing Government, with the Clinton program of reorganizing welfare and restructuring welfare and making welfare-to-work, with the other constraints put on the Government side of the ledger, that budget, plus that, has led us through about 4 straight years of reducing the deficit to the point now where it is at the lowest point, I think, since the early 1970's, in fact, it might even be balanced as early as next year rather than the year 2002.

So the Government's finances are getting in good order, thanks again to that budget we passed in 1993 and further actions taken by the Clinton administration.

Also, oil and gas prices have been stable for quite some time. There seems to be no danger of any acceleration there. Our workers now are the most productive in the world. I will have more to say about that. In other words, our economy is much more able to ward off inflation and control its harmful effects than it was in the 1970's.

Perhaps before I go any further, I want to explain how the Federal Reserve experts have tremendous influence on the economy. Some people say it is not the Federal Reserve; there are really a lot of other things going on. Simply put, the Fed sets the interest rates charged to banks for the banks' loans. In turn, that rate determines how much the bank charges to their consumers for auto loans, credit cards, home mortgages, and everything else —business expansion, new plants, and new equipment.

By increasing the costs of borrowing money, the Federal Reserve is able to limit the number of new loans that are used to expand or start a business, buy a new car, finance the purchase of a home. If consumers cannot afford to purchase these items, demand will decline and the economy will slow down. So the Fed must realize that the gains from encouraging economic growth far outweigh the gains from needlessly increasing interest rates in order to fight the ghost of inflation.

That is exactly what they are fighting—a ghost. They cannot point to any inflation. They cannot point to any accelerating inflation. Again, I will have more to say about that.

Unnecessarily high interest rates that ensure a stagnant economy or an economy that is growing at less than its full capacity virtually assures that hard-working Americans will not get ahead. You cannot give everyone a pay raise simply by redistributing dollars within a stagnant economy. To increase incomes for everyone, you need a strong, growing economy.

Last year, we enacted a very ambitious welfare-to-work program. If that is to succeed, we must have an economy that is creating new jobs that pay real well and provide benefits such as health insurance and retirement savings—most important, health insurance.

The unemployment rate measures the number of people who are looking for work compared to the number of people who have jobs. That is the basic formula. Many of the persons counted as unemployed are actually underemployed and would jump at the chance for a better paying job. Again, I will later read from many articles around the country where job openings have shown up and, even in areas where we have low rates of unemployment, hundreds, thousands of people have shown up for these jobs because they are better paying jobs.

Many unemployed are discouraged—the recently retired or those who are not now thinking of working but will start to do so should the opportunity arise. A growing economy and tight job market are the surest way to bring these people into the work force.

We also have a reservoir of women that I will be talking about very shortly in terms of their coming into the market and what that might mean.

In fact, referring to an article that appeared in the September 8 issue of Forbes magazine, I thought it was very good. It was written by Peter Huber. The title is "Wage inflation? Where?" I will read some parts of this. I do not know if I need to read the whole thing. I think it was very crucial and right on point in terms of what we are talking about here. There are reservoirs and things happening in our economy in the employment and work sector that were not there in the 1970's.

The PRESIDING OFFICER (Mr. THOMAS). The Chair informs the Senator that the time allocated to the Senator has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for at least another 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Iowa is recognized to speak for up to 30 minutes in morning business.

The Senator from Iowa.

Mr. HARKIN. I thank the Chair.

Mr. Huber, in his article in Forbes said:

> Here's why stock prices are really supposed to fall. Employment rates rise above some critical flash point. So wages rise sharply. So prices of goods rise—just as rising wages are boosting demand. Inflation soars. So interest rates go up. Stock prices crash.
>
> This is a perfectly sound theory, but it requires some facts. Where's the critical flash point? Do the employment statistics mean what they used to mean? Do they mean anything at all?
>
> Officially speaking, America hasn't yet discovered microwave ovens or women's lib. Bone-weary though she may be, the stay-at-home mother doesn't labor at all in the eyes of employment statisticians. But she could, easily enough. With one new mom working at a day care center, three other moms can enter the official work force when they choose. So long as many women remain ambivalent about where to work, in the home or out, the supply of labor will remain far more elastic than the statistics suggest. Memo to Alan Greenspan: Wire roses to Gloria Steinem.

Again, I am reading from the article that was in Forbes written by Mr. Peter Huber.

> Labor markets have stretched into the home; they have also spilled out of the country. A U.S. multinational doesn't raise wages in Maine if it can shift production to a more elastic labor market in Mexico. * * * Labor statistics, in short, don't mean much unless they track where goods are produced and consumed. The more transnational economies become, the worse the tracking gets.
>
> Then there's silicon. It takes a mix of capital and labor to manufacture a mousetrap, and economists have always allowed that the mix can change. In the past, however, the substitution effects were slow. You could hire and fire workers a lot faster than you could acquire or retire machines and buildings. So ready supplies of capital didn't discipline the price of labor in the short run.
>
> Is that still true? Computers are getting easier to deploy, smarter and—because of rapid innovation and falling costs—shorter-lived. Many a manager can now expand production as easily by investing an extra dollar in chips or software as he can by hiring new workers. Technology can have a powerful wage moderating effect long before silicon becomes a complete substitute for sapiens. All it takes is enough substitution at the margin.
>
> The substitution is happening. Productivity, it now appears, has been rising a good bit faster in recent years than government statisticians recognized. Three new working moms with computers produce as much as four old working dads without. And newly minted Pentiums to the ranks of those in search of useful work, and unemployment statistics look very different.

* * * * *

> This much we do know for sure. If the officially audited supply of labor keeps falling—

Which is what I have just said has been happening—

> and the price does not rise—

Which has been happening—

> then we must either give up on economics completely or conclude that there's more to

the supply side of labor markets then meets the official eye. Perhaps it's simply that American women, Mexican men and Intel's progeny have all become good substitutes for what the official statisticians call U.S. labor. Maybe welfare reform is effectively expanding labor pools, too. * * *

According to official statistics and economic models, a supply-side crisis in labor markets should have reignited inflation some time ago.

Almost 3 years ago.

Investors may indeed be crazy to ignore this indubitable, though theoretical, truth. But if so, wage earners are crazier still—so crazy they don't raise the price of their labor when they can. Then again, maybe they can't.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Wage Inflation? Where? (Labor Statistics Lose Predictive Value)

(By Peter Huber)

Here's why stock prices are really supposed to fall. Employment rates rise above some critical flash point. So wages rise sharply. So prices of goods rise—just as rising wages are boosting demand. Inflation soars. So interest rates go up. Stock prices crash.

This is a perfectly sound theory, but it requires some facts. Where's the critical flash point? Do the employment statistics mean what they used to mean? Do they mean anything at all?

Officially speaking, America hasn't yet discovered microwave ovens or women's lib. Bone-weary though she may be, the stay-at-home mother doesn't labor at all in the eyes of employment statisticians. But she could, easily enough. With one new mom working at a day care center, three other moms can enter the official work force when they choose. So long as many women remain ambivalent about where to work, in the home or out, the supply of labor will remain far more elastic then the statistics suggest. Memo to Alan Greenspan: Wire roses to Gloria Steinem.

Labor markets have stretched into the home; they have also spilled out of the country. A U.S. multinational doesn't raise wages in Maine if it can shift production to a more elastic labor market in Mexico. Even the all-American producer in Kansas can't raise wages or prices much if it competes against imports from a wage-stable Korea. Labor statistics, in short, don't mean much unless they track where goods are produced and consumed. The more transnational economies become, the worse the tracking gets.

Then there's silicon. It takes a mix of capital and labor to manufacture a mousetrap, and economists have always allowed that the mix can change. In the past, however, the substitution effects were slow. You could hire and fire workers a lot faster than you could acquire or retire machines and buildings. So ready supplies of capital didn't discipline the price of labor in the short run.

Is that still true? Computers are getting easier to deploy, smarter and—because of rapid innovation and falling costs—shorter-lived. Many a manager can now expand production as easily by investing an extra dollar in chips or software as he can by hiring new workers. Technology can have a powerful wage moderating effect long before silicon becomes a complete substitute for sapiens. All it takes is enough substitution at the margin.

The substitution is happening. Productivity, it now appears, has been rising a good bit faster in recent years than government statisticians recognized. Three new working moms with computers produce as much as four old working dads without. Add newly minted Pentiums to the ranks of those in search of useful work, and unemployment statistics look very different.

None of this will tell you whether to go long or short on General Motors next week. It's just that the next release of official labor statistics probably won't, either. Like a drunk searching for his keys under the lamppost rather than in the shadows where he lost them, the government statistician counts where the counting is easy. But the three great economic stories of our times—women in the work force, global trade and information technology—offer no easy counting at all. The counters are good with things that sit still. Women, foreigners and chips keep moving.

This much we do know for sure. If the officially audited supply of labor keeps falling and the price doesn't rise, then we must either give up on economics completely or conclude that there's more to the supply side of labor markets than meets the official eye. Perhaps it's simply that American women, Mexican men and Intel's progeny have all become good substitutes for what the official statisticians call U.S. labor. Maybe welfare reform is effectively expanding labor pools, too. In any event, running out of old bread creates neither famine nor inflation when there's a glut of new cake.

According to official statistics and economic models, a supply-side crisis in labor markets should have reignited inflation some time ago. Investors may indeed be crazy to ignore this indubitable, though theoretical, truth. But if so, wage earners are crazier still—so crazy they don't raise the price of their labor when they can. Then again, maybe they can't.

Mr. HARKIN. Again, Mr. President, because of the new labor pool that is there and because of the international marketplace, because of increasing technology and productivity, I believe the economy can continue to expand for some period of time, at least at its current pace, without causing a significant rise in inflation.

Second, we need to do more to increase the wages and incomes of average Americans. This should be one of our Nation's very top priorities. So we have an economy growing 3.3 percent. That is good, but who is taking part in it?

The Federal Government should complete a very good year from a budgetary perspective, as I said. In February, the White House said there would be a $125 billion deficit. CBO, our budget estimator for Congress, said it would be $115 billion in March of this year. In fact, it looks like it will only be a $23 billion deficit this year.

So why do we have the good news? Because the economy grew faster than the traditional economists perceived likely. I am pleased with the growth. I am pleased with that growth and the lower deficit level and the fact that prices are not rising. But I am disappointed that a fairly small share of the gain went to average Americans.

Look at this chart which says it all. Look what has been happening in the last several years in the recent economic boom in this country. If you look at the corporate profit rates, they are really going up. Especially since 1992 and 1993 they have gone up tremendously. Look at the median weekly earnings during the same period of time. They keep going down. Corporate profits are going up and median weekly earnings are going down.

The reality is that the incomes of average Americans are not rising very much. Median household income remains lower than in 1989, before the last recession. The poverty rate is still higher than in 1989, and the number of persons considered very poor, earning less than half the poverty threshold, actually increased. The poverty rate is still higher than in 1989, and the number of persons considered very poor—that is, earning less than half of the threshold poverty rate, actually increased. At the same time, corporate profits are soaring.

If the Fed clamps down and the economy ceases to grow at a reasonable rate, there will be no real chance that wages will grow at anything more than a minimal rate. This line will continue to go down even more. If we allow the economy to move forward, then, workers may achieve some real income growth. That means a higher standard of living for all Americans. That really should be our bottom economic line, a higher standard of living for all Americans, including those at the bottom who are falling further and further behind.

If someone asked me what I would want, I would say I just want average Americans to be able to buy a home with decent mortgage rates, low monthly payments, to go on a nice vacation every year with the family, treat their kids to a ball game, go out and have a nice dinner at a restaurant with their spouse on their anniversaries or birthdays, be able to save some money for a rainy day or for their kids' education. In other words, to improve their quality of life. This should be our fundamental goal.

To not allow a chance of an improved standard of living because of an innate fear of a possible rising inflation is not only unfair to Americans, it flies in the face of economic reality and it fails to recognize basic changes that have taken place in the global economy.

A little history. Back in 1933 the Congress set the Federal Reserve policy goals as "the maintenance of sound credit conditions, and accommodation of commerce, industry and agriculture." In 1946, the Congress passed the Employment Act of 1946 which set out a shared Federal Reserve responsibility, the goal being "responsibility of the Federal Government to use all practical means * * * to promote maximum employment, production and purchasing power." It was only in 1978 that the law was modified to add the goal of containing inflation, interestingly. Not until 1978—we had some pretty good years before 1978, but it was in 1978 that the law was modified to add the goal to the Federal Reserve's policy of containing inflation. That goal did not replace maximizing employment and production. It didn't say in lieu of maximizing employment and production, but in addition to maximizing employment and production.

In the last Congress, Senator MACK, my good friend from Florida, introduced a bill to make fighting inflation the sole principal goal of Federal Reserve policy, to undo everything it has been doing since 1933, to take what was done and added in 1978 as another goal, and make that the only goal of Fed policy.

Alan Greenspan supports this proposal and said in open testimony that he supported taking out of the Federal Reserve's consideration "promoting maximum employment, production and purchasing power, the maintenance of sound credit conditions to accommodate commerce, industrial and agriculture," all of which has been in there at least since 1933 and 1946—do away with all that and have only one goal for the Federal Reserve—to fight inflation. Mr. Greenspan supports formally shifting the focus of the Fed to controlling inflation and achieving price stability.

Well, I do not think this policy is a wise course of action. Alan Greenspan may want to change the Fed's mandate, but that does not relieve the Federal Reserve of its responsibility to carry out the law and its mandate which is not just inflation but "to promote maximum employment, production and purchasing power."

Unfortunately, under the leadership of Mr. Greenspan, the focus has become only oriented toward a fear of fighting the ghost of inflation. I say "a fear of fighting the ghost of inflation" because there is no inflation. But out there sometime around Halloween the ghost of inflation that might actually appear, and we need to be worried about that, according to Mr. Greenspan.

I recently met with the two nominees for the Federal Reserve board that will shortly be before the Senate, Mr. Gramlich and Mr. Ferguson. We had two very productive and informative meetings. I found them both very learned individuals and fine individuals. They also have good career backgrounds. But what American families need at the Federal Reserve are Board members who will not simply follow the prevailing wind at the Fed but follow what is set out in law, and that is balancing the goals of sustaining rates of growth from employment, production and purchasing power as well as minimizing inflation.

Unfortunately, our two nominees before us still adhere to that outdated consent of NAIRU, nonaccelerating rate of unemployment, and I am afraid that they will fail to aggressively challenge many of the current assumptions at the Fed.

We need a good healthy debate at the Fed and we need a good healthy debate outside of the Fed about economic policies. I also believe that the nominees are just not likely to push for this kind of debate prior to risking the upward movement of the economy with an interest rate increase. That, in my view, is unfortunate.

The Federal Reserve seems to look at the economy solely through the eyes of lenders. They need to look at the needs of manufacturers and builders, entrepreneurs and hard-working families, as the law requires. These are the people that move the economy, the people that make things, that take the risks, that sell things for whom the Federal Reserve policy should aim to benefit. The nominees before us, unfortunately, I believe share that view of just simply looking at the economy through the eyes of the lenders and the bankers.

Lastly, and while this is not being talked about very much, I believe we are facing an increasing risk of deflation—deflation. While the Fed focuses on getting inflation down to zero, I think and fear they may overshoot it and send the economy into a deflationary spiral.

Inflation as measured by the CPI for the past year has been 2.2 percent. Unemployment is below 5 percent, and the economy is moving at a GDP rate of around 3.3 percent. Most of the members of the Federal Reserve seem to feel the CPI overestimates inflation by a percentage point or more. If that is the case, then inflation is somewhere down around 1 percent, maybe less. Maybe inflation is really somewhere between zero and 1 percent.

These people at the Fed fear inflation might rise because the unemployment rate is so low, 4.9 percent. If it does, we can react, but there is nothing in our history that points to our inability to slow down and reverse inflation due to an overheated economy. But the preemptive strikes launched by the Fed do not restrain inflation. Instead, this reaction to the remote possibility of accelerating inflation has tremendous costs to our nation.

A preemptive strike blocks the chance of people to be more employed; it blocks the chance of people, on average, to see their incomes truly rise; and it increases the risk of recession. A recession in the current economic environment creates a real possibility of deflation. I believe that right now we are very close to zero inflation, but if we go into recession, that could slip down below zero, and indeed we would have inflation. That would deepen the recession and make it even harder to come out.

Because of this excessive fear of inflation at the Fed, we now live in a world where good economic news for working families is bad news on Wall Street and at the Fed. I don't know how many times I have seen that if there is some good news out there for working families, they say stocks will fall, the Fed is going to have to raise interest rates.

I will read from an article written by Mr. Robert Reno earlier this year, entitled "Economic Prosperity Not Fully Shared," to underscore this point. Mr. Reno said in his article of March 14, 1997, talking about the unemployment rate falling to 5.3 percent and below.

> Wall Street held its breath recently, fearful that one of the greatest bull markets in history was about to be handed the excuse it was looking for to crash.

He said that was because early in March the U.S. Bureau of Labor Statistics was ready to release the report on unemployment.

> It could have been another Black Friday. But closer inspection of the employment report showed things weren't all that dreadful. Average earnings rose just 3 cents an hour.
>
> No sign there that wage inflation was any threat except in the minds of those who use a Hubble telescope to see inflationary signs invisible to everyone else. Moreover, there were "healthy" signs that American workers are still scared witless.
>
> The percentage of workers holding down two jobs, seen as a barometer of job insecurity, was 6.2 percent, about the same as it was a year ago. And the percentage of job quitters—those who felt confident enough to strike out in search of new employment—fell significantly. . . .
>
> It says something weird about the economic culture of the 1990s that the docility of the American labor force has come to be regarded as the chief barometer of the Nation's economic health, the indicator that causes the largest holders of wealth to prosper even as wage-earner incomes stagnate.

Again we see it here, wage earners going down, corporate profits going up.

> Still, the alarmists continue to talk about a "tight" labor market. This is not the same labor market viewed by most American wage earners.
>
> They see an economic landscape littered with the victims of downsizing, a corporate strategy that has institutionalized the process of maximizing short-term share values by minimizing worker security. They also see a system in which health-care coverage, especially the fear of losing it, is increasingly a factor in workers' decisions to change jobs or to hang on for dear life to the one that they have.
>
> These and other factors, including the weakening of the labor movement, combine to make workers less likely to demand higher wages even as they see their CEO's taking home grossly swollen compensation packages that are an embarrassment to capitalism.

I think that paragraph needs repeating.

> These and other factors, including the weakening of the labor movement, combine to make workers less likely to demand higher wages, even as they see their CEO's taking home grossly swollen compensation packages that are an embarrassment to capitalism.

I ask unanimous consent that the full text of Mr. Reno's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Mar. 14, 1997]

ECONOMIC PROSPERITY NOT FULLY SHARED

(By Robert Reno)

NEW YORK.—Wall Street held its breath recently, fearful that one of the greatest bull markets in history was about to be handed the excuse it was looking for to crash.

This was because early March 7, the U.S. Bureau of Labor Statistics was scheduled to release its monthly report on employment, an event that could provide the Federal Reserve with a reason to raise interest rates, to punish the economy for growing too fast and the stock market for its "irrational exuberance."

At first, the news looked terrible. Not only did the unemployment rate fall during February to 5.3 percent, we below the 6 percent level that some inflation hawks view as dangerously inflationary, but non-farm payrolls expanded by a brisk 339,000 jobs, a much higher figure than most economists had expected. Yes, things looked bleak.

It could have been another Black Friday. But closer inspection of the employment report showed things weren't all that dreadful. Average earnings rose just 3 cents an hour.

No sign there that wage inflation was any threat except in the minds of those who use a Hubble telescope to see inflationary signs invisible to everybody else. Moreover, there were "healthy" signs that American workers are still scared witless.

The percentage of workers holding down two jobs, seen as a barometer of job insecurity, was 6.2 percent, about the same as it was a year ago. And the percentage of job quitters—those who felt confident enough to strike out in search of new employment—fell significantly.

So the market heaved with relief, shook itself, and the Dow Jones industrial average proceeded to rise 50.19 points. Monday, it hit a new all-time high in a day of exuberant trading, then peaked again Tuesday.

It says something weird about the economic culture of the 1990's that the docility of the American labor force has come to be regarded as the chief barometer of the nation's economic health, the indicator that causes the largest holders of wealth to prosper even as wage-earner income stagnates.

Still, the alarmists continue to talk about a "tight" labor market. This is not the same labor market viewed by most American wage earners.

They see an economic landscape littered with the victims of downsizing, a corporate strategy that has institutionalized the process of maximizing short-term share values by minimizing worker security. They also see a system in which health-care coverage, especially, the fear of losing it, is increasingly a factor in worker's decisions to change jobs or to hang on for dear life to the one they have.

These and other factors, including the weakening of the labor movement, combine to make workers less likely to demand higher wages even as they see their CEOs taking home grossly swollen compensation packages that are an embarrassment to capitalism.

The current economic expansion, in its length, durability and non-inflationary nature, is an achievement not to be despised. February's figures are further evidence that it will continue. But until the policy-makers and the economists discover a way to more fairly distribute its good fortune, it is an unfinished job.

Mr. HARKIN. Mr. President, I want to point out that just 2 weeks after this article appeared, the Fed launched one of its preemptive strikes, despite admitting the fact that there was no accelerated inflation, and raised interest rates again.

The issues that are before us are much more important than just two nominees to the Federal Reserve system. It is about strengthening our Nation's economy and ensuring that all Americans have a better standard of living than their parents and their grandparents. It is about everyday Americans making everyday decisions, families trying to make a payment on their House, pay for their kids' college education, Main Street merchants paying for a loan for inventory to run their small business, and farmers making decisions on borrowing to put in next year's crop.

The Federal Reserve policies affect families budgets and national budgets. The Federal Reserve policies shape the course of America's future. If we hope to reach and maintain a balanced budget and move people from welfare to work and ensure the solvency of Medicare and Social Security, we must have a vigorous, growing economy.

Unfortunately, the Federal Reserve is standing in the way. As I have said many times, the Fed has kept its key interest rates, such as the Federal Funds rate, unnecessarily high and, as a result, sacrificed job growth and the living standard of hard-working Americans in the blind pursuit of fighting the ghost of inflation.

The reason the Fed is willing to pay any price and bear any burden to fight the ghost of inflation is that the Fed's prime constituency is the Nation's largest banks. Bill Wolman, an economist for Business Week magazine and CNBC News, wrote in the Judas Economy:

> The Federal Reserve's anti-inflation hysteria is, pure and simple, special interest politics, practiced by an institution almost totally free of effective oversight.

I will continue the quote by Mr. Wolman:

> As a class, Bankers are creditors who have a strong interest in making sure that the money they lend out—ranging from revolving credit, such as Visa or MasterCard, to thirty-year mortgages—is paid back in money that does not lose value through time. The central bank is most concerned to limit inflation because inflation depreciates the value of the assets held by commercial banks. When prices are rising (inflation), debtors can repay their loans to creditors in cheaper currency; for this reason creditors hate inflation. But when prices are falling, debtors are forced to repay their debts with expensive (harder to earn) currency. Thus, creditors benefit at the expense of workers. . . .

As I previously noted, this mindset that we are confronting is largely based on this outdated and faulty concept called NAIRU, the Nonaccelerating Inflation Rate of Unemployment.

As Robert Eisner wrote in his book, "The Misunderstood Economy," which I recommend to all, the NAIRU concept is the purest example of the old saying, "Statistics are the straightest line from an unreasonable assumption to a foregone conclusion."

Again, NAIRU basically says that if unemployment goes below a certain level—once and for many years thought to be 6 percent—inflation will accelerate at such a pace that it will take excessively high interest rates and subsequent levels of unemployment in order to bring inflation under control. Describing NAIRU, Robert Eisner wrote:

> It tells us that if we persist in trying to get and keep unemployment (below its natural level) [whatever that is], we will have, not merely inflation, but accelerating inflation. Literally that might mean a very slowly accelerating inflation like one-tenth of one percent per year. But somehow the term is used to imply that inflation will accelerate rapidly, conjuring up visions of the Germans in the 1920's carrying marks in wheelbarrows and using money as wallpaper.

The strongest and most unabashed supporter of NAIRU at the Federal Reserve is Fed Governor Meyer, an appointee of the Clinton administration. He said:

> I am a strong and unapologetic proponent of the Phillips Curve and the NAIRU concept. Fundamentally, the NAIRU framework involves two principles. First, the proximate source of an increase in inflation is excess demand in labor and/or product markets. In the labor market, this excess demand gap is often expressed in this model as the difference between the prevailing unemployment rate and NAIRU, the nonaccelerating inflation rate of unemployment.

Mr. Mire goes on to say:

> Second, once excess demand gap opens up, inflation increases indefinitely and progressively until the excess demand gap is closed, and then stabilizes at the higher level until cumulative excess supply gaps reverse the process.

Visions of Germany in the 1920's. Why, my goodness, if the unemployment rate goes a little lower, you will be taking your dollars to the banks in wheelbarrows. They will be worthless. We will have this huge inflation. That is the kind of fear-mongering done by those who adhere to this concept of NAIRU.

Now, Mr. Greenspan has recently made some public statements kind of distancing the Fed from NAIRU. I guess, after 3 years, it has finally kind of come home to him that maybe a 5-percent rate of unemployment is not going to accelerate unemployment, maybe not 4.9 percent, and maybe not even 4.5 percent. In his July 22 Humphrey-Hawkins testimony, Mr. Greenspan said:

> The rise in the average workweek since early 1996 suggests employers are having a

> greater difficulty fitting the millions who want a job into available job slots. If the pace of job creation continues, the pressures on wages and other costs of hiring increasing numbers of such individuals could escalate more rapidly.

Furthermore, the prospect of adding more employees to the workforce is equally unappealing to Mr. Greenspan who believes this will ignite inflation. He said this in July:

> Presumably, some of these early retiree, students, or homemakers might be attracted to the job market if it became sufficiently rewarding. However, making it attractive enough could also involve upward pressures in real wages that would trigger renewed price pressures, undermining expansion.

To that, I say: Not true. Turn again to this chart. Median weekly earnings are going down and corporate profits are going up. All I am saying, and others are saying, is that more of the growth in our economy needs to go to those who are working and making weekly wages. More should be going to the bottom part of our economy who are falling further and further behind and who rely more than anyone else on interest rates.

Well, again, Mr. Greenspan linked wage pressures, no matter how little to the specter of accelerating inflation in his October 8 testimony earlier this month before the House Budget Committee. He admitted, "There is still little evidence of wage acceleration." But he said, "If labor demand continues to outpace sustainable increases in supply, the question is surely when, not whether, labor costs will escalate more rapidly."

I know Mr. Greenspan is a skilled economist, but I would like to point out a few things to him. First, you have increasing technology with the silicon chip; second, you have a lot of women who are in the pool that can come into the work force because they are homemakers, and as we develop more and more safe, affordable daycare in America, more of those women can come into the work force. Third, we have a global economy, Mr. Greenspan.

Now, some may say it's odd for me, for this Senator, to be talking about this global economy as part of an element that contributes to economic growth in our country and the keeping down of wage demands. But it is true and it's a fact. All I am saying is that as long as it is a fact, then don't further penalize the workers in our economy by keeping unnecessarily high interest rates, which penalizes them in buying a home, or buying a car, or taking a vacation, or saving some money for a rainy day, or for their kids' college education. We can use the global economy as it is with increasing technology, with a vast pool of women, early retirees, and the underemployed, to move into that work pool and hope at least to get some increase in the wages of those that are on the bottom, and at least give them a better ability to be able to increase their standard of living by not paying so much in interest rates.

Mr. Greenspan, as recently as October 8, is warning us that if the labor demand—once again, that old NAIRU concept—out there continues a little bit further, then inflation is going to accelerate and take off.

Another simple component of the NAIRU concept is, of course, the preemptive strike. It's when the Federal Reserve raises interest rates to fight inflation, despite seeing no signs of accelerating inflation. The justification behind a preemptive strike is the possibility of inflation increasing at some point in the future. Again, Mr. Greenspan said, in his Humphrey-Hawkins testimony this year:

> Given the lags in which monetary policy affects the economy, however, we cannot rule out a situation in which a preemptive policy tightening may become appropriate before any sign of actual inflation becomes evidence.

That leads me to another change in Fed policy that I think we ought to enact and enact rapidly.

There is no reason why the minutes of the Federal Reserve Board meetings need to be kept secret for 5 years. That's right. When the Federal Reserve meets and sets their policy, it's sealed for 5 years. We don't do that in Congress. We don't do that in the Supreme Court. There is no reason why the Fed has to have that capability to withhold important information. I grant that there may be some economic reasons—in terms of market stability—why their minutes may be kept sealed for a short period of time, but certainly no longer than a year.

We ought to know from year to year why the Fed is making the decisions it is making. People ought to go back and read the minutes of the Fed meetings back in 1990 and 1991 when it was making some of its decisions. Then you will begin to see that their crystal ball is pretty cloudy indeed.

Mr. Greenspan, as I have pointed out on many occasions, raised interest rates seven consecutive times in 1994 and 1995. Think about that—seven consecutive times. I say he doubled interest rates. The Fed fund rates went from 3 percent to 6 percent in less than 2 years—about 18 months. He did this despite seeing no signs of accelerating inflation. There never were any signs of accelerating inflation.

For example, in his February 22, 1994, testimony given shortly after the first of the rate hikes, Mr. Greenspan said the current economic statistics "do not suggest that the financial tender needed to support the ongoing inflation process is in place."

Yet, they kept raising interest rates. So during a period of time when we had great economic growth in this country, the raising of those interest rates pushed a lot of our people on the bottom further down on the bottom and let the people at the top get more of the growth that we have had.

Since the last of the seven rate hikes, Mr. Greenspan lowered the rate slightly and then put them back up again a quarter of a point—at about 5.5 percent right now.

In July, Business Week published a cover story entitled "Alan Greenspan's Brave New World." He said Greenspan has moved the Fed into "uncharted territory * * * by allowing faster growth and lower unemployment than the Fed would have permitted in the past."

I think we should continue on that track. But I am concerned about the recent testimony given by Mr. Greenspan just earlier this month. The pervasive fear of inflation still holds true to that. This is best shown as the preemptive strike launched by the Fed in March of this year, despite minimal signs of inflation and Greenspan's February Humphrey-Hawkins testimony, in which he said, "This year overall inflation is anticipated to stay restrained." Mind you, in February, Mr. Greenspan said: "This year overall inflation is anticipated to stay restrained." One month later the Fed increased its Fed funds rates by a quarter of a point. On April 24, Governor Meyer—again, the biggest proponent of NAIRU—gave a speech in which he said, "The recent Federal Reserve policy action was clearly a preemptive one. This means that it was undertaken not in response to where the economy and inflation were at the time of the policy change, but in response to where the economy and inflation were projected to be in the future absent a policy change."

Again, I would like to know exactly what the Fed is looking at when it makes these decisions. What is that future? What is the long run? One economist once said, "In the long run we are all dead." What are we talking about in the future? One month the head of the Fed says inflation is going to stay restrained, and the next month they raise the Federal funds rate. The next month Mr. Meyer says it was preemptive because we projected that in the future sometime we would have inflation. Obviously, not this year, because just a month before, they said it was going to be restrained. And, yet, over the last several months, our consumers, our small businesses, our farmers, our homeowners, our manufacturers have had to pay a quarter point more interest rate. That hits everyone. It is just like a hidden tax; just like a nice little hidden tax on everyone.

A lot of people believe that preemptive rate hike in March was totally unnecessary. In the April 14, 1997, edition of Barron's, David Ranson wrote an article entitled "The Federal Reserve's Pointless Quarter Point: A Preemptive Strike Against a Non-Threat."

Mr. Ranson said first:

> There isn't any inflation around to curb. Everyone, including Alan Greenspan, concedes that inflation is absent. Thus, the traditional pretext for Fed action is nowhere to be found. I am reminded of the two buzzards sitting on a tree limb. One turns to the other and announces: "Patience, my foot. I'm going to kill someone."

We have all seen that cartoon before. So it is like the old Fed sitting there. "Well, patience my foot. We are going to raise interest rates. Inflation isn't there. By gosh, we are going to raise it anyway."

According to the official story by Mr. Ranson, the Fed's action was a necessary preemptive strike against inflation before it becomes evident.

If it is not evident, how do they know it? If it is not evident to a lot of preeminent economists in this country, how is it evident to the Fed? What is their basis for it? Again, we will not know for 5 years. We ought to know a lot sooner than that.

Mr. Ranson said,

> The real enemy for now is not inflation itself but unwarranted angst about inflation brought on by stubborn adherence to basic misconceptions. Inflation is certainly detrimental to growth, but it is not true that growth must lead to inflation. This principle is observable worldwide. Low-inflation countries have tended to be economically successful while high-inflation countries have tended to stagnate.
>
> Fourth, increased interest rates do little to curb inflation; mostly they just ratify it. There is powerful evidence that an increase in interest rates slows the economy, but we find surprisingly little evidence that it curbs inflation. Inflation does not decline perceptively following a rate rise. Nor does inflation increase noticeably following a rate cut.

Mr. Ranson concludes the article by saying:

> The notion that inflation is generated by economic success belies history and perpetuates the "good news is bad news" syndrome that bedevils government policy and the financial markets.
>
> The assumption that we need the Fed to tinker endlessly with interest rates needs to be challenged. Policymakers are prone to assume that the Nation needs them to take vigorous action . . . even when the pretext for action is elusive.
>
> It is unclear whether those clamoring for higher interest rates will be mollified by the Fed's token action. It is only more likely they will be encouraged to demand more. One policy mistaken facilitates another.

Mr. President, I ask unanimous consent that Mr. Ranson's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Barron's, Apr. 14, 1997]

THE FEDERAL RESERVE'S POINTLESS QUARTER-POINT: A PREEMPTIVE STRIKE AGAINST A NON-THREAT

(By David Ranson)

The recent quarter-point increase in the federal-funds rate was unwarranted and potentially harmful. Government policymakers, impatient with the absence of a pretext for action, have once again chosen to act anyway. There are a number of reasons why the Federal Reserve's recent action was pointless at best.

First, there isn't any inflation around to curb. Everyone, including Alan Greenspan, concedes that inflation is absent. Thus the traditional pretext for Fed action is nowhere to be found! I am reminded of the two buzzards sitting on a tree limb. One turns to the other and announces: "Patience, my foot. I'm going to kill something."

Second, there is no valid indication of inflation around the corner for the Fed to preempt. The current acceleration in the economy is cited as the primary indication that inflation might lie ahead. According to the official story, the Fed's action was a necessary "pre-emptive strike" against inflation before it becomes evident.

The good news is that low unemployment and healthy economic growth have been achieved in an environment of very low inflation. Tragically, the most prevalent response to this positive scenario is to worry even more loudly and to suggest that this excellent state of affairs can't last. Supply-siders correctly point out that such conventional wisdom is contradicted by historical fact. While many observers express surprise at the economy's success, it is exactly as real-life experience suggests: Low inflation goes hand-in-hand with low unemployment—and high inflation with high unemployment.

The real enemy for now is not inflation itself, but unwarranted angst about inflation brought on by stubborn adherence to basic misconceptions. Inflation is certainly detrimental to growth, but it is not true that growth must lead to inflation. This principle is observable worldwide. Low-inflation countries have tended to be economically successful while high-inflation countries have tended to stagnate.

H.C. Wainwright Economics tracks in detail interrelationships among U.S. interest rates, economic growth and inflation. Statistical analysis confirms that inflation precedes periods of weak economic growth rather than follows periods of strong growth.

Fourth, increased interest rates do little to curb inflation; mostly, they just ratify it. There is powerful evidence that an increase in interest rates slows the economy, but we find surprisingly little evidence that it curbs inflation. Inflation does not decline perceptively following a rate rise. Nor does inflation increase noticeably following a rate cut.

Consider, for example, the half-dozen occasions when there has been a year-to-year increase of more than two percentage points in the federal-fund rate. These Fed moves were followed after a year by an average decline of nearly 5 points in the rate of industrial production growth, a dramatic impact.

But whatever the counter-inflationary result, it was highly unimpressive. In terms of producer prices (which are a more sensitive indicator than consumer prices), the reduction in inflation one year following these large rate hikes averaged an insignificant one-tenth of a percentage point. Inflation as measured by the consumer price index actually continued to accelerate.

A skillful newspaper editor, faced with a peaceful day of no news, makes a bigger fuss over what little he has to work with. He knows how easy it is to fuel public anxiety. Wall Street strategists have been playing this game for at least the past year. Faced with a benign economy and virtually no inflation, they have pursued a vociferous debate about the mere possibility of increased inflation and the Fed's potential reactions.

The Fed has succumbed to this pessimism. Far from pre-emptively curbing inflation, its latest action tends to endorse inflation that does not exist. Surely this is an absurdity. It makes no sense for the government to respond to fears of inflation by heightening them. Why would anyone want to hamper a strengthening economy just to obviate the harm than a purely speculative bout of inflation might cause? While a quarter of a percentage point will not cause material damage to the economy, additional moves in the same direction will.

The notion that inflation is generated by economic success belies history and perpetuates the "good news is bad news" syndrome that bedevils government policy and the financial markets. Granted, inflation has harmful effects, but the damage done by unsubstantiated fears of inflation is worse precisely because it is so unnecessary. The recent sag in the bond market is just one of the symptoms of the less-visible damage we are inflicting upon ourselves.

The assumption that we need the Fed to tinker endlessly with interest rates needs to be challenged. Policymakers are prone to assume that the nation needs them to take vigorous action—even when the pretext for action is elusive.

It is unclear whether those clamoring for higher interest rates will be mollified by the Fed's token action. It is more likely that they will be encouraged only to demand more, especially as the economy continues to accelerate. One policy mistake facilitates another.

But it is also possible that Alan Greenspan understands what his critics do not: that the Fed's true role is to keep both interest rates and the dollar's purchasing power as stable as possible. Perhaps in a histrionic Washington where inaction is death he dare not say this too loudly.

In a recent commentary on National Public Radio, economist Robert Kuttner suggests that Greenspan succumbed to pressure from inflation hawks out of fear of being on the losing side of the Open Market Committee vote. Whether that's true or not, the Fed's decision to raise interest rates was more a political act than an economic one.

But I remain optimistic that the longer inflation remains absent, the less influence the inflation hawks will wield. In such a environment the Fed will be able to justify smaller and less frequent changes in interest rates.

Mr. HARKIN. Mr. President, again, I am also concerned that the nominees that will be shortly before us to the Board of Governors seem equally frightened by this ghost of inflation. For example, nominee Roger Ferguson said in his testimony before the Senate Banking Committee, "Therefore, I agree with the Fed's historic approach"—I would challenge that word "historic approach"—"to reduce monetary stimulus before the emergence of obvious and strong inflationary pressure. Unfortunately, the timing and appropriate amount of change in monetary policy involves some guesswork and some risk taking."

He agrees with the Fed's historic approach. It seems to me the historic approach of the Fed back in 1933 was to facilitate commerce and keep employment high. Only in 1978 was it added to keep inflation in check.

Mr. Ferguson's view is not a comforting thought given that we have a chairman of the Federal Reserve System who has echoed that comment when he said, "economic understanding is imperfect and measurement is imprecise."

That is interesting. Mr. President, if measurements are not perfect, can we assume the Fed knows what it is doing when it launches one of its preemptive strikes? Maybe all it is doing again is simply raising the corporate profit rate and cutting down median weekly earnings.

This is what is happening. Change in the share of income received by each quintile from—look what is happening. The lowest quintile, the lowest 20 percent of our population, their share of income received is going down. All of it is going down. But in the top 20 percent it is going up—their share of the income.

So I suggest that what the Federal Reserve is doing is not stopping inflation at all. What they are doing is shifting who gets the money; who gets the biggest share of this great growth that our country is now engaged in.

Furthermore, I submit that their policy inhibits that rate of growth and keeps it from being even greater than it is.

So we have a Fed that has used a method to fight inflation when we may not even be sure if inflation actually exists in the economy.

Well, Mr. President, I believe I have used up my 30 minutes. I see others who are on the floor who want to speak. But I will have more to say about this as the week progresses if the nominations are put before the Senate for consideration. I have a number of other charts that I am going to use to illustrate how the Federal Reserve policies, I believe, are hurting the working families in America, how their policies are mistaken in bending this country toward higher interest rates when those higher interest rates are not needed, when they are not legitimate, and when those higher interest rates benefit the top 20 percent of the people of this country and hurt everyone else.

The Fed's policies, in short, are keeping growth restrained more than should be.

Second, the Fed's policies, I believe, are keeping wages from keeping up with productivity in this country.

Third, the Fed's policies are skewing who gets whatever the growth is in our economic pie. In other words, we know and all of the figures show—and I will release those later on this week—that in our country the richer are getting richer and the poor are getting poorer. We know that. All we have to do is look at this chart.

So the Fed's policies are destroying the broad middle class in America, that middle class that has always been the ladder of opportunity for those who ascend. I fear that if we do not stop the policies of the Fed, that rather than accelerating inflation, what we will have is an accelerating spread between the rich and the poor in our country, an acceleration of depressing wages, an acceleration of pushing people in the middle class down further on the economic scale, and that I submit will be harder to turn around and more dangerous for our country, more fraught with the possibilities of deflation and severe recession than any fear of a small increase in inflation that might come about if the Fed were to actually reduce interest rates.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. GRAMS. I thank the Chair. I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

EFFECTS OF HEALTH CARE MANDATES

Mr. GRAMS. Mr. President, I wanted to be here today just to make some brief comments in support of the Medicare Freedom To Contract Act, S. 1194.

During my first term in the 103d Congress, I witnessed President Clinton attempt a Federal takeover of fully one-seventh of our Nation's economy through a nationalized health care system. I was opposed to it then and I remain adamantly opposed to it today.

Over the past 2 years we have seen a step-by-step encroachment by the Federal Government into the health care system.

Despite overwhelming public opposition to his attempt to take over the health care system, President Clinton still seems to be intent on imposing his vision of socialized medicine on the American people.

In fact, on September 15 of this year, the President admitted that he has not abandoned his goal of forcing a nationalized health care system. He stated, "Now what I tried to do before won't work. Maybe we can do it in another way. That's what we've tried to do, a step at a time, until we finish this."

I am sorry to say that the Republican-led Congress has been a great service to the President by incrementally adopting and implementing more and more of his 1994 health care scheme. While I supported the heralded Kassebaum-Kennedy Health Insurance Reform Act, which did accomplish some needed reforms, I have concerns about how this law has since been implemented.

In addition to its original mandate, we have a host of so-called "body part" protections and coverage mandates which will create a precedent for total Federal control over health insurance packages and thereby ultimately a Federal health system. I have always believed that the American people should have the fundamental right to choose where, when and how they receive their health care services. If individuals choose to enroll in health maintenance organizations, let them. If they want to join a preferred provider organization, let them. If they would like to opt out of health insurance altogether or to pay for the services as they are received, then let them. Clearly, I am not in a position to determine what their needs are or what plan would best suit their family and their budget, nor is any bureaucrat in Washington able to determine the coverage best suited for each individual in the United States.

Now, that brings us to the recently enacted Children's Health Initiative. I opposed the Balanced Budget Act in large part because of this grossly overfunded, new Federal entitlement. Again, another "step at a time" that the President says we need to take until we have a total Government-run health care system.

Let me be very clear. I am very fully in support of ensuring access to health insurance for children. However, I have never believed that this was a Federal issue. As a Minnesotan, I witnessed the creation of a State program in 1992 which has provided access to health insurance to thousands of children in my State of Minnesota. It is called MinnesotaCare.

Now, this State program gives access to State subsidized private health insurance to families up to 285 percent of the Federal poverty level. The Federal Children's Health Initiative provided no consideration to the States which have made a commitment to providing access to health insurance to children or their families. In effect, the Federal Government has now spent $24 billion on a program which clearly will not work in every State. In fact, it will penalize States like mine which have already made significant progress in covering children, and this illustrates my point very well. Washington cannot make the health care insurance decisions for everyone.

One of the most important corrections needed in the Balanced Budget Act is the Medicare Freedom to Contract Act. This was introduced by Senator KYL which I have cosponsored. This act tries to correct what is probably the most egregious example of what President Clinton's vision of Federal Government as provider and protector has in store for us.

While the Balanced Budget Act included a provision which allows a Medicare beneficiary to contract for health care services privately with a physician, it effectively prohibits this from happening by forcing that physician to opt out of treating any other Medicare patients for 2 years. What the

President has done is to blackmail doctors and to deny senior citizens the basic right of spending their money as they see fit.

Even in the United Kingdom, which has had socialized national health service since 1948, it allows its citizens to pay for services outside the national system. Clearly, Americans can do better than that and at least Americans deserve the same option. This is unfair to seniors. It is unfair to physicians. And it must be corrected quickly.

Opponents of the Medicare Freedom to Contract Act claim that it will force seniors to pay 100 percent of a physician's charge for their services, and it would mean an immediate and dramatic increase in out-of-pocket costs for physician services.

This is simply untrue. No Medicare beneficiary is required, nor implicitly encouraged, to contract privately with a physician. This act merely makes it possible for seniors to do so if they choose to do so. But the opponents are ready to come to the floor to filibuster any opportunity to discuss this issue or to get a vote on it. And President Clinton has also threatened to veto the bill should it pass.

Now, he put the provision in the BBA in the middle of the night without debate, another step again toward the President's desire for a nationally run health care program. And he says he will veto any efforts to stop it. Is this what Americans want? The American people strongly rejected it in 1994, and they don't want it now.

Mr. President, I find it completely amazing that there are individuals who believe it is wrong to allow seniors more options and more choices in how they receive their health care services. Indeed, as the Balanced Budget Act aimed to provide more choices to seniors through the Medicare Plus Choice Program, the Medicare Freedom to Contract Act is the logical extension of the Medicare Plus Choice Program. It creates yet another option for our seniors.

In fact, a case can be made that if seniors contract privately with their physician for services and do not bill Medicare, it will save money. It will extend the life of the Medicare Program beyond the 10 years the Balanced Budget Act supposedly will do.

Finally, Mr. President, we have many lessons to learn about the effects of health care mandates. However, denying seniors the option of using their own money to pay for their own health care is a lesson in Government that's gone mad, and that is a lesson we have all learned too well already. I urge my colleagues to support this needed correction.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT REQUEST—FEDERAL RESERVE NOMINATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following Federal Reserve nominations on the Executive Calendar: Calendar No. 305 and Calendar No. 306.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, I might inquire of the distinguished majority leader, what were the Executive Calendar numbers?

Mr. LOTT. I asked unanimous consent that we proceed to executive session to consider the Federal Reserve nominations on the Executive Calendar. I know the Senator from Iowa has been discussing these nominees already this afternoon, and I am advised that he is going to oppose a time agreement to get a vote on these nominations, so I was going to make note of the fact that my intention is to set the votes on these nominations for later today.

If it is not possible, if there is objection to that, then I would have to say it would appear to me that these nominees could not get confirmed this session. We have a number of nominations we are trying to get cleared on both sides of the aisle.

I had indicated to Senator DASCHLE we would try to move these nominees. We also have similar holds on the FCC nominees. But if we can't get those cleared in the next couple of days, it would be my intent to try to move those to a vote in the same manner tomorrow. So I am trying to emphasize that. I think these are important nominees. It would seem to me we need to have nominees to the Federal Reserve Board confirmed. These are the President's choices and his recommendations. This is, obviously, a very critical board. While I might agree with the Senator about some of his reservations and disagree with some of the actions they take and a number of things that have occurred over the years, I do think that unless there is a major objection to one or both of these nominees on the qualifications basis or experience or something of that nature, I feel an obligation to try to move them forward.

Mr. HARKIN. If the majority leader will yield.

Mr. LOTT. Sure.

Mr. HARKIN. I respond by saying I appreciate the position the majority leader is in. Quite frankly, I think that the occasion of considering a couple of nominees to the Federal Reserve Board of Governors should be a time of some debate and some discussion on the Senate floor as to the Fed policy and to the direction the Fed has taken.

Again, I do not need to remind the majority leader of this. He knows full well there seems to be so many people who think the Federal Reserve is some great Federal agency that is not beholding to the Congress. I keep pointing out it is a creature of Congress. It is not a constitutional entity. It is a creature of Congress and by law we have the right and I think the constitutional obligation to oversee the Federal Reserve, obviously to pass judgment, to advise and consent on nominations but also to give guidance and direction as to what their policy ought to be. And I think that these nominees deserve to have some discussion and debate.

I would say in all honesty to my friend from Mississippi, there are on this side other Senators who I know want to engage in this discussion and debate who cannot be here today. I am here. And I am willing to talk—well, I have my notebook here, if the majority leader would like to see it. I have a few hours I could talk.

Mr. LOTT. It doesn't look very thick.

Mr. HARKIN. It is pretty thick. I have a lot that I can say about them.

Mr. LOTT. If the Senator will yield.

Mr. HARKIN. Yes.

Mr. LOTT. I know he could talk at great length on this and other subjects, and there may be other Senators who would like to talk on them who are not here today. Quite frankly, I am not impressed that they are not here. We are in the final 2 or 3 weeks of the session, and when Senators say they can't be here on Monday and they can't be here on Friday, it sure makes it awful hard to do the people's business. But the Senator is within his right; certainly these are important nominees, but I believe that on these nominees as well as the FCC nominees and hopefully maybe even others, if the holds are continued on them, I need to call them up.

If there is objection, as apparently the Senator from Iowa intends, I just want to make it clear why they are being objected to and who is objecting to them and we will move on. But I do want to make it clear to one and all that in view of the lateness of the hour in the session, the odds of being able to spend a great deal of time or to get these nominees called up again is not very likely because we have a number of urgent matters that are pending that we are going to have to take up this week and next week.

And so I just wanted to put that on the Record so that the Senators here will know this is probably not a temporary delay; this is probably a delay until next year.

Mr. HARKIN. If the leader will yield further, if last week is any prelude to this week, I think we are going to have large gaps of time this week on the Senate floor. There will be time for people to come out and discuss extraneous and various things. As I said, I know there are some other Senators who have expressed to me a desire to engage in some discussion. I do not know how long but some discussion. And I think the leader would agree this is important enough that we ought to discuss it anyway. I know he is not impressed that they are not here today. I understand that. But I am hopefully operating within my right to engage in a discussion on these nominees. I would, of course, object to them being brought up en bloc. I do not desire to thwart these nominations. However, I do want them brought up separately and singly as individual nominees and to be able to use some time this week to talk about them.

I would be prepared to do that at great length today. I am here, and I am in pretty good physical shape so I am ready to discuss them at length today, if he would like to do that, as is his right, but I would also be willing to see what we could do during the remainder of the week to engage in some discussion, and I will do that. If there are gaps this week, I will come to the floor and talk about it.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, if the Senator will yield further on his reservation, if there are some gaps, we could have more talk about these nominees or other nominees later on this week. There may not be the large gaps that there might appear because we do have a number of appropriations conference reports that we think are going to be ready this week, plus the DC appropriations issue we believe we can resolve, although it will take a little time, 2 or 3 hours on that, plus Senator BYRD and Senator STEVENS have indicated they would like to have the line-item veto disapproval which could take 10 hours.

And that does not count regular bills. We have to do something about the Amtrak strike this week, one way or the other. So I think we are going to have a good bit of time that will be used. But I know the Senator will be glad to talk when the time comes, and I appreciate his comments.

I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is my understanding that Senator HARKIN does expect to address this subject on the Federal Reserve System nominations for a further 30 minutes at this time. It is also my hope the Senate could consider and confirm the nominations of our former colleague Senator Wyche Fowler and Thomas Foley for ambassadorial positions immediately following the previously scheduled 5 p.m. vote. I anticipate rollcall votes being necessary on these two ambassadorial nominations. Therefore, additional votes can be expected following the scheduled 5 p.m. vote.

ORDER FOR RECESS

Mr. LOTT. With that in mind, I now ask that following the remarks of Senator HARKIN and Senator HUTCHINSON, who is on the floor also, the Senate stand in recess until 4:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I appreciate the indulgence of the majority leader. I do feel very strongly about this issue. That is why I am objecting to their being brought up, and if they were brought up, I would certainly be here to speak about them at length. I don't think there should be votes on them today. I would be prepared to talk at length further on Fed policy and on these nominees in particular, if need be. Hopefully, we can reach some resolution of this matter. If not now, perhaps later on. Not today, certainly, but hopefully perhaps sometime later on this week.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT JIANG ZEMIN'S STATE VISIT

Mr. HUTCHINSON. Madam President, I rise today, on the eve of Chinese President Jiang Zemin's official state visit to the United States. I rise today because I believe that, while it is important to continue relations with a country that contains one-fourth of the world's population, it is also important for us to remember that this one-fourth of the world's population—these 1.2 billion people—suffer today under an oppressive regime committed to a violent suppression of dissent, a regime which steadfastly refuses to recognize inalienable human rights, a regime which uses imprisonment, torture, and execution as tools to forge a society that is void of individual liberty.

It is a regime that has a government program to market human organs and body parts, using the execution of prisoners as a profit method for the Government of China; a regime that systematically jams Radio Free Asia. While coming to the United States and professing their belief in liberty, they systematically jam the expression of freedom that this country subsidizes, underscoring its importance by broadcasting throughout Asia.

Yet, with all of these facts, all of this evidence, the United States rolls out the red carpet for President Jiang Zemin of China, the same leader who was named General Secretary of the Communist Party 3 weeks after the protests were quelled with violence and bloodshed in Tiananmen Square. This is the same leader who is the hand-chosen successor to Deng Xiaoping, the so-called Butcher of Beijing. He is the same Communist leader who, in a 1990 interview, only a few weeks after the Tiananmen Square massacre, in an interview with Barbara Walters described the Tiananmen killings as, and I am quoting President Jiang Zemin, "much ado about nothing." This is the Communist leader who, in an interview published in the Washington Post just last Sunday, continued to defend the Tiananmen Square massacre and suggested the violent crackdown on peaceful demonstrators was the price of allowing economic reform in China. Madam President, this is the Communist leader who is traveling throughout the country like a king.

Nothing underscores the differences we have with President Zemin more than his recent comments on the subject of human rights. Earlier this month, as he prepared to come to the United States, President Zemin said, "Both democracy and human rights are relative concepts and not absolute and general." That bears repeating. President Jiang Zemin said about democracy and human rights, they are not absolutes, they are not something that is essential, something that is God given, something that is basic to being human beings. But, he says, they are relative concepts.

As citizens of the United States, the great foundation on which our country was built is the undeniable and unchanging principle that all mankind is created equal, and that we are endowed by the Creator with certain unalienable rights. Those rights attend to us as human beings, whether we live in China or whether we live in the United States. Nothing is more central to our understanding of the role of government. President Zemin and the Chinese leadership flagrantly reject this and over 1 billion Chinese know oppression and fear and violence as part and parcel of their daily lives. I would say to President Zemin that human rights are not the possession of governments, to be dispensed at the will or the discretion of those who wield power. Human rights is not, as he has insisted, a relative concept. It is a transcending value that crosses cultures, societies, and forms of government. Liberty is not the province of America, and to my colleagues and to this administration I would say that our defense of freedom must not stop at our own shores.

The values which we cherish as Americans we must defend for people everywhere. We always have. The Great Wall that separates our governments today is the great wall of human rights violations. I hope the President and the leadership of Congress in their meetings with President Zemin this week will, frankly and forcefully, communicate the deep sense of anger and the deep sense of outrage that is stirred in this country by the ongoing human rights abuses in China.

It is time for straight talk with the Chinese leadership. It is time for an American foreign policy guided by a commitment to the cause of freedom. I urge the President to remember the words that he spoke in December 1991 as he campaigned for the office which he now occupies. Candidate Clinton in 1991 said, in reference to the Bush administration:

> The administration continues to coddle China, despite its continuing crackdown on democratic reforms, its brutal subjugation of Tibet, its irresponsible export of nuclear and missile technology, and its abusive trade practices.

He accused the Bush administration of coddling China because of these circumstances within China—brutal subjugation of Tibet, irresponsible export of nuclear missile technology, and crackdown on Democratic reforms. He said, because of that, the Bush administration is doing too little. They are coddling China. I ask the President, what has changed? The only thing that has changed is the condition of the Chinese people and the oppression under which they live every day. Conditions are worse by every measure and by every standard. Things have gotten worse in China. Yet the administration has totally changed its position. The position of the President has changed. The condition of the Chinese people has changed also, but only for the worse.

I believe that China's flagrant disregard for human rights should be enough. But, since our policies toward China have not changed, the human rights abuses continue to take a back seat to a foreign policy that seems to be driven by profit projections. The administration now, instead of sanctioning China, wants to sign an all-encompassing new nuclear pact with China; in effect, to reward them.

The logic in all of this new policy, called constructive engagement, is that if we will engage China and we will trade with China and we will see economic expansion in China—and their economy is growing in double digits every year—that human rights conditions will improve, that the rights of the Chinese people will be enhanced. Such has not been the case. And if such a policy were one that we consistently enforced around the world, it would result in the lifting of sanctions on Cuba, the lifting of sanctions on North Korea, because if we believe that increased trade is going to bring the downfall of totalitarianism, it ought to work not only in China but North Korea and Cuba, too. But we hear no mention we ought to change our trade policies toward North Korea or Cuba; all the time saying if we just continue to trade with China, things will get better there. Now, in the midst of all of this, the administration admits to signing an all-encompassing nuclear pact with China. Lets look at the facts, because I think they speak for themselves.

In December 1992, the Government of the People's Republic of China violated the Arms Export Control Act and the Export Administration Act of 1979 with the transfer by the Ministry of Aerospace Industry of approximately 24 M-11 missiles to Pakistan.

Let's look at the facts. From September 1994 to June 1996, the Government of the People's Republic of China again violated the Arms Export Control Act and the Export Administration Act of 1996, with the transfer by the Ministry of Aerospace Industry of as many as 30 M-11 ballistic missiles to Pakistan.

In August 1996, the Government of the Peoples Republic of China again violated the Arms Export Control Act, the Export Administration Act of 1979, and the Iran-Iraq Arms Nonproliferation Act of 1992, with the transfer by the China Precision Engineering Institute to Iran's defense industries of gyroscopes, accelerometers, and test equipment for the construction and test of ballistic missile guidance systems.

While looking at the facts, it was reported in August of this year that the United States Central Intelligence Agency discovered a shipment by the People's Republic of China to the Syrian Scientific Studies and Research Center, a Syria Government agency that oversees missile development, of guidance equipment for M-11 ballistic missiles. This alleged system would be a violation of the Missile Technology Control Regime. This alleged shipment would have taken place after the limited sanctions imposed by the United States on China for shipments of M-11 missiles and components to Pakistan had been lifted following the assurances by China that it would comply with the Missile Technology Control Regime.

So we see these ongoing violations. After each of these violations, and there are many more, our administration either failed to take appropriate actions to deter future violations of such acts, took the least onerous action against the Government of the People's Republic of China that was possible under such acts, or rescinded previous actions, thereby diluting or eliminating the deterrent effect of sanctions under such acts with respect to China.

This inaction has forced three important results. First, this Congress renewed MFN to China. Second, we are now honoring the Communist leader in our country. Third, the public has been convinced that through such near-sighted ill-advised strategies like constructive engagement, China would change.

Yes, Madam President, China has changed—for the worse. And this Congress and this President, I believe, has done too little. If you will, we have stood idly by. We have said too little. We have done virtually nothing.

What is truly unprecedented is the administration's recent campaign to draw a bright and attractive picture of Communist China. I ask the President and I ask this Congress, and I have turned to this before and I will turn to it again, have you not read the 1996 United States State Department's China Country Report on Human Rights Practices? Because I have read it. The information in it is horrific. Once again, allow me to quote from this report:

> China has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms stemming from the authorities' intolerance of dissent, fear of unrest, and the abuse of laws protecting basic freedoms. Abuses include torture and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. The government continued severe restrictions on freedom of speech, the press, assembly, religion, privacy and workers' rights.

That's from our own State Department 1996 country report on China.

In 1989 we watched with amazement as courageous Chinese students marched in Tiananmen Square. Today, they are all gone. They are all gone. During their struggle they defied the tanks, they looked to the United States for inspiration, they quoted our Declaration of Independence, they built replicas of our Statue of Liberty, and throughout it all United States policymakers have answered that economic engagement would stop China's abuses of human rights. As far as I can tell, not only are profit projections driving our foreign policy, not only is our current policy with China appeasement rather than engagement, not only does this Congress continue to turn a blind eye to the oppressed in the interests of trade opportunities, but, President Jiang Zemin's visit is a clear sign to the world, our enemies, and our friends that not only did the United States tacitly approve of everything that was going on, I think, from forced sterilization to the breaking of ballistic missile treaties, but even more important it's a clear message that we can and will tolerate anything and everything without repercussion and without a price.

I am reminded of President Ronald Reagan. I think few have served our country more nobly. And I am reminded of my good friend Senator JOHN ASHCROFT who has spoken so forcefully on the issue of China, especially even during this last month. In President Ronald Reagan's second inaugural address, he spoke of the danger of simple-minded appeasement. He spoke of accommodating countries at their lowest and least. This is what former President Reagan said:

> History teaches us that wars begin when governments believe the price of aggression is cheap.

There have been no repercussions to the egregious human rights abuses ongoing in China. There have been no repercussions. There has been no price to pay for the proliferation of weapons of mass destruction that the Government of China has carried out. There have been no repercussions for the incomprehensible toleration by the Chinese Government of laogai camps, the slave labor camps that exist in which there are hundreds of thousands, perhaps millions, incarcerated.

Madam President, President Jiang Zemin's visit proves that China believes that the price of aggression and the price of these abuses is cheap. It proves that we in this country accept this, and I can remember when we did not. It proves that, just as President Clinton stated last Friday that China is at a crossroads, well, Madam President, we in the United States are at a crossroads as well. President Jiang Zemin and his enjoyment of a state visit, a visit that has been elevated to the highest level, the red carpet treatment that he has been accorded, the 21-gun salute, I believe this is truly a slap in the face to every Chinese political dissident that languishes today in a Chinese prison. It is time that we as public policymakers, those concerned about the welfare of our fellow human beings wherever they may live in this world, who are the recipients by their creator, as we Americans are, of certain unchangeable, undeniable human rights, it is time that we, once again, not only spoke out, but move from debate and discussion and outrage to action.

During the course of this state visit, while I disagree with much that has been planned and the royal treatment that he is being given, it is an opportunity for us as Americans to show President Zemin what freedom really is. It is an opportunity for us, through our protests, through our debates, through our congressional oversight hearings that are going on, through every means possible, to raise these most serious issues to the attention of President Zemin and to show him not only what free expression really is, but to show him the true intensity of the feeling of the American people, if not our Government, the American people at what has been tolerated and what continues to go on in China today.

Madam President, I yield the floor.

RECESS UNTIL 4:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 4:30 p.m.

Thereupon, at 3:18 p.m., the Senate recessed until 4:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLARD).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Colorado, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF ALGENON L. MARBLEY FOR THE SOUTHERN DISTRICT OF OHIO

Mr. LEAHY. Mr. President, I am delighted that the majority leader has decided to take up this nomination. Mr. Marbley and his family deserve a great deal of praise for this accomplishment.

Algenon Marbley is currently a partner in the law firm of Vorys, Sater, Seymour & Pease in Columbus, OH. He has served as an instructor for the National Institute of Trial Advocacy and is the chairman of the Trial Advocacy Committee of the Columbus Bar Association. He is an active volunteer for several organizations, including the Big Brothers/Big Sisters Association of Columbus.

I sincerely congratulate Mr. Marbley and his family on this accomplishment and look forward to his service as a U.S. district judge for the Southern District of Ohio.

The U.S. Senate, however, does not deserve an enormous amount of credit in this area. This is only the 22d judicial confirmation in a year in which we have seen 115 judicial vacancies. Just think of that, Mr. President, 115 judicial vacancies and the Senate has only seen fit to confirm 22 judicial nominees sent by the President. More than 50 additional nominees remain somehow hidden before the Senate and before the Judiciary Committee with no action.

Six outstanding nominees remain pending on the Senate calendar, ready for Senate approval. Margaret Morrow has been awaiting Senate action since June 12. Christina Snyder has been ready for the Senate to exercise its advise and consent function since September. They are being passed over, again.

The Senate is not even keeping pace with attrition. Since the adjournment of Congress last October, judicial vacancies have actually increased by almost 50 percent and currently number more than 93.

Forty-six judicial nominees remain pending before the Judiciary Committee. Although the committee has yet to hold a judicial confirmation hearing this month, I am pleased to see that Senator HATCH has noticed a hearing for tomorrow and another for Wednesday afternoon to try to reduce the backlog of nominees awaiting action by the committee. I hope that the committee will move promptly after those hearings to report those nominees to the Senate and that the Senate will proceed to confirm them before adjournment this year.

From the first day of this session of Congress, the Judiciary Committee has never worked through its backlog of nominees and has never had fewer than 20 judicial nominees awaiting hearings. Two hearings in September combined with those planned for this week will not eliminate the backlog, but represent movement in the right direction.

Mr. President, I want Senators to know about another development that, unfortunately, is not intended to help end the partisan stall on judicial confirmations. I have just learned recently that a $1.4 million fundraising and lobbying effort is underway to try to perpetuate the judicial vacancy crisis and continue the partisan and ideological stall of Senate consideration of much-needed judges. I understand this solicitation for big bucks includes the solicitation of big donors with promises of "intimate dinners" with "leading conservative elected and public figures closely involved with the judicial confirmation process" and that Senators—incumbent Senators—appear on videotape being used as an integral part of this fundraising effort. This is apparently a solicitation for money to help block the Senate from doing its duty to vote on confirmations, in part by promising access for people who send in big money.

Those pressing this effort complain about what they see as "the failure of the U.S. Senate to block" the appointment of judges to the Federal bench. The American people, litigants, prosecutors, and judges, Republicans and Democrats alike, have just the opposite complaint—that the perpetuation of judicial vacancies is affecting the administration of justice and rendering our laws empty promises.

It is sad that this effort is premised on the slanted portrayal of decisions, many of which were decided by judges appointed by President Bush. I have spoken before about the dangers of characterizing isolated decisions to stir up anger against the judiciary just so that somebody can get short-term monetary and political gain. It is not worth the price to try to destroy one of our independent branches of Government and the most independent and effective judiciary in the world.

This fundraising campaign seems to extend back over the course of the year, but it has only become public with reports in the Los Angeles Times and New York Times over the weekend.

Those who delight in taking credit for having killed judicial nominees last year continue their misguided efforts to the detriment of effective law enforcement and civil justice.

Now, any Senator can vote against any judicial nominee. They have that right. But I urge them to stand up on the floor of the Senate, where the public knows who they are and where they are, and either vote for or against people. It is not only disingenuous, but I think it is detrimental to our system of justice, and it is a true distortion of what we pledge to do in upholding the Constitution when some block judges by anonymous holds. And then we find that the reason for doing that is in connection with a fundraising and lobbying campaign in which letters were sent out by some group saying, in effect, that if you send this money, we will block judges and we will arrange for you to meet privately with leading elected officials.

That is wrong. That is wrong, Mr. President. It is unprecedented in the 23 years that I have been in the Senate. Nothing like this has ever been allowed by any of the leaders of the Senate—not by Senator Mansfield, not by Senator BYRD, not by Senator Baker, not by Senator Dole, and not by Senator Mitchell. It should not be allowed now. It is wrong, and it undermines the very credibility of the U.S. Senate, and it demeans the U.S. Senate; but, even more importantly, it is destructive of the independence of the judiciary.

I yield the floor.

Mr. BREAUX addressed the Chair

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

UNITED STATES-JAPAN TRADE AGREEMENT

Mr. BREAUX. Mr. President, in light of the disturbing news in the stock market this afternoon, I thought it was appropriate to the bring to the attention of my colleagues that there is good news out there. The United States and Japan have concluded a trade agreement opening up the ports of Japan, ending a longstanding dispute between the United States and Japan. This agreement, when it is signed—and it is agreed to—will bring about changes that will benefit ocean-borne trade of both countries, the United States and Japan. The agreements will reform practices in the Japanese ports, to the benefit of importers, exporters, the ports, the workers, and the consumers both in the United States and Japan.

This is good for trade relations between our two countries. The Japanese had for a long period of time prevented our ships from having the same rights to their ports, in terms of bringing our goods to that country, as we have afforded them when they came calling on ports in the United States. Therefore, this is good news for people who are engaged in trade relations and exports and import trade relations with Japan and the United States.

I am very optimistic that this will bring about continued growth in those markets, and I want to commend the Federal Maritime Commission, its Chairman, Hal Creel, and members of the administration, particularly Stu Eizenstat, for the good work they have done in bringing this to a conclusion.

I yield the floor, and I suggest the regular order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ALGENON L. MARBLEY, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will now go into executive session and proceed to vote on the nomination of Algenon L. Marbley, of Ohio, to be U.S. District Judge for the Southern District of Ohio.

The clerk will report.

The bill clerk read the nomination of Algenon L. Marbley, of Ohio, to be a United States District Judge for the Southern District of Ohio.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Delaware [Mr. ROTH], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. WYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey [Mr. LAUTENBERG] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 279 Ex.]

YEAS—91

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone

NOT VOTING—9

Biden
D'Amato
Faircloth
Kennedy
Lautenberg
Mikulski
Roth
Warner
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING H.R. 2107

Mr. LOTT. Mr. President, I ask unanimous consent that, immediately following the cloture vote, if not invoked on Tuesday morning, the Senate then turn to the Interior appropriations conference report; that the conference report be considered as having been read, and that it be limited to the following time constraints: 60 minutes on the conference report, to be equally divided between Senators GORTON and BYRD; 15 minutes for Senator MURKOWSKI; 10 minutes for Senator ASHCROFT; 10 minutes for Senator MCCAIN; that following the conclusion or yielding back of time, the Senate proceed to vote on the adoption of the conference report without any further action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Let me confirm again, we have cleared this with the Democratic side of the aisle. This vote will be tomorrow, not tonight, and it will be after the cloture vote on the highway infrastructure bill. I have set out the times of debate before that vote.

EXECUTIVE SESSION

NOMINATIONS OF WYCHE FOWLER, JR., OF GEORGIA, TO BE AMBASSADOR TO THE KINGDOM OF SAUDIA ARABIA, AND THOMAS S. FOLEY, OF WASHINGTON, TO BE AMBASSADOR TO JAPAN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 318, Wyche Fowler, and Executive Calendar No. 320, Thomas Foley. I further ask unanimous consent that there be 10 minutes for debate, equally divided in the usual form on these nominations; and that, finally, at 6:15 p.m. tonight, the Senate proceed to a vote on Calendar No. 318, to be followed by a vote on Calendar No. 320.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Those will be the final two votes of the night. Senator DASCHLE and I discussed this last week. This will give us time to have some brief statements in behalf of these two nominees to be ambassadors. I feel it is very important these actions be taken.

I also note that tomorrow, or not later than Wednesday, if we have not cleared them, we will also have votes on the five FCC nominations. We had discussed the need to do that, and we believe we will be able to move them tomorrow. If necessary, we will call for a recorded vote on those nominees also.

Mr. President, I yield the floor. If no Senator seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the nominations.

The assistant legislative clerk read the nominations of Wyche Fowler, Jr., of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, and Thomas S. Foley, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

NOMINATION OF THOMAS S. FOLEY

Mrs. MURRAY. Mr. President, it is a personal pleasure and an honor for me to be here this afternoon as one of Washington's U.S. Senators. My State—my entire State—is immensely proud today as Tom Foley's nomination to be our Ambassador to Japan comes to the Senate floor.

Most of my Senate colleagues know Tom Foley personally as a result of working with him on legislation and on maintaining the integrity and authority of the legislative branch.

Important for those of us in the Senate, the man who eventually became Speaker began his congressional career in the U.S. Senate as special counsel to the late and revered Washington State Senator Henry M. "Scoop" Jackson. Despite his distinguished service in the other body, Tom Foley is really one of our own.

Tom was born and raised in Spokane, WA. The son of Superior Court Judge Ralph and Helen Foley, he is the descendent of a pioneering family that settled in Washington's big bend country. He also learned firsthand the importance of public service from his father, Judge Foley. In addition, he learned firsthand about the crop that has become one of our most successful export commodities, wheat, by working in his uncle's grain elevator business.

It was that early introduction to the export dominated economy of our State that led to his unstinting advocacy of American agricultural exports to Japan, most of Asia, and throughout the world.

Throughout his long service as a Washington State Representative to Congress and as its Speaker, he was a tireless advocate for American competitiveness in the world market and for its peerless agricultural productivity. As a champion of America's family farmers throughout his service as a member and then chairman of the House Agriculture Committee, he took every opportunity to press, usually successfully, the opening of markets throughout the world to the production of America's farmers.

But Speaker Foley always understood that America's national interest would be best served by ensuring that all of its products would have a level playing field with all our trading partners. It is my belief that the reason Speaker Foley enjoys such great respect in Japan today is his consistent and candid portrayal of critical issues that have arisen between this country and Japan. The Japanese, like many of my Senate colleagues who have served here longer than I, also know him as a skilled and tireless negotiator.

In my opinion, no recent Member of Congress surpasses Speaker Foley in the depth and breadth of his understanding of Japan. It is no exaggeration to say that during the more than 25 years he has traveled regularly to Japan, he has made the acquaintance of virtually every single political and economic leader of note in that country. On those trips, and the many occasions when he received Japanese political and business leaders in this country, he pressed the full range of American trade and vital mutual security concerns. Throughout this period, Speaker Foley also provided counsel and sage advice to Presidents of both parties.

This record of understanding, great knowledge, and policy expertise is unparalleled in either Tokyo or Washington. It makes Speaker Foley the natural choice to be our Ambassador to Japan, representing our Nation, its people, and its vital interests. The residents of my State are so proud of Tom Foley's record of public service.

Mr. President, I believe it is time once again, to draw from the illustrious alumni ranks of the Senate to fill what is perhaps our most important diplomatic post as we did when we sent Majority Leader Mansfield and Vice President Walter Mondale to Tokyo.

Tom Foley will be a fabulous ambassador. I urge all of my colleagues to join me in supporting this nomination.

Mr. LOTT. Mr. President, I yield back all time for debate on these nominations.

The PRESIDING OFFICER. All time is yielded back.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. There will be a recorded vote at 6:15. Until then, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON THE NOMINATION OF WYCHE FOWLER, JR., OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Wyche Fowler, Jr., to be Ambassador to the Kingdom of Saudi Arabia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Virginia [Mr. WARNER], and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from South Dakota [Mr. JOHNSON], the Senator from Massachusetts

[Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. WYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey [Mr. LAUTENBERG] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 280 Ex.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone

NOT VOTING—10

Biden
D'Amato
Faircloth
Johnson
Kennedy
Lautenberg
Mikulski
Roth
Warner
Wyden

The nomination was confirmed.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF THOMAS S. FOLEY, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas S. Foley, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Virginia [Mr. WARNER], and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from South Dakota [Mr. JOHNSON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. WYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey [Mr. LAUTENBERG] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—91

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone

NOT VOTING—9

Biden
D'Amato
Faircloth
Johnson
Lautenberg
Mikulski
Roth
Warner
Wyden

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HEROISM OF ANDREW MONTGOMERY

Mr. LOTT. Mr. President, too often the media reports about a terrible mistake made or a crime committed by one of America's young people. But there are millions and millions of young people who we never hear about—young people who are doing the right things, young people avoiding the mistakes often made by their peers, young people working hard in school, young people participating in the civic activities of their town or city, and, sometimes, young people doing remarkable things.

Mr. President, I want to tell my Senate colleagues about one special young person, Andrew Montgomery, from Crystal Springs, MS.

On August 19, 1995, when he was only eleven years old, Andrew first proved himself. He came upon a crowd of people who had surrounded an unconscious woman near the seawall in Galveston, TX. No one in the crowd was taking action, so Andrew stepped forward and administered CPR and treatment for shock. Eventually, an emergency medical team arrived and transported the woman to a local hospital, where she recovered.

Mr. President, 2 years later, Andrew Montgomery was again confronted with an emergency situation. On August 10 of this year, Andrew was riding with his family near Lafayette, LA, when they came upon a multivehicle wreck. A car and a pickup had collided, and the car came to rest in a ditch, with a heavy metal sign collapsed upon it. Andrew quickly rushed to the scene. The car was smashed and on fire. The driver of the car was dead, and a baby in the back seat, covered with blood, was in danger. Unable to immediately pull the baby out of the wrecked car, Andrew wrapped the infant in a beach towel, and protected the baby from the smoke and flames of the car fire. Andrew was then joined by his parents, Ann and Bill, Kenneth Puckett, a truckdriver, and Dr. Thomas Dewey. The group rescued the child and lifted the baby hand-over-hand out of the ditch in which the car settled following the collision.

Mr. President, how many of us would have had the presence to do the same? Mind you, we're talking about a young boy.

Andrew, I might add, knew what to do because he received training from both the American Red Cross and the Boy Scouts. Andrew's reactions were a direct result of this training. It saved two lives, and speaks volumes about how important organizations like the Red Cross and the Boy Scouts are to all Americans.

Mr. President, as I said, too often we hear about the "bad eggs" among America's youth. And, we worry about America's future. But the story of Andrew Montgomery should remind us all how many of our youth are out there doing the right thing.

We too often also hear about the broken families in America. But Andrew's story should remind us how many of our families are still out there doing the right thing. His parents, Ann and Bill Montgomery have good reason to be proud of their son. They raised a boy who is willing to make sacrifices, willing to work hard, and willing to act courageously. I want to also recognize his parents for setting a good example for their son, by being active in their community—as Scout leaders.

Mr. President, I personally want to recognize Andrew Montgomery for being an outstanding example of America's youth.

CONGRATULATIONS TO ARTHUR E. KRUSE CELEBRATING HIS 100TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Arthur E. Kruse of St. Louis, MO, who will celebrate his 100th birthday on November 10. Arthur is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Arthur's life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Arthur's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Arthur's many friends and relatives in wishing him health and happiness in the future.

CORRECTING CLERICAL ERRORS REGARDING AMENDMENT NO. 1425 AND AMENDMENT NO. 1424

Mr. CAMPBELL. Mr. President, I take this opportunity to state for the record that there is a misprint in the CONGRESSIONAL RECORD of October 23, 1997, at page 22693. Due to a clerical error, my name is inadvertently listed as filing amendment No. 1425, which was filed by our colleague from Florida, Senator GRAHAM. In addition, the name of our colleague from Illinois, Senator MOSELEY-BRAUN, was inadvertently not listed as an original cosponsor to amendment No. 1424.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the Committee on Labor and Human Resources.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

S.J. Res. 37. Joint resolution to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees.

H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. ABRAHAM, Mr. NICKLES, and Mr. CRAIG):

S. Con. Res. 57. A concurrent resolution expressing the policy of Congress regarding the state visit of President Jiang Zemin of the People's Republic of China; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION 57—EXPRESSING THE POLICY OF CONGRESS

Mr. MACK (for himself, Mr. ABRAHAM, Mr. NICKLES, and Mr. CRAIG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas at the invitation of President Clinton, President Jiang Zemin of the People's Republic of China is beginning a state visit to the United States which will culminate in a summit meeting with President Clinton on October 29, 1997;

Whereas the Government of the People's Republic of China, as detailed in successive annual reports on human rights by the Department of State, routinely, systematically, and massively violates the human rights of its citizens, including but not limited to freedom of speech, assembly, worship, and peaceful political dissent;

Whereas the Government of the People's Republic of China routinely, systematically, and massively restricts the ability of religious adherents, including Christians, Buddhists, Muslims, and others, to practice outside of state-approved religious organizations, and detains worshipers and clergy who participate in religious services conducted outside state-approved religious organizations, as well as those who refuse to register with the authorities as required;

Whereas the Government of the People's Republic of China routinely, systematically, and massively continues to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, detention without public trial, long detention of Tibetan nationalists for peacefully expressing their religious and political views, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans;

Whereas the Government of the People's Republic of China routinely, systematically, and massively engages in reprehensible, brutal, and coercive family planning practices, including forced abortion and forced sterilization, resulting in widespread infanticide, particularly of female infants;

Whereas the Government of the People's Republic of China systematically engages in the proliferation of weapons of mass destruction and advanced ballistic missile technology;

Whereas the regional and bilateral national security relationships of the United States and the current level of United States military forces in east Asia and the western Pacific region are integral to the maintenance of peace and security in the Asian Pacific region;

Whereas the People's Republic of China employs mercantilist and protectionist trade practices, including the imposition of tariffs and nontariff barriers with respect to United States imports to that country, which result in a market distortion between the United States and the People's Republic of China; and

Whereas there are credible and specific reports that the Government of the People's Republic of China has been involved in calculated efforts to subvert the American political process, and that persons believed to have information about such efforts have fled to the People's Republic of China to avoid cooperating with official inquiries into these efforts: Now, therefore, be it

Resolved by the Senate (The House of Representatives concurring), That Congress—

(1) declares that it is the policy of the United States with respect to the People's Republic of China—

(A) to encourage freedom and democracy in the People's Republic of China and to deter the Government of the People's Republic of China from engaging in activities that are contrary to the national security interests of the United States and the peace and security of the Asian Pacific region;

(B) to encourage the Government of the People's Republic of China to make progress towards improving overall human rights conditions in China and Tibet, including taking concrete steps to assure freedom of speech, freedom of religion, and freedom of association in compliance with international standards on human rights;

(C) to encourage the Government of the People's Republic of China to channel its emerging power and influence along paths that are conducive to peace, stability, and development in the Asian Pacific region; and

(D) to support integration of the People's Republic of China into the community of nations;

(2) urges President Clinton to communicate the policy of the United States, in the strongest possible terms, to President Jiang during their summit meeting and to demand that the People's Republic of China immediately—

(A) cease persecuting Chinese Christians, as well as members of other religious faiths, and release all persons incarcerated because of religious beliefs, or democracy-related activities, in particular Wei Jingsheng and Wang Dan;

(B) cease coercive population control practices, including forced abortion, forced sterilization, and infanticide;

(C) cease efforts to subvert the American political process and return to the United States persons involved in such efforts;

(D) cease nonreciprocal tariff and nontariff barriers relating to United States imports to the People's Republic of China;

(E) cease resistance to transparency in its trade practices;

(F) cease exports to the United States of products made with prison labor;

(G) cease activities leading to proliferation of weapons of mass destruction and advanced ballistic missile technology (such as C-801 and C-802 cruise missiles); and

(H) cease evasion of United States export controls and other laws; and

(3) reaffirms the policy promulgated in the Taiwan Relations Act (Public Law 96-8) and insists that the Taiwan Relations Act be fully implemented by the President.

Mr. MACK. Mr. President, I rise today to submit a concurrent resolution on the Clinton-Jiang United States-People's Republic of China summit with my colleagues Senators ABRAHAM, NICKLES, and CRAIG. I am compelled to do this for two reasons.

First, let me provide some context for my comments. I traveled to China this past March to address Hong Kong reversion issues, and returned concerned about United States-China relations. My concern grew from what I perceived as the distance between the shared humanity of American and Chinese people, and the distrust of people expressed by the autocratic Government of the People's Republic of China.

My two issues with this summit are these:

First, we know what President Jiang gets from this visit; we do not know what President Clinton will receive in return for the American people.

Second, unfortunately, it seems that the bar has been lowered—the administration has lowered expectations for the summit—in order to more easily achieve the appearance of a successful summit. If the United States abandons realistic and important summit deliverables until a possible 1998 Clinton visit to Beijing, United States values today will be sacrificed for political gain tomorrow.

Let me elaborate on these points. What does Jiang get? He gets more power in Beijing.

He is the leader of the largest authoritarian government in the world. His top priority, as a Communist leader, is consolidation of power and longevity in office.

His overriding goal for the summit, therefore, is to demonstrate that he can deal effectively with the United States. He wants to bring home symbolic proof that the United States views the People's Republic of China, with Jiang at the helm, as a respected global power.

This state visit will deliver the symbolism President Jiang so strongly seeks.

What do we get? We do not yet know because there is not an articulated United States-China policy.

President Clinton has no articulated China policy and will not likely produce one during this summit. This may be the single most dangerous aspect of our relationship with China.

President Clinton this week must deliver a milestone in a clearly articulated policy which supports a coherent and well defined strategy. And he must bring the Congress and American people with him.

To do this, he should attain specific deliverables on human rights, weapons proliferation, and trade.

Therefore, Mr President, today we are introducing this resolution to articulate our specific expectations. During this summit, the United States should do the following: State United States support for the democratization of China; call for progress on human rights, and the immediate release of prisoners of conscience, including Wei Jingsheng and Wang Dan; call for concrete steps to prevent the proliferation of weapons and weapons technology, including nuclear technology and cruise missiles; call for concrete progress to cease unfair market practices; state United States commitment to maintaining regional peace and security by working with our regional allies; and reaffirm United States policy promulgated in the Taiwan Relations Act.

Mr President, I hope that President Clinton will not lose this opportunity to gain concrete progress on the vitally important United States-China relationship.

If we solidify Jiang's hold on political power in Beijing, and in return must wait until a possible Beijing summit next year before the American people get what they desire—trade, human rights, and national security progress—the failure of the summit will not be lost on the Congress or the American people.

Nonaction represents an opportunity cost, Mr. President. My question to President Clinton is this, "What price would you have the people of the United States and China pay for this week's headlines."

Mr. ABRAHAM. Mr. President, I rise to join my colleagues Senator MACK and Senator NICKLES in cosponsoring Senate Concurrent Resolution 57.

This resolution concerns the imminent state visit of President Jiang Zemin of the People's Republic of China and his summit meeting with President Clinton. It expresses the sense of the Senate that that meeting should address critical human rights and national security issues.

Mr. President, I have come to the floor several times in recent days to express my belief that it would be inappropriate and counterproductive for our President to welcome the Chinese Communist leader at a state visit without insisting on significant progress on the part of the Chinese Government in areas of great concern to our country.

The ceremonial niceties and diplomatic prestige of a state visit in my opinion may, particularly if unaccompanied by substantive action, give the unfortunate impression that the United States approves of the numerous human rights abuses and instances of weapons proliferation undertaken by the current Chinese Government. I joined with Senator FEINGOLD and Senator HELMS in sponsoring a resolution calling on the administration to make this a working rather than a state visit so that the administration might work on the many issues of concern to both our countries without providing undue legitimacy to current Chinese practice.

Let there be no mistake, Mr. President. China is an important player on the world scene. We cannot and should not attempt to avoid dealings with this nation of a billion people. That is why I supported maintaining most favored nation trading status with China. In my view it is critical that we remain engaged with the people of China through greater trade, private investment and openness. But I also am convinced that this administration must do more to add substance to our relationship with the Chinese Government.

Twenty-one gun salutes and red carpets, both used to welcome President Jiang on his landing in Hawaii, are inappropriate, given our serious disagreements on critical issues affecting American national security, human rights, and international peace and stability.

Amidst the champagne toasts of a state visit, we cannot ignore Chinese sales of weapons of mass destruction and nuclear technology to countries like Iran, Iraq, and Pakistan.

We cannot ignore Chinese Government restrictions on the ability of Christians, Buddhists, Muslims, and others to practice their religions outside of state-controlled organizations and the common practice of detaining worshipers and clergy who practice their religion through their own organizations.

We cannot ignore the People's Republic of China's massive, routine, and systematic human rights abuses in Tibet, including arbitrary arrest, torture and even death for those who seek to peacefully practice their religion and/or work for expanded political and human rights.

We cannot ignore the Chinese Government's routine, systematic, and massive program of coercive family planning practices, including forced abortion, forced sterilization and even infanticide.

We must forcefully raise these issues with President Jiang. We must insist that they be addressed, and that progress be made toward greater respect for human rights and the requirements of international peace and stability.

Toward that end, Mr. President, I believe it is crucial that this be made a substantive, rather than merely a ceremonial visit. That is why I am happy to join Senator MACK and Senator NICKLES in introducing this Sense-of-the-Senate Resolution, outlining a concrete agenda for the Jiang-Clinton summit.

Specifically, this resolution declares that it is the policy of the United States to uphold the Taiwan Relations Act, and insist that President Clinton fully implement that important agreement. This act provides the framework for strong economic and security relations between the United States and the democratic Government of Taiwan. Full implementation will protect an important ally and show our commitment to freedom in the Asian-Pacific region.

Further, this resolution declares our policy to encourage freedom and democracy in the People's Republic of China and to deter the Government of that country from engaging in activities contrary to the national security interests of the United States, and the peace and security of the Asian Pacific region.

The resolution encourages the Chinese Government to take concrete steps to assure freedom of speech, freedom of religion and freedom of association in compliance with international standards of human rights. It also declares that United States policy should encourage the Government of the People's Republic of China to channel its emerging power and prestige along paths conducive to peace, stability and development in the Asian Pacific region.

Mr. President, this resolution is intended to move President Clinton to communicate this country's resolve to defend freedom, democracy, and international stability, as well as our commitment to encouraging the People's Republic of China to integrate itself peacefully into the community of nations.

It also calls on President Clinton to make a number of specific demands, including:

First, that the Chinese Government dismantle tariff and nontariff barriers to American exports to China and stop its export to the United States of products made with prison labor;

Second, that the Chinese Government cease persecuting Chinese Christians, as well as members of other religious faiths, and release all persons incarcerated for their religious or other human rights related activities, in particular Wei Jeng Sheng and Wang Dan.

Third, that it end its coercive population control practices, including its practice of forced abortion, forced sterilization, and infanticide;

Fourth, that the Chinese Government stop its activities leading to proliferation of weapons of mass destruction and advanced ballistic missile technology, and

Fifth, that the Chinese Government stop its evasion of United States export control and other laws.

Mr. President, by making these demands on the Chinese regime, the President would put in place the structure needed for a coherent China policy; a policy aimed at protecting our national interests and improving human rights conditions in China. I firmly believe that it is America's duty as well as our interest to make the extra effort necessary to improve overall human rights conditions in China and to integrate her into the community of nations. I urge my colleagues to support this resolution and I call on the President to demand that the Chinese Government bring itself into compliance with international standards of human rights and put itself on the side of international peace and stability.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 567

At the request of Mr. SMITH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 567, a bill to permit revocation by members of the clergy of their exemption from social security coverage.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 850

At the request of Mr. AKAKA, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 850, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 943

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 995, supra.

S. 1051

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1051, a bill to amend the Communications Act of 1934 to enhance protections against unauthorized changes of telephone service subscribers from one telecommunications carrier to another, and for other purposes.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1166

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1166, a bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

S. 1173

At the request of Mr. WARNER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1180

At the request of Mr. KEMPTHORNE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of lowincome housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. MOYNIHAN], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1311

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

At the request of Mr. LOTT, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. KYL], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 1311, supra.

S. 1320

At the request of Mr. ROCKEFELLER, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health".

SENATE RESOLUTION 140

At the request of Mr. HELMS, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Resolution 140, a resolution expressing the sense of the Senate in support of the President's action to eliminate discriminatory trade practices by Japan relating to international shipping.

NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings entitled "Oversight Review of the Treasury Department's Inspector General."

These hearings will take place on Friday, October 31 and Monday, November 3, 1997, at 9:30 a.m. on both days, in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

ADDITIONAL STATEMENTS

TRIBUTE TO HONOR BOB HILL

• Mr. SMITH of New Hampshire. Mr. President I rise today to honor Bob Hill of Bow, NH. Mr. Hill was recently named Citizen of the Year by the Greater Concord Chamber of Commerce.

Each year the Greater Concord Chamber of Commerce selects a man or woman who has made significant contributions to the standard of living in the community of Concord and its surrounding towns. The chamber of commerce looks for an individual who displays a commitment to others, demonstrates leadership, concern and dedication. Bob Hill, the winner this year, was surprised he was recognized. However, Bob's modesty underestimates the honorable and admirable characteristics he has clearly shown.

Bob was honored for his numerous contributions to community organizations. He serves on the boards of the YMCA, the Capitol Center for the Arts, and the Concord Boys and Young People Club. Bob has also raised funds for Camp Spaulding in New Hampshire, allowing low- and moderate-income families the opportunity to send their children to camp. This cause is especially dear to Bob's heart because he attended Camp Spaulding as a young boy and has first-hand knowledge of the benefits. Bob is also known to lend a helping hand in any area. He is not afraid to give his time and energies to a cause of which he has limited knowledge, but a great interest. For example, Bob was instrumental in taking the Capitol Center for the Arts from an idea and making it a reality. Friends and colleagues refer to him as a warm and straightforward man, known for passionately tackling tasks and one who adamantly believes in giving back to the community.

As a testament to Bob's unselfish nature, in his acceptance speech he spent little time talking about his achievements, but rather recalled the achievements and memories of others. Bob commented that law enforcement officials do not receive the daily recognition they deserve. He asked the audience of over 300 for a moment of silence for these men and women. In addition, Bob recognized the other people in the community whose accomplishments are similar to his own and who raise the standard of life in the community.

This type of commitment to one's community is extremely worthy of homage. Bob is an asset to his town as well as to the State of New Hampshire. I admire, appreciate, and commend Bob's devotion to his beliefs and to the people. He is an invaluable citizen who has set an example for others to follow. I commend Bob for his contributions, and I congratulate him for receiving the distinguished honor of Citizen of the Year.•

FIREFIGHTER ANTHONY GLOVER

• Mr. FRIST. Mr. President. It is not everyday that we hear about the heroic pursuits of firefighters across the Nation even though many risk their lives daily to protect our communities and homes. Firefighter Anthony Glover is one of those heros and his efforts to save the life of a fellow firefighter certainly deserve special recognition.

Last May, the Nashville Fire Department's Engine Company No. 9 responded to a multi-alarm fire. Upon arrival it was very clear that the conditions of the blaze were advanced, quickly deteriorating the burning building. There to do their job, Firefighter Glover and Capt. Terry Secrest entered the building to better access the source of the fire. Little did the firemen know that the building was slowly collapsing around them.

Before reaching the source of the fire, Captain Secrest's face piece became disconnected from his oxygen source, leaving the captain exposed to severe conditions that would surely end his life. Without hesitation, Firefighter Anthony Glover removed his face piece; exposing himself to the unbearable conditions, in order to share his oxygen with Captain Secrest. This act of courage was just the beginning in a series of life threatening events.

As the two firefighters were sharing the lone source of oxygen, super-heated gases ignited a blaze of fire, cutting the men off from their destination. A nearby exit from the flame engulfed building was also blocked. Captain Secrest, overcome by the extreme conditions, was unable to continue. Glover, at the end of his oxygen supply, proceeded to drag the captain 90 feet to safety with nothing to guide him in zero visibility and intense heat. Firefighter Glover navigated a maze of burning materials and blocked doorways before breaking through a charred wall and dragging the captain and himself to safety.

Mr. President, Anthony Glover is a true hero. Firefighter Glover overcame panic, fear, and the instinct to save one's own self in order to save the life of a fellow firefighter, regardless of putting his own life in danger. Due to Firefighter Glover's heroic efforts, Captain Secrest survived the life threatening ordeal. Had it not been for Glovers selfless deed Captain Secrest would have suffered fatal injuries resulting in certain death. It is only fitting that he receive the Departmental Medal of Honor for this act of extraordinary heroism. I admire Firefighter Anthony Glover's courage and determination and wish him the best of luck.•

TRIBUTE TO BOB CARTER

• Mr. McCONNELL. Mr. President, I rise today to recognize the career of Bob Carter, an outstanding newsman, who is retiring after more than four decades in the news business. Bob served for the last 28 years as president and general manager of the Kentucky New Era in Hopkinsville, KY. Bob is a great Kentuckian who has worked hard for the people of his community. He is a great friend, and he truly will be missed.

Bob was 19 years old when he started working for the Kentucky New Era. He took the job so he could save enough money to go to college to study architecture. But along the way, he met his future wife Ann and decided to call Hopkinsville his home. His first job at the paper was selling ads, but after 5 years, he was named manager of the advertising department. In 1969, Bob became president and general manager of the paper. At that time, the newspaper had about 30 employees and a daily circulation of 7,000 readers. Today the newspaper has 82 employees, a circulation of 15,500, and several holdings, including the local television station.

At the beginning of his career, Bob was primarily interested in the business aspect of the newspaper. He fought to get the newspaper headquartered in its current home, and to invest heavily in new equipment. It's an investment that paid off. In the early 1970's, Hopkinsville's economy began to grow and so did the Kentucky New Era. And what better way to sum it up than to quote Bob from his own newspaper, "We grabbed onto that whirlwind and rode with it." He went on to add, "We became a cheerleader for the community. We were a supporter and a critic. We challenged some people to do things that weren't being done."

Retirement in Bob's case doesn't mean that he will slow down. He will continue to serve as chairman of the Kentucky New Era Board of Directors, and will work in an advisory capacity to assist his replacements through the end of the year. Bob will remain active in his community, as a member of the Association of the U.S. Army, the Chamber of Commerce's Military Affairs Committee, and as the newspaper's "ambassador" at Fort Campbell. He will also be able to spend more time with his wife, Ann, and his two daughters, Beth and Jini.

Mr. President, I commend Bob Carter for his outstanding service to the people of Hopkinsville, KY. I ask that you and my fellow colleagues join me in recognizing the career of this outstanding Kentuckian, and wishing him well in all his future pursuits.•

JENNIFER HORAN OF GIRL SCOUT TROOP 3032

• Mr. DORGAN. Mr. President, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by the Sakakawea Girl Scout Council in Bismarck, ND.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of this program in 1980. As a member of the Sakakawea Girl Scout Council, Jennifer Horan began working toward the Girl Scout Gold Award in October 1996. She completed her project in the area of human development with an emphasis in interpersonal relationships.

I believe Jennifer should receive public recognition for this significant service to her community and her country, and that's why I am proud to call the Senate's attention to her outstanding achievement.•

JOSEPH K. KOZO DINNER

• Mr ABRAHAM. Mr. President, I rise today in celebration of Joe K. Kozo's 50-year professional career with the Boys and Girls Clubs of Southeastern Michigan. Mr. Kozo's increasingly important achievements include the last 25 years as executive director. Currently, the Boys and Girls Clubs of Southeastern Michigan serve more than 10,000 children in 8 area centers, with activities designed to help them mature into productive, responsible adults. During Mr. Kozo's tenure an estimated 200,000 children have benefited from his leadership, determination, and commitment.

Joe Kozo has been a very active member and leader since first joining his local Boys and Girls Club. Mr. Kozo had always promoted the goals of the Boys and Girls Club of Southeastern Michigan: to build children's self-esteem, confidence, and respect for others, as well as develop healthy attitudes about life and morality.

Joe Kozo remains dedicated to the goals of the Boys and Girls Club of Southeastern Michigan, and proved his leadership capabilities in 55 years of unblemished tenure as chief operating officer. I congratulate Mr. Kozo on his fine work, and fully support his continued efforts to provide the youth of southeastern Michigan with a fun, safe, and nurturing environment.•

PROTECT AMERICA'S EDUCATORS

• Mr. GRAHAM. Mr. President, I rise today to express my support as an original sponsor of legislation to restore the tax exemption for the Teacher's Insurance Annuity Association and College Retirement Equities Fund's (TIAA-CREF) pension business.

Hidden in the depths of the Taxpayer Relief Act of 1997, a provision was included to strip TIAA-CREF of its original tax status. Repealing TIAA-CREF's tax exemption, which extended back almost 80 years, clearly conflicted with other provisions in the bill that recognize the need to encourage both education and retirement savings. TIAA-CREF supports nearly 2 million participants and over 6,000 educational and research institutions and has historically served as a model of pension portability and coverage.

In the teaching profession, pension portability is particularly vital. To the benefit of students, policy makers and the general public, pension portability under TIAA-CREF allows professors and educators to share their expertise at multiple institutions without losing their retirement security. TIAA-CREF's market share is limited by its charter to colleges, universities, independent schools and other non-profit educational and research organizations.

In July, during debate on the Taxpayer Relief Act, 43 of my colleagues in the Senate joined me in sending a letter to tax negotiators urging them to reject this direct assault against America's educators. I look forward to working with my colleagues in the months ahead to restore TIAA-CREF's original tax status.•

CAMPAIGN FINANCE REFORM

• Mr. MOYNIHAN. Mr. President, Max Frankel, sometime head of the Washington Bureau of the New York Times and a wise and seasoned observer of American politics, wrote about campaign finance reform in his column in yesterday's New York Times magazine. I commend it to all Senators. We all know the one issue in campaign finance is money for television. Ease that by providing free television time—those are public airways—and as much about the problem goes away as will ever be managed in this vale of toil and sin.

I ask that the article be printed in the RECORD.

The article follows:

MONEY: HARD, SOFT AND DIRTY

A SURE-FIRE SOLUTION TO THE CAMPAIGN FINANCE MESS WOULD BE TO WIPE OUT THE BIG BUCKS OF TV ADVERTISING

The movement to clean up campaign financing is going nowhere for the simple reason that the reformers are aiming at the wrong target. They are laboring to limit the flow of money into politics when they should be looking to limit the candidates' need for money to pay for television time. It is the staggering price of addressing the voters that drives the unseemly money chase.

You cannot run for major office nowadays without spending millions for television commercials that spread your fame, shout your slogans, denounce your opponents and counteract television attacks. A campaign costing $10 million for a governorship or seat in the Senate is a bargain in many states. Even with the priceless advantages of the White House at his command, President Clinton seems to have spent more than $250 million on television ads promoting his re-election last year. And he and his opponents invented breathtaking strategies to evade the post-Watergate laws against collecting and spending that kind of money.

Not even the most determined investigators have uncovered the cost to taxpayers of the favors done for the donors of these vast sums. Surely no honest business, union or interest group would sanction large contributions if the investment did not pay off. Senators gathering $6 million for a re-election campaign must solicit $3,000 every day of their six years in office; just imagine how grateful they become when a single donor offers to cover a whole week of such beggary.

It would be cheaper by far if Federal and state treasuries paid directly for the television time that candidates need to define themselves to the public—provided they purchased no commercial time of their own. Democracy would be further enhanced if television stations that sold time to special interest groups in election years were required, in return for the use of the public spectrum, to give equal time to opposing views. But so long as expensive television commercials are our society's main campaign weapons, politicians will not abandon the demeaning and often corrupt quest for ever more money from ever more suspect sources.

That is why President Clinton gave only lip service to campaign finance reform during his first term. And though he claims to favor it now, he has dropped the essential element of free television time. Does anyone really believe that Al Gore wants to be held to the spending limits envisioned by the Watergate reforms of 20 years ago—a TV budget of a mere $100 million when he runs for President in two years? Would any rational Republican want such a limit for a campaign against an already widely known Vice President? Money flows toward power like water downhill, and so long as they need money, politicians will contrive to get it. All efforts to restrict the flow will only force it deeper underground.

In the parlance of campaign finance, candidates are supposed to traffic only in "hard" money—money gathered and spent in amounts that are strictly limited and monitored. Responding to the high cost of television, however, both parties have conspired to greatly exceed the limits with "soft" money—contributions that national, state, county and local party organizations may collect and spend freely provided only that the television messages they produce are disguised to appear "uncoordinated" with any candidate's campaign.

Reforms, led by Senators John McCain and Russell Feingold, thought they could restore restraint by simply outlawing soft money. But they soon realized that banning soft money would put a premium on "slimy" money—the money that candidates steer to like-minded interest groups, which then produce "independent" commercials and use them in support of favored candidates. So the reformers decided that the Government would have to police commercials to prevent the subterfuge, and they have convinced themselves that the Supreme Court would countenance such censorship. Fat chance.

Yet even if the soft and slimy variants were prohibited, political money would reappear in liquid or vaporous form. The Annenberg Public Policy Center has compiled a catalogue of two dozen "issue groups"—from the Americans for Limited Terms to Women for Tax Reform—that spent about $150 million for political ads in 1995–95, most of them targeted for or against specific candidates. These groups call themselves "educational" rather than political and are effectively beyond Government regulation. Most are also able to reward their donors with tax exemptions. Thus the ads for shrewdly positioned candidates who "support the police" or "counteract global warming" could tap into taxpayer subsidies of up to 40 percent. Similarly subsidized are the "foundations" that both parties have learned to create in election seasons to "teach" a certain kind of history or to "register" voters of a certain persuasion.

Senators McCain and Feingold were once well aware of the folly of trying to dam up this flow of money without simultaneously reducing the politicians' need for it. Their original proposal called for television stations to compensate the public for the use of the airways by giving candidates a generous supply of free air time. But they were forced to drop that idea to get their bill to the Senate floor, a compromise that left them sponsoring a measure bound to make a bad situation even worse.

When campaigning for a seat in Congress costs 10 or more times the amount earned by its occupant and when it takes half a billion to run for President, who can compete? Mainly the wealthy or those beholden to the wealthy. There is no point dreaming of a law that says "you may not" so long as the political system daily teaches the participants "you must." Until the candidates for office in America are relieved of the costly burden of buying television time, the scandals will grow.•

LIBRARY OF THE YEAR

• Mr. ABRAHAM. Mr. President, today I rise to commemorate the staff and governing board of the Ann Arbor District Library for earning distinction as the 1997 Library of the Year. Through their hard work and commitment to the Ann Arbor community, they turned a series of difficult circumstances into a winning outcome, and have recently been recognized by the Library Journal and Gale Research, Inc., for their accomplishments.

The hallmark of their success came through the reorganization of the library's administrative structure while continuing and expanding the library's community service. Through high-speed communications lines, computer training, and expanded programming, the Ann Arbor District Library has served its patrons well by using new technology to give the community greater access to the world.

Although worthy of praise for its past accomplishments, the librarians and staff are committed to continuing this record of improvement. Expansion of staff development programs and a maintained commitment to improving service, the Ann Arbor District Library is one of Michigan's finest examples of the success which can be achieved when local residents band together in pursuit of a common goal. On behalf of the U.S. Senate, I would like to give a special thanks for their efforts.•

SUPPORTING THE PRESIDENT'S ACTION TO ELIMINATE DISCRIMINATORY TRADE PRACTICES BY JAPAN RELATING TO INTERNATIONAL SHIPPING

Mr. ENZI. I ask unanimous consent the Commerce Committee be discharged from further consideration of Senate Resolution 140 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 140) expressing the sense of the Senate in support of the President's action to eliminate discriminatory trade practices by Japan relating to international shipping.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas restrictive and discriminatory Japanese port practices have been a significant source of international concern for many years, have increased the cost of transporting goods to and from Japan for American consumers, and all ocean carriers and their customers, and have restricted United States carriers' operations in Japan while Japanese carriers have not faced similar restrictions in the United States;

Whereas for many years the Federal Maritime Commission, and the United States Departments of State and Transportation, have investigated and monitored these practices and urged the Japanese Government to remedy the problems caused by these restrictions; and

Whereas recent actions by the Federal Maritime Commission and negotiations conducted by the Departments of State and Transportation with the Government of Japan have reportedly produced agreements which would, when implemented, reform the Japanese port practices and remedy these problems: Now, therefore, be it

Resolved, That the Senate expresses strong support for—

(1) the efforts of the President and executive branch to achieve removal of Japanese port restrictions, and

(2) vigilant, continued monitoring and enforcement by the Federal Maritime Commission of changes in port practices promised by the Japanese Government that will benefit international trade.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 323, 341, 342, 343, and 344; I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid on the table, any statements relating to the nominations appear at this point in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

CENTRAL INTELLIGENCE

Lieutenant General John A. Gordon, U.S. Air Force, to be Deputy Director of Central Intelligence.

DEPARTMENT OF JUSTICE

Joaquin L. G. Salas, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands for the term of four years.

Charles Vincent Serio, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

Kenneth Ray McFerran, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

Jose Gerado Troncoso, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TUESDAY, OCTOBER 28, 1997

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m., Tuesday, October 28. I further ask unanimous consent on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and there be a period for morning business until the hour of 10 o'clock a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator WARNER, 5 minutes; Senator GRAMS, 5 minutes; Senator ASHCROFT, 10 minutes; Senator LANDRIEU, 20 minutes; and Senator BINGAMAN, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I ask unanimous consent the Senate recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Tomorrow morning, the Senate will be in a period of morning business from 9 a.m. to 10 a.m. At 10 o'clock a.m. under rule XXII, a live quorum will begin. Once a quorum is established, the Senate will proceed to a cloture vote on the modified committee amendment to S. 1173, the highway legislation. Following that vote, the Senate will be in approximately 90 minutes of debate on the Interior appropriations conference report. If all of that time is used, Members can anticipate a second vote at approximately 12:15 tomorrow. Under the previous order, at 12:30 p.m. the Senate will recess for the weekly policy luncheons to meet. Hopefully, when the Senate reconvenes at 2:15 p.m., the Senate will be able to begin consideration of either the Amtrak legislation dealing with the impending strike or Amtrak reform which would address the strike. In addition, the Senate may begin debate on Senator COVERDELL's education IRA legislation, H.R. 2646. Therefore, Members can anticipate rollcall votes throughout Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Tuesday, October 28, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 27, 1997:

NATIONAL LABOR RELATIONS BOARD

PETER J. HURTGEN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2001, VICE JOHN E. HIGGINS, JR.

WILMA B. LIEBMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1997, VICE MARGARET BROWNING.

WILMA B. LIEBMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2002. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 27, 1997:

DEPARTMENT OF STATE

WYCHE FOWLER, JR., OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

THOMAS S. FOLEY, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

CENTRAL INTELLIGENCE

LIEUTENANT GENERAL JOHN A. GORDON, U.S. AIR FORCE, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ALGENON L. MARBLEY, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

DEPARTMENT OF JUSTICE

JOAQUIN L. G. SALAS, OF GUAM, TO BE U.S. MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY U.S. MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS,.

CHARLES VINCENT SERIO, OF LOUISIANA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

KENNETH RAY MCFERRAN, OF ARKANSAS, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

JOSE GERARDO TRONCOSO, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive messages transmitted by the President to the Senate on October 27, 1997, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF VETERANS AFFAIRS

HERSHEL WAYNE GOBER, OF ARKANSAS, TO BE SECRETARY OF VETERANS AFFAIRS, VICE JESSE BROWN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 31, 1997.

ALPHONSO MALDON, JR., OF VIRGINIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE HERSHEL WAYNE GOBER, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 26, 1997.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 28, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 29

9:30 a.m.

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee

To hold hearings to examine the future of the National Oceanic and Atmospheric Administration Corps, and S. 877, to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers.

SR–253

Environment and Public Works

Business meeting, to consider pending calendar and committee business.

SD–406

Indian Affairs

To hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act.

SD–106

10:00 a.m.

Banking, Housing, and Urban Affairs
Securities Subcommittee

To hold oversight hearings on securities litigation abuses.

SD–538

Budget

To hold hearings to examine U.S. policy implications for NATO enlargement, European Union expansion and the European Monetary Union.

SD–608

Finance

To hold hearings on the nominations of David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade, Mary Ann Cohen, of California, to be a Judge of the United States Tax Court, Margaret Ann Hamburg, of New York, to be an Assistant Secretary of Health and Human Services, Stanford G. Ross, of the District of Columbia, to be a Member of the Social Security Advisory Board, Social Security Administration, and David W. Wilcox, of Virginia, to be an Assistant Secretary of the Treasury.

SD–215

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Judiciary
Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine antitrust implications of the proposed settlement between the State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SD–226

Joint Economic

To hold hearings to examine the role of monetary policy in a healthy economic expansion.

SD–138

11:00 a.m.

Foreign Relations

To hold hearings on the nominations of Amy L. Bondurant, of the District of Columbia, to be a Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Terrence J. Brown, of Virginia, to be an Assistant Administrator for Management, Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator for Policy and Program Coordination, and Harriet C. Babbitt, of Arizona, to be Deputy Administrator, all of the Agency for International Development, and Kirk K. Robertson, of Virginia, to be Executive Vice President of the Overseas Private Investment Corporation, all of the Department of State.

SD–419

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 943 and H.R. 2005, bills to revise Federal aviation law to declare that nothing in such law or in the Death on the High Seas Act shall affect any remedy existing at common law or under State law with respect to any injury or death arising out of any aviation incident occurring on or after January 1, 1995.

SR–253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 638, to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument.

SD–366

Foreign Relations

To hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine United States-Mexican cooperation in efforts to combat drugs.

SD–106

Foreign Relations

To hold hearings on the nominations of Joseph A. Presel, of Rhode Island, to be Ambassador to the Republic of Uzbekistan, Stanley Tuemler Escudero, of Florida, to be Ambassador to the Republic of Azerbaijan, B. Lynn Pascoe, of Virginia, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh, Steven Karl Pifer, of California, to be Ambassador to Ukraine, Kathryn Linda Haycock Proffitt, of Arizona, to be Ambassador to the Republic of Malta, James Catherwood Hormel, of California, to be Ambassador to Luxembourg, David B. Hermelin, of Michigan, to be Ambassador to Norway, Lyndon Lowell Olson, Jr., of Texas, to be Ambassador to Sweden, and Gerald S. McGowan, of Virginia, to be Ambassador to the Republic of Portugal.

SD–419

Judiciary

To hold hearings on pending nominations.

SD–226

United States Senate Caucus on International Narcotics Control

To hold joint hearings with the Committee on Foreign Relations to examine United States-Mexican cooperation in efforts to combat drugs.

SD–106

OCTOBER 30

9:00 a.m.

Governmental Affairs

To hold hearings on the nominations of Anita M. Josey and John M. Campbell, each to be Associate Judge of the Superior Court of the District of Columbia.

SD–342

Rules and Administration

To hold hearings to examine the Senate strategic planning process for infrastructure support; to be followed by a business meeting to consider pending administrative matters.

SR–301

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of William Clyburn, Jr., of South Carolina, to be a Member of the Surface Transportation Board, Department of Transportation, and Duncan T. Moore, of New York, and Arthur Bienenstock, of California, each to be an Associate Director of the Office of Science and Technology Policy.

SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee

To hold hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

effectively the federal land in accordance with the principles of multiple use and sustained yield.
SD–366

Environment and Public Works
To hold hearings on evidentiary privileges or immunity from prosecution for voluntary environmental audits.
SD–406

Foreign Relations
To hold hearings to examine the relationship between NATO and Russia.
SD–419

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Keven Gover, of New Mexico, to be an Assistant Secretary of the Interior.
SR–485

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To hold hearings to examine recent developments and current issues in HIV/AIDS.
SD–430

10:30 a.m.
Armed Services
To hold hearings on the nominations of Robert M. Walker, of Tennessee, to be Under Secretary of the Army, Jerry MacArthur Hultin, of Virginia, to be Under Secretary of the Navy, and F. Whitten Peters, of the District of Columbia, to be Under Secretary of the Air Force.
SR–222

2:00 p.m.
Budget
To hold hearings to examine funding for international affairs.
SD–608

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to review the Federal Energy Regulatory Commission's hydroelectric relicensing procedures.
SD–366

Foreign Relations
To continue hearings to examine the relationship between NATO and Russia.
SD–419

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine victim compensation and attorneys' fees with regard to class action lawsuits.
SD–226

OCTOBER 31

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings on the Treasury Department's Office of Inspector General.
SD–342

10:00 a.m.
Foreign Relations
To hold hearings on pending nominations.
SD–419

NOVEMBER 3

10:00 a.m.
Indian Affairs
To hold hearings on provisions of H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan.
SR–485

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on oversight of the administrative procedures and examination of anti-slamming laws.
SD–226

NOVEMBER 4

10:00 a.m.
Judiciary
To hold hearings to examine competition, innovation, and public policy in the digital age.
SD–226

NOVEMBER 5

10:00 a.m.
Judiciary
Youth Violence Subcommittee
To hold hearings to examine Federal efforts to prevent juvenile crime.
SD–226

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the report of the President's Commission on Critical Infrastructure Protection.
SD–226

NOVEMBER 6

12:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the social impact of music violence.
SD–342

CANCELLATIONS

OCTOBER 29

9:30 a.m.
Indian Affairs
To resume oversight hearings on proposals to reform the management of Indian trust funds.
Room to be announced

NOVEMBER 5

9:30 a.m.
Indian Affairs
To hold oversight hearings on proposals to extend compacting to agencies of the Department of Health and Human Services.
SR–485

SENATE—*Tuesday, October 28, 1997*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our hearts are filled with gratitude. We are thankful that You have chosen to be our God and have chosen us to know You. Your love embraces us and gives us security; Your joy uplifts us and gives us resiliency; Your peace floods our hearts and gives us serenity; Your Spirit fills us and gives us strength.

We truly believe that Your loving hand is upon our lives; help us to be sensitive to every guiding nudge of direction. Keep us from making up our minds and then asking for Your approval. Keep us from acting as if we have Your answers to all questions. Keep us humble in our search for our applications of Your truth to the matters that face us. Free us from condemnatory judgments, and save us from the exhaustion and frustration of rushing up self-chosen paths without Your guidance.

Give us insight to see Your path for our lives, and the patience and endurance to walk in it with our hands firmly in Yours. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator WARNER of Virginia, is recognized.

Mr. WARNER. I thank the distinguished Presiding Officer, the President pro tempore of the Senate. I join with many others in recognizing how our distinguished senior Senator from South Carolina is always there present to open the U.S. Senate. That, in and of itself, is a record that merits the attention of all.

SCHEDULE

Mr. WARNER. Mr. President, this morning the Senate will be in a period of morning business until 10 o'clock. At 10 a.m., under rule XXII, a live quorum will begin. Once a quorum is established, the Senate will proceed to a cloture vote on the modified committee amendment to S. 1173, the highway legislation. Following that vote, the Senate will begin approximately 90 minutes of debate on the Interior appropriations conference report. If all of that time is used, Members can anticipate a second vote at approximately 12:15.

Under the previous order, at 12:30, the Senate will recess for the weekly policy luncheons to meet. Hopefully, when the Senate reconvenes at 2:15, the Senate will begin consideration of either the Amtrak legislation dealing with the pending strike, or Amtrak reform which would address the strike.

In addition, the Senate may begin debate on Senator COVERDELL's education IRA legislation, H.R. 2646. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Virginia is recognized to speak for up to 5 minutes.

Mr. WARNER. I thank the Chair.

THE NEED TO ADDRESS THE HIGHWAY BILL

Mr. WARNER. Mr. President, my remarks this morning go to the need for this body to begin to address the substantive provisions of the highway bill, S. 1173. As the Senate full knows, I am privileged to be the chairman of the subcommittee which, over the course of a period of the year, developed this piece of legislation. Many Senators have traveled great distances. We had hearings in several places throughout the United States and a number of hearings here, of course, in our committee room. But a lot of hard work went into this bill.

Now, the question on cloture involves the Senate consideration of the campaign finance bill. I leave to the respective leaders who, as nearly as I can determine, are trying to work diligently to resolve the procedural conflict involving that piece of legislation, campaign finance reform, as it relates to this bill. But as I read through the order that was prepared by the leader's office this morning reciting other pieces of legislation to which this body will turn, the question, of course, rises, why can't we go ahead with the ISTEA bill?

Again, I leave that to the leaders. They have worked on this diligently and indeed there are developments every hour on the hour. So it is difficult for any of us not involved in the negotiations to explain the exact reasons.

But the reason I asked to take the floor this morning is that we are witnessing here in this country, in the past week, and particularly yesterday, a very precipitous decline in our stock market, commodity markets, and the like. It clearly manifests an instability.

As I look at this piece of legislation, this is an absolute building block of stability for America's economy. This bill has literally millions and millions of jobs related to it. Now, highways, bridges, and other infrastructure requirements take months to plan—engineering, financial, consideration by the respective legislative bodies and highway commissions of the several States. It is a process which was carefully crafted in the 1991 bill over a period of 6 years. The reason we put in a 6-year bill was to provide the type of stability that enables those from the Governor and State legislatures to the various highway boards and commissions to do that type of planning.

All across this country today, in the wake of the instability of the marketplace and other economic indicators, millions and millions of men and women are dependent for their livelihood on this program going forward in an orderly way. Highways can't be built overnight. Weather has a very definite impact on the ability of the hands of these laboring people to build these highway systems. In some States, that envelope of weather is a matter of several months, primarily because of the weather conditions. But indeed during the course of the intense heat of summer, again, there are restrictive periods in which roads and highways can be built. It is for that reason that I ask this morning that we cannot be oblivious to what is taking place in the marketplace of our country and all over the world, this instability, at a time when this bill will be a very steady building block to add stability.

This vote will be the fourth to invoke cloture so that the Senate can proceed to the consideration of this legislation to reauthorize our Nation's surface transportation programs. This is needed because of the intent regarding campaign financing.

Mr. President, the funding level is $145 billion. Stop and think about that—$145 billion. That would benefit every single State. We have tried in this bill to equitably and fairly distribute these funds that would go from the State in the form of gasoline taxes, petroleum taxes associated with trucks, and diesel, and so forth—up to the highway trust fund and revolve and come back. We have tried to equitably distribute these funds, more so than in the 1991 ISTEA. The funding level in ISTEA II, which is the present bill, is $145 billion. It is a 20-percent increase in funding over the 1991 ISTEA I.

This funding level, if I may say, is significantly higher than recommended by the administration in their proposal that came to the Congress. The United States has the largest transportation system in the world, with 170,000 miles of National Highway System routes, 900,000 miles of other Federal aid roads, and 3.7 million miles of other public roads. Our national network of highways carries 136 million cars, 58 million light trucks, 6.9 million freight trucks, and 686,000 buses. In 1995, cars and light trucks, mostly personal vehicles, were driven 2.2 trillion miles.

What is alarming to learn, however, is that nearly half of our major road system is in mediocre or fair condition. I will repeat that. Half of this vast communications system is in mediocre or fair condition. This lack of investment clearly jeopardizes safety, the individual personal safety of those on the highways, and the mobility of the traveling public, as well as our economic competitiveness.

Now, I don't presume to give the causes for this problem in the market today, but anybody who wishes to be informed can certainly listen carefully, as I have done in the last 24 hours, to others who presumably have a better knowledge. But this problem is precipitated less by the U.S. economy, if at all—because that economy is relatively healthy—but more by the world marketplace, and primarily in Asia. It is a one-world competitive market, and the ability of this Nation to compete in that market is very, very significantly dependent on the efficiencies, the safety of this infrastructure of highways and roads and bridges. Mr. President, again, it is the competition in the world financial markets, primarily the deterioration of the situation in Asia that is causing the precipitous decline in our markets. I subscribe that that same competition exists in every other walk of life relative to the ability of the American working men and women to compete with their hands and their minds with others throughout the world. It is a one-world market.

I remember so well visiting, in Luray, VA, a plant that manufactures blue jeans. Now, blue jeans are almost a language in the world over today in many respects. I saw Virginians down over their machines sewing the particular garments being made that day.

I turned to the plant manager, who was escorting me through and I said, "How can we compete with the blue jeans manufacturers elsewhere in the world?" It was very interesting. I said, "We are complying with all the environmental requirements, with the wage laws, the workers are well paid, well cared for, with health programs; how can we compete with those plants that are operating while we are sleeping in the Asian market?"

He said, "Come with me."

We walked down and I saw a bank of computers that take the orders in, relay the orders to the workbench, products are manufactured, put on a conveyor belt, and then he beckoned me and we went outside. There were a half-dozen semi-trailers being loaded, box after box. He said to me very simply, "That order came in this morning, that garment was manufactured to the specifications of the merchant that placed that order, and the finished product is put in that truck and that truck travels overnight and that pair of jeans is on the store shelf the following morning."

Asia cannot compete because of the infrastructure of transportation, the ability of this plant and other plants all over America to, within 24 hours, turn around an order and have that product on the shelf.

That is what is at stake, the ability to turn around these products in the face of a deteriorating infrastructure all across this country.

Mediocre and fair condition. That is half of the Nation's road system. That extrapolates into jobs, millions and millions of men and women of the United States ready to go to work provided in this bill and provide the needed stability that we are lacking today in view of these tragic declines in the world markets.

Transportation provides the link between business, industries, and consumers. Transportation and related industries employ 9.9 million people in the United States, slightly more than 7 percent of the total work force in this Nation. According to the Department of Transportation, for every $1 billion invested in highway and bridge projects, over 42,000 new jobs are created. As one of the largest sectors of our economy, transportation represents nearly 11 percent of the gross domestic product. It is just behind the basic services of housing, health care, and food.

Another compelling statistic confirms that transportation remains a sound investment for the American taxpayers. For every dollar spent, there is an economic return of $2.60.

Mr. President, I therefore urge my colleagues to consider these facts and let us not bring upon this institution that old adage that while Rome burned, Nero fiddled. We have to come to grips with this procedural question on campaign finance reform, but this type of legislation must go forward to provide the economic stability that is necessary at this very hour in America.

So I close, Mr. President, by urging all Senators who will be coming to the floor very shortly to express their views to perhaps take a look at what is happening in the international financial markets. It is impacting this country. Take a look at what is happening because while campaign finance is an important issue, it could really be perceived in the workplace by those who carry the lunch buckets, those who bend and sweat and toil to build America's roads and bridges, as the ant that toppled the mountain of jobs that are involved in this bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for up to 10 minutes.

VOLUNTARY NATIONAL TESTING

Mr. BINGAMAN. Mr. President, I want to take a few minutes this morning to debunk a few myths that are being spread about how the Senate voluntary national testing plan would work and explain why a so-called compromise that has been discussed here in the Capitol in the last few days misses the mark almost entirely.

As many of my colleagues here in the Senate already know, the opponents of a voluntary national test are blocking what in my view is a reasonable and carefully crafted proposal to improve our schools. Over a month ago here in the Senate, we voted 87 to 13 in support of this proposal. Since then, the opponents of it have refused to even sit down at the table and talk about the issue. In fact, they have threatened to shut down the Federal Government again rather than to allow States and school districts and parents to decide for themselves whether or not they want to use these new tests.

In recent weeks, the opponents of voluntary national testing have tried to spread a series of myths about the proposal that was passed by the Senate. Many of these are described on the chart here. Let me just go through a few of them.

First of all, one of the myths is that this is "just another test." In reality, these national tests would provide essential information to parents that none of the commercial tests presently available provide, by allowing a comparison. The tests that are being considered by us in this legislation would allow a comparison between students across the Nation as to their level of performance on reading in the fourth grade and mathematics at the eighth grade.

Another myth is that the tests are not voluntary. The claim is that they are not voluntary. In fact, we have written into the language of the bill a specific requirement that they be voluntary; a prohibition against any impediment or any force being put on a State or district or community that chooses not to use the tests.

Another of the myths is that they would not do anything, when in reality we have various States and communities and school districts around the Nation that are showing that high standards and uniform measures of achievement can engage and empower area communities to put more emphasis on their schools and increase the learning that occurs there.

But, despite the mischaracterizations of the voluntary testing proposal, I am glad to report that educators and business leaders and the American public support this proposal overwhelmingly, the proposal that the President sent forward. I know this from having heard it from people on the front lines.

This last Friday we had a meeting with various people. An elementary school parent and PTA member, Laura Scott, told about how important independent tests were for parents who are handing their children over to schools and need all the leverage they can get to make sure the education their children are getting in those schools is adequate. Gov. Roy Romer of Colorado spoke about the efforts that are being made in Colorado to develop their tests in these various subjects and how he would appreciate a chance to know how his State is doing relative to other States. He could not see any justification for each of the 50 States having to reinvent the wheel. Obviously, the President's proposal would eliminate the need for that. The Governor of North Carolina, Jim Hunt, also spoke eloquently about the importance of having benchmarks so that he can determine the appropriateness of the education that is being provided to his own grandchildren in the public schools of North Carolina.

From a business perspective, Alan Wurtzel, of the National Alliance of Business, and Chris Larson, of the Technology Network, described how important uniform measures of achievement are to preparing a qualified work force for the 21st century and how the business community insists upon objective measurements of achievement in the training that they do. And they believe that same concept makes a lot of sense in our schools as well.

Representing large, urban school districts, Philadelphia School Superintendent David Hornbeck said that the tests, as he saw it, would be, and the phrase he used was a "sword of equality" for poor and minority students in Philadelphia and elsewhere who today are receiving an inferior education, unfortunately, in many of these school systems but, by virtue of this kind of objective performance testing, would be able to improve the situation.

Most recently, opponents of the voluntary national tests came up with the so-called compromise proposal that in my view reveals a basic misunderstanding about what the voluntary national testing proposal is supposed to do. The proposed compromise preserves the status quo. It relies on a type of test—the type which many of our school districts are now using—which creates the impression that students are doing better than they really are. We could refer to this proposal as the Lake Woebegone proposal. It is clearly a situation, which we have today, where "all the children are above average."

First off, the compromise they are proposing is not much different from an outright prohibition on the development of any new tests. Further development of a voluntary national test would be immediately and completely prohibited under this compromise, so-called compromise, that has been discussed. That is nothing else but protecting the status quo, in denying States, denying school districts the choice to participate in a national measure of student achievement. Seven States have already indicated they want to participate and 15 major school districts have opted to do so.

Second, this proposed compromise wouldn't really accomplish anything useful in terms of focusing more attention on world-class standards for all children. That is because instead of developing new national tests on fourth grade reading and eighth grade math, this antitesting proposal would fund a $3 million study of the feasibility of linking various commercial tests that are already there with each other. These commercial tests that would be linked under this study do not conform to the rigorous academic standards of the National Assessment of Educational Progress. The whole idea behind this development of a fourth grade reading test and eighth grade math test is we want these kinds of rigorous national academic standards that are reflected in the National Assessment of Educational Progress available for all schools to look at.

In addition, the tests that would be studied are all "norm-referenced" tests, which means their scores are all reported by percentiles. They show how you scored compared to others, but they do not show how you score relative to any kind of objective criteria, as to whether or not you can read at a reasonable level or do math at a reasonable level.

In many ways, this proposal misses the point. It suggests that the current hodgepodge of commercial tests can adequately solve the problem. It proposes to preserve the status quo rather than allowing States and districts to make their own choices. It undercuts the National Assessment for Educational Progress which is the most rigorous national measure of student achievement. And this so-called compromise is completely unsatisfactory in that it would block the proposal we agreed to here in the Senate, to allow this test to be developed by the National Assessment Governing Board.

Here in the Senate, the compromise that was negotiated, it was clear, was supported overwhelmingly by a bipartisan group of Senators. Leading scholars in this field such as Checker Finn and Bill Bennett supported that compromise. Since then, 43 Senators have pledged to block the appropriations bill or to uphold a veto, if the President is required to veto the bill, if that original compromise is not maintained.

So, if testing opponents want the National Academy of Sciences to study whether commercial or even State-developed tests are as rigorous as the National Assessment of Educational Progress, I have no problem with that. I think studies can sometimes be useful. But until it is clear that State and commercial tests are up to the task, I believe we should be able to go ahead with the voluntary national test development and that funding should be kept in the bill and not be prohibited as the House is considering doing.

Mr. President, I know there are others waiting to speak. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I also ask unanimous consent I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. GRAMS. Mr. President, I am here this morning on the floor to talk about the very important ISTEA legislation that is being held up in the Senate here for many, many different reasons. But the introduction of the Senate's Intermodal Surface Transportation Efficiency Act of 1997 represents the results of intense negotiations between Chairman CHAFEE, Senator WARNER, and Senator BAUCUS, each of whom have represented three different legislative approaches to the reauthorization of ISTEA.

I thank each of these Senators for the work they have done to bring this bill to the floor because the citizens of my home State of Minnesota strongly support a 6-year reauthorization bill, funded at the highest levels. This should be one of our top priorities before we adjourn this session. Unfortunately, however, this very important piece of legislation is being held up by other Senators seeking to impose a political agenda on a very vital transportation spending issue. Again, it is being held up by Senators who want to impose a political agenda on vital transportation spending.

Their effort to halt this crucial transportation spending bill are far more egregious than other attempts in the past to influence legislation by holding it hostage. It is inconceivable to me that we would not consider this bill on its own merits. The question of why not is being asked by every State concerned about the availability of transportation funds for continuing projects. It is ironic that Senators claiming to support labor issues would now thumb their noses at the same hard-working Americans who feed and clothe their families through the salaries they earn working on transportation projects, not to mention how important those projects are for improved safety and for meeting our growing transportation needs.

ISTEA must be considered before we adjourn for the year. There has been a real effort to reach a compromise that achieves balance among the 50 States. This balance is required to address unique transportation needs in the different regions of our country: The congestion needs of the growing South, the aging infrastructure needs of the Northeast, as well as the national transportation needs of the rural West and the Midwest. Almost every State shares in the growth in dollars contained in the bill compared with the funding levels that they received under ISTEA back in 1991.

I was proud to join Senator WARNER as a cosponsor of STEP 21 earlier this year, as Minnesota was a member of the STEP 21 coalition, and I am pleased that much of the bill has been incorporated now into this piece of legislation.

Mr. President, this bill attempts to preserve the principles of ISTEA that have proven to be successful. We need to ensure that our transportation growth contributes to the preservation of our environment.

We need to continue to build upon the shared decisionmaking among the Federal, State, and local governments in the transportation planning process. We also need a transportation bill that is based on a formula that is fair. This bill will either succeed on the doctrine of fairness or it will fall victim to politics as it has in the past.

I am pleased the ISTEA reauthorization attempts to ensure a fair allocation of funds. The new formula was determined with objective factors, such as the number of miles of the National Highway System and each State's contributions to the highway trust fund.

Under this legislation, every State will receive a minimum return of 90 percent of their contributions to the highway trust fund. That is a very different guarantee from the so-called 90-percent minimum allocation in ISTEA. This is a real guarantee.

Finally, we must have a transportation bill that makes an improvement in streamlining as well as flexibility. This bill streamlines ISTEA's five major programs down into three, and they are the National Highway System, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Program.

The Federal focus on our most important network of roads, the National Highway System, which includes our interstate system, is maintained. The streamlining and the flexibility provided by the ISTEA reauthorization will give Minnesota the ability to make its own transportation decisions, and that is a great step forward. Other States also would have the same freedom.

This bill attempts to get a reasonable rate of return for Minnesota. In this bill, my State will receive 1.50 percent of Federal apportionment dollars, which represents an increase from the 1.43 percent of actual dollars under the 1991 ISTEA.

The bill would also increase my State's share by over $82 million per average year above the 1991 authorization level.

I am also pleased to be a cosponsor of the Byrd-Gramm amendment which allows the Federal gas tax of 4.3 cents now dedicated to the highway trust fund to actually be spent on highways. This will provide Minnesota the necessary additional revenue that is so critical to meeting our infrastructure needs.

Mr. President, the political games must end. The reauthorization of ISTEA has expired. We need to go forward and we need to approve a new highway reauthorization bill.

It has been proven again and again that transportation spending is one of the most important, it is one of the most cost-effective investments in our Nation's future. For every $1 billion spent on transportation, we create 60,000 jobs, jobs that are now at risk again while some Senators attempt to hold this legislation prisoner in exchange for the advancement of their particular political agendas. I ask my colleagues this morning to help liberate this political hostage to allow the ISTEA legislation to proceed.

Thank you very much, Mr. President. I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

REVENUE SHARING OF OUTER CONTINENTAL SHELF FEDERAL RECEIPTS FROM OIL AND GAS PRODUCTION

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate and, hopefully, to the Nation, a concern that is very important to my constituents in the State of Louisiana and to other coastal States. I rise to address this issue in order to begin what I hope will be an educational process for all of us.

As you know, the Federal Government, through the Minerals Management Service and the Bureau of Land Management at the Department of the Interior shares with the States 50 percent of the mineral revenues from Federal lands inside the boundary of States, to offset the impacts of onshore mineral development. Unlike the States that support onshore development of Federal mineral resources, Louisiana, particularly, and Texas, Alaska, California, Mississippi, Alabama, and Florida receive comparatively little of the revenues received by the Federal Government for offshore oil and gas development on the Outer Continental Shelf.

I intend very shortly to introduce legislation to realign the OCS revenues to reflect a more fair and more just allocation. This legislation will also address historical and anticipated impacts on infrastructure and environmental needs that have been identified over the course of time. I raise this issue as the Senate today, Mr. President, will be voting on the Interior and related agencies appropriations conference report this afternoon. That bill contains funding for land and water conservation and the National Historic Preservation Fund. All of those moneys, almost up to $1 billion authorized, comes from OCS revenues. So the Federal Treasury has been a great beneficiary, and many States, of course, have shared in these revenues.

This year also marks the 50th anniversary of oil and gas exploration and production in the United States off the gulf coast. We have come a long way from the early days when a few intrepid souls dared to combine their resources to take a risk on a black pitch-like substance that was seeping out of the hills of Pennsylvania. They discovered that this substance would burn. From that substance kerosene was derived and then came gasoline and numerous other petroleum products that support the American economy and the American lifestyle today.

Oil and gas development has long been the lifeblood of my State—through good times and bad, through the early years of this century and the bust years of the 1980's. In Louisiana, as in other oil-patch States, there was an abundance of oil and gas. Many people dug wells, plugged them, and made and lost fortunes.

In the 1970's, there was an oil boom that no one thought would end, but it did. During that time, businesses sprang up in Oklahoma and Texas and throughout the oil patch with businesses building headquarters in cities like Tulsa, Houston, and Dallas. In the Gulf of Mexico, oil and gas platforms appeared. People discovered a wealth of reserves in coastal waters and, later, in Federal waters, particularly off the coast of Louisiana.

Mr. President, I want to share with you today, and many Members of the Senate, that all of the production in the gulf identified is by these squares that are blocked off. You can see that almost 90 percent, from approximately this line to all the way over is off Louisiana's coast. About 90 percent of the production is supported off Louisiana's coast, and that is the point I want to make today. It is not all the coastal States supporting it equally. Louisiana is contributing a huge amount to this development, which is contributing a huge amount of money to the Federal Treasury.

The history of OCS development and State versus Federal ownership was defined in the time of President Truman. There was a great deal of discussion on this issue between interested parties, with no real solution as to how these proceeds should be fairly divided. The controversy continued briefly through the forties and fifties. Finally, legislation came in 1953. This act established a 3-mile State water boundary for Louisiana, Mississippi, and Alabama and, for historical reasons, a 10-mile border for Texas and the gulf coast of Florida.

The understanding was that States would own the resources up to 3 miles out from their coastal boundaries, and the Federal Government would own the resources beyond the 3-mile mark, and that lasted for years. In addition, in 1985, a new zone was created through an amendment to the Outer Continental Shelf Lands Act, the 8g zone. So between 3 and 6 miles, the States on the coast can now benefit in some additional ways, but rather minor, from the oil and gas derived from that 3- to 6-mile zone.

The most recent Federal law to apply to the Outer Continental Shelf was passed in the last Congress, through the leadership of my predecessor, former Senator Bennett Johnston. This measure, the Outer Continental Shelf Deepwater Royalty Relief Act, provided a royalty incentive for companies that wished to explore in deep waters off the continental shelf but were constrained by the cost of deepwater drilling.

Today, as a result of this act, you can see from the previous chart that there have been record sales and bids off the gulf coast, particularly in Louisiana. In March of this year, lease sale No. 166 was held in the central gulf, and 103 companies bid on over 5,000 blocks comprising 27 million acres offshore Alabama, Louisiana, and Mississippi. The companies made record bids. Fifty-one percent of these blocks were in 800 meters of water. The deepest block was in 9,000 feet of water.

The mind-boggling total value of these bids was in excess of $800 million. Mr. President, five additional sales are planned beginning in March. All of this is due to the Deep Water Royalty Relief Act which has created thousands of good paying jobs in the energy industry, both onshore and offshore. The Federal Treasury has benefited substantially. The Federal Treasury received an amount of $2.8 billion from these leases in 1995. Louisiana contributed $2.1 billion. These figures do not include corporate taxes and taxes that were also collected for the Federal Treasury.

I need to clarify the funding situation for those who are listening today. When there is onshore oil and gas production, States are entitled to 50 percent of the royalties. Alaska gets 90 percent onshore. For coastal States with offshore production in 8g, States receive only 27 percent, and beyond the 6-mile mark for Louisiana, Mississippi, and Alabama, States are not entitled to any percentage. That is the point of this discussion.

In conclusion, let me say that we need to make this distribution more fair and more equitable. With the amounts of money that are being distributed based on 50 percent for onshore, based on 90 percent for Alaska, but now under the current law, outside of this 6 miles, the coastal States receive almost nothing. The amount of money being generated is greater and greater every year. Just last year, as I mentioned, it was up to $2.8 billion received by the Federal Treasury. And of that amount, Louisiana received less than $16 million from contributing over 90 percent of the production totaling almost $3 billion. We received only $15.9 million.

For 50 years, Louisiana has borne the brunt of the impacts associated with oil and gas production in the Gulf of Mexico. While we acknowledge that hosting offshore production has provided some economic rewards in the State, Louisiana cannot tax the production on the OCS, nor do we receive a share of the governmental payments on the OCS. There has been damage to onshore staging areas, damage from activities by the Corps of Engineers, and deterioration of infrastructure such as roads and highways that are used to get equipment and workers to the offshore fields. The State of Louisiana has not received appropriate compensation for the use of its land and the environmental impacts of this production.

Moreover, Mr. President, we have a very fragile environment in south Louisiana. I have visited Port Fouchon, in La Fourche Parish many times. La Fourche Parish is a rural, relatively isolated parish at the bottom of the "L" in Louisiana, if you picture the State in the form of the letter "L." The people there are of modest means, and do their best to make a good living. Port Fouchon is Louisiana's only port on the Gulf of Mexico. Its proximity to the deepwater oil and gas discoveries makes it the port of choice for an increasing number of businesses. Over 6,000 people depend on the port as an avenue to and from offshore facilities. In just 3 years, Port Fouchon has tripled the amount of cargo it handles—from 10 million to over 30 million tons in 1996.

Near Port Fouchon is the Louisiana Offshore Oil Port [LOOP]. LOOP is a state of the art offshore facility located 20 miles south of Port Fouchon. LOOP is connected through five pipelines to over 30 percent of the Nation's refining capacity. Recently, the deepwater platform Mars, by Shell Oil, was connected by pipeline to LOOP. Consequently, LOOP will be handling a significant portion of the Gulf of Mexico's domestic deepwater oil production. Couple this with the recently announced goal that the MMS would like to increase oil production in the gulf from 1.7 to 2 million barrels of oil a day. This is an extremely ambitious schedule. Such an increase would amount to an additional $600 million in royalties by the year 2000. Yet, there has been little attention to infrastructure in La Fourche Parish, and little attention to the environment. According to Bob Thompson, president of LOOP, "Nearly all of LOOP's logistical support for offshore operations comes directly through Port Fouchon, and hence across substandard roadways. We must improve our highway infrastructure to accommodate this new business." Currently, over 80 deepwater prospects are identified off coastal Louisiana. An astounding 75 percent of these are in the Port Fouchon service area. Terrebonne and St. Mary Parishes, St. Bernard, and Jefferson which are adjacent to La Fourche, will also support industry activity. Many of the parishes need additional help as well as other coastal States. These new demands will put a great deal of stress on an already besieged environment. Mr. President, these areas and their fragile environments in Louisiana were sacrificed long ago for the benefit of industry investment and development. I intend to ensure that these areas will be ignored no longer.

Since the early 1990's, the Minerals Management Service at the Department of the Interior and various heads of environment and natural resource departments from a number of States have been holding talks and negotiations over revenue sharing from the funds collected from activity in the gulf. This month, in fact, tomorrow, the OCS Policy Committee will be meeting in Galveston, TX, to vote on a revenue sharing initiative. I commend this method of consensus building that the Department, industry, and the States have undertaken to address revenue sharing and its implementation. But I want to go further than just recognizing their actions, Mr. President.

In the next few weeks, I will be filing the bill to bring this issue to the attention of the U.S. Senate to ask for a greater distribution and a more fair distribution to those States impacted so that we can continue to support this industry, but in return this industry can and the Federal Treasury can invest back into Louisiana and other coastal States so we can continue this drilling in an environmentally sensitive way.

Through advances in technology and favorable laws, we have come upon a great resource for this Nation, to reduce our dependence on foreign oil. At the same time, we must take advantage of this economic boon to reinvest in our environment, to repair damage to our wetlands, and to take stock of our natural resources and their value as we benefit in the coming years from activity in the gulf.

Thank you, Mr. President. I thank you for the time.

WALTER GREY HEMPHILL, JR., WORLD WAR II HERO

Mr. COCHRAN. Mr. President, funeral services will be held today in my State for Walter Grey Hemphill, Jr., a World War II hero, who was also a very close personal friend.

He was best known in our community as a former star athlete at Byram High School, who was recruited to play football at the University of Mississippi in 1941, as a successful coach and teacher at his alma mater, a respected vice president and general manager of Deviney Construction Co., an active member and chairman of the deacons at the First Baptist Church of Byram, and as a past worthy patron of the Order of the Eastern Star.

While most of his friends knew that Walter Grey Hemphill, Jr., had been a veteran of World War II, few were aware of the details of his combat experiences. The fact that he was one of the true heros of the Battle of the Bulge was not something he talked about very easily.

The citation he received awarding him the Silver Star for valor in battle described his bravery under fire and his willingness to risk his life to save the lives of his fellow paratroopers of the 101st Airborne Division in the fighting near Bastogne, Belgium, in December 1944. He destroyed a German gun emplacement with an explosive charge at close range while under heavy enemy fire. His courageous action saved the lives of the members of his unit, but he was seriously wounded in the process. He received two Purple Hearts and spent over a year in hospitals recovering from his injuries.

After the war, he returned to the University of Mississippi and, although unable to play football, he earned his bachelor and master's degrees and became my high school world history teacher, as well as my football, basketball, and baseball coach. He was also our close neighbor whose friendship I enjoyed and appreciated. I'm confident that the lessons I learned from him on the athletic fields, in the classrooms, and in our neighborhood provided me with a firm foundation of values, attitudes, and work habits that made future academic and professional success possible.

I will always remember and be grateful for his generous acts of kindness, his fair but firm discipline, and his thoughtful leadership.

He is survived by a dear and loving wife, Elsie, and a devoted daughter, Patricia Windham, to whom I extend my sincerest condolences.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry Craig, Don Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, Robert Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spence Abraham, and Jesse Helms.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6]

Abraham
Ashcroft
Bennett
Biden
Bingaman
Breaux
Bumpers
Cleland
Coats
Collins
Coverdell
Craig
Daschle
DeWine
Domenici
Enzi
Feingold
Ford
Gorton
Grams
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Kennedy
Landrieu
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkoswski
Murray
Nickles
Roberts
Santorum
Sarbanes
Sessions
Smith (NH)
Smith (OR)
Specter
Thomas
Thompson
Thurmond
Wellstone

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Act, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask to speak for 2 minutes out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. BAUCUS. Mr. President, I would just like to say a few words about where we are on the highway bill. It is due to internal political discussion and confrontation that we have not been able to move on the highway bill. There has been a bipartisan effort to try to get an agreement on campaign finance reform. We are still at loggerheads.

Mr. President, it is imperative that we in the Senate find some way to get a highway bill passed. It has been a month now since the authorization expired. It expired on September 30. We in the Senate are derelict by not passing highway legislation.

I say that because there are many States that are going to run out of money very soon. My State of Montana will run out the first part of February. It takes a long time to let contracts, to bid on contracts, to get the pipeline lined up so dollars are out to the States for jobs. I have been in favor of the 6-year bill. It only makes sense that we have some continuity in our highway program.

This is not some abstract theory, Mr. President. This is jobs. This is local people, cities and counties and States, that very much depend upon this multibillion-dollar program. So I urge us to find some pragmatic, practical way to get some form of a highway bill passed. I hope it is 6 months. It may not be 6 months. I hope it is 6 years. It may not be 6 years. But we have to pass something so when we go home over the holidays we will at least have built a bridge so next year we take up a full 6-year bill and find a way to get that passed.

I urge my colleagues to find some way to solve this impasse now so we as a practical matter do our duty to get highway legislation passed.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to comment on the remarks just made by the senior Senator from Montana. I share his view.

Obviously, this is a very significant concern for all of our States and for a lot of Governors and those who are making decisions in their departments of transportation.

There are really two approaches. The first approach is for us to reach an agreement to allow campaign finance reform to be set for a certain date early next year. I think there are good-faith negotiations continuing, and I am hopeful they will produce the desired result.

But that is the first option. Then we can take up the 6-year bill and complete our work, as I know many of our colleagues, including this Senator, would like to do.

The second option is the one that the Senator from Montana alluded to. We can do what the House has already done. We can take up a 6-month bill. We can improve upon the 6-month bill that the House has proposed. I think we could use our allocation, our numbers and be in a much better position to go to conference. But certainly no one should object to moving a 6-month bill if we can't get agreement on a longer bill.

So either way, Mr. President, we have an option. We can take up the 6-year bill—hopefully, that is still possible—only if we can get campaign finance reform. Who knows what will happen in conference even with a 6-year bill. But at least the Senate will have acted. Short of that, there is absolutely no reason why we cannot take up a 6-month bill. We could do it on a unanimous-consent basis if we wished, and I hope we could do that as a second option should we not resolve the first.

However, I do believe we must act. We must resolve this matter prior to the end of this session. I am confident that, working together, we can find a way to do that.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I would ask that I might proceed for 4 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I point out we have been on this highway bill, the surface transportation legislation, for nearly 3 weeks. This was, I believe, the fourth cloture vote so that we could move on and deal with the bill.

We could not get cloture. The other side didn't want us to have cloture. So that's why we are in this jam. This legislation before us is a 6-year bill. It came out of the committee unanimously. There may be variations and amendments. That is fine. We ought to have a chance to bring them up and vote on them.

But we could not do that, Mr. President. I think that is very regrettable. Now people are backing off and saying let's possibly have a 6-month bill. I think that is a disaster; nobody can do any long-range planning with a 6-month piece of legislation.

So I think it is very unfortunate the way this has worked out. I am not sure what the next order of business is or what the next step in connection with this highway legislation will be, but I feel very badly that we did not get cloture so we could go ahead and deal with a good bill, bring up the amendments and vote on them one way or another. But we were unable to do that, and I regret it.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I would like to respond briefly to the Senator from Rhode Island and make it as clear as I think it can be made clear that this is about one issue. It is not about ISTEA. It is not about the transportation needs of the country. It is about campaign finance reform.

That is all this is about. We have been pressing for months to be able to get the ability to debate and have a full-fledged legislative effort on campaign finance reform. We have been denied the right to have one vote on the substance of real campaign finance reform, not one vote.

The reason we are in this predicament is exclusively the resistance on the part of the Republicans to permit us to have a date certain and the ability to be able to legislate on campaign finance reform.

That is all this is about. There are as many Members on the Democratic side of the aisle who want to vote for ISTEA as there are on the Republican side. ISTEA will ultimately pass the Senate, and it will pass overwhelmingly. This is about whether or not we are going to face one of the most important issues the people in this country want to face, that a group of people are resisting and will not allow the democratic process to work. It is that simple. I hope no one will confuse it in the days ahead. This could be resolved in a matter of hours by reasonably permitting those of us who seek campaign finance reform to know that we can return after the recess and be able to vote in February or March and have the Senate properly discuss the issue of campaign finance reform.

This is an issue that, on the Republican side, Senator McCAIN has said and on our side the leadership has said and a number of us have said, is not going to go away.

If there is any lesson we have learned in the Senate, it is that when there is the kind of issue that has a sufficient number of votes for the underlying bill, they do not go away. We have seen that on the minimum wage. We have seen it on a host of other issues through history here. I am confident that we can come together around some reasonable approach to campaign finance reform.

We have acknowledged to Senator McCONNELL and others that this is an issue which will take 60 votes. We know that. We are not suggesting that this can be resolved other than by coming together with some kind of consensus that will resolve the capacity of either side to filibuster. We know that.

But until we get to the business of legislating, of actually proposing amendments and working with that kind of energy, we are never going to know if we can reach that kind of consensus, and that is what this fight is about.

So I hope no one confuses it as somehow surrogate or secret opposition to ISTEA. It is not. It is about the unwillingness of the Republicans at this point in time to set a date certain for campaign finance reform and to permit us to come back and do the business of the Senate. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Might I ask colleagues whether or not there would be an opportunity to speak 5 minutes in morning business? Is that all right with my colleagues?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Chair recognizes the Senator from Minnesota for 5 minutes.

UNITED STATES-CHINA SUPPORT

Mr. WELLSTONE. Mr. President, I rise to address the direction of our country's relationship with China. Right now, the Clinton administration is busy with the state visit of Chinese President Jiang Zemin. A state visit is the highest, most formal diplomatic event hosted by the United States. The champagne will flow, and flattering toasts will be made.

I disagree with this red carpet treatment, Mr. President. There is no question that United States-Chinese relations are crucial and important for both countries. It is wrong, however, for the United States to host a state visit for President Jiang Zemin until we see significant progress made on human rights in China. Instead of a ceremonial visit, we should be holding a working visit with the Chinese leadership, focusing on the critical issues that exist between our two nation, like human rights, weapons proliferation, and trade.

China continues to wage a war against individual freedoms and human rights. Hundreds, and perhaps thousands, of dissidents and advocates of political reform were detained just last year. They included human rights and pro-democracy activists, and members of religious groups. Many have been sentenced to long prison terms where they have been beaten, tortured, and denied medical care.

Scores of Roman Catholics and Protestants were arrested. A crackdown in Tibet was carried out during the "Strike Hard" campaign. Authorities ordered the closure of monasteries in Tibet and banned the Dalai Lama's image. At one monastery which was closed, over 90 monks and novices were detained or disappeared.

Harry Wu, a man of extraordinary courage and character, has documented China's extensive forced labor system. His research has identified more than 1,100 labor camps across China, many of which produce products for export to dozens of countries around the world, including the United States.

Because he criticized his government, Harry Wu was also imprisoned in these camps. For 19 years in 12 different forced labor camps across China, Harry was forced to mine coal, manufacture chemicals, and build roads. He survived beatings, torture, and starvation. He witnessed the death of many of his fellow prisoners from brutality, disease, starvation, and suicide.

According to Amnesty International, throughout China, mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded last year. The real figures are believed to be much higher.

Our own State Department reported that in 1996: "All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administration detention, or house arrest. No dissidents were known to be active at year's end."

Mr. President, that is a chilling, deeply disturbing statement. It cuts to the core values of our Nation. And it was made by our own Government, and this administration. Yet, this week, the administration will welcome President Jiang with pomp and circumstance. These actions indicate that, where China is concerned, what we have is not a policy of constructive engagement, but one of unconditional engagement.

Let us put some names and human faces to the statistics and generalities we have all heard with regards to China.

In May 1996, Wang Hui was detained. She was the wife of a jailed labor activist. While detained, she was denied water and other liquids. She tried to kill herself by hanging. According to Human Rights Watch, after being cut down by police, she was punished with severe beating.

Ngawang Choephel is a Fulbright Scholar from Middlebury College. He studied music, and returned to his homeland to document the ancient music and culture of Tibet. It is disappearing under the heel of the Chinese Government. As a result of his work, he was convicted in February, and sentenced to 18 years imprisonment for espionage. His crime—sending videotapes of ethnic Tibetan music and dancing out of China.

Last year, Wang Dan was sentenced to 11 years in prison on charges of conspiring to subvert the Chinese Government. Prior to sentencing, Wang had already been held 17 months in incommunicado detention. His crime: He was a leader of the Tiananmen movement.

Two years ago, Beijing sentenced Wei Jingsheng to 14 more years of incarceration for the crime of peacefully advocating democracy and political reform. Wei had been arrested and sentenced after he wrote wall posters on the Democracy Wall outside Beijing. They argued for true democracy and denounced Deng Xiaoping.

I have read Mr. Wei's work and his letter from prison. I can't tell you how impressed and moved I was by them. As a political scientist, I seldom, if ever, have read such an eloquent and intelligent espousal of democracy and human rights. Making the letters all the more remarkable is the fact that they were written while Wei was in prison or labor camps, mostly in solitary confinement. He has been jailed for all but 6 months of the last 18 years.

Wei Jingshen is not only China's most prominent dissident and prisoner of conscience, but ranks with the greatest fighters for democracy and human rights of this century. He brings to mind Martin Luther King, Nelson Mandela, and, of course, Alexander Solzhenitsyn. I was honored to join many of my colleagues in nominating Wei for the Nobel Peace Prize.

Last week, Mr. Wei's sister came to the United States to tell the administration that he is dying in jail, and that this summit may be his last chance of emerging from detention alive. It is urgent that the Chinese Government release Wei and that he be given the medical care that he desperately needs, but has been denied.

By agreeing to this state visit without any significant concessions on human rights, like the release of Wei Jingsheng, the Clinton administration squandered its strongest source of leverage with Beijing.

This is not to say that all dialog between the United States and China or that working level visits are wrong. Instead, I believe that the symbolism of a state level visit is inappropriate given our strong disagreement with China over its human rights record. That is why I cosponsored a resolution with Senators FEINGOLD and HELMS to urge the President to downgrade this event from a state visit to working visit.

The Chinese have said they do not welcome American advice on what they view as a "purely internal affair." Welcome or not, President Clinton must insist that China's leaders take specific actions on human rights.

Indeed, I believe strongly that the administration has a moral duty to press a range of issues with the Chinese Government that it may not welcome, but that are of enormous important to the Chinese people, and the United States.

Specifically, I call on President Clinton to demand:

The immediate and unconditional release of Wei Jingsheng, Wang Dan, and other prisoners of conscience held in jails in China and Tibet.

Improvement in the conditions under which political, religious, and labor dissidents are detained in China and Tibet. This includes providing prisoners with adequate medical care and allowing international humanitarian agencies access to detention facilities.

Significant progress in improving the overall human rights conditions in China and Tibet. The Chinese Government must take concrete steps to increase freedom of speech, freedom of religion, and freedom of association, in order to comply with the Universal Declaration of Human Rights, which it signed in 1948.

Some say that we cannot influence what goes on in China, that the country is too proud, too large, and that changes take too long. I disagree. For years we have pressured the Chinese on human rights, and to let up now is tantamount to defeat for the cause of human justice. Dissidents who have been freed and come to the United States have thanked advocates for keeping them alive, by keeping the pressure on, and focusing attention on their plight.

As Americans, it is our duty and in our interest to make the extra effort required to promote freedom and democracy in China, and to bring it into compliance with international standards on human rights.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2107, which the clerk will now report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 22, 1997.)

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The time under the conference report is controlled.

Who yields time?

Mr. GORTON. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am pleased to bring before the Senate the conference report on H.R. 2107, the fiscal year 1998 Interior and Related Agencies Appropriations Act. The conference report provides $13.8 billion for programs under the jurisdiction of the Interior subcommittee, and incorporates a number of changes to House and Senate funding levels and legislative provisions in an effort to reconcile the differences between the two bodies, and to reconcile the differences between the Congress and the administration. I firmly believe the resulting conference agreement is worthy of my colleagues' support.

While at this time I will not go into great detail about the conference report, I want to stress the fact that the conferees on this bill have gone to extraordinary lengths to try to accommodate the concerns of the administration. I ask unanimous consent that a more detailed discussion of the modifications that have been made in response to administration concerns appear at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. There are, however, a handful of issues in the conference agreement that I know are of great interest to all Senators. I will spend a little time discussing two of these issues: Land acquisition and the National Endowment for the Arts.

The budget agreement provided the Appropriations Committees with the option to appropriate $700 million for "priority land acquisitions and land exchanges," with the appropriation being in addition to the subcommittee's 602(b) allocation. This reserve fund was requested by the administration in budget talks, in large part because of the administration's desire to finance two major land purchases that it negotiated shortly before the Presidential election: The Headwaters Forest in California and the New World Mine in Montana.

The administration originally had proposed to conduct these acquisitions administratively, exchanging oil and gas properties and revenue streams in ways that stretched existing exchange authorities to the limit, if not beyond. I and many others strongly objected to the proposed acquisitions at the time, in part because it was clear that the administration was trying to evade the requirements of the Budget Act and bypass Congress altogether on two major expenditures. In that sense, I am glad that the budget agreement provided an opportunity for these acquisitions to come before Congress, albeit not under ideal conditions.

The House Appropriations Committee chose not to provide the $700 million. Chairman REGULA not only doubted the value of the Headwaters and New World Mine acquisitions to the U.S. taxpayer, but also felt strongly that if $700 million were available in the context of the budget agreement, that money would be better spent reducing the multi-billion-dollar maintenance backlog that exists in our parks, refuges, and public lands. I cannot honestly say that I disagree with him on either point.

I did, however, include the $700 million in the Senate bill, largely because I feel a personal commitment to the budget agreement and the broader benefits that it provides for the American taxpayer. $315 million of the funds provided in the Senate bill were for the Headwaters Forest and New World Mine acquisitions. But because of the complexity of the acquisitions, the many questions that had been raised about them, and their sheer magnitude, I agreed with Senator MURKOWSKI that the funds should be provided subject to enactment of subsequent authorizing legislation. Some have intimated that this was an attempt to kill the two deals, but I can assure you that on my part it was not. I also have no doubt that Senator MURKOWSKI was doing anything other than his job, part of which is to authorize land purchases of this nature. The notion that Congress should simply accept the administration's word as to the worth of these expensive and highly complex projects is not only an abandonment of congressional prerogatives, but of our duty.

Mr. President, the conference on the Interior bill was closed 3 weeks ago but for the very difficult question of land acquisition. The administration has continually insisted that the money for Headwaters and New World Mine must be included in any Interior bill that the President would sign, and that such money could not be subject to an authorizing requirement. Senator MURKOWSKI has continued to insist on an appropriate role for the authorizing committee. Congressman YOUNG, Congressman HILL, Congressman RIGGS, and Senator BURNS desired to make certain that the communities impacted by the two acquisitions were adequately compensated. Congressman REGULA has insisted that a portion of the $700 million be made available to reduce maintenance backlogs on our public lands, rather than require all the money to be used to increase the public land base, and I should not fail to mention that Congressman OBEY, among others, was greatly displeased that the budget resolution dictated to the penny the amount that the Appropriations Committee could provide for priority land acquisitions.

The negotiations among all of these parties over the past several weeks have been exceedingly difficult. The compromise included in the conference report provides $699 million for priority land acquisitions and land exchanges, and critical maintenance needs. Of this amount, up to $250 million is for Headwaters Forest and up to $65 million is for the New World Mine. Authorizations for both projects are included in the conference report, but the acquisitions cannot be made until 180 days after enactment, providing the authorizing committees time to review the acquisitions and possibly recommend changes to the authorizing language. The authorizing language itself is the product of lengthy discussions between House and Senate authorizing committees, the Appropriations Committees and the administration. I should note that Senator MURKOWSKI was a reluctant participant in these discussions, and feels strongly that the authorizing legislation should have gone through the normal committee process. I will also say that the administration is not in complete agreement with the provisions of the authorization.

The major sticking point in these discussions over the last week has been the question of whether or not a formal appraisal would be required for the Headwaters and New World Mine acquisitions. The administration has insisted that appraisals are not necessary, and that Congress should be satisfied with an opinion of value—a term with no formal meaning. On the other hand, Senator MURKOWSKI, Congressman REGULA, and I all agree that a formal appraisal is the only way to safeguard the American taxpayer. While the conferees have reluctantly agreed not to cap the purchase price at the appraised value, the conference report does require an appraisal for each acquisition.

In spite of the great strides that have been taken to address the concerns of the administration elsewhere in the bill, I have no doubt that if this bill is vetoed by the President, it will primarily be because of the appraisal requirement for these two acquisitions. I also have little doubt that if the bill is vetoed, the $700 million stands a better chance of being removed from a future bill than does the appraisal requirement. I cannot entirely account for the administration's strong resistance to the notion of a formal appraisal. If either appraisal places the value of these properties below the price to which the administration agreed, the administration will have ample opportunity to dispute the appraisal. Congress does, from time to time, approve acquisition above the appraised value. If either appraisal values one of these properties above the price to which the administration has agreed, such appraisals will only support the administration's case that these acquisitions represent good buys for the taxpayer. In short, I think Congress has been extraordinarily fair in its dealings with the administration with regard to Headwaters and New World Mine.

Turning to the National Endowment for the Arts, my colleagues will recall that the House bill included zero funding for the NEA. The Senate bill included just over $100 million, a small increase over the current year level. The Senate also considered a number of NEA amendments during floor consideration, ranging from complete termination of the Endowment to greatly increasing the percentage of NEA funds that are provided as block grants to the States. Though the debate on these amendments made clear that there is significant concern about NEA's current structure and practices, the votes on the amendments also made clear that the Senate does not share what were apparently the views of the House.

The conference report $98 million for NEA—a remarkable outcome given the House position. In exchange for providing nearly all the funding included in the Senate bill, the House requested that the conference report include a number of reforms to the NEA's structure and procedures. As a result, the conference report increases the percentage of block grants to States, makes arts education a priority, and alters the structure and membership of the National Council for the Arts to reflect congressional interest in the NEA's conduct and direction.

With regard to the conference agreement on the NEA, it is safe to say that the House leadership is not pleased with the result. I think it is also safe to say that if this bill is vetoed and returned to conference, it is almost certain that the House will demand additional reductions in funding for the NEA. This is not a threat from an opponent of the Endowment. To the contrary, I have been a strong supporter of the NEA, even though I have been critical of some of the decisions made by the agency over the years. My comments are rather a simple recognition of current sentiment in Congress.

In a similar vein, I cannot say what would happen to the $700 million for land acquisition should this bill be vetoed. This comes not from someone who strictly opposes providing the $700 million, but rather from someone who included the money in this bill in the first place. I am simply stating the fact that this conference agreement is very delicately balanced, and that a decision by the administration to come back for one more bite at the apple—despite the great lengths we have gone to accommodate its concerns—will not be without peril.

On a less ominous note, I do want to take a brief moment to mention a few other items. First, I want to note the work that Senator JEFFORDS and Senator TORRICELLI have done in the interests of the preservation of Civil War battlefields—a subject near and dear to my heart. The Senators offered an amendment to this bill expressing the sense of the Senate that Civil War battlefield preservation should be a high priority for Congress. I know they would like to have done more, particularly with regard to earmarking a portion of the $700 million, but I do want them to know that I will continue to work with them in the allocation of the $700 million should this conference report be enacted. I also want to note some of the Civil War projects that are funded elsewhere in this bill, such as the $1.7 million provided for rehabilitation at Vicksburg National Military Park, the $2 million provided for stabilization work at Shiloh National Military Park, the $1 million provided for an interpretive center at Corinth battlefield, and the $3.5 million provided for land acquisition at Fredricksburg/Spotsylvania National Military Park. I am also very pleased that the conference report provides a more than $1 million operating increase for Gettysburg National Military Park, a subject on which Senator SANTORUM has worked very diligently.

I also want to clarify that the funding provided to the Fish and Wildlife Service for habitat conservation planning for the Preble's Meadow jumping mouse applies to four counties in Colorado. These mice range over four counties in Colorado and two counties in Wyoming. However, the mice occur on private lands in Colorado and on Federal land in Wyoming. The habitat conservation plan only applies to the private lands in Colorado.

Finally, I want to make special note that this bill includes funding for the National Park Service to study alternatives for the commemoration and interpretation of events associated with the integration of the Charleston School District in Arkansas and Central High School in Little Rock. While other Senators are familiar with the events surrounding the integration of Central High School in 1957, they may not be aware that the Charleston public schools were actually the first to integrate in Arkansas—by some accounts the first in the South—shortly after the *Brown* v. *Board of Education* decision in 1954. My colleagues may also not be aware that Senator BUMPERS is a former member of the Charleston School Board, and that he was counsel to the school board during the period in which the decision was made to integrate the Charleston schools. Perhaps the relatively smooth integration of the Charleston schools, as compared to the bitter struggle that took place at Central High School, is a most telling testament to Senator BUMPERS' wisdom and power of persuasion—qualities that we will sorely miss after his departure from the Senate.

With that I will once again express my thanks to Senator BYRD for all his help and guidance over the course of the year, and express my sincere hope that the President will sign this bill. I cannot stress too greatly the length to which we have gone to address the administration's concerns, nor can I overstate the delicacy of the balance that has been achieved in this conference report. Nothing good can come of the President vetoing this bill.

[EXHIBIT 1]

EFFORTS TO ACCOMMODATE ADMINISTRATION CONCERNS

FOREST SERVICE

Forest land management planning

The Senate bill included a provision prohibiting the expenditure of funds for revisions of individual forest plans until new forest planning regulations have been issued. Those regulations have been under review for eight years through two administrations, and have been withdrawn at the last minute prior to each of the last two presidential elections. Such delay is intolerable. The Appropriations Committee is greatly concerned that millions of dollars are being spent for forest plan revisions that will be invalid or obsolete upon issuance of the new regulations. The Committee is also concerned that the Forest Service may be revising plans pursuant to a set of regulations that have been drafted, but not aired in the public rulemaking process.

The conference language has been significantly revised to accommodate Administration concerns, while making clear that the current forest planning process is broken and needs prompt revision. The conference language allows funds to be expended for forest plan revisions under current regulations where a Notice of Intent to Revise was published in the Federal Register prior to October 1, 1997, or where a court order directs that a revision must occur. The statement of managers further clarifies that the new regulations need only be released in an interim form to comply fully with this provision.

Office of the Western Director

The House bill eliminated all funding for operations of the western director and special assistant to the Office of the Secretary of Agriculture. The Senate bill prohibited funding for this purpose absent approval through the reprogramming process. Despite House and Senate concerns about the use of funds for this purpose, the conference agreement allows Interior bill funds to be used for the western director up to the level provided in the Interior bill for fiscal year 1997.

Log exports

This important legislation bans the export of raw logs from national forest lands and from Washington State lands. It further alters rules governing substitution of private logs in the export market for federal timber. This legislation has bipartisan support and is the result of lengthy discussion among affected industries and parties in the affected states. This language encourages domestic processing of timber, creates more American jobs, and entirely bans the export of raw logs from State of Washington timber lands.

Forest roads

The Administration has objected to the fact that the conference agreement does not provide for the termination of the "purchaser credit" program for the construction of timber roads. The issue was hotly debated in both the House and Senate, but neither body voted to terminate the program. As such, the conference agreement is appropriate.

While I firmly believe that the real issue in this debate is the continued effort by fringe environmentalists to eliminate the harvest of timber from National Forests, I believe it would be wise for Congress and the Administration to resolve this issue somewhere other than on the floors of the Senate and House. I encourage the Administration to negotiate with the timber industry, environmentalists, and timber workers to develop reforms that will build confidence in the purchaser credit program, and provide assurances to taxpayers that the program is an efficient alternative to Forest Service road construction, and is not an industry subsidy.

Western red cedar

The conference report contains language that protects the economic stability of timber processors in the Pacific Northwest by requiring the Forest Service to make Alaskan Western Red Cedar available to processors in the contiguous United States before it can be exported. Although the bill language does not fully satisfy the Administration, it does have strong bipartisan support in the Pacific Northwest where timber producers have been severely harmed by reduced availability of public timber, and fully complies with Alaska's Tongass National Forest Land Management Plan.

Interior Columbia Basin ecosystem management project

The conference agreement includes language on the Columbia Basin ecosystem planning project in response to Congressional concerns about the time, cost, and lack of results associated with this and previous ecosystem planning efforts. The language instructs the Forest Service and the Bureau of Land Management to include in the Environmental Impact Statement (EIS) information on economic and social impacts at the sub-basin level. The conferees are aware that this may result in additional time and cost, but are willing to make this investment so that the people most affected by these decisions will have a better understanding of the impacts when the final EIS is implemented.

The conference agreement also requires a report to Congress on potential implementation costs and potential impacts on resource and commodity production in the Interior Columbia Basin. To date this project has cost taxpayers $90 million. The Administration has estimated that implementation of the plan could cost an additional $135 million per year. It is certainly legitimate for Congress to seek more information about such costs and impacts prior to finalization of the plan. The language gives the Administration flexibility to perform its analysis in an efficient manner.

President's northwest forest plan

The Administration has complained about language included in the Statement of Managers requiring that 757 million board feet be offered for sale under the Pacific Northwest Forest Plan, of which ten percent must meet the Administration's definition of "other wood." This language uses the Administration's own figures, and is simply included to provide some level of accountability to ensure that the Forest Service lives up to its commitments.

NATURAL RESOURCES

Lake Clark national park and preserve

The Senate bill included a provision extending the statute of limitations of certain Alaska Native Village Corporations and the area Regional Corporation to bring suit against the Department of the Interior with regard to certain land claims under the Alaska Native Claims Settlement Act. This provision was acceptable to the Administration. A second provision added in conference would have required future litigation on this issue to be considered in trial de novo, and would have required that certain elements of such litigation be construed to the benefit of the Native Corporations. Sen. Stevens strongly believed this amendment to be appropriate from the standpoint of fairness to the Native Corporations, but the Administration also felt strongly that the additional provisions were contrary to the agreements that the Department of the Interior had reached with the Native Corporations regarding land selections.

The conference report includes the Senate provision extending the statute of limitations, as well as language allowing additional evidence to be introduced in any litigation that may ensue. The language included in the conference report has been agreed to by the Administration.

Rulemaking on hardrock mining

The Administration objected to the Senate Appropriations Committee's provisions in section 339 which would have prohibited Department of the Interior's use of funds for a rulemaking to update rules on surface management of hardrock mines until the Secretary of the Interior established a Federal-State advisory committee that would have prepared a consensus report for Congress on the relationship of State and Federal surface management policies. In response, section 339 has been amended to permit the Interior Department to develop a rulemaking on hardrock mining upon the certification by the Secretary of the Committees of jurisdiction in the House and Senate that the Department has consulted with the governor of each state that contains public lands open to location under the General Mining Laws. The publication of proposed regulations shall not occur before November 15, 1998 and regulations shall not be finalized prior to 90 days after publication of the proposed regulations.

Grizzly bears

The conference agreement does include a limitation on funds for the reintroduction of grizzly bears in the Selway-Bitteroot area of Idaho and Montana. This provision was adopted by unanimous voice vote during Senate committee markup and was not contested on the Senate floor. At the request of the Administration, however, the language has been changed to make clear that the Environmental Impact Statement on reintroduction can proceed to a Record of Decision. Since the Administration has stated that actual reintroduction is unlikely to take place in fiscal year 1998, it is unclear what substantive objection remains.

Alaska subsistence

The Administration strongly objected to a provision in the House bill that would have extended a moratorium on the assumption of Federal control over fisheries management in Alaska pursuant to the Alaska National Interest Lands Conservation Act. The conference agreement incorporates a compromise between Members of the Alaska delegation, the Administration, the State of Alaska and other elected officials in Alaska that will facilitate resolution of the subsistence issue. This provision is directly relevant to the appropriations process, as the cost to the Federal government of assuming management responsibilities would be substantial.

World heritage and man in the biosphere programs

The House voted to prohibit the use of funds for the World Heritage and Man in the Biosphere programs, a provision to which the Administration has strongly objected. The conference agreement does not prohibit the use of funds for the World Heritage program, which has grounding in prior statute and treaty, but does prohibit the use of funds to nominate sites under the Man in the Biosphere program until that program is specifically authorized by Congress. Authorizing legislation addressing these issues is under active consideration by Congress, and it is reasonable for the Appropriations Committee to prohibit the use of funds for the Man in the Biosphere program until U.S. participation in the program is authorized.

Pennsylvania avenue redesign

The conference agreement prohibits the Administration from expending Interior bill funds for redesign of Pennsylvania Avenue between 15th and 17th Streets, N.W., without the approval of the Appropriations Committees through the reprogramming process. The Administration objected to the original version of this provision on the grounds that it might have prevented the implementation of security measures to protect the White House. While such was not the intent or effect of the amendment as originally proposed, the amendment has been modified at the request of the White House.

The Treasury Department has received over $51 million in direct appropriations since 1996 specifically for security around the White House. The provision in the Interior bill is directed at funds that would be spent by the Park Service, primarily for beautification of the area. The Administration has chosen an option for the redesign that would cost over $50 million. The details of this plan were only recently released, and have received very little scrutiny. The Appropriations Committee simply wants the opportunity to discuss with the Administration its proposal before a significant amount of Park Service funds is committed to a particular plan of action.

ARTS PROGRAMS

Smithsonian Institution

The Administration objection to the fact that the House bill provided no funds for construction of the National Museum of the American Indian Mall Museum. The conference agreement provides $29 million for the first half of construction costs as proposed in the Senate-passed bill and in the Administration's budget request.

Woodrow Wilson International Center for Scholars

The conferees agreed to fund the Woodrow Wilson International Center for Scholars (WWIC) at the budget request level of $5.8 million, as proposed in the Senate bill. Due to concern about administration of the Center's programs, the House recommended a $1 million appropriation for FY 1998—an amount that would have terminated the Center's operations.

National Endowment for the Arts

The House bill included no funding for the National Endowment for the Arts. The Senate bill included $100 million, a decrease below the request but a slight increase over FY 1997. There was considerable debate about the NEA during conference, but the final result was a compromise that substantially protects the Endowment's current funding level. Certain reforms to the NEA's structure and grant-making processes were adopted, but provisions to expand radically the black grant program or impose an administrative budget cap—two items of particular concern to the Administration—were not among the reforms adopted. The conferees also rejected an effort to reduce the appropriation by $10 million below the Senate level.

PROGRAMS FOR NATIVE AMERICANS

Tribal priority allocations

The conference agreement provides funding for BIA Tribal Priority Allocations (TPA) at the Administration's requested level, the level included in the Budget Agreement. Within that amount, the conference agreement requires that all federally-recognized tribes be provided at least the minimum level of TPA recommended by the BIA, a goal supported by the BIA and Interior Department but missing from the President's request.

The TPA language included in section 118 of the conference report represents a serious attempt to respond to the Administration's concerns about the original Senate language, while still addressing the fact that discretionary appropriations are limited, and that the TPA pro rata allocation is inequitable and unresponsive to the disparate needs of the tribes. Currently, 309 of 526 Federally-recognized tribes do not receive the minimum recommended level of TPA. The Administration has not requested measures to rectify the inequitable distribution of TPA among the tribes. The Senate proposed a new distribution method based on a number of factors to measure the relative means of tribes. Despite universal agreement that the current distribution method of TPA is archaic and has resulted in great financial disparity among the tribes, the Administration opposed the Senate's proposal.

The Conference report provides full funding for TPA at the requested level to be distributed as follows: All pro rata TPA programs will be funded at the fiscal year 1997 level adjusted for all fixed costs and internal funding transfers; all formula-funded TPA programs will be funded at the requested level; all Federally-recognized tribes will receive at least at the minimum level of $160,000 in TPA funds as recommended by the BIA; and any remaining funds will be distributed based on recommendations of a task force, which shall include tribal leaders, to be established by the Secretary of the Interior.

Taxation of tribal revenues

Contrary to Administration complaints that the Congress would add such a provision to the bill, the conference report contains no provision that would prohibit the Secretary of the Interior from taking land into trust for any tribe that had not entered into a binding agreement with State and local governments regarding the tribe's collection and payment of State and local sales and excise taxes on retail purchases made on the land by non-tribal members.

Sovereign immunity

The Senate bill originally contained a provision that would waive the sovereign immunity of Indian tribes accepting certain Federal funds. The Administration strongly objected to this provision, which was removed during Senate floor consideration in response to commitments from the Chairman of the Senate Indian Affairs Committee to conduct hearings on the issue and to mark up a bill from the Committee during the next session of Congress.

Indian gaming

The Conference Report contains the Senate-passed provisions at section 129 concerning approval of Tribal-State compacts for Indian gaming. The Administration opposed this language in a September 30, 1997 letter to Congress. The Administration is reminded, however, that the amendment was modified by its sponsors in response to concerns that the original version would have resulted in Federal law preempting State law. The Conferees are concerned that the States affected by Indian gaming within their borders are kept out of the decision-making process with regard to Indian gaming. Section 129 prohibits the Secretary of the Interior from unilaterally approving any initial Tribal-State compacts for class III gaming entered into on or after the date of enactment of the Interior Appropriations Act. Section 129 does not affect Secretarial review or approval of a renewal or revision of, or amendment to, existing tribal-State compacts.

The Conferees modified section 131 as passed by the Senate, which the Administration opposed. As passed by the Senate, section 131 would have prevented the National Indian Gaming Commission (NIGC) from taking action to change its current regulations to define certain types of new electronic gambling. As modified, the provision prohibits the NIGC from issuing draft or final rules, but clarifies that the Commission may gather information during fiscal year 1998 relating to the Advanced Notice of Proposed Rulemaking on such regulations it recently published. Given the time required to proceed with information-gathering relative to the Advanced Notice, the year prohibition will not be an undue interference with the Commission in exercising its regulatory and oversight duties on tribal gaming activities.

The National Governors Association supports both section 129 and section 131.

DEPARTMENT OF ENERGY

Energy conservation

The conference agreement provides $612 million for Energy Conservation programs, an amount which is roughly a split between the comparable levels provided by the House and Senate. While the amount provided by the conference agreement is below the budget request, it is $42 million above the FY 1997 level—a substantial increase.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

Mr. President, I am pleased to join Senator GORTON today in bringing the conference report on the fiscal year 1998 Interior appropriations bill before the Senate. The Senate completed its action on this bill in September. The formal conference was completed on September 30, and discussion and negotiation regarding a limited number of outstanding items was finally completed just a few days ago. The conference report was filed on October 22, and was approved by the House last Friday by a vote of 233–171. Inasmuch as we are now several weeks into the fiscal year, I hope that the Senate will be able to complete its consideration of this appropriations measure expeditiously, so that the bill can be presented to the President and the agencies can begin implementation of the programs funded for fiscal year 1998 once this bill is enacted.

The agreements before the Senate today total $13.8 billion in budget authority, and $13.7 billion in outlays, as scored by the Congressional Budget Office. This conference agreement substantially fulfills the commitments for Interior bill programs included in the bipartisan budget agreement of which I had no part and which personally I don't recognize, and incorporated into the budget resolution earlier this year.

Mr. President, as with nearly every conference, reaching agreement on this conference report required difficult choices and a search for balance between competing priorities of the House, the Senate, and the administration. This bill provides important resources to address important needs for our public lands and natural resources, as well as for Indian programs, energy research and development, and our core cultural programs. The major legislative provisions of concern have been modified to address some of the concerns of the administration.

Mr. President, Senator GORTON has done an excellent job of summarizing the many factors at work in reaching the agreements contained in the conference report now before the Senate. The negotiations over the special $700 million land acquisition account were protracted, with each side giving some in order to reach a final agreement. We do not yet know whether the President will approve or veto this legislation. As Senator GORTON has suggested, many changes were made to this bill to reflect the concerns of the administration, while protecting Congress' role—while protecting Congress' role in determining the expenditure of funds and proper oversight responsibilities. Just as no Member of Congress got everything he or she might have wanted from this appropriations measure, neither did the administration. But the overall product is a good one, and I hope it will be enacted. I do not believe that closure on further issues of concern will be easier if the bill is vetoed.

Among the highlights of this conference report are these:

Funding for the National Park Service remains a priority. The recommendation includes an operational increase of $79 million over the fiscal year 1997 level. Other significant park increases are provided for construction and land acquisition.

A significant initiative to focus attention on the operational requirements and habitat restoration and maintenance backlogs of our national wildlife refuges is supported, with increased funding of $40.8 million above fiscal year 1997.

As to our Nation's energy research and development programs, the investment in those programs is continued. Fossil energy research and development is funded at $362.4 million, which is $2.3 million below the fiscal year 1997 enacted level. Increases above the budget request are provided to sustain technology development programs intended to produce environmental benefits while improving energy efficiency.

On another matter, the conference agreement fully funds the President's request for tribal priority allocations at $757.4 million, an increase of $76.5 million over fiscal year 1997 levels.

As to the National Endowment for the Arts, the conference agreement includes $98 million to continue the National Endowment for the Arts. A package of reforms is included in the bill to address concerns over the use of Federal funds in support of the arts. These reforms include an increase on the amount of funds allocated directly to the States; a cap on the amount of funds that can be awarded to each State from the competitive grants pool; changes in the structure and composition of the National Council on the Arts; prohibitions regarding grants to individuals; and an emphasis on arts education.

With reference to land acquisition, this bill provides a special land acquisition account as recommended in the budget resolution. The account is funded at a level of $699 million, which includes $315 million for the Headwaters Forest, CA, and New World Mine, MT; $22 million in special payments for affected local areas in California and Montana; and the balance is available for priority land acquisitions, exchanges, and maintenance to be identified by the Department of the Interior and the Forest Service, and for which the committees on appropriations will have final approval. The conference agreement includes legislative language establishing initial parameters for the completion of the two large exchanges.

Mr. President, it is my privilege and great pleasure to serve as the ranking member at the side of our very able chairman, the senior Senator from Washington, Mr. GORTON. We have worked closely, as we always have, on the product that we present to the Senate today. In his stewardship of this bill as chairman of the committee, Senator GORTON has been very fair, he has been bipartisan in his handling of the many programs and issues which were negotiated in the conference. I commend this conference report to the Senate and urge Senators to support its approval.

Mr. President, I yield the floor and suggest the absence of a quorum. I ask unanimous consent that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, for how long does the distinguished Senator wish to speak? I have no objection. I just think we should know how long he expects to speak.

Mr. FEINGOLD. Mr. President, I ask for 20 minutes to speak.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from West Virginia.

HUMAN RIGHTS SITUATION IN CHINA

Mr. FEINGOLD. Mr. President, I also rise today, as did the Senator from Minnesota, to discuss the visit of the President of the People's Republic of China, Mr. Jiang Zemin, who arrives in Washington tonight for a state visit.

That Mr. Jiang and President Clinton will meet is not in itself extraordinary. The promotion of dialog between the United States and China can be a constructive local of our own diplomatic energies. Indeed, President Clinton has already met Mr. Jiang several times at various international fora.

What strikes me is the kind of visit that is about to take place. It is a state visit that involves champagne toasts and 21-gun salutes—all the trappings of honor and prestige. While I do not oppose high-level contact, I feel strongly that the pomp and ceremony of a state visit is inappropriate at a time when the human rights situation in China and in Tibet remains such a serious obstacle to good relations.

Simply put, it is my view that an official state visit is premature, absent a stronger commitment from China to improve human rights. I fear that this state visit will actually boost the legitimacy of a regime that brutalizes its own people and jails anyone who dares to complain.

In other words, Mr. President, while dialog is important, you don't need champagne toasts and red carpets to have a dialog.

Is the memory of the Tiananmen Square massacre so distant that we are willing to clink glasses with China's leaders as though nothing happened in Tiananmen Square? For me, the answer is no. When Jiang is given a 21-gun salute tomorrow, the South Lawn will sound much like the streets of Beijing did on the night of June 4, 1989.

By agreeing to this state visit without receiving any kind of concession in the area of human rights, the administration may be squandering perhaps its strongest source of leverage with Beijing. Nevertheless, if the administration insists on hosting Jiang Zemin right now, the least that can be done is to accord discussion of human rights the same priority as the myriad other issues that confront our bilateral relations with China. Unfortunately, I don't think that is going to be the case.

As we all know, there are many areas of disagreement between the United States and China, aside from human rights. The United States' trade deficit with China will likely reach $50 billion this year. China has a long and well-known record of assisting the nuclear programs of Iran and Pakistan and, as always, the sensitive issue of Taiwan remains a trouble spot.

Arguably, there are some positive signs. China has agreed to make significant cuts in tariffs as a part of its bid to join the World Trade Organization, and Beijing has promised to tighten controls on nuclear exports. It is widely reported that an agreement to restart United States-China cooperation on nuclear power will be the centerpiece of the summit.

Mr. President, on human rights there are few, if any, positive signs. Despite China's announcement on Saturday that it will sign the United Nations' Covenant on Economic, Social and Cultural Rights, I see no evidence of real human rights improvement on the ground. The fact that human rights conditions in China are growing worse, not better, indicates that human rights needs to be given top priority.

Three years after the President's decision to delink most-favored-nation status from human rights, a decision that I have always said was a mistake, we have seen the reimprisonment of dissidents and increased repression in Tibet. The State Department human rights report makes this very clear. According to the report covering the calendar year 1996:

> The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms . . . Abuses included torture, and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy and workers rights.

Just one year ago, we were witness to yet another example of these policies when Wang Dan, one of the leaders of the 1989 pro-democracy demonstrations in Tiananmen Square, was sentenced to 11 years in prison. Also last December, a Beijing court sentenced activist Li Hai for collecting infomation on those jailed after the 1989 Tiananmen massacre.

The situation is just as bad in Tibet. Last year, China arrested Ngawang Choepel, a Tibetan musicologist and Fulbright scholar, and sentenced him to 18 years in prison on trumped-up spy charges. China has also intensified its campaign to smear the Dalai Lama, the spiritual leader of the Tibetan people and a Nobel laureate. Tibetans are not even free to display a photo of the Dalai Lama, much less show reverence for him. There have been numerous reports of Tibetan monks and nuns suffering torture at the hands of Chinese authorities. The State Department human rights report cites three recent cases of Tibetan monks who died while in jail.

Mr. President, despite signing two formal agreements with the United States on prison labor, Chinese prison-labor products continue to appear on our shores. Tong Yi, who worked as an assistant to Chinese dissident Wei Jingsheng, knows the prison labor system first hand. Released just last year after serving a 2½-year sentence of re-education through labor—a sentence she received, by the way, without the benefit of any kind of trial—Ms. Tong says she was forced to work endless hours making products for export.

In the rush to reach agreements with China on WTO and proliferation, the United States cannot shove human rights aside. While the United States can and does talk tough on issues such as trade and intellectual property protection, we must do the same when the conversation turns to Tiananmen and Tibet.

In the run-up to the summit, Mr. Jiang has given several interviews during which he made some disturbing comments on human rights.

When Time magazine asked Jiang Zemin about the plight of political dissidents Wang Dan and Wei Jingsheng, Jiang responded that Wang and Wei are criminals, not dissidents. Indeed, it is a crime in China to publicly and peacefully criticize the Government as Mr. Wang and Mr. Wei have done.

Mr. Jiang is willing to dismiss questions about human rights because he likely thinks U.S. concerns extend to only a few high-profile dissidents. But, in fact, Wei Jingsheng and Wang Dan are merely symbols of the hundreds, if not thousands, of people in the People's Republic of China who are thrown into prison cells for demanding democracy, organizing prayer meetings, or for simply displaying loyalty to the Dalai Lama. These people might not be as famous and Mr. Wang and Mr. Wei, but they show the same type of courage, and they are every bit as important.

Mr. President, there are three key messages on human rights that Jiang Zemin must hear loud and clear while he is in Washington.

First, Jiang Zemin must realize that people who care about conditions in China seek more than the release of a token dissident or two. China likes to play a game where people like Wei Jingsheng are used as bargaining chips in the PRC's effort to curry favor with the international community at key moments. We saw this in 1993, when China tried to win a bid to host the year 2000 Olympic Games. Just a week before the International Olympic Committee was to vote on the matter, China released Wei Jingsheng. As we all know, Beijing lost the bid and, a few months later, Wei Jingsheng was back in prison, on charges of subversion.

We saw this again in 1995 when China suddenly decided to release Chinese-American human rights activist Harry Wu shortly before the First Lady was to arrive to address the U.N. women's conference.

But, the United States should not get caught in this cynical game.

For there to be true friendship between the United States and China, China must implement across-the-board and institutional changes such as strengthening the rule of law and allowing citizens to question government policy without fear. Jiang Zemin and other Chinese leaders must realize that United States-China relations will never reach their full potential so long as hundreds, if not thousands, of dissidents languish behind bars; so long as Tibetan Buddhists are subject to arrest and torture; and so long as citizens are not free to select their rulers.

Second, the United States must make clear to Jiang Zemin that the United States will not allow China to redefine the concept of "human rights" in a way that makes the term meaningless.

China's leaders have stated numerous times that the Peoples Republic of China is committed to upholding the 1948 Universal Declaration of Human Rights. This document affirms the right of every human being to enjoy freedom of expression, freedom of religion, and freedom of peaceful assembly. There is no special exception for China or any other country, nor should there be.

Furthermore, article 35 of China's own Constitution states that "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration."

China's late paramount leader Deng Xiaoping was found of saying "seek truth from facts." Well, the fact is that China denies its citizens the very rights that the Government has vowed to protect.

I would like to ask Mr. Jiang if his government ever intends to grant its citizens the rights that, according to his country's own Constitution, Chinese citizens should already enjoy. Or will China's article 35 remain a meaningless provision, subject to endless caveats about the need for state security, social stability, and the rights of the collective? Will China continue to say it upholds the Universal Declaration of

Human Rights, even though it systematically violates so many of the declaration's principles?

If the United States can demand that China fulfill its obligations under the international arms control regime, then the United States should be able to demand just as strongly that Beijing keep its obligations under international human rights agreements.

Third, Jiang Zemin should know that those of us—in the United States and around the world—who demand improvements in human rights are not trying to impose American or Western values on China, nor are we demanding that China be perfect according to some kind of American ideal. That would not be appropriate.

China does often point to many flaws in American society: The high crime rate and the lingering problems of poverty and drugs. China's official media often refers to the United States political system as a "money bags democracy." Indeed, proponents of campaign finance reform, like myself, find some validity in that Chinese assessment.

But what Chinese leaders do not seem to understand is that being open about your problems is a sign of strength, not weakness. China lacks even the ability to acknowledge its severe human rights problem. Those of us that wish to promote human rights improvements want to encourage China to establish the tools—a free press, open debate, and respect for political and religious minorities—that will ultimately make China a stronger society and nation.

Mr. President, protecting human rights, respecting free speech, and tolerating dissent will bestow more legitimacy on China than any summit or White House photo-op could ever do.

This is what Jiang Zemin needs to hear.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MURKOWSKI. Mr. President, may I inquire whether or not there is a time allocation under the standing orders of the Senate?

The PRESIDING OFFICER. The Senator has been allocated 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, as chairman of the committee with jurisdiction over many of the agencies funded by this appropriations bill, the Energy and Natural Resources Committee, I rise to express several concerns about the Interior appropriations conference report that is before us today.

Included in the conference report are numerous provisions that are important to my State of Alaska; none more critical than language extending a moratorium preventing a Federal takeover of the management of Alaska's fisheries until December 1, 1998.

Mr. President, last year, the Alaska congressional delegation was successful in temporarily preventing the Federal Government from taking over the management of our fisheries. That moratorium is about to expire.

If this conference report is not adopted, the Federal takeover is inevitable, forcing the citizens of my State of Alaska to live with fisheries management not seen since territorial days. This is what statehood was all about, Mr. President, giving the people of Alaska the authority to manage our fish and game. We have just about come full circle.

I cannot in good conscience turn the clock back on all of the advances that we have made in 38 years since statehood. It is for that reason primarily that I am inclined to vote for this conference report.

However, Mr. President, I want to express my objection to several areas, specifically in the process that has led to the inclusion of amendments to the Alaska National Interest Lands Conservation Act, ANILCA, as a part of the extension of the moratorium, as a consideration for the moratorium,

Mr. President, several months ago the Secretary of the Interior, Mr. Bruce Babbitt, informed the Alaska delegation that he would recommend a Presidential veto of another moratorium extending the prohibition of the Department of the Interior to take over the management of fish and game.

The Secretary has now withdrawn the veto threat, but only under the condition that a provision which effectively amends ANILCA title VIII be included in this conference report. The provision also requires that the Alaska Legislature act and the people of Alaska approve the changes in a referendum before the amendments to ANILCA are effective. These amendments were worked out by Alaska's Governor, the Secretary of the Interior, and the chairman of the Appropriations Committee. I was not a party to these negotiations, and I believe that there were other options that should have been explored.

Nevertheless, Mr. President, rather than a congressional moratorium, my hope specifically would have been for the Secretary of the Interior and the Governor to have worked together so that the Secretary could have applied to the court for an extension of time to avoid a Federal takeover, based specifically on progress that was being made. And, indeed, Mr. President, there was a good deal of progress.

A task force was established by the Governor. That task force met several times and made its final recommendations. The Alaska Federation of Natives held a number of meetings and came up with its seven-point proposals. The State house resources committee held statewide hearings. And the State senate held hearings in September. So there was a good deal of evidence that progress was being made.

Perhaps this would have led to a special session and a resolve by the legislature, along with the input from the AFN, to give all Alaskans an opportunity to vote on the issue next year.

Unfortunately, there was no input by the legislature, the elected representatives of the people. My fear is now that some in our State, some Alaskans, will have the unreasonable expectation that future moratoriums can simply be obtained by the delegation—we have done it before—and the State legislature would therefore have an excuse not to finally resolve the issue.

The legislature will have a chance to receive input and provide recommendations on the proposed amendments to title VIII of ANILCA.

I tell the people of Alaska that it will be highly unlikely that we are going to see another moratorium legislated by Congress. The extension of the moratorium will provide the State legislature with an additional 14 months to work toward a resolve on the subsistence issue. As I indicated, the legislature will have the chance to receive input and provide recommendations to the proposed amendments of title XIII of ANILCA.

Mr. President, as chairman of the Energy and Natural Resources Committee, my intention, after the State legislature acts, is to conduct hearings here in Washington to cover the context of the language in the Interior appropriations bill and to receive input from the legislature and the State of Alaska, native groups, sportsmen's groups, and other interested parties on any further amendments to ANILCA title VIII that might be appropriate.

Mr. President, avoiding a Federal takeover of fish and game management is simply critical in my State. When Alaska became a State, Alaskans were united in our desire to take over the management of our fish and game. Many Alaskans still have vivid memories of the disaster of Federal control. Alaska salmon runs plummeted to 25 million fish with Federal bureaucrats in control in Washington, DC. Under State management, our runs are increasing and have approached 200 million in the last few years.

Alaskans must act now by participating in a process and agreeing to a solution to prevent a Federal takeover of our fisheries and gaining back control of our game management. The State, not the elusive Federal bureaucrats with no accountability to Alaskans, should manage our fish and game. They are responsible to the people of Alaska. And they are certainly accountable in Alaska as to managing the fish and game.

A subsistence solution I think must follow four basic principles that must be laid down as objectives.

First must be the protection of our resource. It must return and keep management of fish and game to the State of Alaska.

It must provide all the subsistence needs of rural Alaskans, and it must be fair to all Alaskans.

This issue must be resolved while both Congressman DON YOUNG and I retain our respective chairmanships of the committees of jurisdiction on this issue. Some have suggested we simply repeal the Federal subsistence law. But the Clinton administration, of course, would oppose this and would undoubtedly veto the bill. Even if we did, the Secretary of the Interior, Secretary Babbitt, would still have the authority to enforce a Native-only subsistence priority based on his trust responsibilities to Alaska Natives established by Indian law.

As I indicated earlier, we have made more progress in the past year on resolving the subsistence issue than any time in the past. We have involved the Governor, the Natives, and the legislature in moving forward on this issue. These constructive actions are why I support the moratorium contained in the conference report but object to the process or lack thereof by which the ANILCA amendments were included without the input of the representatives of Alaska; namely, the State legislature.

In the meantime, Mr. President, let me commend and support the ongoing process in the State to come to a general consensus and put a solution on the ballot in November 1998 so that Alaskans have the ability to vote on a final solution. This is an Alaskan issue, Mr. President. It mandates an Alaskan solution. As chairman of the Senate Energy Committee, I stand ready to work on amendments to Federal subsistence in concert with Alaska.

KETCHIKAN HEALTH CARE

Another item of note, Mr. President, I want to express my disappointment that the conference report does not contain a provision that prevents the Indian Health Service, IHS, from entering into two contracts for Native health care clinics in the community of Ketchikan, AK. This was a provision that passed the Senate and would have prevented the Indian Health Service from entering into those two contracts. Mr. President, this is simply a waste of taxpayers' money.

Unfortunately, the Indian Health Service declined to exercise their administrative discretion. Although I personally made contacts with the administrator, they refused to exercise their administrative discretion to contract with only a single facility. Had IHS done so, it would have avoided paying $500,000 a year in additional and unnecessary administrative costs that will be borne by the America taxpayer at the expense of health care, in my opinion, for Alaska Natives. As we increase our administrative funds that leaves less for care.

Instead, Mr. President, the Indian Health Service ducked the cost issue, hiding behind the policy of the Indian Self-Determination Act. They are choosing to satisfy two Native entities rather than looking at ways to deliver the most efficient and the best health care for the money. It seems incredible that at a time when we have been slowing spending and other Federal health programs, Indian Health Service would choose to waste money on administrative overhead instead of making the tough health care decisions as to who is best qualified.

The final conference report allows for the possibility of two Native health clinics to be operated within a couple of miles of each other in Ketchikan, AK. I still fail to see the logic of the decision by IHS to authorize both clinics in a small community, and I intend to pursue this matter again with IHS.

STRATEGIC PETROLEUM RESERVE

Further, Mr. President, another area I want to address, is my dismay at the recent practice of using the strategic petroleum reserve, or SPR, as a piggy bank. The trend continues in this year's Interior appropriations bill.

Last year we sold oil in the SPR that cost $33 a barrel for $18 to $20 a barrel. As a result, we lost the taxpayers almost half a billion dollars. But it doesn't look like we have learned our lesson.

The fiscal year 1998 Interior appropriations bill sells another 207.5 million dollars worth of SPR oil, a sale that will cost the taxpayers an additional $170 million.

Buying high and selling low never makes sense. I wonder if we are like the man in the old joke who is buying high and selling low, claiming "he would make it up on volume." This is a complete waste of taxpayers' money, and it must be stopped.

PRIORITY LAND ACQUISITIONS AND EXCHANGES

Finally, Mr. President, as chairman of the Energy and Natural Resources Committee, I have taken an active interest in how the additional $700 million from the Land and Water Conservation Fund is appropriated for priority lands acquisitions and exchanges. I have strongly advocated appropriating moneys from the fund in a manner consistent with the terms and the spirit of the Land and Water Conservation Act.

I want to express my disappointment with how this money was ultimately appropriated. However, I do want to commend my good friend, Senator GORTON, and his extraordinary staff for a job well done and to thank him for the efforts that he took to accommodate my concerns with these provisions.

Title V of H.R. 2107, as it emerged from conference, differs dramatically from the bill which was passed by both the Senate Appropriations Committee and the full Senate last month.

First, the $100 million that the Senate appropriated for the stateside Land and Water Conservation Fund matching grant program has been eliminated. This is unfortunate. This program provides vitally needed matching funds for State and local parks and recreation projects. Unfortunately, for the fourth year in a row, no moneys are provided for this program, which is universally supported by mayors, Governors, environmental groups, and many others who care about park and recreation issues.

Second, title V appropriates Land and Water Conservation moneys to the Federal land management agencies for uses not otherwise authorized by the Land and Water Conservation Act: namely, critical maintenance activities and mitigation payments associated with the Headwaters Forest and New World Mine acquisitions. While I do not disagree that the money needs to be appropriated for these purposes, I believe this sets a very dangerous precedent for use of the Land and Water Conservation moneys.

Finally, and most significantly, I object to the decision to authorize the Headwaters Forest of New World Mine acquisitions on the appropriations bill. It doesn't belong there. It belongs in the authorizing committee. This decision is clearly within the purview of the Energy and Natural Resources Committee and not the Appropriations Committee. If appropriators are allowed to circumvent the authorizers as blatantly as they have tried, then what role are authorizers, all authorizing committees, to play in future Congresses?

Nonetheless, I again commend Senator GORTON and Senator STEVENS, along with the majority leader, for ensuring that the members in my committee are provided a meaningful opportunity to review the authorizations contained within the bill. I intend to hold them to their commitment to provide the supplemental appropriations bill as a vehicle for any amendments to this authorization reported by the committee.

I also appreciate the fact that the authorization requires the administration to perform appraisals on these acquisitions and provides time for Congress to review the appraisals before the funds appropriated for the acquisitions are released. The American taxpayers are entitled to know whether or not the Headwaters Forest and the New World Mine purchases are the great deals that the Clinton administration claims.

Mr. President, this is a flawed conference report. But I cannot turn my back on the people of Alaska and vote against it because there are many provisions that benefit the people of my

State. Most importantly, this conference report prevents a Federal takeover of fish and game management and I will therefore vote for the conference report.

ALASKA-SPECIFIC APPROPRIATIONS

Mr. President, although the extension of the moratorium contained in this conference agreement is critical to every Alaskan, there are several other provisions that should not go unnoticed.

NPR–A: The conference agreement contains language amending the lease terms in the National Petroleum Reserve which allows leases to be offered for an initial period of not less than 10 years. In addition, this provision allows for an extension of the lease for as long as the oil and gas is produced in paying quantities.

Additionally, the change will allow lease holders to unitize, providing for more efficient development of the NPR–A area if, in fact lease sales are offered next years.

PILT: The funding level for the payment in lieu of tax [PILT] program has been raised from $113.5 to $120 million. This is especially important for Alaska communities especially since Congress last year provided that communities within unorganized boroughs are eligible for PILT payments.

RS2477: The conference report also makes clear that previous appropriations language preventing final rules or regulations from taking effect regarding the validity or recognition of RS2477 claims is, in fact permanent law.

Glacier Bay: The conference report also ensures safer access to Glacier Bay National Park for those people who use the ferry from Juneau, including the handicapped and elderly.

Stampede Mine: Mr. President, I must commend the appropriators for also including a provision that allows, after 10 years, that the University of Alaska will finally get just compensation for mining properties that the Park Service destroyed.

Spruce bark beetle: Also included in this conference agreement is an appropriation of $500,000 to the U.S. Forest Service to work with the stakeholders in Alaska to develop an action plan to manage the spruce bark beetle infestation in south-central Alaska, and to rehabilitate the infested areas.

Appendix C: The conferees have also provided a 1-year extension for five small villages in the Lake Clark area of Alaska to file a lawsuit regarding lands these villages were promised more than 20 years ago under ANSCA.

Kantishna: Language is also included in the conference report that provides both claim owners in the park and the National Park Service with an expedited mechanism to resolve these claims. Consenting owners will be allowed to obtain compensation 90 days after enactment of this act. However, taking matters will be left to the parties or the court system to resolve.

Red cedar: I am also pleased that in working with Senator PATTY MURRAY, we were able to foster greater utilization of Alaska red cedar and achieve greater efficiency in Tongass timbers sales in general.

Forest Service: This conference report also provides direction to the U.S. Forest Service that it not waste any money on expensive forest planning revisions until new regulations concerning forest planning are issued.

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

As chairman of the Energy and Natural Resources Committee, I rise today to speak about title V of H.R. 2107. Throughout the appropriations process, I have taken an active interest in the additional $700 appropriation from the Land and Water Conservation Fund [LWCF] for priority land acquisitions and exchanges. While I am disappointed with how this money was ultimately appropriated, I want to commend Senator GORTON and his staff for a job well done and thank him for the efforts he took to accommodate my concerns with these provisions.

Since last spring, I have strongly advocated appropriating moneys from the LWCF in a manner consistent with the terms, and spirit, of the LWCF Act. The LWCF provides funds for two purposes: the purchase of Federal land by the land management agencies—the Federal-side LWCF Program—and creates a unique partnership among Federal, State, and local governments for the acquisition of public outdoor recreation areas and facilities—the stateside LWCF matching grant program.

Title V of H.R. 2107, as passed by both the Senate Appropriations Committee and the full Senate, appropriated LWCF moneys for both of these programs. In that bill, $100 million was appropriated to the stateside LWCF matching grant program, with the remainder appropriated for Federal land acquisitions and land exchanges, including $250 million for the purchase of the Headwaters Forest in northern California and $65 million for the purchase of the New World Mine property outside of Yellowstone National Park. Both of these acquisitions, which were requested by the Clinton administration, were made contingent on the enactment of separate authorizing legislation. They are not land acquisitions otherwise authorized by the LWCF Act and raise substantial land policy questions which reach well beyond the property being acquired.

Unfortunately, in conference, the Senate's efforts to reinvigorate the LWCF were undermined. While the total commitment from the LWCF included in this bill is by the far the largest in nearly two decades, no money is provided for the stateside LWCF matching grant program. At the same time, the LWCF moneys appropriated to the Federal land management agencies are authorized for uses inconsistent with the LWCF Act.

Moreover, the conferees chose to authorize the acquisition of the Headwaters Forest and New World Mine property in this appropriations bill. As anyone involved with the conference can attest, I objected to this decision and was, at best, an unwilling participant in the process to authorize these acquisitions on H.R. 2107. I am left to wonder what role the authorizing committees, and the Senate for that matter, are to play in the writing of the laws which authorize the spending of the taxpayers money and the management of the public's lands. The conferees did include requirements which will provide the authorizing committees with an opportunity to conduct meaningful review of the acquisitions and provide protections to the American taxpayers.

STATESIDE LWCF MATCHING GRANT PROGRAM

The stateside LWCF matching grant program is one of two purposes for which LWCF moneys can be appropriated. The LWCF Act recognizes that a significant portion of the annual LWCF appropriation will be spent on the stateside matching grant program and, before the 1976 amendments to the LWCF Act, mandated that 60 percent of the annual LWCF appropriation go to the stateside LWCF matching grant program. The LWCF Act now implies such an appropriation by specifying that "not less than 40 percent of [the annual LWCF] appropriations shall be available for Federal purposes." 16 U.S.C. 460*l*–7.

Stateside LWCF matching grants have played a vital role in providing recreational and educational opportunities to millions of Americans. Stateside LWCF matching grants have helped finance well over 37,500 park and recreation projects in all 50 States, including campgrounds, trails, and open space. While trips to our national parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In fiscal year 1995, the last year for which the stateside LWCF matching grant program was funded, there were nearly 3,800 applications for stateside grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening 3 years, the local and State demand for those resources only has increased.

That is why stateside LWCF matching grants are so important. Stateside LWCF matching grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for stateside LWCF grants, they provide vital seed-money which local communities use to forge partnerships with private entities.

Unlike the Clinton administration, and its House counterparts, the Senate

Interior Appropriations Subcommittee, and the Senate, recognized the value of the stateside LWCF matching grant program and appropriated $100 million to the program over the next 4 years. The Senate Interior Appropriations Subcommittee noted, in its report, that "resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in may cases extract greater value from moneys" appropriated from the LWCF.

While this $100 million appropriation would only have met a fraction of the demand for stateside LWCF matching grants, it would have helped to restore the historic balance between the State and Federal sides of the LWCF. With the action of the Clinton administration and the Congress to shut down the stateside LWCF matching grant program in fiscal year 1996, the LWCF has become a Federal-only land acquisition program. The balance created by the LWCF Act—between the State and local communities and the Federal Government; between urban and rural communities; between the Western and Eastern States—for the acquisition of outdoor recreation resources has been lost. As I have expressed before, I believe the loss of this balance is a tragic mistake and only serves to increase the already significant pressure on the Federal Government to meet the recreation demands of the American public. Unfortunately, H.R. 2107 compounds this imbalance.

As chairman of the Energy and Natural Resources Committee, I plan to continue in the 2d session of the 105th Congress, my efforts to reinvigorate the stateside LWCF matching grant program. I intend to work with the members of the Interior Appropriations Subcommittee to fund the stateside LWCF matching grant program in fiscal year 1999. I also will search to find a permanent source of funding for the stateside LWCF matching grant program so that this annual appropriations battle can be avoided. The stateside LWCF matching grant program is too important to the America people for Congress to do anything less.

FEDERAL USE OF THE LWCF

The LWCF Act also authorizes LWCF moneys to be used by the Federal land management agencies to acquire property, otherwise authorized by Congress. Congress envisioned that a substantial part of the LWCF moneys allocated for Federal land acquisition should go toward the purchase of privately owned inholdings within the authorized boundaries of national parks, forests, and refuges.

Moreover, because the LWCF Act was enacted to establish a funding mechanism for the acquisition and development of outdoor recreation resources, LWCF moneys generally must be spent to purchase such lands. The Bureau of Land Management only can use LWCF moneys to purchase lands which are primarily of value for outdoor recreation purposes. 43 U.S.C. 1748(d). Similarly, in the absence of a specific authorization, the National Park Service only can use LWCF moneys to acquire inholdings within national parks for outdoor recreation purposes. 16 U.S.C. 460*l*–9(a)(1). Limitations also exist with respect to Forest Service and Fish and Wildlife Service use of LWCF moneys.

However, even with these limitations, the demand for LWCF moneys is significant. The four Federal land management agencies have identified more than 45 million acres of privately owned lands lying within the boundaries of Federal land management units, including national parks, national forests, and national wildlife refuges.

These inholdings increase the operating and management costs of the land management units. Much of this acreage is small isolated parcels which complicate overall resource planning. These inholdings increase the time and cost of management as Federal land management agencies must maintain the boundaries, monitor illegal uses, enforce use restrictions, process requests for special uses, address trespass issues, in addition to many other management responsibilities. At the same time, many of these inholders have been waiting decades to receive promised compensation from the Federal Government for their property.

The National Park Service alone, in its fiscal year 1998 budget request, estimates that the cost to acquire all the private land identified for acquisition within the authorized boundaries of the units of the National Park System, excluding the Alaska parks, is $1.5 billion. Obviously, the costs to purchase these private lands will only increase.

Nonetheless, despite this significant demand for Federal land acquisition dollars and the costs associated with inholdings, the conferees have chosen to allow LWCF moneys to be spent on uses not otherwise authorized by the LWCF Act—critical maintenance by the four Federal land management agencies. The LWCF Act does not authorize any agency—Federal, State, local to use LWCF moneys for operations and maintenance activities. The conferees also authorized $22 million in mitigation payments to Humboldt County, CA, and the State of Montana—again, a use not otherwise authorized by the LWCF Act.

I am troubled by these decisions which set a dangerous precedent by expanding the purposes for which LWCF moneys can be spent. LWCF moneys not spent on the Headwaters Forest and New World Mine acquisitions should be limited to the purchase of private land now owned by willing sellers within the authorized boundaries of existing land management units, consistent with the terms of the LWCF Act.

HEADWATERS FOREST/NEW WORLD MINE AUTHORIZATIONS

The conferees also decided to authorize the Headwaters Forest and the New World Mine acquisitions in H.R. 2107. While the Clinton administration has conceded that these acquisitions need specific authorizations, I strongly believe that such authorizations should not be included in an appropriations bill. Rather, such authorizations should be the subject of separate legislation which has gone through the regular authorization process.

I want to reiterate that my unwillingness to embrace authorizing these two acquisitions on H.R. 2107 comes not from any personal opposition to these purchases. I have repeatedly stated over the past 6 months that I have not formed an opinion on whether or not these properties warrant inclusion in the Federal estate because I, and the members of my committee, do not know enough about the acquisitions to even form an opinion on their merits. Bills authorizing these acquisitions have never been introduced in the Senate and my requests for information from the administration over the past year have been largely ignored. On several occasions I have come to the Senate floor to voice my concerns about these acquisitions, but even these efforts have failed to get the attention of the administration. It is this very lack of information and cooperation, and the resulting unanswered questions about the acquisitions, which I believe counseled against authorizing these purchases absent a thorough, and open, review by the authorizing committees.

Nonetheless, the appropriators chose to proceed differently. And, while I disagreed with this decision, I again would like to thank Senator GORTON for his efforts to ensure that the authorizations contained in H.R. 2107 protect the role of the authorizing committee and the interests of the American taxpayer.

The conferees provided this protection by prohibiting expenditure of the appropriated funds for 180 days. During this time, if no separate authorizing legislation is reported, the acquisitions will proceed according to the authorizations contained in H.R. 2107. The Appropriations Committee has committed to allow any authorizing language reported by my committee or the House Resources Committee to be attached to the fiscal year 1998 supplemental appropriations bill.

During the 180 day review period, the Secretary of Agriculture and the Secretary of the Interior are to provide Congress with fair market value appraisals for both properties. This requirement is critical to protect the American taxpayers. The most significant unanswered questions about both properties concern their fair market value. Because the purchase prices for both the Headwaters Forest and the

New World Mine property were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown. The appraisals must comply with the Department of Justice "Uniform Appraisal Standards for Federal Land Acquisitions," along with other applicable laws and regulations. The Comptroller General of the General Accounting Office also must evaluate both appraisals. In that review, the Comptroller General should examine the methodology and data used in the appraisals.

With respect to the New World Mine, an appraisal is already required pursuant to the August 1996 agreement. A 1995 National Park Service report estimates the fair market value of the property is less than $50 million but the Federal Government has agreed to a $65 million purchase price.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The owner contends the property now has a value of close to $1 billion. A 1993 Forest Service appraisal values the property at $500 million. However, a 1996 analysis of the property conducted for the Department of Justice concludes that the property has a value between $20 million, applying current environmental restrictions, and $250 million, without any environmental restrictions. The Federal Government and the State of California have agreed to purchase the Headwaters Forest for $380 million.

To further exacerbate this situation, the Federal tax consequences of the Headwaters Forest acquisition have not been considered. The sale of the Headwaters Forest is conditioned upon the current landowner receiving a ruling from the Internal Revenue Service that it can take as a business loss the difference between the appraised value of the property and the Federal purchase price. The Headwaters Forest acquisition will cost the American taxpayers hundreds of millions of dollars in lost tax revenues, in addition to the $250 million cash purchase price.

In the absence of the appraisal requirements, Congress would have found itself in the uncomfortable position of appropriating sums for Federal land purchases without any idea whether or not the purchases were good deals for the American taxpayers. This is what the Clinton administration sought. The Clinton administration wanted Congress to ratify the purchase prices for the New World Mine property and Headwaters Forest in order to avoid complying with the Uniform Relocation Assistance and Real Property Acquisition Act—the act which requires a fair market value appraisal of any private property to be acquired by the Federal Government. By requiring the completion of appraisals before the expenditure of the appropriated funds, Congress can determine for itself, and the American taxpayer, the fair market value of these properties.

The authorizations contained in H.R. 2107 also require Secretary of the Interior, with respect to the Headwaters Forest acquisition, and the Secretary of Agriculture, with respect to the New World Mine acquisition, to submit reports to Congress 120 days after enactment of H.R. 2107. These reports must detail the status of the conditions imposed in H.R. 2107 on the acquisitions. The reports also will provide information which Congress can use in reviewing the acquisitions.

One of these conditions, imposed on the Headwaters Forest acquisition, is the issuance of a incidental take permit under the Endangered Species Act based on an acceptable habitat conservation plan [HCP]. There currently are a number of questions about the status of the Headwaters Forest HCP. The Agreement to purchase the Headwaters Forest requires that the Federal Government and the property seller agree to an HCP for timber harvesting activities which will occur on the remaining 200,000 acres owned by the company. In fact, because of difficulties in negotiating an acceptable HCP for this property, the timber company sued the Federal Government. Because of the significance of the HCP, within 60 days of enactment of H.R. 2107, the Secretary of the Interior and the Secretary of Commerce must report to the authorizing committees on scientific and legal standards and criteria for species used to develop the HCP. All of these issues will be examined during the 180-day review period.

There are questions, with respect to the New World Mine acquisition, about the amount of land or interests in land the Federal Government will be acquiring. The mining company, which agreed to sell, owns, or has under lease, interests in nearly 6,000 acres outside of Yellowstone National Park. However, the mining company only has fee title to 1,700 acres. The remainder is unpatented mining claims. The ownership situation is further complicated by the fact that most of the interests in the 6,000 acres are owned by a third party not a signatory to the agreement with the Federal Government. In conversations, the mining company has stated that this third party has agreed to forego her rights to develop the mineral reserves of the property for some undisclosed price but that she will retain her surface rights. There has been no written verification of this arrangement and it remains unclear exactly what interests and interests in land the Federal Government will acquire for the $65 million purchase price. Again, this information needs to be provided to Congress so that it can be examined during the 180-day review period.

My committee also will evaluate the long-term management plans for the properties. Who will manage the properties? For what purposes? At what costs? With respect to the Headwaters Forest acquisition, how will management responsibilities be divided between the Federal Government and the State of California? With respect to the New World Mine property, how will other mineral containing private property outside Yellowstone National Park be treated? Should the Federal Government be acquiring those properties in order to prevent other mineral development in this area? While an effort has been made to address, at least partially, some of these questions in the context of an authorization on H.R. 2107, a number of them remain unanswered and need to be analyzed in greater depth.

Again, I would have preferred examining the acquisition of the Headwaters Forest and the New World Mine property through the usual authorization process; thereby, respecting the roles of the appropriation and authorizing committees. Nonetheless, the Energy and Natural Resources Committee will undertake, in good faith, a thorough review of the purchases and, if necessary, report out changes to the authorizations contained in H.R. 2107 at the beginning of next year for inclusion in the fiscal year 1998 supplemental appropriations bill. My goal is to ensure that, despite the uncommon circumstances which have led us to this point, Congress and the American people can have confidence in the decisions to acquire Headwaters Forest and New World Mine properties.

DENALI MINING ACQUISITIONS

Today, the Senate will agree to passage of the conference report for H.R. 2107, the Interior appropriations bill for fiscal year 1997. Contained within this bill is a provision dealing with mining claims in Denali National Park. As chairman of the authorizing committee for Department of Interior activities, I regret that the Department has delayed resolution of this issue until this year. I would prefer to see stand-alone legislation to enact this provision in order to allow those affected by repeated Park Service delays to be able to testify on the record about them.

Those Denali inholders who wished to sell their inholdings to the Park Service have waited for just compensation for some time in some cases. Many inholders have been forced to abandon their claims in order to avoid paying the annual maintenance fee. Others have lost their claims due to payment of this fee only days late. This is not the way to treat Alaskans and it is my personal belief that a taking occurred long ago. As such, the date of taking has not been fixed by this provision.

As required by section 202(3)(b) of the Alaska National Interest Lands Conservation Act, a study of the mineral values of this area was completed in 1983. This study, known as the DOWL report, clearly identifies the high mineral values of the claims in question.

With the passage of this legislation, it is my hope that the courts will use this congressionally authorized report as a guide to determining the proper valuations.

It is my intent to continue to oversee the Park Service's activities in regards to this provision to ensure that a resolution to this problem is finally reached. I hope that a nearly 15-year-old problem will finally be resolved.

Mr. President, for the record I wish to clarify an important point regarding the appropriations bill for the Department of the Interior. That point concerns the Minerals Management Service's rulemaking proceedings on the valuation of crude oil from Federal oil and gas leases, proceedings which have been underway since January of this year. Those proceedings began with a proposed rule to replace the long-standing practice of valuing crude oil royalties at the lease where the oil is produced with a new system—a system under which valuation for oil from any Federal lease anywhere in the country would begin with prices bid for future contracts on the New York Mercantile Exchange, or NYMEX.

Concerned about the fairness of the proposal and the fiscal impacts of an ill-considered rule, the managers of the appropriations bill have charged the MMS to continue to meet with representatives of affected states and of Federal leesees. Those meetings should be conducted in a manner to permit a full, careful airing of MMS's proposal and the several alternatives that have been recommended by States and producers. More importantly, those meetings should be conducted in a manner designed to move the stakeholders in this issue toward consensus.

MMS has begun the process of continued consultation by holding a series of workshops in October. I am aware that Secretary Babbitt has received sharp criticism from some who portray these meetings between MMS, States, and producers as backroom sessions, even though notice of those meetings was published in the Federal Register inviting the public to attend. Those critics, however, have already predetermined that MMS's NYMEX-price proposal is the only correct way to value royalty and that MMS must adopt it immediately.

The workshops MMS has begun are in fact the beginning of the detailed consultation the managers have directed the agency to undertake. From statements made by representatives of the MMS and of producers, I gather that there is disagreement over whether the current regulations need amending to address recent concerns, and significant disagreement over how to amend them if amendment is needed. According to statements made by MMS representatives, its rulemaking proceedings arose because of the agency's concern that the current regulations allowed large, integrated oil companies to value royalties by using their own posted prices, the prices they publicly state they will pay to purchase oil from third parties.

The workshops MMS has begun are the first real effort directly to address and fix the problems MMS and State representatives have identified from their audits. I was disappointed to learn, however, of MMS's announcement that the workshops would be limited to 30 days. While the managers expect the agency to continue to work with dispatch, the haste of the workshops evidently has resulted from political pressure MMS is receiving from certain quarters. A few workshops in 30 days cannot adequately explore how to restore confidence in all quarters that the royalty valuation program is fairly collecting the full value of production at the lease.

For my part, I intend to ensure that the agency carries out the charge the managers have given it. If necessary, I will hold oversight hearings next year to assure that the agency explains why the current regulations are not working, that it explains how whatever alternative it then is pursuing assures that the public is receiving royalties based on the fair market value of the oil at the lease, and that it reports on its efforts to resolve the issues by consensus.

Mr. BUMPERS. Mr. President, I have authority from Senator BYRD to yield myself time on this.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I will engage the distinguished manager of the bill in a short colloquy, but let me start off by saying that there are parts of this bill that are confusing because any bill of this magnitude obviously has some things that are hard to understand without knowing precisely what was intended. These are fairly arcane questions, usually not very entertaining to anybody except those of us who deal with issues affecting the Forest Service and the Department of the Interior.

Question No. 1. As I understand it, the U.S. Government will pay $250 million for the Headwaters Forest as provided in the bill; correct?

Mr. GORTON. Correct.

Mr. BUMPERS. There is a provision in the bill that says before the President can spend that money, the $315 million, which includes both the New World Mine and the Headwaters Forest, before the President can spend that money to acquire those two properties, the authorizing committees of the House and the Senate have 180 days from the date of enactment of this bill in which to take action. If they take no action, presumably the President would be authorized to go ahead and make the purchase?

Mr. GORTON. The Senator is correct.

Mr. BUMPERS. The second question: Do the authorizing committees have the authority under this bill to determine additional conditions under which the money can be spent?

Mr. GORTON. Only by reporting a bill and having that bill passed and signed by the President.

Mr. BUMPERS. Now, if the President were to veto the bill, because it contained some fairly stringent conditions that he found odious and the Congress did not override it, would the President still have authority to go ahead and make the purchase?

Mr. GORTON. He would.

Mr. BUMPERS. Another question: We appropriate $700 million in this bill from the Land and Water Conservation Fund; is that correct?

Mr. GORTON. $699 million.

Mr. BUMPERS. That is close enough.

So, the $699 million we are appropriating, under current law, the appropriate agencies, the Forest Service or the Department of the Interior, would have the right to spend other funds unrelated to Headwaters Forest and the New World Mine to make the normal kinds of purchases that they have always made; is that correct?

Mr. GORTON. Subject to approval of the Appropriations Committees of both Houses.

Mr. BUMPERS. The committees?

Mr. GORTON. Yes.

Mr. BUMPERS. Right.

Now, there is a provision in here that says Headwaters Forest must be appraised, through a normal appraisal, the appraisal submitted to the GAO within 30 days, et cetera.

My question is, if the appraisal came out that the Headwaters Forest was worth more than $250 million, would the President have the authority to spend more money out of the Land and Water Conservation Fund to pay the appraised price?

Mr. GORTON. I do not believe so. I believe that the President, the administration, believes it has a binding contract under which it would not have to pay more even though the appraisal came out higher, more than the $250 million.

Mr. BUMPERS. So we are only authorizing under this bill, and subject to the 180 days within which the committees have to act, we are only authorizing the expenditure of $250 million for Headwaters Forest?

Mr. GORTON. Correct.

Mr. BUMPERS. If the appraisal came out more than that and Mr. Hurwitz decided he wanted the appraised value, we could not pay him the appraised value; is that correct?

Mr. GORTON. The administration could not without coming back to the Congress.

Mr. BUMPERS. On another subject, Mr. President. With regard to the payment to the State of Montana, there is a provision in this bill—and I will not read the whole provision—but it says essentially that not later than January 1, the year 2001, but not prior to 180 days from enactment—the Secretary and the Governor of Montana will negotiate with the understanding that the Federal Government owes them $10 million in mineral resources for the loss of the New World Mine; is that essentially correct?

Mr. GORTON. Owes them a minimum of $10 million.

Mr. BUMPERS. A minimum?

Mr. GORTON. They could negotiate a higher figure than that.

Mr. BUMPERS. That brings me to the point. If the Secretary and the Governor of Montana cannot agree prior to this date on something similar to $10 million, then the Governor of Montana is within his right to demand the so-called Otter Creek tracts, which are tracts of land with a considerable amount of coal underneath them; is that correct?

Mr. GORTON. The Senator is correct.

Mr. BUMPERS. Now, I wonder if the Senator has seen some figures provided by the Greater Yellowstone Coalition as to what the Otter Creek tracts are worth. Let me preface that statement by saying I think the people who are following this bill are under the assumption that we are going to pay Montana $10 million to offset any economic loss they sustained as a result of our purchase of the New World Mine. There are going to be some jobs lost, and so on, that they would have otherwise gotten. Now, if the Governor of Montana is smart—and I assume he is—he is not going to negotiate very seriously on this for $10 million because he knows if there is no agreement, he gets the Otter Creek tracts. The Otter Creek tracts are estimated to have a value of $4.26 billion.

Now, if the U.S. Government were to lease those lands to somebody under the Mineral Leasing Act, we would charge them a 12.5-percent royalty. Half of the royalty from that coal would go to the State of Montana and the other half would go to the Federal Treasury. If the Governor of Montana is very shrewd, and he can bottle up negotiations and not take the $10 million, which most people assume he is going to be getting, and the State of Montana will wind up with the Otter Creek tracts and own all the coal outright * * * not just get the 12.5-percent royalty. Does the Senator from Washington know what the Federal share of the royalty from this coal would be?

Mr. GORTON. No.

Mr. BUMPERS. It is $266 million. Does that disturb the Senator? Assuming my figures are correct, would that disturb the Senator from Washington?

Mr. GORTON. Well, one has to assume—if you take an assumption that the gross revenues are going to be x dollars and that a royalty agreement would be 12.5 percent of x dollars, then you simply have an arithmetic calculation. There are wide differences of opinion as to the value of those tracts. For example, the demand from the State of Montana, through its junior Senator and its Congressman, were for twice this amount of money. It seems to me that there were losses to the State of Montana and that this was an appropriate transfer. I think I would have had a very different view, personally at least, toward the transfer had this transfer been from the people—that is to say, the United States of America—to some private entity. As it is, it is a transfer not to the Governor of the State of Montana, as we tend to personalize this, but to the State. It remains a limited public asset, but a public asset nevertheless. Now, this was a matter which consumed a considerable amount of time.

Mr. BUMPERS. I know it was.

Mr. GORTON. In negotiations over this, it was set up, very bluntly—and I can put this on the record because it is obviously the case—so that if the President feels that is somehow or another totally unwise and doesn't mind making the government of the State of Montana unhappy, this provision is subject to a line-item veto. It was set up in that fashion. The President doesn't have to veto the whole bill or the whole $700 million in the land and water conservation fund. So if he feels it is disproportionate in some respect, we never have to go through these negotiations at all.

Mr. BUMPERS. Senator, if I may, here are the figures furnished me on the point I am trying to make. This is a real bonanza for the State of Montana—and I have nothing against them and their two Senators; they are two of the dearest friends I have in this body. So it always causes me grief when somebody is getting something, just as I am under this bill, to say these things. Here is the figure given to me. The Otter Creek tracts contain 533 million tons of coal. The current price of such coal is $8 a ton. It would come to $4.26 billion, and if you take 12.5 percent of that, you come out with about $266 million in royalties that the State could get. Mr. President, that is a lot more than the $10 million that I think most Senators in this body think we are giving the State of Montana.

So I wanted to raise that point because, as you know, the administration is pretty concerned about this bill. I don't know that the President would veto it. If he were to veto that particular provision under the line-item authority that he now has and the Supreme Court later determined that the line-item veto is unconstitutional, then this is still a viable provision and his line-item veto of it would not stand.

Mr. GORTON. Of course, the same thing is true with respect to all the other line-item vetoes, which I think would certainly be representative of millions of dollars. The President is exercising that power that was given to him by the Congress, and we will find out later whether or not they were valid. That would do no more or less than to set this out as a separate item. There is, however, a difference between the sale price of a mineral once it has been taken out and processed and worked on and the value of that same mineral while sitting in the ground. Those two are by no means equivalent.

Mr. BUMPERS. Senator, you and I have talked about this in private. I think it is well to get this on the record also. You may have alluded to this in your opening remarks. But another item that I think the administration is terribly concerned about is the provision in the bill that says "no funds can be spent to revise forest plans until new final interim or final rules for forest land management planning are published in the Federal Register." You know, of course, under the national forest management plan, they are required to update the plans on the forests periodically. It is my understanding that some 42 plans would be blocked until the Forest Service publishes new final interim or final rules for forest land management planning. I can tell you that is costing the administration considerable pain. Would the Senator like to elaborate on that?

Mr. GORTON. I will comment on that. Obviously, the regulations in these forest plans have a tremendous impact not just on the Federal Government and management of the Forest Service, but very obviously on the communities and the areas in which these forests are located. The regulations and the rules that we are talking about have been under review for 8 years; that means through two administrations. Evidently, they must be rather controversial because they seem to have been about ready to promulgate and just before the elections, both in 1992 and 1996, they were withdrawn. Now we have gone just about a year after the last election. And we have been deeply concerned that so many millions of dollars have been spent on plan revisions that may just be thrown into the wastebasket when these regulations do come out.

So the design of this provision in the bill is to see to it that an administration, after 8 years and these two delays, comes up with final or at least interim regulations—something that it ought to be able to do within a relatively short period of time. Even so, in spite of that—and that was really what we asked them to do here in the Senate—because the administration had reservations on it, we have two exceptions to it. One is, in any forest in which a notice of intent to revise was published in the Federal Register before October 1 of this year—that is to say, where they were ready to do so;

and second, where a court order has directed that a revision must occur. So in those two instances—and they are pretty big exceptions—this mandate doesn't apply at all. In the other case, all we are saying is, at least give us interim rules and regulations so that the forest plan revisions will be consistent with them when they come out.

Mr. BUMPERS. One final question and a remark. I see the Senator from New Mexico on the floor. He and I have talked about this privately. There is a grazing provision in this bill that is of some concern to me. There is a court order in New Mexico regarding grazing rights, and there is a provision in here that says that none of the funds may be used by the Forest Service to carry out a court order. As I told him, I am not going to get into that, but I think that has a little bit of danger. Just for the record, I will let the Senator say what he said to me privately about that provision.

Mr. GORTON. I yield to the Senator from New Mexico for that purpose.

Mr. DOMENICI. I say to the Senator that I did not come to the floor to interfere with your work or even to answer this question, but since I am here——

Mr. BUMPERS. If you choose to answer, by all means, do.

Mr. DOMENICI. Actually, Senator, I think I have explained it to Senator GORTON when I asked him to do this. Essentially, it does nothing more than say, for the remainder of this year, which is almost gone, the court order that could have forced some of the small ranchers to take their cattle off ranch land and set them aside while they do a new evaluation, we said that cannot happen in that manner until after this year is past, which is like a month or two. That is all it does.

Mr. BUMPERS. I think March 1 was the date.

Mr. DOMENICI. If that's the date, that's the date.

Mr. BUMPERS. Let me say this to the distinguished Senator from Washington, whose friendship I treasure. First of all, he has worked tirelessly to craft this bill, and there have been many conflicting forces pulling him in one direction or another. I know it has not been easy. He has always been very accommodating to me and I want to thank him profusely for that. More importantly, I want to tell him I was moved a moment ago by the very nice things he said about the role I played in the integration of my little school in Charleston, AR, at that time, with a population of 1,200. It was the very first school in the Old Confederacy to integrate after the Supreme Court decision in *Brown* v. *Board of Education*. He very generously put a $50,000 appropriation in here to do a feasibility study about establishing a national historic site in that community to commemorate this historic event. I express my deep and profound gratitude to him for that. He also agreed to include $150,000 for a similar designation for Central High School, which was the scene of one of the most, if not the most, dangerous situations in the United States since the Civil War.

Mr. GORTON. I thank the Senator.

Mr. President, the Senator from Pennsylvania is on the floor. I will yield 7 minutes to him.

Mr. SANTORUM. Mr. President, I thank the chairman for his kind comments earlier, as well as for his tremendous support of the issue which I rise to talk about in the bill. He has been very cooperative, to the nth degree, in making sure this funding is in the bill. What I am talking about is actually an increase in the amount of funding for a national park that I think is one of the most significant and important national parks we have in this country, the Gettysburg National Battlefield, a battle which represents the high-water mark of the confederacy. It is in my State of Pennsylvania. I have had the privilege of being there on many occasions and, for the most part, they have been very sad occasions. They are times when I have to go up and look at the state of disrepair of the battlefield, the absolute horrendous conditions in which some of the most significant Civil War artifacts are kept. They are kept in basements that are damp. There is rot on most of the artifacts, uniforms, soldiers' diaries, archeological artifacts, and historical photographs. They are rotting away because we have absolutely no place to put them. We also have many farmhouses that were there used during the battle, which are crumbling and falling apart because we don't have any money to fix them.

Mr. President, there was an article in the Washington Post today on Gettysburg, and there was one in USA Today also on Gettysburg. One referred to the "next battle of Gettysburg," which is the attempt by the Park Service—I think a very important attempt—to relocate the visitors' center, which sits on Cemetery Ridge right in the middle of the Union line. New facilities are desperately needed given the condition of the artifacts I mentioned, to restore the battlefield to its intended condition, which should be its condition at the time of the battle, and to move the visitor center to another location in or near the park. The proposal referred to in the news articles is to move the visitors' center to a location in the park where there was no fighting that occurred and where no one died.

The primary reason for the Park Service seeking a public-private partnership to build the new facilities is, No. 1, the current facilities are located in a place where they should not be and to provide better preservation and restoration of the artifacts and monuments. I visited the battlefield a month ago and reviewed some of the cannon carriages. There are some 400 cannons of which 380 are in absolute horrible condition. In fact, they are breaking apart, cracking, and the paint is chipping off. You have little kids running around on the battlefield climbing on top of the cannons with paint peeling away. If that happened in a city, or in a house, all the inspectors in the world would say that you have to do something to repair these cannon carriages.

But we don't have the money, at least not until today. As much as the funding today will help, Gettysburg also needs the new visitor center, and they need the private-public partnership because there just isn't enough money in the budget to build a new facility. We can't get the capital funds.

This new proposal, however, is meeting with some controversy from preservationists who feel we should leave things alone. If we leave things alone, though, Gettysburg won't be here very much longer—at least the historical documents and artifacts and monuments. I was at the Pennsylvania monument recently, one of the largest at the park. It is a grand thing. It is a dome-shaped monument. You can walk through it and under it—but not when it rains because it leaks, the water drips right down on you. You walk around and you see monuments that you can't even make out who it is a monument to anymore because they are just worn.

That is no condition for this hallowed ground to be in. I, again, thank the Senator from Washington because I came to him with this plea after being, frankly, shocked and emotionally moved, after having been to that battleground on several occasions, and pleaded with him to do something about this state of the battlefield. He said, "Tell me what you need and we will make sure that we fight for it." And through the process he was there every step of the way and did fight valiantly, and we have succeeded in getting an additional million dollars.

But I will be very honest with you. That is a start. We also need to move forward with this new visitor center. I know it may be controversial. I know people are saying we have to wait and see. I am willing to listen to the preservationists and to those who have concerns about the new location being proposed by the Park Service. But we cannot delay long. We need to move forward to construct, No. 1, a suitable place for us to keep these artifacts. If we do not move forward and build a new facility that has the kinds of conditions, whether it is humidity, temperature, sunlight, and other things, to adequately display the park's treasures, they will be lost. One such treasure is the cyclorama painting that was painted back in 1880's. Today, the canvas is rippled. It is being destroyed, damaged by time, by humidity, by the misconstruction of the building when it was first put in. We need to act now to preserve and restore it.

Today is a first step. I commend the committee and the Senator from Washington. We have made a first step today. We need to be vigilant on this. We need to come back and work further for more aid for this park and others to make sure that we can keep these hallowed grounds in a condition that we can be proud of and that we can preserve for posterity.

So I rise to make my colleagues aware of the reasons for which this appropriation was targeted, and I encourage the President to be supportive of this additional appropriation. I also encourage him to do all he can to make sure on the Executive side that we move forward with the Park Service in some way quickly to get this new visitor center constructed, so we can begin to turn this park around to preserve our terrific assets, as well as to present a much better historical educational opportunity for people who come to visit the park.

I thank the Chair.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the Chair.

There are a number of riders attached to this conference report which should be cause for concern by my colleagues. I am most troubled by the conferees' treatment of the Forest Service purchaser road credit program.

During this body's consideration of the Interior appropriations bill, I offered an amendment to eliminate this environmentally destructive subsidy. It failed by a single vote. A similar amendment in the House also failed by a single vote.

The purchaser road credit program allows the Forest Service to subsidize the road construction costs of timber companies by granting credits to them equal to the estimated cost of the roads they need to access their timber. Timber purchasers can then use the credit to pay for the timber being harvested. Last year these "purchaser credits" were valued at nearly $50 million.

In the House-passed version of the Interior appropriations bill, a limit of $25 million was placed on the value of purchaser credits that may be offered by the Forest Service in fiscal year 1998. The conference report before us today eliminates this cap entirely. The Senate report accompanying the bill "directs the Forest Service to continue the timber purchaser credit program without change" and makes it clear that "the committee has not specified the ceiling for the amount of purchaser credits that can be offered" to timber companies. The result of this language is an open-ended subsidy for the timber industry.

Mr. President, in spite of the conferees' decision to expand this subsidy, I intend to send a letter to the administration urging them to use their discretionary authority to abolish this wasteful and environmentally unsound program, and I urge my colleagues to join me in this effort.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. GORTON. I yield 4 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Washington for the manner in which he has handled this bill as the chairman of the subcommittee for Interior appropriations.

I presented to the conference at a very late moment an amendment, which is amendment No. 128, that modifies the regular amendment that was in the original House bill dealing with the problems associated with management of Alaska fish and game.

I want to tell the Senate, in July at our request the Secretary of the Interior came to Alaska and met at Senator MURKOWSKI's house with me and Congressman YOUNG, with the Governor, the attorney general, and members of what we know as the Governor's task force on subsistence. We agreed then to try to work together to assure that Alaska, along with all other States, would continue to manage fish and game on Federal lands within its borders.

It is a very difficult problem for us, but very clearly Secretary Babbitt has carried through with the commitments he made at that time, and we have worked toward finding a resolution to these problems.

This task force did come up with a report. It is a very interesting task force. It is made up of the Governor and Lieutenant Governor, Governor Knowles and Lieutenant Governor Ulmer, also the speaker of the house, Gail Phillips; the president of the senate, Mike Miller; a former Republican Governor, Jay Hammond; and the former Republican attorney general, Charley Cole. Byron Mallot, Director of the Alaska Permanent Fund, who has held leadership roles in Alaska Native organizations, was also on that task force.

This task force worked hard over the summer and came up with some recommendations. We hoped those recommendations would be presented to a joint session of the Alaska Legislature this year. That was not possible. When it was really evident it could not be done, I asked the conference to adopt this amendment. It is covered on pages 94 and 95 of the conference report, and I will not comment at large about it.

But I do want the Senate to know and the RECORD to show that we have done our best to meet this. Senator MURKOWSKI has just said he is going to hold some hearings, and Congressman YOUNG may hold some hearings. I do hope they will hold them. I hope they will hold them in Alaska. There are a lot of Alaskans who want to be heard on the matter of what should be done. The Congress may be asked to adopt further amendments next year.

I yield the floor.

APPENDIX C STATUTE OF LIMITATIONS EXTENSION

Mr GORTON. Will the distinguished chairman of the Appropriations Committee yield for a question?

Mr. STEVENS. Yes, I will.

Mr. GORTON. The conference report contains an amendment dealing with land selection rights of five Alaska Native village corporations involved in the so-called appendix C conveyance issue. Would the chairman provide some background on this issue and explain Congress' intentions on how this provision should be interpreted by the courts.

Mr. STEVENS. The lands at issue were selected by five Alaska Native village corporations pursuant to the 1971 Alaska Native Claims Settlement Act. The lands were selected in 1974, pursuant to an agreement among the villages, a full 6 years before the creation of Lake Clark National Park. For years, the Department followed a course of processing village land selections outlined in both appendix A and appendix C of the agreement. This prior course is well documented including formal conveyance decisions and reservation of easements.

In the 1990's, the Department changed its course effectively denying the village corporations the land to which they are entitled. This provision is designed to allow the Native corporations to challenge the Department's refusal to convey them their land in a court of law. While the Alaska congressional delegation believes the Native people are entitled to the land, the Department of the Interior disagrees. We have agreed to allow an objective third party decide, based on the facts of the case and an interpretation of the 1974 agreement, whether the Native people are entitled to the lands in appendix C.

Because the Interior Department has taken so long to process the villagers land claims, the statute of limitations for challenging the Department has almost expired. To allow a suit to be filed, the conference report extends the statute of limitation through October 1, 1998, under which the five village corporations and Cook Inlet Region, Inc., the regional corporation, may bring litigation challenging the Department's refusal to convey the appendix C lands to the village corporations.

The amendment clarifies that if litigation is brought by the village corporations or Cook Inlet Region, Inc, it shall be filed in the U.S. district court. The court trial permitted in this amendment will result in a fresh hearing on the merits of the case.

The court record will not be limited to the current, incomplete administrative record, but shall consider new evidence introduced that is relevant to the interpretation of the agreements and conveyances in dispute. The language allowing introduction of new evidence was proposed by the Office of Management and Budget. This will provide for a neutral hearing on the total circumstances of the dispute.

A fresh look at the case prompted the Anchorage Daily News, the daily newspaper in Alaska's largest city with a strong record of environmental advocacy to endorse conveyance of the appendix C lands to the villages. I ask unanimous consent that the editorial be printed in the RECORD.

[From the Anchorage Daily News, Oct. 24, 1997]

FIRST PRINCIPLES INTERIOR, DO RIGHT IN LAND DISPUTE

A long-standing land dispute between the U.S. Department of the Interior and Cook Inlet-area Native village corporations should be settled in the corporations' favor, either through a deal brokered by Sen. Ted Stevens or, better yet, through direct action by Secretary of the Interior Bruce Babbitt.

Until Secretary Babbitt steps in, Interior lawyers and high-level bureaucrats will keep fighting with five village corporations and Cook Inlet Region Inc., the Native regional powerhouse that has intervened for its member village corporations. The dispute centers on roughly 29,000 acres of land on the west side of Cook Inlet. The Natives say they're entitled to the acreage, but the department wants to add the disputed parcels to Lake Clark National Park and Preserve.

On this matter, the Clinton administration unfortunately appears to be more intent on locking up another corner of the state than respecting the will of Congress as expressed by the Alaska Native Claims Settlement Act.

The 1971 act created Native-owned corporations—both regional and village—to manage settlement money and land. Plain and simple: It is wrong that, over 20 years later, a handful of village corporations in Southcentral Alaska are still awaiting title to selected acreage.

Both sides look to a 1976 agreement to bolster their respective arguments. The agreement was supposed to sort out competing government and Native interests through land trades. It summarized how trades would take place and in what order lands would be selected and conveyed. Aside from minor amendments, the document hasn't changed—but the feds and Natives have reached different conclusions about what it says.

Sen. Stevens has unsuccessfully tried several times in recent years to end the dispute in the corporations' favor. His latest attempt suffered a setback Thursday when it was cut out of a Department of the Interior budget bill. While it is commendable that Alaska's senior senator has gone to bat for a just cause, it is unfortunate that his latest effort was special-interest legislation attached to the coattails of a bigger bill.

The preferable alternative: Secretary Babbitt can and should direct his staff to convey the disputed acreage to the five Cook Inlet-area village corporations via Cook Inlet Region Inc. While he and park proponents may not like the results—after all, the land can be used for commercial purposes—the anticipation of what may happen later should not stop him from doing the right thing now.

If, after nearly three decades, a just portion of an aboriginal land settlement is circumvented by clever bureaucrats, then the integrity of Congress will have been compromised so that a national park can be expanded.

The right and only call for Secretary Babbitt to make is to lay this old chapter of the Alaska Native Claims Settlement Act to rest and turn over title of the disputed land to its rightful owners.

Mr. GORTON. It is my view that the amendment the conferees agreed to requires a full trial to be held if a lawsuit is filed and allows the parties to introduce all relevant evidence. Do you agreement with that interpretation?

Mr. STEVENS. Yes. It is the intent of the amendment that a trial on the merits be conducted in the U.S. District Court if the villages decide to file suit. Such a trial would be held in lieu of an administrative hearing conducted by the Department of the Interior and in lieu of a court appeal of any administrative decision that was limited to the current, incomplete administrative record.

The court must hear all relevant evidence related to the circumstances surrounding the land selections and conveyances and should not be limited to hearing only the views of the Interior Department or reviewing the limited administrative record that currently exists. Nor, in my opinion, should it defer to any prior decision that was not based on a hearing and a full review of the facts.

In order to ensure justice for the parties, it is necessary that the court have all relevant evidence available to it. Since this dispute has a complex fact pattern that stretches over 20 years, the case should not be resolved on a motion for summary judgment.

The lands sought by the village corporations were originally selected in 1974. The selections were accomplished with the assistance of officials at the Bureau of Land Management. The village corporations have never varied in their selection priorities, and the selection priorities must be honored by the Federal Government. Those of us who are familiar with the history of this dispute understand that the purpose of the Deficiency Agreement was to give effect to the land selections made by the village corporations.

The lands should be conveyed to the villages in the priority order in which they were selected, the same requirement that applies to all land conveyances made to Native corporations under the Alaska Native Land Claims Settlement Act. It is important to read all provisions of the agreements in question in the context in which they were negotiated and in light of the legislative purpose the agreements served to fulfill village land selection rights.

I regret that litigation may be necessary in this case. I am disturbed that the Department of the Interior decided to change its interpretation of the conveyance requirement and is using a very limited interpretation of the Deficiency Agreement to clear title to the appendix C lands. The Department is attempting to acquire more land for Lake Clark National Park. However, it is important to note that the boundaries of Lake Clark National Park were not expanded to potentially include appendix C lands until 6 years after the original land selections were made by the village corporations in 1974. As a result, the appendix C lands are not park lands by virtue of the prior valid Native land selections.

Since enactment of ANCSA, there has been a substantial amount of litigation regarding interpretation of the statute, but no case has been heard that is directly on point with respect to appendix C. Further no opinion—including Court of Claims cases—has been issued interpreting the Deficiency Agreement based on a full hearing of all the relevant evidence. It is one purpose of this amendment to ensure that the district court's resolution of the present matter will not be bound by any decision or opinion not based on a full review of the legal and factual record. The court must take a new look at the dispute after reviewing a full and complete record.

Mr. GORTON. The Interior Department has not responded to the authorizing committees' requests in either the House or the Senate for resolution of this matter. As chairman of the Senate Energy Committee, can Senator MURKOWSKI elaborate?

Mr. MURKOWSKI. During the past Congress, both the House Resources Committee and the Senate Energy and Natural Resources Committee held hearings on this dispute. We heard from members of the villages seeking their lands as well as from the Department of the Interior. At the end of the Senate hearing in September 1996, I asked if the Department of the Interior was willing to work with the villages to come to a resolution. While its initial indication was yes, more than 6 months later, no action had been taken.

On January 2 of this year, Chairman YOUNG and I wrote to Secretary Babbitt requesting again that appropriate department policy level officials meet with the affected villages and the regional corporation as soon as possible to negotiate a resolution acceptable to the administration and the Alaska Native corporations. Again, there was no serious effort to seek a resolution.

Having no indication that the Department was willing to even try to negotiate a settlement of this dispute, Chairman YOUNG and I wrote to Chairman STEVENS on April 25 asking him to include language in the Interior appropriations bill to ensure conveyance of the disputed land to the villages.

CHANGES TO THE APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 205 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, allows the chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee to reflect new budget authority and outlays provided for priority Federal land acquisitions and exchanges.

I ask unanimous consent that revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to sec. 302 of the Congressional Budget Act, in the following amounts, be printed in the RECORD.

There being no objection, the revisions were ordered to be printed in the RECORD, as follows:

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	255,550,000,000	283,243,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,362,000,000	832,262,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	−700,000,000	−257,000,000
Violent crime reduction fund		
Mandatory		
Total allocation	−700,000,000	−257,000,000
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	254,850,000,000	282,986,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	806,662,000,000	832,126,000,000

Mr. DOMENICI. Mr. President, I rise to explain the need for a reallocation in funding authority for the Appropriations Committee that is being filed today.

I regret that this reallocation is necessary because it was avoidable.

Section 205 of the fiscal year 1998 budget resolution provided for the allocation of $700 million in budget authority for Federal land acquisitions and to finalize priority land exchanges upon the reporting of a bill that included such funding.

The Senate-reported Interior appropriations bill included this funding in title V. As chairman of the Budget Committee, I allocated these funds to the Appropriations Committee, which in turn provided them to the Interior Subcommittee.

If the conferees had adopted the Senate language, I would not be here withdrawing this funding allocation. However, the conferees modified the Senate language to provide only $699 million for land acquisitions, and to expand the use of these funds for the following purposes:

Critical maintenance activities are added as an allowable activity under this title V funding;

Ten million dollars is provided for a payment to Humboldt County, CA, as part of the Headwaters land acquisition; and

Twelve million dollars is provided for repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine land acquisition.

The Senate Budget Committee provided clarifying language to the conferees on the Interior appropriations bill during their meeting on September 30. This language simply restated that monies provided in title V, when combined with monies provided by other titles of the bill for Federal land acquisition, shall provide at least $700 million for Federal land acquisitions and to finalize priority land exchanges.

This language, which I urged be included throughout the past 2 weeks while final language was drafted, would have ensured that the section 205 allocation remained in place for this bill.

The chairmen decided to include, however, language which attempts to trigger the additional $700 million by amending the budget resolution. This language causes a violation under section 306 of the Budget Act because it affects matters within the jurisdiction of the Budget Committee.

Since this language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I have no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution.

I worked diligently as a member of the conference to complete this important bill, working with my good friend, the senior Senator from Washington, who chairs this subcommittee.

The inclusion of a simple proviso would have avoided this problem. I regret that the chairmen of the conference chose not to do so, and that this withdrawal of funding is now necessary.

Mr. President, I ask unanimous consent that a summary of the provisions included in the final version of the Interior appropriations bill be printed in the RECORD, along with a letter I sent to the chairman of the full Appropriations Committee about these issues at his request.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHANGES TO THE FISCAL YEAR 1998 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL SINCE FORMAL CONFERENCE

$700 MILLION LAND ACQUISITION AND MAINTENANCE FUND

The conference agreement for the fiscal year 1998 Interior and Related Agencies Appropriations Act provides an additional $699 million for priority land acquisitions and exchanges, and for reducing the maintenance backlogs of the Federal land management agencies. This special appropriation was first referenced by the balanced budget agreement this Spring between the Congress and the Administration, which provided an additional $700 million for priority land acquisitions and exchanges. The Senate version of the Interior Appropriations bill included the special appropriation for land acquisition; the House version did not.

A portion of these funds will be used to acquire two specific pieces of land—the Headwaters Forest in California and the Crown Butte/New World Mine property near Yellowstone National Park. Both of these acquisitions are high priorities of the Administration. Congress, in appropriating funds for these two acquisitions, has stipulated conditions that ensure the wise use of Federal taxpayer dollars, the development of State and local partnerships, and the appropriate use of proper procedures—including valuations, public appraisals and adherence to the National Environmental Policy Act.

These two Administration projects will require up to $315 million in Federal funds—up to $250 million for the Headwaters Forest and up to $65 million for Crown Butte/New World Mine. The State of California will provide $130 million for the Headwaters Forest acquisition. The Headwaters acquisition will be accompanied by a single payment of $10,000,000 for Humboldt County, California, to help offset lost tax revenues and cover anticipated increases in public health and safety costs incurred by the County. The Crown Butte/New World Mine acquisition will be accompanied by an additional Federal expenditure of $12,000,000 to improve and maintain the Beartooth Highway. The conference agreement also directs that a Federal/State study be undertaken to identify and encourage mineral resource development in the State of Montana. Bill language also directs a $10 million transfer of Federal mineral rights to the State of Montana.

Both the Headwaters Forest and the Crown Butte/New World Mine acquisitions are delayed for 180 days, during which time the conditions that govern these acquisitions will be reviewed by the Congressional authorizing committees and may be modified through additional legislation. To the extent that the appraisal process causes a delay, the 180 day period will be extended by an equivalent number of days.

The remainder of the $699 million will be used for other priority land acquisitions and for critical repair and restoration needs of the four land management agencies: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and U.S. Forest Service. The Secretaries of Agriculture and the Interior will submit requests to the House and Senate Committees on Appropriations for approval for the use of the traditional land acquisition and maintenance funds. The Secretaries are encouraged to emphasize projects that reduce their critical maintenance backlogs and to select land acquisitions which complete a unit, consolidate lands for more efficient management, or address critical resource needs.

PENNSYLVANIA AVENUE MODIFICATIONS

Amendment #158 has been modified, as requested by the Administration, regarding the limitation of expenditures of funds in this bill to implement changes to Pennsylvania Avenue in front of the White House.

NATIONAL PARK SERVICE HOUSING

The report language has been slightly modified to require the Secretary of the Interior to appoint a review committee, a majority of whose members are not employees of the National Park Service, to review the construction practices of the National Park Service and to submit no later than April 15, 1998, a report of their findings and recommendations to the House and Senate Committees on Appropriations.

LAKE CLARK NATIONAL PARK AND PRESERVE, ALASKA

Amendment #68 has been modified, as requested by the Administration.

Summary	*In Millions*
Headwaters	up to $250
Crown Butte	up to 65
Humboldt Co.	10
Beartooth Hwy	12
Other land/maintenance	362
[Dept. of the Interior: $272 million]	
[U.S. Forest Service: $90 million]	
Total	$699 million

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, October 23, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR TED: I regret that I have to bring to your attention two Budget Act violations that will lie against the conference report on the Interior and Related Agencies Appropriations bill.

The conference report fails to meet the terms of section 205 of the FY 1998 budget resolution (H. Con. Res. 84) regarding priority land acquisition funding. Therefore, I must withdraw the additional $700 million for priority land acquisition and exchanges to the Appropriations Committee for consideration of the conference report on the Interior bill. Assuming the Appropriations Committee reduces the section 302(b) allocation for the Interior bill by this amount, the conference report on the Interior bill would violate section 302(f) of the Budget Act.

The Interior bill also would amend the FY 1998 budget resolution to relax the requirements of section 205. Because this provision affects matter in the Budget Committee's jurisdiction, it would cause another violation under section 306 of the Budget Act. If a point of order is raised under either one of these sections, it takes 60 votes in the Senate to waive either of these points of order.

At the Administration's insistence, the Balanced Budget Agreement included $700 million in spending for priority land acquisition and exchanges. I worked for a more flexible mechanism to allocate funding for priority land acquisition, but the White House insisted on very restrictive language. As a result, section 205 of the FY 1998 budget resolution provides that the $700 million will only be made available to the Appropriations Committee if the Interior Appropriations bill provided $700 million for priority land acquisition and exchanges.

The Senate-passed Interior bill met the budget resolution's requirements by providing $700 million for land acquisition activities. During the conference on the Interior bill, the Senate language was modified and I provided some additional language to the conferees that would have ensured $700 million was spent on land acquisition, thereby meeting the budget resolution's requirements. Instead, the tentative conference agreement included language amending the budget resolution. My staff has been in touch with both Senator Gorton's staff and your staff to indicate that the tentative conference agreement on the Interior bill would violate the Budget Act. Even so, the conferees chose to ignore my suggestion.

The Interior conference report provides $699 million for land acquisition. Of this funding, it provides that the money can be used for purposes other than land acquisition, including maintenance activities, PILT payments, and highway improvements. While the Interior conference report attempts to trigger the additional $700 million by amending the budget resolution, I cannot take this language into account until the Interior bill becomes law.

If we took language amending the budget resolution into account for determining budgetary levels, the budget resolution and our efforts to enforce a balanced budget plan would become meaningless. Instead of making the hard choices to live within the budget resolution's levels, committees could simply rely on the precedent that would be established in the Interior bill and amend the budget resolution to assert they had complied with budgetary limits. Finally, the budget resolution is a congressional document that does not require the President's signature and I think it is inappropriate to amend the budget resolution through a law.

I recognize the extraordinary effort you and Senator Gorton have put into writing an Interior bill that can pass both Houses and be signed by the President. I also realize that the issue is not the total level of spending, but how this additional $700 million will be spent. My concern is with the precedent to amend a budget resolution that will be established by the Interior Appropriations bill, which is avoidable, and that is why I attempted to resolve this issue during the Interior conference to avoid any Budget Act violations.

I regret that I have to withdraw the additional allocation to the Appropriations Committee for land acquisition funding, but I have no choice.

Sincerely,

PETE V. DOMENICI,
Chairman.

Mr. DOMENICI. Mr. President, I also object to the inclusion of directed scorekeeping language in this bill. If the Senator took language amending the budget resolution into account for determining budgetary levels, the budget resolution levels and our efforts to enforce a balanced budget plan would become meaningless.

Instead of making the choices necessary to live within the budget resolution levels, committees could simply rely on a precedent to assert, or "deem," that they had complied with the budgetary limits, even though they hadn't.

Such action would undermine the budget discipline of the Senate.

Since the directed scorekeeping language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I have no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution for land acquisition and exchanges.

MICCOSUKEE SETTLEMENT AMENDMENT

Mr. MACK. I rise today to thank my colleague, Senator GORTON, for including language in the fiscal year 1998 Interior appropriations bill concerning a settlement between the Miccosukee Tribe of Indians of Florida and the State of Florida. The Mack-Graham amendment is a clear, noncontroversial piece of legislation that finalizes the settlement between the Miccosukee Tribe of Indians of Florida and the State of Florida with regards to land takings claims.

Mr. GRAHAM. I, too, thank Senator GORTON for his support to include this provision in the final bill. Do I correctly understand that title VII of the Interior appropriations bill will ratify the settlement agreement signed by the State of Florida and the Miccosukee Tribe in 1996?

Mr. GORTON. The Senator is correct. I understand the Mack-Graham amendment is in accordance with congressional findings that the settlement agreement requires the consent of Congress in connection with land transfers. I concur with my colleagues from Florida that the Miccosukee Settlement Act of 1997 expresses the desire of Congress to resolve the dispute between the State of Florida and the Miccosukee Tribe.

BUREAU OF LAND MANAGEMENT'S WILD HORSE AND BURRO MANAGEMENT PROGRAM

Mr. CRAIG. Mr. President, I wish to engage in a colloquy with the chairman and ranking member of the Interior Appropriations Subcommittee regarding funding for the Wild Horse and Burro Management Program within the Bureau of Land Management.

Mr. GORTON. Certainly.

Mr. CRAIG. I understand that the conferees to the Interior bill agreed to provide $15,866,000 for the wild horse and burro program for fiscal year 1998. That amounts to the same funding level for the program as was provided for fiscal year 1997.

Mr. GORTON. That is correct.

Mr. CRAIG. I want to congratulate my colleagues, Senator GORTON and Senator BYRD, for balancing the competing interests that are presented by the programs of the Interior bill, all of which have very vocal constituencies. I would like to clarify that, if the Bureau of Land Management believes that the funding provided in this bill is insufficient to carry out the objectives of wild horse and burro management, procedures for reprogramming must be followed by the Agency. Is it the managers' intention that funding not be reallocated absent the involvement of the House and Senate Appropriations Committees?

Mr. GORTON. The Senator is correct. If the BLM believes that it needs more money at any time during fiscal year 1998 for the wild horse and burro program, or any other BLM program, there are reprogramming guidelines which must be followed.

Mr. BYRD. My colleague, Senator GORTON, is correct.

Mr. LEAHY. Mr. President, I would like to engage the chairman in a colloquy. As the chairman knows, the Senate provided $100 million from the Land and Water Conservation Fund for the stateside matching grant program. I want to thank the chairman for recognizing the interests of over 30 Senators to revitalize this program. When the Land and Water Conservation Fund was created, the State matching program was launched to assist States in the acquisition of parks and recreation facilities. This is as it should be. The Land and Water Conservation Fund was created on the premise that revenues generated by the depletion of our Nation's energy resource should be reinvested in the conservation of our resources through land acquisition for Federal, State and local priorities. The matching grants have helped finance over 37,500 park and recreation projects throughout the United States. These are projects each one of us can identify in our home States that are now used as ballparks, hiking trails, river access, and greenspace. Although the conference report does not set aside funds for the State matching program, the Interior Department may use part of the $700 million appropriation for this purpose. Is that correct?

Mr. GORTON. Yes, that is correct. The conference report states that the $700 million appropriation may be used for priority land acquisitions, land exchanges, and other activities consistent with the Land and Water conservation Fund Act of 1965. The original provisions of that act make it clear—that available resources can and should be redistributed to the American people through State and local decisionmaking.

Mr. LEAHY. Am I correct then that under existing authority, the Secretary of the Interior may use these funds for the State matching program with the approval of the House and Senate Appropriations Committee? As the chairman is aware, the National Conference of Mayors, the Western Governors Association, and the National Association of Governors urged Congress to appropriate funds for this program. You have already stated your commitment to the budget agreement that allocated the $700 million for land acquisition. Do you agree that revitalization of the State matching program could be a component of the Interior Department project list sent to the Appropriations Committees for use of this Land and Water Conservation Fund appropriation?

Mr. GORTON. The Senate bill made it clear that the State matching program should be a priority for use of these funds. Although the conference report does not set aside funds for this program, numerous Senators expressed their concern about the future of the State program. The need for this program is evident in requests from every State for Federal assistance to invest in State and local recreation resources.

Mr. LEAHY. I thank the chairman for clarifying this point. I also want to commend the chairman for his work on the entire Interior Appropriations bill for fiscal year 1998.

Mr. STEVENS. I also rise to explain section 120 of the Interior appropriations bill, which provides a right of action for owners of mining claims in the area in Denali National Park and Preserve known as the Kantishna Mining District. This provision is designed to bring an end to nearly 20 years of uncertainty surrounding the future of these claims, and it will ensure that the owners of the claims receive just compensation in return for their interests.

The plan envisioned by this provision addresses the unique needs of both sides of the debate over the future of mining at Denali National Park and Preserve. The American people, through the National Park Service, will receive the title to lands within the Denali National Park and Preserve and near its crown jewel—Mount McKinley. With this provision, we are assured that those lands will be held for the benefit of all Americans. In return, the owners of mining claims who participate in the program will be fairly compensated for the loss of their interest that has been uncompensated since mining was effectively terminated in the mining district many years ago.

At this time I wish to clarify my understanding of the provision. We have provided a way for the Secretary of the Interior to take title to mining claims inside Denali National Park, following procedures outlined in the Declaration of Taking Act. We have also identified the mechanism by which the owners of the mining claims who choose to participate and transfer title to their claims are to be compensated for the loss of their claims. The Congress has not, however, fixed the dates as of which the claims at issue were taken, as that is a factual question best left to the parties to determine or, if necessary, for resolution by the jury in proceedings under section 120. Moreover, it is our intention that any action that is brought either by the Secretary or affected claim owners be conducted in accordance with the substantive and procedural law of the Declaration of Taking Act, except where inconsistent with claim owners' rights under section 120, and the Federal Rules of Civil Procedure, including the claimant's right to have a trial by jury.

Mr. GORTON. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself so much of the 10 minutes I use as I had allocated to me in the unanimous-consent agreement to make an explanation of why I intend to vote against the Interior appropriations bill.

Mr. President, the House voted on July 10 to cut off funding for the National Endowment for the Arts for fiscal year 1998. It was expected that if we would come to Washington to reduce the size of Government, we would at least stop funding the kind of offensive art that has been the subject of so many disputes that have attended the existence of the National Endowment for the Arts.

Senator HELMS and I offered an amendment to eliminate funding for the NEA, but it did not pass in the Senate. The Senate voted on September 17 to increase the NEA's current $99.5 million budget to $100 million. Then on September 30, the conferees to the Interior appropriations bill provided $98 million for the NEA for fiscal year 1998.

So the House voted zero; the Senate voted an increase to $100 million; and we have compromised on $98 million. That simply does not reflect the kind of discipline the American people expect at a time when we are taxed at the highest level in history. Americans spend more money in taxes now than ever before in the history of this country on a percentage basis. Congress should not be in the business of subsidizing speech, of saying to one artist, "Your art is good," and to another artist, by implication, since it did not qualify for the Federal funding, "Your art is bad."

I do not believe Congress should be telling people what to like and what not to like. The genius of a democracy is not the values of the central Government imposed on the people. The genius of a democracy is the values of the people imposed on the central Government.

Congress has no constitutional authority to create or fund the NEA, and in my judgment it is wrong for us to continue to fund it. Although funding for the NEA is small in comparison to the overall budget, elimination of this agency sends the message that Congress is taking seriously its obligation to restrict the Federal Government's actions to the limited role envisioned by the Framers of the Constitution. Nowhere does the Constitution grant any authority that could reasonably be construed to include promotion of the arts.

This is a time when we have a high demand on our citizens for taxes, and for us to take money to promote the notion of art that someone in Washington thinks is great and to try to impose that on the people through the so-called "governmental seal of approval" is an inappropriate expenditure of public resources.

I am particularly disappointed because we have a situation where the

Congress of the United States could have compromised at least far more substantially to protect the people and did not. The House at zero, the Senate at $100 million, the compromise at $98 million. That is simply an inappropriate way for us to conclude, and for that reason I intend to vote against the National Endowment for the Arts as part of this bill, and I will vote against this bill.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BAUCUS. Mr. President, I rise today in support of the Interior appropriations conference report. I do so with great respect for its managers, Senators BYRD and GORTON and in recognition of the difficult job which they have faced in bringing this bill together. They have done a fine job juggling this contentious bill and I applaud them for their efforts.

Mr. President, I'd like to talk a minute about worthwhile Federal investments contained in this bill. First, let me talk about the National Endowment for the Arts. This agency makes a real difference in Montana. It allows groups like Shakespeare in the Parks to go to over 50 Montana towns, including Birney, a town of only 17.

Every year, the cast and supporters of Shakespeare in the Parks clear a spot on Poker Jim Butte and put on a show. Citizens come from the nearby reservation, area ranches, and over the border from Wyoming to see classic Shakespeare works. It's a real community gathering and balloons the size of Birney for the day. And make no mistake, it probably wouldn't happen without NEA funding. This bill funds this valuable program.

I have been a longtime advocate of preserving the quality of life we in Montana and in America enjoy. This Interior bill also goes a long way toward preserving some of the last, best places for our children. First, it dedicates $1.5 million to help finish the Gallatin II land exchange near Bozeman, MT. Next, it earmarks $1 million for purchasing easements and land in the Blackfoot Valley.

This area isn't far from where I grew up. I've hunted, fished, and hiked in those hills and I can tell you of its beauty. We can be proud that because of this investment, our children will have the same access to this region that I did as a boy.

Mr. President, our rivers are under attack by a malady known as whirling disease. This parasitic condition causes the deterioration of fish muscles, eventually causing the fish to die. It has been found in many Blue Ribbon Montana rivers and is slowly spreading across the West. Our critical fisheries are at risk and Western States are faced with the potential loss of millions of dollars in tourism and fish agricultural revenues. Scientists at Montana State University's Fish Technology Center are hard at work today identifying the causes of this disease and potential cures.

It is cutting edge science and it is making a difference. This bill recognizes that and funds this research at an appropriate level.

The Interior Appropriations bill also contains $699 million in increased funding for the land and water conservation fund. This will help our Nation to acquire environmentally critical lands including a number of parcels that have been rated as a high priority in Montana. Specifically, the bill provides $65 million in land and water conservation funding to acquire the New World Mine property next to Yellowstone National Park.

If built, this mine would have harmed Yellowstone National Park. It would have polluted waters flowing into the park and would have harmed the park's wildlife herds. Montanans overwhelmingly opposed construction of this mine.

Last year, when the Clinton administration, local citizens, and the mining company reached an agreement that would keep the mine from being built, the entire region breathed a sigh of relief.

And now it is time to finish that agreement.

The New World agreement provides that the Federal Government will purchase the property from the mining company, thus protecting Yellowstone for our children. But its benefits don't stop there. The agreement also requires the mining company to spend $22.5 million to clean up historic mining pollution in the area. This not only improves the environment, it also creates jobs for Montana. That is truly a win-win solution.

As this bill moved through Congress, I worked hard to ensure that the money would be included to complete the New World agreement. And I am glad that has been done.

As part of the New World negotiations, we were able to further protect the local economy in Montana by appropriating $12 million to repair the area's main highway leading into Yellowstone National Park. Charles Kuralt called the Beartooth Highway the most beautiful road in America. With the money contained in this bill, we will be able to maintain that highway, enhance the local economy, and ensure that the American people continue to have access to the treasures of Yellowstone National Park.

The agreement reached between me, the administration, and House and Senate negotiators is truly in the best interests of Montana and of the Nation. It protects Yellowstone, cleans up the environment, creates jobs, and helps provide public access to our Nation's first national park.

However, the final version of the Interior appropriations bill also contains a provision that we did not agree to. It requires the transfer of $10 million or more worth of coal to the State of Montana. This provision was outside of the scope of the agreement that we negotiated with the White House and the other Members of Congress.

I support the development of coal in eastern Montana. But I also understand that the White House objects to the inclusion of this coal transfer. I expect that the White House will attempt to remove this coal either through a full veto of the bill or through a line-item veto of the coal transfer.

Coal was not included in our negotiated agreement on New World because the White House objected to its inclusion and because of fears that it could jeopardize the New World agreement. Now that Congress has included coal in the final bill, I hope that this issue does not stand in the way of our ability to complete the New World agreement. It would be a crime to get this close to completing the agreement only to have it fall apart—jeopardizing Yellowstone, MT jobs and the Beartooth Highway as well.

So, Mr. President, we are nearing the conclusion of a long process. I hope that all parties will continue to work with me to complete the New World agreement as expeditiously as possible. And I urge my colleagues to join me in supporting this measure that will achieve the successful protection of this national treasure.

Mr. McCAIN. Mr. President, as we approach the end of this session, the Congress will be asked to consider the remaining 6 appropriations bills in relatively short order. Clearly, it is important to pass these annual spending bills in a timely fashion to preclude the inconvenience and expense of delaying unnecessarily essential government programs. However, in our haste to adjourn, it would be a disservice to the American taxpayer to ignore the wasteful spending contained in these bills.

The Interior appropriations bill for fiscal year 1998 is filled with numerous earmarks and set-asides for low-priority, unnecessary, and wasteful spending projects.

For example, this bill contains three directed land transfers which, to the best of my knowledge, have not been screened through the normal process at the General Services Administration. Two of these provisions—dealing with the Bowden Fish Hatchery in West Virginia and certain BLM lands in Nevada—specifically state that Federal property will be given away without compensation. Certainly, one can legitimately question whether these are good deals for the American taxpayer, or just for those residing in the affected States.

Another provision of the bill, section 136, directs the Army to build a bridge across the Bull River in Alaska. This bridge is to provide access to the Golden Zone Mine for students at the School of Mineral Engineering at the University of Alaska Fairbanks. In addition, the Army is directed to donate, free, two 6x6 vehicles for the use of the university. The provision does not specify how much the Army is supposed to pay for these large, all-terrain vehicles, nor does it provide a cost estimate for the bridge. This single provision could cost the Army tens of millions of dollars.

The bill sets aside $800,000 for the World Forestry Center for continuing scientific research on land exchanges in the Umpqua River Basin region in Oregon.

I am disappointed that the conferees decided to earmark almost half of the $699 million provided for priority land acquisitions and exchanges in title V of this bill. The Senate bill contained earmarks to which certain Members of this body objected very strenuously, and these earmarks are included in the conference agreement, together with two new earmarks.

I am concerned that the conferees also chose to delete the Senate provision which outlined specific criteria for determining the highest priority acquisitions and exchanges that would be accomplished with these additional dollars. I plan to pursue the establishment of objective, consistent criteria so that the limited funds available for ensuring the preservation of our natural resources are spent wisely.

Finally, the conferees have included the usual requirement that all contracts awarded using funds provided in this bill should be expended in full compliance with all of the protectionist Buy America provisions that Congress has enacted over the years. These laws and regulations are anti-free trade and cost American taxpayers millions of dollars every year due to lack of free and fair competition of these contracts.

Now, let me turn to the report language.

Once again, the conferees have made clear that they endorse the language contained in either the House or Senate report, unless they mention it in the conference report. This ensures that every earmark and set-aside that is not specifically addressed by the conferees remains in place.

Let's look at some of the earmarks in the conference report itself.

—$100,000 earmarked from land management funding for the Alaska Gold Rush Centennial.

—$700,000 earmarked from wildland fire management funding for a type I hot-shot crew in Alaska, and $1.925 million for redevelopment of the obsolete fire center in Billings, MT.

—$400,000 of Fish and Wildlife Service funding for Alabama sturgeons.

—$400,000 for the Preble's Meadow jumping mouse.

—$300,000 for research on whirling disease.

—$450,000 in various accounts earmarked for the Lewis and Clark Trail, including technical assistance and office funding.

—$2 million for an Alaska mineral and geological data base, and another $2 million for the Alaska minerals at risk project.

—$500,000 for a project at Purdue University in Indiana to improve fine hardwood trees.

I note with interest that, in order to fit all of the earmarks into this bill, the conferees had to agree to account totals that exceed the levels in either the Senate or House bills. In seven different accounts, the conferees agreed to funding which exceeded the amounts in either bill. Altogether, the conferees added $188 million more than the House had provided for these accounts, and $90.6 million more than the Senate had provided. Technically, these accounts are outside of the scope of the conference, a practice which I understand is not unheard of, but which is all the most disturbing when it is done merely to accommodate earmarks for these low-priority projects.

I ask unanimous consent that the list of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN CONFERENCE AGREEMENT ON H.R. 2107, FISCAL YEAR 1998 INTERIOR APPROPRIATIONS ACT

Bill Language

Earmarks of construction funds, as follows: $500,000 for the Rutherford B. Hayes Home; $600,000 for Sotterly Plantation House; $500,000 for Darwin Martin House in Buffalo, New York and $500,000 for Penn Center, South Carolina.

Earmark of $1 million for the Vietnam Veterans Museum in Chicago, to be derived from the Historic Preservation Fund.

Earmark of $3 million for the Hispanic Cultural Center in New Mexico (subject to authorization).

Prohibition on funding relocation of the Brooks River Lodge in Katmai National Park and Preserve from its current location.

Sec. 115—Directed conveyance of the Bowden National Fish Hatchery in Randolph County, without reimbursement, to the State of West Virginia for its fish culture program.

Sec. 135—Adds new section directing National Park Service to provide land in D.C. to the Corrections Corporation of America in exchange for land in Prince Georges County, Maryland.

Sec. 133—Directs conveyance of BLM lands to Lander County, Nevada, without compensation.

Sec. 136—Directs Army to provide, without compensation, two 6x6 vehicles, "in excellent operating condition", to the University of Alaska Fairbanks and to construct a bridge across the Bull River to the Golden Zone Mine Site to allow access by the School of Mineral Engineering of the University of Alaska Fairbanks.

Earmark of $800,000 for the World Forestry Center for continuing scientific research on land exchange efforts in the Umpqua River Basin region.

Sec. 307—Buy America restrictions.

Sec. 313—Prohibition on expending funds to demolish the bridge between Ellis Island and Jersey City, New Jersey.

Sec. 343—Prohibits recreational residence special use permit fee increases in Sawtooth National Forest prior to January 1, 1999.

Title V—Earmarks $337 million of $699 million provided for land acquisitions and exchanges for four specific projects, and eliminates specific criteria for determining priority land acquisitions and exchanges as added by Senate.

Report Language

[NOTE: Statement of managers language endorses all Senate or House report language that is not specifically addressed in the conference report. Therefore, following list of objectionable items is not all-inclusive; other items in either the House or Senate reports are considered direction of the conferees.]

Department of the Interior—Bureau of Land Management

Management of Lands and Resources: $100,000 for the Alaska Gold Rush Centennial; $500,000 for DoD mapping project in Alaska; $200,000 for the Virgin River Basin Recovery plan; $500,000 for recreation resources management; $2.1 million for the National Petroleum Reserve in Alaska; $700,000 for the Alaska resources library; $2.3 million for the Alaska conveyance; $1 million for the ALMRS; $200,000 for the Lewis and Clark Trail; $100,000 for the Iditarod National Historic Trail; $100,000 for the De Anza, California, Mormon Pioneer, Nez Perce, Oregon and Pony Express National Historic Trails and the Pacific Crest and Continental Divide; and National Scenic Trails.

Wildland Fire Management: $700,000 to fund a type I hot-shot crew in Alaska; and $1.925 million for redevelopment of the obsolete fire center in Billings, MT.

Land Acquisition: $11.2 million total. $800,000 less than House. $2.6 million more than Senate. All but $3.75 million earmarked. (Conference Report page 53.)

Fish and Wildlife Service

Resource Management: $549.8 million ($3.8 million more than House. $9.8 million more than Senate); $400,000 for the Alabama sturgeon; $400,000 for the Preble's Meadow Jumping Mouse; and $300,000 for a wolf reintroduction study in WA.

$1 million in habitat conservation: $50,000 for the Middle Rio Grande/Bosque program; $50,000 for Platte River studies; $100,000 for a Cedar City ecological services office; $750,000 for Washington salmon enhancement; $50,000 for the Vermont partners program; $1 million for Salton Sea recovery planning in California; $250,000 for migratory bird management; and $500,000 for hatchery operations and endangered species recovery.

$750,000 for fish and wildlife management: $100,000 for Yukon River monitoring; $300,000 for Atlantic Salmon conservation; $50,000 for the regional park processing center; $300,000 for whirling disease research; $200,000 for the Caddo Lake Institute scholars program; $1 million for the National Conservation Training Center of which $560,000 should be used for the Iron County habitat conservation plan.

Construction: $45 million total. $4.7 million more than House. $3 million more than Senate. All but $6.9 million earmarked. Conference Report page 56.

Land Acquisition: $62.6 million total. $9.6 more than House. $5.4 million more than Senate. All but $11.5 million earmarked. (Conference Report page 58.)

National Park Service

Operation of the Park System: An increase of $100,000 for the Northwest ecosystem office; An increase of $920,000 for the Gettysburg NMP; $2 million for special needs parks; $250,000 for structure stabilization at Dry Tortugas National Park; $50,000 for the Lewis and Clark Trail office; $200,000 for technical assistance to the Lewis and Clark Trail. $50,000 for the California and Pony Express trails; and $50,000 for the North Country Trail.

National Recreation and Preservation: $250,000 for the Lake Champlain program; $150,000 for the Connecticut River Conservation partnership; $100,000 for the Aleutian World War II National Historic Area. $325,000 for the Delaware and Lehigh Navigational Canal; $65,000 for the Lower Mississippi Delta; $285,000 for the Vancouver National Historic Reserve; and $300,000 for the Wheeling National Heritage Area.

Construction: $215 million total. $66.7 million more than the House; $41.6 million more than the Senate. All but $58.3 million earmarked. (Conference Report page 64.)

Land Acquisition: $143 million total. $14 million more than the House. $16.4 million more than the Senate. All but $5.5 million earmarked. (Conference Report page 67.)

United States Geological Survey

Surveys, Investigations, and Research: $3 million for the global seismographic network; $1 million for the volcano hazards study in Alaska and Hawaii; $2 million for the Alaska minerals at risk project; $500,000 for Great Lakes Research; and $2 million for an Alaska mineral and geological data base.

Department of Agriculture—Forest Service

Forest and Rangeland Research: $700,000 for the Rocky Mountain station forest health project; $450,000 for the Institute of Pacific Islands Forestry in Hawaii; $500,000 for the fine hardwoods tree improvement project at Purdue University in Indiana; $1.5 million additional funding for research at the Pacific Northwest station; and $300,000 for the Rocky Mountain Research Station.

State and Private Forestry: $500,000 for the Alaska Spruce Bark Beetle task force; $2 million for stewardship incentives; and $2 million for the Mountains to Sound Greenway project in Washington State.

International Forestry: $230,000 for the Institute of Pacific Islands Forestry.

National Forest System: $1 million for inventory and monitoring; $500,000 for anadromous fish habitat management; $2 million for grazing management; $100,000 for Alaska gold rush centennial exhibits; $100,000 for trail maintenance in the Pacific Northwest region; and $4 million for exotic and noxious plant management.

Reconstruction and Construction: $166 million total. $11.5 million more than the House. $10.4 million more than the Senate. All but $88 million earmarked. (Conference Report page 82.)

Land Acquisition: $53 million total. $8 million more than the House. $4 million more than the Senate. All but $11.3 million earmarked. (Conference Report page 84.)

Department of energy

Fossil Energy Research and Development: $650,000 for coal research to complete a hospital waste project at the veterans hospital in Lebanon, PA.

$48.6 million for natural gas research: $45 million for advanced turbine systems; $1 million for the gas to liquids programs; $650,000 for technology development; $2 million for fuel cell systems; $350,000 for oil technology; and $800,000 for cooperative research and development.

Energy Conservation: $1.5 million for the home energy rating system; $100,000 for advanced desiccant technology; $500,000 for Energy Star; $100,000 for highly reflective surfaces; $750,000 for codes and standards; $1 million for the weatherization assistance program; and $250,000 for State energy program grants.

Department of Health and Human Services

Indian Health Facilities: $100,000 for the Montezuma Health Clinic in Utah; $40,000 for sanitation facilities; and $588,000 for environmental health and support.

Institute of American Indian and Alaska Native culture and arts development

Construction: $4 million for the Dulles extension of the National Air and Space Museum; and $29 million just to begin construction of the National Museum of the American Indian Mall Museum.

Mr. McCAIN. These are, I am sure, interesting projects, and important to the people who will be working on them. However, these earmarks—like the hundreds of other earmarks too numerous to mention today—were added to this conference agreement without benefit of the normal, merit-based review process that would ensure that these are the highest priority uses for the funding provided in this bill. Absent that process, it is difficult to believe that there are not other more pressing needs for Federal funds than these projects.

Mr. President, I want to stress that I have highlighted only those projects that I find objectionable in this $13.8 billion measure. Certainly, the funding provided in this bill is essential for the essential operations of the Department of the Interior and the other Federal agencies charged with preservation and management of our lands and natural resources. It also contains funding that is vitally important to our native American tribes, particularly for Indian education.

One provision that I am pleased to see included in this conference agreement is the $800 million environmental fund authorized in title IV of the bill. This provision establishes a National Parks and Environmental Improvement Fund financed from oil lease revenue awarded to the Federal Government by the U.S. Supreme Court this year. Interest from the fund, estimated to be $50 million annually, will be used to finance high-priority capital improvement projects for national parks, provide grants to States for park planning and acquisition, and fund marine environmental research. Providing for these unmet capital needs will ensure that our most coveted natural resources are preserved and protected for future generations.

I must say, however, that I am sorry that the conferees included in the language authorizing the Parks Improvement Fund a special setaside for the State of Louisiana for oil and gas drainage in the West Delta field. This provision was not included in the original Senate language, nor was any other special location-specific set-aside. I am disappointed that even this provision was marred by special-interest language.

Mr. President, I intend to support this bill because it provides new authorities and much-needed funding for many programs. However, I will urge the President to consider exercising his line-item veto to eliminate the low-priority, unnecessary, and wasteful spending that the Congress has added to this bill without benefit of a merit-based, prioritization review process.

Mrs. FEINSTEIN. Mr. President, I rise in support of the conference report on the fiscal year 1998 Interior appropriations bill.

This conference report contains both authorization and appropriations for the all-important Headwaters Forest acquisition in northern California.

Mr. President, California's ancient redwood forests are among our Nation's most valued treasures, which is why the battle to preserve them has reached a fever pitch in recent years.

The Headwaters Forest, nearly 3,000 acres located in Humboldt County, is one of the last remaining ancient redwood groves still in private hands. The land is owned by the Pacific Lumber Co., which is owned by the Maxxam Corp.

Over the past decade there have been over a dozen attempts to save this ancient redwood grove. All have failed.

Five attempts at Federal legislation failed.

Three attempts at State legislation failed.

Three statewide bond measures to raise funds to acquire the redwoods were rejected by California voters.

Two State legislative measures to reform California forestry regulations, one that would have restricted logging on private lands, and another that some said was not restrictive enough, both failed.

With the background, last year I was asked to see if I could facilitate an agreement between the property owner and the State and Federal Governments. After more than 100 hours of intense negotiations, an agreement was reached for the State of California and the Federal Government to jointly purchase the Headwaters Forest from Pacific Lumber Co.

Under the Headwaters agreement, the governments will purchase the 3,000-acre Headwaters Forest and the 425-acre Elkhead Springs Grove, plus nearly 4,000 additional acres of adjacent land to serve as a buffer. In all, approximately 7,500 acres would be acquired and protected.

The price under the Headwaters agreement is $380 million, of which the Federal Government will contribute

$250 million and the State will contribute $130 million.

Without the Federal funding to complete this agreement, there is no agreement. And if there is no agreement, the Pacific Lumber Co. will proceed with its huge taking lawsuit against the Federal Government for the cost of any regulations that prevent the company from logging its old growth redwoods. In the end, the real losers will be the American taxpayers who will possibly pay even more if Pacific Lumber wins its taking lawsuit. That is why this conference report is so important. It provides the $250 million federal share for Headwaters.

Specifically, this Headwaters package includes: Appropriation of $250 million for the Federal purchase of the Headwaters Forest; appropriation of $10 million for a payment to Humboldt County, CA; and a prohibition on the expenditure of $250 million for 180 days from date of enactment.

This will allow a period of time for the authorizing committees to review the issues associated with the Headwaters transaction and recommend any changes in the authorization if necessary. The funding will be available at the end of the 180 days.

The conference report also provides an authorization to purchase the Headwaters Forest. While many believe the Department of the Interior has more than sufficient authority to acquire the property, I know that others disagree and have insisted on authorizing legislation. The authorization is contained in this conference report.

Specifically, this bill authorizes the Headwaters acquisition with the following conditions: The State of California provides $130 million for its share of the costs, the State of California approves a sustained yield plan for the Pacific Lumber Co. property, a habitat conservation plan is approved and an incidental take permit is issued to Pacific Lumber, an appraisal of the lands to be acquired is done and reviewed by the Comptroller General, Pacific Lumber Co. dismisses its lawsuit against the Federal Government, a report is made to Congress on applicable HCP standards, Humboldt County is eligible for payment in lieu of taxes [PILT] payments for Federal lands acquired, 50 percent of management costs in excess of $100,000 will come from non-Federal sources, development of a management plan, with consideration of management by a trust, and expiration of the authorization on March 1, 1999.

If asked, is this authorization exactly what I would have drafted, the answer is no. But it gets the job done. And that is what is important.

I firmly believe that the Headwaters agreement is our last best hope to preserve these magnificent ancient redwoods. I urge my colleagues to approve this conference report.

Mr. INOUYE. Mr. President, I rise to commend my colleagues for their work on the conference report on the Interior appropriations bill for fiscal year 1998.

There are a few provisions of this bill that do not relate to matters of appropriations which would be more properly addressed by the authorizing committees of the Senate, and thus, I feel compelled to register concern that measures that are clearly substantive in nature—such as a comprehensive settlement of the claims of the Miccosukee Tribe of Florida—do not belong in this or any other appropriations bill.

I raise this matter because in last year's Omnibus Appropriations Act, there was a provision that singled out one Indian tribal government for disparate treatment—namely, to strip that tribe of benefits and privileges that have been authorized for all other tribes in the country under the Indian Gaming Regulatory Act. I speak of the provision affecting the Narragansett Tribe of Rhode Island.

Last year's provision came before this body over the strenuous and adamant objections of the Narragansett Tribe, without the benefit of any hearings, in the absence of any record that would serve to justify this unusual action on the part of the Congress, and with no consultation with the affected tribe.

The Narraganset Indian Tribe advises us that this provision has forever changed the lives of the members of that tribe, and has wrought devastating effects on the potential for the development and growth of the tribal economy.

Mr. President, I look forward to the day when the Congress acts to rectify the effects of last year's appropriations bill as it relates to the Narragansett Tribe.

Mr. DODD. Mr. President, it is my intention to vote in favor of the Conference Report making appropriations for the Department of the Interior and related agencies, but I do so with some reservations. I commend the appropriations conferees for negotiating a multitude of very contentious issues, but I am particularly concerned with several anti-environmental provisions that remain in the report.

The Balanced Budget agreement provided $700 million above the President's request for the Land and Water Conservation Fund and I am very pleased that the appropriators were able to honor that agreement. Land and water conservation funds and the matching State grant program have been very important to Connecticut's ability to acquire land and enhance recreation areas and parks. Without this funding, local communities will continue without the assistance they so deserve to acquire open space and further develop recreational areas. Unfortunately, Senate language providing $100 million in grants to States for land acquisition was not included in the conference report.

A portion of the Land and Water Conservation Fund will be used to purchase the Headwaters region in California and the New World Mine in Montana, subject to authorizing conditions. Although I recognize that the State of Montana will feel some adverse economic repercussion from the New World Mine purchase, I am dismayed that a proposal of $10 million to the State of Montana could be counted against the Land and Water Conservation Fund.

When the Senate initially debated the Interior appropriations bill, I was pleased to join many of my colleagues in voting for an amendment to eliminate funding for timber road purchaser credits for timber sales, but the amendment failed by the narrowest of margins. There is growing support for the elimination of all taxpayer subsidies for Forest Service logging road construction, and the House included language restricting the amount of timber purchaser credits. Unfortunately, the conferees dropped the House provision.

Finally, the provision reducing the effectiveness of the law pertaining to the export of Federal timber benefits a few large timber companies in the West. It was never suitably discussed by the authorizing committee.

While these are a few of my concerns, there are many provisions in the bill which merit my support. The Silvio Conte refuge and the Stewart McKinney refuge in my State received much-needed funding for land acquisition. Congress authorized the expansion of the McKinney refuge in 1990, and in the ensuing years, Federal appropriations have enabled the refuge to acquire 413 of the 454 acres available. Because the budget for the National Park Service was sufficiently funded, Weir Farm, the only national park in Connecticut, should receive an increase in its operating budget to meet its rising visitor service demands.

Mr. President, as you know, I am a strong backer of the arts and I am pleased that the appropriators provided $98 million for the National Endowment of the Arts. The NEA was a marked agency, identified by the other body for elimination. In fact, the other body voted to zero out all funding and tried to extinguish the NEA. But together with my colleagues in the Senate, another round of efforts to dismantle or eliminate the NEA was stopped. When the bill came out of conference with the House, the NEA had been saved. As evidenced by a series of strong bipartisan votes in the Senate in favor of the NEA, my colleagues and I were able to save this national agency and preserve a Federal role for the arts.

During the Senate debate over NEA funding, I cosponsored with the chairman of the Appropriations Committee, Senator STEVENS from Alaska, a Sense-of-the-Senate resolution asking the Congress to examine alternative sources of funding for the NEA. I believe it is time to give the NEA a secure future and preserve a national cultural endowment for generations to come. My hope is that the Congress will address this issue in the future.

And so it is for these reasons that I support the Interior appropriations conference report. I commend the conferees on a job well done.

Mr. NICKLES. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent due to a death in the family.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. SPECTER] would vote "yea."

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—84

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—14

Ashcroft
Boxer
Bryan
Durbin
Faircloth
Feingold
Gramm
Helms
Kohl
Moseley-Braun
Roth
Smith (NH)
Wellstone
Wyden

NOT VOTING—2

Kennedy
Specter

The conference report was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:57 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business for the next 30 minutes with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, we are now in the process of taking a look at D.C. appropriations bill papers on both sides of the aisle. We hope that within the next hour or so we will be able to go to the D.C. appropriations bill.

Also, it is our intent, as I have advised the Democratic leader, this afternoon to call up the DOD, Department of Defense, authorization conference report and begin the process on that bill.

So those two bills will consume the bulk of the time this afternoon. There is the possibility of recorded votes, and Senators should be aware of that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. I further ask unanimous consent that I be allowed to speak as if in morning business.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Ms. MOSELEY-BRAUN. Mr. President, this morning the Senate was once again blocked from considering campaign finance reform legislation. As a result, the ISTEA reauthorization bill has been delayed.

What happened today was clear. Intense opposition to any consideration of campaign finance reform legislation has precluded consideration of one of the most important measures to come before the Senate this year, the ISTEA reauthorization bill. ISTEA has been derailed for the time being because the majority party has refused to agree to even schedule a debate on campaign finance reform. They have refused the will of a majority of the Senate to engage in a debate over an issue that goes to the very heart of our Government and our democratic process.

The 48 Senators who voted against cloture today did not vote to kill the ISTEA reauthorization bill, as some have claimed. We did not cast our votes against cloture because we objected to this critically important highway and transit bill. Rather, we cast our votes against the obstructionist techniques that have been used to block debate on campaign finance reform legislation. We refused to cast our votes to end debate because there has, as of yet, not been debate over campaign finance reform.

Several weeks ago, the Senate engaged in a mock debate over the issue. It was not a real debate. Not a single amendment was offered. Not a single vote was taken. It is the business of the Senate to consider amendments and vote on issues and debate concerns of the American people. None of that has happened. It was as undemocratic a debate as I have yet seen in the Senate, and I know that the American people expect more from us.

They are frustrated and disillusioned with the current election process. We need to get Americans back into the system and get them involved in decisions that affect their lives. We need campaign finance reform to restore the American people's faith in the electoral process. Too many people believe that the current system cuts them off from their Government.

A League of Women Voters study found that one of the top three reasons people do not vote at all is the belief that their vote will not make a difference. We saw the result of that cynicism in 1994 when just 38 percent of all registered voters headed to the polls. We saw it again in 1996 when only 49 percent of the voting age population turned out to vote, the lowest percentage of Americans to go to the polls in 72 years.

According to a Gallup poll conducted early this month, 59 percent of Americans believe that elections are generally for sale to the candidate who can raise the most money. When you consider how much money it costs to finance a modern campaign, you can understand the frustration. According to recent Federal Election Commission figures, congressional candidates spent a total of $765.3 million in the 1996 elections, which was up 5.5 percent from the record-setting 1994 level of $725.2 million.

That figure does not include the huge amounts of so-called soft money spent by the political parties. In the first 6 months of the 1997–98 election cycle, $35.4 million in soft money contributions to political parties was raised, outpacing the same period in the 1995–96 cycle.

I would take a step further to remind my colleagues that there is even softer money than that with the independent expenditures and, of course, individual, wealthy people just write themselves a check and send themselves a thank you note, and that goes into the system. It is no wonder that Americans are clamoring for campaign finance reform. It is no wonder they believe their voices are overshadowed by special interests with the ability to fill campaign coffers. It is disheartening, Mr. President, that the majority has denied us the opportunity to debate this issue. It is more disheartening that they have denied us the chance to debate legislation to help keep the doors of democracy open for all Americans. They have refused to enter into a dialog with the American people about the contorted rules which govern campaigns, and about the urgent need to reform the system. They have refused a most reasonable request from a majority of Senators—an agreement that the Senate will take up consideration of campaign finance reform legislation, under normal procedures and normal rules, with amendments and votes and deliberations on the issues, sometime next year.

Mr. President, we did not cast our votes today against cloture because we are confident that the McCain-Feingold campaign finance reform legislation could be enacted into law, or because every one of us thinks it is the "end-all, be-all" of campaign finance reform legislation, but because we believe it is imperative that the Senate engage in a real debate over this issue. We believe the Senate has a responsibility to consider this issue. We believe that what has happened here over the last several weeks as parliamentary blockage after parliamentary blockade has been erected in front of efforts to debate campaign finance reform has been an abrogation of the democratic process.

It is the business of the Senate to debate measures, offer up amendments, and vote on issues, and the Senate has done none of the above with respect to campaign finance reform.

It appears that, for the moment, the majority has succeeded in blocking debate over campaign finance reform legislation. I have no doubt, however, that this issue will ultimately come up, if for no other reason than the American people are fed up and frustrated with the current system.

It also appears that, for the moment, the majority has derailed consideration of the ISTEA reauthorization bill. Let there be no illusions, however, that ISTEA is dead. It is not dead. This legislation is too important to simply wither. It will be taken up for consideration and we will enact legislation to provide our States and communities with at least the $180 billion in highway and transit funds that this legislation promises.

I must admit that I have mixed feelings about delaying consideration of ISTEA. For my State of Illinois, and indeed, for the Nation's transportation system, delay may give us an opportunity to rework some of the provisions of the current ISTEA reauthorization bill that inadequately treat those regions of the country that are essential to the movement of our Nation's commerce.

For the most part, I believe the authors of this ISTEA reauthorization bill have done an excellent job crafting a bill that strengthens many environmental provisions, allows States greater flexibility to support Amtrak, increases funding for a variety of safety initiatives, increases funding for intelligent transportation systems, and preserves the Department of Transportation's important DBE program. It is a bill that preserves many of the most important aspects of the original ISTEA, and that strengthens many other important provisions, and I commend them for their hard work and diligent efforts in this regard.

This ISTEA reauthorization bill, however, fails to allocate funds in a manner that adequately meets the needs of our Nation's intermodal transportation system. It does not recognize and provide sufficient funds to areas of the Nation that are responsible for the majority of our Nation's commercial traffic. It does not adequately address the relationship between transportation and our economy.

In 1991, when Congress enacted ISTEA, we stated:

> It is the policy of the United States to develop and National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner. . . . The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century.

That is what the authors of the original legislation stated as a goal. If the next ISTEA does not follow this important declaration, if it does not provide adequate funding to maintain and improve the corridors and areas that are responsible for our Nation's commerce, the effects of our negligence will ripple throughout every sector of our economy.

My home State of Illinois serves as the transportation hub for our Nation's commerce. It is home to the world's busiest airport and two of the world's busiest rivers. It is where the Nation's freight railroads come together to move goods from one side of the country to the other. It is the center of the Nation's truck traffic. If you add up the value of all truck shipments in the Nation, Illinois' has by far the largest share of any State. If you count the ton-miles of truck shipments that pass through States on their way to their final destinations, Illinois has by far the largest share of any State.

Illinois' roads, therefore, must bear the weight of the largest share of the Nation's commercial activity. The ISTEA reauthorization bill does not recognize the burden this responsibility places on our roads. According to a recent study from the Surface Transportation Policy Project, Illinois has the second worst urban roads in the country. The newspapers all report headlines like: "Illinois Roads in Shambles"; "Highways on road to ruin"; "Illinois' roads among the worst in the Nation"; "Roads in dismal shape."

These headlines are not surprising when you consider that Chicago is the Nation's largest intermodal hub. It is literally the transportation nexus of the Nation. It is only appropriate, therefore, that the national Intermodal Surface Transportation Efficiency Act recognize this fact and adequately provide for the enormous needs that go along with our status as the transportation hub of the Nation.

Mr. President, I am confident that when the Senate does take up the ISTEA reauthorization bill, we will be able to work together on a solution that provides funds to areas with the greatest needs. I am also confident that the Senate will ultimately take up, consider, and enact serious campaign finance reform legislation. These issues are simply too important for there to be any other outcome.

I yield the floor.

THE IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. DASCHLE. Mr. President, I am joining a large bipartisan group of Senators in cosponsoring S. 1311, the Iran Missile Proliferation Sanctions Act of 1997.

This bill addresses one of the most pressing national security problems we face—Iran's efforts to acquire technology that will enable it to build weapons of mass destruction. Certain Russian entities have engaged in some level of cooperation with Iran, and, while the Russian Government does not appear to be aware of these activities, the effect is the same—putting very dangerous technology in the hands of a regime that intends to destabilize.

Mr. President, all Americans share the goal of stopping these technology transfers, but there are clear differences on how to achieve it. The administration has launched an aggressive diplomatic onslaught, pressing the Russian Government to do all it can to halt these activities. Vice President Gore and Secretary of State Albright are fully engaged in this effort. In addition, the President has appointed top diplomat and former Ambassador Frank Wisner as his personal envoy to the Russians on this issue. Ambassador Wisner has made several trips to Russia seeking a crackdown on exports of sensitive technology and has scheduled another visit in several weeks.

I am hopeful this legislation will help the administration in its efforts to impress upon the Russians just how seriously the U.S. Congress takes this issue. Diplomacy clearly plays a critical role in these situations, but so does the tough approach laid out in this bill. The sanctions it provides will send a clear message to Russian entities involved in these technology exchanges that they will face heavy costs if they choose to proceed with business as usual.

The Senate version of the bill is not without its problems, however. Specifically, the bill does not include a provision allowing the President to waive the bill's sanctions if he finds it necessary to do so on national security grounds. The House version of the legislation does include a waiver, and I am hopeful that any final bill will include one. The President needs this discretion in dealing with this extremely difficult situation.

Mr. President, I look forward to continuing to work with the administration and Members on both sides of the aisle to address this critical threat. It is imperative that we all work together in an effort to prevent Iran from acquiring such dangerous and destabilizing technology.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 27, 1997, the Federal debt stood at $5,427,907,147,573.22 (Five trillion, four hundred twenty-seven billion, nine hundred seven million, one hundred forty-seven thousand, five hundred seventy-three dollars and twenty-two cents).

Five years ago, October 27, 1992, the Federal debt stood at $4,064,077,000,000 (Four trillion, sixty-four billion, seventy-seven million).

Ten years ago, October 27, 1987, the Federal debt stood at $2,385,921,000,000 (Two trillion, three hundred eighty-five billion, nine hundred twenty-one million).

Fifteen years ago, October 27, 1982, the Federal debt stood at $1,141,248,000,000 (One trillion, one hundred forty-one billion, two hundred forty-eight million).

Twenty-five years ago, October 27, 1972, the Federal debt stood at $439,190,000,000 (Four hundred thirty-nine billion, one hundred ninety million) which reflects a debt increase of nearly $5 trillion—$4,988,717,147,573.22 (Four trillion, nine hundred eighty-eight billion, seven hundred seventeen million, one hundred forty-seven thousand, five hundred seventy-three dollars and twenty-two cents) during the past 25 years.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. BYRD. At the conclusion of the period for morning business, what would be the business before the Senate?

The PRESIDING OFFICER. The regular order would be the laying down of S. 1173, the ISTEA-II bill.

Mr. BYRD. The ISTEA bill?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. The ISTEA bill. Mr. President, I have a feeling that the leader is probably not prepared to go back on that bill at the moment, so I will ask unanimous consent that I may proceed for such time as I may consume out of order.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, I take the floor at this time for several reasons, one being that the Senate would be on the ISTEA bill if the regular order were called for at this point. No other legislation is before the Senate. Consequently, I feel it is appropriate to be talking about the ISTEA bill.

Second, three of my colleagues, Senators GRAMM of Texas, BAUCUS, and WARNER, and I have introduced an amendment to the ISTEA bill and we have explained that amendment and discussed it upon more than one occasion. As we have explained, our amendment provides that 90 percent of the funding will be distributed on the same basis as in the ISTEA bill before us, and that 10 percent would be allotted for discretionary as is the case in the ISTEA bill before us. In the amendment, which I have coauthored with the other three Senators, I have provided that in the 10 percent discretionary portion, $2.2 billion would be allotted to the Appalachian regional highways—$2.2 billion of the $3.1 billion in discretionary funding. The overall amount of funds that would be provided by our amendment would be $31 billion.

The basis of our amendment is that inasmuch as the 4.3-cent gas tax has been ordered by the Senate to go into the trust fund as of October 1 this year, that money should be spent for transportation purposes.

The American people, being under that impression, and having every right to be under that impression because of the legislation that was passed recently stating that the 4.3-cent gas tax would go into the highway trust fund, that would be broken down as follows: 3.45 cents for highway funding and 0.85 percent would be for mass transit.

There is a considerable amount of confusion, some of which I think has been deliberately spread, some of which may be accidental. There is some misinformation that has been spread about the amendment that my three colleagues and I have sponsored. So I believe at this time, there should be some discussion so as to clarify our amendment, what it really will do, what it will not do, and also it is my opinion that we should understand what the Chafee-Domenici amendment will do and what it will not do.

My colleagues who are coauthoring my amendment and I have taken the floor on at least two occasions to describe our amendment. And most recently, during the time of the last discussion of my amendment, Mr. CHAFEE presented me with a copy of the Chafee-Domenici amendment.

However, I haven't heard any explanation of that amendment as yet. I think we ought to have an explanation before we act on the bill, one way or another, and certainly before sine die adjournment. I hope that we will get a 6-year highway bill, but with each passing day, the prospects of such are by that degree diminished.

But in any event, I would want Senators to have a better understanding of my amendment and certainly the amendment by Senators CHAFEE and DOMENICI before we go out or before we leave this subject entirely.

I have called for Mr. CHAFEE and Mr. DOMENICI. I wasn't able to contact Senator DOMENICI, but I was able to contact Senator CHAFEE. I wanted to let them know that I hoped we could use this time, when no other Senator is seeking recognition, to discuss this matter and particularly to have some explanation of the Chafee-Domenici amendment.

Mr. CHAFEE was in the Intelligence Committee at the time and was busy there, but he very kindly came to the floor and has indicated to me—he is here on the floor now and he can speak for himself—that on tomorrow, he will seek some time to discuss and explain the amendment that he and Mr. DOMENICI have offered.

At this time then, Mr. President, I want to say a few words about the Appalachian Regional Highway System, because that figures very importantly in the amendment which I have offered for printing, and I think that the Members of the Senate ought to have a better understanding of the background of that particular subject matter. I also want to direct some comments to today's edition of Congress Daily to an item therein which bears the headline: "DOT Study, Domenici-Chafee Letter Hit Gramm-Byrd Plan."

There are some inaccuracies in that article, and I hope to address some of my remarks to those inaccuracies. I also would be pleased if the other three cosponsors of our amendment could come to the floor and, likewise, make some remarks.

All three offices have been alerted, and it is my understanding that those Senators will come at such times as they can be free from other appointments. I apologize for, in a way, for taking the floor at this time. I know that the other cosponsors are very busy, and I know also that Mr. CHAFEE and Mr. DOMENICI are busy, but I shall proceed.

First of all, let me address my comments briefly to the Appalachian Development Highway System.

Mr. President, when I was a member of the West Virginia House of Delegates 51 years ago, West Virginia had only 4 miles of divided four-lane highways—4 miles! Let me say that again. The entire State of West Virginia had only 4 miles of divided four-lane highways in 1947, the first year in which I served as a member of the West Virginia Legislature.

I can remember an article that appeared in the Saturday Evening Post by a Mr. Roul Tunley, on February 6, 1960. I was a Member of the U.S. Senate then. That was my second year in the U.S. Senate. In Mr. Tunley's article, he said this: "Its"—meaning West Virginia's—"Its highway system is several decades behind that of its neighbors." I haven't forgotten that quotation. I have been carrying it around up here somewhere in my gray matter now for these 37 years.

I cannot forget it. It is etched into my memory. The Saturday Evening Post, a national publication, said, in an article by Roul Tunley, with reference to West Virginia's highway system: "Its highway system is several decades behind that of its neighbors."

Now, Mr. President, those words have, as I say, been etched into my memory. They have been burned into my memory, virtually seared into my memory.

I was a Member of the other body when the Interstate System was inaugurated. President Eisenhower was in his first term.

In any event, in 1956, which was during the 84th Congress, Congress passed legislation to provide for a gas tax to be placed into the highway trust fund. I was a Member of Congress at that time.

In 1965, 9 years later, Congress passed the Appalachian Regional Development Act. It provided for an Appalachian regional highway system. That was 1965. It was fiscal year 1966; in other words, calendar year 1965, when Congress appropriated its first moneys toward the Appalachian regional highway system—1965, fiscal year 1966. It has been a long time ago.

So, over 30 years ago, Congress enacted legislation saying to the people of Appalachia, the people of the 13 States in Appalachia, that an Appalachian highway system was going to be established and funded.

West Virginia is the only one of the 13 States that is wholly within Appalachia. But contrary to the understanding of a good many people, I suppose, West Virginia is not the only State in Appalachia. During these intervening 32 years, West Virginia's Appalachian system has become 74 percent complete. For the entire Appalachian region, however, the highway system is something like 78 or 79 percent complete.

Now, the Interstate System all over this country is 100 percent complete—virtually 100 percent. That is something like 43,000 miles, I believe.

But the Appalachian highway system remains, a good bit of it, yet to be completed. West Virginia, as I say, is 74 percent complete. The other States in the Appalachian region are about 78 or 79 percent complete. So West Virginia is behind the region as a whole.

A great many people have criticized me over the years for acting in my Appropriations Committee to get moneys for West Virginia's Appalachian corridors. But as chairman of the Senate Appropriations Committee, I provided not only money for West Virginia's Appalachian corridors but also funding for Appalachian corridors in all of the 13 States of Appalachia. Nothing was said about that by my critics. But that is neither here nor there at the moment. I just mention it in passing.

The point is that while the Interstate System has been completed all over this country, the Appalachian highway system is yet to be completed. The people in Appalachia have been promised for 31 years that that system would be completed. It isn't completed yet. So they have been living on a prayer and a promise, in considerable degree. About one-fourth of the system—one-fifth to one-fourth of the system—is not yet complete. And I think it is about time we fulfilled our promise that Congress made to the millions of people who live in Appalachia that their system at some point would be completed, too.

Now, Mr. President, I see on the floor my friend, Senator GRAMM. If he would like to speak for a moment——

Mr. GRAMM. No. Go ahead.

Mr. BYRD. He indicates that I should go ahead.

So, with the passage of the Appalachian Regional Development Act by Congress in 1965, the Appalachian Development Highway System got its start by providing smaller regional centers in the Appalachian region with four-lane expressway links to the Interstate Highway System. The new corridors were devised to open areas with development potential where commerce and communication had previously been inhibited by a lack of access.

On June 17, 1965—32 years ago, and then some—the first Appalachian corridor construction project in West Virginia was contracted for a section of corridor D, U.S. 50 in Doddridge County that is between Parkersburg, WV, and Clarksburg, WV.

The Appalachian corridor highway construction era really picked up steam in West Virginia following the November 1968 approval by the voters of a $350 million road bond, the proceeds of which were used to provide the State's matching share for corridor construction.

During these years, for the most part, funding has been directed toward all four uncompleted corridors, D, G, H and L. When the Intermodal Surface Transportation and Efficiency Act, ISTEA of 1991, came along, I asked that language be included authorizing the completion of the Appalachian system. And that was done.

The Appalachian Development Highway System in West Virginia comprises a total of 428.9 miles of roadway, completed or under construction, in design or in corridor location study phase.

In the case of the Appalachian system, I think it would be informative to point out that Appalachia's rugged terrain has made roads very expensive to build. Early roads usually followed the topography, that is, they followed streams, valleys and troughs between mountains, and the resulting highways were characterized by very low travel speeds, long distances due to winding road patterns, often very unsafe road conditions, roads built to poor design standards, unsafe, short-sight distances, and extremely high construction costs which further discouraged commercial and industrial development.

Now, I should say that miles constructed, alone, do not really measure the impact of a development highway system. Its success is measured in how it allows the region to be opened up for development and how it allows for the improvement of its inhabitants' condition.

A 1987 survey taken by the Appalachian Regional Commission showed that between 1980 and 1986, 560,000 jobs were created in the Appalachian counties with a major highway, compared with 134,000 jobs created in those counties without a major highway. It is clear the highways are the lifeline and the lifeblood of the Appalachian region. The idea of a regional interconnected network of highways is as vital today as it was in 1965. It has the same purpose as the Appalachian corridor system which was created 32 years ago.

The National Highway System was designed to provide an interconnected system of principal arterial routes which would serve major population centers—water crossings, ports, airports, other intermodal facilities and travel destinations—while meeting national defense requirements and serving interstate and interregional travel.

A factor which is often overlooked in connection with Appalachian regional highways is the factor of safety. It is important that States in Appalachia have modern, safe roads. Current accident rates on the highways in the area of corridor H —if I may take one example, in West Virginia—are above the Statewide average. The accident rates along in that area are above the Statewide average. The State of West Virginia itself has accident rates which are above the national average. Because much of the State's road system was built in the 1930s, the existing roads reflect a happenstance response to topography rather than strategic planning.

Shortly, I will yield to Senator GRAMM, but while I am on this aspect, namely, the Appalachian highways in the ISTEA amendment which Senator GRAMM, Senator WARNER, Senator BAUCUS, and I have introduced, the Appalachian regional highways, along with various trade corridors and bridge repairs constitute 10 percent of the total—the total being $31 billion; 10 percent being $3.1 billion—the 10 percent being precisely the same breakdown as in the ISTEA bill that is before the Senate. In that bill, 90 percent goes to formula funding and 10 percent to discretionary to be determined by the Secretaries of Interior and Transportation.

So, I simply wanted to say for the record that Congress and the Federal Government promised to the people in the 13 States of Appalachia 32 years ago a highway system that would be modern, that would be safe, and that would contribute to the commerce and communication, economy and upbuilding of that region and the wellbeing of its people, and that promise has not been fulfilled yet. I think it is about time we consider fulfilling the promise that Congress made to the people of Appalachia. That is what I am attempting to do in this amendment, to go a long way in halfway fulfilling the promise.

The promise—$2.2 billion, and $300 million in the bill itself—is $2.5 billion, and it is estimated that the total cost of completing the Appalachian regional system in the 13 States of Appalachia is something like $6 billion to $7 billion, the Federal share, and the Federal share is 80 percent.

So in this particular ISTEA bill, which would be for the next 6 years, of course, we would only take advantage of 5 years because the first year of the 6 years is already underway. It started on October 1 of this year and the gas tax just began going into the trust fund as of October 1 of this year. Consequently, we would not see that money until next year, so it would be 5 years out of the 6-year life of this ISTEA bill that we would provide something like $2.5 billion for the Appalachian Regional Commission highways in 13 States—not just in West Virginia, 13 States. Hopefully, the next ISTEA bill, 6 years down the road, would make further provision and perhaps at some point in the not-too-distant future the people of Appalachia could look up and see their modern, safe, highway system completed, and the rest of the country, including the Congress, could look the people of Appalachia in the eye and say, "We kept our promise."

That is what I am fighting for here today. That is why I hope to reach the ears and the hearts of my colleagues so that they have a better understanding of why this money is being provided in our amendment.

Mr. President, there may be an attitude around, and at times I have sensed an attitude, to the effect that the people of Appalachia have no right to expect appropriations for an Appalachian Regional Commission system, and that moneys spent in one region of the country for highways is to the disadvantage of the voters, the taxpayers, the people of other regions of the country. There seems to be such an attitude in editorials and columns and so forth over the years; that what the people in Appalachia are getting by way of highway funding is pork and that they were actually getting more than their share. A lot could be said about that.

But this attitude that appropriations projects in one section of the country benefit only that section, they don't benefit the whole country, and, therefore, should not be made, and that it is unfair to focus funds on a particular area, a particular State or a particular region of a country, that that is an unwise, unfair and unjustified expenditure of the taxpayers' money, I want to address that.

I want a Senator who is far better known than I am to address the matter for me, and I will call on none other, therefore, than Daniel Webster. I refer to his reply to Hayne. He took 2 days to reply to Senator Hayne, namely on the 26th and 27th of January, 1830. Hayne had spoken on Thursday and Friday of the previous week. Webster had taken 12 or 13 pages of notes, and over the weekend, he thought about his speech, and then on the following Tuesday and Wednesday, the 26th and 27th, he made his speech.

He addressed Senator Hayne, as well as Senator Hayne's statements and charges, namely that the people of the whole country should not have to pay for internal improvements that occur in a particular State.

So Webster took the floor on that occasion and spoke as follows. I have gone back and read Webster's speech, and I will quote from it precisely. This is Daniel Webster:

> I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit.

Let me say that again:

> I look upon a road over the Alleghanies—

He is talking about my country when he talks about a road over the Alleghenies, the Allegheny Mountains. That is a part of Appalachia. Appalachia extends farther, a larger area than the Alleghenies. But Webster said:

> I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman—

Meaning Mr. Hayne—

> thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries; connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system—

Mr. Hayne's system—

> On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

May I interpolate. The same thing has been said about the Appalachian Highway System, or at least implied. Why should people build highways across those rugged mountains, those stream valleys that have been there for millions of centuries? Why should the taxpayers of America pay for highways to cut through those Allegheny Mountains? Why should we have to do that?

Webster says, as he said to Hayne, "the gentleman thinks otherwise."

And he said:

> Sir, we narrow-minded people of New England—

Webster is referring to himself and others from that area—

> Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the states, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; states, united under the same general government, having interests, common, associated, intermingled.

"Having interests, common, associated, intermingled."

> In whatever is within the proper sphere of the constitutional power of this government, we look upon the states as one.

That's Webster. ". . . we look upon the States as one." Now listen to what he says to those who would criticize the expenditure of public moneys for internal improvements. By the way, that was one of the main planks in Henry Clay's "American System," which advocated a national tariff, internal improvements, and a national bank. Clay was instrumental in getting funds for the old Cumberland Road, the old national road. The next time that the distinguished Presiding Officer drives from Washington over to Wheeling, WV, he will travel on the old national road, the old Cumberland Road.

It was begun in the year 1811, and that was the gate to the Midwest and the West. By 1838, Congress had appropriated a total of $3 million—think of it, $3 million—toward the construction of that old national road, the old Cumberland Road. Begun in 1811, by 1838, Congress had appropriated the enormous sum of $3 million of the national taxpayers' money for construction on the old Cumberland Road. And Henry Clay had a great deal to do with the appropriations of those funds for that old Cumberland Road.

Well, now continuing with Webster.

I am sure that Henry Clay, if he were in the Senate, would make my case for the Appalachian regional highway system.

Clay on one side—oh, I would like to have him here; that great Senator from Kentucky would make my case—and Webster would also make my case, those two great Senators, because they saw the beauty and the wisdom and the justice and the fairness in committing the national resources to the development of a section of the country, not just one State. But even Webster would go so far as to say, if it were just in one State he would not stand up here and ask why he should support it.

But let him speak for himself here.

> We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our powers of legislation. Sir, [he addressed the Chair, "Sir"] if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do that the power of government extends to the encouragement of works to that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents.

Oh, I wish he were here to defend our case. We have been promised for 32 years that this system would be completed. It is not completed yet. And when we seek justice in relation to the completion of that system, we bear the slings and arrows of fortune and the criticism of those who would say, "Well, why? You're getting less money than those people in Appalachia. Those people in those 13 States of Appalachia are getting a little more than you are." What kind of statesmanship is that? That is a shortsighted statesmanship in the eyes of Daniel Webster.

> I should not be willing to face my constituents. These same narrow-minded men would tell me, that they have sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who has not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Webster—talking about internal improvements.

> Sir, I do not desire to enlarge the powers of the government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one.

One; e pluribus unum!

> It was the very object of the Constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or in removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

Now, Mr. President, I would like to yield, without losing my right to the floor, to my colleague, Senator GRAMM of Texas, for such comments as he may wish to make on this subject matter, and I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Let me first thank our dear colleague, Senator BYRD. I think he is giving us a lesson on the history of funding for highways that is long overdue and is not generally understood. I want to thank him for giving me an opportunity to sort of butt in the middle of his speech and really focus on something that I think is important and that really is part of what the Senator is saying, but I think sort of sets it in perspective. I think maybe by explaining the big picture first and then having the Senator explain the portion of it related to Appalachia, I think people will have a clearer view of where we are.

Let me begin with Appalachia, then go to the debate about funding. I then want to talk about an amendment that continues to be referred to in these "Dear Colleague" letters that are being mailed. Senator BYRD, I was shocked. The letter today shows that our amendment is producing 43 States who are losers, and you can imagine my consternation when I discovered that my own State was one of the biggest losers. So perhaps we are not doing as good a job as we thought if we could believe these numbers, but let me assure you, do not believe these numbers.

Now, let me first talk about the highway bill and how it works. How the highway bill works, as it was reported out of committee to the Senate, 90 cents out of every $1 that is provided in the highway bill goes to the States in a formula. The amendment that Senator BYRD and I have written does not change that formula whatever. We took the committee's judgment—we are not trying to become the highway subcommittee through our amendment—we took their formula and allocated the money by exactly the same formula, only we allocated $31 billion more in budget authority, $21 billion more in outlay than they allocated. I will explain where that came from in just a moment.

Under their bill, 10 percent goes to the overhead of the Department of Transportation and it funds the Appalachian Regional Highway System, it funds the emerging international trade corridors, it funds all of the research projects that are part of the highway system, and it funds the functioning of the Federal highway department and the administrative expenses.

The amendment that I have offered with Senator BYRD does not change the allocation of funds as far as 10 percent going to the Department and 90 percent going to the States. So when we add an additional $31 billion in budget authority and $21 billion in outlays, not wanting our amendment to substitute for the wisdom of the committee, we took exactly the same allocation, 90 to 10, for this new money that they had for the old money.

Now, if you listen to the critics of our amendment, they have zeroed in on Senator BYRD and on the Appalachian region, and it's as if this is a whole new area of funding. Well, this is where I think the confusion comes from, and I think I can straighten it out pretty easily.

First of all, President Clinton, when he submitted the highway bill, proposed $2.3 billion for these 13 States to be funded by the Secretary out of the 10 percent of the money set aside for the Secretary's use. He proposed $2.3 billion, even though his bill authorized over $31 billion less than our amendment will provide. So remember this number. The President proposed $2.3 billion for the 13 States of Appalachia to complete their system, which is over 75 percent already complete, while providing $31 billion less money than we are providing. Only our amendment provides only $2.2 billion.

So if it is the purpose of the Senator from West Virginia to somehow exploit his colleagues, I would have to say that he is doing a very poor job of it, because the reality is that our amendment provides an additional $2.2 billion for Appalachia, which is less money than the President requested. He requested $2.3 billion when he was spending $31 billion overall less than we are spending. The reality is that our amendment contains less money for Appalachia than the President requested.

Second, the House, when they wrote a 3-year bill in committee, provided $1.05 billion for Appalachia; but that's only for 3 years. In fact, if you run it out to 6 years, they would have provided approximately $2.5 billion for these 13 States and for this funding of highways within those 13 States, which was in the President's budget and which has been in every highway bill that we have funded in the recent past.

So the reality is that, while people don't want to debate the real issue here, which is spending the highway trust fund, we have added less money to Appalachia, using the formula of the committee, than the President requested when he was spending $31 billion less. We have requested less money for these 13 States than the House provided in its bill.

So I hope this puts that issue to bed. When the President requested more, when the House provided more, when this has been an ongoing line item in the highway bill for many years, and when it was a line item in the original bill, and when we took the committee's overall allocation of funds, the point I am making is that the allocation of funds here is basically in line with what the President requested and what the House has done. The Senator has explained to us that the highway project in these 13 States is 75 percent complete. Surely, no one believes they should be left uncompleted. But the Senator is roughly asking for the same amount of money that was provided by the President, that was provided by the House, even though the President was providing $31 billion less overall.

Now, having, I hope, put that to bed, to anybody who wants to debate the issue I would have to say—and I want to be sure that I am always kind to our colleagues—that it is frustrating to me to try to debate an issue when we are having so much trouble getting people to focus in on that issue.

I want to give you an example. There was a "Dear Colleague" letter sent today with this headline: "Final Analysis Complete; 43 States Lose Under Byrd-Gramm." As I said, unfortunately, my State is one of the biggest losers in the country, losing $28 million. Now, what are we losing relative to? Well, what we are losing relative to is the so-called Domenici-Chafee amendment, which I have here, and what they are saying is that if you provided $21 billion more in outlays, and if you don't fund the overhead of the Department of Transportation, then you would have additional funds to provide to States. But guess what? They don't provide an additional penny. They put out all these tables about what Domenici-Chafee would provide. But when you take their amendment and turn to the section entitled "additional funding," and you turn to page 2, they have the amounts. The amounts referred to in paragraph 1 are as follows: "(a) for fiscal year 1999, zero; for fiscal year 2000, zero; for fiscal year 2001, zero; for fiscal year 2002, zero; for fiscal year 2003, zero."

So their amendment provides no additional budget authority for highways whatsoever. In fact, their amendment is convoluted. They go on and say: "In general, there shall be available from the highway trust fund such sums as are provided in paragraph 2." But paragraph 2, as I just read you, says zero for 1999, zero for 2000, zero for 2001, zero for 2002, and zero for 2003. So they will provide such sums as in paragraph 2, but there aren't any sums in paragraph 2.

If you read the fine print in their letter—you see, there is fine print here that says—and, of course, Senator BYRD would have picked it up because he picks up fine print. I am not sure how many of our colleagues did. Here is what it says, in short: "If the Appropriations Committee funds highway programs at $29 billion or greater. . ."—it also should say: "and if we authorize such moneys to be spent in the future." But it does not say that. Then if you should allocate it the way they would, not as Senator CHAFEE allocated it in his own committee, with the 90 to 10 split, you would have a different allocation.

But the point I want people to understand is that all these charts are being sent out about how money would be spent. When you read their amendment, they are not spending any money. They are not providing one additional penny for highway construction; yet, they keep putting out tables showing what would be provided if someone at a later time and a later place decided to provide it.

What Senator CHAFEE and Senator DOMENICI are really saying is: Don't authorize highway spending in the highway bill. Don't let the trust fund, which is collected as a tax on gasoline, be authorized to be spent on highways. Wait and let a budget be written in the future, and then if at that time it is decided to spend the money for the purpose that the tax was collected, then we will spend the money.

Senator BYRD and I disagree. We wrote a highway bill 6 years ago. Have we ever changed the authorization in 6 years under that highway bill? The answer is no. We have had to live with it every single day. We are now trying to write a highway bill for the next 6 years, and Senator CHAFEE and Senator DOMENICI say don't write a highway bill for the next 6 years. Leave funding at the level that was set out in the bill that would let the highway trust fund rise to $90 billion by the end of the highway bill, and then in the future, if we decide that we ought to quit misleading the American people in telling them that these taxes that are paid at the pump go to build highways, then in the future in some budget resolution we could provide that the money would be spent.

But so that no one misunderstands, not one penny of additional highway funds are provided in the so-called Chafee-Domenici amendment. There is only one amendment that takes the highway trust fund that people pay into when they go and fill up their car and fill up their truck and they shell out their hard-earned money on gasoline taxes, and we say to them, well, now, look, it's for your own good. We are spending it on highways, so this is not a tax. It is a user fee.

Senator CHAFEE and Senator DOMENICI say, well, look, we don't want to do that. We want to build it up in the trust fund so that it can be spent on other things. In fact, as Senator CHAFEE said in a speech in the Senate Chamber on October 9, he "cannot support the proposition of spending the 4.3-cent gasoline tax."

That is a perfectly legitimate position. He cannot support it. But Senator BYRD and I can support it, and we do support it. What our amendment does is it starts telling the American people the truth. And that truth is they are paying this gasoline tax. We claim it is going into the trust fund to build roads, and yet we have before us a highway bill that doesn't spend a penny of that 4.3-cent-a-gallon tax on gasoline so that it can go to other uses.

Senator BYRD and I say we collect the money on gasoline, on the tax at the pump, and we put it into the trust fund. We have been telling people that was for roads, and our amendment simply does what we say we are going to do. That is, we are going to spend it on roads.

So if you believe that the highway trust fund ought to be spent on other things, you should vote against our amendment. You ought to support people who are opposing it. But if you believe that the highway trust fund, which is funded with a gasoline tax, ought to be used to build roads, which is what we claim we are doing, if you think it is fundamentally wrong, some might say dishonest, to build up a surplus of $90 billion in a highway account so the money can be spent for other things, then there is only one amendment that is going to fix it. That amendment is the amendment that I am offering with Senator BYRD.

So in regard to our amendment, there have been a handful of criticisms, and I want to respond to one of them and try to do it briefly so I can get out of the way and let Senator BYRD go back to giving us a history lesson on highway construction and about the fairness of the underlying permanent law related to highway construction.

Let me outline what these criticisms are. First of all, I want to remind my colleagues that 83 Members of the Senate voted on a resolution I offered as part of the budget resolution that called on us to put the 4.3-cent-a-gallon tax on gasoline, which had been going to general revenues, in the highway trust fund and spend it for highways. Mr. President, 83 Members of the Senate voted for that resolution. Then, in the tax bill that was passed this year, we took the 4.3-cent-a-gallon tax on gasoline and put it where every other permanent tax on gasoline since we have had a trust fund has gone. We put it into the highway trust fund to spend it on highways.

Then when the highway bill came out of committee, while we had put 4.3 cents per gallon into the trust fund, about $7.2 billion a year when you count mass transit and highways, not one penny of it had been spent on highways. Not one penny of it. Under the original bill, the surplus would have built up to $90 billion, which means in our unified budget all that money would have been spent on something else.

Now, Senator BYRD and I have tried to have a debate on the substance of the issue, and the substance of the issue is we believe that the trust fund made up of taxes on gasoline ought to go for the purpose that we tell the American people it is going for, and that is to build roads. We have offered an amendment to do that. Our amendment is as straightforward as it can be. It allocates the money on the same formula the committee allocates the money going to the States. It has the same amount of money being allocated by the Secretary. And it is straightforward in terms of what it funds.

Now, the two criticisms that have been leveled are, No. 1, that somehow this is unfair because of funding for highways under a program which has existed since—when was the Appalachian highway program adopted?

Mr. BYRD. 1965.

Mr. GRAMM. 1965?

Mr. BYRD. Yes.

Mr. GRAMM. That somehow because it provides funds for a program that became law in 1965, it is unfair. Well, as I have mentioned before, our amendment does provide $2.2 billion for that purpose. It also provides money to seven donor States that, because of a quirk in the formula, ended up actually getting less under the committee bill, and with the support of the chairman of the subcommittee and the ranking member we also fix that.

And finally, rather than just claiming we were doing something for international trade corridors, we actually provided money for it. The old bill claimed it spent $125 million per year for international trade corridors, but Senator BYRD saw in the fine print that it did not really provide any money. It just claimed to provide money. Unfortunately, that is something that is done.

Our bill does not claim to provide money it does not provide. It is interesting that this criticism would be made. But the point is in the first attack on the 13 States of Appalachia, our amendment provides $2.2 billion of funding. The President requested $2.3 billion. The House passed a level of $2.5 billion. I find it very hard to justify it is a criticism that we are providing roughly the money that was requested by the President when his bill contained $31 billion less and roughly the same amount of money provided by the House.

The final criticism is that the opponents of the bill keep putting out tables about what their amendment is estimated to do in fiscal year 2000.

First of all, their amendment does not do anything in the year 2000, nor does it do anything in any other year during the highway bill because, as I noted earlier, on page 2 of their bill where, under the title of additional funding, they say their additional funding is zero for the year 2000, for 1999, 2001, 2002 and 2003. And why they picked the year 2000 I don't know. The point is there is only one amendment that provides more money for highway construction in the year 2000. There is only one amendment that provides more for 1999, 2001, 2002, and 2003, and that is the Byrd-Gramm amendment.

Now I just have to say that I get frustrated with everybody looking at these tables and Senator BYRD and I having to spend our time explaining to them where these numbers came from. These numbers are basically made up, that's where they came from. There is nothing in their amendment that provides any additional money. What these numbers are based on is that, if we decided in the year 2000 to provide more money, that you could make up a table and show how we might divide it. I suggested to Senator BYRD that maybe we might want to make up a table that said if you took the whole $1.6 trillion that the Government spends and we decided to spend it on highways, we might show how much in highway funding our Presiding Officer's State would get.

But would it make any difference? The point is, it would make absolutely no difference, because we are not proposing to take all the money spent by the Federal Government and spend it just on highways. But it would be as legitimate as the table where you are making up figures about what you may do in the future. Listen, when you are talking about the future and you are not committing to it in the present, you can make up any tables you want to make up.

But the point is, we are not making up numbers. We have written an amendment that will require that we have a full authorization of the 4.3-cent-per-gallon tax on gasoline, so that when people go in and fill up their tanks and they look up there and they see this gasoline tax they are paying, they will know that the 4.3-cent-per-gallon tax has been put into the trust fund and that we are going to spend it on roads and that when they are paying that tax, they are allocating that money to build roads, and that is what we told them we were going to do.

So, I don't know if we will have any more of these tables. This is the second set of tables we have had. I don't quite know where the numbers come from and why there are these differences from the last table. But I can assure you that if I were going to do something, the last thing I would do would be to cheat my State. I am not in the habit of doing that, and I think if people look at this, they would find that we are not in the habit of doing that as individual Members. So I think it just doesn't make sense on the surface.

So, I thank Senator BYRD, and I hope my colleagues now will focus on the fact that our funding for Appalachia is roughly what the House did and what the President requested with less money; that we are providing $31 billion more of budget authority by spending the gasoline tax on roads—something we promised to do and have not done—we are spending $31 billion more on roads in terms of authorizing the expenditures so we can compete each year for that money.

There is no other amendment that provides a penny. So, if you want to take a promise that someday in the future we might get around to funding roads, if that is good enough, then you might not be for our amendment. But if you really believe we ought to spend highway trust funds on roads, there is only one amendment you are going to get a chance to vote for that will spend a penny more on highways, and that is the Byrd-Gramm amendment.

So, I thank my colleague. I am very proud to cosponsor this amendment with him. I think, if anybody will look at the merits, that this is a truth-in-government amendment and there is nothing fake about it. There is no hidden agenda in it. It is simply an amendment that takes the formula written by the committee for allocating funds for the States and allocating funds between the discretionary fund of the Secretary and the allocation of funds to the States. Those are formulas that we didn't write; we simply took them from the committee.

Our amendment is very straightforward. I think if people will look at it, what it is trying to do, and will debate it on its merits, it will come down to an honorable choice between two legitimate positions. One position says let's continue to take money out of the highway trust fund and spend it on other things. That is one position. The other position is let's spend the highway trust fund on highways. That is the position Senator BYRD and I take. I believe it is the position that the majority of Members take, and I would like to get the vote and the debate focused around the choice. I think we want to do that, in all fairness to our opponents, because we think we will win. If it's on something else, we don't know what will happen. But I think, if it's this clear choice, the people are going to be with us.

I thank Senator BYRD for yielding. I appreciate it very much.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I appreciate the opportunity to have yielded to the distinguished Senator, and I just as deeply appreciate his statement. I hope the Senators will read it. It is needed, I think, to disabuse Senators from what they are being told by Congress Daily and by letters and tables that are being distributed. I don't accuse anyone of acting in bad faith. I am in no position to do that. But certainly misstatements should be corrected, and I hope will be, beyond what Mr. GRAMM has already said.

Mr. President, Senator CHAFEE earlier said—he told me that we would, on tomorrow, get the floor and speak with reference to the Chafee-Domenici amendment. I have been insisting to them that their amendment be explained. The amendment which I offered on behalf of myself and my three distinguished colleagues was explained, and we were criticized because we had mentioned, on the 9th, I believe, of October, before the recess, that we were going to offer such an amendment, but we didn't actually have it ready by then so a considerable amount of discussion went forth as to why we didn't have it, to the effect that Senators couldn't comment on what they couldn't see.

But on that same day I believe Senator DOMENICI indicated that he was going to offer an amendment, and, of course, we didn't get to see that until one day this week. So we haven't heard an explanation of it yet. I want an explanation of it. Just as we attempted to do our best explaining to our colleagues and to the American public what our amendment does, I think the American people ought to have an explanation right here on this floor as to what the Chafee-Domenici amendment does. That will give us a chance, perhaps, to refute some of the misinformation that is being bandied about.

As I say, I don't ascribe to anyone any intentions to go with misinformation, but I think the public and our colleagues have a right to expect us to clear up some of the confusion. So, for now I'll not say any more along that line because, as I say, Mr. CHAFEE has indicated we'll talk some tomorrow, and he indicated that he would yield to me for some comments at that time. I hope that Mr. BAUCUS and Mr. WARNER will also have a chance to comment at that time, particularly with reference to the statement by Congress Daily of today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I further ask unanimous consent to speak for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. I further, Mr. President, ask unanimous consent that Wendy Selig of the staff of Representative PORTER GOSS be granted privilege of the floor during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I thank the Chair.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

Mr. DEWINE. Mr. President, I rise today to discuss a bill I have introduced. That bill is called the Ricky Ray Hemophilia Relief Fund Act. I introduced this legislation in the last Congress and again this year. I introduced it along with my distinguished colleague from Florida, Senator BOB GRAHAM. A House companion measure has been introduced by our friend, Congressman PORTER GOSS.

Mr. President, the purpose of this bill is to deal with the terrible tragedy within the hemophilia community that was brought about by the HIV contamination of the blood supply and blood products during the 1980's. A number of Americans suffered terrible harm because they relied on the Federal Government to protect the blood supply.

Mr. President, those of us who are backing this legislation believe that the Federal Government has a moral duty to help these Americans.

Let me first talk about the role of the Government in this tragedy.

The Ricky Ray Hemophilia Relief Fund Act of 1997 recognizes that the Federal Government has a responsibility for protecting the safety of the blood supply in this country and a responsibility for regulating blood products.

Mr. President, during the 1980's, our Government failed to meet this obligation to the hemophilia community of this country. The Federal Government failed in its obligation. People affected by hemophilia—children, adults, and the family members who cared for them—had a right to expect the Nation's blood supply system to work. That system relies upon many organizations, both public and private. It relies on many organizations to collect and process, distribute, monitor, and regulate the blood supply and blood products.

Unquestionably, the Federal Government bears the greatest and the ultimate responsibility for blood safety through its surveillance, research, and regulation functions. That is why, Mr. President, in 1973 the Assistant Secretary for Health announced the national—national—blood policy which then became, according to a report by the Office of Technology Assessment, "The focal point around which blood banking policy has evolved over the last decade."

Mr. President, this is the U.S. Government's national blood policy—the U.S. Government's national blood policy—a policy the U.S. Government undertook, a policy on which the American people should have been able to rely. The very fact that we have a national policy indicates a level of responsibility, a level of importance and involvement that we really don't see in most other areas of consumer protection. This policy is what gives the Federal Government a unique responsibility for the blood supply in this country.

Mr. President, these functions—surveillance, regulation, and research on blood—are carried out through the Public Health Service. The Centers for Disease Control hold responsibility for surveillance of potential threats to blood safety. The National Institutes of Health are responsible for biomedical research on emerging threats and improved technologies for prevention. Mr. President, these two agencies work in conjunction with the Food and Drug Administration, the FDA, which through its regulatory authority and powers of inspection, product recall, guidelines, and fines, holds primary responsibility for the safety of the blood supply and blood products under the Food, Drug and Cosmetic Act. Together, Mr. President, these agencies form the backbone of our Nation's blood safety system.

Mr. President, the awful truth is that this system failed. It failed to protect people with hemophilia or their families from deadly disease. That is why we have introduced this bill. Members of the Senate don't have to just take my word for it nor just the word of the families in the hemophilia community. Rather, in 1993, Mr. President, the Secretary of Health and Human Services opened an investigation, an investigation into the events leading to the transmission of HIV to individuals with hemophilia.

One of the key questions that was asked and that they were asked to address at the time was this: Did the Government provide an adequate and timely response to the warning signs of the 1980's, the warning signs of HIV as it related to the blood supply in this country?

The Secretary contracted with the Institute of Medicine, IOM, a private nonprofit organization that provides health policy advice under a congressional charter granted to the National Academy of Sciences. Mr. President, after 18 months of investigation, the IOM published its report in 1995. This report was entitled "HIV and the Blood Supply: An Analysis of Crisis Decisionmaking." Mr. President, the report found inadequacies in the Government's effort. It found "a failure of leadership" that led to the HIV infection of more than one-half of the Nation's hemophilia population. This IOM report and its panel of experts from across the country found that the transmission of the HIV virus and AIDS revealed a weakness in the Federal Government's system for ensuring the safety of the Nation's blood supply.

The Institute of Medicine was specifically not charged with laying blame, but in its final report it was highly critical of the Government agencies responsible for protecting the safety of the blood system in this country. It identified several areas where the Federal Government specifically failed to curtail the impact of HIV. Mr. President, the IOM found that the Government "consistently adopted the least aggressive options for slowing the spread of HIV within the hemophilia community." Let me repeat: This report, this official report, found that the Government "consistently adopted the least aggressive options for slowing the spread of HIV within the hemophilia community."

Time after time when decisions were made in the face of the unfolding HIV crisis, tragically, the wrong decisions were made about the blood supply. When faced with decisions about deferring donors or recalling products or testing for other known diseases, we know now that the Government officials made the wrong decisions.

Let me talk about these decisions and about what happened. First, the Federal Government failed to take adequate steps to screen blood donors. Knowing that AIDS was transmitted through blood, the Government did not do all it could, did not do all it could have done to screen blood donors.

In January 1983 experts at the Centers for Disease Control met with representatives from the other Government agencies to consider available data on the spread of HIV and to develop at that time strategies for prevention. Those experts in the Centers for Disease Control concluded that AIDS was transmitted by sexual contact and through blood, and they made recommendations for enhanced screening of blood donors, including the use of a surrogate hepatitis test to screen for potentially HIV-infected blood.

In other words, Mr. President, in January 1983 the Government knew that AIDS was transmitted through blood. Now, by that time 12 persons with hemophilia had already been diagnosed with HIV and some 10 deaths had already occurred.

Let's go back now to that specific meeting in January 1983 that I just referenced. At that meeting, experts from the Centers for Disease Control estimated that intensified screening of blood donors would eliminate over 75 percent of AIDS-infected donors from the blood pool, and they estimated that requiring a surrogate blood screening test would detect 90 percent of donors with AIDS. Tragically, however, Mr. President, both of these recommendations were rejected by the other Government officials at this meeting. These two very specific recommendations were rejected again later that year in December 1983, rejected by the Food and Drug Administration's Blood Products Advisory Committee. These recommendations were never implemented.

Let me talk about the second fact. Second, Mr. President, the Federal Government failed to recall potentially contaminated blood and blood products. In two separate instances, the FDA missed opportunities to get potentially dangerous products off the shelf. In the first instance, knowing that a blood product might have been made with AIDS-tainted blood, the Government failed to automatically recall that product. In January 1983, the FDA decided not to automatically recall hemophilia clotting-factor products linked to donors suspected of having AIDS supposedly because of concerns about the impact on the availability of clotting factor and its cost.

In July 1983, FDA failed to act. By the following year, 1984, 83 cases of persons with hemophilia were diagnosed with HIV, and 81 deaths had, by that point in time, occurred.

In the second instance, Mr. President, knowing that there was now a way to make the blood products safe, the Government failed to take the potentially unsafe products off the market until, incredibly, 4 years had passed.

Mr. President, by 1985, heat-treated product was available—heat-treated product, meaning that the virus was inactivated.

Back in the late 1970's, the process of heat treatment of clotting factor had been developed in Europe, providing hope that the HIV virus could be inactivated. Now, while FDA moved quickly through 1983 and 1984 to license new manufacturing processes for the heat treatment of clotting factor, by 1985, heat-treated factor had been as effective in inactivating HIV. However, Mr. President, tragically, the FDA did not act to recall the untreated products. It waited until 1989, some 4 years later.

Meanwhile, those dangerous products were left on the shelf to cycle through the system, and all that time a method of making those products safe was readily available.

Let me turn to the third essential fact. Third, Mr. President, the Federal Government failed to act quickly to trace and to notify potential recipients of AIDS-contaminated blood and blood products. Knowing that transmission of HIV-infected blood products led to HIV infection, knowing some of the blood was contaminated, and knowing people were using it, the Government failed to immediately notify the people who were at risk. Recipients became infectious immediately, but appeared healthy, of course, for approximately 4 or 5 years, during which time their spouses or sexual partners were at risk of acquiring HIV. If nothing else, Mr. President, once the signals were clear, the Government should have done more to alert people to these risks not just to their own health, but to the health of their loved ones, their spouses, and their children.

It was in 1988 that President Reagan issued a Presidential directive to formulate Federal policy for tracing the recipients of possibly infected blood products.

However, tragically, the FDA did not issue recommendations for patient notification until 1991—some 3 years later. Now, by that time, 2,040 persons with hemophilia had been diagnosed with HIV, and more than 1,500 members of the hemophilia community in this country had died of HIV. For the hemophilia community, Government action came too late—much too late.

Mr. President, these are the reasons why I believe that this country and this Congress has a moral obligation to help these families. Our Ricky Ray bill would authorize the establishment of a trust fund to provide $125,000 in compassionate payment to eligible individuals or families of persons with hemophilia and AIDS. The trust fund would be administered by the Secretary of Health and Human Services and would sunset 5 years after it is funded.

Mr. President, approximately 7,200 people with hemophilia—nearly half of all persons with hemophilia in the United States—were infected with HIV through the use of blood clotting products.

These products came from as many as 20,000 donors, sometimes even more. These concentrates expose individuals with inherited bleeding disorders to a high risk of infection by blood-borne viruses, such as hepatitis.

Because of the hemophilia community's reliance on blood products, the Centers for Disease Control monitors the hemophilia community to aid in the detection of emerging viruses or pathogens that could affect all Americans. Problems in the blood supply tend to show up in the hemophilia community first—so they serve really as a kind of "distant early warning system" for our blood supply. It is a crude but accurate comparison to say that this community is the proverbial "canary in the mine shaft." They serve in that function for the rest of us.

During the 1980's, when the Nation's blood supply and blood-derived products became contaminated with the AIDS virus, HIV was detected in three men with hemophilia, providing early evidence that this disease could be transmitted through blood—thus affecting a far broader cross-section of our population. We now know that this was to mean the devastation of the hemophilia community.

Mr. President, more than 80 percent of people with severe hemophilia and half of all persons with hemophilia were infected with HIV during the 1980's through the use of HIV-contaminated blood products. In some cases, due to a lack of education and outreach, their wives, husbands, children, and partners became infected as well.

The impact of HIV on the Nation's hemophilia population has been truly devastating. The HIV contamination of the blood supply has caused significant emotional and financial losses to these families.

Our bill would make a gesture of compassion to these American families. It would also acknowledge that the Government played a role in this crisis and, therefore, has incurred some obligation.

Eligible individuals, or their families, would be required to document the use of blood products between July 1982 when the first cases of persons with hemophilia contracted AIDS were reported to the Centers for Disease Control and December 1987, when the last manufacturer recall of blood products occurred.

This bill, which has been referred to the Labor and Human Resources Committee, already has the bipartisan support of 35 Members of this body.

In coming to the Senate floor this evening, it is my hope that I will be able to answer some of the questions that have been raised about this bill, and to ask those of our colleagues who have not yet cosponsored this bill to consider doing so after hearing the facts that I will be laying out in a moment.

Let me talk for a minute about how I came to introduce this bill. In doing that, let me tell you a little bit about the bill's name sake—Ricky Ray. Ricky Ray and his brothers were born with hemophilia. This is a rare genetic condition, impairing the ability of blood to clot effectively. This disorder affects, today, about 20,000 Americans.

People with hemophilia historically had a short lifespan and typically faced numerous hospital stays and complications.

Hemophilia was also frequently associated with crippling. Persons with hemophilia would suffer internal bleeding, leading eventually to the destruction of their joints and muscle tissues, because no effective treatment existed.

But this changed in the 1970's, with the development of clotting factor concentrates, which are derived from blood. It was also changed by the introduction of comprehensive care that allowed many individuals with hemophilia to begin to manage their bleeding episodes at home.

Clotting factor eliminated the need for frequent and costly hospitalization and ensured that even persons with severe hemophilia would be able to attend school, obtain full-time employment, and enjoy greatly increased life expectancy. Clotting factor changed the lives of persons with hemophilia, especially for children like the Rays, who, unlike their grandfathers and uncle, could now see a future involving a long and healthy life.

When clotting factor was introduced, it was treated as a miracle drug. People were encouraged to use it not just in case of a life-threatening bleed but also as a part of their daily lives—a preventive measure. It is just a slight exaggeration to say that people were encouraged to treat early and to treat often.

The great promise of this new treatment, however, proved short lived when, tragically, it was found to be an effective means to transmit the virus known as HIV. Ricky Ray was diagnosed as HIV positive in 1986. He was only 9 years of age. He had contracted HIV through the use of this remarkable new treatment, this clotting factor. His two brothers contracted HIV as well and so did 72 other members of the hemophilia community across this country.

Ricky Ray and his brothers were kicked out of school. They were kicked out of school because of their HIV status, and then, when their parents won a decision in court to readmit them, arsonists set their house on fire. Instead of giving in to anger, Ricky Ray became a spokesperson promoting understanding about HIV. And he did this until his death in 1992 at the age of 15.

I personally became involved with the hemophilia community when I met a father from Ohio whose son Christopher had severe hemophilia. John Williams was the primary caregiver for his son. John accompanied Christopher to his doctor's appointments and learned how to infuse his child with the medicine that would control his bleeding disorder. John also shared anguish and pain with his 8-year-old little boy when he then later was diagnosed with AIDS.

John was determined, as all parents would be, to help Christopher survive. John accompanied Christopher to the National Institutes of Health campus every few weeks for the latest in treatment options and breakthrough technologies.

Throughout this experience, the constant thought in the father's mind was that he had infused his own son with the medicine that would eventually kill him. He often thought that he had been negligent in some way. Had he perhaps missed a crucial piece of information that could have saved Christopher? Had he missed an important news story or warning? Was there anything he could have done to save his son?

For 5 years, the father, John, shared in his young son's battle. Then in October 1994, Christopher died of complications from AIDS. He had just entered the 10th grade and was contemplating college plans, a dream that, of course, was never fulfilled.

This legislation is really about people. It is about people and their strength in facing tragedy, the devastation of an entire community of people that today has come to be represented by a courageous boy from Florida by the name of Ricky Ray.

The concerns that I raise today have been raised repeatedly by the hemophilia community in this country. Unfortunately, the legal system has not been an effective means to address these concerns nor to provide the assistance to infected individuals, and there are several reasons why.

The first has to do with what's called blood shield laws. Whenever the Federal Government writes product liability laws of any kind, we in the Congress insert a standard exemption for blood and blood products. We, therefore, defer to the States to regulate in this area, and in doing so we affirm the State blood shield laws that are prevalent throughout this country.

Forty-seven different State jurisdictions have exempted blood and blood products from strict liability or implied warranty claims on the basis that blood and blood products are services, not products. Now, this classification is more than just a question of semantics. It means that plaintiffs must prove negligence rather than simply use of the blood was the proximate cause of the injury they suffered, which is the standard for other products.

In 1976, blood banks began receiving exemptions from liability even under a negligence standard with the passage of blood shield laws. In 1977, the courts began extending this exemption from liability to blood product manufacturers on similar grounds. They did all of this because the States believed the need for an available blood supply, for surgery and other medical procedures, outweighed the relatively minor risk of hepatitis. The rationale was that blood product manufacturers should be exempt from product liability, since blood products are unavoidably unsafe, because the risk of hepatitis simply could not be eliminated.

There is a much higher standard of proof for consumers of blood and blood products. The ability of individuals in this community, the hemophilia community, therefore, to seek resolution in the court system has been severely curtailed by these State blood shield laws.

If that were not enough, there are other legal problems confronting these hemophilia victims and their families. Just a couple of examples. First, collecting evidence for suits against manufacturers is extraordinarily difficult. Most individuals that became infected with HIV had a severe form of hemophilia that meant they were infusing thousands of units of clotting factor on a monthly and sometimes weekly basis. These individuals were understandably unable to determine exactly from which manufactured lot the product that infected them came.

Second, hemophilia families also face the problem of statute of limitations. All States have them, and they prohibit individuals from prevailing in litigation if the suit was not filed within a few years of the alleged tort. To the hemophilia community, many individuals were diagnosed after the prescribed period in the statute of limitations and were unable to take any action.

Just as significantly, they are also battling a disease with a long and often symptom-free incubation period. This makes statutes of limitation even less defensible and imposes a much greater burden on this community.

All this does not mean that the hemophilia community, these people who have suffered so, has not tried. They have. Hundreds of suits have been filed against the manufacturers of clotting factor. In some States the hemophilia community has even been successful in rolling back the statute of limitations.

Recently, many members of the hemophilia community gave up their right to continue to pursue the manufacturers through the courts, and they did this by agreeing to a class action settlement.

This settlement brings recognition to the HIV infection of the hemophilia community and provides some relief to the community for their suffering. But this is not to say that the community was holding out until recently for something better. Victims were unable to meet the especially high liability standards established by the blood shield laws. It appears that increasing momentum for the Ricky Ray bills in the House and Senate pushed the negotiations into a final phase.

Senators may ask about the private settlement proposal as offered by four manufacturers of clotting factor concentrates in 1996, an offer that was made in April 1996. This settlement, which has been approved by the U.S. District Court of Northern Illinois, will provide each person infected with HIV through the use of clotting factor $100,000. The settlement proposal was drafted so the payment would be contingent upon obtaining certain protections for recipients receiving means-tested benefits such as Medicaid.

So for this reason, when we reintroduced the Ricky Ray bill this year, I included a second title in the bill to protect the eligibility for individuals receiving Medicaid and SSI upon receipt of the settlement claim.

The Balanced Budget Act of 1997 included a provision related to the private settlement protecting the eligibility of individuals receiving Medicaid benefits. Unfortunately, no similar protection for SSI eligibility was included.

I support the settlement between the hemophilia community and the manufacturers of clotting factor and see it as the first step in addressing the ongoing responsibility that the companies have to the community they serve. I do not believe that the victims—in looking for compensation—should be limited to seeking from private companies. This should not be an exclusive remedy. It should not be seen as an exclusive remedy, very bluntly, because the Government shares the blame. And private settlements are inadequate.

As to the specific figure at which we have arrived—$125,000—I think this is an eminently reasonable compensation, when you consider that the average cost of care for patients with severe hemophilia—per year—is $100,000.

Let's look at how some other governments have dealt with this problem.

COMPENSATION IN OTHER COUNTRIES

Many other developed countries have established compensation programs to assist individuals with blood-clotting disorders who were infected with HIV by contaminated blood products.

In some countries, such as Australia, France, Germany, Japan, Spain, and the United Kingdom, assistance has come from combined public and private sources. Specifically, in Japan, the government—and the same pharmaceutical companies we are dealing with here in the United States—agreed to provide, together, payments of $430,000 to victims of hemophilia-related AIDS. The government shouldered 44 percent of the burden, and the pharmaceutical companies paid the rest.

In other countries, such as Canada, Denmark, Hong Kong, Italy, Portugal, and Switzerland, assistance has been provided directly from the government.

PRECEDENTS

Some of my colleagues have raised concerns that passage of the Ricky Ray relief legislation may set a legal precedent. What kind of precedent is there? In fact, the U.S. Congress has a history of recognizing the country's responsibilities to aggrieved individuals and has provided relief for these victims.

It is my intention, in the next few minutes, to lay out the precedents in some detail. But I would like to point out, first and foremost, that blood is unique. The Federal Government and, by its permission, State governments, regulate the blood supply in a unique way.

Because the Government has a unique responsibility in the case of blood, passage of the Ricky Ray Relief Act will not set a precedent. It would, rather, represent another extraordinary circumstance in which Congress has determined that injured parties should receive compensation for injuries sustained as a result of Government action or inaction.

Individuals in the hemophilia community are prevented from recovery from the Federal Government under the Federal Tort Claims Act [FTCA], which is designed to be the exclusive means of compensation for injuries sustained as a result of the negligence of the Federal Government. Because the Federal Tort Claims Act includes an explicit exemption from claims that arise directly as a result of the "exercise or performance or the failure to exercise or perform a discretionary function," victims are barred from recovery for the inaction of the FDA in its regulation of blood products. They are barred under this act.

But Congress has acted to compensate individuals when it determines that remedy under the Federal Torts Claims Act and other statutes is inadequate. Congressional passage of the Ricky Ray Act would represent another instance of Congress recognizing the appropriateness of compensating victims unable to recover under the Federal Tort Claims Act.

Let me discuss two relevant precedents. One of the first major claims made after the passage of the Federal Tort Claims Act was the claim made on behalf of the victims of the explosion of two cargo ships containing ammonium nitrate fertilizer in the harbor of Texas City, TX, in 1947. In this case, the Supreme court held, in *Dalehite* v. *United States*, 346 U.S. 15 (1953), that the Federal Government was not liable because the plaintiffs could not prove negligence. Additionally, a claim of absolute or strict liability was rejected because the Court found that the Federal Tort Claims Act did not allow recovery on that basis. Despite—and, in part, because of—the Supreme Court's explicit rejection of the claim under the Federal Tort Claims Act, 2 years later, the Congress passed legislation providing settlement of claims resulting from the explosion. This legislation established the precedent that Congress may pass legislation authorizing compensation without finding the Government at fault.

Let me turn to another example that closely reflects the hemophilia situation in the mid-1980's in this country. Congress combined relief for two different populations of victims in one statute—the Radiation Exposure Compensation Act. One group was made up of uranium miners who were seeking compensation for the adverse health effects they had experienced while working in private mines—private mines. The second group, known as "downwinders," was made up of individuals who lived downwind of atomic test sites and were exposed to radiation. Neither group was able to recover from the Federal Government in court. Both failed.

The courts had previously ruled against the uranium miners in *Begay* v. *United States*, 591 F.Supp. 991 (1984), and against the downwinders in *Allen* v. *United States*, 816 F2d 1417 (1987). The courts found that the Government could not be held liable for injuries because its policies were protected by the discretionary function exception in the Federal Tort Claims Act.

In Begay, the plaintiffs had asserted that various government agencies were actionably negligent in leaving the responsibility for uranium mine safety—outside Federal enclaves like Indian reservations—to the States. They also asserted that these agencies were negligent in failing to enforce rigid radiation safety levels in the Indian reservation mines—and that all the Federal agencies involved were themselves negligent in failing to establish and enforce rigid radiation safety standards in the underground uranium mines in the 1940's, 1950's, and early 1960's.

The court in Begay suggested that the miners seek redress from the U.S. Congress. This is what the Court said:

> This tragedy of the nuclear age . . . cries for redress. Such relief should be addressed by the Congress as it was in the Texas City explosion following the decision of the Supreme Court in Dalehite.

In the Allen case, the downwinder plaintiffs had singled out the alleged failure of the Government to fully monitor offsite fallout exposure, and to fully provide the necessary public information on radioactive fallout. As in the Begay case, the court found no obligation to compensate on the basis of failing to monitor or warn. A concurring opinion in Allen noted that the court's hands were tied:

> While we have great sympathy for the individual cancer victims who have borne alone the costs of the Atomic Energy Commission's choices, their plight is a matter for Congress. Only Congress has the constitutional power to decide whether all costs of government activity will be borne by all the beneficiaries or will continue to be unfairly apportioned, as in this case.

In 1990, Congress did in fact provide relief to these two groups through the Radiation Exposure Compensation Act, Public Law 101-426. The circumstances that led to the passage of the Radiation Exposure Compensation Act are, I believe, very instructive.

In that case, the States failed to require that the private mine operators follow Federal health and safety standards. As a result, people got sick. They could not recover from the private mine operators—nor could they recover from the Federal Government. Those individuals were compensated later through congressional legislation, through action by the House and the Senate.

The facts are clear. In that case, little or nothing was done by the States to force the private mine operators to improve ventilation in their mines. Although the Public Health Service demonstrated that adequate mine ventilation would be relatively inexpensive—and the Atomic Energy Commission had developed effective radiation level controls, which were available for all State and Federal agencies—the mine operators successfully resisted efforts to substantially reduce radiation levels by improved ventilation techniques. Through legislation, compensation was ultimately made to individual miners who worked for private mine operators that were not subject to Federal radiation safety requirements.

These precedents bring us directly to the Federal Government's responsibility for the blood supply in this country and bring us directly to this bill.

The evidence in the IOM study that I referenced previously on blood safety clearly demonstrates that, in a number of instances, FDA failed to mandate certain Federal patient safety requirements for private processors of blood products, failed to act on recommendations from the Centers for Disease Control concerning screening blood donors, failed to mandate recall of hemophilia clotting factor, and failed to implement a 1988 Presidential directive to trace recipients of possibly infected blood, failed to do that for 3 long years. Passage of the Ricky Ray Hemophilia Relief Act does not set a new precedent, but—on the contrary—is fully consistent with the earlier precedents set by Congress to provide compensation for injury when remedy could be found by no other means.

HOW TO PAY FOR RICKY RAY

As this bill is written, the Ricky Ray Act provides $125,000 for each eligible individual, and so, with an estimated 7,200 affected individuals, the total cost of the bill is estimated at $900 million.

In order to identify individuals and determine their eligibility, payments authorized by the legislation will likely occur over several years. This would result in at least two smaller annual appropriations requests.

SUPPORT FOR THIS LEGISLATION

As I stated earlier, the Ricky Ray Hemophilia Relief Fund Act has the support of 35 of our Senate colleagues and the support of 257 Members of the House of Representatives.

The legislation is also endorsed by the American Red Cross, the American Association of Blood Banks, America's Blood Centers and AIDS advocacy organizations such as the National Association of Persons with AIDS and the AIDS Policy Center.

In her letter to the National Hemophilia Foundation, American Red Cross President Elizabeth Dole stated:

> The American Red Cross supports a comprehensive approach to addressing the needs of those infected with HIV or other transmissible agents through the use of blood components or blood products. For individuals with hemophilia who were infected with HIV before 1985, the American Red Cross believes that finalization of the manufacturers' settlement offer, coupled with the government-funded compensation program outlined in the Ricky Ray legislation, will provide an effective means of immediate help.

A host of other developed countries have established compensation programs to assist individuals with blood-clotting disorders who were infected with HIV by contaminated blood products.

I believe it is now time for the United States—and for this Congress—to take action as well. I encourage my colleagues to cosponsor this legislation, to join the 35 other Members of this body who have already signed on as cosponsors. The Senate Labor Committee is scheduled to have a hearing on this bill on Thursday of this week. Chairman HYDE will be bringing the House bill before the full House Judiciary Committee tomorrow. I would invite my colleagues to examine the hearing record, and learn more about the need for this bill. I believe the case has been made and the case is clear: The Federal Government has a moral duty to help those Americans who counted on the Federal Government to protect the blood supply. No, Mr. President, this bill cannot reverse the tragedies, but it can serve to demonstrate that the Federal Government can be held accountable for its actions.

Mr. President, we often hear that bad things happen to good people. That is something that governments and Congresses will never be able to cure. But in this case, when bad things happened to good people, the U.S. Government played a part in the problem. The U.S. Government should now play a part in the solution—and do something to help these American families.

I thank the Chair.

WYCHE FOWLER'S CONFIRMATION AS UNITED STATES AMBASSADOR TO SAUDI ARABIA

Mr. HOLLINGS. Mr. President, I rise today to congratulate my good friend and former colleague Wyche Fowler on his confirmation as United States Ambassador to Saudi Arabia. This is a great and well-deserved honor for the former Senator from Georgia. Even more important, it is a blessing for America.

Because his was a recess appointment, Wyche Fowler already has served with great distinction and success for over 1 year in Saudi Arabia. President Clinton appointed him to this post just days before the June 25, 1996, terrorist bombing of the United States military residence in Dahran. Although he took the ambassadorship at one of the most tenuous moments in United States-Saudi diplomatic relations, Wyche embraced the challenge and helped cement the United States relationship with Saudi Arabia, one of our most important allies.

Wyche was sworn in as Ambassador on August 16, 1996. His appointment came at an important moment in the relationship between the United States and Saudi Arabia. Despite the difficulties that have surrounded the bombing investigation, he has served his country well and protected American interests in the region with tenacity and skill.

Of course, Mr. President, this is no surprise to those of us who have followed Wyche Fowler's career of public service or worked closely with him during his 16 years in Congress. Elected to the Senate in 1986, Wyche served on the Appropriations, Budget, Energy, and Agriculture Committees. As assistant floor leader, he helped fashion a bipartisan consensus on major public policy issues. Many of us remember Wyche Fowler as an unusually reflective Member of this body, who talked often of conserving our natural resources and energy sources. I can remember listening with humor and fascination as he used electric toothbrushes to point out the danger of decadent applications of technology.

Before becoming the first Atlantan elected to the Senate, Wyche Fowler represented Atlanta's First District in the House of Representatives. First elected in 1977, he served on the Ways and Means and Foreign Relations Committees, as well as the Select Committee on Intelligence and the Congressional Arts Caucus.

Wyche's legislative record is long and distinguished: he tried to stop oil drilling in the Arctic National Wildlife Refuge and protect national wetlands; recodified and strengthened the national historic preservation law; established joint public/private ventures in alternative energy; and ensured interest-free relief for farmers in the Farm Credit System overhaul.

The consensus-building skills Wyche learned in Congress have stood him in good stead in Riyadh. Just as valuable, Mr. President, is his affable personality. All his colleagues in the House and Senate remember Wyche Fowler as a genial and charismatic fellow, not to mention a great singer of hymns and a superb storyteller. In fact, Wyche used to entertain us with the same country songs he performed as a teenager on an Atlanta talent show. Though the Saudis may not appreciate country ballads, I am sure that they will find Wyche Fowler every bit as hard-working, engaging, and honest as the people of Georgia and his colleagues have.

And, Mr. President, Wyche is genuinely fascinated by Saudi Arabia's people and culture. He has begun to learn Arabic, and already has indulged his enthusiasm for Arabian history and archaeology by trekking on camel through the deserts of Saudi Arabia's Empty Quarter.

America is fortunate to have Wyche Fowler as its Ambassador to Saudi Arabia. His diplomatic skills will see us successfully through a delicate and vital period in our relations with that nation. In this instance, Mr. President, Georgia's loss was the Nation's gain.

RETIREMENT OF GENERAL SHALIKASHVILI

Mr. WARNER. Mr. President, on September 30, our Nation witnessed a changing of the guard with the retirement of the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili.

General Shali, as he is affectionately known, served this country with honor and distinction for 39 years, rising from the rank of private to the top military post in our Nation, a record that will inspire the next generation.

For the past 4 years, as Chairman of the Joint Chiefs, he has been the principal military adviser to the President of the United States and the Secretary of Defense during a period when we witnessed a proliferation of new and unknown threats throughout the world.

Those in the Senate who have had the privilege of working closely with him during these years of new challenge will always remember and admire his honesty, his sound judgment, and—most importantly—his concern for the men and women of our Armed Forces and their families.

During the traditional farewell ceremony at Fort Myer, General Shali was honored with the award of the Medal of Freedom and the earned recognition of President Clinton and Secretary of Defense Cohen. I ask unanimous consent that the speeches of Secretary Cohen and President Clinton from General Shali's farewell ceremony be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

REMARKS OF WILLIAM COHEN, U.S. SECRETARY OF DEFENSE AT FAREWELL CEREMONY FOR CHAIRMAN OF JOINT CHIEFS OF STAFF, SEPTEMBER 30, 1997

Secretary COHEN: Mr. President, Mrs. Clinton, Vice President Gore and Mrs. Gore, Secretary Albright, General McCaffrey, members of Congress, the service secretaries and service chiefs and combatant commanders and spouses, foreign dignitaries and honored guests. Let me pay particular note of former secretary of defense, Bill Perry and Lee, and also former deputy secretary John White and Betty.

Welcome, all of you, and thank you for joining Janet and me in paying tribute to two very special people, John Shalikashvili and his wife, Joan.

Justice Oliver Wendell Holmes said, alas, gentlemen, that is life. We cannot live our dreams. We're lucky enough if we can give a sample of our best, and if in our hearts we can feel it's been nobly done.

Well today, we express our gratitude to a man who has given more than a sample of his best, he's also lived his dreams: His dreams have taken him from the streets of Warsaw that he knew as a child to the corridors of Washington he has walked as chairman, and none of us know how much of our lives are determined by chance or choice or by the guiding hand of providence.

And John Shalikashvili, we only know that he has stood at the crossroads of key moments of history. He was there, a boy of three, when Hitler's tanks rolled into Poland from the west. He was there, a boy of eight, when Stalin's columns rolled in from the east. He was there with his family, fleeing to Germany when he first met the American forces that he would one day come to command.

He was there on the free side of Berlin, the Berlin Wall, when George Marshall built a bridge of help and hope across the Atlantic. Well, John and his family crossed the bridge to a place called Peoria, in the heart of America, and John took America to heart.

To learn the language, he turned to a legend, John Wayne. Imagine this teenage boy in terms of what he saw in those early movies. Perhaps a calling in "The Sands Of Iwo Jima," perhaps the courage of "The Rider Of Destiny," perhaps the character of "The Quiet Man," whose words speak volumes.

Well, this boy grew into a man who would create his own legend. A man of great heart, and yes, true grit. When the times called for bravery and boldness in Vietnam, Major Shali was there leading his comrades against the Viet Cong, winning the bronze star for valor.

When the times called for a firm hand with a human touch to help the Kurds of Iraq, General Shali was there providing comfort and compassion to the sick and to the suffering. When the times called for a new supreme allied commander in Europe with a touch and toughness of a warrior diplomat, General Shali was there reshaping the alliance to meet the demands of a new era.

And then the times called for a new chairman of the joint chiefs of staff, a chairman who could marshal our forces and harness them wisely in a brave new world of great expectation and uneasy peace. And President Clinton wisely chose General Shali, the right man for our time, but also a man with the timeless qualities of military leadership set forth by the first chairman, Omar Bradley.

The qualities of firmness, not harshness; understanding, not weakness; humanness, not intolerance; generosity, not selfishness; pride, not egotism.

Bradley's litany of leadership can be seen shining in Shali's eyes, etched in his brow and painted in the ribbons that brighten his chest and tell his epic story.

Dwight Eisenhower once warned General Bradley that being chairman was the hardest job in Washington.

Mr. President, I'm not sure whether Eisenhower issued that warning before or after he became president. But surely, it has remained one of the hardest jobs in Washington. And for Chairman Shali in his time it was the job of building a military force that was both smaller and better that would remain the best trained, the best led, the best equipped force in the world. It was a job of responding to threats while shaping the world for the better; bringing more democracy to more nations, more stability to more regions, and thus, more security to our nation.

And the service of John Shalikashvili in the cause of freedom has come full circle. The boy who fled his home of Poland for freedom is helping to welcome Poland back home into the family of free nations. Something that has made the job a little less difficult has been the helping hand, the wise counsel and yes, the deep friendship of the vice chairman of the joint chiefs, General Joe Ralston.

The president, General Shali and I rely upon Joe Ralston on a daily basis. And our nation is safer and more secure because of his devotion to duty.

And another person serving at Shali's side is a hero, as we have indicated, in her own right, Joan Shalikashvili.

If being chairman of the joint chiefs is the hardest job in Washington, then being married to him has to be the second hardest. And Joan—through 31 years of love and dedication you two have been there for our troops and their families. No ship has been too far, no base too remote, no soldier too junior than devoting your life to the quality of their lives.

And so, for the miles that you've traveled and the lives you've touched, we are all profoundly grateful.

On the wall in my office hangs a portrait of Joshua Chamberlain who fought in the Civil War with legendary gallantry and generosity of heart. Chamberlain once spoke of developing the kind of character which allows ordinary people to become extraordinary or heroic. He said, we know not of the future and cannot plan for it much. But we can hold our spirits and our bodies so pure and so high, we may cherish such thoughts and such ideals and dream such dreams of lofty purpose that we can determine and know what manner of men we will be whenever and wherever the hour strikes that calls us to noble action.

General Shali, long after the sound of those cannons and the celebration of this day have faded, you can take comfort in knowing that as a result of who you are and what you've given and what all of us have received, that whenever and wherever the hour strikes that calls us to noble action, the men and women of America's military, following your example, will always be there. And they too will give a sample of their best. And like you, they will know in their hearts it's been nobly done.

Thank you.

(Applause)

REMARKS OF PRESIDENT CLINTON AT FAREWELL CEREMONY FOR CHAIRMAN OF JOINT CHIEFS OF STAFF, SEPTEMBER 30, 1997

President CLINTON. Mr. Vice President, Secretary Cohen, Secretary Albright, Secretary Gober, National Security Adviser Berger, Director Tenet, General McCaffrey, to the service secretaries, the joint chiefs, the unified commanders in chief, the members of Congress, the members of our armed forces, to all the friends of General Shalikashvili who are here today, including former Secretary Perry, former chairmen and members of the joint chiefs, former officials of the Department of Defense, we all come together in grateful tribute to John and Joan Shalikashvili.

This is, frankly, a bittersweet day for me. I am full of pride but also some regret. For the last four years I have counted on Shali for his wisdom, his counsel, his leadership. He has become an exceptional adviser and a good friend, someone I knew I could always depend upon when the lives of our troops or the interests of America were on the line, and I will miss him very much.

General Shali is a great American with a great American story. A childhood seared by war, he has given his life to the cause of peace.

From an immigrant learning English, he has become the shining symbol of what America is all about. He's never forgotten what his country gave him nor has ever stopped giving back to it. His service to our nation spanning 39 years rises from the ranks of Army private to the highest military officer in the land.

Of course, the road even for him has not always been smooth. I am told that after a grueling first day at Officer Candidate School, Private John Shali sneaked out of his barracks looking for a place to resign. Our nation can be very grateful that probably for the only time in his entire career, he failed in his mission.

I am convinced that when future students look back upon this time, they will rank John Shalikashvili as among the greatest chairmen of the joint chiefs of staff America ever had.

Greatness is something that cannot be bestowed like a medal, a ribbon, a star. It cannot be taught or bought. It comes in the end only from within. General Shali has said that the three indispensable traits of a great leader are confidence, care and character. He ought to know. He embodies them.

His confidence shines in a sterling record of innovation and achievement—managing the downsizing of our forces while upgrading their capability and readiness; upholding the most rigorous standards for the use of those forces in the world where threats to our survival have faded, but threats to our interests and values have not; dramatically improving joint doctrine and training and taking joint planning far into the future for the very first time; and of course, helping bring Europe together at last in liberty, democracy and peace.

One of the proudest moments of my presidency was standing with Shali in Warsaw as we celebrated NATO's enlargement and welcomed the people of his original homeland back home to the family of freedom.

And if the baseline measure of a chairman's competence is successful military operations, Shali has filled a resume that would turn others all a drab with envy.

In the last four years, our troops have been tested in more than 40 operations. From Bosnia to Haiti, the Taiwan straits, Iraq, Rawanda, Liberia and more, our armed forces have performed superbly with Shali at the helm.

Our troops trust him because they know him, how much he cares for them. They have seen that caring in his constant contact with our service men and women; in the way he warms their hearts with his pride in them; and the humility, the honesty, the graciousness, the respect he always shows to others; in the wonderful way he listens—even to bearers of bad news.

Our troops know that he never expects their gratitude or applause, but he does want to sharpen their capabilities, improve their welfare and lift their morale, and in his most important duty, to make sure that whenever they go into danger, the planning is superb, the risks are minimized, and every reasonable measure is taken to ensure their success and safe return.

For Shali, caring transcends our obligations even to one another. He believes in America's unique ability to help others around the world, sheltering freedom, defending democracy, relieving fear and despair.

He knows that what sets our troops apart is not just their courage, strength and skill, but also the ideal they serve, the hope they inspire, the spirit they represent.

As some may recall, during the crisis in Haiti, Shali visited with refugees in the camps observing and listening with quiet understanding, the quiet understanding of one who had also been in that position. And he ordered improvements to make those camps as comfortable as possible, to alleviate boredom and brighten hopes and bring toys to the children at Christmas.

That story also reveals something about his character, a clear sense of what is right and wrong, a man who's conscience is always his guide.

I'll miss a lot of things about Shali, but perhaps most of all, I'll miss the integrity he always displayed in being my closest military adviser.

In every conversation we have ever had, he never minced words, he never postured or pulled punches, he never shied away from tough issues or tough calls. And most important, he never shied away from doing what he believed was the right thing.

On more than one occasion, many more than one occasion, he looked at me. I could see the pain in his eyes that he couldn't tell me what I wanted to hear and what he wished he could say. But with a clear and firm voice and a direct piercing gaze, he always told me exactly what he thought the truth was.

No president could ever ask for more.

Shali has had the support of a proud and dedicated family.

His son, Brandt; his brother, himself a distinguished green beret veteran; his sister; and of course, there are his dogs. I understand that they are the only living creatures who have never obeyed his orders.

And most importantly, there is Joan. Joan, you have been a terrific support for our men and women in uniform.

They know you are always looking out for them and their families, from around the corner to around the world. You were the chairman's personal inspector general. When it came to how families are cared for, no one had more commitment, a better eye or a bigger heart, and we thank you.

General, very soon now, you and Joan will be settling into your new home in Washington State. You can tuck your uniform into a drawer. You can carry an umbrella. You can even grow a beard.

Maybe you'll actually even open that hardware store you'd been talking about. I don't know if you know the first thing about power tools or mixing paint, but the brand you have to offer is the top of the line.

Our nation is safer. Our armed forces are stronger, and our world is a better place because of your service. Thank you for all you have done.

God bless you, and Godspeed.

* * *

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3270. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, two rules received on October 16, 1997; to the Committee on the Judiciary.

EC–3271. A communication from the Director of the Executive Office for United States Trustees, Department of Justice, transmitting, pursuant to law, a rule entitled "Procedures for Suspension and Removal of Panel Trustees and Standing Trustees" received on October 16, 1997; to the Committee on the Judiciary.

EC–3272. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, a draft of proposed legislation entitled "The National Crime Prevention and Privacy Compact"; to the Committee on the Judiciary.

EC–3273. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the administration of the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–3274. A communication from the Chairman of the National Bankruptcy Review Commission, transmitting, pursuant to law, a report and recommendations; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 940. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes (Rept. No. 105–114).

H.R. 765. A bill to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore (Rept. No. 105–115).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–116).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI (for himself, Mr. GRAHAM, Mr. MACK, Mr. SARBANES, and Mr. LAUTENBERG):

S. 1321. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1322. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges of the 21st century; to the Committee on Labor and Human Resources.

By Mr. HARKIN:

S. 1323. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT:

S. 1324. A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi; to the Committee on Environment and Public Works.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. BURNS, and Mr. HOLLINGS):

S. 1325. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1326. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. HAGEL, Mr. THOMAS, Mr. KERRY, and Mr. AKAKA):

S. 1327. A bill to grant normal trade relations status to the People's Republic of China on a permanent basis upon the accession of the People's Republic of China to the World Trade Organization; to the Committee on Finance.

By Mr. INOUYE:

S. 1328. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself, Mr. GRAHAM, Mr. MACK, Mr. SARBANES, and Mr. LAUTENBERG):

S. 1321. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL ESTUARY CONSERVATION ACT OF 1997

Mr. TORRICELLI. Mr. President, today, Senators GRAHAM, MACK, SARBANES, LAUTENBERG, and I are introducing the National Estuary Conservation Act. I rise to draw this country's attention to our nationally significant estuaries that are threatened by pollution, development, or overuse. With 45 percent of the Nation's population residing in estuarine areas, there is a compelling need for us to promote comprehensive planning and management efforts to restore and protect them.

Estuaries are significant habitat for fish, birds, and other wildlife because they provide safe spawning grounds and nurseries. Seventy-five percent of the U.S. commercial fish catch depends on estuaries during some stage of their life. Commercial and recreational fisheries contribute $111 billion to the Nation's economy and support 1.5 million jobs. Estuaries are also important to our Nation's tourist economy for boating and outdoor recreation. Coastal tourism in just four States—New Jersey, Florida, Texas, and California—totals $75 billion.

Due to their popularity, the overall capacity of our Nation's estuaries to function as healthy productive ecosystems is declining. This is a result of the cumulative effects of increasing development and fast-growing year-round populations which increase dramatically in the summer. Land development, and associated activities that come with people's desire to live and play near these beautiful resources, cause runoff and stormwater discharges that contribute to siltation, increased nutrients, and other contamination. Bacterial contamination closes many popular beaches and shellfish harvesting areas in estuaries. Also, several estuaries are afflicted by problems that still require significant research. Examples include the outbreaks of the toxic microbe, Pfiesteria piscicida, in rivers draining to estuaries in Maryland and Virginia.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in the Clean Water Act Amendments of 1987. The program's purpose is to facilitate State and local governments preparation of comprehensive conservation and management plans for threatened estuaries of national significance. In support of this effort, section 320 of the Clean Water Act authorized the EPA to make grants to States to develop environmental management plans. To date, 28 estuaries across the country have been designated into the program. However, the law fails to provide assistance once plans are complete and ready for implementation. Already, 17 of the 28 plans are finished.

As the majority of plans are now in the implementation stage, it is incumbent upon us to maintain the partnership the Federal Government initiated 10 years ago to insure that our nationally significant estuaries are protected. The legislation we are introducing will take the next step by giving EPA authority to make grants for plan implementation and authorize annual appropriations in the amount of $50 million. To insure the program is a true partnership and leverage scarce resources, there is a direct match requirement for grant recipients so funds will be available to upgrade sewage treatment plants, fix combined sewer overflows, control urban stormwater discharges, and reduce polluted runoff into estuarine areas.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL ESTUARY PROGRAM.

(a) GRANTS.—Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) PURPOSES.—Grants under this subsection shall be made to pay for assisting activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

"(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

"(A) shall not exceed—

"(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

"(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

"(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991" and insert "$50,000,000 for each of fiscal years 1999 through 2004".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1322. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges of the 21st century; to the Committee on Labor and Human Resources.

THE SENATOR PAUL E. TSONGAS FELLOWSHIP ACT

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Paul E. Tsongas Fellowship Act. This bill commemorates an outstanding leader and former colleague in the Senate who was an impressive and dedicated advocate of technology and environmental protection. Congressman JOE KENNEDY is the sponsor of a companion bill in the House of Representatives.

As a Senator, Paul Tsongas worked skillfully to guarantee that technology and environmental concerns are at the forefront of our country's priorities. He was an extraordinary leader who understood the importance of addressing the serious energy and environmental challenges we face at home and around the world. Today, we honor his commitment to these important priorities by proposing a national fellowship program to support graduate students in science and engineering.

As a nation, we need to do more to encourage the best students to pursue graduate studies in these basic fields, which are so essential to a strong future for the Nation. As much as 50 percent of economic growth is attributed to technological innovation. The Paul E. Tsongas Fellowship will support the modern pioneers who will keep the Nation at the cutting edge of the technology revolution.

The fellowship is modeled on the successful Office of Naval Research Graduate Fellowship Program, which over the past 15 years has provided fellowships to 592 graduate students in 11 disciplines, and has made significant contributions to research. The Tsongas fellowships in science and engineering can make a comparable contribution in these fields. They will enhance our efforts to improve educational opportunity for students, and strengthen our country's economy by investing wisely in the future.

The Tsongas fellowships will be a living memorial to one of the outstanding Senators of our time, and I hope that Congress will act quickly on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul E. Tsongas Fellowship Act".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to encourage individuals of exceptional achievement and promise, especially members of traditionally underrepresented groups, to pursue careers in fields that confront the global energy and environmental challenges of the 21st century.

SEC. 3. DOCTORAL FELLOWSHIPS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary of Energy is authorized to award doctoral fellowships, to be known as Paul E. Tsongas Doctoral Fellowships, in accordance with the provisions of this Act for study and research in fields of science or engineering that relate to energy or the environment such as physics, mathematics, chemistry, biology, computer science, materials science, environmental science, behavioral science, and social sciences at institutions proposed by applicants for such fellowships.

(b) PERIOD OF AWARD.—A fellowship under this section shall be awarded for a period of three succeeding academic years, beginning with the commencement of a program of doctoral study.

(c) FELLOWSHIP PORTABILITY.—Each Fellow shall be entitled to use the fellowship in a graduate program at any accredited institution of higher education in which the recipient may decide to enroll.

(d) NUMBER OF FELLOWSHIPS.—As many fellowships as may be fully funded according to this Act shall be awarded each year.

(e) DESIGNATION OF FELLOWS.—Each individual awarded a fellowship under this Act shall be known as a "Paul E. Tsongas Fellow" (hereinafter in this Act referred to as a "Fellow").

SEC. 4. ELIGIBILITY AND SELECTION OF FELLOWS.

(a) ELIGIBILITY—Only United States citizens are eligible to receive awards under this Act.

(b) FELLOWSHIP BOARD.—

(1) APPOINTMENT.—The Secretary, in consultation with the Director of the National Science Foundation, shall appoint a Paul E. Tsongas Fellowship Board (hereinafter in this part referred to as the "Board") consisting of 5 representatives of the academic science and engineering communities who are especially qualified to serve on the Board. The Secretary shall assure that individuals appointed to the Board are broadly knowledgeable about and have experience in graduate education in relevant fields.

(2) DUTIES.—The Board shall—

(A) establish general policies for the program established by this part and oversee its operation;

(B) establish general criteria for awarding fellowships;

(C) award fellowships; and

(D) prepare and submit to the Congress at least once in every 3-year period a report on any modifications in the program that the Board determines are appropriate.

(4) TERM.—The term of office of each member of the Board shall be 3 years, except that any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed. No member may serve for a period in excess of 6 years.

(5) INITIAL MEETING; VACANCY.—The Secretary shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairperson and a Vice Chairperson, who shall serve until 1 year after the date of their appointment. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

(6) Quorum; Additional Meetings.—(A) A majority of the members of the Board shall constitute a quorum.

(B) The Board shall meet at least once a year or more frequently, as may be necessary, to carry out its responsibilities.

(7) Compensation.—Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate of basic pay payable for level IV of the Executive Schedule, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) Underrepresented Groups.—In designing selection criteria and awarding fellowships, the Board shall—

(1) consider the need to prepare a larger number of women and individuals from minority groups, especially from among such groups that have been traditionally underrepresented in the professional and academic fields referred to in section 2, but nothing contained in this or any other provision of this Act shall be interpreted to require the Secretary to grant any preference or disparate treatment to the members of any underrepresented group; and

(2) take into account the need to expand access by women and minority groups to careers heretofore lacking adequate representation of women and minority groups.

SEC. 5. PAYMENTS, STIPENDS, TUITION, AND EDUCATION AWARDS.

(a) Amount of Award.—

(1) Stipends.—The Secretary shall pay to each individual awarded a fellowship under this Act a stipend in the amount of $15,000, $16,500, and $18,000 during the first, second, and third years of study, respectively.

(2) Tuition.—The Secretary shall pay to the appropriate institution an amount adequate to cover the tuition, fees, and health insurance of each individual awarded a fellowship under this Act.

(3) Administrative and Travel Allowance.—The Secretary shall pay to each host institution an annual $5,000 allowance for the purpose of covering—

(A) administrative expenses;

(B) travel expenses associated with Fellow participation in academic seminars or conferences approved by the host institution; and

(C) round-trip travel expenses associated with Fellow participation in the internship required by section 6 of this Act.

SEC. 6. REQUIREMENT.

Each Fellow shall participate in a 3-month internship related to the dissertation topic of the Fellow at a national laboratory or equivalent industrial laboratory as approved by the host institution.

SEC. 7. FELLOWSHIP CONDITIONS.

(a) Academic Progress Required.—No student shall receive support pursuant to an award under this Act—

(1) except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, or

(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student's progress toward a degree.

(b) Reports From Recipients.—The Secretary is authorized to require reports containing such information in such form and filed at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this Act. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, or other research center, stating that such individual is fulfilling the requirements of this section.

(c) Failure To Earn Degree.—A recipient of a fellowship under this Act found by the Secretary to have failed in or abandoned the course of study for which assistance was provided under this Act may be required, at the discretion of the Secretary, to repay a pro rata amount of such fellowship assistance received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for this Act $5,000,000 for fiscal year 1998 and such sums as may be necessary for the succeeding fiscal years.

SEC. 9. APPLICATION OF GENERAL EDUCATIONAL PROVISIONS ACT.

Section 421 of the General Educational Provisions Act, pertaining to the availability of funds, shall apply to this Act.

SEC. 10. DEFINITIONS.

For purposes of this Act—

(1) The term "Secretary" means the Secretary of Energy.

(2) The term "host institution" means an institution where a Paul E. Tsongas Fellow is enrolled for the purpose of pursuing doctoral studies for which support is provided under this Act.

By Mr. HARKIN:

S. 1323. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE ANIMAL AGRICULTURE REFORM ACT

Mr. HARKIN. Madam President, today I am introducing the Animal Agriculture Reform Act, a bill that for the first time sets tough environmental standards governing how large livestock and poultry operations handle their animal waste. Animal waste pollution is a national problem that demands a national solution.

Nationwide, 200 times more animal manure is produced than human waste—five tons for every person in the United States—making large livestock operations the waste equivalent of a town or city. For example, 1,600 dairies in the Central Valley of California produce more waste than a city of 21 million people. And right here outside of Washington, DC, the annual production of 600 million chickens on the Delmarva Peninsula leaves as much nitrogen as a city of almost 500,000 people.

The shrinking number of farms producing an ever greater share of animals means that too much manure is produced in some areas of the country to be put on land without causing water pollution. Nitrogen and phosphorous in animal manure are valuable crop nutrients—but in excessive levels in water they are serious pollutants.

High levels of nitrogen and phosphorous cause the excessive algae growth of algae, whose bacterial decomposition uses up oxygen in the water and kills fish. Animal waste also carries parasites, bacteria and viruses—and can pollute drinking water with nitrates, potentially fatal to infants.

While towns must have sewage treatment plants, excess waste from large-scale animal feeding operations is simply stored indefinitely or over-applied on land. That means water pollution from over-application, and the ongoing risk of pollution and even massive spills from stored waste.

In 1995 in North Carolina 35 million gallons of animal waste were spilled, killing 10 million fish. And last year more than 40 animal waste spills were recorded in Iowa, Minnesota and Missouri, up from 20 in 1992.

In 1997, the toxic microbe Pfiesteria, whose increased presence is linked to excessive nutrients in the water, killed approximately 30,000 fish in the Chesapeake Bay and approximately 450,000 fish in North Carolina. Major attacks by harmful microbes in U.S. coastal and estuarial waters between 1972 and 1995 have doubled—and excessive nutrients are the suspected catalyst.

In the Gulf of Mexico, farm runoff including animal waste is linked to the formation of a so-called "dead zone" of hypoxia (low oxygen)—up to 7,000 square miles of water that cannot support most aquatic life.

The Environmental Protection Agency's regulations in this area have not been revised since they were written in the 1970s, and they do not go nearly far enough to address current animal waste problems.

Animal waste management practices must include limiting the application of both phosphorous and nitrogen to amounts that can be used by crops. In addition, environmentally sound standards are needed for the handling, storage, treatment and disposal of excess animal waste.

Under my bill, large animal feeding operations must submit an individual animal waste management plan to USDA designed to minimize the risk of surface and ground water pollution. My bill would require that USDA work with farmers in developing plans to address potential problems before they happen. USDA will do this by establishing guidelines and providing technical assistance and information to develop farm-specific plans to be approved on an individual basis.

I am using the term animal waste, but it is important that we recognize that manure is a valuable resource for farmers who need nutrients for their crops. Promoting wise use of manure for crop nutrients is the guiding principle of my bill. For a plan to be approved, an operator must agree to apply animal waste to land only in amounts meeting crop nutrient requirements. Furthermore, liquid waste that cannot be safely used for nutrients or another environmentally sound use must be treated in accordance with waste water treatment standards.

My bill also applies sound technical standards to the construction of all new earthen manure lagoons to prevent leaks and spillage of animal waste. Existing earthen manure lagoons are given a reasonable phase-in period to meet appropriate standards.

In addition, my bill puts the burden of complying with these requirements on the animal owners. The bill would prevent animal owners from using contracts or similar arrangements to avoid responsibility for animal waste management.

The bill covers operations with an approximate one-time animal capacity above 1,330 hogs; 57,000 chickens; 270 dairy cattle; or 530 slaughter cattle. Each animal owner with at least that many animals must submit a waste management plan to USDA for approval, whether or not the animals are kept in one place. Animal feeding operations under those sizes will qualify under USDA's Environmental Quality Incentives Program for additional technical and cost-share assistance to implement animal waste management plans.

I want to be clear that my bill does not interfere with the role of EPA and the States in monitoring pollution, or is it a substitute for EPA strengthening its current regulations. I see it as an essential part of a cooperative approach to the problem by both EPA and USDA—and I look forward to EPA's proposals in this area. I also look forward to reviewing the recommendations of the National Environmental Dialogue on Pork Production, which is working on these issues in great detail.

We must take strong action now to halt the pollution of our water from animal waste and other farm runoff. Other issues that are outside the scope of this bill also need to be addressed, including management of municipal and industrial wastewater and more careful application of commercial fertilizers. My proposal is one part of a national solution to our water quality concerns.

By Mr. LOTT:

S. 1324. A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, MS; to the Committee on Environment and Public Works.

DEAUTHORIZATION LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BILOXI HARBOR, MISSISSIPPI.

The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

By Mr. FRIST (for himself, Mr. ROCKFELLER, Mr. BURNS, and Mr. HOLLINGS):

S. 1325. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TECHNOLOGY ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. FRIST. Mr. President, I rise today to offer a bill to authorize appropriations for the Technology Administration [TA] of the Department of Commerce for fiscal year 1998 and 1999. This bill funds activities in the National Institutes of Standards and Technology [NIST].

I am keenly aware of my responsibilities to the American people for ensuring that the people's money is spent wisely. I have a responsibility to exercise prudent fiscal management over programs that cost taxpayers millions of dollars each year. Each program must be examined, and wasteful, ineffective programs must be changed or eliminated. I also have a responsibility to make appropriate long term investments that will help Americans create the technology and wealth of tomorrow. I view both of these duties as part of the principle of "wise stewardship'. The TA legislation represents a challenging application of wise stewardship. This bill covers some of the most productive and necessary areas of governments, as well as a few of the most controversial.

There is no question that the work done by NIST's Standards Laboratory is essential to U.S. commerce. These laboratories house of the best scientific minds in the world. A perfect example is the award of the 1997 Nobel Prize for Science to Dr. William Phillips in the area of low temperature physics. His accomplishment, as well as the achievements of the world class scientific cadre at NIST are reminders of the necessity for investment in the Standards Laboratory, the people most of all, but the buildings and infrastructure as well. This legislation provides for continued investment into this research and those services

The reauthorization bill contains a provision to add accountability and controls to the new Experimental Program to Stimulate Competitive Technology [EPSCoT] program. Modeled after National Science Foundation's successful and effective EPSoR program, the goal of EPSCoT is to increase the technological competitiveness of these States that have historically received less Federal research and development funds than the majority of the States. While I believe that the aims of this program are good, we cannot afford to put this or any other Federal grant program on automatic pilot. Our legislation contains a graduations criteria, that moves a State out of the program when that State has become competitive. The bill contains a provision that mandates periodic evaluation of this program. Using this data we can tell if and when the program ceases to be effective. If that happens we have the information needed to see if the program can be fixed, or should be terminated.

This legislation contains provisions for two programs that have been particularly contentious: the Advanced Technology Program [ATP], and the manufacturing Extension Program [MEP]. Both are technology enhancement programs designed with the intent of increasing the ability of U.S. firms to compete in the global marketplace.

Under existing law each MEP center is funded for a maximum of 6 years. This legislation removes the hard and fast sunset provision and replaces it with a 2-year renewal cycle. Each center must win renewal, and with it eligibility for Federal funds by receiving a satisfactory grade from this new biennial review. If the center is not fulfilling its expectation for assistance of manufacturing technology, then it will fail its review and will not be able to receive Federal funding.

The Advanced Technology Program has been improved under this legislation. Large companies will no longer be able to participate as single applicants. They must partner with one or more small businesses in order to be eligible to apply for an ATP grant. This provision maximizes the benefit of this program by encouraging the transfer of technology and expertise from large businesses to the most dynamic section of our economy—small business. The legislation also takes steps to ensure that ATP does not displace private venture capital. finally, the bill takes an important step to continued evaluation and possible evolution of the program. It instructs the Department of Commerce to commission the National Academy of Sciences to study the effectiveness of the Advanced Technology Program. In addition the study will investigate alternative methods for the Federal Government to help keep U.S. businesses competitive.

Finally, the TA NIST reauthorization bill creates a new educational resource for the country. There has never been a time in our country's history when science and technology has been more important. It is playing an increasingly critical role in our economy, and most of all to our economic future. It is all too clear that our children are not well enough prepared to take their places as part of the world's scientific leaders. As the recent NAEP and TIMSS science results show, there is a gap between our children's science abilities and those from other countries. In this bill, we have created the Teacher Science and Technology Enhancement Institute Program to help bridge that gap. The program is structured to afford primary and secondary educators the chance to become reacquainted with science. Armed with fresh experiences, the teachers will be better equipped to excite our children about technology and scientific inquiry. This is an investment that we cannot afford to pass up.

I believe that this legislation embodies the concept of wise stewardship. The bill reflects input that we have received from my colleagues in the Senate, the House and the administration. More importantly, we have heard from constituents from my own State of Tennessee, as well as businesses, professional groups and academia from around the country. I am sure that the result will not please everyone. I believe, however, that it represents a necessary step in the constant evolution of these Federal programs. I take my congressional oversight obligations extremely seriously. Creating responsible, fair, timely authorizing legislation is a key part of that obligation. I believe that this legislation meets these requirements. I hope you will join me in honoring our obligation to the American people by supporting this legislation.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues Senator FRIST, Senator HOLLINGS, Senator BURNS in introducing legislation to reauthorize the programs of the Technology Administration for fiscal years 1998 and 1999. This bill reauthorizes the Office of Science and Technology Policy as well as the NIST labs and facilities about the President's budget request. It also funds the Advanced Technology Program at $198 million and the Manufacturing Extension Program at $111 million.

It is noteworthy that after several hearings on ATP, and after assessing Secretary of Commerce Daley's detailed review of the program, we are now putting forward a bill that continues to authorize this important form of investment in America's economic competitiveness. As I, along with many others in this Chamber, have stated before, this program supports American industry's own efforts to develop new, cutting-edge technologies which create the new industries and jobs of the 21st century.

Let me remind my colleagues that ATP does not, and I repeat, does not fund the development of commercial products. Instead, this program provides matching funds to both individual companies and joint ventures for pre-product research on high-risk technologies which have the potential to place U.S. industry as the leader in new industrial areas. This high-risk, high-reward strategy has already led to the creation of new U.S. industries based on information transfer, biotechnology, and new materials synthesis.

In spite of the merits of this program ATP has been criticized by some Members for the past 4 years of the program's 6 years of existence. This year Secretary Daley undertook a 60-day review to assess the ATP's performance and evaluate these criticisms. The Department of Commerce solicited comments from more than 3,500 interested parties and took into account comments provided by both critics and supporters of the program. fact, Senators LIEBERMAN, DOMENICI, FRIST and I joined together and provided one of the 80-plus comments the Department received. I would like to take a moment and commend Secretary Daley for the job he did in undertaking this review. As we all know, there is not a department or program that can't be improved. And as a long time and avid supporter of ATP I believe, that after 6 years of operation, experience would suggest that there should be some areas that can be improved. This review has done just that. The recommendations that Secretary Daley has put forth further strengthens a strong and productive program. I agree with his suggestion to place more emphasis on small and medium-size single applicants, joint-ventures, and consortia. This bill adopts that recommendation by amending the National Institute of Standards and Technology Act to define a large business as one with gross annual revenues in excess of $2.5 billion and prohibits such businesses from participating in ATP programs as single applicants.

In addition, I was pleased to see the added emphasis by the Secretary on the need for an EPSCoT program, based on the EPSCoR model, which would enhance technology development in the 18 States that have traditionally been under-represented in Federal R&D funding. EPSCoT would provide the opportunity for States which have been able to build infrastructure capable of supporting high-tech research to use this infrastructure to its maximum advantage. Studies have shown that strengthening the competitive performance of research laboratories, usually universities, in an underdeveloped area, which is the purpose of EPSCoR, is often not sufficient to establish new, high-tech companies. EPSCoT seeks to assist in technology transfer to the local economy by encouraging links between universities, local businesses, and local and State governments. Unlike ATP, which focuses on the national economic interest in research and development, EPSCoT focuses on allowing under-represented States the opportunity to participate in the technological revolution that is sweeping the global economy. In order to help the success of the program, Governors, business leaders and researchers were consulted about the importance of technology transfer for economic development. This bill provides statutory language to implement the Secretary's proposal of creating the EPSCoT program.

Secretary Daley's review could not have been done at a better time. After 6 years of existence, a thorough and complete review of the process has shown that is it competently managed, produces positive results and has been working to achieve it's stated objectives. The proposals set forth in this review strengthen a very strong program that is one of the cornerstones to the Nation's long-term economic prosperity. The bill we are introducing today provides the necessary changes to existing law to implement many of the recommendations. I encourage my colleagues to support this bill.

By Mr. DASCHLE:

S. 1326. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

THE MEDICAID NURSING INCENTIVE ACT

Mr. DASCHLE. Mr. President, today I am reintroducing the Medicaid Nursing Incentive Act, a bill to provide direct Medicaid reimbursement for nurse practitioners and clinical nurse specialists.

This legislation eliminates a groundless and counterproductive anomaly in Medicaid payment policy. Under current law, State Medicaid programs can exclude certified nurse practitioners and clinical nurse specialists from Medicaid reimbursement, even though these practitioners are fully trained to provide many of the same services as those provided by primary care physicians. This loophole is both discriminatory and shortsighted; it severs a critical access link for Medicaid beneficiaries.

The ultimate goal of this proposal is to enhance the availability of cost-effective primary care to our Nation's most needy citizens.

Studies have documented the fact that millions of Americans each year go without the health care services they need, because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse as south central Los Angeles and Lemmon, SD.

Medicaid beneficiaries are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to care for them or have been unwilling to locate in the inner-city and rural communities where many of the beneficiaries live. Fortunately, there is an exception to this trend: nurse practitioners and clinical nurse specialists frequently accept patients whom others will not treat and serve in areas where others refuse to work.

Studies have shown that nurse practitioners and clinical nurse specialists provide care that both patients and cost cutters can praise. Their advanced clinical training enables them to assume responsibility for up to 80 percent of the primary care services usually performed by physicians, many times at a lower cost and with a high level of patient satisfaction.

Congress has already recognized the expanding contributions of nurse practitioners and clinical nurse specialists. For more than a decade, CHAMPUS has provided direct payment to nurse practitioners. In 1990, Congress mandated direct payment for nurse practitioner services under the Federal employee health benefits plan. The Medicare Program, which already covers nurse practitioners and clinical nurse specialist services in rural areas, was modified under this year's Balance Budget Act to provide coverage for these services in all geographic areas. The bill I am introducing today establishes the same payment policy under Medicaid.

Mr. President, the ramifications of this issue extend beyond the Medicaid Program and its beneficiaries: there is a broader lesson here that applies to our search to make cost-effective, high-quality health care services available and accessible to all Americans.

One of the cornerstones of this kind of care is the expansion of primary and preventative care, delivered to individuals in convenient, familiar places where they live, work, and go to school. More than 2 million of our Nation's nurses currently provide care in these sites—in home health agencies, nursing homes, ambulatory care clinics, and schools.

In places like South Dakota, nurses are often the only health care professionals available in the small towns and rural counties across the State.

These nurses and other nonphysician health professionals play an important role in the delivery of care. And, this role will increase as we move from a system that focuses on the costly treatment of illness to one that emphasizes primary and preventive care and health promotion.

But, first, we must reevaluate outdated attitudes and break down barriers that prevent nurses from using the full range of their training and skills in caring for patients. In 1994, the Pew Health Professions Commission concluded that nurse practitioners are not being fully utilized to deliver primary care services. The commission recommended eliminating fiscal discrimination by paying nurse practitioners directly for the services they provide. This step will help nurse practitioners and clinical nurse specialists expand access to the primary care that so many communities currently lack.

Mr. President, I hope my colleagues will support the measure I am introducing today, recognizing the critical role that nurse practitioners and other nonphysician health professionals play in our health care delivery system, and the increasingly significant contribution they can make in the future. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.

(a) IN GENERAL.—Section 1905(a)(21) of the Social Security Act (42 U.S.C. 1396d(a)(21)) is amended to read as follows:

"(21) services furnished by a certified nurse practitioner (as defined by the Secretary) or clinical nurse specialist (as defined in subsection (v)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider;".

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(v) The term 'clinical nurse specialist' means an individual who—

"(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(2) holds a master's degree in a defined area of clinical nursing from an accredited educational institution.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1998.

By Mr. ROTH (for himself, Mr. HAGEL, Mr. THOMAS, Mr. KERRY, and Mr. AKAKA):

S. 1327. A bill to grant normal trade relations status to the People's Republic of China on a permanent basis upon the accession of the People's Republic of China to the World Trade Organization; to the Committee on Finance.

THE CHINA TRADE RELATIONS ACT OF 1997

Mr. ROTH. Mr. President, I rise today for myself and Senators HAGEL, THOMAS, JOHN KERRY, and AKAKA to introduce legislation that will grant normal trade relations to the People's Republic of China on a permanent basis when China accedes to the World Trade Organization.

Today, President Jiang arrives in Washington for the first bilateral summit in 8 years. Exchange at the highest levels is critical to the maintenance of any of our important bilateral relationships. It is even more crucial in our relationship with the world's largest country, fastest growing economy, and most important rising power.

Mr. President, this body has spent a great deal of energy debating United States policy toward China, cresting each year with the struggle over renewal of normal trade relations. I have always supported such renewal, and viewed the annual debate as a singularly unproductive means of moving the United States toward a coherent China policy. I say that because, besides regular high-level exchange, normal trade relations with China are essential to any coherent China policy, one that keeps our economy strong and engages Beijing in constructive reform.

Currently, the United States is negotiating with China over the package of measures Beijing must implement to comply with the strict market-based rules of the World Trade Organization. Until the United States is satisfied with commitments from China on such issues as lower tariff levels and enhanced market access, and assured that Beijing can and will carry out those commitments, China will not gain entry to the WTO.

The concessions China must make to gain United States approval are significant and will dramatically affect large segments of China's economy. The single most important economic benefit Beijing will derive from membership in the World Trade Organization is permanent normal trade relations—also known as most-favored-nation trading status—with every other WTO member. As a practical matter, however, every member economy of the World Trade Organization, except the United States, has already conferred on China permanent normal trade relations. Moreover, the United States has provided normal trade relations to China 1 year at a time for more than 15 years. However, until China is specifically removed from the limitations of title IV of the Trade Act of 1974, Beijing cannot receive permanent normal trade relations from the United States, whatever China's status in the WTO.

The resulting ambiguity over China's trade status with the United States hinders Beijing's willingness to make the significant concessions necessary to complete a commercially viable WTO accession package. A clear signal from the United States that China will, in fact, gain permanent normal trade relations upon its accession to the World Trade Organization will provide Beijing an incentive to make those concessions.

Mr. President, it is crucial that we understand that China's membership in the WTO under commercially viable terms is wholly in the interest of the United States. That is because China will be forced to open its markets significantly to American trade and investment. And more fully open markets represent the best approach to reducing our current trade deficit with China. China's membership in the World Trade Organization will also make Beijing fully subject to the market-oriented disciplines of the WTO. Finally, our bilateral trade disputes with China will be subject to multilateral resolution mechanisms, in addition to the means we already have available under United States trade law.

China is the world's 10th largest trading country. It is the largest economy not in the World Trade Organization. Regardless of its WTO status, China will have a major influence on the future development of the world trading system. I believe the time has come for Congress to recognize the importance of integrating China into the global economy.

Our bilateral economic relationship is the most important means we have of integrating China fully into the world economy and the international political order. The United States is one of the top five sources of foreign investment in China. That investment is not limited to the special economic zones, but now takes place throughout China and across every major industry. Our businesses are linked in investment and in trading relationships that provide a vehicle for common effort and common understanding at the most practical and personal levels.

China also represents a growing economic and political influence in a region of critical importance to the United States. The Asia-Pacific region now represents over 40 percent of world trade and 53 percent of world gross national product. Trans-Pacific trade is more than twice as large as trans-Atlantic trade. The Asia-Pacific region economies, including the United States and China, are becoming increasingly interdependent. The region now represents the largest market for United States exports—over $130 billion by some estimates. The predicate to our ability to encourage China to play a constructive role in the region is our willingness to redefine our bilateral economic relationship through the WTO accession process and the normalization of our trade relations under United States law.

A China more fully immersed in global capitalism is more likely to behave in ways compatible with American interests and international norms. We have seen this reality throughout Asia as countries have made major reforms in opening their economies and joined us at the table of democratic freedom. Moreover, without permanent normal trade relations, not only will we have less influence over the role China chooses to play on the global stage, we will also be left on the sidelines of China's economic growth.

We cannot passively accept abuses of human rights, religious persecution, or the many other problems we have with China that must be addressed and corrected. But neither must we neglect the many issues and problems where our interests converge, including the stability in the Asia Pacific that undergirds the region's economic growth, peaceful resolution of the urgent troubles on the Korean Peninsula, and addressing the transnational concerns posed by environmental degradation, narcotics trafficking, and crime.

A relationship premised on cooperation in areas of shared interest also provides us a better opportunity to discourage Beijing from transferring missiles and other arms to Iran, Iraq, Burma, and other rogue regimes, persuade China to reduce tensions in the Taiwan Straits, and encourage Beijing to maintain freedoms in Hong Kong and foster greater human rights in China.

Mr. President, Congress and the American people must understand what is at stake in the bilateral relationship and how best to move China in a direction that is in our best interest and the best interest of the American and Chinese people. The summit taking place this week and this legislation, I believe, can provide the United States and China the impetus to move toward a far more mutually productive relationship.

Mr. HAGEL. Mr. President, today I am pleased to join with the distinguished chairman of the Finance Committee, Senator ROTH, as an original cosponsor to his legislation to strengthen the President's hand in opening up China's market to American exports. I commend Chairman ROTH for his leadership on trade issues. This bill would extend permanent most-favored-nation trading status to China upon that country's accession to membership of the World Trade Organization under commercially viable terms.

Mr. President, I believe that the annual debate over so-called most-favored-nation trading status for China has become counterproductive. It is time for the United States and China to transcend this flawed process. It is time for trade relations between our two countries to be based on the normal commercial standards that one would expect between two of the world's great trading powers.

This legislation would greatly strengthen the President's hand in achieving trade negotiations with China. It would do this by giving the President the authority to grant China permanent MFN status upon that country's accession to the WTO under normal commercial arrangements. As long as the Congress merely promises to consider granting permanent MFN status after China has agreed to accept WTO obligations, the President's leverage in trade negotiations with China will be weakened.

I would like to emphasize that I do not support China's entry into the World Trade Organization under any special arrangement that would allow China to avoid full compliance with WTO standards. However, China's accession to the WTO under normal commercial arrangements would be good for the United States and good for the world trading system. It would require China to adhere to international trading standards. And should China fail to live up to its WTO obligations, we would then have access to the WTO's multilateral dispute resolution mechanisms. As long as China remains outside of the WTO, our only recourse for resolving our trade disputes with China is through the threat of often less effective bilateral actions, such as threats of section 301 trade sanctions.

But once China becomes a member of the WTO under a viable commercial protocol, the rules of the WTO require other WTO nations to grant permanent MFN to China. If we do not, we lose much of the benefit of getting China to accept WTO rules. This is because the United States would be denied access to the WTO's dispute resolution process for forcing China to live up to its agreements. That is why this bill is so important.

There are a great number of common misunderstanding over the annual debate on so-called most-favored-nation trading status for China. First of all, the archaic term "most favored nation" is itself misleading. MFN status is not, as many believe, some special trade benefit. It is not even the most favored trading status that we maintain with other countries. The United States grants much more favorable trade status to many other countries, including Canada, Israel, Mexico, the countries of the Caribbean, and a host of other nations—more than 130 in all—that benefit from special trade programs. All MFN status means is that we are willing to maintain some semblance of regular trade relations with that country. This is demonstrated by the fact that only six countries in the world do not have MFN status.

What is more, under current trade laws, there is no middle ground between full MFN trading status with average tariffs of 4 percent, and the disastrous 1930's-era Smoot-Hawley tariffs that average over 50 percent. Let there be no doubt about the consequences of repealing MFN trading status for China: it would mean a virtual end to United States-China trade relations.

United States trade with China is important. Throughout the ages, commerce has been a driving force of modernity and the spread of western ideas. Withdrawing from China will not bring the kind of change we are all seeking in that still autocratic system. Isolating China economically would have a disastrous and counterproductive result.

Nevertheless, there are serious trade issues between the United States and China that need to be resolved. This bill will make their resolution more likely. Nebraska is a major exporting state, with total exports last year of $2.45 billion of which $1.5 billion was food or agricultural products. Nebraska's meat exports to the world, primarily beef, grew 89 percent in the first half of this decade. United States beef exports to China, however, are severely constrained by China's 80 percent tariffs. These levels must come down in the context of the WTO negotiations. China also maintains a wide range of trade restrictions that are illegal under WTO rules. These illegal trade barriers include unscientific health laws that entirely prohibit certain types of U.S. wheat exports.

Mr. President, aggressive United States efforts to negotiate China's entry into the WTO under normal commercial arrangements is clearly in our national interest. The United States continues to run a large, persistent trade deficit with China. Last year, our deficit reached $39 billion, and it is expected to be higher this year. But the way to reduce that deficit is not by closing off our borders and cutting off export markets, but to work aggressively to open those markets, particularly the China market.

Export jobs pay 13–16 percent more than average American jobs. Exports are the future of our Nation, and we need to have China's market opened to American goods, services, and agricultural commodities.

By Mr. INOUYE:

S. 1328. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1997

Mr. INOUYE. Mr. President, today I introduce the Communications Satellite Competition and Privatization Act of 1997. This bill amends the Communications Satellite Act of 1962 in order to promote full competition in the global satellite communication services market by fully privatizing satellite communications. It is my intention that the introduction of this bill in the Senate will spur debate on this important issue. It is my goal to work with all of my colleagues and all other interested parties to address the issues presented in this bill.

In 1962, the United States and other countries around the world recognized the increasingly important role the new and emerging satellite technology could play in facilitating worldwide communications. In enacting the Communications Satellite Act of 1962, Congress sought to improve the global communications network by implementing a global, commercial communications satellite system, expeditiously. INTELSAT, Inmarsat, and Comsat emerged as the network that would connect Americans to countries throughout the world.

INTELSATE, Inmarsat, and Comsat have undoubtedly fulfilled their missions and have provided us with valuable services. Through their communications network, they have connected us whether we are on land or on water, by voice, video, and data transmissions, and across continents. They have also played a pivotal role in pioneering the delivery of satellite communications.

However, in the 35 years since the act has been adopted, the marketplace has changed and the time is now ripe for us to revisit the act and put in place a policy that will take the industry and the American consumers into the future. Today, many U.S. and foreign satellite systems participate in the global satellite marketplace. There are also an increasing number of satellite systems seeking authority to participate in the marketplace. As additional satellite systems enter the marketplace, competition must continue to flourish and consumers must obtain needed services at reasonable prices. The treaty-based status and intergovernmental structure of INTELSAT, Inmarsat, and Comsat must not hinder the ability of these carriers to effectively compete in the future and must not distort competition in the marketplace.

Today, many individuals in the government and in industry, nationally and worldwide are working on the privatization of INTELSAT and Inmarsat. There is a recognition that the status quo will not benefit the marketplace nor will it benefit INTELSAT and Inmarsat, or Comsat. My introduction of this bill is intended to establish a framework in which the Senate can begin a larger discussion of the issues and ultimately craft legislation that promotes the delivery of state-of-the-art satellite communications and brings innovations and cost reductions to the public. I encourage my colleagues to join with me in supporting a policy that will continue to allow our satellite industry to grow and flourish and for consumers to receive the benefits of such advancements.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Satellite Competition and Privatization Act of 1997".

TITLE I—USE OF FEDERAL COMMUNICATIONS COMMISSION LICENSING REQUIREMENTS TO SECURE COMPETITION AND PRIVATIZATION

SEC. 101. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and INMARSAT.

SEC. 102. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

(a) ADDITION OF NEW TITLE.—The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

"TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

"SUBTITLE A—ACTIONS TO ENSURE PROCOMPETITIVE PRIVATIZATION

"SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

"(a) LICENSING FOR SEPARATED ENTITLES.—

"(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned or operated by the separated entity to provide services to, from, or within the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

"(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

"(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned or operated by INTELSAT or INMARSAT or any successor entities to provide non-core services to, from, or within the United States, unless the Commission determines—

"(A) after January 1, 2002, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

"(B) after January 1, 2001, in the case of INMARSAT and its successor entities, that INMARSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

"(c) Prevention of Expansion.—Pending privatization in accordance with the licensing criteria in subtitle B, the Commission shall not—

"(1) issue an authorization, license, or permit to, or renew the license or permit of, any provider of services using INTELSAT or INMARSAT space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business; or

"(2) otherwise assist the expansion of INTELSAT or INMARSAT services, including through authorizing COMSAT's investment in new INTELSAT or INMARSAT satellites or registering for orbital slots intended for INTELSAT or INMARSAT provision of additional services (including additional applications of existing services) or additional areas of business.

"SEC. 602. INTELSAT OR INMARSAT ORBITAL SLOTS.

"Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or INMARSAT have been privatized in a manner that will not harm competition, then—

"(1) the President shall oppose, and the Commission shall not assist, any registration for new orbital slots for INTELSAT or INMARSAT orbital slots—

"(A) with respect to INTELSAT, after January 1, 2002, and

"(B) with respect to INMARSAT, after January 1, 2001, and

"(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

"SUBTITLE B—FEDERAL COMMUNICATIONS COMMISSION LICENSING CRITERIA: PRIVATIZATION CRITERIA

"SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

"The President and the Commission shall secure a pro-competitive privatization of INTELSAT and INMARSAT that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

"(1) dates for privatization.—Privatization shall be obtained in accordance with the criteria of this title of—

"(A) INTELSAT as soon as practicable, but no later than January 1, 2002, and

"(B) INMARSAT as soon as practicable, but no later than January 1, 2001.

"(2) Independence.—The successor entities and separated entities of INTELSAT and INMARSAT resulting from the privatization obtained pursuant to paragraph (1) shall—

"(A) be entities that are national corporations; and

"(B) have ownership and management that is independent of—

"(i) any signatories or former signatories that control access to national telecommunications markets; and

"(ii) any intergovernmental organization remaining after the privatization.

"(3) Termination of privileges and immunities.—The preferential treatment of INTELSAT and INMARSAT shall not be extended to any successor entity or separated entity of INTELSAT or INMARSAT. Such preferential treatment includes—

"(A) privileged or immune treatment by national governments;

"(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and INMARSAT and their signatories though the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the INMARSAT Convention; and

"(C) preferential access to orbital slots.

"(4) Prevention of expansion during transition.—During the transition period prior to full privatization, INTELSAT and INMARSAT shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

"(5) Conversion to stock corporations.—Any successor entity or separated entity created out of INTELSAT or INMARSAT shall be a national corporation established through the execution of an initial public offering as follows:

"(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

"(B) An initial public offering of securities of any successor entity or separated entity shall be conducted no later than—

"(i) January 1, 2001, for the successor entities of INTELSAT; and

"(ii) January 1, 2000, for the successor entities of INMARSAT.

"(C) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

"(D) A majority of the board of directors of any successor entity or separated entity shall not be subject to selection or appointment by, or otherwise serve as representatives of—

"(i) any signatory or former signatory that controls access to national telecommunications markets; or

"(ii) any intergovernmental organization remaining after the privatization.

"(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or INMARSAT shall be conducted on an arm's length basis.

"(6) Regulatory treatment.—Any successor entity or separated entity shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

"(7) Competition policies in domiciliary country.—Any successor entity or separated entity shall be incorporated and headquartered in a nation or nations that—

"(A) have effective laws and regulations that secure competition in telecommunications services;

"(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

"(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

"(8) Return of unused orbital slots.—INTELSAT, INMARSAT, and any successor entities and separated entities shall not be permitted to warehouse orbital slots that do not have satellites that are providing commercial services, and any orbital slots of INTELSAT or INMARSAT which are not in use or brought into use providing commercial services as of May 12, 1997, or thereafter, shall be returned to the International Telecommunication Union for reallocation.

"(9) Appraisal of assets.—Before any transfer of assets by INTELSAT or INMARSAT to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

"SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

"In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

"(1) Number of competitors.—The number of competitors in the market served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

"(2) Prevention of expansion during transition.—Pending privatization in accordance with the criteria in this title, INTELSAT shall not expand by receiving additional orbital slots, placing new satellites in existing slots, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of May 12, 1997, and the United States shall oppose such expansion—

"(A) in INTELSAT, including at the Assembly of Parties,

"(B) in the International Telecommunication Union,

"(C) through United States instructions to COMSAT,

"(D) in the Commission, through declining to facilitate the registration of additional orbital slots or the provision of additional services (including additional applications of existing services) or additional areas of business; and

"(E) in other appropriate fora.

"(3) Technical coordination among signatories.—Technical coordination shall not be used to impair competition or competitors, and coordination under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

"SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

"In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

"(1) Date for public offering.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted.

"(2) Privileges and immunities.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any limitations on private cause of action that would otherwise generally be permitted against any separated entity shall be eliminated.

"(3) Interlockig directorates or employees.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

"(4) Spectrum assignments.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned on the date of enactment of this Act to INTELSAT shall not be transferred between INTELSAT and any separated entity.

"(5) Reaffiliation prohibited.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

“SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

“In securing the privatizations required by section 621, the following additional criteria with respect to INMARSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

“(1) Multiple signatories and direct access.—Multiple signatories and direct access to INMARSAT shall be permitted.

“(2) Prevention of expansion during transition.—Pending privatization in accordance with the criteria in this title, INMARSAT should not expanded by receiving additional orbital slots, placing new satellites in existing slots, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of May 12, 1997, and the United States shall oppose such expansion—

“(A) in INMARSAT, including at the Council and Assembly of Parties,

“(B) in the International Telecommunication Union,

“(C) through United States instructions to COMSAT,

“(D) in the Commission, through declining to facilitate the registration of additional orbital slots or providing new services or uses for existing slots, and

“(E) in other appropriate fora.

“(3) Number of competitors.—The number of competitors in the markets served by INMARSAT, including the number of competitors created out of INMARSAT, shall be sufficient to create a fully competitive market.

“(4) Reaffiliation prohibited.—Any merger or ownership or management ties or exclusive arrangements between INMARSAT or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of INMARSAT privatization under this title.

“(5) Interlocking directorates or employees.—None of the officers, directors, or employees of INMARSAT or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

“(6) Spectrum assignments.—The portions of the electromagnetic spectrum assigned on the date of enactment of this Act to INMARSAT—

“(A) shall, after January 1, 2006, or the date on which the life of the current generation of INMARSAT satellites ends, whichever is later, be made available for assignment to all systems (including the privatized INMARSAT) on a non-discriminatory basis; and

“(B) shall not be transferred between INMARSAT and ICO.

“SUBTITLE C—DEREGULATION AND OTHER STATUTORY CHANGES

“SEC. 641. DIRECT ACCESS; TREATMENT OF COMSAT AS NONDOMINANT CARRIER.

“The Commission shall take such actions as may be necessary—

“(1) to permit providers or users of telecommunications services to obtain direct access to INTELSAT telecommunications services as soon as practicable, but no later than January 1, 2001;

“(2) to permit providers or users of telecommunications services to obtain direct access to INMARSAT telecommunications services as soon as practicable, but no later than January 1, 2000; and

“(3) to treat COMSAT as a nondominant carrier for the purposes of the Commission's regulations on the effective date of the actions taken pursuant to paragraphs (1) and (2), respectively.

“SEC. 642. SIGNATORY ROLE.

“(a) Multiple Signatories Permitted.—

“(1) INTELSAT.—As soon as practicable, but no later than January 1, 2001, multiple signatories shall be permitted to represent the United States in INTELSAT.

“(2) INMARSAT.—As soon as practicable, but not later than January 1, 2000, multiple signatories shall be permitted to represent the United States in INMARSAT.

“(b) Elimination of COMSAT Privileges and Immunities.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or INMARSAT.

“(c) Parity of Treatment.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

“SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

“Nothing in this Act or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, INMARSAT, or any successor entity or separated entity.

“SEC. 644. USE OF ITU TECHNICAL COORDINATION.

“The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

“SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

“Effective on the dates specified, the following provisions of this Act shall cease to be effective:

“(1) Date of enactment of this title: Sections 101 and 102; paragraphs (1), (5) and (6) of section 201(a); section 301; section 303; section 304; section 502; and paragraphs (2) and (4) of section 504(a).

“(2) On the effective date of the Commission's order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 201(c).

“(3) On the effective date of the Commission's order that establishes direct access to INMARSAT space segment: Subsections (a) through (d) of section 503.

“(4) On the effective date of the Commission order determining under section 601(b)(2) that INMARSAT privatization is consistent with criteria in sections 621 and 624: Section 504(b).

“(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Paragraphs (2) and (4) of section 201(a); section 201(c)(2); subsection (a) of section 403; and section 404.

“SEC. 646. REPORTS TO THE CONGRESS.

“(a) Annual Reports.—The President and the Commission shall report to the Congress within 90 calendar days of the enactment of this Act, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this Act. Such reports shall be made available immediately to the public.

“(b) Contents of Reports.—The reports submitted pursuant to subsection (a) shall include the following:

“(1) Progress with respect to each objective since the most recent preceding report.

“(2) Views of the Parties with respect to privatization.

“(3) Views of industry and consumers on privatization.

“SEC. 647. CONSULTATION WITH CONGRESS.

“The President's designees and the Commission shall consult with the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate prior to each meeting of the INTELSAT or INMARSAT Assembly of Parties, the INTELSAT Board of Governors, the INMARSAT Council, or appropriate working group meetings.

“SEC. 648. SATELLITE AUCTIONS.

“Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital slots or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital slots or spectrum used for the provision of such services.

“SUBTITLE D—NEGOTIATIONS TO PURSUE PRIVATIZATION

“SEC. 661. METHODS TO PURSUE PRIVATIZATIONS.

“The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

“SUBTITLE E—DEFINITIONS

“SEC. 681. DEFINITIONS.

“(a) In General.—As used in this title:

“(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

“(2) INMARSAT.—The term 'INMARSAT' means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

“(3) Signatories.—The term 'signatories'—

“(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force or to which such Agreement has been provisionally applied;

“(B) in the case of INMARSAT, or INMARSAT successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

“(4) Party.—The term 'Party'—

“(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force or been provisionally applied; and

“(B) in the case of INMARSAT, means a nation for which the INMARSAT convention has entered into force.

“(5) Commission.—The term 'Commission' means the Federal Communications Commission.

“(6) International Telecommunication Union.—The term 'International Telecommunication Union' means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

"(7) DIRECT ACCESS.—The term 'direct access' means arrangements for purchase of space segment capacity from, or investment in (or both), INTELSAT or INMARSAT by means other than through a signatory.

"(8) SUCCESSOR ENTITY.—The term 'successor entity'—

"(A) means any privatized entity created from the privatization of INTELSAT or INMARSAT or from the assets of INTELSAT or INMARSAT, but

"(B) does not include any entity that is a separated entity.

"(9) SEPARATED ENTITY.—The term 'separated entity' means a privatived entity to whom a portion of the assets owned by INTELSAT or INMARSAT are transferred prior to full privatization of INTELSAT or INMARSAT, including in particular the entity whose structure was under discussion by INTELSAT as of May 12, 1997, but excluding ICO.

(10) ORBITAL SLOT.—The term 'orbital slot' means the location for placement of a satellite on the geostationary orbital are as defined in the International Telecommunication Union Radio Regulations.

"(11) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, INMARSAT, or a separated entity or successor entity.

"(12) NON-CORE.—The term 'non-core services' means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to INMARSAT provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

"(13) ADDITIONAL SERVICES.—The term 'additional services' means Internet services, high-speed data, non-maritime or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

"(14) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization.

"(15) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT), including all its annexes (TIAS 7532, 23 UST 3813).

"(16) HEADQUARTERS AGREEMENT.—The term 'Headquarters Agreement' means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS8542, 28 UST 2248).

"(17) OPERATING AGREEMENT.—The term 'Operating Agreement' means—

"(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement, and

"(B) in the case of INMARSAT, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

"(18) INMARSAT CONVENTION.—The term 'INMARSAT Convention' means the Convention on the International Maritime Satellite Organization (INMARSAT) (TIAS 9605, 31 UST 1).

"(19) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

"(20) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.)

"(21) ICO.—The term 'ICO' means the company known, as of the date of enactment of this Act, as ICO Global Communications, Inc.

"(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this Act that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.'.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 644

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 644, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers.

S. 651

At the request of Mr. GRAMS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 651, a bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business.

S. 912

At the request of Mr. BOND, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Alabama [Mr. SESSIONS] were added as a cosponsors of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 995

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Nevada [Mr. REID], were added as cosponsors of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1045

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1045, a bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes.

S. 1133

At the request of Mr. COVERDELL, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1204

At the request of Mr. COVERDELL, the names of the Senator from Alaska [Mr. MURKOSWKI], the Senator from Alabama [Mr. SESSIONS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1219

At the request of Mr. FAIRCLOTH, the names of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1219, a bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins.

S. 1228

At the request of Mr. CHAFEE, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. INOUYE], the Senator from

New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. FRIST], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Massachusetts [Mr. KERRY], the Senator from South Dakota [Mr. JOHNSON], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Colorado [Mr. ALLARD], the Senator from Delaware [Mr. ROTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. KERREY], the Senator from Minnesota [Mr. GRAMS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Maine [Ms. SNOWE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1228, a bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1233

At the request of Mr. BROWNBACK, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1233, a bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement related taxes.

S. 1252

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1256

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies or other government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the United States district courts and the Court of Federal Claims; to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes.

S. 1308

At the request of Mr. BREAUX, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1308, a bill to amend the Internal Revenue Code of 1986 to ensure taxpayer confidence in the fairness and independence of the taxpayer problem resolution process by providing a more independently operated Office of the Taxpayer Advocate, and for other purposes.

S. 1311

At the request of Mr. LIEBERMAN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. GRAHAM], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

At the request of Mr. LOTT, the names of the Senator from Oregon [Mr. SMITH], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Tennessee [Mr. FRIST], the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SESSIONS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1311, supra.

SENATE JOINT RESOLUTION 37

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 37, a joint resolution to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor input between Amtrak and certain of its employees.

SENATE CONCURRENT RESOLUTION 54

At the request of Mr. DEWINE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Concurrent Resolution 54, a concurrent resolution expressing the sense of the Congress that the United States Postal Service should maintain the postal uniform allowance program.

AMENDMENT NO. 1424

At the request of Mr. CAMPBELL the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of amendment No. 1424 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GORTON. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet during the session of the Senate on Thursday, October 30, 1997, at 9:15 a.m. in SR–328A to mark up the nominations of Ms. Sally Thompson to be chief financial officer of the U.S. Department of Agriculture and Mr. Joe Dial to be Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is do ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 28, 1997, at 2:30 p.m. on aviation competition legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, October 28, 9 a.m., Hearing Room (SD–406) on the President's nomination of Lt. Gen. Kenneth R. Wykle (Ret. Army) to be Administrator of the Federal Highway Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 28, 1997, at 10 a.m. and 2 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 28, 1997, at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Protecting Our Medical Information Rights, Responsibilities, and Risks during the session of the Senate on Tuesday, October 28, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 38, 1997 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 28, 1997, to conduct a hearing on Electronic Authentication and Digital Signature 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 28, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to receive testimony on the potential impacts on, and additional responsibilities for, Federal land managers imposed by the Environmental protection Agency's Notice of Proposed Rulemaking on regional haze regulations implementing sections 169A and 169B of the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PASSAGE OF H.R. 672

• Mr. HATCH. Mr. President, I rise today to laud the Senate passage of H.R. 672. This legislation, which was introduced by Congressman COBLE in the House of Representatives, is the counterpart to legislation I introduced in the Senate on March 20 of this year—the Copyright Clarification Act of 1997 (S. 506). The Copyright Clarification Act was reported unanimously by the Senate Judiciary Committee on April 17.

The purpose of these bills is to make technical but needed changes to our Nation's copyright laws in order to ensure the effective administration of our copyright system and the U.S. Copyright Office. The need for these changes was first brought to my attention by the Register of Copyrights, Marybeth Peters, and I want to thank her for her outstanding work.

Among the most important amendments made by H.R. 672 is a clarification of the Copyright Office's authority to increase its fees for the first time since 1990 in order to help cover its costs and to reduce the impact of its services on the Federal budget and the American taxpayer. This clarification is needed because of ambiguities in the Copyright Fees and Technical Amendments Act of 1989, which authorized the Copyright Office to increase fees in 1995, and every fifth year thereafter. Because the Copyright Office did not raise its fees in 1995, as anticipated, there has been some uncertainty as to whether the Copyright Office may increase its fees again before 2000 and whether the baseline for calculating the increase in the consumer price index is the date of the last actual fee settlement, 1990, or the date of the last authorized fee settlement, 1995. H.R. 672 clarifies that the Copyright Office may increase its fees in any calendar year, provided it has not done so within the last 5 years, and that the fees may be increased up to the amount required to cover the reasonable costs incurred by the Copyright Office.

Although H.R. 672 does not require the Copyright Office to increase its fees to cover all its costs, I believe it is important in that it provides the Copyright Office the statutory tools to become self-sustaining—a concept that I promoted in the last Congress. Currently the Copyright Office does not recover the full cost of its services through fees, but instead receives some $10 million in annual appropriations.

Several studies have supported full-cost recovery for the Copyright Office. For example, A 1996 Booz-Allen and Hamilton management review of the Library of Congress recommended that the Copyright Office pursue full-cost recovery, noting that the Copyright Office has been subject to full-cost recovery in the past and that the potential revenues to be derived from pursuing a fee-based service was significant. A 1996 internal Copyright Office management report prepared by the Library of Congress also recommended full-cost recovery for copyright services. The Congressional Budget Office has also suggested full-cost recovery for the Copyright Office as a means of achieving deficit reduction. These recommendations were endorsed by the General Accounting Office in its recent report, Intellectual Property, Fees Are Not Always Commensurate with the Costs of Service.

It is my understanding that the Copyright Office has embraced the goal of achieving full-cost recovery for its copyright services. H.R. 672 will provide the authority to achieve that goal, and by passing this legislation this year, the Copyright Office will be able to move expeditiously to adjust their fees for the coming year.

I also want to note the importance of the amendment which the Senate has adopted to H.R. 672 to overturn the Ninth Circuit's decision in *La Cienega Music Co.* v. *ZZ Top*, 53 F.3d 950 (9th Cir. 1995), cert denied, 116 S. Ct. 331 (1995). My colleagues will recall that Senator LEAHY and I introduced this legislation in March of this year as a provision of S. 505, the Copyright Term Extension Act of 1997.

In general, *La Cienega* held that distributing a sound recording to the public—by sale, for example—is a publication of the music recorded on it under the 1909 Copyright Act. Under the 1909 act, publication without copyright notice caused loss of copyright protection. Almost all music that was first published on recordings did not contain copyright notice, because publishers believed that it was not technically a publication. The Copyright Office also considered these musical compositions to be unpublished. The effect of *La Cienega*, however, is that virtually all music before 1978 that was first distributed to the public on recordings has no copyright protection—at least in the Ninth Circuit.

By contrast, the Second Circuit in *Rosette* v. *Rainbo Record Manufacturing Corp.*, 546 F.2d 461 (2d Cir. 1975), aff'd per curiam, 546 F.2d 461 (2d Cir. 1976) has held the opposite—that publish distribution of recordings was not a publication of the music contained on them. As I have noted, *Rosette* comports with the nearly universal understanding of the music and sound recording industries and of the Copyright Office.

Since the Supreme Court has denied cert in *La Cienega*, whether one has copyright in thousands of musical compositions depends on whether the case is brought in the Second or Ninth Circuits. This situation is intolerable. Overturning the *La Cienega* decision will restore national uniformity on this important issue by confirming the wisdom of the custom and usage of the affected industries and of the Copyright Office for nearly 100 years.

In addition to these two important provisions, H.R. 672 will: First, correct drafting errors in the Satellite Home Viewer Act of 1994, which resulted from the failure to take into account the recent changes made by the Copyright Tribunal Reform Act of 1993, and which mistakingly reversed the rates set by a 1992 Copyright Arbitration Royalty Panel for satellite carriers; second, clarify ambiguities in the Copyright Restoration Act dealing with the restoration of copyright protection for certain works under the 1994 Uruguay Round Agreements Act; third, ensure that rates established in 1996 under the Digital Performance Rights in Sound Recordings Act will not lapse in the event that the Copyright Arbitration Royalty Panel does not conclude ratesetting proceedings prior to December 1, 2000; fourth, restore definitions of jukebox and jukebox operator, which were mistakingly omitted when the old jukebox compulsory license was replaced with the current negotiated jukebox license; fifth, revise the currently unworkable requirement of a 10-day advanced notice of intent to copyright the fixation of live performances, such as sporting events; sixth, clarify administrative issues regarding the operation of the Copyright Arbitration

Royalty Panels; seventh, provide needed flexibility for the Librarian of Congress in setting the negotiation period for the distribution of digital audio recording technology [DART] royalties; and, eighth, make miscellaneous spelling, grammatical, capitalization, and other corrections to the Copyright Act.

Mr. President, this is important legislation, and I am pleased the Senate has acted to approve it prior to adjourning this fall. I wish to thank my colleagues and to encourage the House to accept the Senate amendment and to forward H.R. 672 to the President for his signature without delay.●

AWARDING THE CONGRESSIONAL GOLD MEDAL TO THE "LITTLE ROCK NINE"

● Mr. ABRAHAM. Mr. President, I rise today in support of S. 1283, legislation to award the Congressional Gold Medal, the highest honor Congress can bestow upon civilians for acts of public service and patriotism, to those civil rights leaders history will remember as the "Little Rock Nine."

As all of my colleagues are aware, on September 25, 1957, nine young students, in the face of unspeakable hostility and hatred, voluntarily integrated Central High School in Little Rock, AK. In doing so, they confronted not only an angry mob assembled in fierce opposition, but also an entrenched culture of bigotry and racism.

In today's day and age, lofty terms like valor, heroism, and bravery are used so frequently and in such a casual context the proper impact of their meaning has unfortunately been devalued. However, it is sometimes within the most ordinary acts, such as a child's steps through a schoolhouse door, in which the most extraordinary instances of courage can be found.

Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas are all civil rights pioneers. In addition, however, to serving as national symbols as racial progress, each deserve individual recognition for the dignity and grace they displayed on that September morning 40 years ago.

Mr. President, awarding the Congressional Gold Medal to the "Little Rock Nine" would provide this long overdue honor to these exceptional people. As a U.S. Senator, it is my pleasure to cosponsor this legislation. As an American, it is my privilege to have the opportunity to say thank you to nine men and women who, in pursuit of their own education, taught the rest of the nation an invaluable lesson about racial equality.●

ORDER OF BUSINESS

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM E. KENNARD

Mr. DEWINE. Mr. President, on behalf of the leader, as in executive session, I ask unanimous consent that at the hour of 11 a.m., on Wednesday, October 29, the Senate proceed to executive session to consider calendar No. 312, the nomination of William E. Kennard to be a member of the FCC. I further ask unanimous consent that there be 20 minutes of debate, equally divided, between the chairman and the ranking member, with an additional 5 minutes under the control of Senator BURNS and 5 minutes under the control of Senator HELMS. I finally ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, and following that vote the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, again on behalf of our leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 263, No. 265, No. 266, No. 267, No. 268, No. 311, No. 313, No. 315, No. 316, and No. 331. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Ernest J. Moniz, of Massachusetts, to be Under Secretary of Energy.

Michael Telson, of the District of Columbia, to be Chief Financial Officer, Department of Energy.

Dan Reicher, of Maryland, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Policy, Planning, and Program Evaluation).

FEDERAL COMMUNICATIONS COMMISSION

Harold W. Furchtgott-Roth, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1995.

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1997.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1998.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1998. (Reappointment)

DEPARTMENT OF THE INTERIOR

M. John Berry, of Maryland, to be an Assistant Secretary of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR WEDNESDAY, OCTOBER 29, 1997

Mr. DEWINE. Mr. President, again on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m., on Wednesday, October 29. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate immediately begin consideration of Calendar No. 312, the nomination of William E. Kennard to be a member of the Federal Communications Commission under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Again on behalf of the leader, tomorrow morning at 11 a.m., under the previous order, the Senate will proceed to executive session to consider the nomination of William Kennard to be a member of the Federal Communications Commission. Under the order, there will be 30 minutes of debate on the nomination with a rollcall vote occurring at the expiration or yielding back of that time. Therefore, Members can anticipate a vote at approximately 11:30 a.m.

At 12 noon, it will be the leader's intention for the Senate to turn to consideration of H.R. 1119, the national Defense authorization conference report. The Senate may also begin consideration of Senator COVERDELL's legislation dealing with education IRA's.

Subsequently, Members can anticipate further rollcall votes throughout Wednesday's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST KANSAS COLORED INFANTRY

Mr. BROWNBACK. Mr. President, I take the Senate floor today to mark the anniversary of a noble and courageous effort made on behalf of our Nation by some of the brave residents, of our then very young State of Kansas.

Mr. President, 135 years ago today in the year 1862, the first Kansas colored infantry were the first union black troops of the Civil War to engage in combat—October 28th and 29th at Island Mound, or Toothman's Mound, near the town of Butler in Bates County, MO, near my hometown.

The intrepid first Kansas colored infantry's contribution at Toothman's Mound helped prompt President Abraham Lincoln to issue the Emancipation Proclamation barely 2 months later and inspired hundreds of thousands of other black soldiers to take up arms in the cause of Union and free soil—undoubtedly influencing the outcome of that war and perhaps proving decisive in preserving government of the people, by the people, and for the people in the world as we know it.

Let me emphasize, the survival of our experiment in self-government was at stake, and these individuals paid the price to ensure that our Constitution would not perish from the Earth.

One of the easy mistakes when reading history is to assume that the outcome of great struggles was inevitable. This is not so. History is contingent, dependent on the choices and actions of real people. Things might have been very different if a few brave people hadn't acted as they did.

Without the sacrifice of our Founders we might never have known independence, certainly not in the form we now enjoy—and without the sacrifices of subsequent generations, most especially of people like those who served in the first Kansas colored infantry, our forebearers most precious gift—liberty under law—would be lost.

Mr. President the example of service, dedication, and courage set by the first Kansas colored infantry at the very moment of our Nation's greatest need should be always with us as we carry on our work here in the crucible of liberty.

Mr. President, those soldiers had reason to doubt America's promise of liberty and justice for all. But when freedom called they answered, and we are forever in their debt.

In these often selfish and cynical times, we should pause and thankfully remember the first Kansas colored infantry. The blows they struck for freedom and Union, place us forever in their debt.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM E. KENNARD

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the previous consent agreement with respect to the Kennard nomination be modified to include 10 minutes for debate for Senator TORRICELLI and 30 minutes equally divided between the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 7:19 p.m., adjourned until Wednesday, October 29, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 28, 1997:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

KATHERINE L. ARCHULETA, OF COLORADO, TO BE A MEMBER OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000, VICE LADONNA HARRIS, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

JOSEPH ROBERT BRAME, III, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 1999, VICE JOHN C. TRUESDALE.

ENVIRONMENTAL PROTECTION AGENCY

SALLYANNE HARPER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE JOHATHAN Z. CANNON, RESIGNED.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HANK BROWN, OF COLORADO, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING APRIL 6, 2000, VICE WALTER R. ROBERTS, TERM EXPIRED.

PENNE PERCY KORTH, OF TEXAS, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2000, VICE WILLIAM HYBL, TERM EXPIRED.

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2004, VICE ANTONIO C. AMADOR, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1997:

DEPARTMENT OF ENERGY

JOHN C. ANGELL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

ERNEST J. MONIZ, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF ENERGY.

MICHAEL TELSON, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DAN REICHER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY).

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (POLICY, PLANNING, AND PROGRAM EVALUATION).

FEDERAL COMMUNICATIONS COMMISSION

HAROLD W. FURCHTGOTT-ROTH, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1995.

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1997.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1998.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1998.

DEPARTMENT OF THE INTERIOR

M. JOHN BERRY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, October 28, 1997*

The House met at 10:30 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

LINE-ITEM VETOES OF DEFENSE LEGISLATION

Mr. HEFLEY. Mr. Speaker, I rise today to discuss the recent decision of the President to exercise the line-item veto on 38 military construction projects which were authorized during the legislative process.

Over the last 3 years, the Congress has made significant progress in advancing needed facilities improvements, meeting both housing and other quality-of-life requirements and the operational and readiness requirements of the military services.

The Congress did not invent these requirements. We relied on the extensive evidence collected all year during hearings and on site visits, and it is clear that a lot more needs to be done. Military infrastructure has been neglected for years. Twenty years ago, the record was filled with discussions about World War II wood, poor housing, and unsafe working conditions. The witnesses have changed, but the testimony has not. The conditions still exist.

The Subcommittee on Military Installation and Facilities, which I chair, has worked closely with the Department of Defense and the military services to upgrade housing and to improve facilities conditions generally. It is easy for some to be cynical about military construction projects. It is easy to call needed improvements pork. In fact, one Member of the other body thinks that anything that the President did not request is pork. If all we were going to do is follow the President's request, then why are we here? We could send in our rubber stamp and simply stay home.

More cynical, however, is the administration's lack of commitment in this area, which has been demonstrated by eroding budget requests. The real decline in the President's request over the past 5 years to support military infrastructure has been 20 percent. The fiscal year 1998 budget request for military construction was $1.6 billion, 16 percent, less than prior year spending levels, all the while the services tell us on the record that they have multibillion-dollar facilities problems.

The $287 million in military construction projects canceled by the President met validated military requirements. Congress worked with these military departments to assure that those funds would address real needs and that the project could be executed in fiscal year 1998. But the needs of the services are not what this exercise is all about.

These are the facts: 33 of the 38 projects, 85 percent of them, canceled by the President are in the President's own 5-year defense program. The remainder were priorities of the military services and the commands. Moreover, 26 percent of the canceled projects, 1 in 4, are in the President's fiscal year 2000 program. They are not good projects now, in the administration's judgment, but they would be good projects just 16 months from now so why cancel them?

When the defense bills are within the constraints of the budget agreement and when the projects are in the President's program, I fail to understand the rationale for the administration's actions. The only explanation I can come to is politics, simple, crass, and cynical politics.

While the President plays politics, soldiers at Fort Campbell will continue to do vehicle maintenance in 1940's-era facilities that contain lead-based paint, asbestos, and faulty exhaust systems. The equipment that cannot fit in the undersized bays has to be worked on outside on gravel even during the winter.

We asked the Army to deploy to places like the urban streets of Somalia and Bosnia, but the troops most likely to go, those at Fort Bragg, will not be training in an adequate way because the President canceled the necessary training complex.

At Lackland Air Force Base, an aircraft painting facility was closed in 1994 because of violations of the Clean Air Act. The remaining facilities can only handle one-third of the workload and do not accommodate certain aircraft at all. The needed replacement facility was canceled by the President.

Navy Station Mayport has inadequate berthing space. The Navy believes this is a critical project. The President canceled it.

I have seen a number of the facilities for which the President has canceled improvements. I am appalled at the lack of judgment demonstrated by this administration.

No one would suggest that the Nation could not defend itself tomorrow without these projects, but given the record of neglect in basic military infrastructure, these cancellations will continue to compound a very serious problem. At each installation these projects affect readiness and, to the extent conditions are inadequate and unsafe, they must in the end be a factor in retention. We cannot continue to ignore this problem, but the administration appears to care very little about it.

The Committee on National Security held a hearing on this issue last week. I was appalled that both the director of the Office of Management and Budget and senior officials of the Department of Defense refused to submit to questions from the committee. Both OMB and OSD have gladly taken questions from the press on the subject. What do they have to fear if the cancellations are truly objective and justified?

Their failure to appear is all the more troubling because this administration admits that mistakes were made on the cancellations.

GUAM CALLS FOR GREATER PARTICIPATION IN AMERICAN DEMOCRACY

The SPEAKER pro tempore [Mr. PACKARD]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, tomorrow in the Committee on Resources at 10 a.m., a hearing will be held on H.R. 100, which is the commonwealth bill for Guam. I want to thank the chairman of the Committee on Resources, the gentleman from Alaska, Mr. DON YOUNG, for allowing us to hold this hearing to achieve some final resolution on this commonwealth proposal, which has been developed on Guam throughout the decade of the 1980's, and which has been alive as proposed legislation in this Congress and previous Congresses going back to 1988 and the time of my predecessor, Mr. Ben Blaz.

The hearing will afford us an opportunity to get clarification from the administration, who has been negotiating

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this document, along with the Guam Commission on Self-Determination. And the person in charge of that is John Garamendi, the Deputy Secretary of the Interior.

We hope that people will understand that the commonwealth proposal is something that has been arrived at on a bipartisan basis on Guam. It is something that has achieved wide consensus on Guam, and is something which needs serious attention.

It is numbered H.R. 100, in light of the fact that next year, 1998, marks the 100th anniversary of Guam's association with the United States. Some 100 years ago, as a result of the Spanish-American War, Guam was taken and the U.S. flag flown over Guam on June 20, 1898, approximately a month earlier than Puerto Rico was taken by the United States.

Most people know Guam as a military installation, perhaps a little bit as a result of the wartime experience of the people of Guam, but Guam today is a proud island of 150,000 people, with a significant indigenous population eager to exercise their self-determination.

We have a $3 billion a year economy fueled mostly by tourism. The military presence continues to be important, and of course Guam is very important in the strategic picture of the United States in that part of the world, but the military no longer holds the commanding position it once did in terms of its impact on the local economy.

Joining with the three Governors, three living Governors of Guam, Gov. Carl Gutierrez, the incumbent, Gov. Joe Ada, and Gov. Paul Calvo, the latter two Republicans and the first a Democrat, is a large contingent from Guam numbering over 40 people, and I will enter their names into the RECORD.

These people reflect a good cross-section of the people of Guam. They reflect the energy and the concern and the determination of the people of Guam to reach the next level of their political development, and this next level of their political development is embodied in H.R. 100, which provides for a new expanded relationship with the Federal Government based on the principles of mutual consent and the establishment of a joint commission, provides for local control of immigration, and allows Guam to have fuller control over its own economic activities.

We hope that the administration tomorrow in their testimony, and I recognize that there are many problems, we have been in negotiation now for 4 to 5 years, that are still remaining on this issue, but we are hoping that the administration comes across tomorrow with a position that does not close the door to further discussion.

I know the Committee on Resources, which is the only committee to have the flags of the territories flying in its committee room, will take seriously its responsibility to deal with insular areas in a creative and fair-minded way. This is a call for greater participation in American democracy. It is a call whose time has come. One hundred years is just too long.

Mr. Speaker, the list of names referred to above are submitted herewith for the RECORD.

GUAM DELEGATION TO WASHINGTON FOR HEARING ON H.R. 100

Governor Carl T.C. Gutierrez, First Lady Geri Gutierrez, Former Governor Joseph Ada, Former Governor Paul Calvo, Senator Elizabeth Barrett-Anderson, Senator Anthony Blaz, Senator Mark Forbes, Senator Vicente Pangelinan, Senator Francis Santos, Mayor Paul McDonald, Mayor Isabel Haggard, Chief Justice Peter Siguenza, Judge Alberto Lamorena, Judge Joaquin Manibusan, Archbishop Anthony Apuron, Carolos Baretto, Leland Bettis, John Blaz, Bill Bufford, Toni Bufford.

Dennis Crisostomo, Hope Cristobal, Toni Cross, Vicky Cruz, Darrell Doss, Melissa Finney, Bernie Gines, Melanie Gisler, Elizabeth Gray, Jose Guevera, Carla Gutierrez, Hannah Gutierrez, Steven Hattori, Martin Jenkins, Scott Kimmel, Elfrie Koshiba, Diane Martos, Mary Matalas, Ben Meno, Kyle Oh.

Romy Pangilinan, Leonard Paulino, Tita Paulino, Rene Quintans, Frieda Ramarui, Rory Respicio, Ron Rivera, Richard Rodriguez, Florencio Rupley, Eileen Sablan, Anthony Sanchez, Peter Sgro, Laura Souder-Betances, Attorney General Charles Troutman, Dan Tydingco, Shingpe Lee Wang.

FREEDOM WORKS AWARD TO MARTHA WILLIAMSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. ARMEY] is recognized during morning hour debates for 5 minutes.

Mr. ARMEY. Mr. Speaker, I am honored today to present the Freedom Works Award to Martha Williamson, executive producer of CBS networks television show "Touched By An Angel" and "Promised Land."

Martha Williamson takes her responsibility as a television producer very seriously. Her fine work on "Touched By An Angel" and "Promised Land" has proven that values and principles are good for TV and good for TV ratings.

□ 1045

That is because values strike a chord with the millions of Americans who struggle each day to reaffirm the values of responsibility and honesty and faith in their lives. Martha is serious about creating entertainment that reinforces the importance of family, faith, and community. For that reason I have chosen to honor her work.

I established the Freedom Works Award to acknowledge individuals and groups who seek the personal reward of accepting and promoting responsibility without reliance on or funding from the Federal Government. The stand Martha has taken on behalf of profamily television is exactly the type of personal initiative I sought to highlight when I established this award.

Mr. Speaker, no Federal Government agency, no government rule, no government regulation requires Martha to produce profamily television. Rather, Martha has taken it upon herself to ensure that at least once a week families all across America have a chance to sit together and view television that stresses the values of faith, family, honesty, and responsibility. The millions that take advantage of that opportunity each week attest to her success.

I want to be very clear, Mr. Speaker. Martha Williamson does not do politics. What she does through her work is to take on the tough issues which affect us all, issues like suicide, drug and alcohol abuse, teen pregnancy, and race relations in the inner city.

Millions tune in weekly to "Touched By An Angel" and "Promised Land" and countless letters have poured into the show with stories of marriages that have been restored, debts that have been forgiven, and suicides that have been averted as a result of the uplifting message of Martha's work.

Mr. Speaker, I have raised 5 children. When you raise 5 children you learn a few things. As a young parent I remember very clearly the challenge I faced in making sure that my children were not exposed to the destructive influences all too often seen in the modern entertainment industry.

As a lawmaker and, most important, as a parent, I want to personally thank Martha Williamson for her work and honor her devotion to American families by presenting her the Freedom Works Award. She provides millions of Americans with an uplifting hour of entertainment each week. The size of her audience should remind all of us and should remind the entertainment industry that family programming sells. The market responds to families everywhere working to reinforce values.

Mr. Speaker, freedom works and, Martha, if I may, your programs, both of them, work for me and my wife. We watch every week. Not only do we watch, but our minister and his wife watch and then the four of us get together and we compare notes and we discuss the show, and we see what lessons we can draw for ourselves and our lives.

The encouraging thing that I receive from my minister, not that my judgment is something I would trust on this matter, but that his is, that Martha, your shows are always true to Scripture as well as to sound values, sound advice, sound lessons for the American family. I want to add, then, my personal and, for my wife Susan and myself, our personal appreciation for your show.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the majority leader for yielding. I want to begin by congratulating the majority leader. This is a wonderful award, the Freedom Works Award, and I think he is doing excellent work in helping to single out "Touched By An Angel" and "Promised Land" and Martha Williamson and the work which she is doing in this area. I cannot give him enough praise for helping to create something like this that does focus upon that which should be given special honor.

Television has been called a vast wasteland and it struggles every day to find a balance between America's insatiable appetite for escape and its extraordinary capacity to teach. Entertainment programming in particular often panders to the familiar human desire to turn the brain off simply by turning the tube on. Yet as a mass medium, television has the greatest potential since the dawn of civilization for prodding society to confront its troubles and to look within for a renewal of the values of community and caring.

This potential is usually realized in news or documentary formats or in made-for-television specials, but not in regularly scheduled entertainment programming. Yet out of this tension, there occasionally rises programming that breaks the mold, that finds the balance but projects a level of quality and thoughtfulness that transcends its format and sets a new standard for the rest of the industry. Martha Williamson and her colleagues have accomplished as much with the creation of these two excellent shows. They get high ratings, but they send a positive family message out to America.

I recently discovered that the poet Maya Angelou wrote a poem especially for "Touched By An Angel." It closes with these lines: "Yet it is only love which sets us free."

I want to congratulate Martha and everyone who works on this program for having the courage to send this simple message to every American home each week. I congratulate CBS for having the courage of putting these two programs on. The outstanding public response to them is evidence that their judgment was correct. In conclusion, once again I want to congratulate the majority leader for taking the leadership in creating this award.

NAFTA EXPANSION PULLED FROM SUSPENSION CALENDAR

The SPEAKER pro tempore [Mr. PACKARD]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Ohio [Mr. BROWN] is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, Speaker GINGRICH has tried it again. Earlier this year, the Speaker attempted to insert the Caribbean Basin initiative into the budget bill. The Caribbean Basin initiative would have expanded NAFTA, the North American Free Trade Agreement, passed 4 years ago, would have expanded NAFTA to 26 Caribbean and Central American nations all buried in a budget bill that no one really would have understood or seen. Today Speaker GINGRICH was trying it one more time. H.R. 2644, the United States-Caribbean trade partnership, again basically the same issue, there was an attempt today to put it on the Suspension Calendar and ram it through Congress with no amendments, with not very much discussion and put together with a whole lot of other issues and a whole lot of other pieces of legislation. Fortunately, thanks to the efforts of people on both sides of the aisle that do not think we should expand NAFTA with only 20 or 30 minutes of debate, we should expand NAFTA to 26 more Caribbean and Central American nations, fortunately because there is so little support for that in this body, even though the support comes from the Republican leadership, that initiative was pulled off the calendar today.

That means that this Congress will in fact have an opportunity to debate the Caribbean Basin initiative at some point, and I believe that Congress ultimately will defeat it because there simply is not the support in this body for expanding NAFTA for those kinds of trade agreements.

That clearly speaks to the next step. The next step is within the next 2 weeks, Congress will likely vote on giving the President the authority, the fast track authority to negotiate other trade agreements with Latin American countries. There clearly is not a majority of Members' support in this Congress to give the President fast track authority to expand NAFTA. It is pretty clear that this body should think twice before we rush headlong into a series of trade agreements that cost us American jobs, in trade agreements that jeopardize American food safety, in trade agreements that question the viability of truck safety on America's highways, that we should think twice before rushing into another series of trade agreements that jeopardize health and safety and jobs in this country before we fix the North American Free Trade Agreement.

The North American Free Trade Agreement, passed in 1993 in this country, has already cost hundreds of thousands of American jobs. The North American Free Trade Agreement has jeopardized American food safety, stories of strawberries that have infected Michigan schoolchildren with hepatitis A, strawberries coming from Mexico, raspberries coming from Guatemala, all kinds of food products coming into this country, not well enough inspected at the Mexican border; food products grown under conditions not acceptable in this country, where pesticides that are banned in the United States in many cases are actually legal in Mexico and Central America and other Latin American countries, where the North American Free Trade Agreement, and if expanded by the President's and Speaker GINGRICH's request, expanding those trade agreements to other countries in Latin America clearly will mean more problems at the border, more problems with food safety, more contaminated food in our country's food supply and our country's grocery stores, more problems with truck safety as trucks come across to the tune of thousands of trucks a day across the border now confined only to New Mexico, Arizona, Texas, and California, but as those trucks move into the other 44 States of the mainland, we clearly will have even more problems with truck safety.

That is why, Mr. Speaker, we should defeat fast track, not rush headlong into an agreement, into a new series of agreements that costs American jobs, jeopardizes American food safety and truck safety. We should defeat fast track today. I applaud the Speaker for pulling off the calendar the Caribbean Basin initiative. It was a bad idea. Fast track is a bad idea. We should defeat both those agreements when they come to the floor of the House of Representatives.

A HISTORIC VISIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise to talk about a very controversial and highly important historical event. I am speaking about the visit of China's President Jiang Zemin to our Nation. President Jiang's visit will be the first visit for a Chinese leader since Deng Xiaoping was received by President Carter in 1979.

The relationship between China and the United States will be the world's most important and most interesting in the dawn of the unfolding millennium. This visit will help set the table of whether this relationship will be based on distrust and animosity that will give rise to a new global confrontation between two giant superpowers or if this relationship will be based upon a working relationship of understanding and mutual respect between two partners.

I would like to see the latter relationship develop, but I believe its development will be based upon China's willingness to be a global leader that applies the standards of democracy and true free markets to their own Nation. The term "comprehensive engagement" is being used to detail the talks this week. I believe most of us in Congress and most of our Nation desires a peaceful relationship with China and to be engaged comprehensively. But the administration has to prioritize the issues of contention between our nations in order to make President Jiang's visit an achievement.

As one observer has said, this summit will demand something that the Clinton administration has yet to produce, a clearly articulated set of priorities. Without prioritizing United States interests in China, the administration's present construct of engagement is meaningless. What China needs to do is to change its domestic law and make a commitment that it will uphold international obligations embodied in applicable international treaties.

One of the larger problems with China is its current trade imbalance. The trade deficit with China reached $40 billion in 1996 alone, and it is expected that the 1997 trade deficit with China will be even greater. This translates into amazing figures that every American spends approximately $150 a year more on Chinese goods than China spends on United States products. President Clinton should urge President Jiang to work to reduce tariffs and nontariff barriers to aid United States businesses who are trying to compete in China.

As it seems with most of our trading partners, it is easier for Chinese products to enter into the United States than for American products to have access to the Chinese market. Reducing applicable tariffs will encourage United States sales and will help reduce the trade imbalance with China.

Another factor, Mr. Speaker, in opening up the Chinese market will be to encourage President Jiang to dismantle as quickly as possible the overwhelming amount of state-owned enterprises. The traditional bureaucratic state control of businesses acts as an economic drag and increases the tendency for trade deficits. By privatizing these enterprises China will allow market forces to determine their success and would allow United States companies an even playing field in order to compete.

China's No. 1 economic priority is to ascend to the World Trade Organization. The United States should continue resisting China's membership to the WTO unless they begin reducing their own tariffs and if they begin adhering to international legal standards as if it applies to business contracts and other legal norms.

In addition, Mr. Speaker, China lacks many of the laws that apply to global commerce. China needs the proper legal infrastructure regarding contracts, private property ownership and arbitration in order to support China's continued economic growth.

□ 1100

So the United States businesses receive the legal protection to operate in full capacity in the Chinese market.

China needs to adhere to democratic values. They must continue the development of democratic values in China that should receive priority attention on the summit's agenda. Other things, such as religious persecution, international covenants on human rights, legislative and judicial exchanges, and grassroots democracy must also be on the agenda. A modern, open, legislative and judicial system in China is necessary to protect religious, economic and political freedoms.

In conclusion, Mr. Speaker, this morning I hope the visit of President Jiang is a first step in resolving our differences with China, and I hope that President Jiang will follow up on some of the things we talked about this morning. That will be a significant accomplishment.

DEFEAT THE NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore (Mr. PACKARD). Under the Speaker's announced policy of January 21, 1997, the gentleman from Nevada [Mr. GIBBONS] is recognized during morning hour debates for 5 minutes.

Mr. GIBBONS. Mr. Speaker, few problems, if any, have been more challenging in recent years than the disposal of nuclear waste. I believe that sound science and reason and the protection of this Nation's citizens should be drawn upon when we address nuclear waste storage.

H.R. 1270, the Nuclear Waste Policy Act of 1997, will mandate upon the State of Nevada and this Nation, the transportation of high level waste, while failing, yes, failing, to address the issues of environmental protection, safety, and the general well-being of all Americans.

The disposal of nuclear waste is a problem that will exist for thousands and thousands and thousands of years. Let us not be hasty when making policy decisions that may have serious repercussions well into the future.

The policy of this Congress should not be a quick-fix approach to this serious problem. Members should not just wash their hands by protecting a subsidized industry, by transporting the most deadly material man has ever known, only to hide it in the ground.

Members should understand and not sweep under the rug the dangers of this substance. We should address the problem itself, reprocessing, recycling, or changing the dangerous chemical properties of the waste. That is the direction that this body and the policy of this Nation should be headed.

Many Members do not know what will be loaded onto the trains and trucks. Casks, filled with enough high level nuclear waste to contaminate entire communities, massive land resources, and entire water supplies. Each cask of nuclear waste holds 24 fuel assemblies.

In terms of radioactivity, each fuel assembly contains 10 times the long-lived radioactivity released by the Hiroshima bomb. My constituents and colleagues, are your constituents aware of the danger of hauling over 70,000 tons of nuclear waste across this country? You should be, because the National Environmental Protection Act of 1969 requires Federal agencies to consider alternatives, seek public comment and consider any and all environmental ramifications before proceeding with a major Federal action. However, NEPA and all other Federal and State laws are waived in this bill.

A poll taken in December 1995 concluded that 70 percent of the American citizens are against transporting nuclear waste. Since that time, more studies have confirmed the opposition of a majority of Americans to transfer of this dangerous cargo across our Nation and through our communities.

Thus far, over 400 private property, State's rights, environmental and fiscal watchdog groups have expressed their strong opposition to this bill. Likewise, American cities such as Los Angeles, Denver, St. Louis, and Philadelphia have spoken out against this act.

To my colleagues who stand in favor of this drastic measure, if my voice were worth the $13 million the nuclear energy lobbyists have spent distorting the idea of temporary nuclear storage, we would be debating a bill to fund the implementation of recycling and reprocessing. And why not? It is happening right now in England and France. While families in these countries are safe from radioactivity and radioactive waste on their roads and railroads, we are debating a bill that will do just the opposite.

Every day we come before this House on behalf of the American people to pass legislation that will protect them from things such as drugs, repeat criminal offenders on our streets, and potentially threatening foreign nations. Yet many of my colleagues now want to flood our roads and flood our railroads with deadly nuclear waste.

H.R. 120 proposes that high level nuclear waste be stored at an interim storage facility at Yucca Mountain, NV. Proponents contend this is the most suitable area for storage, as well as the safest. Well, just how safe does this sound to you? A study by the Geological Survey discovered 33 earthquake faults directly through the site. The area is seismically active. Since 1976, there have been 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius of Yucca Mountain. For you in the new math, that is over 300 earthquakes a year.

Another serious danger from this region's seismic activity involves the water table. Former senior DOE geologist, Jerry Szymanski, has found an earthquake could dramatically elevate the water table, flooding the repository with water and releasing radio nucleoids into our water supply. I urge all Members to vote "no" on the rule and final passage of H.R. 1270. I don't want to come back to this House and say I told you so.

REIMBURSEMENT DUE RESERVE AND GUARD MEMBERS DEPLOYED IN SUPPORT OF OPERATION JOINT GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise this morning to encourage my colleagues to support the Defense authorization conference report. The conferees have worked hard to resolve difficult issues and to reach an agreement.

This agreement contains important policy language that should be enacted into law. However, I am also aware of a need that it does not address. I, therefore, urge my colleagues to cosponsor legislation, which I will introduce this week to correct the inequities that affect 4,206 Army Reserve and National Guard members who were deployed to Europe in support of Operation Joint Guard.

These soldiers had to take money out of their own pockets to pay for the shipment of personal items which the Army itself has paid for in the past and, after some persuasion, has started to pay again. My legislation grants the army the authority, the statutory authority, it needs to reimburse these affected soldiers who are junior grade enlisted members and cannot afford to pay for their reimbursement.

In fact, it affects some 14,000 National Guardsmen throughout the United States. They are due to receive an average payment of $400. Not much to the average person, but they want their money and they need their money.

They have already waited some 9 months to be reimbursed for these expenses. They should not have to wait any longer. They should not be denied reimbursement because the Army lacks the authority to pay for reimbursement of expenses incurred while serving this Nation.

They should not have to wait any longer, Mr. Speaker. I therefore urge my colleagues to join me in sponsoring this legislation.

RENAMING FEDERAL COURTHOUSE IN HONOR OF FORMER U.S. REPRESENTATIVE ROY ROWLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, we find ourselves in a period of great debate as to what constitutes bipartisanship. I believe that true bipartisanship is honorable compromise for the good of the country. If we search for real live models of honorable compromise, we can find no better example than the former Democratic member from my home State of Georgia.

Congressman Roy Rowland of Dublin, GA, began a lifetime of public service long before coming to the House of Representatives. Roy Rowland spent his youth developing a keen sense of duty and honor as an Eagle Scout.

Fresh out of high school, Roy entered the U.S. Army to fight in World War II as a sergeant in command of a machine gun crew in the European theater. He was a member of U.S. forces that liberated German concentration camps, where he learned firsthand the horrifying final results of intolerance.

Roy left the Army at the end of the war with a Bronze Star for service in combat, and returned to educational pursuits. He graduated from the Medical College of Georgia in 1952 and continued what was to become a lifetime of public service, by providing health care to the people of Dublin, GA, as a family practice physician.

Roy not only provided health care to Georgia families, he served them in the State legislature from 1976 until 1982, and in the year of 1983, Roy's dedication to serving his country brought him to the U.S. House of Representatives.

In his freshman year, Congressman Rowland introduced and succeeded in passing legislation that stopped the illegal use of Quaaludes through the fraudulent prescription sales.

In the early 1980's, the abuse of Quaaludes had reached epidemic proportions, and the drug was fast on its way to becoming the illegal drug of choice on the streets.

Roy, I was in practice back in that period of time in the 1980's, and recognized then what a tremendous problem it was for our patients and the country, and I appreciate your efforts in removing Quaaludes.

Today, though, the good news is that problem is history, because of the work of Roy Rowland.

Congressman Rowland's efforts were not Democratic or Republican in nature. They addressed a pressing concern for all Americans and garnered true bipartisan support.

When debate over the AIDS crisis was still locked in a state of misinformation and confusion and fragmentation, Roy Rowland stepped forward with his experience as a medical professional to provide the leadership this body needed to move forward.

Congressman Rowland introduced and passed into law legislation that created the National Commission on AIDS, which provided America with the plain, scientific facts so necessary to establish sound public health policy to combat this killer disease.

When the battle over health care reform was at its peak in the 103d Congress, Roy Rowland once again led the way in finding solutions to America's problems that were outside the realm of partisanship. He succeeded in drafting health care reform legislation through a group of five Republicans and five Democrats that provided coverage for 92 percent of the American public.

The Rowland bill did not pass during that time of heated debate and multiple proposals, but the blueprint Roy left us is one that should be carefully examined when we face contentious issues in the future.

In his 12 years of service here in the House, Roy Rowland set a standard for standing firm on conviction without resorting to partisan attacks. He fought like a tiger on this floor, but never had an enemy on either side of the aisle.

In his reelection campaigns, he was frequently personally attacked, but never responded in kind.

Today, I ask for your vote on legislation that will honor and preserve the legacy of service that Dr. and Congressman Roy Rowland has left for us to follow. This bill will redesignate the Dublin Federal Courthouse in Dublin, GA, as the J. Roy Rowland Federal Courthouse, in order that the example Roy Rowland set through a lifetime of service should not be forgotten.

In the spirit of true bipartisanship that our former colleague exemplified, I ask for your support today of this legislation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess until 12 noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 12 noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Enable us, O gracious God, to lift our hearts and souls above the commotion of the moment and the busy tasks that are before us, to offer our thanks and praise for the innumerable blessings and benefits which You have given to us and to all people. May our spirits transcend the obligations and duties that must be accomplished in our daily lives to catch a spiritual vision where justice is our byword and service to others our great joy.

With this prayer of thanksgiving we offer to You, O God, our appreciation that we can live lives of promise and commitment and in a world that is often confused and bewildering, we can have a sense of fulfillment and satisfaction.

In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO DEAN SMITH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Thursday, October 9 was a very sad day for basketball and sports fans alike. After 36 seasons as head coach of the North Carolina Tarheels, Dean Smith, the ultimate competitor, left his post and passed the reins to his longtime assistant. With this announcement, Dean Smith ended an era in college basketball. His record of 879 total victories, 11 trips to the Final Four, 13 ACC Championships, and 2 National Championships will never be matched.

These stats and scores point out what every basketball fan already knows. Dean Smith is the winningest coach in college basketball history. His impact on the sports history books is only rivaled by his impact on the lives, hearts, and minds of his players. To quote a lesser known Tarheel, Michael Jordan, he says, "He's like a father figure to us all."

Today I honor a man who represents the best that college sports has to offer, a man of true integrity and class who makes North Carolinians proud that he calls Chapel Hill home. Thank you, Coach Smith, for your many years of commitment. We surely will miss you.

OPPOSE H.R. 1270

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a letter circulated around Capitol Hill yesterday boasts that passing H.R. 1270 will save money. Mr. Speaker, if it were not for the severity of this issue, this letter would be laughable. This is yet another example of the nuclear industry distorting the truth. The truth is that H.R. 1270 will cost the American taxpayers $1.5 billion, that is with a "B," over the next 5 years. Contrast this with the cost of onsite storage and the taxpayers will save, even then, close to $1 billion over the next 5 years.

Rather than have high level nuclear waste transported through communities across this country, we could use this money to decrease the deficit, provide more tax relief for the American taxpayers, improve our roads, hire more teachers, or put more police officers on the street.

I urge my colleagues to get the facts. Do not be fooled by the nuclear industry. This is a bad bill. It is a bad bill for all Americans. Oppose H.R. 1270.

WHEN WILL THE WHITE HOUSE WISE UP?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China's President is in America. President Jiang told the press China will not tolerate any interference by the U.S. Government. In fact, President Jiang sent over a list of irritant subjects he will not even discuss, Members.

No. 1, he will not even talk about trade, even though it is going to hit $60 billion. No. 2, no, he will not talk about human rights. No. 3, he does not even want to hear about the last Presidential election. Do not mention John Huang, Charlie Trie. Stay out, Uncle Sam. And guess what? The White House said, "Don't worry, this is no big deal."

Beam me up. The White House will not wise up until there is a full-blown rice paddy on the east lawn of the White House. Somebody is smoking dope.

THE CLINTON WHITE HOUSE LEGACY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, there is a great deal of talk these days about the legacy that this administration will leave. I think it is fair to say that this White House has indeed set a new standard of ethics.

I think it is fair to say that this White House has set a new standard in the use of the Lincoln bedroom.

I think it is fair to say that this White House has set a new standard in terms of raising money on Federal property.

I think it is fair to say that this White House has set a new standard in terms of deciding which rich donors get to accompany the Secretary of Commerce on trade missions.

I think it is fair to say that this White House has set a new standard in terms of raising money at Buddhist temples, shaking down impoverished Indian tribes. Using the IRS for political purposes, rewarding top dollar fund-raisers with Commerce Department jobs, making huge money from cattle futures while declaring moral outrage at the decade of greed, and coming up with the "I don't recall" defense whenever the subject turns to raising money.

I agree, that is quite a legacy.

CELEBRATORY ATMOSPHERE SURROUNDING VISIT OF CHINA'S MILITARY LEADERS TO THE UNITED STATES IS INAPPROPRIATE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, tomorrow the Clinton administration will roll out the red carpet for the ruler of a regime that rolled out the tanks in Tiananmen Square. Tomorrow the Clinton administration will give a 21-gun salute to the heads of the Chinese military that proliferates weapons of mass destruction and brutally occupies Tibet. I do not think that that is an appropriate welcome.

While I agree that we must engage China, that the leaders of our two countries must meet to discuss issues of concern, I think it is completely inappropriate to have such a celebratory atmosphere surrounding the visit. The more appropriate auspices would have been a working visit President Clinton used to welcome many other leaders of important countries to Washington, DC.

Tomorrow, though, Project Democracy in China, of the Independent Federation of Chinese Students and Scholars and the Tiananmen Memorial Foundation, will hold a press conference, and I join with them in their aspirations when they call upon the President and the United States to demand that China's human rights record be condemned, its prisoners of conscience released, and demand political reform in China.

I urge my colleagues to join us in Lafayette Square for a protest rally at 12 noon in front of the White House.

RECOGNITION OF GOOD SCIENTIFIC WORK BY GOVERNMENT EMPLOYEES

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, very often from this podium we hear criticism of our Government and of our Nation, and rightfully so, because we exercise an oversight role. But I believe we have an obligation also to point out when the Government does something good and something right. I would like to mention two such items that have happened recently.

First of all, Dr. William Phillips, of the National Institute of Standards and Technology, recently shared a Nobel Prize for physics for research that he had done on cooling atoms. This is a very esoteric field of research, and it has real promise for the future, particularly for precise timekeeping, and will improve our time-standard accuracy by a factor of 100.

In a recent science magazine I noticed also that William H.F. Smith from the National Oceanic and Atmospheric Administration and David Sandwell from Scripps Institution have succeeded in mapping the world, including the ocean floors, from satellites. What I am displaying here is a remarkable map, obtained for the first time in history, showing all the topographical details of the land and undersea surfaces. This will be extremely useful in analyzing effects such as El Nino and determining how to improve our fisheries.

I commend these scientists as well as Dr. Phillips for the good work they have done. We are proud of them, and proud to have them as Government employees.

REPUBLICANS OFFER THE NATION'S CHILDREN HOPE AND OPPORTUNITY IN EDUCATION

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I am very disappointed with my friends across the aisle. They support the status quo for our Nation's education.

Why do they consistently oppose efforts to improve the lives and learning of our Nation's children? The Republican education agenda is simple: We want to give kids a chance. We want them to be able to leave inferior schools that cannot even teach them to read and write. We want parents involved in the children's education and to trust the schools they send their kids to every day.

I do not care if these schools are charter schools, public schools, private schools, or a school on Mars, but it is not fair to force our kids to go to schools where they sit in constant fear for their lives, where the roofs leak and the heat does not work. Why force kids to go to schools that do not teach? Let them attend a school where they can have a real educational experience and a real long-term potential.

It is simple: The Republicans offer the Nation's children hope and opportunity, while across the aisle all they can offer is status quo.

SAY NO TO EXPLOITING CHEAP LABOR AND THE ENVIRONMENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I noticed yesterday that the President gave a speech and he said that those who oppose his fast track authority have an ignorance of the new world international economy.

I saw the face of the new world economy last weekend, and I would like the President to hear about it. He should go to Juarez, Mexico: a 77-percent increase in maquiladora jobs since fast track passed.

Two-earner families living in hovels without water, heat, or even walls. They are made of pallets and packing crates. Working 45 hours a week for U.S. corporations, jobs that were here before NAFTA, for $40 a week. No environmental controls, no labor protections, no right to organize. That is the face of the new world economy, Mr. President.

There is one place we are running a surplus today, that is in Latin and South America. And now the President wants fast track authority to go down there and see if he can screw that up too, and take more of our jobs south of the border so our corporations can exploit cheap labor and the environment. No.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, October 27, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, October 27, 1997 at 11:42 a.m.: That the Senate passed without amendment H.R. 2013.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

□ 1215

COMMUNICATION FROM DEPUTY GENERAL COUNSEL OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following communication from Jennifer L. Smith, Deputy General Counsel, Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L of the Rules of the House of Representatives, that the Congressional Budget Office has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel of the House of Representatives, I will make the determinations concerning the subpoena as required under the Rule.

Sincerely yours,

JENNIFER L. SMITH,
Deputy General Counsel,
Congressional Budget Office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

SENSE OF THE HOUSE REGARDING DOLLARS TO THE CLASSROOM

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 139) expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms, as amended.

The Clerk read as follows:

H. RES. 139

Whereas we know that effective teaching takes place when we begin (1) helping children master basic academics, (2) engaging and involving parents, (3) creating safe and orderly classrooms, and (4) getting dollars to the classroom;

Whereas our Nation's children deserve an educational system which will provide opportunities to excel;

Whereas States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars;

Whereas several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars;

Whereas while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom. Further, it is thought that only 85 percent of funds administered by the United States Department of Education for elementary and secondary education reach the school district level. Even if 65 percent of Federal education funds presently reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom;

Whereas American students are not performing up to their full academic potential, despite significant Federal education initiatives, which span multiple Federal agencies;

Whereas, according to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on "instruction";

Whereas, according to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers;

Whereas too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth;

Whereas getting 90 percent of Department of Education elementary and secondary education funds to the classroom could provide substantial additional funding per classroom across the United States;

Whereas more education funding should be put in the hands of someone in a child's classroom who knows the child's name;

Whereas burdensome regulations and mandates should be removed so that school districts can devote more resources to children in classrooms;

Whereas President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now.";

Whereas President and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across America and that we must ask fundamental questions about how our public school systems' dollars are spent; and

Whereas President Clinton and Vice President Gore agree that in an age of tight budgets, we should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy: Now, therefore, be it

Resolved, That the House of Representatives urges the Congress, the Department of Education, States, and local educational agencies to—

(1) determine the extent to which Federal elementary and secondary education dollars are currently reaching the classroom;

(2) work together to remove barriers that currently prevent a greater percentage of funds from reaching the classroom; and

(3) work toward the goal that at least 90 percent of the United States Department of Education elementary and secondary education program funds will ultimately reach classrooms, when feasible and consistent with applicable law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. PITTS], the author of the resolution.

Mr. PITTS. Mr. Speaker, it is an honor for me today to stand before the House to support the Dollars to the Classroom resolution, an initiative I have been working on since early this year. As a former high school math and science teacher in public schools and because my own children have been educated in public schools, I know of the importance of America's public schools. With this background, I rise today in strong support of America's public schools and the students that attend them each day.

Today the House will have a chance to strongly support public education when we vote on the Dollars to the Classroom resolution. The Dollars to the Classroom resolution urges that we get at least 90 percent of Federal education tax dollars to the classroom, to the individual who knows the name of each child. This could mean an additional $1,800 in public classrooms across America.

Do my House colleagues realize that currently we are wasting billions of education tax dollars each year? Let me give Members an example of this waste. The Department of Education funds tens of thousands of publications, 21,922 to be exact, that are available for each of us to purchase, for a fee I might add.

There are 140 studies on checklists that are listed. There are 13 studies on welding. There are 260 studies on surveys. There are 26 studies on camping. There are close to 100 studies on education researchers researching their research techniques. There are three studies entitled "Cement: The Concrete Experience." I would rather empower teachers to buy books for classrooms than to fund studies on cement.

In short, the question is, do we fund bureaucrats or books? A vote against the Dollars to the Classroom resolution is really a vote for the bureaucracy. We do not want to become so entrenched in the beltway mindset that we have forgotten why we are here.

Let me take a minute to remind my colleagues. We are here for kids like Melissa who writes, and I quote, "My social studies book was new in 1988. Hey, it's 1997. We need to get new books." And Glenisha who says, and I quote, "I support this bill because it seems as if people are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be. We should have had this bill a long time ago."

Mr. Speaker, if Members will not take my word for it, at least listen to the children who attend public schools across America each day, or listen to the teachers.

Helen Martin, a teacher in the Unionville-Chadds Ford School District in Pennsylvania stated this: "It is very frustrating to see so much tax money go to Washington for education and not to see funds in the classroom that have been appropriated for education. Please return more education tax dollars directly to the students of our Nation who will become the scientists, business people and lawmakers of the 21st century."

Mr. Speaker, I beg Members to not turn a deaf ear to the children and the teachers of our Nation. Let us get America's hard earned tax dollars away from beltway bureaucrats and into the classroom. Let us use the money for books, computers, maps, microscopes, and teachers.

It is our choice. We have a vote today that will impact America's kids. We have a moral responsibility to drastically improve our current education system for our children. If we are really serious about supporting public schools, the choice is clear. Vote for the Dollars to the Classroom resolution. Vote for the kids in the public education system.

Mr. Speaker, I include the following material for the RECORD:

MOVING DOLLARS TO THE CLASSROOM

(By Representative Joseph Pitts)

"People are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be"—5th Grader Glenisha Danyelle McLellan

Glenisha's statement is undeniable—a significant portion of federal education dollars do not make it into classrooms. In the midst of rapidly growing federal education budget, the actual amount of funds making it into classrooms—where the fundamental basics of reading, writing, and arithmetic are taught—is being siphoned off by an increasingly large Washington-based education bureaucracy.

As a former high school math and science teacher, I have seen and experienced firsthand the funding shortfalls many schools face each year. Some have tartered textbooks dating back more than a decade. In many urban areas, teachers lack the funds to buy basic necessities such as new crayons, pencils and paper for their students. Year after year, thousands of teachers nationwide—in affluent and poor districts alike—are not given the proper resources to conduct the necessary classroom experiments that facilitate the learning process.

After one studies this "resource gap" in our nation's classrooms, it becomes abundantly clear that the answer to these problems does not lie in increased education funding. Indeed, the problem in education is not how much we spend, but how we spend it. By propping up bureaucracies instead of providing local schools, teachers and parents with the resources they need, we have failed our nation's children.

In his most recent State of the Union address, President Clinton declared that education would be his "number one priority for the next four years." Mr. Clinton should fulfill that commitment by working to ensure that a very high percentage of every federal dollar spent on education is channeled directly to a classroom, instead of remaining in the seemingly endless labyrinth of programs which originate in Washington, DC. This goal is one that has already been embraced by Republicans.

At present, it is unknown exactly what percentage of federal education dollars reach the classroom. What is known, however, is that the federal education bureaucracy is a multi-layered behemoth that saps up billions of dollars that are desperately needed in America's classrooms.

As part of the effort of the Republican majority to ensure that more dollars are directed into classrooms, the House Committee on Education and the Workforce has initiated a far-reaching project—"Education at a Crossroads: What Works? What Is Wasted?"—to evaluate the extent and quality of federal involvement in education. Led by Subcommittee on Oversight and Investigations Chairman Pete Hoekstra (R-MI), the Committee has unearthed a federal education bureaucracy consisting of 760 different programs in 40 separate departments and agencies, costing taxpayers more than $100 billion a year (1997 figures).

Currently, the federal government spends approximately $15.4 billion on elementary and secondary education programs. The best estimate suggests that about $5.4 billion never reaches the classroom. Instead, this money is consumed by numerous layers of administration, paperwork, publications, studies, and an intensive grant application process.

This federal bureaucracy, coupled with the waste endemic in many state education bureaucracies, results in fewer and fewer dollars actually reaching the classroom. For instance, a recent audit of New York City public schools found that only 43 percent of the local education budget reached the classroom. The *Wall Street Journal* has reported (3/27/96) that 24.6% of U.S. public education spending (federal, state, and local) goes to non-teaching personnel.

The U.S. Department of Education (USDE) is chock full of examples of wasteful spending. In many cases, programs and policies can be eliminated, thus freeing up more resources to be utilized directly by those actually doing the teaching.

Two prime examples are the USDE's voluminous collection of "studies," and the time-consuming grant process. While there are certainly other problem areas that need a close examination, these two serve as effective "case studies."

CEMENT: THE CONCRETE EXPERIENCE

According to the USDE, it "publishes a wealth of information for teachers, administrators, policymakers, researchers, parents, students, and others with a stake in education." A recent search of the USDE's Home Page on the World Wide Web found that the database currently contains descriptions of 21,922 different studies published since 1980. The subjects covered in these reports span the horizon, ranging from Eskimos to cement.

A brief, and by no means comprehensive, examination of the list of studies reveals:

1767 studies on career planning;

140 studies on check lists;

Nearly 100 studies on education researchers researching their research techniques;

260 studies on surveys;

3 studies on "Cement: The Concrete Experience"; and

82 studies on calculators.

And that is just a small fraction of a small sampling of the publications available.

Additionally, these reports are not available for free; the USDE charges a fee for each report, so those wondering what "Cement: The Concrete Experience" is all about must pay to find out. This is a tragic waste of taxpayer dollars. Not only are the bureaucrats in Washington consuming money that could be directed to local schools to fund studies on all-too-often irrelevant topics, but the USDE then forces teachers to use limited classroom resources to purchase copies of the few studies that may prove useful.

This dizzying logic lends an insight into the USDE's funding priorities. As President Herbert Hoover once noted: "In all bureaucracies there are three implacable spirits—self-perpetuation, expansion, and incessant demand for more power." Indeed.

GRANT PROCESS: 21 WEEKS, 216 STEPS

Another frustrating example of waste in the federal education system is the extraordinarily long grant application process teachers across the country must endure. The USDE has made applying for a grant so complicated that many teachers never even bother, feeling the benefits (the money) don't outweigh the costs (countless lost hours).

Teachers who do choose to try to secure federal grants must waste hours upon hours on an application process that takes 21 weeks and churns through no less than 216 tedious steps of bureaucratic red tape. And that's just to apply for a grant. In the end, there is no guarantee of actually receiving the funds.

Interestingly enough, the aforementioned 21 week process involving 216 steps was recently highlighted by the USDE as a significant accomplishment. Previously, the grant process involved more than 400 steps and took an additional 5 weeks. While the new "shortened" process should certainly be applauded, it is a long, long way from satisfactory.

The USDE also recently highlighted additional steps it has taken to make the Department more efficient and more effective. One achievement so noted was a reduction in the paperwork burden imposed by the federal education establishment by 10 percent or 5.4 million hours. However, even with this improvement, 48.6 million hours of paperwork is still required by USDE policies. That amounts to the equivalent of 24,300 employees, working 40 hours per week, for an entire year. Again, the recent improvements are welcomed, but there is a long, long way to go.

The USDE "studies" and grant process are just two examples of areas where we must demand a better return on our education dollar. Furthermore, I have no doubt that Chairman Hoekstra and other members of the subcommittee will uncover additional areas ripe for reform as they continue working on the Education at a Crossroads project.

$1,800 FOR EVERY CLASSROOM IN AMERICA

Considering the funding shortfalls many teachers experience, and having identified an enormously large and wasteful bureaucracy, it seems that an important policy initiative would be working to move more dollars directly into classrooms, while spending less on propping up the establishment in Washington. One proposal that would move policy in this direction is the "Dollars to the Classroom" resolution, which calls on the USDE to send 90 percent of the money it earmarks for elementary and secondary education directly into classrooms.

While the federal government actually funds a relatively small portion of elementary and secondary education (federal spending represents about six percent of total education spending in this area), it is significant nonetheless. The $5.4 billion currently wasted on bureaucracy could provide a windfall of funds for every classroom in America.

If the federal government sent approximately 90 percent of current federal education dollars directly to the classroom, it would translate into an additional $1,800 for every classroom in America. The impact of such an infusion of resources would be felt immediately by every teacher and every student in every school across the country.

An additional $1,800 for every teacher to use provides a number of possibilities for improving the quality of education:

$200 purchases a microscope, and a child can see a double helix strand of DNA.

$70 purchases a sling psychrometer, which students could use to measure the relative humidity and predict the weather.

A mere $10 obtains flash cards, allowing students to practice time tables with a friend.

$50 buys a globe or a set of maps, allowing children to improve their geography and their knowledge of nations across the seas.

And $1,500 buys a computer with enough desktop space, RAM, and Internet access to allow every student in the classroom to experience the vast amount of educational information available at his or her fingertips.

In some cases, that new found money may be the difference between new textbooks and continuing to use those from the early 1970s. Without a doubt, placing $1,800 at the disposal of a creative and hardworking teacher can and will make a substantial difference for our children, their education, and their futures.

Teachers and superintendents agree that the "resource gap" in the classroom must be narrowed. At a recent Education at the Crossroads hearing in Washington, Helen Martin, a high school science teacher from Uninoville, Pennsylvania told legislators:

"It is very frustrating to see so much tax money go to Washington for education and not see funds in the classroom that have been appropriated for education. Please return more education tax dollars directly to the students of our nation who will become the scientitis, business people and lawmakers of the 21st century."

Dr. Linda Schrenko, the state Superintendent of Schools in Georgia has noted:

"Administrators from Washington will never meet the needs of individual children.

. . . I cast my vote for returning as many dollars directly to local schools as we are able. . . . Less bureaucracy on all levels will allow more dollars to directly reach the students in the classroom."

This debate is not about what we should do with the federal Department of Education. Instead, it is about bringing accountability to this federal agency in a way that ensures that children, not bureaucrats, are the final winners.

In 1996, while speaking to the nation's governors, the President stated: "We cannot ask the American people to spend more on education until we do a better job with what we've got now." That is something we can all agree on.

Our efforts to move "Dollars to the Classroom" will force the Washington bureaucracy to do a better job with the money we are already spending. And through the Education at a Crossroads project, Chairman Hoekstra is working to help identify the programs that are effective at accomplishing this goal, as well as those that are undermining it.

On still another occasion President Clinton added, "In an age of tightening budgets, we should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy." Now, if only the message could get through to the money handlers at USDE.

Raising the question "Where is the money spent?" is well worth the time it will take to bring this subject to the forefront of debate. For too long, liberals have claimed that increased federal funding is the ultimate problem-solver. Yet, ever-increasing education budgets have demonstrated otherwise, as test scores continue to decline.

House Education and the Workforce Chairman Bill Goodling (R-PA) has noted time and again that we know children are achieving when we invest in programs that help students master basic academics, engage and involve parents, and move dollars into classrooms. These are the activities of local schools, teachers, and parents, not pencil-pushers and bureaucrats in Washington.

Basic academics and more dollars to the classroom are a winning combination. Now, we must ensure the best education possible for the most number of students, and the best way to accomplish that goal is to see that our tax dollars make it right back into the classroom. When federal education dollars seep into the pools of Washington's 40-agency education bureaucracy, the exact opposite happens—millions of students lose out on available funding.

As H.G. Wells said in his famous Outline of History, "Human history becomes more and more a race between education and catastrophe." No one would disagree with that. And no one would deny that this is a race we must win.

Today, Republicans are launching a number of initiatives designed to help America win that race. The ongoing Education at a Crossroads project continues to illuminate problem areas and success stories in education. The "Dollars to the Classroom" resolution will help refocus our efforts on children, not bureaucracies. These Republican projects will help ensure a stronger education system, and a brighter future for every American student.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume. I think we can all agree on the importance of sending the majority of education dollars to the classroom, but in fact this resolution does not ask for that. This resolution asks that 95 percent of the program dollars go to the classroom, and in fact that is already what is happening. But having said that we all feel that the majority of education dollars should go to the classroom so that children can receive a quality education, I have to stipulate that I do not agree with the rationale and the myths outlined in this present resolution that is before us today. I wonder why we are consuming our precious floor debate time on this unnecessary rhetoric instead of considering measures which will truly improve the public education of our children.

I believe this body needs to act upon solutions, not resolutions, in our quest to respond to the educational needs of our children. Playing politics through the consideration of this resolution is not the proper nor justified response to our problems in the education system. Despite the obvious political goals of the majority on this resolution, which is to embarrass the Department of Education, I believe it is necessary to point out some of its obvious mistruths.

Among the many premises of this measure is the statement that 3 years ago less than 60 percent of funds spent on elementary and secondary education was spent on instruction. I do not know how we can confirm the accuracy of that statement when, as we all know, the determination of whether an expense is classified as administrative or instructional varies from one school district to another. Some schools classify teacher aides and professional development as administrative costs while others classify that as instructional. In this instance and in many others throughout the resolution, the claims advocated by the majority clearly have absolutely no basis in fact.

Another misleading premise is that the Department of Education and the program it operates are gobbling up funds for wasteful administrative purposes rather than targeting dollars for the classroom. This conclusion is misleading and was never proven by the majority during the committee consideration of this legislation. Nearly all major education programs, and that is what we are really talking about, is the programs, include a 5 percent cap on funds that may be used by State and local educators for administrative purposes. The statutory limits contained in our federal election laws specifically ensure that the funds we provide are going to benefit our Nation's students, not the bureaucracies the majority claims. The limited administrative costs that do exist focus in large part on accountability and quality improvements, and that is something that we should all be concerned with. Additionally, nearly all States are presently taking advantage of a new provision in the Elementary and Secondary Education Act which permits a single consolidated application for many Federal grant programs.

Mr. Speaker, rather than wasting time debating a resolution designed to undermine public education, we should adopt instead a positive approach to educational progress, one that emphasizes how the Federal Government can assist local school reform or help prepare crumbling schools that they are now in desperate need of. These are the solutions, not resolutions, I was referring to earlier.

The Democratic caucus I believe has adopted an education agenda that will truly help ensure a quality education for our Nation's children and respond to the needs of our public education system. This agenda emphasizes early childhood development, well-trained teachers, relief for crumbling and overcrowded schools through the rebuilding of our Nation's educational infrastructure, support for local plans to renew neighborhood public schools and coordination of an efficient use of existing resources. The Democratic agenda will ensure that every child will be ready to learn to read by the time they enter kindergarten and bring down student-to-teacher ratios and provide quality instruction and assist schools to wire the classrooms to the Internet plus support local schools' renewal plans that are developed by stakeholders in our communities' public school system, and encourage States to adopt rigorous standards of academic performance. These are actual solutions to the problems we encounter in our educational system. These are what we should be debating, not meaningless politically minded resolutions.

Finally, Mr. Speaker, I find it ironic that the one instance in which the majority decides to work together in a bipartisan manner is on a measure that does nothing to respond to the Nation's educational needs. I challenge my Republican colleagues to work together in a bipartisan fashion to address those tangible issues which I previously outlined that will truly help our Nation's children. Everyone in this body needs to remember, we need to provide solutions, not resolutions.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds just to say that after 35 years of Democrat control, their resolutions and their legislation was well-intended. Unfortunately, it struck out.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Speaker, I am proud to support House Resolution 139, the dollars to the classroom resolution. I commend the gentleman from Pennsylvania [Mr. PITTS], the sponsor; the gentleman from Pennsylvania [Mr. GOODLING] and the Committee on Education and the Workforce for their continual hard work to ensure that real reform occurs in our Nation's education system.

Mr. Speaker, this resolution would simply set a goal that at least 90 percent of Federal elementary and secondary education dollars reach the classroom. It is currently estimated that only 65 percent of all Federal funds actually reach our Nation's classrooms. This town is notorious for talking about reforming this education system, but this dismal statistic proves that nothing has been accomplished.

The dollars to the classroom resolution is a great way to send a message to the administration that we in Congress are prepared to invoke real reform at the Department of Education. Our goal should be an education system where every child can outscore, outperform and outcompete the students of every other Nation in the world. It is time to put our children before bureaucrats. The decision of how our education money is spent needs to be made by local teachers, local administrators and parents, not the Federal Government. It is time that we invest more wisely, and we must spend our education dollars where they can achieve the most, right in the classroom.

This resolution would mean as much as $1,800 would be added to each classroom budget. At Houston Middle School in southern Missouri, where I taught a class last week, $1,800 is the difference between having computers and much newer books and other much needed learning resources in that classroom. They desperately need it. It is finally time for Congress to take a stand and do what is right for our Nation's children. I urge my colleagues to support the dollars to the classroom resolution.

□ 1230

Mr. MARTINEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in opposition to House Resolution 139, the dollars to the classroom resolution. The resolution, if you take a moment to read it, in its resolve clause, is perfectly admirable and legitimate. It says the House of Representatives urges the Congress and the U.S. Department of Education, the States and local agencies, to determine the extent to which Federal elementary secondary education dollars are currently reaching the classroom and then work toward a goal of at least 90 percent of the funding to be utilized in that way.

I do not believe there is a single Member of the Congress that will argue against such a resolution.

What troubles us and why the Democrats on the Committee on Education and the Workforce all voted against this resolution is because the whereas clauses contain in them absolutely unfounded, unsubstantiated conclusions.

If these conclusions were actually factual, why are they calling upon the Congress and the Federal Government and the States to study this matter? If they have all the facts, that should be it.

But the very fact that they are calling upon the Congress and the Federal Government and the States to look at this and to determine exactly what is reaching the classroom is discounted by the fact that more than half of the whereas clauses contain in them what I consider absolutely fallacious conclusions regarding the subject matter.

I believe that it is intentionally so stated, because it wishes to disparage the idea of Federal funds for education.

I think that we have to look very closely at the whereas clauses and not just be sucked into voting for the resolution because of the resolve clause. I stand here today and urge my colleagues on both sides of the aisle to read this resolution carefully and see if there is any reason to support the whereas clauses.

There is absolutely nothing to indicate in the testimony given to the subcommittee that all of the funding that is intended to go to the classrooms or the school districts are not so being funded. Yet this resolution makes general conclusions that the money is not getting to the schools.

The resolution states although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

That statement is absolutely unsubstantiated. There is no evidence that the States spend 50 percent of their paperwork on Federal programs. So I think that that is an outrageous statement that in itself calls for a negative vote on this resolution.

Furthermore, there is an assault statement on the New York City public school system. The resolution says "while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom."

There is no evidence to that fact regarding this particular school system. In any event, it is not relevant to this resolution, because all that the resolution is attempting to discuss are Federal dollars, not local and State dollars. So that whereas clause simply is not relevant, as it deals with local funds.

The resolution also states even if 65 percent of the Federal education dollars presently reach the classroom, it still means that billions of dollars are not directly spent on the classroom.

This is absolutely a false statement. Whoever said only 65 percent of Federal education funds reach the classroom? There is already evidence in the record to indicate that between 95 and 98 percent of the funding from the Federal Government actually gets to the local school districts.

We have testimony in our record here, the gentleman from Missouri [Mr. BLUNT], in response to my question said in discussing this matter with others, he thinks "the average in the country is somewhere between 93 and 98 percent actually getting to the districts."

So I cannot imagine where there is any truth whatsoever in this statement about 65 percent of the Federal education dollars reaching the classroom.

So on with the rest of the resolution. It makes mention of the Digest of Education Statistics, regarding total money local and State that are spent in elementary secondary schools. This resolution is dealing with only talking about Federal dollars, so let us stick to the subject matter, and not mix apples with oranges.

I believe that there is ample evidence in all the statistics that are available that 93 percent of our Federal dollars are actually reaching the school districts.

The resolution states too much of our Federal education funding is spent on the bureaucracy and too little spent on our Nation's youth.

The U.S. Department of Education has come repeatedly before our committees and stated that only 2 percent of its budget is spent on administrative costs. So the rest of it goes down to the States.

If we mean to incriminate how the States handle their budgets, then that is a matter entirely separate from this resolution. This resolution is only talking about the Federal money. We have been very careful in determining the way in which the funding is to be allocated in terms of all of the programs that we have implemented.

Programs for special education and for other matters are clear in their distinction as to how the funds are to be spent. I think one has to look at the newly developed Coopers & Lybrand accounting package, and the analysis of the Milwaukee school district which shows that 93 percent of all title I funds went to the classroom for instructional support and 90 percent of all title I funds were spent at the school level.

In the State of South Carolina, we had the opportunity to hear from the Superintendent of Education, Barbara Stock Nielsen, who testified on May 8 of this year that the vast majority of Federal dollars do reach the classroom and that it is probably easier to track the Federal dollars than it is the State and local dollars.

Mr. Speaker, given the facts that we know, that we have been presented in the subcommittee, it is clear that the Federal Government is doing an excellent job. Let us not pass a resolution that disparages Federal aid to education with facts stated in the whereas clause that are absolutely unfounded, unsubstantiated, and in many cases totally false.

So I urge my colleagues to vote down this resolution. It may feel good to say you want more money to get to the students and to the classrooms, but I ask you to look at the whereas clauses and see how inconsistent they are and vote down this House Resolution 139.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. PITTS] to discuss this.

Mr. PITTS. Mr. Speaker, in response to the gentlewoman who said there was no evidence or substantiation, let me quote from the testimony that she should have heard when the hearing was held before the committee. A quote from Lisa Graham Keegan, the Arizona State Superintendent, who said Federal funds account for 10 percent of the education funding, but 50 percent of their paperwork burden. Dr. Charles Garris, superintendent of Unionville-Chadds Ford School District, my own district, came and presented testimony, talking about Federal funds only.

He said that even at the local level, after the administrative overhead from the Federal, at the local level, 25 percent of the funds never reach the students that they were intended to serve, and he detailed the expenditure of those funds. Then he had a stack of papers, an application for a Federal grant. He put it down and he said, "This takes 5 months to apply, and still, after 5 months of applying, going through 216 steps, we don't know whether we will get any. I will not even apply."

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard that claim, and I wonder when that claim or statement was made, because, more recently, innovations at the Department of Education through programs like Ed-Flex and other waiver initiatives of the Education Department has allowed States and localities to waive statutory and regulatory requirements of several Federal education programs, such as Even-Start, migrant education, Eisenhower Provisional Development Safe and Drug-Free Schools, community programs, innovation education programs, emergency immigrant education, and the Perkins Vocational Education Programs.

Twelve States currently are Ed-Flex States. So if a State wants to apply for that, they have the option to do that. That is still not the problem or the major educational problem that our education system has in its system today, and I do not think this resolution, which has no standing in law, because it is just a resolution, is going to do anything to really alleviate any of those problems.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I rise in strong support of this resolution. Guaranteeing that 90 percent of Federal funds for elementary and secondary schools is spent directly in the classroom is just plain good sense. I cannot imagine why anybody could be against that.

While there is not complete certainty as to the actual percentage of Federal education dollars that reach the classroom, we do have available to us several studies which suggest that well over 30 percent of these funds are eaten up by the Federal and State bureaucracy.

I have been part of the hearings all around the country on the Crossroads to Education. Everywhere we go, we hear from local people that these funds are eaten up by the bureaucracy. I do not think this should be so, Mr. Speaker. I believe that too much of Federal education funding is spent on bureaucracy and not enough on teaching our children.

I believe that we should support this resolution in a bipartisan way, and even the Democrats on our committee may vote against it. I believe most Democrats in this Congress will support this in a bipartisan way, because they know that the people who actually know our children at home should be the people in charge.

I urge support of H.R. 139.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume to respond to that.

Look, here comes back the same story. We are comparing apples and oranges when you compare Federal programs and State programs.

The Federal Government has no way of dictating to States what they expend for administration or other paperwork requirements in their own State. The Federal Government does not control that.

The Federal Government does have caps in the Federal Government on how much can be spent on administration. So to say in one breath that the State and Federal governments are guilty of an excessive cost of administration and overhead regarding paperwork is a misstatement, and it is a misleading statement.

Nobody is against as many of the funds as possible going to the classroom. The Federal programs, as outlined by the gentlewoman from Hawaii [Mrs. MINK] have stated that up to 93 percent, and maybe more, in most cases, are going, of Federal dollars, are going to the classroom. The only thing we can control by this resolution is the Federal dollars going to the classroom.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, in our great State of South Dakota, we have a fine tradition of public education. My children participated in that process. We always believe as a matter of policy that the State and local governments are those where the function and responsibility primarily for education resides, but as a matter of conviction, that to the extent the Federal Government, the taxpayers, are asked for Federal dollars to support education, that those dollars ought to go into the classroom.

My two young girls attend public schools. They are only 2 of the 51 million students in America who may not have the resources and supplies necessary to prepare them for the 21st century, because we are not getting enough of the Federal funding into the classroom.

That is why I support this resolution. With this resolution, it is estimated that each classroom would receive an additional $1,800. In my State of South Dakota we spend approximately $3,500 per student. Another $1,800 could help pay for additional computer software, hooking on to the Internet or books.

I believe in public education. I hope my colleagues in this body will show their support for public education by supporting a resolution which will ensure that we get the very best value for our tax dollar.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here again, I do not know how many times we are going to say this, but the fact is that the figures that they come up with do not take into account that 93 percent of the elementary and secondary education spending is done with local dollars, and it is locally controlled.

What we are talking about in the resolution is an effort to make sure that at least 95 percent of these funds get to the education classroom, and, in the Federal programs, except the moneys they use for the publications that they are allowed to make in the budget that they get which is appropriated by this Congress for those specific purposes, is not used for the programs, and the program money, more than 95 percent, is actually ending up in the classroom.

□ 1245

That is the only thing this Federal Government cannot control. As an average, throughout the United States, only 6 percent of the money that local schools receive in assistance to their budgets is from the Federal Government. Of that, they are getting the majority in the classroom.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Speaker, today I rise in strong support of this resolution, and I want to thank the chairman for bringing it to the floor. I listened carefully to the debate. It is still confusing because we all say we want the money to go to the classroom, but I hear debates against that.

We have to have our No. 1 priority to be the classroom, the hands-on, where the teacher knows the child's name, and we have the teaching of the basics, reading, writing, arithmetic.

What I found when I got to Washington, DC, though, about 3 years ago, was a lot of apologists for the bureaucracy, fighting hard every day to keep the Federal buildings full of bureaucrats, when actually we need teachers in the classrooms at home.

This resolution just says 90 percent of our Federal dollars, the money we pay, and gets to the Federal level, goes into the classroom. How can Members argue with that, at a time when people are saying, go back to the basics, we want local control?

I urge a strong vote "yes" for this resolution.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are talking about is a half-truth. The Education Department already sends at least 95 percent of the major education program money to the States. Only 2 percent is used by the Department for administration.

Mr. Speaker, I yield such time as she may consume to my colleague, the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I do not know how often we have said it in committee, and we are repeating it again on the floor: the U.S. Department of Education spends only 2 percent of the total funding for education on its administration. So I do not understand this accusation of this huge bureaucracy consuming the money that belongs to the classrooms and to the school districts. The statistics are there, the studies have been made, and CRS reports all indicate that the figures given by the U.S. Department of Education are correct, only 2 percent.

I also want to call to the attention of the House that in the various legislation that we have passed we have also stipulated not only limitation on Federal bureaucracy or Federal administrative costs, but we have put caps on the State administrative costs. I have a long list here. I do not know how much time there is.

Let us look at Goals 2000. The maximum percent that the States can spend on administration is 4 percent of their grant. Title I LEA grants, 1 percent of the grant is a cap on State and local educational administrative costs; Even Start, a 5-percent limit; title I migrant, a 1-percent limit; Eisenhower Professional Development, a 5-percent limit; title VI, a 3.75-percent limit; safe and drug-free schools, a 4-percent limit; the vocational basic grants, a 5-percent limit; adult education, a 5-percent limit; IDEA, a 5-percent limit.

So we have been careful in understanding the requirements for administration, but also the need to get the money to the places the legislation intended. In each of these major pieces of legislation, we have carefully not only limited the Federal costs of administration, but we have stipulated a limitation on the amount of moneys the State can spend.

If the States in other programs are spending more money than they should be, that is a State and local matter. So for those people who are arguing State and local control, that that is the best place to regulate education, then we ought not to be talking about how they spend their money for education. If we truly believe in local control, that is a matter which the local people, the local State officials, have to come to grips with. But insofar as the Congress, as far as Federal administration is concerned, I believe we have been absolutely attentive to the needs of the classroom, the school districts, and the children.

There are, of course, some areas where it is not possible for the moneys to go directly to the classroom; such as funds for professional development. This is not a direct classroom benefit; but we are benefiting a teacher who is going on for further education.

I believe that this resolution is simply an attempt to haunt the House and the U.S. Department of Education with all sorts of cobwebs and misguided conclusions, to try to cast an impression that the Federal Government has been a wastrel and has not been attentive to the needs of the students and the needs of our local school districts. This of course is false.

Again, I ask the House to vote down this resolution.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, only some groups that would want the power to reside in Washington, DC, of wasteful spending would oppose this. Why? They want the power here in River City; the same people who vote against balanced budgets, tax relief, because those are taxes given to spend more money for failed systems.

Let me tell the Members, the studies did not even take into account the time that principals and administrators put into working on the paperwork. We have heard States saying up to 50 percent, 50 percent of their costs, are dealing with Federal paperwork.

Let me give Members an idea. Goals 2000 that my colleagues mention, and say this was a George Bush-Ronald Reagan thing, Goals 2000, look at the number of "shalls" and "wills." I am not a lawyer, but I know a "will" in a line is more important; the States will do certain things. If they do not comply, it has to override the board. The board then sends the recommendations for Goals 2000.

Think about the group that has to look at that. Then it goes to Sacramento. Think about just all the schools in our districts sending all this in to the superintendent, then sending it to the State and the Governor, and then, guess what? There is a big bureaucracy back here in Washington, DC; we know there are problems with it, so they send paperwork back. That takes dollars away.

My wife is an elementary school principal. She had to attend a class for 1½ weeks just to learn how to write a grant to the Federal Government. That is not even included, the dollars get down there, then they have to look at that. Seven hundred and sixty Federal education programs.

Let us look at this. The President wanted $3 billion for a literacy program. There are 14. What is wrong with saying, let us fund 1 or 2, and get rid of the other 13 or 12 of them? But no, my liberal friends will want to put more money for failed systems and keep the same system going.

Let us look at the results. We are 28th in math and science, last of the 15 industrialized nations in all core courses. Money is the issue, but the money to get down to the classroom, not to the Federal bureaucracy.

Mr. MARTINEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I include for the RECORD the chart to which I made reference, and a letter from Mr. Riley:

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, July 14, 1997.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am responding on behalf of President Clinton to your letters dated May 8, 1997, and June 11, 1997, inviting the President to join in the review and evaluation of Federal education programs currently being conducted by the House Committee on Education and the Workforce. I am forwarding a copy of this letter to those who joined you in writing.

As you know, education is the President's highest priority as he works to help all Americans prepare for the challenges of the 21st century. The President also has a keen interest, dating back to the 1993 National Performance Review, in determining "what works and what is wasted" in Federal programs.

I came to Washington to make the changes needed to help improve teaching and learning in America's schools. I think you also know that I share your interest in local control of education, focusing on the basics, supporting parents, and getting the most out of Federal education dollars by making sure they have the most positive and cost-effective impact on American classrooms. These principles are at the core of every elementary and secondary education initiative proposed by the President Clinton, and we remain convinced that they are essential to effective education reform.

Over the last year, various Federal Departments, including the Department of Education, have provided a considerable volume of material to staff of your Committee relative to the list of more than 700 programs, which have been characterized in press events and public statements as "education" programs directly impacting elementary and secondary education.

A cursory examination of the Committee's list reveals that its size is primarily due to three factors. First, education, training and outreach are by definition a component of virtually every Federal program activity. For example, educational activities are critical to Department of Agriculture efforts to improve nutrition, Department of Health and Human Services programs to prevent the spread of disease, and Department of Transportation activities to encourage safety in the transportation sector. Second, the Federal government has a strong interest, determined and defined largely by the Congress, in supporting a wide variety of specialized career training and research activities. This includes training FBI agents and air traffic controllers as well as much of the research carried out at the National Institutes of Health. Third, for 130 years the Federal government has played a key role in expanding opportunity and quality at every level of education, a role primarily filled through programs administered by the Department of Education.

Programs in the first two categories were never designed, nor were ever claimed, before the Committee undertook its current review, to improve the quality and performance of our elementary and secondary schools. Programs in the third category include a significant number of activities that support postsecondary education, in addition to elementary and secondary education. According to our review of the Committee list, this leaves less than one quarter of the programs identified by the Committee that actually deliver dollars aimed at improving elementary and secondary education.

The Department's item-by-item review of the Committee's list is enclosed for your information. That review was conducted in consultation with other involved agencies. In short, this review shows that the Committee's tally of "Federal education programs" is significantly overstated. Out of the latest total of 788 programs:

183 are no longer authorized or funded;

139 are postsecondary or adult education programs;

71 funds specialized research;

68 provide employment or job-related training and technical assistance;

58 are for the education and training of health professionals;

47 provide public information or community outreach;

27 support the arts, museums, or historic preservation;

26 provide various services to individuals;

16 fund construction projects, community development, and community service; and

11 are nutrition programs.

The remaining 142 Federal programs that support elementary and secondary education, include noninstructional activities like the President's Council on Physical Fitness and Sports, as well as educational outreach activities related to specific agency missions, such as training science teachers through the Department of Energy and Aviation Education at the Department of Transportation.

Focusing just on the 305 programs identified as Department of Education programs, 122 are unauthorized, unfunded or simply not programs. That leaves 183 Department of Education programs covering pre-K through postgraduate education and training, of which 102 programs impact elementary and secondary education.

Despite these sharply reduced numbers of what can realistically be characterized as "elementary and secondary education programs," the entire list of 788 programs has been cited as proof of (1) wasteful and inefficient duplication in Federal programs, (2) an excessive and costly Federal bureaucracy, and (3) burdensome regulatory and paperwork requirements on schools and teachers. In reality, the Clinton Administration working with Congress has an impressive record on all three counts:

Beginning with the 1993 National Performance Review, the Clinton Administration has taken the lead in eliminating unnecessary or ineffective programs and consolidating duplicative activities. Through fiscal year 1997 the Department proposed the elimination, phase-out, or consolidation of more than 100 programs, while Congress has agreed to eliminate 64 programs totaling $625 million. Even with the addition of new programs, the total administered by the Department fell from 240 in 1995 to under 200 in 1997. The recently signed reauthorization of the Individuals with Disabilities Education Act included program consolidations that will reduce that number even further. In addition, the President's 1998 budget request included 10 more program terminations, and his proposed reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act would reduce the number of authorized vocational education programs from 23 to 3.

The Clinton Administration has reduced the number of Federal employees to levels not seen since the Kennedy Administration. The Department of Education has actually seen its workforce fall by nearly 40 percent since 1980. In fact, the Department today employs over 3,000 fewer individuals than its predecessor agencies. Partly as a result of this decline, the Department administers more dollars per employee than any other Cabinet-level agency, and delivers 98 cents of every appropriated dollar to States, schools, and students.

No President has done more to reduce regulatory burden, cut paperwork, and enhance local control of our elementary and secondary schools. Under President Clinton's regulatory reinvention initiative, the Department has eliminated nearly 40 percent of its regulations. The Department also has greatly expanded waivers of statutory and regulatory requirements that stood in the way of better teaching and learning, including allowing State-level officials in 11 States broad authority to waive Federal requirements as part of the ED-FLEX demonstration. Consolidated applications and reduced reporting requirements have helped to reduce the paperwork burden on applicants for Department programs by over 10 percent. We are also cutting paperwork by conducting more business over the Department's site on the World Wide Web, which is currently visited about 5 million times each month. Finally, no Federal program provides more flexible support for locally-based education reform efforts than the Goals 2000 program, for which no regulations were promulgated.

The President and I share your determination to eliminate unnecessary programs in order to devote the maximum Federal resources to those activities that make a real difference in improving teaching and learning in the classroom. The American people expect us to work together to help prepare their children for tomorrow's challenges. As we work on reauthorizations, including the upcoming Higher Education Reauthorization, the Department wants to continue to work on a bipartisan basis to remove obsolete programs from Federal statute as we have done in other legislation over the last several years.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

Enclosure.

STATE ADMINISTRATIVE COSTS FOR FORMULA GRANT PROGRAMS

[Dollars in millions]

Program	1997 Appro.	Max percent for admin.	Amount for admin.
Goals 2000	$476	4.00	$19.0
Title I LEA Grants	7,194	1.00	71.9
Even Start	102	[1] 5.00	5.1
Title I Migrant	305	1.00	3.1
Title I N&D	39	1.00	0.4
Eisenhower Prof. Dev.	310	[1] 5.00	15.5
Title VI	310	3.75	11.6
Safe & Drug-Free/SEAs	415	4.00	16.6
Save & Drug-Free/Governors	104	5.00	5.2
Voc. Ed. (Basic Grants, Tech-Prep)	1,110	5.00	55.5
Adult Education	340	5.00	17.0
IDEA State Grants	3,108	5.00	165.4
IDEA Preschool	360	5.00	18.0
IDEA Infants & Families	318	(2)	(3)
Total (not including IDEA Infants)	14,173	2.70	382.7
Total, ESEA programs	9,255	1.40	129.6

[1] Authorization allows funds set aside at the State level to be used for technical assistance or other activities in addition to State administration.

[2] No limit.

[3] Unknown.

Note.—In all cases, the percentages shown are the maximum amounts that States can use for administration. Some States will use smaller amounts for some programs. On the other hand, the maximum amount for a few programs is actually slightly higher than what is shown because the statute allows States to reserve X% or $Y, whichever is greater; this will have only a minimal impact on the overall totals, but allows the smallest States to use, for administration, a portion significantly greater than the national averages.

Mr. MARTINEZ. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman for yielding time to me, and congratulate him on all the fine work we have done on the Committee on Education and the Workforce, and also for really allowing our subcommittee to travel around the country over the last year and hear what is going on in education and the impact that the Federal Government is having.

Let us take a brief look at exactly what this resolution is calling for. Number one, it asks to determine the extent to which the Federal elementary and secondary education dollars are currently reaching the classroom. It invites us to work together to remove the barriers that currently prevent a greater percentage of funds from reaching the classroom, from reaching our kids, and then work toward a goal of getting 90 cents of every Federal education dollar into the classroom. It simply states we should return a greater percentage of our Federal dollars back to the classroom, and that this is the most effective place and this is the place where we can have most of the leverage with our kids.

Mr. Speaker, I am glad that my colleague, the gentlewoman from Hawaii [Mrs. MINK] is confident that we are doing a good job here in Washington. I wish she could have been with us more often as we went around the country and have visited 14 different States, have had hearings here in Washington, and there is a consistent message, whether it is Milwaukee, New York, Chicago, California, Phoenix, Wilmington, Georgia, Cincinnati, Louisville, Little Rock, Cleveland, Muskegon, Michigan. All of these people are telling us one consistent thing: paperwork, bureaucracy, and mandates from Washington are smothering creativity and effectiveness at the local level. They are not saying everything is fine, they are saying, we are being smothered by the paperwork. People at the State legislature are saying, we are being smothered by mandates that we need to pass on to the local school districts.

No, when we take a look at it from a State level, when we take a look at it from a local level, no, everything is not fine with education and with Federal education dollars. We need more local parental control, we need a focus on more basic academics, and we need to get more dollars to the classroom.

Instead of looking at the local level, I am disappointed that my colleague, the gentlewoman from Hawaii [Mrs. MINK] does not agree with our President. Our President recognizes that everything is not fine. In 1996, as we were moving out and spending more money on education, what did our President say? "We cannot ask the American people to spend more on education until we do a better job with the money we've got now."

The President recognizes we need to get more dollars into the classroom, the people at the local level recognize we need to get more money to the classroom. It is only a few here in the House of Representatives that believe that everything is fine and we do not need to change anything. No, we have a lot of work to do. We need to move forward. When we are getting somewhere between 50 to 65 cents of Federal dollars into the classroom, we know we can do better.

What are people saying? Dr. Yvonne Chan, from a great charter school we visited in California, said "Don't swamp us with the paperwork and we can have a lot more money going to the kids." This is a woman who saved $1 million out of her State budget and they are focusing it on the kids, and they are doing wonderful things in that charter school in that State.

We have seen that around the country, States freeing up administrators, States freeing up teachers at the local level to focus on what needs to be done in the classroom. It is about time Washington decides that is the best place to go, that we start agreeing with the movements that are going on around the States to less mandates, more flexibility at the local level, and more dollars to the classroom.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

As quickly as I can, Mr. Speaker, at least 95 percent of the Federal dollars are reaching the classroom, Federal dollars I am talking about, for Federal programs. They reach the classroom. The paperwork from Washington is not what is inundating the local school districts. If we look at the State of Kansas, it has less than an inch of paperwork regulations. If we look at the State of California, it is about 17 inches of paper regulations. That is what these people are complaining about. But when we ask the question wrong, we are going to get the answer wrong.

This is not about power. My friend, the gentleman from California, Mr. DUKE CUNNINGHAM, says that we are hungry for power up here. I have never felt that power up here. It is not about power, it is about States' rights.

Mr. GOODLING. Mr. Speaker, I yield the remainder of my time to the gentleman from Missouri [Mr. BLUNT].

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, the question today is, should we send more dollars to the classroom? This does not seem like it would be a tough question, but it is a question that we are struggling with on the House floor today.

□ 1300

Who knows your child's name better? A teacher who knows that child or a bureaucrat in the beltway in Washington or even in the State capital?

Our opponents on this issue say that we are already meeting the 90 percent standard. Well, if that is true, let us pass this resolution and ensure that we meet this standard in the future. But we have studies that suggest that we are meeting a 65 percent standard. The difference in the 65 percent standard and a 90 percent standard is about $1,800 for every classroom in America. Every elementary school principal, every secondary school principal can count the number of rooms in their building, multiply that by $1,800; that is the difference in what we are talking about here today.

Mr. Speaker, this is the difference in whether we buy microscopes or not; whether we buy computers or not; whether a classroom has an overhead projector or not; whether there are chemicals for the chemical lab or tools for the shop. And Dollars to the Classroom can increase teachers' salaries, rather than create another form for teachers to fill out.

Dollars to the Classroom is more accountable to the taxpayer because it would ensure for the first time by passing this resolution that, in fact, 90 percent of all funds earmarked for elementary and secondary programs get to the classroom. By doing this, we start the process of setting a new standard, the standard that says that Federal dollars that are appropriated here for education programs really need to get to where kids and teachers are.

We have heard today about that study in the New York City school system that says that 43 percent of money in that district is spent on education; 43 percent is not good enough. Throwing dollars at education will not solve this problem. It is a worn out solution. We need to continue to work toward new solutions.

The new solution we are advancing today is to get the money in the hands of teachers, get the money to classrooms, short circuit any bureaucracy, whether it is bureaucracy in Washington, in State capitals, or even at the local administrative level.

School superintendents and administrators support this concept. Teachers support this concept. Today, Mr. Speaker, I urge my colleagues to join us in supporting this concept. This bill is different because it sends dollars directly to the classroom where solutions can be found. I urge my colleagues to support this new strategy that puts our children first.

Mr. RADANOVICH. Mr. Speaker, as a cosponsor of House Resolution 139—the dollars to the classroom resolution—I want to express my strong support for this measure and ask my colleagues for their support as well.

With the passage of this measure, the Congress has a tremendous opportunity to send a strong message on how to improve our public education structure. The resolution states that at least 90 percent of Federal funds for elementary and secondary education should be spent in classrooms.

We all agree that the public education system is in disarray. We can improve our schools by providing them with the resources they need to make their classrooms better, safer places to learn. House Resolution 139 does just that. The best thing Washington can do to better educate our children is to send more responsibility and funding back to the local communities and schools who know the needs of these children best.

For too long, the Government has taken a view that bureaucrats in Washington, DC, know what is best for the children in my State of California. How can that be true if California's education needs vary significantly within our State, let alone compared to other States? Who would try to argue that schools in rural Mariposa County have the same needs as schools in inner-city Los Angeles? Probably someone at the Department of Education.

Mr. Speaker, we can no longer continue to build a one-size-fits-all education agenda. I was sent to this Congress to represent the people and the families of California's Central Valley. I believe part of this representation includes giving my constituents the resources they need to ensure that our children have the best education possible. House Resolution 139 sends that important message.

As we head into the 21st century, it is important that the Federal Government work with States and local communities by giving them more flexibility and decisionmaking power to shape the policies that are so crucial to our children's education. House Resolution 139 is an important step in that direction.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 139, as amended.

The question was taken.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AMENDMENTS

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1227) to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

The Clerk read as follows:

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INVESTMENT MANAGERS UNDER ERISA TO INCLUDE FIDUCIARIES REGISTERED SOLELY UNDER STATE LAW ONLY IF FEDERAL REGISTRATION PROHIBITED UNDER RECENTLY ENACTED PROVISIONS.

(a) IN GENERAL.—Section 3(38)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(38)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by striking "who is" and all that follows through clause (i) and inserting the following: "who (i) is registered as an investment adviser under the Investment Advisers Act of 1940; (ii) is not registered as an investment adviser under such Act by reason of paragraph (1) of section 203A(a) of such Act, is registered as an investment adviser under the laws of the State (referred to in such paragraph (1)) in which it maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary's registration under the laws of such State, also filed a copy of such form with the Secretary;".

(b) AVAILABILITY OF DOCUMENTS VIA FILING DEPOSITORY.—A fiduciary shall be treated as meeting the requirements of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by subsection (a)) relating to provision to the Secretary of Labor of a copy of the form referred to therein, if a copy of such form (or substantially similar information) is available to the Secretary of Labor from a centralized electronic or other record-keeping database.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 8, 1997, except that the requirement of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by this Act) for filing with the Secretary of Labor of a copy of a registration form which has been filed with a State before the date of the enactment of this Act, or is to be filed with a State during the 1-year period beginning with such date, shall be treated as satisfied upon the filing of such a copy with the Secretary at any time during such 1-year period. This section shall supersede section 308(b) of the National Securities Markets Improvement Act of 1996 (and the amendment made thereby).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I am pleased today to rise to seek passage of Senate 1227, legislation which amends title I of the Employee Retirement Income Security Act, known as ERISA, to permit investment advisors registered with State securities regulators to continue to serve as investment managers to ERISA plans.

Mr. Speaker, Senate bill 1227 is identical to H.R. 2226, which I introduced on July 23, 1997, with the cosponsorship of the gentleman from New Jersey [Mr. PAYNE], ranking member on the Subcommittee on Employer-Employee Relations.

At the end of last Congress, landmark bipartisan legislation was enacted which adopted a new approach for regulating investment advisers, the Investment Advisors Supervision Coordination Act. Under the act, beginning July 8, 1997, States are assigned primary responsibility for regulating smaller investment advisors and the Securities and Exchange Commission is assigned primary responsibility for regulating larger investment advisors.

Mr. Speaker, under this framework, however, smaller investment advisors registered only by the States, and prohibited by the new law from registering with the SEC, would no longer meet the definition of investment manager under ERISA, since the current Federal law definition only recognizes advisers registered with the SEC.

As a temporary measure, a 2-year sunset provision was included in the securities reform law extending for 2 years the qualification of State registered investment advisers as investment managers under ERISA. This provision was intended to address the problem on an interim basis while congressional committees with jurisdiction over ERISA reviewed the issue. We have reviewed this issue and have developed Senate bill 1227 and H.R. 2226 to permanently correct this oversight.

Without this legislation, State-licensed investment advisers who, because of the securities reform law, no longer are permitted to register with the SEC would be unable to continue to be qualified to serve as investment managers to pension and welfare plans covered by ERISA. Without this bill, the practice of thousands of small investment advisers and investment advisory firms would be seriously disrupted after October 10, 1998, as would the 401(k) and other pension plans of their clients.

It is necessary for an investment adviser seeking to advise and manage the assets of an employee benefit plan subject to ERISA to meet ERISA's definition of investment manager. It is also important for business reasons for small investment advisers to eliminate the uncertainty about their status as investment managers under ERISA. This uncertainty makes it difficult for such advisers to acquire new ERISA plan clients and could well cause the loss of existing clients.

Mr. Speaker, the bill will amend title I of ERISA to permit an investment adviser to serve as an investment manager to ERISA plans if it is registered with either the SEC or the State in which it maintains its principal office and place of business, if it could no longer register with the SEC as a result of the requirements of the 1996 securities reform law.

In addition, the bill requires that whatever filing is made by the investment adviser with the State be filed with the Secretary of Labor as well. The Department of Labor has asked for this dual filing with the Department and has assured the Congress that it needs no additional resources to process the forms.

This legislation has the support, therefore, of the Department of Labor. Arthur Levitt, Chairman of the Securities and Exchange Commission, has written to the Committee on Education and Workforce, expressing the need for this legislation and his support for this effort to correct this problem.

In addition, the bill is supported by the International Association of Financial Planning, the Institute of Certified Financial Planners, the National Association of Personal Financial Advisers, the American Institute of Certified Public Accountants, and the North American Securities Administrators Association, Inc.

By passing this legislation today we will correct this oversight in the securities reform law, thus protecting small advisers from unintended ruin and bringing stability to the capital management marketplace. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on S. 1227, the ERISA rules for investment managers. Usually this legislation would be managed by the gentleman from New Jersey [Mr. PAYNE]. Unfortunately, he has been detained. I do, however, want to compliment him for his leadership on this issue.

Mr. Speaker, the 104th Congress passed the Investment Advisers Supervision Coordination Act, which made a change in the ERISA definition of investment manager. This change would have had unforeseen, potentially damaging effects on smaller investment firms. Because these investment advisers would not qualify as plan fiduciaries under ERISA, they would no longer be able to administer plan assets.

S. 1227 would require firm advisers that administer less than $25 million in plan assets to register with the Department of Labor, and the idea that the Department of Labor would be the central database of investment advisers is a good one. Furthermore, this action will preserve the ability of these advisers to act as plan fiduciaries. This proposal that is before us now would restore current law and reestablish systemic uniformity.

Mr. Speaker, I commend the gentleman from Illinois [Mr. FAWELL], chairman of the Subcommittee on Employer-Employee Relations, and the gentleman from New Jersey [Mr. PAYNE], ranking member of the subcommittee, cosponsoring the House version of the bill, and I urge my colleagues to support S. 1227.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FAWELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the Senate bill, S. 1227.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1227 and House Resolution 139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

J. ROY ROWLAND FEDERAL COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1484) to redesignate the Dublin Federal Courthouse building located in Dublin, GA, as the "J. Roy Rowland Federal Courthouse," as amended.

The Clerk read as follows:

H.R. 1484

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. REDESIGNATION.

The United States courthouse located at 100 Franklin Street in Dublin, Georgia, and known as the Dublin Federal Courthouse, shall be known and designated as the "J. Roy Rowland United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Roy Rowland United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1484 designates the U.S. Courthouse in Dublin, GA, as the J. Roy Rowland United States Courthouse.

Congressman Rowland was a dedicated public servant. He served in the U.S. Army during World War II as a surgeon in command of a machine gun crew, earning the Bronze Star for service in combat. Following the war, he returned to his home State of Georgia and earned his medical degree from the Medical College of Georgia. He then became a family practice physician, serving the people of Dublin, GA.

In 1976, Dr. Rowland was elected to the State legislature, where he served as State delegate until 1982. In 1983, Dr. Rowland was elected to the U.S. House of Representatives. While in Congress, he concentrated his efforts on legislative matters concerning health issues.

He was instrumental in stopping the illegal access and abuse of Quaaludes, which at the time was becoming the illegal drug widely used. At a later date, Congressman Rowland employed his medical expertise to providing leadership in Congress during formulation and consideration of legislative initiatives concerning AIDS. The naming of this building in honor of Congressman Rowland is a fitting tribute to his dedicated service to his country. I support this bill ask urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wholeheartedly join in support of this bill to designate the courthouse in Dublin, GA, as the J. Roy Rowland United States Courthouse.

Congressman Rowland was a World War II vet, during which he was awarded the Bronze Star, and after he left the Army he continued his educational pursuits and, in 1952, graduated from the Medical College of Georgia.

Doc Rowland was elected to the U.S. Congress in 1983, and he earned a well-deserved reputation for expertise in health and medical issues which naturally fit his professional discipline.

□ 1315

He was instrumental in passing legislation to stop the illegal use of Quaaludes which for many years had disrupted the lives of so many of our young adolescents attempting to adjust to adult life.

He also became, without a doubt, the reasoned, practical voice during heated debate on the issue of AIDS and AIDS funding and will be remembered for that historical achievement.

Dr. Rowland set a standard for bipartisan fairness and for bipartisan relations and he included everyone. He was not an exclusive type of Member. He never resorted to personal attacks or never was engaged in any damaging rhetoric.

I say that because he was a true gentleman, truly deserving of the designation being brought here today. Our former colleague provided the working model to ensure a bipartisan spirit that everybody talks about around here, but few Members really practice. For Dr. Rowland, that was a part of his professional makeup.

It is absolutely fitting that we honor him with this designation and to the sponsor, the gentleman from Georgia [Mr. NORWOOD], I say, right on. I am proud to play a part, with him, in naming this courthouse for Dr. Rowland.

Mr. Speaker, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank my good friend, the gentleman from Ohio [Mr. TRAFICANT], for his kind words.

Mr. Speaker, it is a great pleasure and actually an honor for me to be here presenting this bill to the House of Representatives on behalf of one of my constituents, Dr. J. Roy Rowland.

Dr. Rowland was very instrumental, while in Washington, on health care issues and one of the most, I think, outstanding examples of bipartisanship that I know of in this Congress in recent years. In 1993 and 1994, in the 103d Congress, he put together a coalition of five Republicans and five Democrats to try to help solve some of the serious problems that we have in this country with health care. It was later known as the Rowland-Democrat-Bilirakis-Republican health care bill and it sort of set the stage for how we work together with our colleagues.

Dr. Rowland is a good man. Dr. Rowland is a great American, and I am so very pleased that we are today in the process of renaming the U.S. Federal courthouse in Dublin, GA, after him as a token of all of our esteem here and as a token of the esteem that his constituents back in Georgia still hold him. This is a great pleasure and I hope all Members, and I know they will, because he made friends readily on both sides of the aisle, I hope all of our friends will vote for him today.

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleagues in supporting H.R. 1484, legislation to rename the Federal courthouse in Dublin, GA, after former Congressman Roy Rowland.

Roy graduated from the Medical College of Georgia, and for many years, he was the only family physician in the entire Congress. He willingly shared his experience and medical knowledge with his colleagues on numerous occasions.

Many times, when health care legislation was debated by the then House Energy and Commerce Committee, Roy's opinions and suggestions were sought out. My colleagues on both sides of the aisle always found them invaluable.

I had the good fortune to work closely with Roy on health care reform. We both served on the House Energy and Commerce Committee and the Veterans Committee. In addition, we served as cochairman of the Congressional Sunbelt Caucus on infant mortality.

In my opinion, our greatest legislative accomplishment together was drafting two separate and completely bipartisan health care bills in the 103d Congress. H.R. 3955, the Health Reform Consensus Act, was the first comprehensive health bill introduced in the Congress that was truly bipartisan. I believe that Roy's medical background provided this bill with crucial credibility among our House colleagues.

As a leader in the House rural health care coalition, Roy assisted in drafting a wide range of bills to improve the delivery of rural health care that later became law. He also authored legislation creating the National AIDS Commission to establish better coordination among programs associated with this disease. Finally, while serving as the vice chairman of the National Commission to Prevent Infant Mortality, he cosponsored several measures to provide prenatal and child health care services to high-risk mothers.

Roy proved himself in other legislative areas as well. For instance, he was actively involved in environmental issues, and, in fact, he served on the joint conference committee that authored the 1990 Clean Air Act. He also played a key role in the 1987 Clean Water Act and served as a House conferee when the final version of this legislation was debated by a House-Senate conference committee. In addition, he served as one of the leaders in promoting the proposed balanced-budget amendment to the Constitution.

With regard to veterans, Roy served as the chairman of the then House Veterans' Hospitals and Health Care Subcommittee. He was a leader in fighting for improvements in the veterans' health care system and cosponsored several legislative measures to assist our veterans.

These are just some of the highlights that Roy accomplished as a Member of the House of Representatives. His talents and unique insights are missed, especially as Congress considers improving our health care system. I commend Roy for his tireless efforts and strongly urge my colleagues to support H.R. 1484.

Mr. TRAFICANT. Mr. Speaker, I am very supportive of this bill. I urge all for an "aye" vote.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1484, as amended.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DAVID W. DYER FEDERAL COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1479) to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse," as amended.

The Clerk read as follows:

H.R. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, shall be known and designated as the "David W. Dyer Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "David W. Dyer Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1479, as amended, designates the Federal building and U.S. courthouse in Miami, Florida as the David W. Dyer Federal Building and U.S. Courthouse. Judge Dyer served on the Federal bench for more than 30 years, establishing himself as one of the most revered jurists in the State of Florida.

Born in Ohio, Judge Dyer attended Ohio State University and received his law degree in 1933 from Stetson University. He served in the U.S. Army during World War II, rising to the rank of major. Following the war, Judge Dyer returned to Florida where he established a law firm in Florida.

In 1961, President Kennedy appointed Judge Dyer to the U.S. District Court for the Southern District of Florida. He served as chief judge from 1962 to 1966, when President Johnson elevated him to the U.S. Court of Appeals for the Fifth Judicial Circuit. At the time the Fifth Circuit was primarily composed of the Southern States and quickly became a focal point for civil rights issues. Judge Dyer ruled judiciously on the challenges brought before the bench in the constitutional battle for racial equality.

The naming of this Federal complex is a fitting tribute to a dedicated public servant and distinguished jurist. I support the bill and urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in support of H.R. 1479. I want to commend the sponsor of the bill, the gentleman from Florida [Mr. HASTINGS], for introducing this bill that will designate the Federal building and courthouse at 300 Northeast Avenue in Miami, FL, as the David W. Dyer United States Courthouse.

Judge Dyer is a native Ohioan. He was born in Columbus, OH, in 1910. We are proud of him, former Buckeye. After service in World War II, he began to practice law and, in 1961, was tapped by President Kennedy, who appointed him to the District Court for the Southern District of Florida.

In 1966, President Johnson appointed Judge Dyer to the U.S. Court of Appeals and, in 1977, Judge Dyer had assumed senior status. In Judge Dyer's 30 years of service to the people of Florida, he had participated in many notable cases.

In the early 1960's, he was on the three judge panel which reapportioned the entire State of Florida on the basis of the one-man, one-vote principle. That in itself will be a highlight of a career distinguished by so many great actions and commonsense decisions.

Judge Dyer is noted for his fairness, his diligence and personal commitment to equality under the law. I am very proud to support the bill offered by the gentleman from Florida [Mr. HASTINGS] and I am very proud to be a part of the designation and naming of this facility for Judge David W. Dyer, our beloved Buckeye.

Mr. SHAW. Mr. Speaker, I rise today in strong support of H.R. 1479, a bill designating the U.S. courthouse in Miami as the "David W. Dyer Federal Building and United States Courthouse."

Mr. Speaker, Judge David Dyer was a distinguished jurist in Florida for over 30 years. Judge Dyer was born in Ohio in 1910, and moved to Florida in the early 1930's to complete his third year of law school at Stetson University, my law school alma mater.

Judge Dyer was a Florida lawyer in private practice from 1933 until 1961, except for the time he served in the Army during World War II. In 1961, he was appointed to the Federal bench by President John F. Kennedy. Five years later, President Lyndon Johnson elevated Judge Dyer to the court of appeals. After a decade serving as an appellate court judge, Judge Dyer assumed senior status.

Mr. Speaker, during his long career on the bench, Judge Dyer wrote important legal opinions in a number of areas, but many legal scholars believe his greatest impact was in the arena of civil rights. When Judge Dyer was appointed to the Federal bench in 1961, Florida was still a State not fully desegregated. Thanks in part to Judge Dyer's foresight and courage to enforce the law and uphold the Constitution, racial discrimination sanctioned by the law was rooted out and eliminated in Florida.

It is fitting to honor Judge Dyer for his long and distinguished service by passage of this legislation. I urge all of my colleagues to support H.R. 1479.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1479, as amended.

The question was taken.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. ENSIGN

The SPEAKER pro tempore. For what purpose dose the gentleman from Nevada rise?

Mr. ENSIGN. Mr. Speaker, I have a motion at the desk.

RECESS

The SPEAKER pro tempore. Under clause 12 of rule I, the Chair declares the House in recess at this time subject to the call of the Chair, there being no business pending at this point.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 5 o'clock and 2 minutes p.m.

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 52, nays 359, answered "present" 1, not voting 21, as follows:

[Roll No. 532]

YEAS—52

Allen
Carson
Conyers
Coyne
DeGette
Dellums
Deutsch
Doggett
Ensign
Eshoo
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gephardt
Gibbons
Hastings (FL)
Hefner
Hinchey
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (RI)
LaFalce
Lantos
Lewis (GA)
Markey
Martinez
McCarthy (NY)
McDermott
McNulty
Millender-McDonald
Miller (CA)
Mink
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Serrano
Stark
Taylor (MS)
Torres
Weygand
Wise

NAYS—359

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy

Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—21

Andrews
Bonior
Bono
Borski
Brown (CA)
Capps
Cubin
Foglietta
Gonzalez
Granger
Herger
Hunter
Kanjorski
Kennedy (MA)
McIntosh
Mollohan
Payne
Pickett
Schiff
Schumer
Weldon (PA)

☐ 1739

Messrs. SMITH of Oregon, BATEMAN, CHAMBLISS, ADAM SMITH of Washington, BARRETT of Nebraska, BARRETT of Wisconsin, and Ms. WOOLSEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 278

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to adjourn was rejected.

☐ 1745

CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. FROST. Mr. Speaker, I ask unanimous consent that time yielded to the following Members: The gentleman from New Jersey [Mr. MENENDEZ], the gentleman from California [Mr. BECERRA], the gentlewoman from California [Ms. WATERS], the gentleman from California [Mr. CONDIT], the gentlewoman from Oregon [Ms. HOOLEY], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from California [Mr. DOOLEY] and the gentlewoman from California [Ms. ROYBAL-ALLARD] for the purpose of noticing a question of privilege not count against the one-half hour yielded to me by the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

(Mr. ROHRABACHER asked and was given permission to proceed out of order.)

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROHRABACHER. Mr. Speaker, pursuant to clause 1(c) of rule XXVIII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2267. The form of the motion is as follows:

Mr. ROHRABACHER moved that the managers on the part of the House at the conference on the disagreeing of votes of the House and the Senate on H.R. 2267, Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act for fiscal year 1998, be instructed to insist on the House's disagreement with section 111 of the Senate amendment which provides for a permanent extension of section 245(i) of the Immigration and Nationalities Act.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, House Resolution 278 waives all points of order against the conference report accompanying H.R. 1119 and that is the fiscal 1998 defense authorization bill, the most important bill to come before this body in any given year. The rule also provides that the conference report be considered as read. This is, of course, the traditional type of rule for consideration of conference reports and will allow expedited consideration of this very vital piece of legislation.

Mr. Speaker, the annual defense authorization bill is without question the most important bill we will consider this year. In doing our business, that sometimes seems routine, we should never lose sight of the fact that the number one duty of the Federal Government is the protection of national security, and that is exactly what this conference report is all about.

Mr. Speaker, as usual, the gentleman from South Carolina [Mr. SPENCE] and the ranking member, the gentleman from California [Mr. DELLUMS] and their staffs have done outstanding work. I commend them and urge support for the rule so that they can get on with the business of the day.

Mr. Speaker, it is absolutely imperative that this bill contain adequate funding for the young men and women in uniform who are right now out in the field standing vigilant on behalf of all Americans in Bosnia, in South Korea and other parts of the world. Mr. Speaker, it is imperative that this bill set out policies which are consistent with and seek to maintain the unique warrior culture of the military. For without that, we cannot win wars and that is what militaries are for. No matter whether some Members like that or not. Some Members seem to have forgotten about that in recent years.

Mr. Speaker, to the best extent possible, this bill does all of that. At $268 billion plus, the bill adds nearly 3 billion to President's Clinton's wholly inadequate request. The bill adds 3.6 billion to the President's request for procurement alone, and $570 million for research and development over and above the President's request, and that is so very, very important because if we are going to put young men and women in uniform in harm's way, we had better put them there with the best that money can buy and research and development can obtain. These accounts contain adequate funding for the weapons systems of tomorrow such as the F–22 stealth fighter, the Marine Corps V–22 troop carrier, which is vital to the kind of rapid deployment war that we will fight in the future, and the next generation of aircraft carriers and submarines as well.

These accounts also contain funding to bring us one step closer to developing and deploying defenses against ballistic missiles, something for which Members will be grateful some day.

This conference report also contains a 2.8 percent pay raise for our military and it adds significant funding increases for barracks, for family housing, for child care centers. And, Mr. Speaker, Members should remember that years ago, when I served in the military in the United States Marine Corps, 80 percent of us were single. Today the vast majority of military personnel are married. They have families. It is absolutely imperative that they have barracks, they have family housing, and that they have child care centers so that we can expect to attract the best cross-section of America that we can.

Despite all these excellent provisions in this bill, Mr. Speaker, let me again go on record, we continue to provide inadequate, yes, inadequate funds for this Nation's defenses. This bill will represent the 13th straight year of inflation-adjusted cuts in the budget. No other large account in the Federal budget has been cut so much as the defense budget.

Our military is vastly smaller and older than just 6 years ago when we had to deploy troops in a place called the Persian Gulf. Most experts agree today that such a mission would simply be impossible if we tried to undertake it.

Of course, this is not the fault of the Committee on National Security. They have operated under severe constraints. It is also not the fault of the House Committee on National Security that this Congress, and I want everybody to listen to this, this Congress has failed to stop Communist China from securing a beachhead in this country in Long Beach, California. Members all better wake up and pay attention to that.

The House version of this bill contained a provision that would have barred the lease of the Long Beach Naval Base to Communist China's intelligence-gathering shipping company named COSCO.

But at the intense insistence of a Democrat Member of the other body, the provision has been watered down with a Presidential waiver, and we all know that President Clinton will use that waiver.

Mr. Speaker, this is a scandal of huge proportions. This Communist Government which tried to buy the 1996 election in this country may now be handed an intelligence-gathering facility on American shores. I never heard of such a thing and never believed it could happen in this Congress. What have we come to?

A bitterly ironic part of this story, Mr. Speaker, is that private groups in California may yet succeed in denying COSCO this lease through a court injunction. According to press reports, the City of Long Beach is now looking for other tenants. Is it not something that the city of Long Beach may bail us out, we, the Congress? Think about it.

Private citizens can block Communist China from securing a beachhead on American soil on environmental and historical grounds, but this United States Congress cannot stop China on national security grounds. It is truly a disgrace.

Mr. Speaker, because of one or perhaps a few Members of the other body, this Congress has been disgraced. I resent it.

Despite all this, I nonetheless urge support of the rule and this conference report today. It is vital legislation, and it is simply the best we can do at this juncture. And once again, I would commend the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] and the Committee on National Security and their staffs for their excellent work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and the conference report on the Department of Defense authorization for fiscal year 1998. This conference report provides funds essential to sustain force readiness, for the critical weapons systems and equipment that will ensure the continued superiority of the U.S. military, and for increases in pay and allowances and for other necessary quality of life improvements our men and women in uniform and for their families.

In short, Mr. Speaker, this conference report authorizes the programs that make up our military strength today and which will ensure that our forces remain second to none in the 21st Century.

Mr. Speaker, the conference agreement does take a forward look on the needs of our military in the new century. First and foremost, the conference agreement contains a 2.8 percent pay increase for the military and provides for funding for construction and improvement of troop and family housing. The agreement also contains a consolidation of housing allowances, stabilizes service members' pay for those times when service members participate in training exercises or are on deployment, and provides increases in the family separation allowance and hazardous duty incentive pay. These are all important matters that increase moral and will hopefully help retain the valuable services of men and women who serve this country in uniform.

The agreement provides funding for the acquisition of seven V–22 Osprey tiltrotor aircraft. The V–22 is designed to replace the Marine Corps' aging fleets of CH–46 helicopters and will transport Marines and their equipment into combat. The conference report provides $2.1 billion for continued research and development and $74.9 million for advanced procurement for the F–22 Raptor. The F–22 is the next generation air superiority fighter which is yet another system in the overall arsenal of the U.S. military which will take us into the new century in a position of power.

Mr. Speaker, the conferees have authorized $331 million for long lead time related to the procurement of additional B–2's, or for modification and repair of the existing B–2 fleet, should the President certify Congress that additional aircraft are not needed by the Air Force. An important part of the conference agreement relating to the B–2 fleet is the requirement that the Secretary of Defense ensure that all necessary actions are taken to preserve the option to build more B–2 bombers until the panel on long-range air power, established by the fiscal year 1998 Defense Appropriations Act submits its report to Congress. I am gratified that this language will ensure that all of our options remain open while the issue of our long-range air power needs is studied.

In sum, Mr. Speaker, this is a good conference report that deserves the support of every Member of the House. I commend this rule providing for its consideration and urge its adoption in order that the House may proceed to the consideration of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, pursuant to the order of the House, I defer to the Members named in the unanimous consent agreement to give notice to the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to proceed out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been found to be largely without merit, including his charges of improper voting from a business, rather than a residential address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines barracks and the domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals; and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United states that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents;

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to produce or present any credible evidence sufficient to change the outcome of the election of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly 1 year not shown or provided any credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

□ 1800

The SPEAKER pro tempore (Mr. SNOWBARGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New Jersey [Mr. MENENDEZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MENENDEZ. Am I to understand the Speaker to say that by Thursday of this week that this resolution would be brought to the floor?

The SPEAKER pro tempore. The Speaker will inform the gentleman of the scheduling within that time.

Mr. MENENDEZ. Further parliamentary inquiry, is it my understanding that it can be no later than Thursday of this week, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. MENENDEZ. And further parliamentary inquiry. What notice will the Member receive that the resolution will be forthcoming?

The SPEAKER pro tempore. The leadership will give timely notice to the gentleman.

(Mr. BECERRA asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BECERRA. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. BECERRA] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Ms. NORTON asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. NORTON. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez has been duly elected to represent the 46th District of California; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that going from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will be inserted in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from the District of Columbia [Ms. NORTON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Mr. CONDIT asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONDIT. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26th, 1977 in Washington, D.C. on April 19th, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the Committee on the House Oversight has issued unprecedented subpeoneas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursing never ending and unsubstantiated areas or review; and

Whereas, the Committee on the House Oversight should complete its review of this matter and bring the matter forward for the House of Representatives to vote upon: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. CONDIT] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Ms. ROYBAL-ALLARD asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. ROYBAL-ALLARD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, there, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly notice.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. ROYBAL-ALLARD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1815

(By unanimous consent, Ms. HOOLEY of Oregon was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. HOOLEY of Oregon. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as a duly elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C., and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning these votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Oregon [Ms. HOOLEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(By unanimous consent, Ms. WATERS was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, a contested election contest has been pending between Congresswoman Loretta Sanchez and Mr. Robert Dornan since December 26, 1997; and

Whereas the Task Force on the Contested Election in the 46th District of California has only met on February 26, 1997 and October 24, 1997 in Washington, D.C., and on April 19, 1997 in Orange County, California; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business rather than a residence address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. WATERS] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(By unanimous consent, Mr. DOOLEY of California was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only three times; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were the legal residences of the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgment concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. DOOLEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the gentleman from Westerville, Ohio [Mr. KASICH], who a number of years ago came to this body. He has since proven himself to be one of the most respected and distinguished Members. As a matter of fact, I can only recall disagreeing with him one time. It was on a little airplane, but beyond that, he has always been right.

Mr. KASICH. A little airplane that cost $2 billion apiece, but nevertheless.

Mr. Speaker, I am very disappointed the conferees did not reflect the clear will of the House in the conference report's provision dealing with Bosnia. The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring parties, then turn the peacekeeping role over to our European allies within one year.

In November of 1995, in his address to the Nation regarding our proposed commitment of forces to Bosnia, President Clinton said that our participation should last about one year. However, in November of 1996, the President announced that our military presence in Bosnia would be extended for another 18 months, until June 30 of 1998.

Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June of 1998. However, on September 23 of this year, National Security Adviser Berger cast serious doubt on this second deadline.

It was against this background on June 24, 1997, that the House voted in overwhelming numbers to prohibit funding for U.S. ground forces in Bosnia after June of 1998. This strong show of support for setting a date certain for withdrawal came just after the House rejected an amendment to withdraw our forces by December 31, 1997. Together, these votes demonstrated the consensus in the House that we should wrap up our Bosnia deployment.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998; in other words, there is no limit, we have accepted a much weaker position, not only weakens the House position but it offers further scope for yet another extension of the Bosnia mission.

It is a generally accepted premise that the President is the sole organ of the Federal Government in the field of international relations and that Congress generally accepts a broad scope for independent executive action in international affairs.

□ 1830

But Congress has long been concerned about U.S. military commitments and security arrangements that have been made by the President unilaterally, without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of the United States Armed Forces overseas, either through declarations of war or by acts of Congress authorizing specific deployment.

Article I of the Constitution grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the Armed Forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy U.S. Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that would give the President the power to act without previous Congressional consent. But the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the executive branch. But the raising, maintenance, governance and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress' legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes precisely at a time when the international organization, the international force, is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, that force has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, those troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly-thought-out policies in Somalia and Lebanon.

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. When Henry Shelton testified in the Senate during his confirmation hearing, General Shelton admitted he had not been informed about the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place.

Finally, our mission in Bosnia raises troubling questions about allied burden sharing. The bottom line on the burden sharing is this is in the vital interests of Europe, but is not really the vital direct interests of the United States, and it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way, and the administration should press the Europeans to begin planning now.

Ladies and gentlemen of the House, if the President of the United States attempts to extend the mission in Bosnia beyond June of 1998, I will come to the House floor and do everything I can to work with the chairman of the Committee on Rules to end that deployment. This is a mission with no clear objective, no exit strategy, and no reasonable goal of accomplishing a mission. Frankly, it is difficult to know what the mission is because the administration has never defined it. This is a prescription for failure and a risking of the lives of U.S. men and women in Bosnia. The President should get us out.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume for the purposes of agreeing with the gentleman from Ohio [Mr. KASICH] and commending him for his statement.

Mr. Speaker, I am the vice president of the North Atlantic Assembly, the parliamentary arm of NATO. At a NATO meeting just 2 weeks ago, I informed our 15 other NATO allies that by June 1998, we will have been in Bosnia for 2½ years; that this was not going to turn into another Vietnam; that we were not going to continue to leave our troops there indefinitely at great expense to our military budget; and that the NATO allies had better begin to make plans to solve a European problem, a European problem being a civil strife within sovereign boundaries of a country, and that NATO should not be there trying to solve civil matters, trying to be peacemakers.

So I just wanted to commend the gentleman from Ohio [Mr. KASICH] for his statement. We will speak to this further. We have spoken to it twice already on the floor of this Congress, and we will speak to it again in the months to come, that those troops must come out of there no later than June 1998.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. DELLUMS], the ranking member on the Committee on National Security.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first, this is a very straightforward rule, one hour of debate on the conference report. I have no problem with the rule. Secondly, I would like to say to my distinguished colleague, the gentleman from Ohio [Mr. KASICH] that there is a different perspective and point of view on Bosnia. This obviously is not the time nor the place for us to engage in substantive debate on that matter.

With the balance of the time, Mr. Speaker, I would like to, for the purposes of colloquy, engage the distinguished gentleman from Colorado [Mr. HEFLEY].

There is considerable concern, I would like to say to my distinguished colleague from Colorado, at both the local level and the Federal level, that the environmental cleanup proposed by the Department of the Army for the Presidio in San Francisco will not meet the environmental health and safety criteria appropriate for a national park.

The Presidio, as you know, Mr. Speaker, is the only base closure to convert to national park use, and it is important for the Army to meet the cleanup levels set by the National Park Service.

I would encourage the committee to work with the gentlewoman from California [Ms. PELOSI] in urging the Department of the Army to expedite its environmental remediation efforts at the Presidio. This is a clear case where there should be an accelerated cleanup that meets the requirements of the national park to ensure the public health and safety of the millions of visitors there.

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, I share the concerns that my colleague has raised and will work with the committee, and with him, and with the gentlewoman from California [Ms. PELOSI] to ensure an appropriate cleanup for the Presidio.

We have this problem with a number of bases around the country, but I think this one has a unique factor connected with it. I think the gentleman from California [Mr. DELLUMS] has pointed out what that factor is, and that is that this is a national park. We want to move forward in creating this, and, if we are going to do this, we want it to be a good national park. We cannot do that without the cleanup.

I share the gentleman's concerns and will do everything I can to work with him and solve this problem.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I thank the gentleman for his thoughtful remarks and response. I would just like to further for the record make the following comment.

Significant philanthropic efforts are under way at the Presidio where sizeable pledges have been made to the National Park Service. In addition to the potential threat to philanthropic interests, it would be difficult for the Presidio Trust to meet its self-sufficiency requirements without a timely and thorough cleanup of the Presidio. Securing the leases necessary to generate revenues is essential to the success of the trust, and can only be accomplished if the cleanup is timely and thorough.

I would like to yield to the gentleman from Colorado for his final remarks.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding further.

Mr. Speaker, the gentleman has raised very important concerns, ones which have also been voiced by the Committee on Appropriations in two of its measures. We will work together to resolve these questions to ensure the success of the Presidio.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I think this has been an important colloquy.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. RODRIGUEZ], a member of the committee.

Mr. RODRIGUEZ. Mr. Speaker, I want to indicate that this is no compromise. It is like someone stealing your wallet and then offering only to return a few dollars. The bottom line is, this is not an appropriate agreement we can deal with.

The language in this bill prevents fair competition for Defense Department maintenance work. This means higher costs for U.S. taxpayers. I repeat, the depot language in this bill will cost the taxpayers money.

We just completed a competition for work done at Kelly Air Force Base. Warner-Robins Air Force Base in Georgia won the contract, at a savings of $190 million. The language in this bill would prevent us from seeing such savings in the future.

Without the ability to conduct a fair public-private competition, the Air Force and Defense Department will not be able to fund the modernization program needed for our military to remain superior. Whether one thinks we should be spending additional money or not for national defense, everyone should agree that we should use every dollar most effectively.

The language in this bill is to the contrary. It makes public-private competition next to impossible. Supporters of the language freely and proudly admit that it will make it too expensive and too restrictive for the private contractors to bid on depot work at San Antonio and Sacramento. The deck is stacked against free competition and against the U.S. taxpayer and military modernization.

It should come as no surprise that the most punitive restrictions fall on the competition workload at the closing depots in San Antonio and Sacramento. Private bidders must comply with arcane rules not imposed on the public bidders, so we do not have a level playing field.

The Depot Caucus believes this work should go to the depots, regardless of cost and regardless of what the Defense Department needs. They are protecting their home turf, and I respect that, but it is also bad policy, and this is not what we should be supporting. It puts our troops at a disadvantage.

The Secretary of Defense and his military commanders need the flexibility on the current law to modernize. To do so, they need to have the ability to take the best and most appropriate public or private bid.

Let us not tie the Pentagon's hands with a requirement on design, because, at the end, it is only to protect the existing bases that are there now. It will be at the expense of modernization and at the expense of readiness. A vote against the defense authorization bill is a vote for competition and for the future of our military readiness.

Mr. Speaker, there is also evidence in the newspapers by some individuals indicating that on the contracts that are out there, "Contractors will have to include in their bids millions of dollars of costs that were previously required." I think this will make it unlikely that the contractor will even bid.

Mr. SOLOMON. Mr. Speaker, let me interrupt this debate to yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS] chairman of the Permanent Select Committee on Intelligence.

CONFERENCE REPORT ON S. 858, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS submitted the following conference report and statement on the Senate bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-350)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.858), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Detail of intelligence community personnel.
Sec. 304. Extension of application of sanctions laws to intelligence activities.
Sec. 305. Sense of Congress on intelligence community contracting.
Sec. 306. Sense of Congress on receipt of classified information.
Sec. 307. Provision of information on certain violent crimes abroad to victims and victims' families.
Sec. 308. Annual reports on intelligence activities of the People's Republic of China.
Sec. 309. Standards for spelling of foreign names and places and for use of geographic coordinates.
Sec. 310. Review of studies on chemical weapons in the Persian Gulf during the Persian Gulf War.
Sec. 311. Amendments to Fair Credit Reporting Act.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Multiyear leasing authority.
Sec. 402. Subpoena authority for the Inspector General of the Central Intelligence Agency.
Sec. 403. CIA central services program.
Sec. 404. Protection of CIA facilities.
Sec. 405. Administrative location of the Office of the Director of Central Intelligence.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Authority to award academic degree of Bachelor of Science in Intelligence.
Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.

Sec. 503. Unauthorized use of name, initials, or seal of National Reconnaissance Office.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S.858 of the One Hundred Fifth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $121,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 283 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 303 of this Act), during fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

"SEC. 113. (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

"(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed one year when the heads of the parent and host agencies determine that such extension is in the public interest.

"(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

"(c) ANNUAL REPORT.—Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.".

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 120, 121, and 110 and inserting in lieu thereof the following:

"Sec. 110. National mission of National Imagery and Mapping Agency.
"Sec. 111. Collection tasking authority.
"Sec. 112. Restrictions on intelligence sharing with the United Nations.
"Sec. 113. Detail of intelligence community personnel—intelligence community assignment program.".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to an employee on detail on or after January 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "January 6, 1998" and inserting in lieu thereof "January 6, 1999".

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related *to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.*

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION.

It is the sense of Congress that Members of Congress have equal standing with officials of the Executive Branch to receive classified information so that Congress may carry out its oversight responsibilities under the Constitution.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad to the victims of such crimes, or the families of victims of such crimes if they are United States citizens; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) Responsibility.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad; and

(2) subject to subsection (c), promptly make such information available to—

(A) the victims of such crimes; or

(B) when appropriate, the family members of the victims of such crimes if such family members are United States citizens.

(c) Limitations.—The Secretary shall work with the heads of appropriate departments and agencies of the United States Government in order to ensure that information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law.

SEC. 308. ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) Report to Congress.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly and in consultation with the heads of other appropriate Federal agencies, including the National Security Agency and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to Congress a report on intelligence activities of the People's Republic of China directed against or affecting the interests of the United States.

(b) Delivery of Report.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation shall jointly transmit classified and unclassified versions of the report to the Speaker and Minority leader of the House of Representatives, the Majority and Minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) Survey of Current Standards.—

(1) Survey.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) Report.—Not later than 90 days after the date of enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1). The report shall be submitted in unclassified form, but may include a classified annex.

(b) Guidelines.—

(1) Issuance.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) Basis.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) Submittal to Congress.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) Review.—

(1) In general.—Not later than May 31, 1998, the Inspector General of the Central Intelligence Agency shall complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War.

(2) Purpose.—The purpose of the review is to identify any additional investigation or research that may be necessary—

(A) to determine fully and completely the extent of Central Intelligence Agency knowledge of the presence, use, or destruction of such weapons in that theater of operations during that war; and

(B) with respect to any other issue relating to the presence, use, or destruction of such weapons in that theater of operations during that war that the Inspector General considers appropriate.

(b) Report on Review.—

(1) Requirement.—Upon the completion of the review, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the results of the review. The report shall include such recommendations for additional investigations or research as the Inspector General considers appropriate.

(2) Form.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 311. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) Exception to Consumer Disclosure Requirement.—Section 604(b) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

"(4) Exception for national security investigations.—

"(A) In general.—In the case of an agency or department of the United States Government which seeks to obtain and use a consumer report for employment purposes, paragraph (3) shall not apply to any adverse action by such agency or department which is based in part on such consumer report, if the head of such agency or department makes a written finding that—

"(i) the consumer report is relevant to a national security investigation of such agency or department;

"(ii) the investigation is within the jurisdiction of such agency or department;

"(iii) there is reason to believe that compliance with paragraph (3) will—

"(I) endanger the life or physical safety of any person;

"(II) result in flight from prosecution;

"(III) result in the destruction of, or tampering with, evidence relevant to the investigation;

"(IV) result in the intimidation of a potential witness relevant to the investigation;

"(V) result in the compromise of classified information; or

"(VI) otherwise seriously jeopardize or unduly delay the investigation or another official proceeding.

"(B) Notification of consumer upon conclusion of investigation.—Upon the conclusion of a national security investigation described in subparagraph (A), or upon the determination that the exception under subparagraph (A) is no longer required for the reasons set forth in such subparagraph, the official exercising the authority in such subparagraph shall provide to the consumer who is the subject of the consumer report with regard to which such finding was made—

"(i) a copy of such consumer report with any classified information redacted as necessary;

"(ii) notice of any adverse action which is based, in part, on the consumer report; and

"(iii) the identification with reasonable specificity of the nature of the investigation for which the consumer report was sought.

"(C) Delegation by head of agency or department.—For purposes of subparagraphs (A) and (B), the head of any agency or department of the United States Government may delegate his or her authorities under this paragraph to an official of such agency or department who has personnel security responsibilities and is a member of the Senior Executive Service or equivalent civilian or military rank.

"(D) Report to the congress.—Not later than January 31 of each year, the head of each agency and department of the United States Government that exercised authority under this paragraph during the preceding year shall submit a report to the Congress on the number of times the department or agency exercised such authority during the year.

"(E) Definitions.—For purposes of this paragraph, the following definitions shall apply:

"(i) Classified information.—The term 'classified information' means information that is protected from unauthorized disclosure under Executive Order No. 12958 or successor orders.

"(ii) National security investigation.—The term 'national security investigation' means any official inquiry by an agency or department of the United States Government to determine the eligibility of a consumer to receive access or continued access to classified information or to determine whether classified information has been lost or compromised.".

(b) Resale of Consumer Report to a Federal Agency or Department.—Section 607(e) of the Fair Credit Reporting Act (12 U.S.C. 1681e(e)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

"(3) Resale of Consumer Report to a Federal Agency or Department.—Notwithstanding paragraph (1) or (2), a person who procures a consumer report for purposes of reselling the report (or any information in the report) shall not disclose the identity of the end-user of the report under paragraph (1) or (2) if—

"(A) the end user is an agency or department of the United States Government which procures the report from the person for purposes of determining the eligibility of the consumer concerned to receive access or continued access to classified information (as defined in section 604(b)(4)(E)(i)); and

"(B) the agency or department certifies in writing to the person reselling the report that nondisclosure is necessary to protect classified information or the safety of persons employed by or contracting with, or undergoing investigation for work or contracting with the agency or department.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 as of the date of the enactment of such Act.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) In General.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting "(a)" after "Sec. 5.";

(3) in paragraph (5), as so redesignated, by striking out "without regard" and all that follows through "; and" and inserting in lieu thereof a semicolon;

(4) by striking out the period at the end of paragraph (6), as so redesignated, and inserting in lieu thereof "; and";

(5) by inserting after paragraph (6) the following new paragraph:

"(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years."; and

(6) by inserting at the end the following new subsection:

"(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for—

"(A) the entire lease; or

"(B) the first 12 months of the lease and the Government's estimated termination liability.

"(2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—

"(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

"(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

"(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

"(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.".

(b) Effective Date.—The amendments made by subsection (a) apply to multiyear leases entered into under section 5 of the Central Intelligence Agency Act of 1949, as so amended, on or after October 1, 1997.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Authority.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.".

(b) Limitation on Authority for Protection of National Security.—Subsection (b)(3) of that section is amended by inserting ", or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena," after "or investigation".

SEC. 403. CIA CENTRAL SERVICES PROGRAM.

(a) Authority for Program.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"CENTRAL SERVICES PROGRAM

"Sec. 21. (a) In General.—The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency and to other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

"(b) Participation of Agency Elements.—(1) In order to carry out the program, the Director shall—

"(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as 'central service providers');

"(B) specify the items or services to be provided under the program by such providers; and

"(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program.

"(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

"(c) Central Services Working Capital Fund.—(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the 'Fund'). The purpose of the Fund is to provide sums for activities under the program.

"(2) There shall be deposited in the Fund the following:

"(A) Amounts appropriated to the Fund.

"(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

"(C) Fees imposed and collected under subsection (f)(1).

"(D) Amounts collected in payment for loss or damage to equipment or other property of a central service provider as a result of activities under the program.

"(E) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

"(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

"(A) To pay the costs of providing items or services under the program.

"(B) To pay the costs of carrying out activities under subsection (f)(2).

"(d) Limitation on Amount of Orders.—The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by the Director of the Office of Management and Budget.

"(e) Payment for Items and Services.—(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f). In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers' compensation), plant and equipment costs (including depreciation of plant and equipment), operation and maintenance expenses, amortized costs, and other expenses.

"(2) Payment for items or services under paragraph (1) may take the form of an advanced payment by an agency from appropriations available to such agency for the procurement of such items or services.

"(f) Fees.—(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

"(2)(A) Subject to subparagraph (B), the Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of, elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

"(B) The Director may not expend amounts in the Fund for purposes specified in subparagraph (A) in fiscal year 1998, 1999, or 2000 unless the Director—

"(i) secures the prior approval of the Director of the Office of Management and Budget; and

"(ii) submits notice of the proposed expenditure to the Permanent Select Committee on Intelligence of the House of Representatives and

the Select Committee on Intelligence of the Senate.

"(g) Audit.—(1) Not later than December 31 each year, the Inspector General of the Central Intelligence Agency shall conduct an audit of the activities under the program during the preceding fiscal year.

"(2) The Director of the Office of Management and Budget shall determine the form and content of annual audits under paragraph (1). Such audits shall include an itemized accounting of the items or services provided, the costs associated with the items or services provided, the payments and any fees received for the items or services provided, and the agencies provided items or services.

"(3) Not later than 30 days after the completion of an audit under paragraph (1), the Inspector General shall submit a copy of the audit to the following:

"(A) The Director of the Office of Management and Budget.

"(B) The Director of Central Intelligence.

"(C) The Permanent Select Committee on Intelligence of the House of Representatives.

"(D) The Select Committee on Intelligence of the Senate.

"(h) Termination.—(1) The authority of the Director to carry out the program under this section shall terminate on March 31, 2000.

"(2) Subject to paragraph (3), the Director of Central Intelligence and the Director of the Office of Management and Budget, acting jointly—

"(A) may terminate the program under this section and the Fund at any time; and

"(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

"(3) The Director of Central Intelligence and the Director of the Office of Management and Budget may not undertake any action under paragraph (2) until 60 days after the date on which the Directors jointly submit notice of such action to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) Availability of Funds.—Of the amount appropriated pursuant to the authorization of appropriations in section 101, $2,000,000 shall be available for deposit in the Central Services Working Capital Fund established by section 21(c) of the Central Intelligence Agency Act of 1949, as added by subsection (a).

SEC. 404. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out "powers only within Agency installations," and all that follows through the end and inserting in lieu thereof the following: "powers—

"(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

"(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet;

"(C) within any other Agency installation and protected property; and

"(D) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) and extending outward 500 feet."; and

(3) by adding at the end the following new paragraphs:

"(2) The performance of functions and exercise of powers under subparagraph (B) or (D) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

"(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

"(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).

"(5) Not later than December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Central Intelligence Agency.".

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) Authority for New Bachelor's Degree.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§2161. Joint Military Intelligence College: academic degrees

"Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

"(1) The degree of Master of Science of Strategic Intelligence (MSSI).

"(2) The degree of Bachelor of Science in Intelligence (BSI).".

(b) Clerical Amendment.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: academic degrees.".

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out "for fiscal years 1996 and 1997" and inserting in lieu thereof "for fiscal years 1998 and 1999".

SEC. 503. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) Extension, Reorganization, and Consolidation of Authorities.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

"(a) Prohibition.—Except with the written permission of both the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary and the Director, any of the following (or any colorable imitation thereof):

"(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

"(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

"(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

"(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.".

(b) Transfer of Enforcement Authority.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting "Authority To Enjoin Violations.—" after "(b)".

(c) Repeal of Reorganized Provisions.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) Clerical Amendments.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

"424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

"425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.".

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

And the House agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

Porter Goss,
Bill Young,
Jerry Lewis,
Bud Shuster,
Bill McCollum,
Michael N. Castle,
Sherwood Boehlert,
Charles F. Bass,
Jim Gibbons,
Norm Dicks,
Julian C. Dixon,
David E. Skaggs,
Nancy Pelosi,
Jane Harman,
Ike Skelton,
Sanford D. Bishop,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,
Managers on the Part of the House.

From the Select Committee on Intelligence:
RICHARD SHELBY,
JOHN H. CHAFEE,
DICK LUGAR,
MIKE DEWINE,
JON KYL,
JAMES INHOFE,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
DANIEL COATS,
BOB KERREY,
JOHN GLENN,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK LAUTENBERG,
CARL LEVIN,

From the Committee on Armed Services:
STROM THURMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and the intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the Senate and the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION FOR APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1998. Section 101 is identical to section 101 of the Senate bill and section 101 of the House amendment.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 1998 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The details of the Schedule are explained in the classified annex to this report. Section 102 is identical to section 102 of the Senate bill and section 102 of the House amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 1998 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only when doing so is necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the two intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit the wholesale raising of personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the Senate bill and section 103 of the House amendment.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account of the Director of Central Intelligence and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 1998.

Subsection (a) authorizes appropriations of $121,580,000 for fiscal year 1998 for the activities of the Community Management Account (CMA) of the Director of Central Intelligence. This amount includes funds identified for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program, which shall remain available until September 30, 1999.

Subsection (b) authorizes 283 full-time personnel for the Community Management Staff for fiscal year 1998 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the Community Management Account as specified in the classified Schedule of Authorizations.

Subsection (d) requires, except as provided in Section 303 of this Act, or for temporary situations of less than one year, that personnel from another element of the United States Government be detailed to an element of the Community Management Account on a reimbursable basis.

Subsection (e) authorizes $27,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). This subsection is identical to subsection (e) in the House amendment. The Senate bill had no similar provision. The Senate recedes. The managers agree that continued funding of the NDIC from the NFIP deserves considerable study, and many remain concerned that the balance between law enforcement and national security equities in the NDIC's operations is skewed in favor of the law enforcement community. This is due, in part, to placement of the NDIC within the Department of Justice.

The managers urge the President to carefully examine this problem and report to the Committees before April 1, 1998. This examination should be undertaken and reported as a part of the National Counter-Narcotics Architecture Review currently being prepared by the Office of National Drug Control Policy. The report should describe current and proposed efforts to structure the NDIC to effectively coordinate and consolidate strategic drug intelligence from national security and law enforcement agencies. It should also describe what steps have been taken to ensure that the relevant national security and law enforcement agencies are providing the NDIC with access to data needed to accomplish this task. The managers agree that upon receipt of this report the intelligence committees will reconsider whether it is appropriate to continue funding the NDIC as a part of the National Foreign Intelligence Program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to section 201 of the House amendment and section 201 of the Senate bill.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to section 301 of the House amendment and section 301 of the Senate bill.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to section 302 of the House amendment and section 302 of the Senate bill.

SEC 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL

The managers strongly support the inauguration of the Intelligence Community Assignment Program (ICAP). This type of initiative is critical if the Intelligence Community is to prepare itself for future challenges that will require an ever increasing level of coordination and cooperation between the various elements of the community. Section 303 is similar to section 304 of the House amendment and section 303 of the Senate bill. The managers agreed to a provision that is nearly identical to that found in the House amendment. Section 303 of the conference report does not, however, terminate this authority on September 30, 2002.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

Section 304 of the conference report extends until January 6, 1999 the authority granted by section 303 of the Intelligence Authorization Act of Fiscal Year 1996 for the President to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action when the President determines and reports to Congress that to proceed without delay would seriously risk the compromise of an intelligence source or method, or an ongoing criminal investigation. Section 304 is similar to section 305 of the House amendment and section 304 of the Senate bill. The Senate bill extended the deferral authority until January 6, 2001, whereas the House amendment extended the authority until January 6, 1999. The managers agreed to adopt the House amendment with minor technical changes.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING

Section 305 expresses the sense of the Congress that the Director of Central Intelligence should continue to direct elements of the Intelligence Community to award contracts in a manner that would maximize the procurement of products produced in the United States, when such action is compatible with the national security interests of the United States, consistent with operational and security concerns, and fiscally sound. A provision similar to section 305 has been included in previous intelligence authorization acts. Section 305 is similar in intent to sections 306 through 308 of the House amendment. The Senate bill had no similar provision.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION

Section 306 expresses the sense of the Congress that Members of Congress have equal standing with officials of the executive branch to receive classified information so that Congress may carry out its oversight responsibilities. The Senate bill contained a provision that directed the President to inform all employees of the executive branch, and employees of contractors carrying out duties under classified contracts, that the disclosure of classified information reasonably believed by the person to be evidence of a violation of law, regulation, or rule; false statement to Congress; gross mismanagement, waste of funds, abuse of authority; or a substantial and specific danger to public safety, is not contrary to law, executive order, regulation, or is otherwise not contrary to public policy. The Senate provision would have allowed disclosure of such information to any Member or staff member of a committee of Congress having oversight responsibility for the department, agency, or element of the Federal Government to which such information relates. The Senate bill would also have allowed disclosure of such classified information to the employee's own Representative. The House amendment had no similar provision.

The managers decided not to include section 306 of the Senate bill in the conference report. Such action should not, however, be interpreted as agreement with the Administration's position on whether it is constitutional for Congress to legislate on this subject matter. The managers' action also should not be further interpreted as agreement with the opinion of the Justice Department's Office of Legal Counsel, which explicitly stated that only the President may determine when executive branch employees may disclose classified information to Members of Congress. The managers assert that members of congressional committees have a need to know information, classified or otherwise, that directly relates to their responsibility to conduct vigorous and thorough oversight of the activities of the executive departments and agencies within their committees' jurisdiction.

While the managers recognize the Chief Executive's inherent constitutional authority to protect sensitive national security information, they do not agree that this authority may be asserted against Congress to withhold evidence of wrongdoing and thereby impede Congress in exercising its legislative oversight authority. Therefore, the managers committed to hold hearings on this issue and develop appropriate legislative solutions.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES

Section 307 directs the Secretary of State to ensure that the United States Government takes all appropriate actions to identify promptly all unclassified and classified information in the possession of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of a U.S. citizen abroad. The provision further requires the Secretary of State to ensure that all information is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available to the victim or victim's family if they are United States citizens, unless such a disclosure is specifically prohibited by law.

Section 307 is similar to section 307 of the Senate bill. The House amendment had no similar provision. The managers agreed to a provision that limits the release of information to U.S. citizens. The managers also exempted from disclosure information that may jeopardize an on-going criminal investigation or proceeding. Additionally, the managers acknowledged that there are certain statutes that specifically prohibit disclosure of certain types or categories of information and, therefore, added language that defers to those statutory prohibitions.

The managers recognized that the term "information" is very broad and may be interpreted to include all forms of information in the possession of the United States Government. The managers also recognized that the various agencies and departments of the United States Government may have in their possession non-official information that is readily available to the public via other means, e.g. press clippings. Therefore, the managers intend the term "information" to be construed to mean information that is not available to the victims or families unless provided to them by the United States Government.

SEC. 308. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA

Section 308 directs the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, in consultation with the heads of other appropriate Federal agencies, to prepare and transmit to Congress a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States. Section 308 is similar to section 309 of the House amendment. The Senate bill had no similar provision.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES

Section 309 directs the Director of Central Intelligence to carry out a survey of current standards for the spelling of foreign names and places, and the geographic coordinates for such places. This provision further directs the Director of Central Intelligence to submit the results of the survey to the congressional intelligence committees and issue guidelines to ensure uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places.

Section 309 is nearly identical to section 308 of the Senate bill. The House amendment had no similar provision.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR

Section 310 directs the Inspector General (IG) of the Central Intelligence Agency to complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War. This review is required to be completed not later than May 31, 1998. Section 310 is similar to section 310 of the House amendment. The Senate bill had no similar provision.

The managers were aware of at lest ten investigations or studies that were in various states of completion. The managers noted that the CIA IG is already in the final stages of two major projects related to chemical weapons and the Persian Gulf War. At the request of former Director of Central Intelligence Deutch, the IG is assessing allegations made by two former Agency employees regarding the CIA's handling of information concerning the possible exposure of United States personnel to chemical weapons. Additionally, in support of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, the CIA IG is conducting a special assessment of the Agency's handling of information related to the Iraqi ammunition storage depot at Khamisiyah. Both of these studies are expected to be completed in October 1997. The remaining studies that relate to the possible exposure of United States forces to chemical weapons during the Persian Gulf War include the following:

1. The CIA's Persian Gulf War Illness Task Force published an unclassified report on Khamisiyah; "An Historical Perspective on Related Intelligence," in April 1997. The Agency's Directorate of Intelligence published an unclassified "Report on Intelligence Related to Gulf War Illnesses," in August 1996.

2. The Assistant to the Secretary of Defense for Intelligence Oversight is preparing a report on what information was available to the Department of Defense concerning Iraqi chemical weapons before and during the Gulf War, and what the Department did with that information.

3. The Inspector General to the Department of Defense has been tasked to investigate the disappearance of military logs related to chemical weapons alerts during the war.

4. The Inspector General of the Army is conducting a series of investigations relating to the possible exposure of U.S. troops to chemical weapons.

5. The augmented Persian Gulf Investigation Team, under the direction of the Office of the Special Assistant to the Secretary of Defense for Gulf War Illnesses, is continuing a broad inquiry into the Gulf War illness issue, including the role of chemical exposures.

6. The Presidential Advisory Committee on Gulf War Veterans' Illnesses is completing its work on answering questions from the President related to the Khamisiyah ammunition storage depot.

7. The Senate Veterans' Affairs Committee has hired a special investigator to look into Gulf War issues, and the House Veterans' Affairs Committee remains active on the issue.

8. The General Accounting Office published a report entitled "Gulf War Illnesses: Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis are Needed," in June 1997. The GAO is also preparing answers to questions posed by the House Veterans' Affairs Committee concerning DoD logs and possible chemical weapons exposure incidents.

Therefore, instead of requiring the IG to undertake another investigation that would essentially mirror ongoing efforts, the managers agreed to direct the IG to conduct a review that will identify whether any additional investigation or research is necessary to determine the extent of the Central Intelligence Agency's knowledge of the presence, use, or destruction of chemical weapons and any other issue relating to the presence, use, or destruction of such weapons. The results of this review will allow the congressional intelligence committees to direct the appropriate authorities to conduct additional specific investigations without duplicating past efforts. The managers are very concerned about the handling of information relating to the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations; they remain committed to ensuring a thorough understanding of these matters.

SEC. 311 EXCEPTIONS TO CERTAIN FAIR CREDIT REPORTING REQUIREMENTS RELATING TO NATIONAL SECURITY INVESTIGATIONS

Section 311 amends the Fair Credit Reporting Act (FCRA) to allow for a limited exception to particular consumer disclosure requirements and exempts a reseller of a consumer report, under certain conditions, from disclosing the identity of an end-user of a consumer report as required by P.L. 104–208, Division A, Title II, Subtitle D, Chapter 1, §2403(b) and §2407(c), respectively. These provisions became effective on September 30, 1997. There was no similar provision to section 311 in the Senate bill or the House amendment. The managers received a letter from the Chairman of the House Committee on Banking and Financial Services supporting this provision. The content of the letter is as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES
Washington, DC, September 16, 1997.

Hon. PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to the proposed Fair Credit Reporting Act (FCRA) amendments to the Intelligence Authorization Act for Fiscal Year 1998. I appreciate your staff apprising the Banking Committee of these proposed provisions.

Amendments to the FCRA that were enacted in the 104th Congress and effective September 30, 1997, will require employers to give advance notice to employees prior to taking an adverse action based on an employee's consumer report. In addition, the laws requires sellers of consumer reports to disclose to consumers the end users of the reports. It is my understanding that the Central Intelligence Agency (CIA) and other intelligence representatives are concerned that these provisions could adversely impact the ability of U.S. government agencies involved in national security matters to conduct investigations of employees suspected of posing a security risk or counterintelligence risk. As a result, the intelligence community has proposed two changes to the FCRA which it would like included in the legislation during conference consideration of the bill. Enclosed is legislative language implementing these changes which has been vetted with the intelligence community and which I can support.

The first proposed change to the FCRA would provide a waiver for agencies engaged in national security matters from the requirement that an employee be notified prior to his/her employer taking an adverse action based on the employee's consumer report. The waiver would apply when a senior department head makes a written finding that credit information regarding an employee is relevant to a legitimate national security investigation and that advance notice would jeopardize the investigation and endanger personnel and classified information. The second proposed change to the FCRA would provide that resellers of consumer reports are not required to disclose the identity of the end user if the end user is a U.S. government agency which has requested the consumer report as part of a top secret security clearance process.

The FCRA falls under the jurisdiction of the Committee on Banking and Financial Services. In the interest of time, and based on Banking Committee staff discussions with Intelligence Committee staff and officials representing the intelligence community, the Banking Committee will not exercise its jurisdiction at this time over the proposed FCRA amendments. The Banking Committee does maintain, however, its jurisdiction over the FCRA and reserves the right to referral of all provisions related to the FCRA in the future.

Again, I appreciate your staff and officials from the intelligence community bringing these proposed FCRA changes to the attention of the Banking Committee. I believe that the attached changes to the FCRA, are reasonable and should be included in the Intelligence Authorization Act.

Sincerely,

JAMES A. LEACH,
Chairman.

CIA employees and most CIA contractors with staff-like access are required to have a Top Secret (TS) clearance with Sensitive Compartmented Information (SCI) access. National Security Directive 63 (NSD 63), requires all executive branch agencies to verify the financial status and credit habits of individuals considered for access to TS and SCI material. Consequently, the agencies obtain a consumer report for all applicants, employees, and contractors. Such applicants, employees, and contractors sign a written consent to release this information as a part of their application process or routine reinvestigation. This consent is attached to the Standard Form (SF) 86 (Questionnaire for National Security Positions).

In addition to the SF 86, Title 50, United States Code, section 435(a)(3) requires all individuals with access to classified information to consent to the release of financial background information during the period of such access. A section 435 release authorizes investigative agencies to obtain a wide variety of financial information. The release may only be used, however, when an individual is suspected of disclosing classified information to a foreign power, has excessive indebtedness or unexplained wealth, or, by virtue of his access to compromised classified information, is suspected of disclosing such information to a foreign power. Additionally, under Title 50, United States Code, section 436(b), the fact that a section 435 release has been executed by an investigative agency to obtain a consumer report may not be legally disclosed to the consumer or anyone other than representatives of the requesting agency. Therefore, the FCRA, as amended, would not require notification of the consumer when the consumer report is obtained under section 435.

The managers understand, however, that an agency or department may need to examine an employee's consumer report to make an early assessment of the employee's consumer spending habits. The need for early access to a consumer report arises in cases where there are indications that an employee presents security or counterintelligence concerns, but the threshold to execute a section 435 release has not been met. Under current law, a consumer report may be obtained in such cases without notifying the employee.

As of September 30, 1997, however, the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.), as amended by the "Consumer Credit Reporting Reform Act of 1996," among other things, requires employers to notify individuals before an "adverse action" is taken based in whole or in part on a consumer report and provide the consumer with a copy of the report. "Adverse action" is defined very broadly by the FCRA, as amended. This presents a problem to agencies or departments conducting legitimate national security investigations because they may take "adverse action" based on information in a consumer report obtained outside of a section 435 release and will have to notify an employee in the earliest stages of an investigation that they have taken such action. Once alerted, the subject of the investigation who is in actual contact with a foreign intelligence service may cease, or more carefully conceal, contacts with foreign agents making it more difficult to detect actual espionage activity.

Section 311(a) provides a limited exception to the consumer notification requirement for legitimate national security investigations when certain factors are present. The managers are aware, however, of the abuses that prompted the enactment of the "Consumer Credit Reporting Reform Act of 1996" and are sensitive to the need for the consumer protections contained therein. Therefore, section 311(a) requires the head of the department or agency to make a written finding, to be maintained in the employee's personnel security file, as to such factors before an exception may be made. Further, an exception may be made only when adverse action is based in part on information obtained from a consumer report. An exception is not available for adverse action which is based in whole on such information. Also, upon the conclusion of an investigation or when the factors are no longer present, the head of the department or agency is required to provide a copy of the credit report and notice of any adverse action which is based in part on such report. The head of the department or agency will also have to identify the nature of the investigation to the consumer concerned. Additionally, the managers note that protections such as notice and opportunity to respond and correct information are already provided by the CIA to individuals for whom a security clearance has been denied or revoked. The managers also understand that all information obtained from a consumer report will be shared with an appellant contesting an adverse security decision. The CIA also provides the identity of the reporting agency so that an appellant may challenge the accuracy of the report directly with the reporting agency. The managers support these policies and urge their continuation.

The FCRA, as amended, will also require a reseller of a consumer report to disclose to the consumer reporting agency that originally furnishes the report the identity of the end-user of the report. Hence, the CIA will have to be identified as the end-user in the records of the source consumer reporting agency. Therefore, this new requirement will create significant security and safety concerns for CIA applicants, employees, and activities involving classified contracts because the data bases of consumer reporting agencies are not secure and are vulnerable to foreign intelligence services.

Section 311(b) provides an exemption to the end-user identification requirements of the FCRA, as amended. A department or agency that seeks an exemption under this provision must certify to the reseller that nondisclosure is necessary to protect classified information or the life or physical safety of an applicant, employee, or contractor with the agency or department.

The amendments is subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996. The managers believe section 311 strikes a reasonable balance between the needs of the consumer and the need to protect national security information.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY

Section 401 amends section 5 of the Central intelligence Agency Act of 1949 to provide clear statutory authority for the CIA to enter into multi-year leases of terms not to exceed 15 years. Section 401 is similar to section 401 of the Senate bill and nearly identical to section 401 of the House amendment.

The managers adopted this provision specifically without any reference to section 8 of the CIA Act of 1949. It is the CIA's position that section 8 authorizes the CIA to enter into covert multi-year leases. The managers agreed that if the reference to section 8 remained in section 401 of the conference report it would be tantamount to a statutory endorsement of the CIA's interpretation. The managers left that question open and agreed that the issue requires further analysis. Therefore, section 401 is not intended to modify or supersede any multi-year leasing authority granted to the Director of Central Intelligence under section 8, as presently construed. The managers also concurred with the reporting requirement contained in the Senate report for covert leases and request that the report be provided to both committees.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

Section 402 amends section 17(e) of the CIA Act of 1949 to provide the CIA Inspector General (IG) with authority to subpoena records and other documentary information necessary in the performance of functions assigned to the IG. Section 402 is identical to section 402 in the Senate bill. The House amendment had no similar provision.

The Inspectors General throughout the Federal Government are responsible for identifying corruption, waste, and fraud in their respective agencies or departments. All other statutory Inspectors General have subpoena authority to compel the production of records and documents during the course of their investigations. The CIA IG's enabling statute did not provide subpoena authority. The managers agreed that the CIA IG needed the same authority as other executive branch Inspectors General to adequately fulfill the CIA IG's statutory obligations.

SEC. 403. CENTRAL SERVICES PROGRAM

Section 403 establishes a "Central Services Program" and its necessary working capital fund at the CIA. Section 403 is similar to section 402 of the House amendment. The Senate bill had no similar provision. The managers welcome this initiative to make the administrative support services provided by the CIA more efficient and competitive.

SEC. 404. PROTECTION OF CIA FACILITIES

Section 404 authorizes the CIA security protective officers to exercise their law enforcement functions 500 feet beyond the confines of CIA facilities and also onto the Federal Highway Administration (FHWA) property immediately adjacent to the CIA Headquarters compound, subject to certain limitations. Section 404 is similar to section 403 of the House amendment. The Senate bill had no similar provision.

The managers recognized the growing threat of terrorist attacks and the particular attraction of CIA facilities as potential targets of such attacks. The managers were also sensitive, however, to the public's reaction to an unlimited grant of jurisdiction, considering that the 500 foot zone extends onto residential property in some areas. Therefore, the exercise of this new authority is expressly limited to only those circumstances where the CIA security protective officers can identify specific and articulable facts giving them reason to believe that the exercise of this authority is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to CIA installations, property, or employees. This provision also expressly states that the rules and regulations prescribed by the Director of Central Intelligence for agency property and installations do not extend into the 500 foot area established by this provision. Thus, there will be no restrictions, for example, on the taking of photographs within the 500 foot zone.

The managers do not envision a general grant of police authority in the 500 foot zone, but do envision the CIA security protective officers functioning as federal police, for limited purposes, within the 500 foot zone with all attendant authorities, capabilities, immunities, and liabilities. The managers expect the Director of Central Intelligence to coordinate and establish Memoranda of Understanding with all federal, state, or local law enforcement agencies with which the CIA will exercise concurrent jurisdiction in the 500 foot zones. The Director of Central Intelligence shall submit such Memoranda of Understanding to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. The Director of Central Intelligence is also expected to develop a training plan to familiarize the Agency's security protective officers with their new authorities and responsibilities. The Director of Central Intelligence shall submit such plan to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 30 days after the enactment of this provision.

Section 404 also includes a reporting requirement so that the intelligence committees may closely scrutinize the exercise of this new authority.

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Section 405 is identical to section 303 of the House amendment and section 305 of the senate bill.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE

Section 501 is identical to section 501 of the House amendment and similar to section 501 of the Senate bill.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS

Section 502 is identical to section 502 of the Senate bill and section 503 of the House amendment.

SEC. 503. UNAUTHORIZED USE OF THE NAME, INITIALS, OR SEAL OF THE NATIONAL RECONNAISSANCE OFFICE

Section 503 prohibits the unauthorized use of the name, initials, or seal of the National Reconnaissance Office and consolidates all preexisting unauthorized use prohibitions for the Intelligence Community under one in section in subchapter I of chapter 21 of title 10, United States Code. Section 503 is similar to section 503 of the Senate bill and section 502 of the House amendment. The managers agreed to require the permission of both the Secretary of Defense and the Director of Central Intelligence before any person may use the name, initial, or seal of the National Reconnaissance Office, Defense Intelligence Agency, the National Imagery and Mapping Agency, or the Defense Mapping Agency in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Sense of the Senate

Section 309 of the Senate bill expressed a sense of the Senate that any tax legislation enacted by Congress this year should meet a standard of fairness in its distributional impact on upper, middle, and lower income taxpayers. The House amendment has no similar provision. The Senate recedes.

Title VI—Miscellaneous Community Program Adjustments

Title VI of the House amendment contained eight sections. Sections 601 through 604, and 606 through 608 addressed various defense tactical intelligence and related activities. The managers are aware that the conference committee negotiating the National Defense Authorization Act for Fiscal Year 1998 is considering these same issues, and note that several of these provisions will likely be included in that conference report. Without waiving jurisdiction, the managers agreed not to include these provisions in the conference report.

Section 605 established new requirements relating to the Congressional Budget Justification Books (CBJBs). The managers understand that the Community Management Staff is currently revising the structure of the CBJBs and the material contained therein in an effort to make these documents more informative and responsive to congressional needs. The managers urge the Community Management Staff to continue to work with those committees that use the CBJBs to address the concerns raised by those committees regarding the content and structure of the CBJBs. In light of this on-going review, the managers agreed to defer legislative action pending the outcome of those discussions.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,
BILL YOUNG,
JERRY LEWIS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
CHARLES F. BASS,
JIM GIBBONS,
NORM DICKS,
JULIAN C. DIXON,
DAVID E. SKAGGS,
NANCY PELOSI,
JANE HARMAN,
IKE SKELTON,

SANFORD D. BISHOP,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,
Managers on the Part of the House.

From the Select Committee on Intelligence:

RICHARD SHELBY,
JOHN H. CHAFEE,
DICK LUGAR,
MIKE DEWINE,
JON KYL,
JAMES INHOFE,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
DANIEL COATS,
BOB KERREY,
JOHN GLENN,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK LAUTENBERG,
CARL LEVIN,

From the Committee on Armed Services:

STROM THURMAN,
Managers on the Part of the Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO], the chairman of the Democratic Caucus.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong opposition to the Defense Department authorization bill and the accompanying conference report. I implore my colleagues to join me in voting against that report.

Mr. Speaker, there are several reasons that this conference report is bad for the Nation. First and foremost, this bill severely restricts the public-private competitions that are to take place at McClellan Air Force Base in Sacramento and Kelly Air Force Base in San Antonio as mandated by the 1995 BRACC law.

□ 1845

McClellan and Kelly Air Force Base are closing and will be closed. But as McClellan closes, 15,000 jobs and the infrastructure that supports them will disappear from Sacramento's economy. This, by the way, is the third base closure we have had in four BRACC rounds.

I am here to implore Members to support the BRAC Commission, however, and its recommendation, and give DOD the flexibility to use competitions as a means to achieve lower costs and greater efficiencies. It has been shown that competitions save money for the American taxpayer.

Without, for example, the recent competition for the C–5 work load done at Kelly in the past, Warner-Robbins Air Logistic Center in Georgia would have used over $100 million in new military construction to build new buildings to handle the work load.

Instead, the contract was awarded on the basis of a public-private competition and Warner-Robbins won by coming up with a creative solution so their bid would be competitive. That public-private competition for the C–5 work load saved taxpayers hundreds of millions of dollars.

With the Federal budget being severely constrained for the next several years, it is critical we spend every defense dollar prudently. I am not asking DOD to just give the Sacramento work load to a private contractor. I am merely asking that the private contractors be given the opportunity to bid for the work on a level playing field, just as they did in the instance of that C–5 work.

The depot maintenance language currently in the DOD authorization report does not provide that level playing field. Instead, the language was crafted to give the public depots an overwhelming advantage. Sure, it lets the competitions go forward, but it puts so many restrictions on the competitions that it will be impossible for the private contractors to win.

In fact, recently the Sacramento Bee quoted an industry representative who said, in response to the language in this report we are voting on tonight, "I can't conceive of a company that would bid for McClellan and Kelly under these circumstances."

Not only is this so-called compromise language not a compromise, it was also negotiated in secret without the knowledge or input of several members of the authorization committee, including my good friend and colleague, the gentleman from Texas, Mr. CIRO RODRIGUEZ who just spoke. This was done in the dark of night by people who had an agenda. That was to make this floor think that it had compromised, when in fact they had wired the competition for an outcome.

The President has said over and over again that he would veto a defense authorization bill that would restrict the competitions at McClellan and Kelly. He has sent his advisers to talk to members of the committees about his commitment to vetoing this bill. In fact, I received a letter from Secretary Cohen just a month ago that reiterated that veto threat. It is obvious that the current language would severely restrict the competitions, and on that basis alone I believe the President will veto this bill. In fact, there is a letter this evening from the Director of the Office of Management and Budget which says the following: "We need to ensure more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge, not to preserve excess infrastructure. The impact on the Department's costs and our Nation's military capacity would be profound if this report were adopted."

He says parenthetically, "The President's senior advisers would recommend that he veto the bill." There is no question, that will be the result if we continue down this path that we are on tonight. But in addition, the conference report includes new restrictions on supercomputer exports that will have a profound impact on the Nation's high-technology economy. Computer technology advances at such a rapid rate that the computers on many desks were once considered supercomputers. The U.S. computer industry leads the world in production and sales of high-powered computers, and that leading role will be harmed by the language in this report.

Please join me in opposing the defense authorization conference report, because it is bad for our national defense and bad for American taxpayers.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Farmington, Utah [Mr. HANSEN], who without question is one of the most respected Members of this House.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, let me point out in regard to what has happened that we all know how BRACC went about it, the anguish we all felt as BRACC closed many bases, how tough it was, but we all went along with it. We knew the President had a few days in which he could look at it. He had two choices, yes or no. He could not change it.

No disrespect to our President, but he came up with a statement in this one, and said, I will get around this, and in effect tried to do that by privatization inplace.

Now, we have heard many things flying around here. Let me point out, we have only compromised this thing time after time after time. Seven times it has been voted on over here; seven times we won. It has been voted on in the Senate and it won there. Now the conference report is before us.

One of these charges is, the President will veto this. I think the Members should ask the gentleman from South Carolina, Chairman SPENCE if a veto message has been issued. I know of no veto message that has been issued; also, that the Pentagon was not part of it. Let me tell the Members, I can give them personal knowledge that the Pentagon was part of many of these compromises, and it has been watered down, and the idea that one of the Senators did not like the 60–40 rule, it went to 50–50. I think almost all of these charges we have just heard have been answered.

The charge that this is not fair competition, the House has overwhelmingly supported restoring integrity to the BRAC process by opposing subsidized privatization inplace. The compromise bill requires full and open competition on all noncore work loads. Anyone who reads this bill will see that it is free and fair competition.

Another charge on this floor, private bidders should not have to pay for Government assets. Closed bases represent hundreds of millions of dollars of Government assets owned by the American taxpayers. If a private sector company wants to bid on Government contracts, they need to account for this cost to the taxpayers.

Another charge: Depot maintenance provisions are more restrictive and require private work to be involved inhouse. That is absolutely false. The bill changes the 60-40 to 50-50, even including a full accounting. I urge people to support this rule and support this conference report. It is fair, and if it does anything, it upholds flaw. It amazes me that any of my colleagues would argue to violate the law of the land.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland [Mr. HOYER], former Speaker of the House of Representatives in the State of Maryland, and the present chairman of the steering committee.

Mr. HOYER. President of the Senate.

Mr. Speaker, I thank the distinguished chairman in exile of the Committee on Rules for recognizing my former status in which I had some authority. I have since lost that.

Mr. Speaker, this bill, in my opinion, recognizes the enormous contributions of our military personnel. It acknowledges the sacrifice and commitment required of those who choose to follow a career in our military services. This bill seeks to encourage their continued dedication and retention in several very important ways. Military pay and quality of life is protected by a 2.8-percent pay increase and emphasizes the importance of military housing, construction, and improvements. It provides for child development centers for our troops and their families. It provides $35 million to continue impact aid, important in my area and around the country.

Furthermore, Mr. Speaker, it provides our war fighters with the best possible equipment, $293.9 million in particular for R&D for the Navy's Super Hornet. This is an investment, Mr. Speaker, which keeps this critical program on track, reaching the fleet by 2001. The Super Hornet is proving to be one of DOD's most successful accusation programs.

Also, Mr. Speaker, the committee increased funding for the joint strike fighter. This will accelerate the program to meet Navy requirements and ensure our continued air superiority and pilot survivability.

In addition, Mr. Speaker, this bill addresses our national security interests. It emphasizes our concerns for the most appropriate use of our military forces in Bosnia. Unlike the House bill as it left here, this bill does not completely tie the hands of our President and the Joint Chiefs, in my opinion, inappropriately.

As we learned so painfully during the 4-year-long conflict in Bosnia, the aggressors are bullies and worse. Mr. Speaker, if we and our NATO allies are not willing to confront the bullies in Bosnia, the aggressors, and who I call bullies. In fact, in many respects many of them are war criminals. If we and our NATO allies are not willing to confront these criminals in Bosnia and lay the groundwork for long-term peace in that region, we will encourage the transgressions that have appeared in the past to reoccur and ensure that we will act again sometime, somewhere. That, Mr. Speaker, is the lesson of history. We must not forget.

I congratulate the conferees for including in this bill compromise language which will not hamstring the President or compromise our commitment.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BUYER. Just on the point on Bosnia, Mr. Speaker, part of the purpose I brought that legislation to the House floor is that I did not make up that day, that was the President's day. We sought to extend the time for him to fulfill that commitment.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's observation. Whoever's date it was, I did not agree with it. I tell my friend, I think it is a very significant tactical error to tell your enemy, and in this case not our enemy but the aggressing parties and the parties in question, when you are going to take specific action. I think that is tactically a mistake. I did not agree with it, whether the President said it or we said it.

Mr. SOLOMON. Mr. Speaker I proudly yield such time as he may consume to the gentleman from Lincoln, Nebraska [Mr. BEREUTER], one of the most outstanding and respected Members of this body, sent to us 19 years ago next month by the people of Lincoln, Nebraska, and surrounding environs. He is still with us.

Mr. BEREUTER. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

I rise in support of the rule, but I wish to speak now tonight as an outside conferee on the House Committee on International Relations assigned to this legislation on the issue of supercomputer exports and the regulations thereof.

This Member rises to express his serious concerns about the conference committee's proposed statute changes to our current supercomputer licensing process. Unfortunately, the jurisdiction of the Committee on International Relations on this subject was almost totally ignored.

The proposed statute changes have at least two fundamental flaws. First, they do not adequately recognize or take into account how quickly computer processing speeds become outdated. They, therefore, ensure that our regulatory framework for licensing supercomputers will always be chronically outdated relative to technological change.

Second and perhaps more importantly, these proposed changes force the U.S. Government and our export control enforcement personnel to focus too many resources and personnel on monitoring the export of not so super, relatively slow computers that are no longer either controllable or, for that matter, sufficiently threatening to our national security interests.

By requiring our export enforcement personnel to complete post-shipment verification on any 2000 MTOPS level of computer export, this legislation diverts precious resources away from monitoring high technology exports that are a serious threat to our national security. Requiring such a shotgun approach to export control makes it more likely that we could easily let serious technology diversion slip through our fingers that are real threats to our national security interest.

For these two critical reasons, this Member cannot support this aspect of the conference report. However, this Member would like to note that several changes to the proposed language in the conference report could make it acceptable. For example, simply linking the post-shipment verification requirements to administration-proposed changes in the MTOPS level of control would answer this Member's major concern that we could ultimately be wasting tremendous enforcement resources on monitoring computer exports that are no longer a threat to national security.

Such a change, if coupled with more reasonable short periods for approval of administration-requested changes in MTOPS control levels, would ensure that our export control regime would keep up with advances in computer technology.

Mr. Speaker, this Member certainly believes we must be very cautious to ensure that our high-technology exports are not available to those who threaten our national security interests. But we must be careful in a time of limited resources to recognize our limitations on our ability to control all potentially dangerous items. One of the best ways we can protect our national security is to first monitor and disclose those entities in foreign countries that represent a threat to our interests.

□ 1900

Then we can demand that U.S. exporters simply not export to those entities and, if necessary, initiate criminal proceedings against U.S. exporters if they fail to comply.

Mr. Speaker, I invite my colleagues to read the rest of my remarks in the RECORD.

This Member has insisted on such an approach to officials of the Bureau for Export Administration in the Department of Commerce. In part, because of this Member's insistence and that of the Chairman GILMAN that the Administration must be more proactive on this issue, the Administration has now identified end-users of concern in these countries and has agreed to update that list on a periodic basis.

In conclusion on this subject, Mr. Speaker, this Member is convinced that the House International Relations Committee was moving in the proper direction to remedy the unlawful sale of supercomputers to bad or dangerous end-users. Building on the Senate study initiative to determine exactly what level of computer technology should be controlled, we had expressed our intentions to compel the Administration to develop a comprehensive and efficient policy that places the appropriate high priority on protecting U.S. national security. Such a policy, however, cannot—without substantial costs—attempt to reimpose a "one-size-fits-all" licensing policy on computer technology that nearly all exports recognize is simply not permanently and completely controllable. Instead, such a policy should focus on identifying bad end-users and making certain that such entities do not acquire any technology that is damaging our national security interests.

And lastly, on another subject, Mr. Speaker, this Member gratefully acknowledges and commends the support of Chairman SPENCE and the ranking member, Mr. DELLUMS, as well as the conferees for their support of this Member's language supporting the commitment to retain 100,000 U.S. military personnel in the Asia-Pacific region. This is an important symbolic message, reiterated at the initiative of Chairman SPENCE and this Member that the United States will remain militarily engaged in the Asia-Pacific region for the long term—specifically that we should not reduce our military and naval presence in the region.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON], the ranking member in waiting of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I would like to join the gentleman from Nebraska [Mr. BEREUTER], my friend, to say that this particular language on the computers not only will squander America's security resources on a product that is rapidly generally available, and is even today generally available, but it will be the attempt to control our laptop and desktop computers within a year or two. The computers that we will have on our desks by the year 2000, 2002, will be traveling at 1 or 2 MTOPS.

Beyond that, if my colleagues watch the news, what just happened? Two developments in computer technology, going to copper and having multiple levels of recognition in each cell, is going to change the speed at which new generations occur.

This is an industry where 18 months was a lifetime. If Members want us to stay out in front for our defense and economic needs, then we have to be able to market products as soon as they come up, if they do not threaten American national security.

Mr. Speaker, these products do not threaten our national security. We are soon going to have a shelf life of less than a year. If we put the process in this kind of manner, we are going to end up with computers that are outdated operating the American system. It is the same thing that was done in machine tools. My colleagues did it to machine tools. They stopped American companies from exporting them because they said it was national security. Now we buy our machine tools from Japan.

Mr. Speaker, I urge my colleagues, "Do not do to the machine computer industry what you did to the machine tool industry."

This is a very bad time to try to slow down the process of exports. The speed at which new generations and faster computers develop is going to be cut in half from 18 months to as little as 9 months. If we tie up the sale of these computers, we will only cripple America's future and thereby endanger its defense.

Mr. Speaker, I know the gentleman is well-intentioned, but the gentleman is causing mischief here that will hurt American national security.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Santa Clarita, CA [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in support of the rule for the conference report to H.R. 1119, the National Defense Authorization Act.

Although it has taken a long time to get to this point, I want to encourage my colleagues to support this conference report.

Mr. Speaker, the Department of Defense needs this bill to be enacted so that it can implement reforms and manage its vast resources as effectively as possible.

This conference report funds important modernization and research initiatives that are vital to our Nation as our military continues to downsize. While I cannot say that I totally agree with all of the provisions contained in the report, I am supporting it because it reflects the hard work of our chairman and embodies the strong commitment for the defense of our Nation, given the parameters with which we had to work with the budget agreement with the President.

Mr. Speaker, I urge my colleagues to vote "yes" on the rule and the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, approximately 4,206 Army Reserve and National Guard members were deployed to Europe as a part of our second rotation for Operation Joint Guard. These brave men and women were caught in the middle of an administrative policy change concerning the payment of the shipment of their personal property. We thought this inequity would be taken care of in the conference report. It was not, because it was determined to be out of scope of the bill.

However, it received wide bipartisan support. I plan, therefore, to introduce a freestanding bill to facilitate reimbursing the 4,206 soldiers as quickly as possible.

Mr. Speaker, I urge all of my colleagues to join me in supporting this so that the families can have equity and we can support our National Guard and Reserve troops by sponsoring this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I listened carefully to the debate so far and I listened to the gentleman from New York [Mr. SOLOMON] talk about the fact that China has an opportunity to establish a beachhead on our shores. I knew, because the Democrats had told me in advance, that they would knock my provision out of the Defense authorization bill to provide more military troops to the border.

Mr. Speaker, I want the Democrats to listen to this. For 12 years they would not hold a hearing on the burden of proof in a civil tax case. The Republicans have just added it to the IRS reform bill. For 12 years they would not hold a hearing on military troops on our border. Here is what I would like to say to my Democrat colleagues. We will probably stay the minority the way we are doing business around here.

Mr. Speaker, young students aged 12 to 17 years old, the use of heroin is, quote-unquote, "at historic levels." Experts tell us that the major point source for heroin and cocaine is coming across the Mexican border.

Our troops are guarding the borders in Bosnia and the Middle East. They were, in fact, administering rabies vaccinations to dogs in Haiti. There has been a recent earthquake in Italy, and our troops are literally building homes in Italy. And while the staff is laughing about it, we are saying we cannot bring it down by having our troops help to secure our borders.

Mr. Speaker, I am going to resubmit that bill with a couple of concerns the Republican Party has, and I am going to ask for some chairmen to sit down and look at the common sense. Our Nation is going to hell in a hand basket. Other than China, the biggest national security threat facing America is narcotics, and they are coming across the border and we have no program.

It is a joke. And, yes, I am admitting as a Democrat, the Democrats killed it.

I am going to ask the Republicans to take a look at a national security initiative that this Nation needs. Maybe the majority party will once again realize what the Nation is looking for and needs.

The military does not want it. That is true. The military wants appropriations. I think it is time that the civilian government straightens out our borders and straightens out our Nation.

Mr. Speaker, let me tell my colleagues one last thing. The Drug Enforcement Administrator said that these new sophisticated organized criminal groups in Mexico make the Colombia group look like Boy Scouts.

So, yes, my Democrat colleagues killed it this time; we will resubmit it and maybe we will get some hearings on the Republican side so the Republicans could continue to stay in the majority. Beam me up. How dumb we are as a party.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a veteran of the gulf war. The gentleman is doing an outstanding job as the chairman of our Subcommittee on Personnel for the Committee on Armed Services

Mr. BUYER. Mr. Speaker, I would ask everyone to support this rule. My concerns have been addressed not only in this bill, but I also appreciate the leadership of Chairman SOLOMON.

Mr. Speaker, many in this body know that I took on the issue of sexual misconduct in the U.S. military. This bill addresses a lot of those issues. In this bill it addresses a range of these issues that emerged during the Subcommittee on Personnel's examination of sexual misconduct in the military.

The conference report provides for a review of the ability of the military criminal investigative services to investigate crimes of sexual misconduct and mandates a series of reforms to drill sergeant selection and training.

The bill also addresses my concerns with the loss of rigor and warrior spirit that is occurring in our basic training. This bill requires an independent congressional panel to assess reforms to military basic training, including a determination of the merits of gender-integrated and gender-segregated basic training as well as the method to attain the training objectives established by each of the services.

Mr. Speaker, we also have taken on the issues of military pay, increased housing allowances in high cost areas, retained the statutory floors on end strength and many other areas.

Mr. Speaker, this is a very good bill and I encourage all Members to support it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I want to address the issue that the gentleman from Ohio [Mr. KASICH] brought up with regard to Bosnia. The reason that we are in Bosnia, there are two reasons. One is to save lives, and the second is American leadership.

Mr. Speaker, the fact that we did not get involved in Bosnia when we could, and I think we should have, trying to defer to Europe, ultimately resulted in the loss of a quarter of a million lives. We are in Bosnia to save lives. I think when we have the capability to do that, I think we have some moral responsibility to do so.

The second issue is one of American leadership. We have the capacity, the military capability, and I think the moral resolve to do the right thing throughout the world where we are needed. That is what this bill is all about. It is about sustaining America's global military leadership. That is why I support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the rule and the conference report due to the inclusion in the bill of unnecessarily restrictive export controls on computer products.

Two years ago, the administration determined in an uncontested study that computers of at least 5,000 MTOPS, that is millions of theoretical operations per second, were currently widely available worldwide and that computers up to 7,000 MTOPS would be available the next year; that is, this year.

Based on that study, the current policy allows exports of computers between 2,000 and 7,000 MTOPS without a license for civilian end-use. The U.S. Government made this policy after the Department of Defense, the State Department, and the Commerce Department concluded it would not jeopardize national security.

However, Mr. Speaker, the conference report would repeal this sensible policy and try to limit exports of technology that has already been widely available for purchase abroad for over 3 years. Since competitive products are already available from our foreign competitors, such a policy would hurt U.S. computer companies without improving our national security in any way.

This year, U.S. sales of these computers to Tier III countries will total about $500 million. By 2000, this number is expected to grow to between $1.5 billion and $3 billion in a total worldwide market of $7 billion to $12 billion. That is why I believe that the U.S. Export Administration in their fax to me on Friday indicated, quote,

> The waiting periods in the bill are an affront to normal decisionmaking processes, are unnecessary, and make no technological sense,

Furthermore, the U.S. Export Administration fax to me, said:

> The requirement to conduct postshipment checks will become an extraordinary resource burden, is unadministrable, and is unnecessary.

Mr. Speaker, supporters of this amendment will invariably bring up anecdotal stories about inappropriate computer sales. Certainly we must prevent powerful computers from ending up in the wrong hands. Current U.S. law restricts such sales. We should absolutely discuss ways to improve communications between exporters and the agencies that track dummy civilian end-users.

However, restrictions on domestic exporters will not stop anyone from getting 7,000, or even greater, MTOPS computers because they are already available across the globe. Moreover, current law includes strong penalties for companies that sell to military users or sell restricted technologies. Several companies are currently under investigation under these laws. We do not need new legislation to maintain national security.

Violations of current laws can result in a 20-year prohibition on all exports, prison terms of up to 10 years, and fines of up to $50,000 per violation.

The Spence-Dellums amendment included in the conference report will add layers of bureaucratic impediments, and I would urge my colleagues to vote against the rule.

□ 1915

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Del Mar, California [Mr. CUNNINGHAM].

Many C-SPAN viewers will remember the movie "Top Gun." The next speaker's military life was patterned after that movie. He is a fighter pilot from the Vietnam war.

Mr. CUNNINGHAM. Mr. Speaker, I feel like bottom gun tonight because I am upset with this bill.

First of all, in the light of Communist China trying to influence the White House and the DNC, the President gives $50 million to a coal-burning plant in China. Then he shuts down Idaho coal burning in the district of the gentleman from Utah [Mr. HANSEN]. Then he gives sweetheart deals to Lippo Bank with Trie, Riady, Huang and billions of dollars for Lippo Bank.

It is okay for China to take over a national security base now at Long Beach Naval Shipyard. One person shut down Kelly. One person shut down McClellan and Long Beach Naval Shipyard. That is the President of the United States in the BRACC process. Then he entered into a political deal during the political election to try and privatize those two bases.

COSCO, right after Hutchinson took over both ends of the Panama Canal, the President said, it is okay for a Communist-Chinese-run organization to take over a national security base at Long Beach. I do not mind if they are a tenant like they have been. But intel says that COSCO has currently, and in the past, been involved in espionage, in intelligence work for both the military and industry. They will ship in and ship out those issues.

COSCO, this is the same COSCO that rolled out the pier, knocked out the pier in New Orleans. This is the same COSCO shipping yard that took two boat loads of illegals off the shore of California. This is the same shipping company that shipped in chemical and biological weapons to Iran, Iraq, and Libya. This is the same COSCO that shipped in nuclear components to Libya, the same COSCO that shipped in AK–47s. This is the same group that the Chinese had said, when Taiwan was being shelled by China, do you prefer Los Angeles or do you want Taiwan?

Now, the President is going to allow them to take over a national security base in California, just south of Los Angeles? No. We cannot allow this to happen. The House gave in to the Senate position, Mr. Speaker. That is wrong. We ought to fight this. We should not let Communist Chinese take over our bases in this country. We ought to fight tooth, hook and nail to stop it. I fought, and they are going to take it over my dead body.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. Back in 1980, a man I deeply admire came to this Capital. His name was Ronald Reagan. He was accompanied by the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my great friend on national security, the gentleman from New York [Mr. SOLOMON] for yielding me this time. Let me say a couple things about this bill.

First, we are on a downswing with respect to defense spending. The force structure that we have now has gone down from 18 Army divisions that we had during Desert Storm to 10. We have gone down from 24 fighter airwings to only 13, roughly half the air power that we had. We have gone down from 546 naval vessels to 346. We are at what I would call the bottom of a dangerous downswing.

In this bill, we have tried to pull up the modernization levels a little bit and we have done that. We have not done it as much as we would like to. I think we have been too constrained by the budget. I think we are going to pay for that in later conflicts. But this bill is better than what we had before.

With respect to supercomputers, the gentleman from Connecticut [Mr. GEJDENSON] talked about this saying it was just totally off base. We have had about 80 supercomputer transactions in which the Chinese and the Russians have received American high performance supercomputers over the last couple of years. Right now we allow American companies to engage in a fiction. If they are told that the supercomputer is going to go to the Agriculture Department in China, they can ship it. If they are told it is going to go to the People's Liberation Army, the military complex, nuclear weapons complex, they cannot ship it. So the bad guys have caught on. They simply stamp "agriculture" on the invoices and our people ship it off to them.

All we did, this was a well-reasoned provision that the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE] put in this thing, almost unanimously supported by the committee. It simply says if you trust the Secretary of Defense and you want to make a supercomputer sale, show it to him. Let the Secretary of Defense look at your supercomputer sale and review it and make sure it is going to a benign use. It is not going to a nuclear weapons complex. It is not going to military use, and it is not going to accrue later to the detriment of our men and women in uniform. This is a well-thought-out provision. I would hope that Members would support this bill and nobody would vote against this bill because of the supercomputer provisions that are in it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DELLUMS], the ranking member.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from California [Mr. DELLUMS] is recognized for 3½ minutes.

Mr. DELLUMS. Mr. Speaker, I thank the gentlemen for their generosity.

Mr. Speaker, as far as this gentleman is concerned, there has been a great deal of hyperbole around the issue of high performance computer export policy. Let us state, first of all, the facts. What is the current policy?

All computers of performance above 2,000 million theoretical operations per second, known as MTOPS, that are exported to so-called Tier III countries must have a license. All transactions must have a license unless the sale is to a so-called civilian end user for civilian end use and the performance level is below 7,000 MTOPS.

Now, what is the legislative change that we propose? That the U.S. Government must review civilian end users, civilian end use exports between 2,000 and 7,000 MTOPS in Tier III countries.

The review by the Secretary of Defense, Commerce, Energy, State and the Director of the Arms Control and Disarmament Agency must be conducted within 10 days.

Mr. Speaker, 10 days is reasonable. So people who want to sell computers cannot stop for 10 days to allow the government to look at the efficacy of the transaction. Ten days. We are the government. We have some responsibility here.

I have spent 27 years of my life as an arms control person here. I will not be rolled by hyperbole that does not address the reality of what it is we are trying to do here.

Lack of any objection authorizes export. So if you look for 10 days, there is nothing there, the export goes. Objection by any of the five requires a license review. That protects us as a government for a variety of reasons.

Now, let me tell my colleagues the second significant piece. One argument is, this is an industry that moves fast and 7,000 MTOPS may be obsolete tomorrow, whatever. This bill allows the President to change the performance threshold and that change will go into effect after a 10-day period of congressional review, allowing us to do our job.

Mr. Speaker, I argued during the context of the debate that whatever level Members want to raise the MTOPS, raise them. If we want to make them 7, 10, 20,000, whatever we raised them to, we give the President the flexibility to do it, but we as a government ought to be able to control export. Otherwise why are we here. So all this hyperbole that talks about allowing the industry to go forward selling, the reason why we set policy is because our foreign policy should not be driven solely by commercial interests.

We have a fiduciary responsibility to our people in this country for a variety of different reasons. For those reasons I would argue strenuously that the provisions in this bill dealing with high performance computer export policy is reasonable and it makes sense.

For those who think that it does not, we are simply talking about commercial interests. I think that our arms control interests, that our governmental interests ought to balance out some kind of way. That is our responsibility. For those reasons, I urge my colleagues, whether they support the conference report or not, support this particular policy. It does make sense. It is reasonable.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Now you know why I have such great respect for the gentleman from California [Mr. DELLUMS].

Let me finish on a high note, just to call attention to the fact that this conference report does contain my amendment on the Bosnia troop medal. My provision was approved in the conference that awards all U.S. troops who have served in Operation Joint Endeavor and Operation Joint Guard in Bosnia with the Armed Forces Expeditionary Medal.

The significance of that medal is that it is a campaign level badge unlike the service award that was going to be awarded by the DOD. Even better, the campaign level badge makes these American troops that have served in Bosnia eligible for veterans preference and Federal employment. That is the way to follow through on rewarding those who devote themselves to service in our all-voluntary military.

I want to thank the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS], and the House negotiators for sticking with it and to the Senate for accepting this proposal. It is very important to our men and women who serve in the military in Bosnia.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 59, not voting 21, as follows:

[Roll No. 533]

YEAS—353

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—59

Ackerman
Barrett (WI)
Becerra
Bentsen
Berman
Brown (OH)
Cardin
Clay
Clyburn
Cummings
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Ensign
Eshoo
Everett
Fazio
Filner
Frank (MA)
Furse
Gordon
Hilliard
Hinchey
Jackson (IL)
Johnson (WI)
Kasich
Kind (WI)
Kucinich
LaFalce
Lantos
Lofgren
Lowey
Luther
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McKinney
Obey
Olver
Owens
Rangel
Rivers
Rodriguez
Rush
Sanders
Serrano
Tauscher
Thompson
Waters
Waxman
Wexler
Woolsey

NOT VOTING—21

Andrews
Borski
Boucher
Brown (CA)
Capps
Coble
Conyers
Cubin
Flake
Gonzalez
Houghton
Hulshof
McIntosh
Mollohan
Payne
Roukema
Schiff
Schumer
Stark
Weldon (FL)
Yates

□ 1948

Mr. RUSH changed his vote from "yea" to "nay."

Mr. ABERCROMBIE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 278, I call up the conference report on the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 23, 1997, at page 22837.)

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 1998 defense authorization bill emerged from committee earlier this year with strong bipartisan support, and I am glad to be able to say the same thing about the conference report. Despite weeks of give and take and often difficult compromise, 33 of the 36 National Security Committee conferees signed the conference report, as did all Republican and Democrat conferees from the other body.

Like the House-passed bill, the conference report takes a balanced approach to addressing a number of quality of life, readiness and modernization problems confronting our military. Although we had to compromise on a number of significant Pentagon reform provisions adopted on the House floor earlier this year due to strong administration opposition, this conference report nonetheless compels further reforms in how the Department of Defense is structured and how it conducts much of its business.

On the major issues the conferees had to address, issues such as the B-2 bomber, the funding cutoff for Bosnia, depots and more, this conference report clearly represents a compromise among many interested parties. I would simply refer anyone who doubts this back to the bipartisan conference report signature sheets. On balance, this conference report strikes a fair balance between numerous competing and conflicting interests, and it deserves the support of all Members.

Mr. Speaker, I am able to present this conference report to the House today due only to the tireless efforts of all the House and Senate conferees as well as the staff. It is the product of teamwork, which is the only way a bill of this size and complexity gets done. In particular, I want to recognize the diligence, dedication and cooperation of the subcommittee and panel chairmen and ranking members, the gentleman from California [Mr. HUNTER], the gentleman from Missouri [Mr. SKELTON], the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Virginia [Mr. PICKETT], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. SISISKY], the gentleman from Colorado [Mr. HEFLEY], the gentleman from Texas [Mr. ORTIZ], the gentleman from Indiana [Mr. BUYER], the gentleman from Mississippi [Mr. TAYLOR], the gentleman from New York [Mr. MCHUGH] and the gentleman from Massachusetts [Mr. MEEHAN]. Had it not been for their efforts, this conference report would not have been completed.

I would also like to thank the gentleman from California [Mr. DELLUMS], the committee's ranking member, for his cooperation and support. As always, his diligence and involvement made the process work better and is a central factor underlying the bipartisan support this conference report enjoys.

Finally, Mr. Speaker, I want to thank the staff of the National Security Committee. They have once again demonstrated their professionalism and have done an outstanding job putting together this legislation.

Mr. Speaker, this is an important piece of legislation that enjoys strong bipartisan support. I urge each and every one of my colleagues to support the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume. First, I would like to thank the distinguished gentleman from South Carolina [Mr. SPENCE] for engaging in a process which did indeed include the minority. It was both bipartisan and congenial. That notwithstanding, Mr. Speaker, I personally will not be supporting this conference report for the following reasons:

One, the spending levels do not coincide with the national security requirements of this country in this gentleman's opinion. Two, it ignores the near-term and mid-range geopolitical realities of the post Cold War world. And, three, it represents a missed opportunity to right-size our military forces and tailor our weapons to these realities.

Spending on wrong systems is a reality in this conference report. For example, Mr. Speaker, this conference report pushes us toward the weaponization of space by authorizing the now line-item vetoed projects for KE-ASAT programs and Clementine II, another potential ASAT program, which have the possibilities of stimulating an entire new arms race, as well as adding millions for a space-based laser program. This is all being done in advance of appropriate underlying policy formulation, interagency review and appropriate coordination with our friends and allies. These activities are destabilizing and threaten to ignite, as I said, a new arms race to weaponize as opposed to militarize space. In fact, the direction in the statement of managers language for space-based lasers may indeed violate the ABM Treaty, again in this gentleman's opinion.

I could go into numerous other examples, but with the limited time, I believe this gives Members who were not on the conference a better idea of what this gentleman finds objectionable and why I cannot support this conference report.

Finally, Mr. Speaker, I might also advise my colleagues that as of today it has been communicated to me that the President has indicated he will indeed veto this conference report for one of several different reasons.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. This is a good bill. It is not a perfect bill, but it is a good bill. From my perspective as chairman of the Subcommittee on Military Installations and Facilities, it continues the commitment of the House in addressing the serious shortfalls in basic infrastructure, military housing and other facilities that affect the readiness of the Armed Forces and the quality of life for military personnel and their families.

The conference report, if adopted, would be a forceful expression of the continuing bipartisan concern in Congress over the inadequate budget plans put forward by the administration.

□ 2000

For example, in constant dollars, the administration requested 25 percent less in funding for military construction for the coming fiscal year than it sought just 2 years before. While the bill does not buy back all of the cuts proposed by the President, it goes a long ways toward doing so.

The recommendations of the conferees would authorize an additional $800 million for military construction and military family housing, over $440 million in additional funding will go directly toward housing and quality of life programs. I urge support of this bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to encourage support for this conference report. Not long ago, there were nine men from the 305th Air Mobility Wing recently reported missing and last seen in the skies over the south Atlantic. For reasons unknown, these crew members aboard the Air Force C–141, in route from Windhoek Airfield, Namibia, to Ascension Island, never fully completed their assigned mission of providing de-mining assistance to the Namibian people.

After delivering Army personnel and mine-clearing equipment, their arrival at Ascension never materialized. Evidence indicates a mid-air collision. People from five nations spent several weeks looking for them.

I ask all of the Members to look at this bill in light of those who wear the uniform, who are committed, who are courageous, and, sadly, from time to time, lose their lives.

I ask all Members to look at this bill, because it does help those personnel and their families. It increases the personnel pay, it raises military construction levels for housing and barracks and command centers. It augments health and child care and other family oriented benefits to improve the quality of life. It adds nearly $3.6 billion for important procurement programs such as air traffic collision avoidance systems.

Mr. Speaker, we must do our very best for the young men and young women in uniform, day in and day out, wherever they are, whether it be at Fort Hood, Fort Leavenworth, Fort Leonard Wood, Whiteman Air Force Base, Norfolk, VA, or whether it be in Namibia, Bosnia, Europe or Japan, they are performing their duties, defending our interests and defending our liberty.

I urge the Members of this House to support this bill, because it does so much for the young men and young women in uniform.

Mr. SPENCE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I do so for the purpose of telling this body that I neglected to mention the fact that the gentleman from Hawaii [Mr. ABERCROMBIE], the ranking member on the maritime panel, has also done yeoman's work in putting together this conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I remain troubled by the high performance computer provisions in the conference report that penalize Israel, imposes unadministerable burdens on the administration, fails to protect business proprietary information, and requires a one-size-fits-all approach to post-shipment verifications that the authors of the legislation acknowledge cannot be fully implemented.

Mr. Speaker, this is an important issue that deserves more oversight and research by the GAO before we take legislative action with significant foreign policy implications.

The Senate approach remains a much preferable alternative to this mandatory and inflexible set of provisions which will clog the export control process with little prospect of advancing our long-range interests. As presently drafted, countries such as Israel, Russia and China cannot be removed from the Tier III list of affected countries even if they take every action we request of them in monitoring the use of these high performance computers.

Clearly, this is an unwise and self-defeating policy. In the case of Israel, let's not penalize an ally when it has done nothing wrong. In the case of Russia, it goes without saying it should immediately comply with all of our existing export control laws and regulations and return to the manufacturer any illegally obtained high performance computers. But a more permanent government solution on this issue must be set aside until we can ensure full Russian cooperation in putting an immediate end to the ongoing role of Russian companies and other entities in providing Iran with medium and long-range missile capability.

While I will not oppose this conference report, I intend to bring the Iran Missile Proliferation Sanctions Act to the House floor within the next week. As important as the supercomputer issues, we need to give first priority to ending this growing threat to our allies and American troops in the Middle East and Persian Gulf.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise today in support of the fiscal year 1998 defense authorization bill. As always, there were a host of issues before the conference, and I am proud of the way we worked through each one of these issues. Most importantly, this bill represents an overview of our defense needs in the post-cold war period, and it prepares us for this next century.

As the ranking member of the Subcommittee on Military Installations and Facilities, and a member of the Subcommittee on Military Readiness, I am delighted that the bill strongly addresses many of the quality-of-life issues that speak directly to how we provide for those who wear our Nation's uniform.

Housing for our military personnel has been falling apart for the last several years. This bill recognizes that fact and funds housing and barracks, child care centers, health care, and provides a well-deserved pay raise for our service members. The national readiness of our military has long been a prominent concern of mine, and this bill addresses some of the fundamental problems that could weaken our readiness.

One of those readiness issues with which I have been involved is the issue of depot maintenance. The depot provisions in this bill remove politics from BRAC and ensure that no bidder on maintenance work on closing bases will be given preferential treatment. This is a good agreement which represents an honest compromise of ideas, without compromising the national defense of the United States.

Mr. Speaker, remember, this conference report includes a pay raise.

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, I rise in strong support of this defense conference report. It is a responsible approach to our defense needs that lives within the budget that we all agree must be balanced.

Mr. Speaker, this bill contains critical quality of life initiatives and continues to address modernization shortfalls. It implements real defense reform and it restores the integrity of the BRAC process.

In sum, this bill provides our Soldiers, Sailors, Airmen and Marines with the technological edge to dominate on the new world battlefield. Support our troops; vote for H.R. 1119.

Mr. DELLUMS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to respond to the comment made by my distinguished colleague, the gentleman from New York [Mr. GILMAN], the Chair of the Committee on International Relations, regarding Tier III countries and whether they could get off the list.

First of all, let us establish the facts. Mr. Speaker, there are five countries on the Tier III list. They are India, Pakistan, Israel, Russia and China. As a matter of fact, Israel, Pakistan and India can get off the Tier III list by signing the Nonproliferation Treaty, so the gentleman from New York is not correct in his observation. With respect to China and Russia, these two countries are in another category and have to be dealt with in a very different way.

As I said earlier in my remarks, if one is going to oppose the high end computer part of this bill, oppose it, but do it on factual grounds, not on grounds that are illusory.

Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would just hope that by the time we come to vote on the authorization bill, that we take into account that this bill, particularly this year, is the result of the efforts of numerous people, giving their best effort to come to a conclusion, come to a resolution.

Not everybody is happy with the contents of the defense authorization bill. Very few people are happy in any given year with the bill because it covers such a wide range of items. In this particular instance, I cannot think of a time when more people devoted not just hours or days, but months, trying to come to a fair resolution.

Mr. Speaker, I have indicated before, this is not theology, this is legislation; this is not a cathedral, this is the House of Representatives. That means that we are not coming to final conclusions and ultimate resolutions here. We are trying to act in concert on the basis of 435 agendas as to what is best for the people of this country.

I ask everyone's support for the Department of Defense authorization bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I wish to take a moment to compliment the gentleman from South Carolina, Chairman SPENCE, on the expertise that he has shown and the leadership he has shown in bringing a very complex and complicated bill to the floor.

This bill deals with issues ranging from procurement of sophisticated weapons systems all the way to the quality of life issues that are so important to our men and women in our armed services. We deal with everything from the purchase of F–22s and FA–18s to a 2.8 percent pay raise for our military men and women. Without that 2.8 percent pay raise, the 11,000 members of our armed services who today are on food stamps will not get off of food stamps.

Mr. Speaker, we need this bill enacted into law. We need it passed today, and we need it signed by the President. It is a good bill for the men and women of our Armed Forces, and it is a good bill for America.

Mr. Speaker, I commend the gentleman for bringing this bill to the floor in its current form.

Mr. DELLUMS. Mr. Speaker, I yield one minute to the distinguished gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, as a member of the Committee on National Security, I would like to take a minute to pay tribute to both the chairman and the ranking member of the committee for the remarkable job that they did in bringing this conference agreement to the floor today.

By any measure, this was a marathon run by two of our most skilled negotiators on national security, and I am deeply grateful to both the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California [Mr. DELLUMS] for retaining a House-passed provision which is of particular importance to this Member of the committee.

Specifically, the conference agreement retains a House-passed provision to allow the Army's Construction, Engineering and Research Laboratory to collaborate with the Texas Regional Institute for Environmental Studies at Sam Houston State University in Huntsville, TX, on a critically important computer-based land management initiative. This project will enable the Army to address environmental problems on our military installations.

This authorization of $4 million, coupled with an identical appropriation in Public Law 105–56, will allow CERL and TRIES to carry out this important Army national resources/conservation project beginning this year.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I learned a lot in this particular conference. I want to thank the chairman for his great leadership in trying to get these things through this conference, which is often like pushing a wheelbarrow full of frogs. Your issues continue to jump out or get pulled out by the other side, and you do the best you can to keep as many of the issues that you think are important for national security in that particular wheelbarrow.

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Let me say to the fine gentleman from South Carolina, Chairman SPENCE, he did a great job of protecting our interests. We did not get a full loaf on everything, but that is what happens when you go into conference.

But we have emerged in the modernization area with more modern equipment, with more money for modernization, both in fixed-wing and rotary aircraft. Also, with respect to our shipbuilding budget, we got a few extra dollars in that shipbuilding budget. With respect to ammunition and other items that reflect on readiness, we did increase that budget to some degree. It was largely because of his efforts.

I also want to thank the gentleman from Missouri [Mr. SKELTON], my ranking member, the ranking member of the Subcommittee on Military Procurement. He and I worked together. We put a lot of hearings on. We are going to put more hearings on before this session adjourns. I want to thank him for his great work and the ranking member of the full committee, the gentleman from California [Mr. DELLUMS], who did a particularly excellent job working with the chairman and others on a very important aspect of security, which is, do not let the bad guys have high technology when it might come back to bite you.

That is manifested in the provisions on the supercomputer bill. That was one of the most important things we did was put in the supercomputer provision that says, if you are going to sell high-tech to countries that might use it against you at some point on the battlefield, run it by the Secretary of Defense before you do that, run it by the administration, let them see what you are doing, and when necessary, hold up that particular sale.

So my commendations to all of our colleagues. Everybody worked hard. We did a lot of hearings on this bill, and I would recommend passage of the bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. RODRIGUEZ].

Mr. RODRIGUEZ. Mr. Speaker, I want to take this opportunity to read a letter that was sent by the Executive Office of the President. It is signed by Franklin Raines. It talks about the existing legislation that is before us. I am going to read some aspects of it:

The bill includes provisions which intended to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions would run counter to the ongoing efforts by Congress and the administration to use competition to improve the Department of Defense's business practices and it would severely limit the Department's flexibility to increase efficiency and save the taxpayers' dollars.

It also adds that the bill could reduce opportunities to allow the industry to participate in future weapons systems. In addition, it also dictates how the Department of Defense should treat certain competitive factors, and I quote, that the bill seeks to skew its competition in favor of public depots.

One of the things that I want to read in the back, I think this is very critical, it says, If the numerous problems cited above cannot be overcome, the impact on the Department's costs and our national military capacity would be profound; the President's senior advisers would recommend that the bill be vetoed.

The opportunity that we have now before us is to be able to hopefully clear this area so we will not have a veto. Unfortunately, we do. I have received word that the bill is going to be filibustered both by Senator HUTCHISON and Senator GRAMM as well as some of the Senators from California, because of the fact that it does not allow for the opportunity to compete in an appropriate manner.

I want to go back to the letter and emphasize the fact that these are words that are also coming from the Department of Defense, which says: "We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge," and not to hinder it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise in strong support of the fiscal 1998 defense authorization conference report. Provisions contained in this bill are essential to our national defense and the quality of life of our young men and women in uniform, including a military pay raise of 2.8 percent, greatly needed by the 11,000 active duty military who are currently on food stamps; authorization of additional funds for procurement and research and development, to help assure our continued U.S. military modernization and superiority; increased continuation bonuses for military aviators, to help the services retain their pilots; restoration of integrity to the BRAC process, through fair and open competitions for noncore depot work at closed facilities; and authorization of $883 million for the construction of military family housing, when over 60 percent has been deemed substandard.

We must pass this DOD authorization bill in order to pursue these and other vital national security initiatives. I urge all of my colleagues to support it.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the extremely able ranking minority member of this committee for his leadership in this and in other ways.

I hope the House will vote this down. First, we are dealing with a budget which we adopted recently which Members know will severely constrain our ability to spend on a variety of purposes a few years from now. Passing this authorization guarantees if we follow through with it that 2 and 3 years from now we will not have the money to continue to put police on the streets with Federal help, we will not have the money to provide health care to people who need it, we will not have the money to deal with environmental situations, every domestic purpose now hurting.

Transportation, we are in a terrible dilemma right now because we cannot afford to go forward with our transportation needs. Pass this authorization and we greatly exacerbate that dilemma, because we take some of the money we have available for other purposes, and the logic of this authorization, if we mean it honestly, will be to eat into that.

In particular, the conference committee backed away from this House's clear statement that we should put a limitation on the amount of money we spend for NATO by totally dismissing the overwhelming vote of this House to put some limit on what the American taxpayer is expected to spend for the expansion of NATO. We once again guarantee that there will be an increase in funding.

Members who vote for this conference report now will be estopped later on from complaining when billions of American tax dollars beyond what we have been told earlier are asked for NATO, because this is a blank check for NATO expansion. One need not be opposed to NATO expansion to be opposed to a blank check for it.

Passing this authorization is a disregard of the fiscal discipline we said we would be adopting, and we will live to regret it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. J.C. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I want to commend the ranking member and also Chairman SPENCE for their long suffering and getting us to this point, to where we can vote on this authorization conference report.

Mr. Speaker, I would like to just highlight some things in this legislation that I think the American people need to know about. It provides a 2.8 percent military pay raise, as has been talked about. What that does, for 11,000 men and women that are on food stamps, that should be unconscionable to anybody in this House to allow that to happen.

This adds more than $300 million for construction and renovation of family and troop housing, it adds more than $600 million to key readiness accounts, badly needed; it adds $3.6 billion to modernization accounts, consistent with the unfunded priorities of the military service chiefs, and it compels further business practice reforms that are much, much needed.

On this legislation, I am encouraging a "yes" vote on the DOD authorization conference report. Again, I commend the ranking member and the chairman for getting us to this point.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I urge defeat of the conference report. It is defective for many reasons, as has been described by my colleagues. But I want to point out the error in the provision relating to exports of computers.

I think it is important to outline that no one is saying that there is not a level of sophisticated computers that should not be controlled. In fact, there should be. The problem is, from concept to concrete, we run into an error and problem in this bill. The 2000 MTOPS is not a computer that needs to be controlled. In fact, by next year the Pentium II 450 megahertz version will be, in all likelihood, 2000 MTOPS on one chip.

To change the 2000 MTOPS, because obviously a Pentium II should not be controlled, it is readily available, there is a very lengthy process in the bill that involves multiagency review, and then a 180-day period for Congress to review. I would note that this is an industry where it used to be a law, that it was 18 months. We are down to 9-month product cycles. So by the time the review provision has occurred, the market will have moved further and we will never catch up.

That is why I think that this is, although I am sure it is well-intentioned, I think it is out of kilter with the technology that we face, and therefore, seriously flawed. I believe that is why the Commerce Department, and I quote, said, "The waiting periods make no technological sense."

I believe that those who have proposed this mean and intend to do a sensible thing to protect our country. I honor those intentions and those well meanings, but I must point out that between good intentions and sensible results there has been a glitch, in this case. I believe we ought to defeat this conference report, we ought to relook at this, and make sure that we actually take those steps that will actually protect our country, rather than this flawed result.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I rise today in strong support of H.R. 1119. First, I want to commend the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California, Mr. DELLUMS, for all their hard work on this bill.

Mr. Speaker, this conference report includes a much deserved 2.8-percent raise for our servicemen and women, over $1.5 billion for family and troop housing, and finally and most importantly, Mr. Speaker, it restores the full faith and integrity to the base closure process. Therefore, Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report on the defense authorization bill for fiscal year 1998. The conference agreement strikes a reasonable balance among the needs for modernization, strategic forces, readiness, and quality-of-life programs for our military people.

As a member of the research and technology panel of the committee of conference, I was very concerned about whether we are making adequate provision to ensure that our forces have the technological edge on the battlefield of the future. I am satisfied that this conference report moves us in the right direction.

Today we are witnessing steady aging of equipment. Many weapons systems and platforms that were purchased in the 1970's and 1980's will reach the end of their useful lives over the next decade or so. Congress must make certain that tomorrow's forces are every bit as modern and capable as today's. Consistent, adequate spending on the modernization of U.S. forces is required to ensure that tomorrow's forces are equipped and ready to dominate the battlefield across the full spectrum of military operations.

The conference agreement follows the House lead to increase funding for missile defense programs. This is true both for the theater missile defense and national missile defense. The agreement also does a commendable job of straightening out the tactical aviation program that will ensure air superiority into the future.

People continue to be the most important component of our military. Quality people are the key to a successful military. Downsizing and deployments have created a high level of turbulence among our military people. They have increasing cause to be concerned about health care, about housing, about retirement, and about other benefits such as the military resale system.

This conference agreement goes a long way toward making certain that our military people and their families are taken care of. More must be done, but this is a major step in the right direction. Mr. Speaker, this conference agreement provides a reasonable and balanced program for our military. I urge its adoption.

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Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. RYUN].

Mr. RYUN. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPENCE] for his hard work and the gentleman from California [Mr. DELLUMS], the ranking member, for all of his work on H.R. 1119. I rise in support of H.R. 1119, the 1998 National Defense Authorization conference report.

Mr. Speaker, once again the President submitted a budget request that does not match our national security goals. Whether it is weapons modernization, health care for military families, military construction, or end-strength levels, the President's request falls woefully short, an inadequate effort.

Mr. Speaker, I support the House's efforts to increase the defense spending above the President's request and ensure that the United States remains the world's premier fighting force.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, when is a compromise not a compromise? Well, this conference report is a classic example of one.

The language in this report, negotiated behind closed doors, does not move an inch in the right direction toward what the Department of Defense's interests are, what is best for the American military forces, and what is best for the taxpayers' dollar. That is competition to determine the best place to overhaul and repair military workload.

This conference report moves in the wrong direction. This so-called compromise language, written without the knowledge or input of several members of the authorizing committee itself, restricts competition. Instead of creating a level playing field, it tilts it even further in favor of public depots, which may not be as cost-effective as the private sector in all cases. But rather than let competition determine the winner, this report, I think, skews the outcome in favor of one type of competitor without concern for the impact on the taxpayer.

If that is not enough, there is a new wrinkle in this report that ought to raise the eyebrows of some other Members. That is the restriction on supercomputer exports, which will have a chilling effect on our Nation's high-tech industry, threatening America's status as the world's leading exporter of technology.

Mr. Speaker, I urge my colleagues to oppose this conference report because it is "veto bait." I emphasize that. It will not become law unless it is further modified to accommodate a level playing field on competition. This is a bad deal for America's taxpayers. I think it is not a good deal for our high-tech industry, and I know in my own district it is doomsday for thousands of Americans who have worked for the Defense Department, and I think it is true also in San Antonio where we only hope to save a few jobs, if we can win the competition to do the public's business.

Mr. Speaker, I urge my colleagues to please join me in voting "no" on this report. The President will veto it. We can get a better one with our colleagues' help.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, despite some of the shortcomings that some people may see in this bill, overall it makes us stronger and it deserves to be supported.

In the key area of our own nuclear arsenal, it makes sure that our nuclear weapons are safe and reliable in the future, despite a number of shortcomings and deficiencies that are increasingly getting attention. I would commend to my colleagues' attention a CRS report which was just released last week that discusses some of these key deficiencies that this bill begins to address.

In the very important area of our cooperation with the nations of the former Soviet Union to take apart delivery systems that were once aimed at us and to prevent nuclear terrorism and smuggling, this bill is a much better bill than the bill that originally left the House.

I would also add, Mr. Speaker, in the most important asset of all, and that is our people, this bill makes some needed corrections to improve that area so that we can get and keep the very best people throughout our military and that will serve us well in the future.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker I thank the gentleman from South Carolina [Mr. SPENCE], chairman of the committee, and, of course, the gentleman from California [Mr. DELLUMS], ranking member, for a job well done.

Mr. Speaker, we have been at this conference, and this was no easy conference, something like over three months. Did we get everything we liked? No. I can tell my colleagues that on the depot issue I am not very fond of it. But we never get everything we want when we compromise.

Mr. Speaker, I was startled to hear, believe it or not, that we dropped the cap on NATO participation. I think we can correct that next year. I know I will try as best I can to do that.

But all in all, the bill is the right bill. It is not satisfying to everyone. I would really ask my colleagues to be sure to vote "aye" on the bill. The readiness of our troops, and we have spent a great deal of time on the readiness of our people with OPTEMPO and PERSTEMPO. I visited particularly Fort Campbell, Kentucky, in August and I was extremely impressed with our young soldiers and warriors there that belong to the 101st Airborne Division whose morale was extremely high getting ready to go overseas and trusting in the Congress to supply them with the materials that they want.

Mr. Speaker, I implore my colleagues to vote "aye" on this bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I rise in support of this conference report, but wish to express my limited concerns.

Mr. Speaker, this conference report reduces the Army National Guard end-strength by 5,000 soldiers. This reduction is made to reflect end-strength reductions determined by the Quadrennial Defense Review and agreed upon at an Army offsite meeting on force structure. But in this same agreement the Army was also supposed to take a cut of 5,000 soldiers in fiscal year 1998. However, I am disappointed that this bill only reduces the National Guard end-strength and does not reduce the end-strength of any other component.

Mr. Speaker, this type of policy hurts future efforts to modernize our military, penalizing all our forces at the direct expense of the Army National Guard.

With those concerns, Mr. Speaker, I urge all of my colleagues to support this conference report.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I would like to ask the gentleman from South Carolina [Mr. SPENCE] if he would engage in a colloquy.

Mr. Speaker, I would ask the gentleman if I am correct in understanding that the conference report provides $40.2 million for upgrades and modifications to the Army's M–113 armored personnel carrier? And is there any amount of funding authorized for reactive armor tiles for the M–113 vehicle?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, the gentleman is correct. Although the conference report specifically directs $35.2 million of the $40.2 million for vehicle upgrades and modifications, it does allow the Army to procure either reactive armor tiles or driver thermal viewers or both with the remaining $5 million.

Mr. TANNER. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise to engage the gentleman from South Carolina [Mr. SPENCE], my good friend, the chairman of the Committee on National Security, in a brief colloquy on employee stock ownership plans in Section 844 of the conference report.

With respect to the ESOP provision, Section 844 which reflects a Senate amendment to the original House provision, I ask for assurance that the conference outcome is consistent with existing law as set forth in Public Law 94–455, establishing that Congress wants to encourage ESOPs, not choke them to death with unreasonable rules and regulations.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I assure the gentleman that there is nothing in the conference report that alters the existing law that the intent of Congress is to encourage ESOP creation and operation, as clearly spelled out in Public Law 94-455. In fact, Section 844 would further that intent.

Mr. BALLENGER. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. DELLUMS. Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I compliment the chairman on a job well done. I rise in support of this measure. It includes a very well-deserved pay raise for those that protect us. It makes us stronger.

A very important aspect of this that sometimes does not get the attention that it deserves, but it provides for additional funds for modernization and that is very important as we prepare for the 21st century.

Mr. Speaker, again, I thank the gentleman from South Carolina for a very well done job.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have come to the end of the debate and discussion on the conference report. I would simply like to first thank the distinguished gentleman from South Carolina [Mr. SPENCE] for his efforts. As I said earlier in my remarks, he has been congenial; this has been a bipartisan effort.

Second, the fact that I cannot support this conference report, that notwithstanding, I think that it is important that this committee bring this conference report to the floor. We do not choose to end up a debating society. It is terribly important that Members of Congress know that when we pass a bill, go to conference, that eventually we will bring back a significant work product.

There are a number of factors in this bill that some Members like. There are other factors that some Members do not. That is the nature of the legislative process. But I am pleased that we are bringing back a report, a conference report to the floor of this body so that my colleagues may work their will.

Finally, I would simply say, Mr. Speaker, that for the reasons that I enunciated earlier in this bill I will not personally be supporting the report. I have my substantive reasons why that is the case. For any Member who is interested, they can peruse my remarks that were made earlier and with those summarizing remarks.

Mr. Speaker, in the interest of comity and brevity, I yield back the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a conference report. As is the case with all conference reports, we do not ever get all we want. As I said the other day, we win some, lose some, and in some cases end up in ties. No one is completely 100 percent happy with the product of this conference report or any other produced by this body.

That is the nature of a conference report. Give and take. We have to compromise to get a bill back before this body for us to vote on. The same thing is happening in the other body. They have the same problems we have.

Mr. Speaker, if I had my personal opinion to express at this time, I would say in summation that the conference report does not provide enough for the defense of our country. Most people do not realize the condition we find ourselves in today. The cold war is over and most people think that the threat of war has been removed.

But I am here to tell my colleagues that it is not a matter of "if" there will be another war, it is just "when" it is going to be and "where" it is going to be. And at this point in time, I am afraid we are not prepared sufficiently to defend against the threat this country faces.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, before I we yield all time back, I would just like to make a comment. I would like to finally thank all the members of the staff on both sides of the aisle. For many of my colleagues who are not aware, many of these young people spent numerous weekends away from their relatives, family, and friends, in order to make sure that this extraordinarily complicated bill came together.

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With great personal sacrifice and, in this gentleman's humble opinion, the financial remuneration that goes to these staff people does not offset the intrusion into their private lives, I think we are very fortunate to have a competent and capable staff who are able to work many of these issues late into the night and day in and day out for weeks and weeks. I would feel that I was derelict in my responsibilities, Mr. Speaker, if I did not express my sincere gratitude and thanks for all the staff people who helped put this bill together.

I appreciate the gentleman's generosity.

Mr. SPENCE. Mr. Speaker, I, again, would like to thank the gentleman for what he has done to make this conference report possible to bring it before the body at this time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to express support for one provision of H.R. 1119, Section 2826. Although this provision prohibits conveyance of the property at Long Beach Naval Station to the China Ocean Shipping Company [COSCO], it includes elements of a recommendation I made to this House that allows the President to waive this restriction if it is determined that the transfer would not adversely impact our national security.

Mr. Speaker, I still have reservations about the language in the Conference report, however, because I do not believe it goes far enough to protect the national security of the United States. The language I recommended to the House addressed this issue. The restrictions limit the provisions of this section to Long Beach and to the China Ocean Shipping Company [COSCO]. The language fails to address the impact of transfers of property at other bases to state owned shipping companies which may pose a risk to national security or significantly increase the counter intelligence burden on the U.S. intelligence community.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in opposition to the conference report on the FY 98 National Defense Authorization bill. This bill goes $2.6 billion over the President's request and $1.7 billion over last year's spending. During a time of fiscal restraint and balanced budgets, there is no room for this kind of unrequested expenditure in our federal ledger. If this Congress continues to treat itself to massive defense spending increases, we will starve our health, education, and elderly programs. This conference report does not reflect our budgetary constraints, nor does it reflect the realities of today's world. In this bill, we are continuing to authorize cold war weapons, such as B-2 bombers and nuclear attack subs, instead of taking this important opportunity to tailor our military capabilities to respond to the new challenges that we will face in the 21st century. Further, this legislation threatens to start an arms race in space. And to pay for this new hardware, we are cutting funds for readiness.

I am pleased that Congress has agreed to expand the Cooperative Threat Reduction program, that we can agree to help our National Guard, and that we have worked to boost funding for research on Gulf war syndrome. We must maintain the superiority of our Armed Forces and ensure that we provide for the brave individuals and families in military service. But this bill takes us only half way there—as it has been crafted, it threatens to bankrupt our entire budget. This bill shows that we have not thought about the kind of military and the kind of weaponry we will need to defend this nation and her allies in the next century. Members of Congress should take the time to sit down again to craft a bill that takes care of our personnel and better matches our future needs.

Mr. MATSUI. Mr. Speaker, I rise today in strong opposition to this bill.

The recommendations of the Defense Base Closure and Realignment [BRAC] Commission regarding McClellan and Kelly Air Force Bases are absolutely clear. When the Commission recommended the closure of these facilities, it directed DOD to either "consolidate the workloads to other DOD depots or to private sector commercial activities . . .". Unfortunately, the negotiators of this bill were unwilling to compromise with the President and DOD, insisting on the insertion of language that would prevent this mandate from going forth in an equitable manner.

Let no one in this chamber be misled. McClellan and Kelly Air Force Bases will close. As of July, 2001, they will no longer be Air Force facilities and nothing in this bill will change that in any way.

What this legislation will do, however, is burden the private sector competitors with new requirements without placing any corresponding new requirements on the public depots. This language severely undermines the depot maintenance outsourcing process, turning it into a mockery of fair play and open competition.

Without the ability to judge the public depots and private firms on a level playing field, the Air Force will be unable to determine which of its options under the 1995 BRAC law makes the most sense for our national security. Without fair competition, DOD will be unable to determine which option clearly proves to be the best value for the American taxpayer.

If the goal of privatization, as the BRAC Commission reported, is to ". . . reduce operating costs, eliminate excess infrastructure, and allow uniformed personnel to focus on skills and activities directly related to their military missions," then Congress should not interfere and prejudice this process with biased language. I urge my colleagues to vote in favor of fair and open competition and vote against this bill.

Mr. BUYER. Mr. Speaker, I rise in support of the conference report for H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998, for its recommitment to the fate of American POW's and MIA's.

H.R. 1119 includes most of the House provision which sought to strengthen the process by which our past, present and future POW–MIA's are accounted for. The National Defense Authorization Act for FY 1997 repealed several provisions of law that provided due process for the families of missing service members seeking information about their loved ones' fates, and that encouraged prompt investigations into missing personnel. The conference report restores many of the provisions stricken by the 1997 authorization bill, and makes additional changes to the law to improve the process for accounting for missing persons. These new provisions apply not only to our military, but to different civilian support personnel who may be serving alongside our armed forces far from home. In reaching an agreement in the conference report, I had very constructive negotiations with Senator JOHN MCCAIN, whose history with this issue is well known. Senator MCCAIN was a good-listener, and fair-minded in his approach, allowing us to reach an agreeable compromise between the two Houses' positions. As a result, the conference report on H.R. 1119 contains a reasonable outcome that substantially advances the interests of those who seek to ensure the fullest possible accounting of our POW–MIA's.

Mr. Speaker, the conference report for H.R. 1119 keeps the faith, not only with our people in uniform, but with other equally dedicated citizens who voluntarily venture into harm's way in support the nation's vital interest. It reiterates the theme that should constantly play on the hearts of the American people—that our POW–MIA's are, indeed, not forgotten. For that reason, I urge my colleagues to support the Defense Authorization Act.

Mr. DICKS. Mr. Speaker, as a conferee representing the Intelligence Committee on this legislation, I want to note particularly the resolution of an issue affecting the Defense Airborne Reconnaissance Office, or DARO. The Intelligence Committee originally voted to terminate this office and transfer some of its functions to the Director of the Defense Intelligence Agency. This recommendation was controversial in the Committee—I for one did not support it—but it was endorsed by the House National Security Committee and was likewise reflected in the House defense appropriations bill. The Senate took no action against DARO.

I am pleased that this conference report does not include the DARO termination recommended by the House. The conference agreement compels no change in DARO nor will it require that DARO cease the exercise of its critical responsibilities for strong oversight of airborne reconnaissance. The conference report does clarify that DARO's role does not include program management or budget execution. It should be understood clearly that this provision does not alter DARO's current role or responsibilities since, Department of Defense officials have stressed, DARO has not, does not, and will not manage programs. Instead, all airborne reconnaissance programs are executed by the military services or by the Defense Advanced Research Projects Agency.

The conference report provides for a review of DARO by the ongoing Defense Reform Task Force, which I support. This task Force could well make a recommendation, and the Secretary of Defense could decide, to place the airborne reconnaissance oversight function in another organizational structure or to alter the manner in which the office reports to senior DoD officials. I have every expectation, however, that the Task Force and the Secretary will strongly support continuation of a centralized and powerful oversight function at a senior level within the Department.

During a colloquy when the House considered the conference report on the Defense Appropriations Act, Chairman Young assured me that the reduction to DARO's operating budget reflected in the Act was made without prejudice and that the Committee would consider a reprogramming request from the Secretary to restore all or part of the funding requested for supporting the airborne reconnaissance oversight function for fiscal year 1998. The defense authorization conference report followed the budgetary allocations of the Appropriations conference in this as in most other matters. I hope that the leadership of the other committees which would have to consider a reprogramming for DARO will likewise defer to the judgment of the Secretary of Defense on funding for this activity in the coming year.

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report and wish to note the hard work of all members of the conference committee to deliver legislation that will ensure the security of our country and adequately provide for the members of our Armed Forces.

As a conferee on various provisions of this legislation which impacted the jurisdiction of the Commerce Committee, I am generally satisfied with the work which has been accomplished over the past several weeks. We have been able to reach agreement on a number of issues, and I appreciate the effort of Chairman SPENCE and other conferees to remain sensitive to the concerns of my Committee regarding a number of provisions on which the Commerce Committee was not represented by conferees.

However, although I signed the conference report and support the overall bill, I continue to have serious reservations concerning several parts of the final work product. Specifically, I do not believe that section 351 of Title III of Division A of H.R. 1119 should be part of this legislation.

This section was not included in the House version of H.R. 1119. Instead, this measure was added by the other body without thorough review and without specific comment by the Executive Branch. Thus, simply on procedural grounds alone, I do not believe that section 351 should be part of the final conference report.

But my concerns regarding this provision are far more than procedural. In this regard, I am attaching a letter signed by myself, Health and Environment Subcommittee Chairman MICHAEL BILIRAKIS, full committee Ranking Member JOHN D. DINGELL, and subcommittee Ranking Member SHERROD BROWN. This letter outlines the Commerce Committee's serious concerns regarding section 351 and the reasons why this section should not have been adopted in conference.

In brief, section 351 establishes a policy for the sale of Clean Air Act emission reduction credits by military facilities. This policy is only applicable to defense facilities and is not applicable to other facilities or emission sources operated by the federal government. Thus, the provision risks creating a patchwork of policies within the federal government which could be at variance with the most efficient implementation of emission trading programs.

Emission trading programs will become increasingly important as this nation strives to meet Clean Air Act standards. Such programs hold the promise to achieve needed reductions at the least cost and to increase flexibility in the implementation of Clean Air Act programs. Thus, what is needed in lieu of section 351 is a comprehensive review of the participation of all federal facilities and operations within new emission trading programs.

The question of how federal facilities participate and what economic incentives may be available to individual facilities is an important question which should not be determined without informed analysis of the available alternatives. In this regard, during the coming months, the Commerce Committee will be actively reviewing this matter and may consider and evaluate policies at variance with those specified in section 351. In brief, the full committee and subcommittee leadership of the Commerce Committee have not endorsed section 351 or the pilot program it will establish and the Committee specifically reserves its rights and prerogatives under the Rules of the House to amend or terminate the pilot program established by this section.

On another provision included in the conference report, I would like to clarify our understanding that the language in section 3404, Transfer of Jurisdiction, Naval Oil Shale Reserves Numbered 1 and 3, transfers only "administrative jurisdiction" over the Naval Oil Shale Reserves, and does not impact the jurisdiction of the Commerce Committee. The Commerce Committee has long shared jurisdiction over the Naval Oil Shale Reserves with the National Security and Resources Committees. In order to assure that Americans get the best value for their investments we have agreed to these provisions which allow two of the Naval Oil Shale Reserves to be leased for oil and gas exploration and production. The Commerce Committee expects to be a part of any future legislative efforts to modify these provisions or make any other changes with respect to the operations or disposition of these national assets.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 4, 1997.

Hon. FLOYD SPENCE,
Chairman, House National Security Committee,
Rayburn House Office Building,
Washington, DC.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN SPENCE AND CHAIRMAN THURMOND: We are writing to express our opposition to Section 338 of H.R. 1119 and to ask for your assistance in deleting this provision during the conference committee consideration of this matter.

Section 338 seeks to establish a program, solely within the Department of Defense, to provide for the sale of emission reduction credits established under the Clean Air Act. The section additionally directs that proceeds from such sales will be available to the Department of Defense, not only for the costs attributable to the identification, quantification and valuation of such emission credits, but for allocation within the Department of Defense and to military facilities for activities that are "necessary for compliance with Federal environmental laws." This section was not part of H.R. 1119 as approved by the full House of Representatives.

The House Commerce Committee holds several strong objections to this provision. First, the provision seeks to establish federal policy, applicable ton only one department of government, concerning several environmental trading programs which have different objectives. The provision specifically applies to "any transferable economic incentives" which would include, at a minimum, trading programs involving criteria pollutants regulated under Title I of the Clean Air Act, marketable permits established under Title I and Title V of the Clean Air Act, and other programs which seek to provide flexible, alternative implementation of the Act.

While the Commerce Committee would seek to encourage the full participation of the federal government in emission reduction and trading programs, it does not believe that this participation should occur on a segmented or department-by-department basis. Moreover, it is unclear whether the return of funds (over and above the amount of costs associated with identification, quantification and valuation of economic incentives sold) should necessarily be made available to the specific facilities which generated the economic incentives. Requiring that such funds be allocated "to the extent practicable" to specific facilities risks ignoring important Clean Air Act goals or other federal priorities.

Second, the provision seeks to establish a policy which may be at variance with present attempts to promote flexible implementation of new Clean Air Act standards. On July 16, 1997, the President directed the Administrator of the Environmental Protection Agency "in consultation with all affected agencies and parties, to undertake the steps appropriate under law to carry out the attached (implementation) plan" for the new ozone and particulate matter standards. Section 338 predates this policy, and thus predates any consultation or coordination between the Environmental Protection Agency and the Department of Defense regarding implementation of new clean air act standards which contemplate broad and unprecedented utilization of emission trading programs.

Given the costs associated with full implementation of the new standards, it is clear that offsetting these costs through the sale of allowances and other incentives is essential. The corresponding distribution of the economic benefits resulting from the sale of allowances is thus a significant policy decision. Such a decision should not be made in the context of legislation unrelated to the goals of Clean Air Act programs and policies.

Finally, the Commerce Committee, which has jurisdiction over the law which served to create the economic incentives which are the subject of Section 338, has received no testimony, evidence, or other information from the Department of Defense or other departments or agencies of the federal government which specifically supports the final legislative language of section 338. Thus, the Commerce Committee has had no opportunity to evaluate the propriety of the policies advocated by section 338, the validity of the information and assumptions which underlie its incorporation into this law, or the ability to subject advocates of this provision to normal committee process and questioning. At a minimum, the Commerce Committee must insist on its right to fully examine this provision within the normal oversight and legislative duties delegated to the Committee by the full House of Representatives.

Thank you for your assistance in striking this provision for the final conference report. Should you require any further information on this provision, please do not hesitate to contact us.

Sincerely,

TOM BLILEY,
Chairman, House Commerce Committee.
MICHAEL BILIRAKIS,
Chairman, Health and Environment Subcommittee.
JOHN D. DINGELL,
Ranking Minority Member House Commerce Committee.
SHERROD BROWN,
Ranking Minority Member Health and Environment Subcommittee.

Mr. KASICH. Mr. Speaker, I am very disappointed that the conferees did not reflect the clear will of the House in the Conference Report's provision dealing with Bosnia [sections 1201 through 1206].

The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines, and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring factions, then turn the peacekeeping role over to our European allies within one year. In November 1995, in his address to the Nation regarding our proposed commitment of our forces to Bosnia, President Clinton stated that, "* * * our Joint Chief's of Staff have concluded that U.S. participation should and will last about one year."

However, in November, 1996, the President announced that our military presence in Bosnia would be extended for another eighteen months, until June 30, 1998. Although Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June, 1998, more recent statements by administration officials, such as those of National Security Advisor Samuel Berger on September 23, 1997, have cast serious doubt on this second deadline.

These shifting deadlines have been accompanied by rhetorical sleights-of-hand, such as the assertion that by renaming the military force in Bosnia from the Implementation Force ("IFOR") to the Stabilization Force ("SFOR"), a new mission, and therefore a different deployment, was created. Somehow, this was believed to mitigate the fact that U.S. troops are still in Bosnia, nearly a year after the initial withdrawal deadline has passed.

It was against this background that on June 24, 1997, the House voted 278–148 to prohibit funding for U.S. ground forces in Bosnia after June 30, 1998. Moreover, this strong show of support for setting a date certain for withdrawal came just after the House narrowly rejected an amendment to end the U.S. ground force mission in Bosnia by December 31, 1997. Together, these votes demonstrate a consensus in the House to wrap up the Bosnia deployment in the near future and bring the troops home.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring Presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998, not only weakens the firm position of the House, it offers further scope for yet another extension of the Bosnia mission. As everyone must surely realize, the President's certification to the terms of the provision is virtually a forgone conclusion. By permitting President Clinton to unilaterally extend the deployment of U.S. Armed Forces in the potentially hostile environment, Congress would be undercutting its obligation to the American people and to the young men and women the President has sent to Bosnia.

It is a generally accepted premise that the President is the "sole organ of the federal government in the field of international relations," and that Congress generally accepts a broad scope for independent executive action in international affairs. But Congress has long been concerned about U.S. military commitments and security arrangements that have been made by the President unilaterally without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of United States Forces overseas, either through declarations of war or by Acts of Congress authorizing the specific deployment. The latter category has ranged from authorizations to deploy forces overseas (such as the 1949 North Atlantic Treaty and the 1954 Mutual Defense Treaty with Korea) to the use of military force in specific situations (such as the Gulf of Tonkin Resolution in 1965, or the Persian Gulf Resolution of 1991).

Article I of the Constitution grants Congress the "Power to raise and support Armies * * * to provide and maintain a Navy * * * to make Rules for the Government and Regulations of the land and naval forces * * *", and grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the armed forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy United States Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that require the President to act without Congressional consent, but the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the Executive Branch. But the raising, maintenance, governance, and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress's legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes precisely at a time when SFOR is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, SFOR has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, SFOR troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations, and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly thought-out policies in Somalia and Lebanon.

Commenting on the administration's increased engagement in nation building, former secretary of State Henry Kissinger wrote the following: "America has no national interest for which to risk lives to produce a multiethnic state in Bosnia. The creation of a multiethnic state should be left to negotiations among the parties—welcomed by America if it happens but not pursued at the risk of American lives."

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. This problem became very evident during the Senate's hearing to confirm General Henry Shelton as Chairman of the Joint Chiefs of Staff on September 9, 1997, when General Shelton admitted that he had not been informed of the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place: there is always one more local election, always one more arbitration, always one more refugee transfer that would, in the administration's opinion, require the presence of U.S. troops. Making our departure a hostage to these events is a virtual guarantee that U.S. troops will be in Bosnia for a long time to come.

Finally, our mission in Bosnia raises troubling questions about allied burdensharing. I firmly believe that Bosnia is not a vital national interest. It is, at most, a peripheral interest of the United States to end a regional civil war in an area outside of NATO territory. It may be a vital interest to Europe, but it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way; the administration should press the Europeans to begin planning now to assume full responsibility for the ground mission. If our allies have deficiencies, for example, in logistics capability or command and control, we must identify them and offer help to correct them.

The conference agreement on Bosnia, by permitting what is essentially an open-ended extension of the mission, effectively nullifies the consensus of a record vote in the House and opens the door to further mission creep. I am deeply disappointed that the conferees could not find a mechanism to reassert Congress's legitimate Constitutional authority when our men and women in uniform are deployed in harm's way. Instead, the conferees appear to have countersigned a blank check to continue deployment in the Balkans.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the conference report to H.R. 1119, the National Defense Authorization Act. This conference includes a very important provision on an issue that I have been working on for over ten years.

Several programs have been enacted over the years to allow regular and reserve retired members to ensure that, upon their deaths, their survivors will continue to receive a percentage of their retired pay. However, two categories of "forgotten widows" have been created by omitting any benefits for survivors of members who died before they could participate in the new programs.

The Survivor Benefit Plan (SBP), enacted in 1972, replaced an earlier unsuccessful program. It offered an 18-month open enrollment period for members already retired. This SBP open enrollment period inadvertently created the first category of "forgotten widows." These individuals are widows of retirees who died before the SBP was enacted or during the open enrollment period before making a participation decision. There are 3,000 to 10,000 pre-1974 widows.

In 1978, the law was changed to allow Reservists the opportunity to elect survivor benefit coverage for their spouses and children when completing 20 years of qualifying service. However, it did not provide coverage for widows of Reserve retirees who died prior to its enactment. Thus the second category of "forgotten widows" evolved—the pre-1978 reserve widows. There may be 3,000 to 5,000 widows in this category.

In 1948, when the Civil Service Survivor Benefit Plan was enacted, it also created some civil service forgotten widows. In 1958, Congress authorized an annuity of up to $750 per year for the widows of civil service employees who were married to the employee for at least five years before the retiree's death, were not remarried, and were not entitled to any other annuity based on the deceased employee's service.

Today, all military "forgotten widows" have to show for their husbands' careers are memories. The 1958 civil service benefit of $750 equates to more than $3,600 in 1994 dollars.

Military "forgotten widows" deserve at least the minimum SBP annuity allowed under current law. Therefore, I introduced legislation, H.R. 38, that would provide these widows with a monthly annuity of $165 per month. H.R. 38, has received bipartisan support and has more than 50 cosponsors.

I was pleased that the Senate included a similar provision in its authorization act. The conference report that we are considering today retains this important provision from the Senate's legislation. The inclusion of forgotten widows in the Survivor Benefit Plan is long overdue.

I urge my colleagues to support the conference report for H.R. 1119.

Mr. SAXTON. Mr. Speaker, I want to thank the committee for adding language to the House-passed version of the Defense Authorization Act that would commission a study to help resolve outstanding U.S. commercial disputes against the Kingdom of Saudi Arabia. There remain, however, slight technical modifications to the directive report language I would like to clarify in this statement.

The purpose of the study is to re-open the claims process established under the FY93 Defense Appropriations Bill and to require the Department of Defense to conduct a broad and comprehensive search into any remaining claims not resolved under the Act. As many in this body are aware, eighteen suits were filed against the Government of Saudi Arabia in the 1980's following their failure to pay for hundreds of millions of dollars worth of construction projects. To date, one important claim remains unresolved—the case of Gibbs and Hill, an engineering firm hired by the Saudi government to design a power and desalinization plant in the late 1970's.

Following the completion of the facilities, the Saudi government refused to pay Gibbs and Hill the $55.1 million owed for their services. Almost twenty years later, the claim is still being pursued by Hill International, Inc., a firm located in my district. Although substantial Congressional support has been organized to pressure the Saudi government to settle this final claim, there has been little action. I am confident, however, that the upcoming report of the Secretary of Defense will help move the process along by identifying the Gibbs and Hill claim, and any other outstanding claims, resulting in a public record of the Kingdom of Saudi Arabia's failure to pay its debts to American businesses.

With the support of the Senate Armed Services Committee for the House directive report language, I am hopeful the Secretary of Defense, in consultation with the Secretaries of State and Commerce, will issue this report in a timely matter.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELLUMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to not less than 5 minutes the time for a vote by the yeas and nays on the question of suspending the rules and agreeing to House Resolution 139, postponed earlier today, which will immediately follow this vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 286, nays 123, not voting 24, as follows:

[Roll No. 534]

YEAS—286

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Boswell
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Mink
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Shadegg
Shaw
Shimkus
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—123

Ackerman
Barrett (WI)
Becerra
Berman
Blumenauer
Bonilla
Brown (OH)
Campbell
Cardin
Chenoweth
Clay
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Cunningham
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doolittle
Engel
Eshoo
Everett
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gordon
Gutierrez
Hastings (FL)
Herger
Hilliard
Hinchey
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Kennedy (MA)
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Millender-McDonald
Miller (CA)
Minge
Moakley
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Paul
Pelosi
Pombo
Poshard
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Stokes
Stupak
Tauscher
Torres
Towns
Traficant
Velázquez
Vento
Watt (NC)
Waxman
Wexler
Wise
Woolsey

NOT VOTING—24

Andrews
Borski
Boucher
Brown (CA)
Burr
Capps
Cubin
Duncan
Flake
Gonzalez
Houghton
Kelly
McDade
McIntosh
Mollohan
Payne
Schiff
Schumer
Shuster
Smith (OR)
Stark
Taylor (NC)
Weldon (FL)
Yates

☐ 2109

Mr. SAWYER changed his vote from "yea" to "nay."

Messrs. CLYBURN, NORWOOD, BARR of Georgia, and NEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just adopted.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–354) on the resolution (H. Res. 283) providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2493, FORAGE IMPROVEMENT ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–355) on the resolution (H. Res. 284) providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, which was referred to the House Calendar and ordered to be printed.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceeding.

Pursuant to clause 1, rule I, the Journal stands approved.

ABUSE OF SUBPOENA POWER

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MORAN of Virginia. Mr. Speaker, on Saturday, a constituent of mine by the name of Ted Hudson, received a subpoena for all of the telephone records of his wife from the U.S. House of Representatives, the Committee on Government Reform and Oversight, investigating campaign financing. This subpoena was issued only because his wife's name is LiPing Chen. His wife has a Chinese surname. Mr. Speaker, this is a 20-year civil servant who categorically denies any involvement by him or his wife in political fund-raising for any party in the 1996 campaign or any other campaign back to 1986 when the $50 tax credit was repealed and at that time he was a Republican.

The only reason his wife's telephone records were subpoenaed is because she has a Chinese surname. This Congress has no business turning our Government into a police state. This is totally inappropriate and I will come to the floor every day until this subpoena is withdrawn and an apology is issued to this family.

Mr. Speaker, I submit for the RECORD a letter I received from Mr. Hudson and an attachment from his telephone company.

ALEXANDRIA, VA,
October 26, 1997.

Hon. JAMES P. MORAN,
House of Representatives, Cannon House Office Building, Washington, DC.

Re Committee on Government Reform and Oversight abuse of subpoena power.

DEAR MR. MORAN: My wife, LiPing Chen Hudson, received the attached letter on Saturday, October 25, from the telephone company stating: "We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number . . . for the period of January 1, 1994 through September 17, 1997."

My wife is a citizen of Taiwan, an alien with conditional permanent residency in this country (in 1995 your office was instrumental in getting the Immigration and Naturalization Service to process our application), who spends most of her time caring for our 22-month-old daughter. As we are on the verge of applying to remove the conditional status, I am very concerned about how the INS may view a Congressional subpoena on her record.

We do not know why she is being investigated. The committee doing so is the one investigating alleged campaign fundraising abuses. Li had a Chinese surname. She once held a low level job (translating and staffing meetings with the FBI and Secret Service) in the security office of the Taiwan non-embassy here (a job that she resigned in 1995 in order to marry me, a one-time registered Republican (I was a callow youth at the time) and currently a 20-year mid-level Federal civil servant who hasn't given a penny to any politician or party since the $50 tax credit was repealed in 1986). In her job, she had no contact with American political parties or politicians.

We categorically deny any involvement, by my wife or myself, in political fundraising for any party in the 1996 campaign or any other campaign since 1986.

I would like for you to intervene on our behalf. I would like this committee to withdraw this subpoena and expunge it from its records.

Thank you for your help in this matter.

Sincerely,

TED HUDSON.

BELL ATLANTIC CORP.,
Cockeysville, MD, October 17, 1997.

LIPING CHEN,
Alexandria, VA.

DEAR CUSTOMER: It is this Company's policy to notify a subscriber when we receive a subpoena or summons for our toll billing records for a subscriber's account.

We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number 703-820-7768.

This subpoena demands billing records for the time period of January 1, 1994 through September 19, 1997. This Company, in response to this subpoena, will furnish the available toll billing records to the Committee on the Government Reform and Oversight on or before October 20, 1997.

Any questions, you may have about the subpoena, should be referred to the Committee on Government Reform and Oversight on 202-225-5074.

Sincerely,

DORIS COX.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF of New Mexico (at the request of Mr. ARMEY) through Friday, November 14, 1997, on account of medical reasons.

Mr. WELDON of Florida (at the request of Mr. ARMEY), for October 29 and October 30 on account of attending his father's funeral.

GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that for today, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT

Mr. FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5599. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Assessment Rate and Establishment of Late Payment and Interest Charges on Delinquent Assessments [Docket No. FV97-930-1 IFR] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5600. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Prune Crop Insurance Regulations; and Common Crop Insurance Regulations, Prune Crop Insurance Provisions [7 CFR Parts 450 and 457] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5601. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Canning and Processing Bean Endorsement; and Common Crop Insurance Regulations, Processing Bean Crop Insurance Provisions [7 CFR Parts 401 and 457] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5602. A communication from the President of the United States, transmitting a letter recommending the designation of the $5 million to initiate construction of an emergency outlet for Devils Lake, North Dakota as an emergency funding requirement in accordance with section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105-160); to the Committee on Appropriations and ordered to be printed.

5603. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5604. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5605. A letter from the Acting Assistant Secretary, Department of Defense, transmitting the report on evaluating DOD's certification regarding expansion of the CHAMPUS Reform Initiative for the states of Virginia (exclusive of the National Capital Area), North Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, the Fort Campbell Catchment Area of Tennessee, and the Scott Air Force Base Catchment Area in Missouri, pursuant to Public Law 102–484, section 712(c) (106 Stat. 2435); to the Committee on National Security.

5606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–36, reporting that it is in the national interest for the Export-Import Bank to make a loan of approximately $60 million to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(2)(D)(iv); to the Committee on Banking and Financial Services.

5607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the determination on export-import bank support for the sale to the Commonwealth of The Bahamas of defense articles or services to be used primarily for counter-narcotics purposes; to the Committee on Banking and Financial Services.

5608. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 871, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

5609. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation as required by the Balanced Budget and Emergency Deficit Control Act of 1985 (Section 251(a)(7)), as amended by the Budget Enforcement Act of 1997; to the Committee on the Budget.

5610. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Industries in American Samoa; Wage Order [29 CFR Part 697] received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5611. A letter from the Administrator, Environmental Protection Agency, transmitting the report on the Benefits and Costs of the Clean Air Act, 1970 to 1990, pursuant to Public Law 101–549, section 812(b) (104 Stat. 2693); to the Committee on Commerce.

5612. A letter from the Director, Office of Rulemaking Coordination, Department of Defense, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Kitchen Ranges, Cooktops, Ovens, and Microwave Ovens [Docket No. EE-RM-94-230] (RIN: 1904–AA-52) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5613. A letter from the Chairman, Federal Communications Commission, transmitting a report on Spectrum Auctions, pursuant to section 309(j)(12) of the Communications Act; to the Committee on Commerce.

5614. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Administration of the North American Numbering Plan, Carrier Identification Codes (CICs) [CC Docket No. 92–237] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5615. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Amendment of Part 25 of the Commission's Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service [IB Docket No. 96–220] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5616. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the privatization of EDGAR, pursuant to Public Law 104–290, section 107(b) (110 Stat. 3425); to the Committee on Commerce.

5617. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 98–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5618. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–110–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Romania (Transmittal No. DTC–104–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC–121–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5621. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Canada (Transmittal No. DTC–103–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5622. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–93–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Singapore (Transmittal No. DTC–107–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–71–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5625. A communication from the President of the United States, transmitting notification that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for one year beyond October 21, 1997—received in the U.S. House of Representatives October 17, 1997, pursuant to 50 U.S.C. 1622(d); to the Committee on International Relations.

5626. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 12, 1997, the danger pay rate for Tajikistan was designated at the 15% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5627. A letter from the Inspector General, Department of Commerce, transmitting a report entitled "Export Application Screening Process Could Benefit From Further Changes," pursuant to Public Law 104–106, section 1324(a) (110 Stat. 480); to the Committee on International Relations.

5628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–172, "Public Assistance Fair Hearing Procedures Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–171, "Paternity Acknowledgment Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5630. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–170, "Supplemental Security Income Payment Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5631. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–169, "Nuisance Repairs Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5632. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–168, "Child Abuse and Neglect Prevention Children's Trust Fund Temporary Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5633. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–164, "Small Purchase Authority Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–163, "Fleet Traffic Adjudication Temporary Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5635. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in September 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5636. A letter from the Acting Director, Office of Personnel Management, transmitting the annual report of the Civil Service Retirement and Disability Fund for Fiscal Year 1996, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Reform and Oversight.

5637. A letter from the Executive Director, United States Arctic Research Commission, transmitting the strategic plan for the period from FY 1998 through 2003 and beyond, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5638. A letter from the Chairman, United States Commission for the Preservation of America's Heritage Abroad, transmitting the consolidated report for FY 1997 covering both the annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5639. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 961210346–7035–02; I.D. 102097C] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5640. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the 1997 audit report as of August 31, 1997, pursuant to 36 U.S.C. 1101(57) and 1103; to the Committee on the Judiciary.

5641. A letter from the Chairman, United States Sentencing Commission, transmitting the 1996 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

5642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–126–AD; Amdt. 39–10165; AD 97–21–12] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Avro 146–RJ Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–05–AD; Amdt. 39–10168; AD 97–21–15] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–120–AD; Amdt. 39–10167; AD 97–21–14] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5645. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–08–AD; Amdt. 39–10166; AD 97–21–13] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5646. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 97–ANE–18–AD; Amdt. 39–10161; AD 97–21–08] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Contrucciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–137–AD; Amdt. 39–10159; AD 97–21–06] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5648. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, Raytheon Model DH.125–400A; BH.125–400A and –600A; HS.125–600A and –700A; BAe 125–800A Series Airplanes; and Hawker 800 and Hawker 800 XP Series Airplanes Including Military Variants (Federal Aviation Administration) [Docket No. 96–NM–274–AD; Amdt. 39–10158; AD 97–21–05] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5649. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28968; Amdt. No. 1808] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5650. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29006; Amdt. No. 1818] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5651. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29005; Amdt. No. 1817] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5652. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29037; Amdt. No. 1828] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29007; Amdt. No. 1819] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28969; Amdt. No. 1809] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29035; Amdt. No. 1826] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals (Research and Special Programs Administration) [Docket No. PS–117; Amdt. 195–57A] (RIN: 2137–AC87) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Tour Operators in the State of Hawaii (Federal Aviation Administration) [Docket No. 27919; Special Federal Aviation Regulation (SFAR) No. 71] (RIN: 2120–AG44) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Alamosa, CO (Federal Aviation Administration) [Airspace Docket No. 97–ANM–02] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Flagstaff, AZ (Federal Aviation Administration) [Airspace Docket No. 97–AWP–23] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ketchikan, AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–8] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Lee's Summit, MO (Federal Aviation Administration) [Docket No. 97–ACE–11] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Huslia, AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–7] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. Models BN–2, BN–2A, BN–2B, BN–2T, and BN–2A MK. 111 Series Airplanes (Federal Aviation Administration) [Docket No. 84–CE–18–AD; Amdt. 39–10172; AD 84–23–06 R1] (RIN: 2120–AA64) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29036; Amdt. No. 1827] (RIN: 2120–AA65) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Philip Billard Municipal Airport, KS (Federal Aviation Administration) [Docket No. 97–ACE–12] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Anchorage, Bryant AHP, AK, and Adak, AK; Revision of Class E Airspace; Adak, AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–9] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area Regulations; Mississippi River, LA (Coast Guard) [CCGD08–97–020] (RIN: 2115–AE84) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Delaware River Safety Zone and Anchorage Regulations (Coast Guard) [CGD 05–97–076] (RIN: 2115–AA98) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AI90) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5670. A letter from the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, transmitting the Department's final rule—Technical Amendments to Regulations of the Foreign-Trade Zones Board [Docket No. 97092934–7234–7234–01] (RIN: 0625–AA49) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5671. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–56] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5672. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Gains Rates [Notice 97–59] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5673. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Education Tax Incentives [Notice 97–60] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5674. A letter from the Mayor, District of Columbia, transmitting the comprehensive annual financial report of the District of Columbia, including a report of the revenues of the District of Columbia for the fiscal year ended September 30, 1996, pursuant to Public Law 102–102, section 2(b) (105 Stat. 495); jointly to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. House Resolution 139. Resolution expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; with an amendment (Rept. 105–349). Referred to the House Calendar.

Mr. GOSS: Committee of Conference. Conference report on S. 858. An act to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 105–350). Order to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 948. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes (Rept. 105–351). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1604. A bill to provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indians Claims Commission: with an amendment (Rept. 105–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2402. A bill to make technical and clarifying amendments to improve management of water-related facilities in the Western United States; with an amendment (Rept. 105–353). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 283. Resolution providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982 (Rept. 105–354). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 284. Resolution providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands (Rept. 105–355). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RIGGS (for himself, Mr. Watts of Oklahoma, Mr. Flake, Mr. Talent, Mr. Gingrich, Mr. Armey, Mr. DeLay, Mr. Boehner, Ms. Dunn of Washington, Ms. Pryce of Ohio, Mr. Solomon, and Mr. Hoekstra):

H.R. 2746. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children; to the Committee on Education and the Workforce.

By Mr. CANADY of Florida:

H.R. 2747. A bill to provide for limited circumstances under which compliance with a subpoena issued in connection with certain civil actions in a court of the United States shall not be required; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. Blunt, Mr. Fox of Pennsylvania, Mr. Ewing, Mr. Cook, Mr. Walsh, Mr. Quinn, and Mr. McGovern):

H.R. 2748. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Massachusetts (for himself and Mr. Meehan):

H.R. 2749. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges of the 21st century; to the Committee on Science.

By Mr. BARCIA of Michigan (for himself and Mr. Dooley of California):

H.R. 2750. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIM (for himself and Mr. Traficant):

H.R. 2751. A bill to amend the Public Buildings Act of 1959 to improve the management and operations of the General Services Administration; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of California:

H.R. 2752. A bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith; to the Committee on Banking and Financial Services.

By Ms. NORTON:

H.R. 2753. A bill to amend the charter of Southeastern University of the District of Columbia; to the Committee on Government Reform and Oversight.

By Mr. STARK (for himself, Mr. Waxman, Mr. Brown of Ohio, Mr. Lewis of Georgia, Mr. Matsui, Mr. McDermott, Mr. Manton, Mr. Dellums, Mr. Frost, Mr. Martinez, Mr. Lantos, Mr. Nadler, Ms. Slaughter, Ms. Eddie Bernice Johnson of Texas, Mr. Thompson, Ms. Woolsey, Mr. Gutierrez, Mr. Fattah, Mr. Kennedy of Rhode Island, Mrs. McCarthy of New York, Mr. Sandlin, Ms. Kilpatrick, and Mr. LoBiondo):

H.R. 2754. A bill to amend title XVIII of the Social Security Act and title 38, United States Code, to require hospitals to use only hollow-bore needle devices that minimize the risk of needlestick injury to health care workers; to the Committee on Ways and

Means, and in addition to the Committees on Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. RAMSTAD):

H.R. 2755. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2756. A bill to authorize an exchange of property between the Kake Tribal Corporation and the Sealaska Corporation and the United States; to the Committee on Resources.

By Mr. KING of New York (for himself, Mr. MANTON, Mr. GILMAN, Mr. NEAL of Massachusetts, and Mr. WALSH):

H.J. Res. 98. A joint resolution to recognize Commodore John Barry as the first flag officer of the United States Navy; to the Committee on National Security.

By Mr. DEUTSCH:

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that the transfer of Hong Kong to the People's Republic of China not alter the current or future status of the Republic of China on Taiwan; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. MARKEY, Mr. CARDIN, and Mr. SALMON):

H. Con. Res. 179. Concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE); to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. BEREUTER, Mr. HAMILTON, Mr. FALEOMAVAEGA, and Mr. BERMAN):

H. Res. 282. A resolution congratulating the Association of South East Asian Nations (ASEAN) on the occasion of its 30th Anniversary; to the Committee on International Relations.

By Mr. MANTON (for himself and Mr. TRAFICANT):

H. Res. 285. A resolution requiring the Chief Administrative Officer of the House of Representatives to meet the requirements applicable to the head of a department or independent establishment under the Buy American Act in acquiring articles, materials, and supplies for the House of Representatives; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 10-161 requesting that a public hearing be held in the Commonwealth on any bill affecting CNMI local self-government as granted by the Covenant; to the Committee on Resources.

216. Also,a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 162 endorsing the passage of H.R. 2200, the Guam War Restitution Act, introduced by Congressman Robert A. Underwood in the 105th Congress, granting restitution for the people of Guam who endured the atrocities of the Japanese occupation of Guam in World War II; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. SNOWBARGER and Mr. LIVINGSTON.

H.R. 74: Mr. STARK, Mr. CLAY, Mr. MANTON, Mr. LANTOS, Mr. OLVER, Ms. WOOLSEY, Ms. RIVERS, Ms. KILPATRICK, and Ms. ROYBAL-ALLARD

H.R. 76: Mr. HORN, Mr. RODRIGUEZ, Mr. FAZIO of California, Mr. BOEHLERT, Mr. JONES, Mr. PETERSON of Minnesota, Ms. STABENOW, and Mr. JOHN.

H.R. 164: Mr. GILMAN, Mr. McHUGH, Mr. McDERMOTT, and Mr. THOMPSON.

H.R. 165: Mr. TURNER.

H.R. 169: Mr. BILIRAKIS.

H.R. 192: Mr. McGOVERN.

H.R. 251: Mr. SANDERS, Mr. FOLEY, and Mr. HUTCHINSON.

H.R. 286: Mr. FRANK of Massachusetts.

H.R. 287: Mr. FRANK of Massachusetts.

H.R. 306: Mr. FORD, Mr. KIND of Wisconsin, and Mr. ORTIZ.

H.R. 349: Mr. PAUL.

H.R. 367: Mr. BARR of Georgia.

H.R. 387: Mr. CAMPBELL.

H.R. 502: Mr. CAMPBELL.

H.R. 536: Mr. JACKSON, Mr. CAMPBELL, and Mr. PAPPAS.

H.R. 594: Mr. GUTIERREZ, Mr. SAXTON, and Mr. McGOVERN.

H.R. 619: Ms. DeLAURO, Mr. MALONEY of Connecticut, Ms. ESHOO, Mr. ANDREWS, and Mr. DICKS.

H.R. 692: Mr. MURTHA.

H.R. 715: Mr. ETHERIDGE and Mr. BARRETT of Wisconsin.

H.R. 718: Ms. ROS-LEHTINEN.

H.R. 738: Mr. KING of New York.

H.R. 777: Mr. DAVIS of Florida.

H.R. 816: Mr. BILIRAKIS.

H.R. 832: Ms. RIVERS.

H.R. 853: Mr. CHAMBLISS.

H.R. 979: Mr. SISISKY, Mr. GOODE, Mr. BOUCHER, and Mr. LEVIN.

H.R. 981: Mr. WEYGAND, Mr. ABERCROMBIE, Mr. DeFAZIO, Mr. HASTINGS of Florida, and Mr. ALLEN.

H.R. 983: Mr. SCOTT, Mr. KUCINICH, and Mrs. McCARTHY of New York.

H.R. 1018: Mr. McGOVERN.

H.R. 1059: Mr. DAN SCHAEFER of Colorado, Mr. PETRI, Mr. GOODLING, Mr. BLILEY, and Mr. SPENCE.

H.R. 1061: Mr. OLVER, Mr. HAYWORTH, and Ms. WOOLSEY.

H.R. 1070: Ms. ESHOO, Mr. NADLER, Mr. EVANS, Mr. SAXTON, Mr. STUPAK, and Ms. WOOLSEY.

H.R. 1104: Mr. EVANS.

H.R. 1114: Mr. BURR of North Carolina.

H.R. 1126: Mr. MATSUI and Mr. MANTON.

H.R. 1134: Mr. CHAMBLISS.

H.R. 1147: Mr. SOUDER.

H.R. 1234: Ms. KILPATRICK.

H.R. 1373: Mr. OLVER.

H.R. 1376: Mr. VENTO and Mr. WEXLER.

H.R. 1428: Mr. EHRLICH.

H.R. 1492: Mr. BILIRAKIS.

H.R. 1555: Ms. FURSE.

H.R. 1591: Mr. HEFLEY and Mr. SMITH of Michigan.

H.R. 1705: Mr. EHRLICH.

H.R. 1737: Mr. BECERRA and Mr. BAKER.

H.R. 1749: Mr. PALLONE.

H.R. 1766: Mr. SCARBOROUGH, Mr. EHRLICH, Mr. STUPAK, Mr. ENSIGN, Ms. DANNER, Mr. MATSUI, Mr. JOHN, Mr. SHAW, and Mr. TANNER.

H.R. 1776: Mr. RAMSTAD.

H.R. 1782: Mr. NADLER.

H.R. 1797: Mr. GIBBONS and Mr. SHADEGG.

H.R. 1870: Mr. McGOVERN.

H.R. 1873: Ms. SANCHEZ and Mr. OLVER.

H.R. 1874: Mr. BERMAN.

H.R. 1904: Mr. THOMPSON.

H.R. 1909: Mr. JENKINS.

H.R. 1987: Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. DeFAZIO, Mr. TOWNS, and Mr. CLEMENT.

H.R. 2009: Ms. DeGETTE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAHAM, Mr. EHLERS, Mr. GALLEGLY, Mr. RILEY, and Mr. FILNER.

H.R. 2023: Mrs. LOWEY, Ms. CARSON, and Ms. McKINNEY.

H.R. 2029: Mr. CALVERT.

H.R. 2038: Mr. GRAHAM, Mr. HOEKSTRA, and Mr. GOODLATTE.

H.R. 2050: Mr. PICKETT.

H.R. 2053: Mr. THOMPSON and Mr. VENTO.

H.R. 2081: Mr. NETHERCUTT.

H.R. 2163: Mr. ROYCE.

H.R. 2191: Mr. GREENWOOD.

H.R. 2199: Mrs. MALONEY of New York, Ms. LOFGREN, Mr. DELLUMS, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. WAXMAN.

H.R. 2221: Mr. BAKER, Mr. COOKSEY, Mr. LoBIONDO, and Mr. McINTYRE.

H.R. 2275: Mr. NADLER, Mrs. MORELLA, and Ms. WOOLSEY.

H.R. 2292: Mr. TALENT and Mr. SHAYS.

H.R. 2327: Mr. BARTON of Texas and Mrs. CUBIN.

H.R. 2349: Mr. STARK, Mr. ROYCE, Mr. PACKARD, and Mr. DREIER.

H.R. 2404: Mr. VENTO.

H.R. 2421: Ms. FURSE, Mr. CONYERS, Ms. WOOLSEY, and Mr. PAUL.

H.R. 2422: Ms. WOOLSEY and Mr. RUSH.

H.R. 2451: Mr. SHERMAN.

H.R. 2454: Mr. FRANK of Massachusetts and Ms. JACKSON-LEE.

H.R. 2457: Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE, and Mr. CLEMENT.

H.R. 2468: Ms. BROWN of Florida, Mr. MARTINEZ, and Mr. HINCHEY.

H.R. 2503: Mr. MANTON, Mr. THOMPSON and Mr. CLEMENT.

H.R. 2543: Mr. THOMPSON.

H.R. 2549: Mr. YATES.

H.R. 2568: Mr. WYNN, Mrs. MINK of Hawaii, Mrs. CHENOWETH, Mr. LIPINSKI, Mr. FATTAH, Mr. BARLETT of Maryland, Mr. SNOWBARGER, and Mr. BLAGOJEVICH.

H.R. 2591: Mr. GUTIERREZ, Mr. JACKSON, Mr. YATES, Mr. FOX of Pennsylvania, Mr. McNULTY, Mr. SAXTON, Mr. LaFALCE, Mrs. KELLY, Mr. BENTSEN, Mr. FROST, Mrs. MORELLA, and Mr. McGOVERN.

H.R. 2599: Ms. JACKSON-LEE.

H.R. 2600: Mr. SAM JOHNSON, Mr. HILL, and Mr. McINTYRE.

H.R. 2604: Mr. KIM, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. MURTHA, Mr. HOLDEN, Ms. KAPTUR, Mr. KANJORSKI, Mr. SHAW, and Ms. JACKSON-LEE.

H.R. 2609: Mr. CALVERT, Mr. DOOLITTLE, Mr. BONILLA, Mr. McINTOSH, Mr. GOODE, Mr. GILLMOR, and Mr. HALL of Texas.

H.R. 2625: Mr. SHADEGG, Mr. CALVERT, Mr. RYUN, Mr. TALENT, Mr. GIBBONS, Mr. THUNE, Mr. WICKER, Mr. McKEON, and Mr. WELDON of Pennsylvania.

H.R. 2626: Mr. DeFazio and Mr. Hill.

H.R. 2627: Mr. McHale, Mr. Hutchinson, and Mr. Combest.

H.R. 2635: Mrs. Maloney of New York, Mr. Gutierrez, Mr. Blagojevich, Mr. Olver, Mr. Yates, Ms. Sanchez, Ms. Woolsey, Mr. Dellums, Mr. Rangel, Mr. Bonior, Mr. Torres, Mr. DeFazio, and Mr. Talent.

H.R. 2639: Mr. Weldon of Florida and Mr. Sandlin.

H.R. 2652: Mr. Hall of Ohio.

H.R. 2657: Mr. Collins and Mr. Sessions.

H.R. 2709: Mr. McIntyre, Mr. Engel, Mr. LoBiondo, Mr. Wolf, Mr. Gephardt, Mr. Neumann, Mr. Blunt, Mr. Hayworth, Mr. Livingston, Mr. Brown of Ohio, Mr. Foley, Mr. Hill, Mr. Ehrlich, Mr. Bachus, Mr. Baker, Mr. Roemer, Mr. McNulty, Mr. Rothman, Mr. Menendez, Mr. Visclosky, Mr. Frost, Mr. Latham, and Mr. Kennedy of Rhode Island.

H.R. 2713: Ms. Kilpatrick, Mr. Rush, and Mr. Kennedy of Rhode Island.

H.R. 2717: Mr. Barrett of Wisconsin, Mr. McIntyre, Ms. Furse, Mr. Stupak, and Mr. Weygand.

H. Con. Res. 13: Ms. Millender-McDonald and Mr. Lipinski.

H. Con. Res. 55: Mr. Stupak.

H. Con. Res. 121: Ms. Jackson-Lee, Mr. Ewing, Mr. Green, Mr. Neumann, Mr. Rodriguez, Mr. Pallone, Mr. Stupak, Mr. Cooksey, Mr. Baker, Mr. Coble, Mr. Horn, Mr. Hastings of Florida, Mr. Peterson of Pennsylvania, Mr. McCrery, Mr. Bliley, Mr. McDade, and Mr. Livingston.

H. Con. Res. 150: Mr. Pickering, Mr. Oberstar, and Mr. Crapo.

H. Con. Res. 156: Mr. Saxton, Mr. Hinchey, Mr. Stark, and Mr. Manton.

H. Con. Res. 160: Mr. Torres, Mr. Fattah, Mr. Sanders, Ms. Eshoo, Mr. Miller of California, Mr. Abercrombie, and Mr. Hinchey.

H. Con. Res. 162: Mr. Burton of Indiana, Mr. Moran of Virginia, and Mr. Weldon of Pennsylvania.

H. Con. Res. 170: Mr. Baker and Mr. Hastings of Washington.

H. Res. 26: Mr. Fawell, Ms. Stabenow, Ms. Kilpatrick, and Mr. McGovern.

H. Res. 139: Mr. Weller and Mr. Pappas.

H. Res. 279: Mr. Stark, Mr. Waxman, Mr. Weygand, and Mr. Ackerman.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

25. The SPEAKER presented a petition of the Butler Township Board of Commissioners of Lyndora, Pennsylvania, relative to Resolution No. 97–16 expressing concerns regarding personal wireless communication service facilities; to the Committee on Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2616

Offered By: Mr. Traficant

Amendment No. 1: Page 10, after line 19, insert the following:

SEC. 6. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 7. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the appropriate Chairman shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 8. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2493

Offered by: Mrs. Chenoweth

Amendment No. 1: Page 23, line 21, insert before the period the following: ", as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)".

Page 27, strike lines 3 through 7, and insert the following:

(1) Allotment.—The term "allotment" means the area where livestock are grazed under an appurtenant adjudicated or apportioned grazing preference.

Page 27, strike lines 14 through 19 relating to the definition of base property.

Page 27, beginning on line 20, strike paragraph (4) and insert the following:

(4) Consultation, cooperation, and coordination.—The term "consultation, cooperation, and coordination" means to engage in careful and considered good faith efforts with lessees, permittees and land owners involved, district grazing advisory boards, and the State or States having lands within the affected area to—

(A) discuss and exchange views;

(B) act together toward a common end or purpose; and

(C) document a mutual agreement.

Page 35, beginning on line 5, strike "an allotment management plan" and insert "a cooperative allotment management plan pursuant to subsection (a) and"

Page 35, beginning on line 24, strike section 107 and insert the following new section:

SEC. 107. FEES AND CHARGES.

(a) Grazing Fees Calculation.—The administrative fee rate for each animal unit month in a grazing fee year shall be equal to the previous year private grazing land lease rate for the sixteen contiguous western states as reported by the Economic Research Service of the Department of Agriculture on February 15 of the grazing fee year, divided by the 1997 base private grazing land lease rate (from the Economic Research Service report for 1996), times the 1996 base fee rate.

(b) Base Fee Rate.—The base fee rate shall be equal to the 12-year average of the total gross value of production for beef cattle for the years 1986 through 1997, multiplied by the 10-year average of the United States Treasury Securities six-month bill "new issue" rate for the years 1988 through 1997, divided by 12.

(c) Role of Economic Research Service.—The Economic Research Service shall continue to compile and report the annual private grazing land lease rate as currently published in February of each year. Should the Economic Research Service develop new methods for estimating the private grazing land lease rate which yield different results, the base value used in this section shall be adjusted to reflect the difference obtained by the new method.

(d) Crossing Permits, Transfers, and Billing Notices.—A reasonable service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement of supplemental billing notice, except in a case in which the action is initiated by the authorized officer.

Page 39, beginning on line 9, strike section 108 relating to Resource Advisory Councils.

H.R. 2493

Offered By: Mrs. Chenoweth

Amendment No. 2: Page 23, line 21, insert before the period the following: ", as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)".

H.R. 2493

Offered By: Mrs. Chenoweth

Amendment No. 3: Page 27, strike lines 3 through 7, and insert the following:

(1) Allotment.—The term "allotment" means the area where livestock are grazed under an appurtenant adjudicated or apportioned grazing preference.

H.R. 2493

Offered By: Mrs. Chenoweth

Amendment No. 4: Page 27, strike lines 14 through 19 relating to the definition of base property.

H.R. 2493

Offered By: Mrs. Chenoweth

Amendment No. 5: Page 27, beginning on line 20, strike paragraph (4) and insert the following:

(4) Consultation, cooperation, and coordination.—The term "consultation, cooperation, and coordination" means to engage in careful and considered good faith efforts with lessees, permittees, and land owners involved, district grazing advisory boards, and the State or States having lands within the affected area to—

(A) discuss and exchange views;

(B) act together toward a common end or purpose; and

(C) document a mutual agreement.

H.R. 2493

Offered By: Mrs. Chenoweth

Amendment No. 6: Page 35, beginning on line 5, strike "an allotment management plan" and insert "a cooperative allotment management plan pursuant to subsection (a) and"

H.R. 2493

Offered By: Mrs. Chenoweth

Amendment No. 7: Page 35, beginning on line 24, strike section 107 and insert the following new section:

SEC. 107. FEES AND CHARGES.

(a) Grazing Fees Calculation.—The administrative fee rate for each animal unit month in a grazing fee year shall be equal to the previous year private grazing land lease rate for the sixteen contiguous western states as reported by the Economic Research

Service of the Department of Agriculture on February 15 of the grazing fee year, divided by the 1997 base private grazing land lease rate (from the Economic Research Service report for 1996), times the 1996 base fee rate.

(b) BASE FEE RATE.—The base fee rate shall be equal to the 12-year average of the total gross value of production for beef cattle for the years 1986 through 1997, multiplied by the 10-year average of the United States Treasury Securities six-month bill "new issue" rate for the years 1988 through 1997, divided by 12.

(c) ROLE OF ECONOMIC RESEARCH SERVICE.—The Economic Research Service shall continue to compile and report the annual private grazing land lease rate as currently published in February of each year. Should the Economic Research Service develop new methods for estimating the private grazing land lease rate which yield different results, the base value used in this section shall be adjusted to reflect the difference obtained by the new method.

(d) CROSSING PERMITS, TRANSFERS AND BILLING NOTICES.—A reasonable service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement of supplemental billing notice, except in a case in which the action is initiated by the authorized officer.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 8: Page 39, beginning on line 9, strike section 108 relating to Resource Advisory Councils.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 9: Page 36, strike line 16 and all that follows through line 21 on page 37.

Page 38, beginning on line 19, strike subsection (e).

H.R. 2493

OFFERED BY: MR. VENTO

AMENDMENT NO. 10: In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) DETERMINATION OF FEE.—

(A) SMALL PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising less than 2,000 animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1).

(B) LARGE PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising 2,000 or more animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1) for the first 2,000 animal units months. For animal unit months in excess of 2,000, the fee shall be the higher of the following:

(i) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(ii) The Federal grazing fee as calculated under paragraph (1), plus 25 percent of such fee.

H.R. 2493

OFFERED BY: MR. VENTO

AMENDMENT NO. 11: Page 37, line 2, strike "seven" both places it appears and insert "five".

EXTENSIONS OF REMARKS

MAIL FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. STARK. Mr. Speaker, too bad Dante isn't still alive. He would surely write a special place in Hell for the vultures who prey on seniors with false and alarmist mailings, demanding money to save the seniors from some phony threat.

A more immediate punishment would be fines and imprisonment for postal fraud by the U.S. Postal Service.

Following is a letter I have sent to the U.S. Postal inspectors regarding the recent mailings by United Seniors Association and the Seniors Coalition and their misrepresentation of the Kyl amendment issue.

U.S. POSTAL SERVICE INSPECTION
SERVICE, FRAUD DIVISION,
Washington, DC. October 27, 1997.

DEAR SIRS: Pursuant to 18 U.S.C. 1341 which reads, in part "Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises . . . for the purpose of executing such scheme or artifice . . . places in any post office . . . any matter or thing whatever to be sent or delivered by the Postal Service . . . shall be fined under this title or imprisoned not more than five years, or both"

I wish to report a postal fraud by United Seniors Association, 3900 Jermantown Road, Suite 450, Fairfax, VA 22030 and urge your immediate action to impose appropriate penalties.

Enclosed are two mailings from the United Seniors Association (USA) urgently asking for money on the basis of false pretenses and representations. The USA letter contains innumerable inaccuracies and errors of fact. It is so blatantly wrong that it cannot be a simple act of stupidity, but is a calculated scheme to frighten Medicare beneficiaries out of money. In particular, in the letter of September 22, 1997, the paragraph on the first page which reads "Here's what this appalling new law does: if you are a Medicare patient and you want to personally pay for a treatment which Medicare does not want to cover—it will be nearly impossible to do so. . . ."

This statement, repeated in numerous ways throughout the mailings, is false.

Medicare beneficiaries have always been able to contract privately with doctors for services which Medicare does not cover. Nothing in any law has changed that right. Under certain conditions, the new law actually extends that "right" to services which Medicare does cover—a new right to be billed more than the Medicare payment rate by physicians, which did not exist before. See enclosed memoranda.

I also urge you to investigate for fraud the enclosed recent Seniors Coalition mailing (11166 Main Street, Suite 302, Fairfax, VA 22030). This mailing calls for "an emergency contribution" to help fund a lawsuit on the private contracting issue. The cover letter is rather extraordinary in that it asks people to send money to help fight something for which the writer has "no time to explain." The statements in the letter over Mary Martin's signature is false: "your health care will be rationed in a Clinton HMO." The enclosed news articles contain numerous errors and misrepresentations. I believe that this mailing may also be a mail fraud because it uses false statements in the cover letter and inaccurate or incomplete statements in the news articles to scare people into sending money to support plans for a lawsuit. I know of no such lawsuit or any grounds for it, and I ask your investigators to determine whether there is in fact such a planned use of the money bilked from the public.

Congressional offices report receiving numerous letters and calls expressing concern and confusion as a result of these two mailings and therefore I assume that a number of Medicare beneficiaries have been defrauded out of some money as a result of these alarmist misrepresentations.

Before additional harm is done to Medicare beneficiaries, I urge an immediate investigation and fines and/or the return of money to the beneficiaries.

The issue of private contracting and Medicare payment rates are complex and worthy of a rational debate. These two mailings are false, alarmist, and destructive to public debate while frightening beneficiaries out of money "by means of false or fraudulent pretenses, representations, promises" etc.

Thank you for your review of these mailings.

Sincerely,

PETE STARK.

THE 25TH ANNIVERSARY OF THE HISPANIC INFORMATION CENTER OF PASSAIC, INC.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 25th anniversary of the Hispanic Information Center of Passaic, Inc.

The Hispanic Information Center of Passaic was established in 1972 to identify, study, and articulate the human service needs of the Hispanic community in the city of Passaic. Today, through its different programs, the agency reaches out to the most at-risk populations. It contributes to economic and social stability by means of job placement and support to families, youth, seniors, the disabled, people suffering from addiction, and the homeless. Services are rendered with no regard to race, color, or national origin.

Each and every program at the center is administered with the utmost of professionalism and caring. The Community Service Program of the Hispanic Information Center strives to inform low- and moderate-income clients of the resources available that will help them develop and maintain economic self-sufficiency. In addition, the program assists in providing social service information and helps with social adjustment, job placement, emergency shelter, food referral, advocacy, translations, and referrals.

The center also offers a program of the youth counseling services which was created to serve individuals referred by schools, State agencies, or families. They work to prevent dropping out of school and provide individual and group counseling to help young people cope with family, school, and environmental problems through behavior modification. They also provide tutoring, pre-delinquent and family intervention, vocational and educational orientation, as well as recreation and field trips. This program serves as an advocate for youth in school, city, county agencies, and courts.

The Homebound Program caters to persons who are homebound due to age or illness with the goal of preventing institutionalization. Services are geared toward improving the quality of life and independent living within the heritage characteristic of a Latino culture. Services included but are not limited to case management, counseling, referral, translations, interpreters, recreational activities, and social events.

Other programs aimed at fostering familial settings include the Host Program which is designed to assist children whose natural parents are unable to provide adequate care at home. Families are recruited in order to provide a temporary home environment. The goal of the program is to reunite the child with their family or to ensure that the child will have a safe and nurturing family environment. The program is founded on the premise that all children have the right to physical and emotional protection. Host parenting is not a lifetime commitment to a child but a commitment to make a meaningful contribution to a child's life. Additionally the goal of the Bridge Family Program is to provide a temporary placement for children ages 7 to 10 who have been adopted and the adoption was disrupted. Further, the Teaching Family Program is designed to help adolescents currently placed in residential facilities or being considered for such placement with alternative family settings within the community. The program provides support and guidance to assist them in their transition to a permanent family environment.

The Alcohol Outreach for Minorities Program was established to serve the needs of individuals suffering from the consequences of alcoholism. The program provides a 16-week treatment service and is the only Hispanic alcoholism treatment and referral service program in Passaic County which takes into consideration the cultural uniqueness of the Hispanic client.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Immigration and Citizenship Program was established with the purpose of helping immigrants achieve social stability through immigration aid, which gives information and basic orientation to the immigrants that wish to become permanent residents or legalize their migratory status. The new citizenship project aids eligible permanent residents in completing naturalization forms, lending them the service of fingerprinting, photos, and educational services to better prepare them for the test required by INS for naturalization.

Mr. Speaker, I ask that you join me, our colleagues, the city of Passaic, and the people of north Jersey, in recognizing the momentous occasion of the 25th anniversary of the Hispanic Information Center of Passaic and its many outstanding and invaluable contributions made to the community.

A TRIBUTE TO CHANCELLOR CHANG-LIN TIEN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. DELLUMS. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to a courageous and exemplary citizen, Chancellor Chang-Lin Tien. While there have been many educators, few have been as distinguished and dedicated as Chancellor Tien. Today, he will be the first recipient of the American Courage Award established by the National Asian Pacific American Legal Consortium, and I take this opportunity to add my voice to that of the consortium. Dr. Tien consistently exemplifies America's highest principles of equality, fairness, and justice and the consortium's award recognizes and honors an individual who has lifted America to her ideals of freedom and justice.

Chancellor Tien is an outstanding educator, scientist, and administrator. He served as chancellor at the University of California, at Berkeley for 7 years, from 1990 to July 1997. The Berkeley campus must be one of the most challenging campuses in the world. Challenging not only because of its high academic performance, but challenging because of the mixture of students, faculty, and staff of the Berkeley campus. In the context of one of the most politically active communities in the United States, all of this combines to provide one of the more dynamic and sometimes, volatile, communities.

This politically sophisticated group considered him an exceptionally effective, competent and charming chancellor; a very rare accomplishment and one deserving of special recognition. One instance of his courage and leadership is in his highly vocal and visible opposition to the University of California's Board of Regents' abandonment of affirmative action policies of the university students, staff, and faculty.

Chancellor Tien was particularly sensitive to the needs of the city of Berkeley in which the university plays such a prominent and essential role. He executed with brilliance, grace, dignity, and effectiveness, the high profile position of chancellor. We have worked closely together on issues of importance and common concern to the university and to my congressional district.

Chancellor Tien was the first Asian American to head a major research university in the United States. Currently, he is the NEC distinguished professor of engineering at U.C. Berkeley. Chancellor Tien, was born in Wuhan, China and received his Bachelor's degree from the National Taiwan University. He first came to Berkeley in 1959 after completing his master's degree studies at the University of Louisville in 1957. He then earned a second master's degree and a doctorate in mechanical engineering at Princeton University.

In addition to his numerous public service contributions, Chancellor Tien has achieved a remarkably distinguished record as a scientist and educator. Internationally recognized for his research in heat transfer technology, he received many honors, including the Max Jakob Memorial Award, the highest international honor in the field. He is a member of the National Academy of Arts and Sciences. At the age of 26, Chancellor Tien became the youngest professor ever to win the U.C. Berkeley's prestigious Distinguished Teaching Award.

Anchored in both American and Asian cultures, Dr. Tien is deeply committed to maintaining excellence and to broadening the democratic reach of education to all groups. He is involved heavily in his community, focusing on educational reform programs particularly in primary and secondary schools. Chancellor Tien has become a leader in enhancing communication between the East and West through worldwide engagements. He is a member of the Pacific Council on International Policy, the U.S. Committee for Economic Development, the Council on Foreign Relations, and serves on the boards of numerous institutions such as Asia Foundation, Wells Fargo Bank, and Chevron Corp. In addition, he is also chairman of the San Francisco Bay Area Economic Forum.

I am grateful that Chancellor Tien continues to reside in Berkeley. His work and his contributions which are immeasurable, continue to flow to our community and we are grateful.

IN RECOGNITION OF PETER TILLES RECEIVING THE HUMANITARIAN AWARD OF THE PEDERSEN-KRAG CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the friends of the Pedersen-Krag Center as they honor Peter Tilles as the recipient of their Humanitarian Award on this their 40th anniversary. The Pedersen-Krag Center, founded in 1957 is a State licensed nonprofit outpatient mental health and chemical dependency agency offering a full continuum of services to Long Islanders of all ages.

Peter Tilles represents the true humanitarian who, despite significant business and family commitments, has always been able to devote considerable time and resources to serving a variety of communities in need of leadership and resources. In the area of building development, Peter has built and managed millions of square feet of office space on Long Island. Nassau Crossways International Plaza and the Big "H" Shopping Center in Huntington serve as examples of his expertise in this area.

Yet in the field of philanthropy and civic involvement, Peter has compiled an equally impressive record. He is an active trustee of the Long Island Jewish Medical Center, has chaired the golf tournaments of the March of Dimes, the Coalition on Child Abuse and Neglect, and the Tilles Center's Swing for Kids Program. In addition, he serves as a trustee of the Planting Fields Arboretum, is a member of the advisory board of Title Guarantee and a committee member of Israel Bonds.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join with me and the Pedersen-Krag Center in saluting Peter Tilles. It is the goodwill and support generated by Peter Tilles that has helped countless patients of the center find the compassion and stability so necessary to enhance and fulfill their lives.

COMMON SENSE ON IMMIGRATION FROM THE NEW BEDFORD STANDARD TIMES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, the New Bedford Standard Times in the congressional district I represent is a newspaper which knows a great deal about immigrants. New Bedford has long been a port of entry for many immigrants, and the publisher, editors, and staff of the New Bedford Standard Times therefore know a great deal about the value of immigration to American society. On Tuesday, October 21, the Standard Times ran an excellent editorial about the cruelty and foolishness of much recent congressional policy on immigration. Coming as it does from a major newspaper in an area where immigration is a very significant fact, this editorial is entitled to a great deal of weight and given the debate that now rages in Congress over the wisdom of our immigration policy, I ask that the Standard Times excellent editorial be printed here.

TARGETING LEGAL IMMIGRANTS WILL RETURN TO HAUNT CONGRESS

One must suspect that since a majority of the members of Congress voted to make ruthless cuts in the federal benefits available to legal immigrants, that most of them live in districts where immigration is not experienced first-hand. Either that, or there are enough members of Congress who simply don't care what happens when they pull the rug out from under people to pass regulations that most people would find abhorrent.

Welfare reform provided a convenient window of opportunity for immigrant-bashers to set out on a scorch-and-burn campaign. On the one hand, hundreds and perhaps thousands of legal immigrants who must resolve paperwork processing difficulties are being forced to return "home" to work through various U.S. embassies rather than stay in this country while the problems are straightened out. For many, it means leaving families here and going back to countries where they have no roots, no job, no families, no connections after many years away.

In other cases, ruthless border agents have been banishing to five years' exile many people who had been visiting here legally for many years on such things as business trips. There are ever-growing files of such people being detained for hours, questioned and humiliated before being deported. Yet the new rules strip virtually all due process; there is no right of appeal, sometimes not even an inkling what has gone wrong. Vast discretionary power has been put in the hands of individual border agents, and they take that power very seriously.

Closer to home, though, what is proving intolerable in state after state is the relentless cutoff of such things as Medicaid and food stamps to deserving legal immigrants, such as the elderly and disabled. A dozen states are dipping into their own treasuries to supply food stamps. Sixteen do the same to support Medicaid services. Eighteen use state money for cash grants for those who desperately need it. Massachusetts is included in each of those categories.

Perhaps this is fine with members of Congress who would wash federal hands of any such responsibility, and who view legal immigrants as burdens at best.

But immigration policy is a function of the federal government, not of the 50 individual states.

What's happening now is that the states' where the human trauma of cutbacks is the worst have felt compelled to act on their own and at their own expense to repair the damage caused by those federal cutbacks.

It is petty and small-minded of Congress, the president and the federal government to allow this to continue. Using legal immigrants as an ideological punching bag is a political gimmick unworthy of the United States—but not evidently, of many members of Congress.

SUPPORT GROWS FOR CARVE-OUT OF DISPROPORTIONATE SHARE COSTS FROM PAYMENTS TO H.M.O.'s MEMBERS INVITED TO COSPONSOR H.R. 2701

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. RANGEL. Mr. Speaker, on Wednesday, October 22, five of us introduced H.R. 2701, a bill to "carve out" disproportionate share hospital [DSH] payments from the amount Medicare pays managed care organizations, and provide it directly to the DSH hospital when an MCO patient uses that DSH hospital.

Today, I am adding Representatives MATSUI, COYNE, and MCDERMOTT to the list of cosponsors.

To help explain the purpose of the legislation, I would like to include in the RECORD below a press release from the American Hospital Association in support of this legislation "which helps hospitals caring for large numbers of poor Americans."

I want to thank the Greater New York Hospital Association, the American Hospital Association, and the Healthcare Association of New York State for their early support.

AHA APPLAUDS BILL WHICH HELPS HOSPITALS CARING FOR LARGE NUMBERS OF POOR AMERICANS

WASHINGTON (October 22, 1997)—The American Hospital Association (AHA) added its strong support to legislation introduced today by Rep. Charles Rangel (NY) to ensure that Medicare payments meant to help hospitals caring for large numbers of low-income Americans actually reach those institutions. Other original co-sponsors included Rep. Pete Stark (CA), Rep. Benjamin L. Cardin (MD), Rep. John Lewis (GA) and Rep. Xavier Becerra (CA).

Within the Medicare program, hospitals that provide care to a large number of low-income Americans receive special payments to help serve these patients. Currently, these hospital payments are included in the rates Medicare pays managed care plans. Typically, these payments are not passed along by plans to hospitals that provide the care. The Rangel bill separates those payments from Medicare managed care plan payments and directly pays them to the institutions that deliver this vital care in communities.

"This bill gives credit where it's due," said Rick Pollack, AHA's executive vice president. "Nearly 1,900 hospitals care for large numbers of the poor and are due these payments. This bill gives many hospitals the financial underpinnings necessary to continue providing such quality health care. It's an important step to ensure access to care for the poor."

A similar approach was included in the recent budget bill. Under the budget deal, Medicare payments to cover the costs of teaching our nation's physicians are passed directly to the hospitals that incur these expenses, and not folded into Medicare payments to managed care plans. The AHA strongly supported that measure. An AHA-supported proposal, similar to the Rangel bill, was discussed during the budget debate, but ultimately not enacted.

"We look forward to quick passage of this important legislation," said Pollack. In addition, Pollack noted that AHA will continue to seek repeal of the guaranteed 2 percent increase in Medicare managed care payments to help smooth out the still considerable variation in payment rates across the country.

The AHA is a not-for-profit association of health care provider organizations that are committed to health improvement of their communities. The AHA is the national advocate for its members, which includes 5,000 hospitals, health care systems, networks, and other providers of care. Founded in 1898, AHA provides education for health care leaders and is a source of information on health care issues and trends. For more information visit the AHA, web site at www.aha.org.

"BEAR" MILLS—STRIVING FOR EXCELLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. COMBEST. Mr. Speaker, I rise today to commend Mr. 'Bear" Mills from Midland, TX for recently receiving the 1997 Texas Elementary School Teacher of the Year Award.

Mr. Mills was an award winning columnist and radio commentator in Texas and overseas for 10 years before going back to school to obtain his teaching certificate in 1994. After several years of working with educators, including his wife Caryl, Mr. Mills decided education was right for him. Four years later Mr. Mills is the 1997 Texas Elementary School Teacher of the Year.

Mr. Mills teaching philosophy is simply. "If I'm not striving for excellence every single day as a teacher, then what right do I have to expect excellence of my students?" he says.

Being an expert in your field and a strong figure in the classroom are two things Mr. Mills believes creates a good teacher.

Mr. Mills is dedicated to strengthening the commitment to basic academics as well as educating our children in safe and nurturing environments.

I think as both parties discuss how best to improve our education system we should learn from Mr. Mills' example.

CONGRATULATING MAACO ON ITS 25TH ANNIVERSARY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. TALENT. Mr. Speaker, I rise today to congratulate MAACO on the occasion of its 25th anniversary.

In 1972, Anthony A. Martino, the man who had founded AAMCO Transmissions in the mid-1950's, decided to create another franchise system for quality production auto painting and body repair. He opened a pilot center in Wilmington, DE, and despite critics who proclaimed "you could never franchise paint and collision repair," today, on the 25th anniversary of MAACO Auto Painting and Bodyworks, there are 500 MAACO franchise centers in 48 of the United States, and in Canada, Mexico, and Puerto Rico.

Next week, MAACO will celebrate the culmination of its 25 years in business at the Hotel Del Coronado in San Diego, CA, and at the same time, observe that in this its 25th year, MAACO has also achieved the painting and repair of its 10 millionth vehicle, while opening its 500th center in North America.

Tony Martino, founder and still CEO of the chain today, has always believed that with a strong operating manual and a strong system, and, in the case of MAACO, by offering the public a quality paint and body repair service at reasonable prices, you can be successful.

Since 1972, MAACO has built a $335 million franchise system and has made hundreds of men and women successful owners of a small business that has become part of the economic engine of America. As MAACO observes its 25th anniversary, it has proven that MAACO is more than a business to its hundreds of independent MAACO operators.

HONORING DR. GORDON P. EATON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to Dr. Gordon Eaton, who is an outstanding member of the Northern Virginia community. Gordon is retiring as the Director of the U.S. Geological Survey (USGS) which is an agency under the jurisdiction of the U.S. Department of Interior.

The mission of USGS is to gather information for every State in order to minimize the loss of life and property from natural disasters; to maintain water, biological, energy and mineral resources; to enhance and protect the quality of life; and to contribute to sound economic and physical development. It is the Nation's largest natural resources science and civilian mapping agency. In that role, USGS must work in cooperation with nearly 2,000 organizations across the country to provide reliable, impartial information needed by resource managers and planners. Guiding an agency with such an important and diverse mission is a difficult task requiring an individual that is both management-oriented, and has an understanding of several different scientific fields. Gordon is a man with these skills and many more as evidenced by his tenure at the USGS.

Dr. Eaton is the 12th director in the 118-year history of the USGS. He has headed the agency for the past 3 years and has guided USGS through one of its most tumultuous periods. Dr. Eaton has led the bureau during a time of Government downsizing and has succeeded in redefining the mission of USGS so it may continue as a preeminent science bureau into the 21st century. When he came to the USGS, it was facing criticism that it had outlived its mission as a Government agency and no longer provided valuable scientific information. Dr. Eaton was able to expand the public's knowledge of the many contributions the USGS makes as well as make the services of the bureau more accessible to the public. Gordon was able to communicate the need for change to employees who felt threatened by and out-of-touch with their constituency.

Dr. Eaton helped the employees of USGS to rethink their position and helped the many different branches of the bureau to better coordinate their services. He made it a grassroots effort at the USGS as he tried to make sure everyone felt included in the changes at the agency. Dr. Eaton solicited the opinions of employees at every level in deciding how the agency could most effectively adapt to a new mission. Dr. Eaton's leadership skill and willingness to face down any challenge will certainly be missed by the many employees at USGS who enjoyed his open-door management style.

Mr. Speaker, I know my colleagues join me in honoring and thanking Gordon Eaton for his achievements in guiding the U.S. Geological Survey into the next century. We appreciate all of his hard work and devotion in making the USGS an efficiently run agency that is able to provide the highest level of service to the American public.

LUPUS, A HARMFUL AND RAVAGING DISEASE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, recently, Congresswoman CARRIE MEEK and I hosted a forum at Jackson Memorial Hospital to talk about a disease, lupus, that burdens the lives of almost 2 million Americans, striking 1 out of every 185 Americans. Moreover, although this disease can affect individuals at any age, and in either sex, 90 percent of those who suffer from this ravaging disease are women.

Lupus is not an equal opportunity illness. It not only targets women, but African-American and Hispanic women face an increased threat—as many as three times over.

Lupus, whose name comes from the facial rash it produces, is an autoimmune disease, where instead of protecting itself against viruses, bacteria, and other foreign materials, the body makes antibodies against itself. It is in a class of illnesses that includes forms of diabetes, arthritis and, according to recent research, many also include a number of conditions such as Parkinsons. All of these illnesses occur when the immune system ends up attacking the very body it is supposed to defend.

Although this devastating disease is not infectious, rare, or cancerous and it ranges from mild to life-threatening, the reality is that thousands of Americans die with lupus each year. Moreover, while many other chronic diseases make the headlines, lupus affects more individuals than AIDS, cerebral palsy, multiple sclerosis, sickle-cell anemia, and cystic fibrosis combined.

Even though the outlook for lupus patients has greatly improved, there is still a need for increased research. Therefore, I am proud to be a cosponsor of CARRIE MEEK's bill, H.R. 1111, legislation which will increase research funded through the National Institutes of Health from $33 million last year to $50 million for the next fiscal year and would make an additional $50 million available to State and local governments, as well as nonprofit organizations, to assist with providing essential services to low-income individuals with lupus.

While improvements in medication can allow those afflicted to look forward to a normal life span, there is still much work to be done in education and research. It is my hope that this legislation will hasten the day when lupus is nothing more than a bad memory.

I implore my colleagues to take an active role during Lupus Awareness Month and sign onto H.R. 1111, which 84 of my colleagues have already cosponsored, so that those 2 million Americans afflicted with lupus will have a fighting chance of battling this harmful and ravaging disease.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. HILL. Mr. Chairman, I rise as a cosponsor of H.R. 1534, the Private Property Rights Implementation Act. I proudly voted for this bill when it passed the full House on October 23, 1997.

The fifth amendment in the Bill of Rights guarantees the protection of individuals against the power of all levels of government. According to recent studies, between 80 and 95 percent of all individuals trying to defend their fifth amendment rights in Federal court never get a hearing on the facts of their case. They get lost in a bureaucratic maze of administrative and judicial hurdles that waste time and money.

Of those 5 to 20 percent who break through that maze, it takes an average of 10 years before the merits of their case are even heard. That's 10 years of fighting just to have your fifth amendment claim heard in Federal court. That is 10 years of financial burden and stress for the private property owner in Montana.

Let me give you a specific example from my home State of Montana. There was a plan to develop a condominium project over a 4 acre area. The aim of this project was to provide affordable housing for the community, with plans to develop 34 units at about the average cost of $85,000 per unit.

That sounds quite simple and certainly beneficial, but with the current process this was not the case. To go through the approval process, the project was zoned residential, went through a planned unit development hearing, numerous reviews, a redrawing of the plans approximately five times, and an extensive hearing process, all before the city commission granted a final approval. This took approximately 1½ years.

However, the city commission approved the project with only 24 units. This completely changed the concept of the project, and proved quite burdensome. After a year and a half of extensive hearings, what recourse did the project directors face? They could appeal, not to a court, but to the city commission who had granted this arbitrary number of 24 units or once again begin a costly and untimely review process.

Without access to a court, the project managers had little choice but to proceed with the city commission's inflexible recommendation of 24 condominiums. This, of course, had dramatic consequences.

What was supposed to be affordable housing units at $85,000 per unit, ended up costing $135,000 per unit. Due to structural modifications forced by the commission's approval, this excessive cost undermined the intent of providing affordable housing.

Furthermore, imagine if this were the case for first amendment rights protecting freedom of religion, or fourth amendment rights protecting against illegal search and seizure. I wonder whether those arguing against H.R. 1534 would feel so passionate about protecting the status quo. All Montanans including Montana property owners, deserve equal protection under the Constitution and an equal ability to defend their constitutional rights in Federal court.

The House spoke on behalf of guaranteeing equal protection when it passed this much-needed legislation. I look forward to working with my colleagues further in the hope that the Senate will take up this measure.

TRIBUTE TO W. PETER McBRIDE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention W. Peter McBride of Franklin Lakes, NJ who is being honored this evening as the "1997 Man of the Year" by the Boys and Girls Club of Paterson. This award is presented to Peter in recognition of his outstanding leadership activities throughout the north Jersey area, and his many philanthropic activities in the Greater Paterson community.

Peter was born and lived his early childhood in Paterson. He attended primary school in Ridgewood and high school at the Delbarton School in Morristown. Peter went to Maryknoll College, a liberal arts college and seminary in Glen Ellen, IL. During college, Peter spent his summers doing community development work in Chicago and Mexico. He graduated in 1967 and opted to continue his education by enrolling in Seton Hall's graduate school of business.

The Vietnam war interrupted Peter's education and he enlisted in the U.S. Army, receiving a commission as second lieutenant. After his tour of duty, Peter entered the family business and has been active, first with his father Nevins and more recently his brother David, leading McBride Enterprises as it developed into one of New Jersey's premier real estate development companies.

McBride Enterprises has built a number of industrial and office parks, including those in Fair Lawn, Glen Rock, Wayne, Totowa, Oakland and Mahwah. Fair Lawn Industrial Park, the first project, became a model for the planned industrial park development. In addition to leading McBride Enterprises, Peter is also president of Urban Farms, Inc., a residential development company which has developed over 2,500 acres in Franklin Lakes and Wayne.

The McBride family roots are in Paterson, established by patriarch John McBride who emigrated from Ireland in 1863. Peter's grandfather, Frank A. McBride, founded a plumbing company in 1898, which, under the leadership of his sons Frank, Nevins, and Joseph, grew to become the F.A. McBride Co., Mechanical Contractors.

The McBride family has continued to maintain an interest in their ancestors' adopted home of Paterson and Passaic County. Several family members have been board members and volunteers at St. Joseph's Hospital, and Peter currently sits on the Board of the Hospital Foundation. Peter is past president and a board member of the Passaic Valley Council of the Boy Scouts of America. He has been one of the organizers of the scouts' annual sports celebrity dinner, which for 15 years has been the major fundraising activity of the council.

Peter is also cochairman of the Annual J. Nevins McBride Golf Outing for Scouting which benefits the youth of Passaic County. His involvement with scouting extends to his family, where his son is a boy scout with Troop 34 in Franklin Lakes. Peter also serves on the Ramapo College Board of Trustees, Most Blessed Sacrament Parish Council, the Archdiocese of Newark Finance Council and the Board of Directors of Hudson United Bank.

Peter lives in Franklin Lakes with his wife, Pam, and children Meredith, Peter, and Annie. Pam is the volunteer architect for "Woman Raise the Roof," a Habitat for Humanity Project in Paterson. Pam and Peter are also mentors for Operation Link-Up at Kennedy High School.

Mr. Speaker, I ask that you join me, our colleagues, Peter's family and friends, and the people of north Jersey in recognizing W. Peter McBride's many outstanding and invaluable contributions to the community and to the Boys and Girls Club of Paterson.

WORLD POPULATION AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. GILMAN. Mr. Speaker, this week is World Population Awareness Week. It calls attention to the growing population of mankind and the pressures it puts on the planet. At the current rate, the world's population will double from 5.8 to 11 billion people during our lifetime. Excluding China, 21 million women of childbearing age in the developing world are added each year—equal to the total number of women of childbearing age in California, Texas, New York, and Florida combined.

Population Awareness Week calls attention to our voluntary family planning program. President Nixon launched the U.S. international family planning program in 1969. The program improves the health of mothers and their children by increasing the time between births while reducing unintended pregnancies and abortions. After 30 years, the program helped reduce the average number of children in the developing world from six to four. Modern contraceptive use climbed from 10 to 35 percent. As contraceptive use in countries such as Russia rose from 19 to 24 percent, abortion rates fell from 109 per 1,000 women to 76. It is clear that family planning reduces unintended pregnancies and abortions in many countries. In sum, the Population Council estimates that without family planning programs, there would have been 500 million more people in the world today—almost twice the population of the United States.

The single greatest way to reduce infant mortality is to increase the time between pregnancies. Family planning also helps to reduce abortion. Family planning saves lives and creates greater opportunities for the health, education, and economic future of children.

I want to commend the leaders behind World Population Awareness Week, especially Werner Fornos of the Population Institute. The institute is one of the leading forces in bringing the attention of the Congress to key issues of population, family planning, and the environment.

FRONT-LINE HEALTH CARE WORKERS SHOULDN'T HAVE TO RISK THEIR LIVES TO SAVE LIVES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. STARK. Mr. Speaker, along with over 20 original cosponsors, I am introducing the Health Care Worker Protection Act of 1997. This bill is designed to reduce the risk of health care workers from accidental needlesticks. The legislation would ensure that the necessary tools—better information and better medical devices—are made available to our frontline health care workers in order to reduce the injury and death which may result from accidental needlesticks each year.

Although needlestick injuries are considered to be widely under reported, health care workers report more than 800,000 needlesticks and injuries from sharp products each year. According to the Center for Disease Control and Prevention [CDC] there have been at least 52 actual and 111 possible documented cases of HIV seroconversions among U.S. health care workers resulting from occupational exposures since 1994. Needlestick injuries caused by hollow-bore needles accounted for 86 percent of all reported occupational HIV exposures. Of the needles involved in the reported injuries, 2 percent or roughly 16,000 are likely to be contaminated by the HIV virus.

Imagine what someone must go through when accidentally pricked with a used needle device. Tests must be conducted to determined if the blood on the device contained an infectious agent. If so, the health care worker must undergo tests to see if they have been infected. If the blood contained the HIV virus, one could not be sure for up to 1 year whether an infection occurred.

While you can't put a dollar figure on the psychological toll of a needlestick, if only one employee becomes HIV positive, the direct cost to treat a needlestick injury can average $2,809 even if there is no infection. If an infection occurs, direct and indirect costs can total more than $500,000.

The Health Care Worker Protection Act of 1997 requires hospitals and hospital-owned facilities to use safe and approved hollow-bore needle devices as a condition of participation in the Medicare Program. Hospitals would be required to use safe needle devices as approved by the FDA in consultation with an advisory committee comprised of representatives from consumer groups, frontline health care workers, industry representatives, and technical experts. To enhance compliance, $5,000,000 would be provided for education and training in the use of safety devices.

Support for this bill has come from all quarters: the American Nurses Association, the American Association of Occupational Health Nurses, the Service Employee International Union, American Federation of Teachers, Lynda Arnold's National Campaign for Healthcare Worker Safety, Association of Operating Room Nurses, American Association of Critical-Care Nurses, many product researchers and manufacturers, and most importantly, health care workers. Supporters of the bill share the opinion that this legislation will provide important protections for health care workers in the workplace.

Better information and better devices are the key to reducing injuries from needlesticks. Hospitals must be encouraged to substitute existing needlestick products with products proven to be safe. Nurses, doctors, and other frontline health workers care each day for those individuals we love. They shouldn't have to risk their lives to save lives. I urge my colleagues to support this bill.

CONGRATULATING ST. JOSEPH'S WIC PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate St. Joseph's Hospital and Medical Center in Paterson, NJ, on its excellent system of WIC clinics and the work the clinics have done on behalf of women and children in my State.

WIC is a proven program that efficiently, effectively, and humanely helps children and families by providing food for pregnant women, breast-feeding women, and young children. Participants meet with a professional nutritionist who assess their nutrition needs, then issues coupons that may be redeemed at local supermarkets for products such as milk, infant formula, baby food, cereal, and other nutritious food. Unlike food stamps, the coupons can be used only for specific products—a coupon for a gallon of milk cannot be used to purchase snack food or candy, for example. The GAO says that for every $1 spent on WIC, America realizes $3.50 in savings on health care costs during the most important formative years of childhood. WIC means healthy mothers and healthy babies. In this, the most technologically advanced nation in the world, we cannot allow children to go to bed hungry.

In addition, WIC is a major Federal program that has endured none of the scandals that have plagued so many programs. It is most efficiently run. Yet this program has come under the threat of cuts repeatedly in recent years. I have had to fight to eliminate a cap on the number of participants and to restore cut funding in the last two Congresses. Further attacks on this program will not be left unanswered. Cutting WIC is literally a matter of taking food out of the mouths of babies.

I had the pleasure of visiting St. Joseph's recently to meet with both professional providers of services and the women who benefit from the program. It is clearly one of the best-run WIC clinics in existence and participants truly appreciate the assistance they receive. It shows that WIC funding is, in fact, well spent.

Founded in 1978, St. Joseph's is the largest WIC program in the State. With 19,000 clients per month, it serves residents of Bergen, Morris, and Passaic counties at 23 facilities across the tricounty area. Sites include hospitals, Health Department offices, community centers, Head Start programs and other social service agencies—locations where low-income mothers are present and able to learn of the services offered by the program. One clinic is located in a Paterson storefront and another is a mobile WIC on Wheels to enhance outreach.

In addition to its wide variety of locations, St. Joseph's takes other steps to make WIC services accessible. The main office in Paterson is open three evenings a week and the storefront office in Paterson is open Saturdays. If funding becomes available, extended hours may be offered at other locations as well. The staff reflects the cultural and ethnic mix of the programs participants, including speakers of Spanish, French, Italian, and Arabic. Outreach programs are conducted with Hispanic and African-American grassroots organizations and an Arab community liaison.

The clinic also promotes breast-feeding with a lactation consultant and two lactation peer counselors who visit new mothers in hospitals and follow up with telephone calls and home visits as necessary. Breast pumps and other supplies are offered at no cost.

The clinic provides a wide variety of other services, including immunization registry and referral; referrals to other health and social services agencies such as substance abuse and food pantries; and special education programs such as dental hygiene, child safety, and parenting. The clinic is also a training site for student nutritionists from Montclair State University and other colleges.

Nationwide, more than 7 million women, infants, and children depend on WIC for nutrition assistance. St. Joseph's is one of the most outstanding centers in that national network. This is one of the most efficient and effective programs our Government has to offer. And it is the type of program the government should offer—real help with real problems for people unable to help themselves. Never let us take the food out of the mouths of babies.

TRIBUTE TO JOHN J. GRADY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to honor the memory of John J. Grady, a constituent, a community leader, and a good friend who passed away this month.

Jack Grady, born in Springfield, IL, came to Washington to attend Catholic University. Although he returned to Illinois briefly, he called Montgomery County home for most of his life, and with his wife Patricia, raised his wonderful family here. He had a distinguished career in government and business, and he contributed to the community life of the entire Washington metropolitan area.

A former FBI agent, Jack also worked for the Foreign Operations Administration, first as the inspections division director and then in recruitment. He later became deputy to the Assistant Air Force Secretary and then deputy director of the International Cooperation Administration.

Jack was twice the recipient of the Air Force Exceptional Civilian Service Award and was presented the prestigious Arthur S. Flemming Award, given to the top 10 government workers under the age of 40. After leaving government service, he served as vice president of Carl M. Freeman Associates and head of its management company. In 1965, he founded Grady Management Inc., a firm that today employs 400 people and manages 12,000 apartments, as well as commercial buildings, in the Washington-Baltimore area.

Jack also served with dedication on the boards of the Apartment Home Council, the Apartment Owners and Builders Association, and the Century National Bank. A member of the John Carroll Society and the Knights of Malta, Jack also contributed his many talents and gifts to the board of trustees of Holy Cross Hospital in Silver Spring.

Above all, Jack was devoted to his friends and especially his family. My husband and I have precious memories of celebrating Pat and Jack's 50th wedding anniversary 4 years ago. The outpouring of love was moving and inspiring. Jack will "live on in love."

I offer condolences to his wife Pat, sons Kevin and John III, and his daughters Cheryl and Jan.

Mr. Speaker, I honor the memory of John J. Grady, a man who touched the lives of many people and a man who will be greatly missed by all who knew him.

CONGRATULATIONS TO THE FLORIDA MARLINS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the Florida Marlins for having won the 1997 World Series Championship. Created by Wayne Huizenga, administered by Don Smiley, built by Dave Dombrowski, and managed by Jim Leyland, this young team achieved the top honor, to which 28 teams aspire, in just 5 years. By reaching the World Series in record time, the Florida Marlins is the youngest franchise ever to win the World Series and has thus assured itself a place in history.

Before this reason, the Florida Marlins had never been in the play-offs. Throughout the 1997 division series, however, they never trailed in games won. They initiated their quest by overpowering the San Francisco Giants and then went on to win the National League Championship Series by upsetting the Atlanta Braves. Then, in a dramatic, extra-inning, seventh game, they defeated the Cleveland Indians to become the 1997 World Series champions. Within 5 years, the Florida Marlins attained a monumental goal that has historically taken championship teams decades to accomplish.

The 25 players who achieved this feat are: Kurt Abbott, Moises Alou, Antonio Alfonseca, Alex Arias, Bobby Bonilla, Kevin Brown, John Cangelosi, Jeff Conine, Dennis Cook, Craig Counsell, Darren Daulton, Jim Eisenreich, Alex Fernandez, Cliff Floyd, Felix Heredia, Livan Hernandez, Charles Johnson, Al Leiter, and Greg Zaun.

The Marlins' victory was a victory for all Floridians. In a community as diverse as ours, people from different backgrounds have united in their admiration and pride for our baseball team. I applaud the athletic prowess of these men and commend the dedicated efforts of their coaches and manager. I know that the Florida Marlins will continue to give Floridians as a spirit of unity and strength in years to come and look forward to another championship season in 1998.

TRIBUTE TO BECK MEMORIAL PRESBYTERIAN CHURCH ON ITS 183d ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Beck Memorial Presbyterian Church, a South Bronx landmark that on October 26, 1997, celebrated its 183d anniversary in a worship service. The theme for the service was "Standing on the Promises."

Beck Memorial Presbyterian Church was founded in August 31, 1814 as West Farms Presbyterian Church, in the West Farms School House on the west side of Boston Road. The present church, directly opposite the original building, was constructed with a legacy from Charles B. Beck and dedicated on October 29, 1905. Beck has seen the South Bronx community through times both of glory and of decline. Happily, this venerable institution survives not only to see the renaissance of the Bronx, but to contribute to it.

Mr. Speaker, I ask my colleagues to join me in extending best wishes to the Rev. Victor Aloyo, moderator of the Presbytery of New York and pastor of the Presbyterian Church of the Redeemer, and to the congregation and administration of Beck Memorial Presbyterian Church on the occasion of this momentous celebration.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mrs. KELLY. Mr. Speaker, I rise today to commemorate Breast Cancer Awareness Month and to honor those women who are forced to live with this disease and to their families who support them during their time of need.

While we stand here and recognize October as Breast Cancer Awareness Month, I realize that in many families every month is Breast Cancer Awareness Month.

Sometimes because a mother is fighting the disease;

Sometimes because an aunt is in remission from the disease;

Sometimes because a grandmother lost her life to breast cancer;

Or in my case, because my sister is fighting this silent predator.

As if it is not enough that today over 2.5 million women in America are living with breast cancer, we read story after story about the additional hardships these women are made to endure.

Some women are forced out of a hospital 12 hours after a radical mastectomy with tubes left in their back and no one to assist them;

Some women are denied reconstructive surgery following a mastectomy and are told that it is deemed cosmetic—an excuse that masquerades the truth that denying coverage is merely a cost-savings measure;

Some women who have already lost several family members to breast cancer fear they will lose their job or health insurance if they decide to be genetically tested in an attempt to save themselves;

Some women are denied access to the full menu of medical options of breast cancer treatment because their physician has been gagged by the health plan for which he works;

Some women are diagnosed with an advanced stage of breast cancer because of a prior false negative test result and no insurance coverage for a second opinion.

These are real stories of real women who not only had to fight breast cancer, but then had to fight a health care plan which practiced bottom-line medicine instead of patient-first medicine.

Breast cancer survivors must be treated with compassion and dignity, not as an accounting figure. This is why I introduced the Women's Health and Cancer Rights Act of 1997, H.R. 616. This legislation:

Ensures coverage for inpatient hospital care for women following a mastectomy, lumpectomy, or lymph node dissection for a period determined by the physician and patient;

Allows for coverage of second opinions for all cancer diagnosis for men and women, whether negative or positive;

Requires coverage of reconstructive surgery for breast cancer patients—including symmetrical reconstruction; and

Protects physicians from retribution for recommending longer stays.

One breast cancer survivor wrote the following about the Women's Health and Cancer Rights Act; "It would be a wonderful feeling knowing that until there is a cure for this horrible disease women would at least be able to face breast cancer with dignity and peace of mind knowing that their health care plan would stand with them and not against them."

The experiences of the thousands of breast cancer survivors have made me realize that we should have no greater priority than empowering those with breast cancer the right and ability to play an active role in the management of their treatment. It is our obligation as leaders to ensure them that their medical treatment is in the hands of physicians, not insurance companies. It is a profound injustice when health care forgets about the patient, yet with regard to mastectomy recovery and breast construction following a mastectomy, that is just what has been done.

Let's put the reality of this disease in perspective. When a woman is told that she has breast cancer, the feeling that immediately follows the initial denial is lack of control. My bill is a patient's bill aimed at providing patients, in consultation with their physicians, a greater degree of autonomy when deciding appropriate medical care and, therefore, taking back control of their lives.

Some people call the Women's Health and Cancer Rights Act a mandate. How is this a mandate when I only ask that patients get what they pay for—health insurance. If health insurance can abandon you, ignore you, or even kill you, it isn't insurance.

Now, to be clear, all insurance companies are not so insensitive as to not provide these basic benefits and, therefore, all will not be affected by this legislation. But we have a responsibility to protect the doctor/patient relationship, ensuring that the medical needs of patients are fully addressed.

The Women's Health and Cancer Rights Act should be the top social issue for the 105th Congress. I ask my colleagues to join me in making that a reality.

Lastly, my heart goes out to the women struggling with this disease, for whom we hold this special order tonight.

BETWEEN PEACE AND TERROR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak about terrorism. The suicide bombings at the pedestrian mall on Ben Yehuda Street in Jerusalem captivated my attention. Just days before the terrorist act, I had been there, in the exact spot of detonation.

In addition to the 3 Palestinian bombers, 4 innocent people died, more than 170 were injured. Three weeks prior, two Hamas members walked into an open-air market in Jerusalem, blew themselves up and killed 15 civilians. The total number of Israelis killed since the signing of the Oslo peace agreement in 1993 now exceeds 250.

While some may speculate on motives, I have come to my own conclusion: Suicide bombings on civilian targets are not meant to fulfill some thoughtful act of persuasion. They are designed to kill people—period.

My mission in Israel was sponsored by the United States—based non-profit American Israel Education Foundation. Five other Members of Congress made up our party. Our meetings with various Israeli and Palestinian leaders and officers, and United States Embassy officials, persuaded me that the Hamas terrorists didn't act alone.

The suicide bombers relied upon considerable help to plan, fund, and execute their terror. The bombings could have and should have been prevented.

My colleagues and I, who studied Israel together fired off a terse letter to Palestinian Chairman Yassir Arafat on September 8. "As members of the United States Congress who have supported our country's efforts to bring about peace in the Middle East, we are writing to express our collective outrage not only at the latest terrorist attack in Jerusalem, but at the indifference you continue to demonstrate at the brutal murder of innocent Israeli citizens," the letter read.

We supported our belief that Arafat had failed to fulfill the most fundamental commitments he had made to the peace agreements at Oslo. Because of that failure to take decisive actions against terrorism, the peace process is now on the verge of collapse. This is certainly not in the best interest of his own people.

Clearly, the peace process is seriously set back, perhaps mortally. By ending security cooperation with Israel and by resorting to inflammatory rhetoric, Yasser Arafat has left himself with only one option at this point: Comply with every term in the agreements he has made.

On her recent visit to the Middle East, Secretary of State Madeline Albright failed to press this point to a sufficient degree. There are plenty of issues upon which to measure the merit of further attempts to maintain Oslo, but the fact remains, that the PLO charter still calls for the destruction of Israel. Senior Palestinian Negotiator, Dr. Saeeb Erekat looked me right in the eyes and assured me the pernicious clause would be removed by now.

If the United States is to ever expect the successful resumption of peace negotiations, it must demand specific responses from Arafat. The Palestinian Covenant must be amended, and the inflammatory rhetoric must end. Full security cooperation must be restored including the transfer to Israel of jailed terrorists accused of murdering Israelis and dramatic reduction of the Palestinian police force in accordance with the 1995 Oslo II agreement.

Moreover, the Palestinian Authority must take concrete steps to arrest and punish terrorists, confiscate their weapons and crush the underground network of support which makes terrorist attacks possible.

Unless the United States can pressure Arafat to honor the terms of past agreements, there is little cause for optimism. However, America must never confuse its role in the Middle East. We are not a party to the Arab-Israeli conflict and our role is predicated on the desire of both parties to have us work with them to secure peace.

As such, the United States is in a unique position to press for swift compliance, issue by issue, and force Arafat to decide once and for all, between peace and terror.

CONGRATULATING THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN) ON THE OCCASION OF ITS 30TH ANNIVERSARY (H.R. 282)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. GILMAN. Mr. Speaker, I am submitting today a Resolution (H.R. 282) congratulating the Association of South East Asian Nations [ASEAN] on the occasion of their 30th anniversary. ASEAN's emphasis on cooperation and the nonviolent settlement of disputes has fostered peace among its members in a region of the world which has long been wrought with instability and conflict. It is now difficult to visualize armed strife between ASEAN nations.

Since its inception in 1967, ASEAN has grown to become an influential political and economic grouping composed of nine member nations. By tempting the longstanding rivalries among its members, ASEAN helps to foster a stable and secure environment conducive to economic growth and the political development of Southeast Asian nations.

Its efforts to promote the economic, social, and cultural development of the region through cooperative programs; to safeguard the political and economic stability of the region; and to serve as a forum for the resolution of intra-regional differences has made ASEAN a model of regional integration.

The United States has important strategic, economic, and political interests at stake in Southeast Asia. Maintaining stability remains an overriding U.S. security interest in the region. Instability would not only threaten significant U.S. economic interests, but could also undermine important U.S. political relationships. ASEAN's Regional Forum [ARF], the region's only security consultative platform, is a key partner of the United States in maintaining regional stability.

The ASEAN countries provide the United States with significant commercial opportunities. ASEAN, is the fourth largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined. Despite current difficulties, projections of future ASEAN growth indicate that the Southeast Asian regional market will become even more important to United States economic interests in the future. At the same time, U.S. policymakers hope to see greater trade liberalization among the nations of ASEAN as economic ties deepen.

The Congress rightfully has expressed its concern about the development of human rights and democracy for the nations of ASEAN but is pleased with the flourishing of democracy in Thailand and the Philippines. It is hoped that these examples will encourage progress by the other nations of ASEAN in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the mutual benefit of the people of the United States and the nations of ASEAN.

I call upon my colleagues in the House of Representatives to support this resolution.

H. RES. 282

Whereas 1997 marks the 30th anniversary of the Association of South East Asian Nations (ASEAN);

Whereas the emphasis of ASEAN on cooperation and the nonviolent settlement of disputes has helped to bring peace between the nations of the region which for decades had been characterized by instability and conflict;

Whereas the economies of the member nations of ASEAN have experienced significant economic growth benefiting the lives of many of their people;

Whereas ASEAN as a group is the 4th largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined;

Whereas ASEAN has successfully fostered a sense of community among its member nations despite differing interests, including the establishment of the region's only security forum, the Association of South East Asian Nations Regional Forum (ARF), and the Association of South East Asian Nations Free Trade Area (AFTA);

Whereas ASEAN has played a pivotal role in international efforts of global and regional concern, including securing the withdrawal of Vietnamese forces from Cambodia and diplomatic efforts to foster a political settlement to the civil war in Cambodia;

Whereas the United States relies on ASEAN as a partner in fostering regional stability, enhancing prosperity, and promoting peace; and

Whereas the 30th anniversary of the formation of ASEAN offers an opportunity for the United States and the nations of ASEAN to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Association of South East Asian Nations (ASEAN) and its member nations on the occasion of its 30th anniversary;

(2) looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the benefit of the people of the United States and the nations of ASEAN;

(3) encourages progress by ASEAN members toward the further development of democracy, respect for human rights, enhancement of the rule of law, and the expansion of market economies; and

(4) recognizes the past achievements of ASEAN and pledges its support to work closely with ASEAN as both the United States and the nations of ASEAN face current and future regional and global challenges.

WHAT HEALTH ANTI-TRUST POLICY?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. STARK. Mr. Speaker, following is an editorial from the October 13, 1997, "Modern Healthcare." I wish I'd said it first.

AS GOVERNMENT CAVES, PROVIDERS MAKE THEIR OWN ANTITRUST POLICY

When the government sets antitrust policy for a particular industry, you would hope the policy is being driven by the concerns of buyers who are wary of the potentially anticompetitive market clout of sellers.

Not so in healthcare.

As evidenced by numerous events over the past several years, it's clear federal antitrust policy as it pertains to healthcare providers is guided by providers themselves and their well-paid lawyers and economists.

In other words, the sellers are setting their own rules of competition with the full acquiescence of federal lawmakers. The providers' sole justification? Trust us, we know what we're doing. We know what's best for patients.

In fact, the provider industry is so brazen and so confident it expects special treatment under the federal antitrust laws.

For a definition of brazen, read Mary Chris Jaklevic's coverage of the deal between the two largest hospitals in Grand Rapids, Mich., which merged despite not having final clearance from the Federal Trade Commission, or Charlotte Snow's story on how the only two acute-care hospitals in Greensboro, N.C., outwitted the FTC and the North Carolina attorney general's office to obtain their monopoly (Oct. 6, pages 2 and 14, respectively). The hospitals in both cases have promised to limit price increases and pass along millions of dollars in economic efficiencies to consumers.

Why shouldn't providers act with such bravado? The government has caved in to virtually all their demands:

In 1993 the FTC and the U.S. Justice Department release the first-ever antitrust enforcement guidelines for providers that created six "safety zones," or categories of business transactions that won't be subject to federal antitrust scrutiny.

In 1994 the two agencies revised the guidelines and added two more safety zones.

In 1996 the agencies released more lenient antitrust standards for reviewing physician networks.

Federal judges have thrown out the agencies' last three antitrust lawsuits against merging hospitals.

In a time when hundreds of deals are being put together, the government has only one pending case against merging hospitals and one against a physician network.

Despite all this, Sen. Orrin Hatch (R–Utah), who heads the Senate Judiciary Committee, recently said special antitrust rules for not-for-profit hospitals may be in order after he heard testimony from hospital executives, their lawyers and their consultants. Earth to Sen. Hatch.

Where are the buyers in this debate? The managed-care plans? The employers? The patients? Somehow, they've largely been left out of the antitrust policy reviews.

At first, newly consolidated hospitals and physicians will find it easy to generate economic efficiencies given the excess capacity and duplicated services in many markets. Only time will tell if they pass those benefits along to the public or use their power to stifle new competition. Let's hope somebody with influence is watching.

HONORING KATHY DI FIORE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise today to thank Kathy DiFiore, of Ramsey, NJ, for the work she is doing on behalf of unwed mothers. Kathy is a dedicated and compassionate community leader who lends support to young women at a trying period in their lives. Her work is well-known across our State and has been supported by figures as prominent as former Gov. Tom Kean and the late Mother Teresa. We need more people like Kathy DiFiore to help with the issue of teen pregnancy.

More than a decade ago, Kathy opened a shelter for unwed mothers in her own, six-bedroom home. Today, she operates Several Sources Shelters, which has five homes for unwed mothers—two in Ramsey plus one each in Mendham, Newark, and Washington Township. Kathy a former Wall Street executive, has given thousands of women the moral and tangible support needed to bring their children into the world.

Even an effort as admirable as a shelter for unwed mothers does not succeed without overcoming obstacles. In 1984, State officials levied a $10,000 fine against Kathy, claiming that her home—at that point a shelter—was being operated as an illegal boardinghouse. Similarly, Ramsey officials said it was unlikely she could be granted a zoning variance necessary to continue operation. The shelter's future was uncertain. Undaunted, Kathy convinced the State legislature to pass a bill allowing her to remain in operation, then-Governor Kean, however, was hesitant to sign the measure.

It was at that point that Kathy contacted Mother Teresa and asked her help. Mother Teresa responded and, in turn, contacted Governor Kean and urged him to sign the bill. Three days later, the legislation was law.

The Several Sources Foundation provides extensive counseling and information for pregnant women seeking an alternative to abortion and ultimately provides free shelter for expectant mothers and their children. The foundation has found that many young women, particularly teenagers, have no place to stay while pregnant. It is, tragically, not uncommon for angry parents to kick out their daughters upon learning that they are pregnant. The shelters allow mothers to stay during pregnancy and up to 1 year after the birth of a child. Each of the five shelters can house up to six mothers and their infants, supervised by an adult house mother.

Women who stay at the shelters are trained in the practical aspects of motherhood, including prenatal care and homemaking. School-age mothers attend high school and are tutored at the shelter during the last weeks of pregnancy. Women who have dropped out of school are assisted in passing their GED and are given classes in practical, employment-related skills such as typing. Some go on to college.

Several sources is a pro-life organization that offers a national telephone hotline for pregnant women. More than 200 women call the hotline each month and Kathy estimates that 15,000 abortions have been avoided since she founded the organization. The group also offers information through a World Wide Web site on the Internet.

None of this could be done without help, of course. Kathy is assisted by a number of caring and dedicated volunteers, such as Donna Jacoby of Ridgewood. Others help the nonprofit, nonsectarian organization through tax-deductible private donations and offerings at area churches.

Mr. Speaker, Kathy DiFiore is a deeply religious woman who has followed through on her Christian convictions. She communicated frequently with Mother Teresa, who served as her religious role model. She likes to say that it's necessary to pray the work. Her efforts might be described as working the prayer.

We need more people of deep conviction and conscience who do more than preach their morality and practice Christian charity in its truest form. Kathy DiFiore has transformed her convictions into action to help these women and children who are in greatest need, not only in daily care but also in educating and inspiring them to improve their lives and provide a promising, hopeful future for their newborn babies.

We all wish her renewed strength and inspiration so that many more might find life through her dedicated and devoted ministry.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. KIND. Mr. Speaker, today I learned that the House Government Reform and Oversight Committee has scheduled a hearing on campaign finance reform for this Thursday, October 30. This is good news. I applaud Chairman BILL THOMAS for allowing this important issue to be given a proper hearing.

However, this is only the first step. Not only should campaign finance reform legislation be given a hearing, it also must come to the floor of the U.S. House of Representatives for a full debate and vote. The people of my district have told me repeatedly that they will not take no for an answer when it comes to changing the current campaign finance system. A hearing is not enough, the full House must be given a chance to vote on this issue.

Last week I joined 168 of my colleagues in signing a discharge petition on campaign finance legislation. It appears the pressure of that petition has forced the leadership of the House to schedule the hearing. I will urge my colleagues not to abandon the discharge effort until we are sure that a fair vote will be allowed on campaign finance reform.

With 2 weeks left before our expected adjournment for the year there is very little time left to consider this issue. I urge you to move quickly to bring a substantial reform bill before the House. I will not take no for an answer.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. RYUN. Mr. Speaker, I was absent on the afternoon of October 23 and October 24 to attend the wedding of my oldest daughter.

I request unanimous consent that the record reflect that had I been present I would have voted "no" on rollcall No. 525, "yes" on rollcall No. 529 and "no" on rollcall No. 531.

HONORING THE RECIPIENTS OF THE 1997 PATHFINDER AWARDS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. EDWARDS. Mr. Speaker, today, I rise to congratulate 17 women from my Texas congressional district for being selected as recipients of the 1997 Pathfinder Award. These specially selected women from Waco and McLennan County have distinguished themselves through their unique service and contribution to the community.

Pathfinders is a special recognition program that honors outstanding women in McLennan County who have distinguished themselves in their chosen fields. Since 1984, the YMCA of Central Texas has honored 214 women with this distinguished tribute.

The women are selected for the honor based on three factors: First, they have served as an exemplary role model, second, they are a strong mentor for others, and third, have impacted lives for the good.

Receiving the 1997 Pathfinder Award are:

Joyce Briehof will be recognized in the area of science/inventions, having been extensively involved with the Green Classroom Project at Kendrick Elementary School in Waco.

Lynn Bulmahn will be recognized in the area of communications. Her coverage of health-related subjects including teenage pregnancy and Alzheimer's disease have earned her numerous awards.

Margie Cintron is the recipient of the Pathfinder Award for public service. She has helped create 24 neighborhood associations in Waco, and provides technical support in accessing city, county, and other governmental services.

Mary Duty will be recognized in the area of business/finance. She recently lobbied the Texas Legislature for passage of a bill to keep tobacco products away from underage children.

Toni Herbert, a member of the Waco City Council, will be recognized in the area of politics. She began the Neighborhood Training Institute, as well as initiating the Neighborhood Development Program for the city of Waco.

Ella Janes McKinney will be recognized in the area of volunteerism. A lifelong member of the Austin Avenue United Methodist Church, she helped organize the Meals on Wheels Program her church operates.

Eugenie Mygdal will receive the Pathfinder Award for the arts. An active volunteer of the Waco Art Center and the Hillcrest Professional Development School, she is also a sculptress and artist.

June Osborne will be recognized in the area of conservation. She is an avid ornithologist has sought to heighten the awareness of children and adults about the importance of nature conservation.

Linda Reasoner, administrator of the Waco Covenant Academy, will be recognized in the area of non-traditional roles. She has also been active in the development of home schooling in Waco.

Pam Smallwood, education director of Planned Parenthood, is the recipient of the Pathfinder Award in health. She is the creator of the nationally recognized program, "Nobody's Fool: Dating, Love, Sex and AIDS."

Maretha Smith will be recognized in the area of humanitarian. She is the founder of the youth program, "Save of our Sons," an organization which seeks to provide a positive focus on the African-American male.

Dr. Rosanne Stripling, superintendent of the Waco Independent School District will be recognized in the area of education. Earlier this year, she was named the first female superintendent of the Waco ISD after having served in a number of other capacities as a professional educator.

Helen Thueson, director of victim services for the Waco Police Department will be recognized in the legal area for her efforts to help victims rebuild their lives after a traumatic crime has occurred.

Dr. Nancy Upton, director of the Entrepreneurship Center at Baylor University, will be recognized in the area of entrepreneurial enterprises. She is the only chairwoman of an endowed entrepreneur center in the United States.

Greta Warren Watson will be recognized in the area of civic leadership. A volunteer since in the late 1950's, her numerous activities include the Senate Ladies' Club, the League of Women Voters, and the Big Twelve Task Force.

Ina Mae Wilson will be recognized in the area of volunteerism. She has contributed over 1,900 hours to the Community Hospice Service in Waco, specializing in the area of bereavement.

Patricia Wood is the recipient of the Pathfinder Award in the area of religion. She has opened her home to numerous foreign exchange students in her church. I am proud to say she is my mother-in-law and devoted grandmother to my two sons, John Thomas and Garrison.

In addition, Bobbie Barnes is receiving the Rountree Athena Award for her leadership in the areas of historic research, education, and preservation. Her work will allow the rich history and culture of Waco to be passed on to future generations.

I ask Members to join me in honoring the recipients of these distinguished awards. These women have demonstrated the dedication and exhibited the excellence that make our communities strong and our country great.

TRIBUTE TO BRIG. GEN. SALVATORE "SAL" VILLANO, JR.

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Ms. DEGETTE. Mr. Speaker, this November will see the retirement from the Colorado Air National Guard of an individual I wish to commend.

Brig. Gen. Salvatore "Sal" Villano, Jr. brought to the National Guard a patriotic commitment to his country. But he also brought a strong desire to involve the Guard in the community it serves.

Sal Villano grew up in the part of my district known as North Denver. Anyone who knows North Denver knows it to be a neighborhood with a long history of strong family and ethnic ties. There Sal learned the value of honest work and spiritual integrity.

These values guided General Villano's rise in the Air National Guard. He saw it as his duty to lead with energy and integrity. But he saw it as his personal mission to have the Guard promote the general welfare while providing for the common defense of the Nation.

General Villano worked hard to bring armories to close-knit Colorado communities. The new Denver armory, conceived by Sal as an armory on the weekend and a neighborhood center during the week, is a good example of his vision to marry the Guard's mission with a community need. He pushed tirelessly to start innovative programs to turn troubled teens around. And, he took seriously his role to keep drugs off Colorado streets.

Mr. Speaker, America and the National Guard can learn a lesson from Gen. Sal Villano, a good kid from North Denver.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mrs. LOWEY. Mr. Speaker, we have made progress in the war on breast cancer and the tragedy it causes. Early detection and aggressive treatment have enabled countless women across our Nation to survive this terrible disease.

Yet, so much more remains to be done. Women continue to face a one in eight chance of developing breast cancer during their lifetimes. It remains the most frequent major cancer in women and the second leading cause of cancer deaths among women. Last year, an estimated 182,000 women were diagnosed with breast cancer and nearly 50,000 died of the disease.

The Federal Government's support for breast cancer research has grown significantly in the past 10 years. The grants funded by the National Cancer Institute are on the cutting edge of science and have made important contributions to our understanding of this complex disease and to treatment.

But because of a lack of funding, the National Cancer Institute is able to fund only a small percentage of the outstanding applications for research it receives. An estimated one out of every four grants that has been approved for funding by NCI's expert panels goes unfunded because of budgetary constraints. This is simply unacceptable.

We must increase our investment in breast cancer research. We know very little about how to prevent the disease and treatment options are too few. At least two-thirds of breast cancers occur in women with no known risk factors.

For example, we must gain a better understanding of the genetic basis of breast cancer, including more about the BRCA series of genes in Jewish women and others.

Another important area of research is the link between breast cancer and the environment. We need to know more about so-called endocrine disruptors that are used to make pesticides, and other products.

We also need to improve breast cancer detection. There are promising developments in new detection technologies such as magnetic resonance imaging and ultrasound which could eventually save countless lives.

Each woman affected by breast cancer is a mother or a daughter or a sister or an aunt. And by that standard, breast cancer has torn apart the lives of literally millions in our country.

Promising research remains unfunded and important questions are going unanswered. Yet, breast cancer is the most common cancer in women and the cause of so much anguish.

H.R. 1070, would increase breast cancer funding at the National Cancer Institute from $410 to $590 million, an increase of 40 percent.

This is a bipartisan bill which I introduced with CONNIE MORELLA. We have 57 cosponsors and the list grows every day. The bill is supported by both the American Cancer Society and the National Breast Cancer Coalition.

In addition to the vital work of the National Cancer Institute, the war against breast cancer is being fought by other Federal agencies. The excellent, innovative breast cancer research program at the Defense Department deserves continued congressional support.

We have increased access to and improved the quality and safety of mammography screening. I am pleased that on October 1, the FDA issued its final rules on the Mammography Quality Screening Act, a bill enacted in 1992 with the strong support of the Congressional Women's Caucus. All facilities should now be in compliance with the act and women should no longer need to worry about the quality of their mammogram.

In addition, the Federal Government has provided low-cost breast cancer screening for over 1 million women through the Center for Disease Control's breast and cervical cancer screening program. The budget for this program has increased from $50 million in 1992 to $140 million in 1997. It's now available in all 50 States and is supported by private partners such as Avon and the YWCA. Of course, we need to continue to expand the program and target those women who are the most difficult to reach because of language and cultural barriers. No women in our Nation who needs a mammogram should go without one.

Another important development at the national policy level has been the involvement of breast cancer advocates in decisions about how to allocate precious Federal research funds. Both at NIH and the Defense Department, advocates are adding a fresh perspective to review panels, helping scientists and administrators look at their research portfolios in important new ways. The National Cancer Institute has recently taken a significant step in this regard by involving advocates in its new breast cancer progress review group or PRG.

But we must also turn our attention to legal protections for breast cancer patients and other women who may develop breast cancer. I have introduced a bill, H.R. 2275, with Representative LAZIO to outlaw discrimination by employers on the basis of genetic discrimination.

LOUISE SLAUGHTER is doing an outstanding job fighting insurance discrimination based on genetic information. Employment discrimination poses another threat to those women who want to be tested for the breast cancer gene but fear that the information will be used against them. Our bill would amend title VII of the Civil Rights Act to permit a cause of action for those who have been discriminated in the workplace on the basis of genetic information.

Congress also needs to act on legislation which would provide a minimal standard of care for women undergoing a mastectomy. The DeLauro bill provides a 48-hour minimal hospital stay. The Eshoo and Kelly bills provide reconstructive surgery. Insurers must not turn women out on the street involuntarily after a major procedure such as a mastectomy and they must not see reconstructive surgery as merely cosmetic surgery. Unfortunately, Congress has yet to hold hearings on any of the bills dealing with this issue and that's simply not acceptable.

Let's applaud the progress we have made in ending the scourge of breast cancer but now turn our attention to the many battles ahead.

IN MEMORY OF MARK WELLS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mark Wells, of Olmsted Township, OH, whose life was tragically ended a year ago on October 28, 1996.

Mr. Wells, 41, had been a mail carrier in North Olmsted and Lorain, OH, since 1987. He was well-liked and respected by his coworkers. Last year, Mr. Wells was on duty, standing behind his mail truck on a quiet Lorain Street, when a man with a history of driving under the influence drove his pickup around the corner and struck him. Mr. Wells died a short time later from multiple injuries.

The unfortunate accident stunned his family and coworkers at the post office. The pickup driver's sentence of 1 month's jail time, a suspended license and a small fine was a second blow. A memorial service will be held in honor of Mr. Wells on the anniversary of his untimely death.

TO AMEND THE CHARTER OF SOUTHEASTERN UNIVERSITY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Ms. NORTON. Mr. Speaker, I rise today to introduce legislation which would remove the provision in the Southeastern University charter requiring that one-third of the board of trustees be Southeastern alumni. Southeastern University President Charlene Drew Jarvis and the board of trustees have asked me to introduce this corrective measure.

Southeastern University was incorporated by act of Congress on August 19, 1937. Its charter contains a provision requiring that one-third of the university's board of trustees be alumni. On September 9, 1997, I received a letter from Southeastern University President Charlene Drew Jarvis asking that I introduce legislation to remove this provision. On September 9, 1997, I also received a letter from Board of Trustees Chair Elizabeth Lisboa-Farrow confirming that the board of trustees had authorized President Jarvis to seek this change. Copies of both letters are attached. The board of trustees would like this provision removed in order to let the university draw from a wider pool of potential board nominees. Because the university was incorporated by an act of Congress, only the Congress can effectuate this change.

Southern University is an important and productive institution which contributes to the economy of the District of Columbia by offering undergraduate and graduate degree programs geared specifically to the needs of working professionals. Under the able leadership of Southeastern's new president, Dr. Charlene Drew Jarvis, the university has begun to rebound from difficult financial circumstances. This legislation will allow Southeastern to expand its fundraising potential to complement these efforts. I urge my colleagues to support this corrective measure.

SOUTHEASTERN UNIVERSITY
OFFICE OF THE PRESIDENT,
Washington, DC, September 9, 1997.

Congresswoman ELEANOR HOLMES NORTON,
U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSWOMAN NORTON: I have been authorized by the Board of Trustees of Southeastern University to write to you to ask that you assist the university in obtaining an alteration of the Congressionally-granted charter of the university.

On Page 697 of the United States Statutes At Large for 1937 (Vol. 50, Part I), an Act of Congress is recorded as Chapter 700. This law, which was approved on August 19, 1937, amended an earlier certificate of incorporation granted within the District of Columbia and officially renamed the institution "Southeastern University."

The act also specified in part as follows: "Sec. 3. That the management of the said corporation shall be vested in a board of trustees consisting of not less than nine nor more than twenty-one in number as determined from time to time by said board of trustees, one-third of whom, at all times, shall be graduates of the said university, of the qualifications prescribed by the board of managers of the Young Men's Christian Association of the city of Washington, a corporation organized and existing under and by virtue of the Act of Congress approved June 28, 1864 (13 Stat. L. 411 and the Acts amendatory thereof), nominated by the alumni of the said university in the manner prescribed by said board of managers, and all of whom shall be elected by said board of managers; . . . so that the term of office of one class shall expire annually."

The act further specified, in another section: "Sec. 9. That nothing in this Act contained shall be construed as preventing the Congress from amending, altering, annulling, or repealing the same or any part thereof."

An Act amending the charter, approved on October 10, 1966, did contain significant changes in the language of Section 3, but it neglected to address the issue we are writing to you about today. Similarly, another Act amending the charter was approved on March 29, 1976, but it did not change the relevant language of that section, either.

Our request is that, under the authority of Section 9 of the Act, Congress now delete the provision within Section 3 of the charter which requires that fully one third of the Board of Trustees of Southeastern University at all times be alumni of the institution.

We seek this change because a new and more broadly-based Board of Trustees would be a more active and vigorous one, able to fund raise throughout the region and the country, unconstrained by restrictions placed upon it at a time when fund-raising was not such a significant aspect of service on university governing boards.

Let me assure you and your colleagues that the Board of Trustees understands that it is an excellent idea for alumni to serve on the governing board of this university. Indeed, our current Secretary of the Board is Dr. Ephraim Okoro, a much valued professor of Public Administration. Dr. Okoro is an outstanding alumnus, holding multiple degrees earned here. Several additional current members of the Board are alumni, as well. Therefore, the governing board certainly shall endeavor to continue to have graduates elected to such positions.

Our request, in conclusion, is that Congress amend Section 3 of the charter, to delete the reference restricting Southeastern University's ability to meet its mandates. The preferred language, based on that contained within the October 10, 1966, act, would be: "Sec. 3. The management of the said corporation shall be vested in a board of trustees consisting of not less than nine nor more than thirty in number as determined from time to time by said board of trustees. Each trustee shall be elected for a term of office of three years from the date of expiration of the term . . . of such predecessor."

Thank you very much for helping in this matter. If we at Southeastern University can be of aid as the process of amendment occurs, we would be most happy to provide whatever assistance is requested. Please do not hesitate to call upon us.

Sincerely yours,
CHARLENE DREW JARVIS, Ph.D.
President.

SOUTHEASTERN UNIVERSITY,
BOARD OF TRUSTEES,
Washington, DC, September 9, 1997.

Congresswoman ELEANOR HOLMES NORTON,
Member, U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSWOMAN NORTON: We, the Members of the Board of Trustees of Southeastern University, have authorized our university president, Dr. Charlene Drew Jarvis, to request from you Congressional action in order that the charter granted to us in 1937 by Congress be adjusted slightly.

The change we seek would delete from the charter that provision which requires that fully one third of the members of the Board be drawn from amongst ranks of our alumni. Dr. Jarvis will be writing to you with a citation drawn from our existing charter and the language we request in its place. The reason we seek this change is so that we may draw from a wider pool of potential Board nominees who can do significant fund-raising for the university.

Thank you for assisting us in this pertinent matter. Thank you, also, for your consistent support of the cause of higher education here in Washington.

Sincerely yours,
ELIZABETH LISBOA-FARROW,
Chair.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. MENENDEZ. Mr. Speaker, I rise this evening to join the ranks of many of my colleagues who have taken time this month to focus on the terrible disease of breast cancer—its human costs as well as its economic costs; and the steps we are taking to combat it.

While breast cancer can strike both men and women, it is women who are most frequently its victims. Last year, an estimated 182,000 women were diagnosed with breast cancer and 46,000 died of this disease. Breast cancer is the second leading cause of death from cancer for women.

In my State of New Jersey, there are 98,000 women living with breast cancer. Many do not even know that they have the disease. This year alone, 1,600 New Jersey women will die of breast cancer.

Mr. Speaker, breast cancer is an epidemic in our country. Every 3 minutes a woman is diagnosed with it; and every 11 minutes a woman dies from it. It costs our Nation $6 billion every year in medical costs and lost productivity. With these numbers, I am amazed that we are not dedicating more resources to learn more about the causes of breast cancer and to find a cure.

If you do not now know someone who has died from breast cancer or who is presently fighting it, you may be assured that at some point in your life, you will. Breast cancer strikes one in eight women, and is most common in women over age 65.

In 1991, the Medicare Program began covering biennial screening mammograms. However, in 1991–92, only 37 percent of female beneficiaries aged 65 and over received a Medicare-paid mammogram. This year Congress included in the budget expanded Medicare coverage for mammograms with the deductible waived for these screenings. It is imperative that women take advantage of this covered service. Early diagnosis is essential for successful treatment of this disease. Self-examination, and annual mammograms can save lives.

This year, the Pentagon's spending bill includes $160 million for breast cancer research and related treatment. The bulk of this appropriation will go toward the Army's peer-reviewed research program, which focuses on innovation; and encourages new investigators to enter the field of breast cancer research, as well as foster multidisciplinary approaches to this research.

The Health and Human Services appropriations bill presently working its way through the Congress, has a House-passed level of $145 million for breast and cervical cancer screenings.

The bill also contains language urging the National Cancer Institute [NCI] to strengthen its commitment to breast cancer research and to maintain support for the implementation of the National Action Plan on Breast Cancer.

In the House we need to pass legislation which will offer concrete assistance to victims of breast cancer. There are proposals pending in the House which will first, guarantee a minimum hospital stay of 48 hours for a woman having a mastectomy; which will second, guarantee that insurance companies will cover the cost of reconstructive breast surgery resulting from mastectomies for which coverage is already provided; which will third, guarantee that no insurance plan will be allowed to deny coverage to women for annual mammograms for women aged 40 and over. We need to pass these measures. And, most important, we need to increase the amount of money we allocate for breast cancer research in this country.

Mr. Speaker, to borrow from a well-known television commercial, these women are our wives, daughters, mothers, grandmothers, and aunts. We must do everything we possibly can to eliminate this disease, which devastates so many lives and families each year.

ENCRYPTION POLICY—AMERICA'S POLICE OPPOSE THE SAFE ACT (H.R. 695)

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SOLOMON. Mr. Speaker, if you want a perfect example of how the election process can be corrupted by using large amounts of money to enact policy which is detrimental to the interests of the American people, you need only look at H.R. 695, the SAFE Act.

The SAFE Act was drafted by and for the software industry with no consideration to the national security and public safety needs of the American people. I believe a compromise should be reached between industry's desires and the legitimate law enforcement concerns of the American people. However, Bill Gates, who is worth over $40 billion, is asking Congress to ignore the safety of the American people so he will make more money.

Today, police may conduct a search of property or intercept communications only after they prove to a judge that they have probable cause to believe that a crime may occur. We possess the capability to safeguard the status quo in criminal justice by using an encryption process called key recovery. Yet, the sponsors of H.R. 695 are unwilling to accept this compromise. In other words, H.R. 695 eliminates one of our most important law enforcement mechanisms. This is the reason virtually every police and law enforcement organization in the country opposes H.R. 695. The Drug Enforcement Agency, the FBI, the National Security Agency, the National Sheriffs' Association, the District Attorneys Associations and the Association of Chiefs of Police oppose the SAFE Act.

Justice Department officials testifying before the House Judiciary Committee stated that the SAFE Act, "would severely compromise law enforcement's ability to protect the American people from the threats posed by terrorists, organized crime, child pornographers, and other criminals. It is difficult enough to protect the American people from crime without making criminals' tasks any easier.

In a letter you received from our top law enforcement officials, they state that encryption bills which do not contain key recovery, such as the SAFE Act "risk great harm to our ability to enforce the laws and protect our citizens." They believe key recovery is essential "to allow police departments, attorney generals, district attorneys, sheriffs, and Federal authorities to continue to use their most effective investigative techniques, with court approval, to fight crime and espionage and prevent terrorism.

INTRODUCTION OF THE KAKE LAND EXCHANGE ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing the Kake Land Exchange Act of 1997. This bill will provide for an exchange of land between Kake Tribal Corp. [KTC], a village corporation formed pursuant to the Alaska Native Claims Settlement Act, and the U.S. Forest Service.

Specifically, the legislation makes possible an exchange in which the corporation transfers approximately 2,427 acres of its ANCSA entitlement lands surrounding the municipal watershed of the city of Kake, for an equal acreage of land managed by the Forest Service in the Saginaw Bay and Hamilton Bay areas. The bill serves two important purposes and enjoys the support of the Governor of Alaska, the city of Kake, Sealaska—the Regional Native Corporation—and the Alaska Federation of Natives, as well as other individuals and groups in southeast Alaska.

The two primary goals of the bill are to protect and preserve the Gunnuk Creek Watershed, which serves as Kake's supply of drinking water, and to enable the shareholders of KTC to realize benefit from its land entitlement in fulfillment of ANCSA's purposes.

The need for the bill was illustrated in the 1970's and 1980's when timber harvesting of the land in the Gunnuk Creek Watershed raised great concern in the community of Kake. To safeguard the watershed, logging activity on these lands halted. However, because the lands are owned essentially by a for-profit corporation, residents of Kake, many of whom are KTC shareholders, do not have total assurance that the watershed can be protected over the long term.

This legislation solves this dilemma simply by allowing KTC to exchange the watershed lands for other timbered lands. The lands transferred to the Forest Service will have long-term protection, while the lands conveyed to KTC can be used for the benefit of its shareholders.

In furtherance of the purposes of this bill, the city of Kake is willing to enter into an agreement with the U.S. Forest Service to manage the watershed property, once the exchange is completed. I believe this is a prudent move, and can be pursued either as part of this legislation or separately.

This exchange is an example of how economic development and protection of water resources can be simultaneously achieved in Southeast.

HONORING GERTRUDE SIMMONS ON HER 100TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. NEY. Mr. Speaker, it is my pleasure to rise today to celebrate the 100th birthday of Gertrude Simmons of Tuscarawas, OH. Gertrude was born October 27, 1897 in Midvale, OH.

Gertrude was a member of the Midvale Methodist Church where she played piano and organ, directed the junior choir, and sang in the adult choir. She is the oldest member of the Midvale Club. After marrying her late husband, Walter, in 1920, Gertrude moved to Tuscarawas. She became a member of the Sharon Moravian Church where she sang in the choir and for weddings, funerals, and community events.

Gertrude is an avid sports fan and she enjoyed cooking, baking, gardening, and oil painting when still in good health. She attributes her longevity to hard work, enjoying life, and taking one day at a time.

Mr. Speaker, I ask that my colleagues join me today in celebrating Gertrude Simmons 100th birthday. I wish Gertrude a very happy birthday.

TRIBUTE TO DOUGLAS K. RUSH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SKELTON. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Douglas K. Rush, a truly outstanding Naval officer and attorney from St. Louis, MO. After 29 years of exemplary active and reserve service in the U.S. Navy, Captain Rush is retiring from the military.

Doug Rush, a veteran of the Vietnam war and Operation Desert Storm, began his military career in 1968 as a cadet in the U.S. Naval Academy. Following his graduation in 1972, Mr. Rush served in the U.S. Navy through the end of the Vietnam war until 1978. Following his active duty tenure, Mr. Rush joined the Navy Reserves, where he served for 13 years. In 1991, Operation Desert Storm summoned Mr. Rush's reserve unit to active duty, and once again, he was called to serve his country in a foreign war. At the conclusion of Operation Desert Storm, Mr. Rush returned to reserve duty, whereupon he retired in May of this year.

Mr. Rush not only began an outstanding military career at the Naval Academy, but his education there laid the foundation for an outstanding civilian career. Earning a bachelor of science in military and political science from Annapolis in 1972, he went on to study at St. Louis University School of Law. In 1981, Mr. Rush graduated cum laude, earning a juris doctor degree. Mr. Rush worked at the Armstrong, Teasdale, Schiafly, and Davis firm first as a law student, then as an associate upon his graduation. He eventually became a partner and the assistant chairman of the Transportation Law Department. He remained with this firm until 1993, when he joined the Law Offices of C. Marshall Friedman. As a member of this firm, Mr. Rush specializes in trial cases on behalf of injured railroad workers.

Mr. Rush also serves the community of St. Louis as a civic leader. He served for approximately 6 years on the St. Louis School Board, and was elected president of that organization. As a member of the school board, he lobbied for desegregation programs, and concentrated on efforts to raise achievement levels in the St. Louis public schools. Mr. Rush has received awards for his civic achievements, including the Outstanding Civic Leader Award, given by the St. Louis Junior Chamber of Commerce and the Government Achievement Award, given by the East-West Gateway Coordinating Council. Doug also has served as a trustee of the city of St. Louis Mental Health Board since 1992.

Today, we honor his service to this country, and we also honor Douglas Rush for his outstanding civilian achievements in the field of law and the community of St. Louis, MO. I wish him well in the days ahead.

TRIBUTE TO STEPHEN G. RAYMOND

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SAXTON. Mr. Speaker, it is a great privilege for me to recognize and honor Stephen G. Raymond, longtime prosecutor of Burlington County for his many years of devoted public service to the residents of Burlington County.

His journey from youngest prosecutor ever appointed in the State of New Jersey to his service as our State's senior prosecutor has brought him a murder clearance rate which is virtually unmatched.

On the cutting edge of many victims' rights issues, Burlington County was the first in the

State to institute a must-arrest policy in domestic violence cases; to open a child advocacy center, the only one in the State which is nationally accredited; to use closed circuit television in child abuse cases, a practice which has been endorsed by the U.S. Supreme Court; and, to institute annual comprehensive 24-hour mandatory training for all police officers in the county.

Through his efforts and leadership, Burlington County received a COPS MORE grant for $2.7 million, one of the largest in the country, awarded due to the unprecedented level of cooperation among all county law enforcement agencies.

The strong working relationships his office has achieved with schools, victims' groups, community groups, and governmental agencies are another significant achievement of his tenure as prosecutor.

I have enjoyed working with Steve Raymond through the years on many issues of concern to our mutual constituents, and I wish him continued success in the future.

JUDICIAL ACTIVISM AT ITS FINEST

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. BARCIA. Mr. Speaker, it is a terrible tragedy when innocent children are neglected or abused, especially if it is by a person they know such as their parent, relative or friend. My heart breaks each time I hear of a needless death or injury to a defenseless child. People who intervene in cases of abuse and neglect are a special breed.

One of my constituents, Judge Karen Tighe, is being honored October 29, 1997, by the Child Abuse and Neglect Council for her continued efforts to resolve these terrible situations and improve the quality of life for many children. The goal of the Child Abuse and Neglect Council is to end the suffering of children throughout Bay County. No one deserves this award more than Judge Karen Tighe for her tireless efforts to end the cycle of abuse and neglect.

A 1972 graduate of the University of Michigan, Judge Tighe pursued a law degree and graduated from the Detroit College of Law in 1976. Her life long commitment to helping abused and neglected children sprung to life when she worked for Neighborhood Legal Services in Detroit. Upon graduation, while many of her classmates took jobs with large firms, she took a full time job with Neighborhood Legal Services where she had volunteered countless hours during law school.

In 1977, Judge Tighe accepted a position as Assistant Prosecutor in Bay County. Shortly thereafter, she accepted the Assistant Friend of the Court position and in 1983 she started hearing domestic relations matters as a referee. Named Acting Circuit Court Administrator by her colleagues in 1990, Judge Tighe continued to defend the rights of children while overseeing the 40 employee court. Judge Tighe was elected Probate Judge in 1994.

While protecting the rights of children as an attorney and judge, she found time to further her goal to end family violence. Judge Tighe spent 5 years as a board member of the Bay County Women's Center and 4 years as President of the Bay County League of Democratic Women and Men. She was appointed to serve 2 years by the Governor on the Michigan board of Psychology. Judge Tighe also spent 2 years as Instructor of Family Law at Delta College and 2 years as Vice-Chair of the Michigan Family Support Council.

She could not have dedicated so much time and effort without the love and support of her husband, Thomas E. Bock, a local attorney and former City Commissioner and their 12-year-old daughter Sarah.

Mr. Speaker, if we want citizens who are absolutely driven by the concept of community and family, then we must continue to recognize individuals like Judge Karen Tighe. I ask you and all of our colleagues to join me in wishing Judge Tighe good fortune in all her future endeavors.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. ROTHMAN. Mr. Speaker, I am proud to rise today and join my colleagues in recognition of October as Breast Cancer Awareness Month. We have all heard the figures: Last year, 182,000 women were diagnosed with breast cancer, 46,000 died of it, and currently 2.6 million women are living with it.

These staggeringly high numbers are one of the reasons why some of the first bills I put my name on as a cosponsor when I came to Congress last January were breast cancer related. One bill would guarantee a minimum hospital stay of 48 hours for a woman having a mastectomy. Another would require health insurance companies that provide coverage for mastectomies to cover reconstructive breast surgery that results from a mastectomy. Still another would require insurance plans to cover annual mammograms for women ages 40 and above who choose to have the test.

These are important bills, and I hope they will move quickly through their respective committees and that the leadership will bring them to the floor so we can pass them and have them signed into law. However, as helpful as these bills may be, I wish that they were unnecessary. I wish we did not need to worry how to best treat the disease, or to create guidelines for hospital stays and insurance coverage. I wish that someday, someday very soon, breast cancer will be a thing of the past.

The medical community has made huge advances in detecting and treating cancerous tumors, and I applaud their accomplishments. Thanks to numerous studies, no one will dispute that early detection is a key component to surviving this devastating illness. In addition, Congress helped with the passage of the Balanced Budget Act which provided Federal funding for annual screening mammograms for women over the age of 39. With newer forms of treatment available, early detection almost ensures survival.

Even with all that has been done, however, we still know very little about how to prevent breast cancer. More research needs to be done. Since at least two-thirds of breast cancer occurs in women with no known risk factors, we must work to find why these women acquired the disease. To do this we must continue to support researchers so they are able to find a cure.

Women who battle breast cancer are heroes. They survive and endure pain and treatment that no person should have to suffer. However, we need them to continue to be heroes in other aspects of life. We need them to continue to be mothers, wives, and daughters, teachers, workers, and full contributors to society. Some 2.6 million women have breast cancer. This number is unacceptably high, and will always be until it reaches zero. Let's continue to work together until breast cancer is a crisis of the past.

SENATE—*Wednesday, October 29, 1997*

The Senate met at 11 a.m., and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You created us to praise You. Forgive us for the pride that too frequently takes the place of praise in our hearts. So often, we want to be adequate in our own strength, to be loved by You because of our self-generated goodness, and to be admired by people because of our superior performance. Yet pride pollutes everything: It stunts our spiritual growth, creates tensions in our relationships, and makes us people who are difficult for You to bless. Most important of all, our pride separates us from You, dear Father. When pride reigns, life becomes bland, truth becomes relative, and values become confused. We lose that inner confidence of convictions rooted in the Bible and Your revealed truth.

Now in this quiet moment, we praise You for breaking the bubble of illusion that, with our own cleverness and cunning, we can solve life's problems. Help us recover a sense of humor so we can laugh at ourselves for ever thinking we could make it on our own. We humble ourselves before You. Fill us with Your spirit. Now, with our minds planted on the Rock of Ages, we have the power to face the ambiguities of today with the absolutes of Your truth and guidance. Through our Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 29, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The able acting majority leader, the Senator from Montana, is recognized.

SCHEDULE

Mr. BURNS. This morning the Senate will proceed to executive session to consider the nomination of William Kennard to be a member of the Federal Communications Commission. I now ask unanimous consent there be an additional 10 minutes of debate equally divided between the two leaders and, further, the vote on the nomination will occur at 12 o'clock noon today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, Members can expect the first vote at 12 o'clock. Following that vote, it is the two leaders' intention for the Senate to turn to consideration of H.R. 1119, the national defense authorization conference report, or the D.C. appropriations bill. The Senate may also begin consideration of Senator COVERDELL's legislation dealing with education IRA's.

Subsequently, Members can anticipate further rollcall votes throughout today's session of the Senate.

EXECUTIVE SESSION

NOMINATION OF WILLIAM E. KENNARD, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the nomination of William E. Kennard of California, which the clerk will report.

The assistant legislative clerk read the nomination of William E. Kennard, of California, to be a member of the Federal Communications Commission.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose the nomination of William Kennard as Chairman of the Federal Communications Commission.

Throughout the confirmation process, I have taken a particular interest in universal service. The ruling earlier this year by the FCC to structure a universal service fund from a 25-percent Federal contribution and a 75-percent State contribution has caused me a lot of concern, along with many of my colleagues from rural States.

I do not believe that this ruling is consistent with the intent of Congress in the Telecommunications Act of 1996. Such a rule could have severe impacts on Montana and other rural States that are asked to make this contribution.

In the process of determining the attitudes of the nominees, I have heard statements about a reliance on the historical split between States and the Federal Government in the structure of this fund. However, in the case of Montana, which has not even had a universal service fund until it was enacted this year by the State legislature, we are on new territory, and history may be different from present circumstances.

In rural States like Montana, the universal service fund is absolutely critical to the provision of basic telephone service. It should further be noted that maintaining the universal availability of telephone service at reasonable and affordable prices is not just a vague goal but an explicit statutory mandate.

I ask how well has the FCC done in fulfilling this mandate? To answer this question, it is helpful to look at the record of the hearings which the Commerce Committee held in September 1993, on the nomination of Reed Hundt to be FCC Chairman.

In response to a question which I posed on universal service, Mr. Hundt said—

> Universal service is, and should be, one of the paramount goals of the Government and specifically the FCC.

Mr. Hundt also characterized the appropriate role of the FCC in response to another question. He said the FCC's mandate was,

> [T]o implement the will of Congress, as expressed in legislation, [and that] to that end, the Commission's policymaking activities should take into account incentives and disincentives for private investment in the network, and the creation and offering of service.

Mr. President, after reviewing the activities of the FCC during the past 4 years, it is clear that Reed Hundt has been unable to fully carry out the promises which he made to this committee and to the Senate during his confirmation. I should also note that Mr. Kennard served as general counsel to the FCC during this time and bears substantial responsibility for its record.

It should be clear from the record that by focusing on the expansion of the definition of universal service to include broad-ranging social programs, the FCC's progress toward maintaining universal service has been delayed. While such goals as providing internet access to schools and libraries may be laudable, they were never meant to be

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

part of universal service as it has traditionally been known. Indeed, a huge additional burden has been placed on rural States such as mine, in Montana, in meeting these newfound definitions. The FCC has addressed those goals in a fashion which many believe is detrimental to maintaining universal telephone service—which is so important to me and other Members of rural States.

As I have noted before, there are some 55 million Americans who live outside metropolitan areas today—which is about the same as the total population of Great Britain, Italy, or France. The largest single element of the U.S. population today is Americans aged 50 or older—a group that represents almost 40 percent of the total population. Ensuring that these people have access to affordable, quality telephone service is especially important to all of us.

Coming from Montana, I have an appreciation for the unique character and the difficulties of rural life. In a State with 148,000 square miles and only about 850,000 people, we do not always have the luxury of face-to-face communication that people have in highly populated areas, nor do we have the ability to shoulder the disproportionate burden that would be placed on us by taking on 75 percent of the cost of universal service. It is the people of States like mine for whom universal service is intended, and I do not want to see it dismantled.

In view of all of these facts, I must oppose Mr. Kennard's nomination.

Mr. President, what we are faced with in Montana in this particular area is pointed up by an article that was in the Bozeman Daily Chronicle by Oliver Staley. I ask unanimous consent that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Some Small School Districts Find Good Internet Access Too Expensive

(By Oliver Staley)

HARRISON, MT.—The Internet may be the wave of the future, but in the Harrison School District, it's a wave Net surfers can't ride very far.

The tiny, 129-student school district has just one computer linked to the Internet. They have access for only 100 hours a month.

Superintendent John McGee wants to increase the students' access to the Net, and envisions four terminals providing 200 hours of access a month.

But if the school is linked to the Internet through its current Three Rivers Telephone Cooperative's service, it would cost the district $3,360 a year.

"We couldn't justify spending that," McGee said.

Paying $3,360 is bad enough. Making Harrison's situation even more frustrating is that 20 miles to the north, Three Forks School District pays $540 a year to connect its three terminals to the Internet.

The Manhattan School District pays $229 a year, and the Bozeman School District, which has hundreds of computers hooked up in 11 schools, pays just $2,500 a year.

Those differences are a result of the Intricate world of telecommunications, which makes it harder and more expensive for small communities to connect to the Net.

Ultimately, McGee said, the cost is paid by the students and faculty who are denied access to a technology that is reshaping the world.

"They're completely missing out on the big picture of what's going on out there," he said. "They're missing out on all sorts of levels."

The high cost of supplying Harrison with Internet service stems from basic supply-and-demand economics, aggravated by Montana's vast distances.

For the nonprofit Three Rivers Telephone Cooperative to provide Harrison with Internet service, the cooperative must use US West's telephone lines.

Whenever a subscriber in Harrison or Ennis dials up the Internet, their signal travels along Three Rivers' fiber optic cables to Twin Bridges. From there, it joins the US West system running from Dillion to Butte, and continues to Great Falls. At Great Falls, the signal rejoins the Three Rivers network and travels to the cooperative's headquarters in Fairfield.

Using US West's lines costs Three Rivers about $1,600 a month, said Three Rivers General Manager Art Isley, with the fee based on the distance the signal travels. That cost simply gets passed on, he said.

"It's costing us an arm and a leg to get that (Internet service) out," he said. "I don't get any breaks."

Communities that are served by US West such as Three Forks, Manhattan and Bozeman don't have to pay the cost of leasing the space on the system, Isley said.

And because Harrison is so small, other Internet providers lack the incentive to compete with Three Rivers.

"If you have competition, the market is going to drive prices down," McGee said.

Larger communities have other telecommunications advantages as well. Bozeman's schools are linked to the Internet through Montana State University, which has its own access to the Net. While the university system's Internet structure is expected to change in the next few years resulting in additional costs for Bozeman's schools the low cost of service has allowed Bozeman's schools to bring the Internet to thousands of students.

"We're getting an incredible deal right now," said Christine Day, the district's technology services coordinator.

Some small schools, however, have found ways to avoid paying huge fees for Internet service.

The Whitehall School District receives its Internet service free of charge from the Helena-based Internections. In return, the school district houses Internections' equipment, which allows it to provide local Internet service to the rest of Whitehall.

"It's great for both of us," said Whitehall Superintendent Paul Stemick. "Otherwise, they would have to pay to rent space in town."

And after Whitehall's schools are rewired, a project that was to be completed Saturday, every classroom will be linked to the Internet. Stemick hopes to have 60 computers online by Christmas.

The Ennis School District is using a different approach.

The district pays $2,000 a year for Vision Net, an interactive television system that links Ennis to 48 other Montana schools and universities. The program is designed to expand learning opportunities for both and adults and students, and because of Vision Net's broad bandwidth, it can also carry the Internet.

Currently, the Ennis district has 13 computers linked to the Internet for its approximately 415 students, business manager Sandra Lane said. That will be expanded, Lane said, when the district's Vision Net studio is up and running early next year and a higher-capacity link is established.

Many Montana schools also plan on taking advantage of the "E-rate," a $2.25 billion federal subsidy for rural schools created by the Telecommunications Act of 1996.

Under the E-rate officially known as the Federal Communications Commissions' Universal Service Order schools and libraries can receive a discount on their Internet service, file servers and wiring.

The discount is pegged to the percentage of students in a school eligible for free or reduced price lunches, and it can range from 25 percent to 90 percent off the cost of providing students with the Internet.

The funds come from a tax on all telecommunications providers, from AT&T to local pager companies.

In order to apply, schools must develop a comprehensive technology plan, in order to demonstrate that the funds will be used in a productive manner.

While some schools see the E-rate as a huge benefit Big Timber is planning on a 60 percent discount, while Ennis is looking at 50 percent other schools are left out in the cold.

The Ophir School in Big Sky, for example, doesn't have enough low-income children to qualify, said school Principal Pat Ingraham. On the other hand, Ophir doesn't have the $20,000 to expand its Internet capabilities beyond the one computer that is currently linked, Ingraham said.

"There seems to be a hitch every time we go for funding," she said. "It seems it's not there for you, Big Sky."

Isley at Three Rivers has no doubt that the E-rate will improve the situation for schools like Harrison, but fears other schools will take advantage of the program.

"My personal opinion is that this is going to be the biggest boondoggle that's ever going to hit this country," he said. "There's a pot of money $2.25 billion big. There's going to be a lot of shysters coming out of the woodwork."

Whether it's ripe for exploitation or not, the E-rate was created to help erase the discrepancies between a school like Harrison and schools in California's Silicon Valley. Like many Montana educators, its drafters felt that without access to computers, today's students cannot survive in tomorrow's world.

"If we don't give children the skills to learn technology, they're not going to have skills for the work market," Bozeman's Day said. "They're going to be more and more in need of those skills in the next five, 10 years."

Mr. BURNS. I yield the floor.

Mr. DORGAN. Mr. President, the Senator from Montana expresses a good number of concerns about the universal service funding issue. I, too, am concerned about the issue of universal service. The discussion this morning is on the nomination of Mr. Kennard to be Chairman of the FCC. If Mr. Kennard is confirmed, and I expect he will be, by the vote of the Senate today, that means four of the five Federal Communication Commissioners will be new Commissioners. Four of the five will be new, taking office at a time when we face some of the most critical decisions we have ever faced at the FCC.

The Senator from Montana made the point that the universal service fund is critical. It certainly is critical to the area that I come from. I come from a town of 300 people, from a county the size of the State of Rhode Island, that has 3,000 people in the entire county. Now, why is the universal fund issue critical? Because if you don't provide universal fund support for telephone service in the high-cost areas, it will mean many areas of this country will not have good telephone service, because a whole lot of folks won't be able to afford it.

The FCC estimated that in my hometown it would cost $200 a month to build and maintain a new network to provide telephone service—$200 a month—but of course in a very large city that might be $10 a month. So what we have done in this country historically is to have universal service support for the high-cost areas so that they have comparable telephone service at affordable rates. That is what the whole premise of universal service has been about.

Now, the reason I worry so much is the Federal Communications Commission has been heading in the wrong direction, headed toward a goal of having much higher telephone costs in rural areas of the country.

I will support Mr. Kennard's nomination today, but I want everyone to be clear that if this new board, if the new Commission cannot properly define universal service fund support, cannot read the law as we wrote it—and I helped write it—that said comparable service at an affordable price—and that is not unusual English—if they can't understand that and can't read it correctly and can't define universal service support sufficient so we don't have substantial telephone rate increases across this country, then we ought to abolish the FCC. We don't need the FCC and all of its staff. We don't need them if they can't make the right decision.

I will vote for this nomination, but I also want people to understand these critical decisions must be made appropriately to provide proper universal service support that comports with the requirements of the law—comparable service at an affordable price—yes, even in the smallest towns in the most rural counties of this country, because that is what the Congress directed the universal service fund support to be in the years ahead.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to thank the Senator from North Dakota for his involvement as a very active member of the Commerce Committee and his participation now in this and a variety of other issues. The Senator from North Dakota and I occasionally disagree, but those disagreements are not disagreeable, and he is one of the most well-informed members of the committee. I note the presence of Senator HOLLINGS, the distinguished ranking member on the floor, who I know has a statement to make, as well.

First, Mr. President, I recommend that the Senate vote to confirm the nomination of William E. Kennard as a member of the Federal Communications Commission where he will serve as the Commission's new Chairman. The fact that the full Senate is debating and casting individual votes on Mr. Kennard's confirmation underscores the importance to the American people of the decisions the Senate is making about the FCC.

For the first time since it was established in 1934, the Senate is filling four vacancies on this five-member Commission. Last night the Senate confirmed the nominations of three of these new members: Michael K. Powell, an antitrust lawyer; Harold Furchgott-Roth, an economist; and Gloria Tristani, a state commissioner. The combination of expertises they bring to the FCC will make an invaluable contribution to the quality of its decisions.

If confirmed, Mr. Kennard, the FCC's current general counsel, would add the expertise of a seasoned communications lawyer. In addition, Mr. Kennard would be the FCC's first African-American Chairman, and for the first time in its history a majority of the Commission's members would be of African-American or Hispanic descent. This reflects both the inclusiveness we aspire to as a society, and the freshness we hope a reconstituted FCC will pursue in its regulatory approach.

But this is not just an historic moment for the FCC; it is also a vitally important moment for consumers. The FCC's five Commissioners control the regulatory destiny of industries that account for fully one-sixth of our gross national product. For the consumer, this means that the Commission's decisions will affect the price of a local or a long-distance telephone call, how much we pay each month for cable service, how many choices we will have in paging and cellphone service, and even what we see on TV and hear on radio.

These would be daunting enough responsibilities for the new Commissioners in and of themselves. But last year the Congress expanded the FCC's duties exponentially by enacting the 1996 Telecommunications Act. The act aims to introduce a heretofore-unattainable level of competition and deregulation into the provision of all kinds of voice, video, and data services.

It would be nice to say that all this is working well. But the truth, Mr. President, is that it isn't. The lower rates, better service, and increased competition called for by the Act have translated, at least in the short run, into higher rates, increased concentration among big industry players, and reams of new regulations. In addition, recent court cases have all but gutted the FCC's plans for making local telephone service competitive.

In my view, the act has been an abject failure in attaining any benefits whatsoever for the average consumer, and it's difficult to see any improvement in the offing. That is absolutely unacceptable. And that, Mr. President, is why we are casting individual votes on Mr. Kennard's nomination this morning. As the FCC's general counsel, he is unavoidably linked with FCC's failed and flawed implementation of the act to date. We are therefore anxious that Mr. Kennard understand the dissatisfaction with what is occurring and that he be responsive and flexible in addressing our concerns. The FCC is, after all, an agency created by the Congress. Its primary responsibility is to implement and enforce the will of Congress, pursuant to authority delegated to it by Congress. Some of our members are very concerned that Mr. Kennard may be so tied to the FCC's current policies that he will be not fully responsive to congressional concerns about them.

These concerns have led to sequential questions by myself, Senator BURNS, Senator STEVENS, Senator BROWNBACK, Senator HELMS, and others about Mr. Kennard's ability and willingness to reexamine and change policies of the FCC that we believe misinterpret the law and harm consumers. These concerns are only heightened by the very public way in which the administration has sought to involve itself in the deliberations of this supposedly independent regulatory agency.

Obviously, I do not agree with Mr. Kennard on many issues. For example, he believes that the FCC can and should tell broadcasters what kinds of programming they must present. I vehemently disagree. He believes that the FCC's current policies on telephone competition are working. I vehemently disagree. I am also troubled by the fact that, when asked, he was unable to specify any particular issue with which he might have disagreed with the FCC's current chairman—despite the fact that the FCC had disposed of thousands and thousands of issues during his tenure as its general counsel. That did not bode will for the independence of his approach to governing the FCC.

Mr. President, I am going to vote in favor of his confirmation, and I will tell you why. Mr. Kennard has an unblemished reputation for intelligence and integrity, and I find him to be an individual with whom I believe we can work in an atmosphere of mutual candor and respect.

In the final analysis, Mr. President, I believe it is neither reasonable nor necessary that all members of the Senate endorse the current policies of the FCC or Mr. Kennard's personal policy predilections. It is much more important that the Senate understand how difficult the issues are that Mr. Kennard is going to be called upon to decide, and that we undertake to work closely and collaboratively with him in resolving them. I give you my promise, as chairman of the Commerce Committee, to exercise the committee's oversight responsibility exactingly and continuously, and I know the members of the committee are as committed to this task as I am.

On this basis, Mr. President, I am pleased to support the confirmation of William E. Kennard as Chairman of the Federal Communications Commission.

Mr. President, I reserve the balance of my time.

Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator?

Mr. HOLLINGS. Mr. President, I yield such time as is necessary to the distinguished Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member of the committee and I also thank the chairman of the committee.

I was very pleased to hear the chairman's statement that it is his belief that Mr. Kennard possesses an "unblemished reputation" for candor and integrity. I appreciate his comments and believe they have been well stated.

As California's Senator, I am particularly pleased to rise in support of the President's nomination.

Bill Kennard has very strong California roots. He was born in Los Angeles. He graduated with honors from my alma mater, Stanford University. He then attended Yale Law School.

Bill Kennard's family also has strong California roots. His father, Robert Kennard, now deceased, was a very well-regarded architect in the Los Angeles area. He formed the largest continuously operating African-American architectural practice in the western United States and also served as the founding member of the National Organization of Minority Architects.

His mother, I want this body to know, is also a distinguished person. She grew up in the great Central Valley of California. She received a master's degree in bilingual education and has worked in the field of bilingual education in Los Angeles.

The President's nomination is, in fact, a historic one. Following his confirmation, he will be the first African-American to serve as FCC Commissioner in the history of the United States. He is well prepared for the challenges ahead of him. He has a broad telecommunications background in both the public and the private sector and an impressive range of experiences that, I believe, will serve him well and serve the Nation well.

Since 1993, as the chairman mentioned, Bill Kennard has served as FCC general counsel. He has represented the Commission before the courts and served as its principal legal advisor. In that capacity, he has defended the commission well.

Bill Kennard was a partner in the Washington law firm of Verner, Liipfert, Bernhard, McPherson & Hand, specializing in communications law. He has served as assistant general counsel of the National Association of Broadcasters.

I also know that he has been involved in the needs of his community here in Washington and has served on the board of a nonprofit homeless shelter.

With this committee's leadership, the Congress was able to pass the most comprehensive communications legislation since passage of the 1934 Communications Act, upgrading our telecommunications law to address modern telecommunications needs.

The 1996 act sought to develop a regulatory framework that provides the benefit of competition for consumers, spurs the development of new products and reduces costs, while it also removes unnecessary regulatory barriers.

Congress has set the stage for a new telecommunications era, and we need to ensure that that law is implemented properly and that it works fairly for consumers. I think that, as FCC general counsel, Bill Kennard has the experience to help see these reforms through.

I happen to believe he will be an independent and a strong voice, yet responsive to the concerns that the distinguished chairman has pointed out. I am pleased to add a California voice and to support this distinguished nominee.

I thank the Chair and I yield the floor.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized for 5 minutes.

Mr. HELMS. I thank the Chair and I thank the managers of the bill.

Mr. President, we have been working with Senator MCCAIN and Senator HOLLINGS and their staffs and, of course, William Kennard. I met with him for some time in my office. Mr. Kennard is the nominee to be Chairman of the Federal Communications Commission, as you know. Now, all of us—and I think it is fair to include Mr. Kennard—want to rectify an awkward and unjustifiable situation that has developed in the Federal Communications Commission process of awarding broadcast licenses. Specifically, in this case, a well-known and highly respected and popular broadcasting executive in Asheville, NC, was curiously disqualified in his application for an FM frequency in the Asheville area. There was a lot of resentment in the public about that.

What happened, Mr. President, was that this gentleman, Zeb Lee, of Asheville, and 12 other groups, had applied for the FM frequency when it became available in 1987. The Commission's comparative hearing process, in effect at that time, was used to determine which group would be the most qualified for the frequency.

Zeb Lee had run station WSKY-AM in Asheville for 46 years, during which time he did the play-by-play for about 4,000 high school football games, and by sponsoring such public interest things as an Elvis Presley concert in 1955, which I would not have listened to, but most people did want to hear it. But he made so many innovations in broadcasting that he became just a household word, in terms of his name. He is enormously popular to this day.

Well, Mr. President, in 1989, a 20-day hearing was held during which an FCC administrative law judge disqualified most of the other applicants because the judge ruled that they either lacked experience, didn't have transmitter facilities ready to go, or were basing their application purely on provisions favoring minorities—women and others. The judge found for the Lees, ruling in their favor on May 4, 1990. The judge found that the Lees were the most qualified, citing their stewardship of the AM station and Mr. Lee's commitment of involvement in the day-to-day management of the station. The FCC then favored active involvement by owners in the day-to-day operations of a radio station, as opposed to passive investors who would not be active managers. I think that is the way to go, as a former broadcaster.

In any case, Mr. President, in addition to the first ruling in favor of Zeb Lee and his people, on April 8, 1991, the FCC Review Board affirmed the administrative law judge's ruling. And then on February 28, 1992, the FCC released its first decision favoring the Lees and a second decision also favoring the Zeb Lee application was released, I believe, on November 23, 1992.

So on June 14, 1993, the FCC released a third ruling favoring the Lees.

Well, Mr. President, you might say, "Why is HELMS going to speak today talking about this nominee and this situation in Asheville, NC.?"

The FCC granted a construction permit to the Lees on April 30, 1993, following which they began the construction process. So it went through a series of regulatory twist and turns in which the Lees complied with every order and requirement issued by the FCC and the administrative law judge, who stipulated that Mr. Lee must dispose of his AM station as a condition for acquiring that FM license—which Mr. Lee did. Amazingly, on June 18 of this year, the FCC which had reversed itself on June 2, forced the Lees off the air.

Zeb Lee has asked the U.S. Court of Appeals to examine the manner in which the FCC handled his application, which led to his being taken off the air. The court will shortly issue a decision in the near future.

Mr. President since April 30, 1993, the U.S. Court of Appeals in the Bechtel case of December 17, 1993, struck down the "comparative process" that had been used to determine allocations of radio and television frequencies. The court directed the FCC to come up with new comparative standards. The Lees and about 25 to 30 other people were affected by this decision.

But their cases have been frozen ever since. Additionally, a provision in the Balanced Budget Act of 1997, which went into effect July 1, required that all radio and television frequencies be subject to auction. This provision concerned me because Zeb Lee's case and another 25 to 30 cases were in the pipeline and could be subject to auction which nobody anticipated.

I find no fault with the provision in the balanced budget legislation, but it crept in the back door on Mr. Lee and the others.

So, to get to the meat of the coconut, Mr. President, I submitted questions to Mr. Kennard through Senator BURNS' Commerce Communications Subcommittee about all of this. I ask unanimous consent that the nominee's responses be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

Senators should note that Mr. Kennard clearly feels the FCC can conduct hearings on this small group and class of applicants using new comparative criteria.

In any event, Mr. President, I then consulted and wrote to the able chairman of the Senate Commerce, Science, and Transportation Committee, Mr. McCAIN, seeking assurance that Senator McCAIN now agrees that the provisions in the Balanced Budget Act of 1997 do not prohibit the FCC from using the comparative process in these 25 or 30 cases.

I ask unanimous consent that copies of my letter and Senator McCAIN's response be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. I thank the Chair.

Mr. President, I have been given assurances satisfactory to me by Mr. Kennard that he will, within statute and regulation, work in good faith with me and others to resolve the problems the Bechtel decision caused.

I was very impressed when Mr. Kennard came to my office and met with me about 3 weeks ago. I appreciate his voluntary assurance that he will work with us on the Zeb Lee case. Therefore, Mr. President, I support the nomination, and I am going to ask for the yeas and nays. I hope that he will be confirmed unanimously by the Senate.

EXHIBIT 1

RESPONSES OF WILLIAM E. KENNARD TO POST-HEARING QUESTIONS SUBMITTED BY SENATOR CONRAD BURNS ON BEHALF OF SENATOR JESSE HELMS

1. As you know, the recent budget legislation included a provision that appear[s] to require the FCC to apply auction procedures to pending applications for radio stations. These provisions were reportedly aimed at resolving the applications that have been in limbo since the Bechtel case struck down a part of the FCC's rules governing comparative license application proceedings. Please clearly state your views in response to the following questions:

a. In your opinion, is the FCC now required to apply these auction provisions to all pending application cases, or does the FCC have discretionary authority not to handle pending cases through this auction approach?

In the Balanced Budget Act of 1997, Congress required the FCC to use auctions to resolve all future comparative broadcast proceedings involving commercial stations. For pending applications, the statute states that the Commission "shall have the authority" to use auctions. The Conference Report states that this provision "requires" the Commission to use auctions for pending cases. The Commission will be determining in a rulemaking proceeding implementing the Balanced Budget Act of 1997 how it should proceed with these pending cases. The statutory language suggests that the Commission has discretion to use comparative proceedings for pending cases.

b. While most of the pending comparative cases had not gone through a hearing before an administrative law judge, and had at least an initial decision issued, a relatively small number of these cases had in fact been decided under the old rules by an ALJ and in some cases decisions made by the full Commission, although these decisions may have been on appeal. In those cases, the parties often had spent many years and hundreds of thousands of dollars to advance their applications under the old rules. Do you believe that it would be more equitable not to apply auction procedures to the cases which were far along in the process, where the applicants had played in good faith under the old rules, and to instead have those cases decided using any existing hearing record pursuant to such special rules as the Commission might adopt for deciding them?

I do believe that the Bechtel decision has caused unfairness to many applicants who have had further processing of their applications delayed and, as a result of that court decision, will necessarily have their applications processed under new procedures. I am quite sympathetic to their predicament. That is why the Commission argued to the court in Bechtel that the court's decision should only apply to new cases. Unfortunately the Commission was not successful and the court rejected this argument. As noted above, the issue of what those procedures will be, that is, whether some or all pending applications should be auctioned or decided pursuant to some new, yet-bo-be developed criteria, will be a subject of the Commission's rulemaking proceeding implementing the Balanced Budget Act of 1997. The Commission certainly may consider as part of that rulemaking proceeding any arguments that particular classes of pending applicants should be treated differently.

c. The U.S. Court of Appeals in the Bechtel case ordered the Commission to issue new comparative rules. Although the Commission never formally adopted such new rules, its staff, including your office, prepared draft rules to respond to the Court's order. Please summarize how those draft rules would have dealt with pending cases, and comment on whether those drafts might be suitable and readily adaptable for use in resolving at least those pending cases that had reached the point where an initial decision had been issued based on a hearing record.

The FCC staff presented a draft order to the Commission earlier this year. In that draft, the staff recommended that pending hearing cases be resolved by a lottery pursuant to section 309(i) of the Communications Act. The Balanced Budget Act of 1997 eliminated the Commission's authority to use lotteries for these cases, so the staff proposal is no longer an option.

EXHIBIT 2

U.S. SENATE,
Washington, DC, October 21, 1997.

Hon. JOHN McCAIN,
Chairman, Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR JOHN: My folks have conducted numerous discussions with your good people about the FCC treatment of Zeb Lee, a longtime Asheville broadcaster, in response to Lee's attempt to secure an FM radio station. (Zeb and approximately 25 to 30 other applicants were left stranded in the regulatory process by the Bechtel court decision.)

Additionally, I understand these 25 to 30 applicants are not affected by the provision requiring the auctioning of all radio and television licenses that was included in the Balanced Budget Act of 1997, which went into effect July 1 of this year.

The FCC contends that it interprets this provision as giving the Commission the authority to decide whether these 25 to 30 applicants be judged on the basis of the comparative hearing process. John, I do hope that you agree that this is a proper interpretation.

Furthermore, in the future if the courts question this interpretation for these applicants, I do hope that you will reaffirm this interpretation and move related legislation swiftly through the Senate.

Many thanks, John.
Sincerely,

JESSE.

U.S. SENATE, COMMITTEE ON
COMMERCE, SCIENCE, AND
TRANSPORTATION,
Washington, DC. October 23, 1997.
Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR JESSE: I am aware of your concern over whether Section 3002(a) of the Balanced Budget Act would permit the Federal Communications Commission to use comparative hearings where mutually-exclusive applications have been filed for initial licensees or construction permits for commercial radio and television stations. As a principal proponent of this part of the legislation, I am happy to have this opportunity to respond to your question.

Section 3002(a) specifically states that, with respect to competing applications filed before July 1, 1997, the Commission "shall have the authority to conduct" auctions. Therefore, the Commission's authority to conduct auctions in these situations is clearly and explicitly permissive, not mandatory. Moreover, the statute contains no provision affecting the Commission's existing authority to hold comparative hearings, although it does explicitly repeal the Commission's authority to conduct lotteries. Read together under long-established principles of statutory interpretation, there can be no doubt that these provisions: (1) permit, but do not require, the use of auctions to select initial licensees for commercial radio and television stations; and (2) that the Commission is (a) permitted, but not required, to use comparative hearings to select such licensees or permittees in cases where it determines that auctions should not be used, but (b) is not permitted to use lotteries to select licensees or permittees for any service.

As to the impact of legislative history (conference reports, floor statements, and other such collateral material), it is a basic tenet of statutory interpretation that where, as here, the letter of the law is unambiguous on its face, legislative history cannot be read to override it. Therefore, any such statements that appear inconsistent with the clear terms of the statute cannot be interpreted to contradict it or to call it into question.

Finally, in the unlikely event that any future court opinion misconstrues the statute, I will do whatever is necessary to secure the passage of legislation that will restate the terms of the statute as reflected in this letter.

I sincerely trust this will answer your questions fully. I would be pleased to provide you with anything further you might wish on this issue at any time you feel it would be helpful.

Sincerely,

JOHN MCCAIN,
Chairman.

Mr. HELMS. Mr. President, if it is in order and agreeable to the manager of this nomination, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I thank the manager.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. For the information of the Senator from Arizona, he has about 3½ minutes.

Mr. MCCAIN. Thank you, Mr. President.

Mr. President, I thank the Senator from North Carolina for his cooperation on what is a very important issue with one of his constituents, and one of great importance to him. I am grateful for his cooperation and that of his staff in resolving it.

I reserve the remainder of my time.

Ms. MOSELEY-BRAUN. Mr. President, I strongly support the nomination of William Kennard to serve as Chairman of the Federal Communications Commission, and I urge all of my colleagues to do the same.

There is perhaps no industry that has undergone more rapid or greater change than the telecommunications industry. In terms of technology, ownership, and opportunities, the communications industry has literally undergone a revolution. These changes will create opportunities for consumers, existing companies, and new entrants. In the coming years, the FCC will face enormous challenges as it attempts to cope with these changes and finishes implementing the provisions of the Telecommunications Act of 1996.

No one is more prepared for that challenge than Bill Kennard. He has demonstrated exceptional leadership and mastery of the issues during his 4 years as general counsel of the FCC, and his many years as a telecommunications lawyer. When I think of Mr. Kennard, I think of something that Jean-Claude Paye, former Secretary General of the Organization for Economic Cooperation and Development, said of the changing times in which we live. He said that societies concerned about their economies ought to look to their fraying social fabric, as economic growth is the weave of national character. The waft of it, he said, are the people who embrace and master social change.

Bill Kennard is one of those individuals. He will bring to the helm of the FCC not only an understanding of the industry and the economics, but the social and societal implications of the issues that he will address as Chairman of the FCC.

Mr. President, I expect great things from Bill Kennard and I look forward to working closely with him as he steers the telecommunications industry into the 21st century. I commend the President for choosing such a qualified and competent individual for this duty, and I hope that every one of my colleagues will support his nomination.

I thank the managers of this nomination, and I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise today in support of the nomination of William E. Kennard to the Federal Communications Commission [FCC]. The telecommunications industry has seen incredible technological advances made over the last two decades. As a result, the responsibilities and scope of the FCC have increased dramatically. Today, it is more important than ever for FCC Commissioners to be able to respond and adapt to these changes in a timely manner.

Recently, the FCC issued a regulation that will have a profound impact on the trucking industry nationwide. While ordinarily one would not think of an FCC action having an adverse impact on trucking companies, such is not the case in this situation. On October 9, the FCC issued a regulation implementing a provision of last year's Telecommunications Act, which directed the FCC to provide for adequate compensation of pay phone operators. The new FCC regulation ordered long-distance companies to pay payphone owners 28.4 cents per call for each call to a toll-free number unless the payphone owner and the long-distance company have a contract specifying a different rate. The charge applies to both customer toll-free numbers and to company access numbers, including those on prepaid calling cards. The charge became effective immediately.

Long-distance carriers, in turn, are passing this charge along to their customers. The carriers are not limited to a set charge and as a result the amount being charged varies depending on the carrier.

Pay phones are the life line between the Nation's 3.2 million truck drivers and their home offices. A driver will call in numerous times during the day and in most cases will talk no longer than 2 minutes. Nevertheless, under this new rule, the trucking company will be charged each time a driver calls in.

Arkansas has been fortunate to have a significant trucking industry based in our State. Some of the largest trucking companies in the Nation are headquartered there. This new regulation will have a devastating effect on their business costs. For instance, in the case of J.B. Hunt Trucking, it is estimated that this new regulation will increase the company's phone bill by approximately $200,000 a month. This will equate to $2.1 million annually.

Smaller trucking firms have also contacted me and said their phone bills are projected to double under this new rule. A small business is completely unable to absorb an increase of this magnitude.

When it comes to using payphones, the trucking industry is virtually a captive consumer. There is no real alternative and no option to avoid paying what is, in effect, a very expensive tax.

Mr. President, we need to explore alternatives to provide some relief to this industry. I will be contacting the FCC Commissioners to work with them on this problem and I would encourage my colleagues to do the same.

The ACTING PRESIDENT pro tempore. Who requests time?

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

Mr. President, I am privileged to support the confirmation of Bill Kennard's nomination to be Chairman of the Federal Communications Commission. You will find no one more qualified than William Kennard.

Mr. President, today, the Senate will consider the nomination of William Kennard for Chairman of the Federal Communications Commission [FCC].

Mr. Kennard has spent his career in the communications field—as a first amendment attorney with the National Association of Broadcasters; as a communications lawyer in private practice; and the last 3 years as general counsel of the FCC. Mr. Kennard brings a tremendous amount of experience to the job at a critical time in the communications industry. A great deal of work remains to be done to fully implement the 1996 act. He is eminently qualified for the task at hand.

The overarching goals of the 1996 act are to preserve Universal Service, and to provide a transition from monopoly to open competition. Mr. Kennard understands that neither of these objectives will happen on their own accord. It will be the responsibility of Mr. Kennard, the three new commissioners confirmed last night, along with Commissioner Ness, to fulfill these objectives by balancing the competing interests of industry with the public interest.

For the past 20 months, the FCC has been doing its best to implement the Telecommunications Act of 1996. The rules adopted by the FCC have generated a great deal of controversy and subsequent litigation. Most of those issues are either pending in the courts or before the FCC on reconsideration. So it goes without saying that Mr. Kennard will have a very important, and sometimes difficult, job ahead of him.

First, and foremost, the new Commission must understand that the Universal Service System we have today is a mechanism designed to maintain low-cost affordable phone service in rural and high-cost areas. These areas of the country would not have had telephone service, much less any economic development, were it not for the Federal support and Government mandate of Universal Service. The Commission should be vigilant to maintain Universal Service and its attendant benefits.

The second issue is the promotion of competition across the various industries. Much of the deregulation of the act was premised on the commitments made by industry to compete with each other. Now some segments of the industry are having second thoughts about competition. The grand plans pledged to the Congress over 2 years ago no longer seem so grand. Competition does not come with a money-back guarantee. The Congress did not guarantee any incumbent continued marketshare. Nor did the Congress guarantee that competitors would gain marketshare. What the Congress attempted to guarantee was the right to compete under certain conditons. It will be the FCC's job to enforce those conditions to bring the benefits of competition to consumers. More importantly, though, its job will be to protect consumers where competition and the marketplace fail.

As the FCC decides each of these issues, the most important aspect of its responsibility is to safeguard the public interest. The FCC's job is to protect consumers by promoting competition and removing barriers to entry or, in the alternative, enforcing regulation where competition does not exist.

Mr. President, you will find the frustration of those addressing this particular subject comes about from a failure of implementation by the private industry itself. We worked for 4 years on the Telecommunications Act that passed last year. It is noted that we had 95 votes. A strong bipartisan support was worked out to the satisfaction of all the entities. Now we find some of those entities coming in and petitioning and enjoining and appealing to the U.S. Supreme Court. There are some 73 local carriers that now have enjoined their local commissions.

You will find one particular RBOC that has petitioned the Court on the constitutionality of what we enacted after they sent a wonderful letter in support of what we enacted.

What you are seeing on behalf of the industry overall is a freezing of the board by the majority. And there has been very little movement of cable into telephone, telephone into cable and RBOC into long distance. They have not met the so-called checklist, and have held up on it. That is what is really in force.

So some of these mergers could well break it loose in the telecommunications wall—again, the wall of competition.

Mr. Kennard, I am convinced, understands what is going on. He would have to at the Commission level as the general counsel. I hope under the law and the requirements of public interest and in balancing all of the interests of the various carriers with that public interest in mind that we can move forward.

So I appreciate the situation and would be delighted to yield to others.

Mrs. BOXER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order?

The ACTING PRESIDENT pro tempore. I understand the Senator from South Carolina yielded to the Senator from California.

Mr. HOLLINGS. I would be glad to yield that time. Go right ahead.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Thank you.

Mr. President, I am pleased to add my voice to support the nomination of William Kennard to be the Chairman of the Federal Communications Commission, and I am proud to say that he is a native of my home State of California. I join with Senator FEINSTEIN today in this moment of pride.

Bill Kennard's experience and knowledge of communications issues will be extremely important in helping the FCC deal with the many, many difficult challenges it faces. He has been their general counsel since 1993 serving as the principal legal adviser of the agency during an extraordinary period in the history of communications.

The last 4 years have seen dramatic changes in communications technology, communications markets, and communications policy. We know one important thing is for certain. There will be more historic changes almost every month and every week in this area.

In a series of historic decisions, the FCC has rewritten the rules governing every lane of the information superhighway—local, long distance, international telecommunications, satellite, spectrum, broadcast television, and multichannel TV.

Bill Kennard has a bird's-eye view of these important changes, providing excellent advice and counsel to the FCC Chairman and Commissioners.

Prior to joining the FCC, Bill Kennard practiced communications law for several years where he specialized in broadcast, cable TV, and cellular matters. He knows where the communications world has been. And he has a strong vision for the future of the communications world.

I urge the Senate to give unanimous approval to this very important nomination.

I yield my time to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

I think the distinguished Senator from New Jersey has his own time. I would be delighted to yield whatever time is necessary.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. TORRICELLI. I thank very much the Senator from South Carolina for yielding the time.

Mr. President, I am very pleased to join in recommending to the Senate William Kennard to be Chairman of the Federal Communications Commission.

By his record as general counsel, Mr. Kennard's tenure as Chairman of the Commission promises to be both able and insightful at a time of extraordinary technological change in the United States.

Yesterday, at my request, this nomination was held until today so I would have an opportunity to meet with Mr. Kennard. What may be the best proof is former Speaker O'Neill's maxim that "all politics is local." At a time when the Commission is dealing with great national and, indeed, global issues, in this moment of extraordinary change in the industry, I needed an opportunity to address with Mr. Kennard a continuing problem with the Commission in my own State of New Jersey.

For 15 years my predecessor, Senator Bradley, brought to this body the continuing problem that the 8 million people of the State of New Jersey are largely without internal communication because of the dominance of Philadelphia and the city of New York in television and radio. Indeed, New Jersey alone, through most of this century, has been without a commercial television station until Senator Bradley led the effort to bring one of those licenses to the State of New Jersey. The State still, in its commercial, political and cultural development, is not properly served. That problem has now repeated itself with New Jersey's largest county, home to nearly a million people in Bergen County, NJ, which may be without FM radio service. I know in the great plethora of issues this does not seem like a significant question unless you live in the State of New Jersey.

Bergen County, NJ, is host to more Fortune 500 corporations than all but a few counties in America. It is one of the highest income counties in the entire United States of America and, indeed, has more people than six States in the United States of America. But from everything from its internal political debate to news about emergencies within the county to the simple matter of school closings due to weather, people are unable to get basic information. Those licenses rest in the city of New York. Indeed, most of them should. But one, at least one of them, as, indeed, with one television station, should be in this area of suburban New Jersey.

I spoke at length yesterday with Mr. Kennard. I am convinced that he is as sensitive to the problem that the Commissioners responded to for Senator Bradley on previous occasions and that under Mr. Kennard's leadership the Commission will respond as well in sensitivity to both the ongoing television problem but also this new dilemma of how to ensure a continued FM radio presence. Therefore, I was very pleased last night to have participated in asking that the nomination come to the floor today and am very pleased today to rise in support of Mr. Kennard's nomination.

For years, the 840,000 residents of Bergen County have relied on local FM radio in order to receive valuable traffic, weather and news information, as well as popular music entertainment. Indeed, on multiple occasions, this service has served as a crucial link between the residents of Bergen County and critical emergency information. In 1996, when a water main break left over a half-million residents without water for nearly 3 days, a local FM station was the only source of live coverage from the scene of the break and the only source of continuous, round-the-clock reports throughout the emergency. Again during the recent explosion of the Napp Chemical plant in Lodi, NJ, a local FM station was the primary source of onsite news and information about the risks of possible toxic fumes which originated from the plant. Also, for years local FM service has provided extensive school closing reports during snowstorms, and notified the public of road conditions and other weather-related emergency information.

However, the survival of FM service in Bergen County has recently been threatened by another Washington regulatory bureaucracy out of touch with the people it is supposed to serve: The Federal Communications Commission [FCC]. Mr. President, I am here today to ensure that the FCC does not succeed in ending FM service for Bergen County. This is a matter of principle, and it is the right thing to do for the residents of my State. Until the advent of local FM service, the residents of Bergen County had to rely upon radio stations in New York City to provide them with their news and information. Unfortunately, radio stations in New York City focus on the news and needs of the residents of that city, and oftentimes ignore those living in the New Jersey suburbs.

Bergen County has more than 70 municipalities and school districts, six State legislative districts, two congressional districts, 231 square miles, and a population larger than the States of Alaska, Montana, North Dakota, South Dakota, Vermont, Wyoming, and the District of Columbia. It is a county of tremendous size and importance, and it deserves an FM news and information source of its own.

Yesterday, I met with William Kennard, the President's nominee to be Chairman of the FCC, and I am confident that the commissioners of the agency will work with my office to preserve FM service for Bergen County. If the FCC is to continue in its mission to ensure broadcast capability for the public interest, then the commissioners must end this instance of broadcast discrimination against the people of Bergen County, NJ.

I yield my time to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FORD. Mr. President, I understand there is some time left to discuss the nominee?

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. FORD. I thank the Chair.

Mr. FORD. Mr. President, I join my colleagues today in voicing my strong support for the nomination of William Kennard to serve as Chairman and member of the Federal Communications Commission.

With the passage of the Telecommunications Act of 1996, the Federal Communications Commission faces the daunting challenge of being a regulatory agency that will promote a deregulated telecommunications industry. The FCC requires a leader who will be able to charter the agency and the industry through these unchartered waters.

Mr. Kennard brings a keen understanding of the telecommunications industry and superb academic credentials to the agency. His years of experience as the FCC's general counsel have provided him with the experience and insight to hit the ground running. I am confident that he has the leadership qualities to effectively lead the multimember agency and to forge the consensus needed for the FCC to accomplish the goals of the 1996 act. He will being keen intellect, good judgment, and common sense to the office of Chairman and to the agency as a whole.

I believe that Mr. Kennard is an outstanding nominee. I am convinced, through my personal experiences of meeting him as well as from discussions from around the entire telecommunications industry, that he will serve with distinction. I strongly support his nomination and encourage my colleagues to do the same. I look forward to working with Chairman Kennard in the future and offer him my congratulations on his confirmation.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of

William E. Kennard, of California, to be a member of the Federal Communications Commission. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 284 Ex.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Burns

The nomination was confirmed.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 1332 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I yield the floor.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate and what is the pending question?

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER (Mr. GREGG). The clerk will report the pending business.

The bill clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee-Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee-Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee-Warner amendment No. 1314 (to amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. BYRD. Mr. President I thank the Chair.

Mr. President, has the time under the Pastore amendment run its course?

The PRESIDING OFFICER. The Senator is advised that the Pastore rule will expire at 2:02.

Mr. BYRD. I thank the Chair.

I ask unanimous consent I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, some days ago, the two distinguished Senators, Mr. CHAFEE and Mr. DOMENICI, offered an amendment which they proposed to call up at some point during the debate on the highway bill. There has been no floor discussion of that amendment. I have seen and read various things that are being written about the amendment and in criticism of the amendment which Senators GRAMM, BAUCUS, WARNER and I have offered for printing. My colleagues and I had offered an amendment several days ago and indicated we were offering it for printing, and that we intended to call it up at such time as the amendment tree was dismantled, and we would have an opportunity to call up the amendment.

There have been some discussions of our amendment, but I think it is appropriate to talk about the amendment now that has been offered, I assume, as an alternative to our amendment. I don't know what the prognosis of this bill is—whether it will be taken down and no action taken on extending the highway bill, or whether there will be a 6-month extension, or whether there will be a 6-year bill. I should think that the chances for the latter are diminishing with every passing minute.

In any event, it seems to me that there ought to be some discussion about the Chafee-Domenici amendment. I have spoken to Mr. CHAFEE a number of times about the amendment and have indicated to him that I thought we ought to have some discussion of it so that certain questions might be clarified. I personally have a few things to say about the amendment. I think the public is entitled to some enlightenment as to what it does and what it does not do. So that is the reason why I have chosen to take the floor at this time.

The sponsors of this amendment, my friends Senators DOMENICI and CHAFEE, have brought forward an amendment that claims to be an alternative to the Byrd-Gramm-Baucus-Warner amendment. I think when all Members thoroughly review the Domenici-Chafee amendment they will find that it is not an alternative at all. Rather, it is an effort designed to obfuscate and confuse Senators into thinking that they, the authors of the amendment, have accomplished the same ends as the Byrd-Gramm amendment.

Senators ought not be confused. I can understand how they are being confused, however. There have been no discussions of the Chafee-Domenici amendment on the floor. There has been discussion of it in memos that have been passed around, letters, articles in various publications, one of which was Congress Daily on yesterday, which was not accurate in many ways. Inasmuch as there has been considerable discussion of the Byrd-Gramm amendment, I think there ought to be an explanation of the Chafee-Domenici amendment and it ought to be out here on the floor in open view where everybody can see what is being said and hear what is being said and make up their own minds.

I feel very much like I am being shot at by someone behind a barricade. They don't come out in the open in public view and take their shots at the Byrd-Gramm amendment there, but I am being shot at. All kinds of things are being said about this amendment that I have offered, many of which things are absolutely not true. Also, many things are being claimed on behalf of the Chafee-Domenici amendment that are likewise inaccurate. So I think that there ought to be more discussion regarding the Chafee-Domenici amendment. Let's talk about it.

The differences between these amendments—the Chafee amendment on the one hand; and my amendment on the other—are as simple as they are stark. The Byrd-Gramm amendment authorizes an additional $31 billion in contract authority for investment in our Nation's highways over the 6 years covered in the underlying ISTEA bill.

The Domenici-Chafee amendment authorizes not even one, not even one additional dollar in contract authority for this 6-year period.

The Byrd-Gramm-Baucus-Warner amendment authorizes the spending of a 4.3-cent gas tax that is now going into the highway trust fund on our transportation needs over the next 6 years. The Domenici-Chafee amendment does not authorize any of this gas tax revenue to be spent on our highway, bridge and safety needs. That is a big difference. Our amendment authorizes the spending of the 4.3-cent gas tax that is now going into the highway trust fund.

We say it ought to be spent. The American people are being told that that is what it's for. They are not being told that if it goes into the general fund, it will be spent on the various and sundry other programs, such as Indian roads, research, Head Start, education, parks, or just put into the General Treasury. They are not being told that. They think it is going into the highway trust fund to be spent on transportation needs—highways, mass transit, bridges. I think we owe them, in all honesty, an explanation. We ought to try to see to it that that money is spent for highways, mass transit, bridges, and so on.

We are not saying in our amendment that it "shall" be spent. But we are authorizing contract authority, and then come next spring when the Appropriations Committees meet and we have debate on the budget resolution, we will get into discussions as to whether or not there will actually be obligation authority to spend that money and, if so, how much, and so on. We are saying if savings are there, from which the $31 billion will come, and if we are going to spend those savings, then, transportation needs are top priority.

But the Domenici-Chafee amendment does not authorize any of this gas-tax revenue to be spent on our highway, bridge, and safety needs. Members should not be surprised by this. My friend, the Senator from Rhode Island, had stated in earlier debate on this bill that he does not believe that the 4.3-cents gas tax should be spent on our transportation needs. That is his view, and I respect him for that. He isn't running for a rock to hide under. He is just announcing from the steeple tops that he doesn't believe that the gas tax ought to be spent on transportation needs. He thinks it ought to go toward reducing the deficit. He is very plain and open about that, and you have to admire him for that. That is his view, and I respect that.

However, that is not my view. It was not the view of the 83 Senators who voted in favor of an amendment on this floor on May 22 of this year that called for the 4.3 cents to be transferred to the highway trust fund and spent on our transportation needs.

The Byrd-Gramm-Baucus-Warner amendment keeps faith with our vote on May 22. It keeps faith with the millions of American citizens who fill their gas tanks and pay their gas taxes, with the expectation that these funds will be spent on the construction and rehabilitation of our highways and mass transit and bridges. The Domenici-Chafee amendment tells those millions of Americans and those 83 Senators that they must wait for another day, wait until next spring, wait until we have the next budget resolution before the Senate, and, perhaps, maybe—we don't know—we might consider authorizing the spending of your gas taxes on the Nation's highways and bridge needs, and then again, we might not. We don't make you any promises. But, by all means, don't do anything on this bill; don't take action on this bill, the highway authorization bill. Wait.

The Domenici-Chafee amendment says that notwithstanding the fact that we are currently debating a 6-year highway authorization bill, now is not the time to decide the authorization level for highway spending for the next 6 years. Don't do it now—not now, not here. Wait. You Members here who are waiting with open mouths and open arms to see legislation pass that will assure your State and your State's transportation department of so much contract authority so that they can at least begin to think about it and plan about it, all of you just wait, don't do anything now. This is that old 6-year highway bill that comes out of the Environment and Public Works Committee. Wait. Don't do it on that bill. Wait. Wait until some day in the future—maybe never.

I have said as clearly as I can what the Domenici-Chafee amendment does not do. Allow me to take a moment to explain what the Domenici amendment does do. The Domenici-Chafee amendment seeks to establish a complex and convoluted process that basically enables the Senate to hide under a rock when it comes to the issue of highway taxes and our highway needs. The Domenici amendment proposes a new, Rube Goldberg, fast-track process for each of the next 5 years that would allow the Congress to increase highway and/or mass transit authorizations in some yet-to-be-determined amount each year, if the budget resolution for any such year allows it. You can just forget about this highway bill. Just wait, wait until another time, and if the budget resolution allows it, then we might increase highway and/or mass transit authorization. That will be determined next year—maybe, but not now.

Not surprisingly, the amendment would also allow the Congress to ignore all those new procedures and do absolutely nothing. Members know that I am not in favor of fast-track procedures. I don't favor fast track on trade, and I am not going to vote for fast track. I don't favor fast-track procedures. We have too many of them now. In my view, they trample on the rights of all Senators and they cut off meaningful debate. When it comes to the Domenici-Chafee amendment, I think all Members should cast a careful eye on this so-called fast-track procedure, because this fast-track amendment may very well be the slow track to additional highway spending.

So they say, take a look at our amendment, and if you are going to increase contract authority for your State and your State and your State and your State, we will know that at some point next spring—not now. This is the highway bill. That is the way we have been accustomed to doing it. But forget it, that is that old 6-year highway bill. Don't fool with it or pay any attention to that.

I am quite surprised that Senator CHAFEE, the chairman of the Environment and Public Works Committee, would go along with that idea. His committee has been the key committee when it comes to jurisdiction in authorizing contract authority. But now he has joined in an amendment that says: Not now, maybe next year sometime—maybe. There is no guarantee. Maybe next year and, if next year, we are going to have a fast-track procedure.

When I was a boy, I read a book called "Slow Train Through Arkansas." Well, that was in the old days when they believed in voodooism and snake oil and patent medicines that were sold by traveling con salesmen, and so on. So, next year, under the Chafee-Domenici amendment, we will have a fast track—not the "Slow Train Through Arkansas," but a fast track.

If Senators vote for the Domenici-Chafee amendment, you are not voting for a single dollar in your State for contract authority over the next 6 years—not a single dollar. The Chafee-Domenici amendment is saying: Wait until next year, we will take a look at it then. And then in the budget resolution, when that comes along, we will take a look at it then. Mind you, we are not saying in the Chafee-Domenici amendment that we are going to spend any of that gas-tax money on highways. We are going to let that stay in the Highway Trust Fund. Let that money accumulate, and next spring, other governmental needs can compete with highways in the use of that money in the trust fund.

Mr. CHAFEE and Mr. DOMENICI are not assuring you Senators that that money in the highway trust fund is going to be spent on highways. They are saying we are not even sure we can do that at all. We are not assuring you that you are going to get any extra money. We are going to wait until next year, they say. When the budget resolution is up here next spring, then we will talk about it, they say. Then we will decide what we do with that money. We may spend it on highways; we may not. We may spend it on Indian roads; we may not. We may spend it on parks and recreation. We may spend it on the national forests. We may spend it on Head Start. We may spend it on welfare. There are a lot of things we may spend it for, they say. But we don't make that decision here. Mr. CHAFEE and Mr. DOMENICI say that we will make that decision when we have the budget resolution.

So if you are on the Budget Committee, you are going to have control of that. The Domenici-Chafee amendment says that on this 6-year highway authorization bill we should do nothing, nothing, nothing toward authorizing additional highway funding. We should put that decision off until another day. That other day may never come. That other day need never come.

If Members want to know how the authorized spending levels contained in the Domenici-Chafee amendment differ from the levels in the Byrd-Gramm amendment, they need look no further than the first section of the Domenici-Chafee amendment. I say the same to Commerce Daily. When Commerce Daily gets ready to write again, I suggest they look at the Chafee-Domenici amendment. Look at it. Don't take somebody else's word for it. Don't take some aide's word for it. I am not speaking disparagingly of aides. We have to have them, and I have some excellent aides on my staff, and so have other Senators. But go look at the amendment yourself. Look at the Chafee-Domenici amendment. Read it. They will find it stated very clearly there.

That amendment reads, and I quote from section 3001(A)(2) of the Chafee-Domenici amendment:

> (A) For fiscal year 1999, $0.
> (B) For fiscal year 2000, $0.
> (C) For fiscal year 2001 [guess what?], $0.
> (D) For fiscal year 2002 [guess again, and I'll give you three guesses], $0.

In fiscal year 2003, try again. What is your guess? How much do you guess? Zero dollars. That is a joke.

Members, if you want to vote for the Chafee-Domenici amendment, do you know what you are voting for? Zero dollars—next year, the next year, the next year, and the next year. Look at it. Don't take my word for it. Read it. Get that amendment and look at it. Members will find that same paragraph repeated throughout the amendment when it refers to each of the highway and mass transit components of the amendment.

Here on the chart to my left is the difference between the two amendments. Here is the difference between the Domenici-Chafee ISTEA II amendment and the Byrd-Gramm-Baucus-Warner ISTEA II amendment.

Let me read it. It is in fine print. Maybe we ought to read the fine print, or just plain read the print instead of taking somebody's word for it. Go get the amendment. Read it for yourself. Don't read the propaganda that comes to you in a memo or a letter. But get the amendment, and read it yourself. Don't take everything the preacher says for being true. Read the Bible yourself. Go to the basic text.

All right. Here it is. "Comparison of authorization of levels for highway and bridge construction Intermodal Surface Transportation Efficiency Act (ISTEA II)."

I am going to ask my assistant to point out what I am reading so that the viewers can look through that electronic eye up there and follow me and see if I am reading it correctly. I do not want to mislead you. "Fiscal year 1992–1993 total."

For those 5 years, what is the total under the Domenici-Chafee ISTEA II amendment? What is the total additional contract authority for highways during those 5 years? Let's see. Under the Domenici-Chafee ISTEA II amendment, the total for those 5 years that you will be voting for, if you vote for the Chafee-Domenici amendment, you are going to be voting for zero dollars. There it is right there, a big cipher!

All right. What about the Byrd-Gramm-Baucus-Warner ISTEA II amendment? What additional contract authority are you voting for? $30,971,000,000 over a period of 5 years. That is the difference. The difference between $30.971 billion, and zero—zero. That is the difference between the two amendments.

Members will find that paragraph, as I say, repeated throughout the amendment when it refers to each of the highway and mass transit components of the amendment.

Now, later in the amendment, we read that all those zeros—zero for 1999, zero for 2000, zero for 2001, zero for 2002, and zero for 2003; all those zeros we find, if we read the Chafee-Domenici amendment—we read that all those zeros may be further amended someday in the future under a "fast track" procedure, or they may not. And the funding levels that may substituted for the zeros throughout the amendment can be found later in the amendment under the heading "additional highway funding."

So if Senators look later in the amendment, you will find the funding levels that may be substituted for these zeros for the 5 years—"may be substituted" for the zeros. You will find those funding levels that may—may—at some time in the future be substituted for the zeros. You get the zeros now. But maybe sometime in the future there will be funding levels substituted. What are the numbers that may be substituted? Well, you will find them in the Chafee-Domenici amendment under the heading "additional highway funding".

That part of the amendment—let's take a look at it—reads as follows:

> Section 3001(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—
> (1) in subparagraph (A), by striking "$0" and inserting—

How much?

"blank";

So maybe sometime in the future we will substitute for this old big zero—hold your breath. We are going to substitute for that zero—get ready now. I am going to pull a rabbit out of the hat. We are going to substitute for that zero—"blank."

Let me see it. Could I be telling the truth here? That is what it says here on page 7. Is that the Chafee-Domenici highway amendment? Yes. On page 7:

> Section (1). Additional highway funding.
> In subparagraph (A), by striking "$0" and inserting . . ."

Well, there is a dollar sign—dollar sign, and a long line —"blank."

> Paragraph (2) in subparagraph (B), by striking "$0" and inserting "blank";

And so on for all the paragraphs, A, B, C, and D.

So the amendment strikes "zero" and inserts "blank" in each paragraph. You strike the zero. We had five zeros up there earlier, but maybe sometime in the future, if Senators vote for this amendment, we will substitute at some time in the future for that zero, we would substitute a dollar sign. This says "zero" dollars. We will leave the dollar sign, take out the zero, and just draw a straight line, and substitute "blank."

Well, that sums it all up, Mr. President. The Domenici-Chafee amendment is shooting blanks. We shoot real bullets in ours—Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, and I—no blanks. That sums it up. The Domenici-Chafee amendment is shooting blanks.

That is about all that these publications, commenting on the Chafee-Domenici amendment, will find in the amendment. Have they taken a look at the Chafee-Domenici amendment? Go see it for yourself. Read it. It is a public matter.

There is no real new contract authority in the Chafee-Domenici amendment. It is an amendment about process. And, if any of you Senators want to know how much of the additional 4.3-cents gas tax this Chafee-Domenici process may spend on highways, the answer is we don't know. We can't tell you. Maybe some of it will be spent. Maybe none of it. Maybe a little of it. Maybe a lot. Maybe a lot one year, and none the next year.

Under the Chafee-Domenici proposal, who will decide whether any additional funding is authorized over the next 6 years? Certainly not the Environment and Public Works Committee. No, no, no. That committee might as well disband as far as this subject matter is concerned. Who will decide? It will be the Budget Committee. The Domenici amendment says that, depending on what the "budgeteers" decide in the budget resolution every year between now and 2003, we may be able to get considered in the Senate a new fast-track highway and transit funding joint resolution.

So it will be the Budget Committee, not the authorizing committee, not that old Environment and Public Works Committee, and not the Appropriations Committee. Take your choice. It won't be either of them. Am I right? It is going to be the Budget Committee.

We will not need the authorizing committee. We will just let the budget committee decide it all. They will decide whether it is going to be zero dollars or whether it is going to be "blank" dollars. And then, whatever it is going to be, that committee will decide whether we are going to have a fast track, a slow track, or no track. And each year that budget resolution may or may not spit out a new kind of joint resolution, a highway and transit funding joint resolution. If the budget committee decides that there should be such a joint resolution, then it would be treated under a very tight fast-track procedure. It would be unamendable, except for amendments to either raise or lower the dollar amounts. Then, after no more than 10 hours of consideration, the Senate would proceed without intervening action or debate to vote on the final disposition of highway and transit funding joint resolutions to the exclusion of all motions except a motion to reconsider or to table.

Finally, a motion to recommit would not be in order, and all points of order against these funding joint resolutions would be waived.

That is the fast-track procedure that Senators will find outlined in the Chafee-Domenici amendment to the highway bill.

There are no procedures expedited or otherwise for our colleagues in the other body to take up such a joint resolution. We are just going to bind and gag the Senate, you understand; that is all. Senators will be limited to 10 hours. And Senators can only offer certain amendments to raise or lower the dollar level. But if Senators are not satisfied with the formula, forget it. You can't offer an amendment to our fast-track bill dealing with formulas. If any of you are unhappy about formulas, you can't offer an amendment on that bill. That is a fast-track bill. And, besides, there is nothing outlined in this so-called "fast-track" procedure that guarantees Senators of anything once the bill is passed by the Senate and sent to conference, or sent to the other body.

If Senators turn to the very end of the Domenici-Chafee amendment, they will see subparagraph 3. That subparagraph reads as follows and I quote:

In the House of Representatives.—"Blank."

There it is again. More blanks.

There are no procedures for this so-called "Highway and Transit Funding Joint Resolution" to be considered in the other body.

So, if such a joint resolution gets out of the Senate, it might just sit in the other body until the end of the Congress or until the crack of doom, whichever comes first. Or the House might amend the resolution and insert new substantive legislation—perhaps a complete new highway formula. Even though Senators would be strictly limited in the amendments they can offer to this resolution, there is no limit to what changes and amendments might be entertained in the other body. Of course, we don't have jurisdiction over their procedures. But why should we bind and gag and virtually blindfold Members of this Senate when it comes to fast-track procedure? We could be required to have a formula fight with the House over highway funding each and every year for the next 6 years if we wanted to authorize additional spending for the highway bill.

Well, I hope that all of my colleagues are carefully following this process. This is the process that they are being asked to vote for under the Chafee-Domenici amendment. The Byrd-Gramm amendment doesn't bind you to any fast track. The Byrd-Gramm amendment simply says let's authorize the new gas-tax revenues in the trust fund to be spent over the next 6 years on our highways and other transportation needs.

That is it, pure and simple. We believe that. Most Senators believe that. They have said so. They voted so.

The Domenici-Chafee amendment calls for a 17-step process with 11 contingencies which, in the end, might not authorize one, not even one, might not authorize one—this is a $1 bill with George Washington's picture on it—might not authorize even one additional trust fund dollar for our highways.

Now, that is the Chafee-Domenici amendment. Why don't you come out here and talk about your amendment? Read it. Read it to the other Senators.

It is a process that is designed to continue to allow us to hide under that rock—hide under that rock—while our highway needs go wanting, while our bridges deteriorate, and while our traffic jams worsen. It is a process that will only heighten cynicism of our constituents and continue to undermine the trust of the American people in the highway trust fund.

My colleagues, I am not fooled by this amendment, and you should not be fooled either. Get it and read it. This amendment is not about spending our trust fund dollars on highways. It is not about restoring the trust of the American people in our highway trust fund. This amendment is about ignoring the usual authorization-appropriations process and substituting a burdensome, multistep process designed to confuse the American people and enable the Congress to do absolutely nothing when it comes to authorizing additional highway spending.

I am sure that Senators DOMENICI and CHAFEE had nothing but the best of intentions in offering this amendment. Unfortunately, their proposal is an unnecessary and unwarranted intrusion on the existing authorization and appropriations processes and provides no assurance whatsoever—none—that any additional highway or transit spending will be authorized. It is in violation of the Budget Act—a 60-vote point of order will lie against the Chafee-Domenici amendment.

The Byrd-Gramm-Baucus-Warner amendment, on the other hand, is in keeping with the existing budget, authorization, and appropriations processes. Although our amendment is also subject to a 60-vote point of order, it is due to the increased authorizations contained in our amendment. The question of the level of highway obligation limits and whether the discretionary spending caps will be raised are left to the appropriations and budget processes. Our amendment does not resort to any new, highfalutin, confusing, fast-track resolution process which I fear will allow Senators the opportunity to hide under that rock and ignore both our highway needs and the skyrocketing balances in the highway trust fund.

Now, I say what I have said with the greatest respect for the authors of the amendment. I have sought to get an explanation of the amendment. I want an explanation that is a public explanation. I do not want an explanation by somebody who has not even read the amendment. I do not want an explanation by a publication that does not bother to read what the amendment says.

I do not want that kind of an explanation. I want an explanation of the amendment here on this floor. I do not want to be shot at from behind a barricade; I cannot see who is shooting at me. Besides, that person may be wearing black glasses. From time to time, when I am out on the hustings, it happens in every crowd. I'll bet the Presiding Officer has had this same thing. Somebody will walk up to me with dark glasses, black glasses: "Bet you don't know who I am, Senator. Bet you don't know, Senator. Bet you don't remember me."

Well, of course, I don't. I can't see you. I can't see your eyes.

I urge that we have a public explanation of the Chafee-Domenici amendment in this forum. Explain these zeros. Explain these blanks. And tell other Senators how your amendment compares with the Byrd-Gramm-Baucus-Warner amendment. Explain it.

How is your State going to get more money under your amendment? How is your State going to get any money out of the Chafee-Domenici amendment? Explain it out here in public view.

So while I have great respect for these two fine Senators—and they are. They are fine Senators—I nevertheless urge all Senators to join me in voting, if we ever come to a vote, to sustain the point of order against the Domenici-Chafee amendment. Sustain the point of order. And I hope that the point of order on my own amendment will be waived.

Mr. President, I ask unanimous consent that a table proposed by the Federal Highway Administration, which compares the authorization levels contained in the Byrd-Gramm-Baucus-Warner amendment with the levels contained in the Domenici-Chafee amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 1999–2003 TOTAL ADDITIONAL CONTRACT AUTHORITY PROVIDED BY BYRD/GRAMM AND DOMENICI/CHAFEE AMENDMENTS

[In thousands of dollars]

State	Byrd/Gramm	Domenici/ Chafee
Alabama	556,579	0
Alaska	345,600	0
Arizona	432,854	0
Arkansas	370,684	0
California	2,550,537	0
Colorado	355,465	0
Connecticut	477,038	0
Delaware	130,994	0
Dist. of Col	125,973	0
Florida	1,283,335	0
Georgia	977,098	0
Hawaii	166,380	0
Idaho	228,542	0
Illinois	927,157	0
Indiana	677,914	0
Iowa	367,807	0
Kansas	364,977	0
Kentucky	483,486	0
Louisiana	495,201	0
Maine	160,097	0
Maryland	419,975	0
Massachusetts	495,412	0
Michigan	879,236	0
Minnesota	416,732	0
Mississippi	351,580	0
Missouri	663,387	0
Montana	295,433	0
Nebraska	234,004	0
Nevada	203,458	0
New Hampshire	144,929	0
New Jersey	671,691	0
New Mexico	292,646	0
New York	1,419,503	0
North Carolina	787,713	0
North Dakota	203,458	0
Ohio	959,599	0
Oklahoma	439,300	0
Oregon	358,934	0
Pennsylvania	1,056,906	0
Rhode Island	161,652	0
South Carolina	442,846	0
South Dakota	217,394	0
Tennessee	630,768	0
Texas	1,918,693	0
Utah	240,460	0
Vermont	130,994	0
Virginia	713,320	0
Washington	512,401	0
West Virginia	284,833	0
Wisconsin	506,291	0
Wyoming	211,820	0
Puerto Rico	127,917	0
Subtotal	27,871,000	0
Trade Corridors/Border Crossings	450,000	0
Appalachian Development Highway System	2,200,000	0
I–4R/Bridge Discretionary	450,000	0
Grand Total	30,971,000	0

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

DEFENSE AUTHORIZATION BILL

Mr. GRAMM. Mr. President, I will yield the floor when the majority leader arrives. He will deal with a series of issues. One of those issues will have to do with the Defense authorization bill. We will have a series of motions and a flurry of activity related to that bill. I thought that while we were waiting for the majority leader, I could save time for our colleagues by simply talking about the underlying issue.

Let me begin by saying that while there is a deep division over the Defense authorization bill, while there are very strong feelings related to this bill that are held by individual Senators, both Democrats and Republicans, while several of my colleagues and I feel so strongly that we are going to do everything we can to prevent this conference report from being adopted, and while the President has issued a letter saying that he will veto this bill if this bill is presented to him in its current form, I want to make it clear that despite all of these strongly held views, I think all Members of the Senate and the House have acted honorably.

I think this is a matter where there is just a disagreement on an issue which is partly principle, partly parochialism, perhaps on both sides, but it is critically important to me and to several of my colleagues.

I think when the Founders wrote the Constitution, when they established the Senate, their purpose was to guarantee a full debate. Some of you will remember that Jefferson was the Ambassador to France when the Constitution was written. When he came back from France, he went to Mount Vernon and visited with Washington who had been the Presiding Officer at the Constitutional Convention. He said to Washington, "What is the Senate for?" We had established a bicameral Government. We had the House of Representatives, and we had the Senate. So Jefferson's question was, "What is the Senate for?"

Washington, being a southerner, did something that southerners did, and to this day some still do. Southerners, especially when I was growing up, perhaps like when the Presiding Officer was, would sometimes pour their coffee into their saucer to let it cool and then pour it back and drink it. So Washington poured his coffee into the saucer, and he said to Jefferson that "The Senate will be like this saucer; the House, being elected every 2 years, will be caught up in the passion of the moment, but the Senate will be the place where those passions cool in the light of reason."

So today, to the extent we can, we are trying to allow these passions to cool because of our very strong feelings about this bill.

I would like to begin, Mr. President, by asking unanimous consent that a letter from the President's OMB Director stating the policy of the administration to veto the bill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 28, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Administration appreciates the efforts you and your colleagues have made to craft an FY 1998 National Defense Authorization bill that supports our military strategy and our men and women in uniform. The bill recently reported by the Conference Committee successfully addresses many of the concerns voiced by the Administration about earlier versions passed by the House and Senate. Unfortunately, the bill includes provisions that severely limit the Department of Defense's ability to compete weapons maintenance workload between public and private sector depots, a key concern identified in Statements of Administration Policy.

The bill includes provisions whose intent is to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions, which run counter to the ongoing efforts by Congress and the Administration to use competition to improve DoD's business practices, would severely limit the Department's flexibility to increase efficiency and save taxpayer dollars.

Both the Quadrennial Defense Review and the National Defense Panel recommended repeal of current laws that constrain DoD's efforts to competitively outsource depot maintenance workload. Rather than facilitating DoD's use of competitive outsourcing, the bill attempts to further restrict it.

The bill could reduce opportunities to use industry to maintain future weapons systems. DoD could be forced to add to its expensive public infrastructure in ways that duplicate what already exists in the private sector. Future weapons systems will rely increasingly on commercial technology, in order to exploit commercial industry's rapid rate of innovation and market-driven efficiencies. But by limiting industry's role in maintaining future weapon systems, and in other ways, the bill could frustrate this revolutionary change.

The bill seeks to impose unique and inappropriate requirements on DoD's process for allocating the work now performed at the closing San Antonio and Sacramento Air Logistics Centers. The Department is conducting a fair and open competition to determine the most efficient and cost-effective way to perform this work in the future. Both private contractors and public depots are competing for the work. By dictating how DoD should treat certain competitive factors, the bill seeks to skew any competition in favor of the public depots.

If the numerous problems cited above cannot be overcome, the impact on the Department's costs and on our Nation's military capacity would be profound; the President's senior advisers would recommend that he veto the bill.

We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge, not to preserve excess infrastructure.

Finally, we strongly object to the bill's provisions on high performance computer controls. The bill would severely limit the President's flexibility to conduct foreign policy by mandating permanent controls on the export of high performance computers to specific countries, and would limit the President's ability to adapt computer export controls to changing security needs and technology trends. The bill would also impose unrealistic Congressional notification, licensing and post-shipment verification requirements that would have the unintended effect of decreasing our ability to identify and prevent exports of real national security concern. Current law provides adequate authority to adjust controls appropriately and to deal with any problem exports that may occur.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. GRAMM. Mr. President, let me try to define the issue. I know that we have several Members on both sides who know more about this issue than they want to know, but many of our colleagues don't know anything about the issue because they don't at least superficially appear to have a dog in the fight. This has kind of come up suddenly, so let me try to explain it. I will give you a little history, and let me repeat, as soon as the majority leader is ready to start, I will yield the floor.

We had a Base Closing Commission. I was an original cosponsor of it. I voted for its establishment. We have had three Base Closing Commission reports. Each of them have closed facilities in my State. I voted to enforce each and every one of them. In fact, I was one of the few members who voted to have another Base Closing Commission.

While I hate them, the plain truth is that we have cut defense by a third, and we have reduced defense overhead by 20 percent. We have more nurses in Europe than combat infantry officers, and we have a huge overhang of bureaucracy.

I have been supportive of the process to try to reduce overhead. I have voted for Base Closing Commission reports that have closed very large bases in my State, because the process is one that the country and, therefore, the people of Texas benefit from.

As many of my colleagues will recall, one of the bases closed by the last Base Closing Commission was Kelly Air Force Base, which is a giant maintenance facility that does logistics work for the Air Force. It is a huge employer, a very important facility to San Antonio, to the State, and I believe to the Nation. The Base Closing Commission report called for closing Kelly Air Force Base.

I voted for the Base Closing Commission report. I did not like the results. I did not agree with it. But it was part of the process. And I supported the process. But what the Base Closing Commission report said is that the work at Kelly should either be transferred to another Air Force logistics center or it should be privatized, perhaps in the private facility which would take over when this base was closed.

So the Base Closing Commission report itself called for, as one of the options, private contractors to do the work that Kelly is currently doing. If after the base was closed, the flag taken down, and the military personnel removed, a private contractor bids for the work and the private contractor chooses Kelly Air Force Base as a site to do the work, then that work would be done by private contractors in San Antonio, on private facilities that would operate where this Air Force base used to operate.

What this bill does that I very strongly object to is this bill undercuts the ability of the Secretary of Defense to conduct price competition so that we can have bidding on this work. The taxpayer could potentially save hundreds of millions of dollars by bringing competition to bear on the contracts that will flow from the fact that we are closing Kelly and other bases around the country.

Some of our colleagues in the House who represent depots, which are Government facilities that do maintenance work, wrote into their bill for all practical purposes redundant provisions that would have forbidden the Department of Defense from having competitive bidding. Their basic approach, when you cut through all the legalese, was that all the work for maintaining military equipment will be done in depots by Government employees and that for all practical purposes there would be no competition, no ability for private companies to compete. And that was the provision in the House.

Those of us who feel strongly about this issue have strongly resisted. And as the distinguished chairman, the ranking member, and our colleagues from States that are affected know, this has been a long and bitter struggle. The bottom line is that the committee, in conference with the House, has written language—30 pages of language—that has to do with limiting the capacity of the Defense Department to engage in price competition to determine who gets maintenance contracts.

In fact, I think it probably was put best in an article that ran in one of the Nation's newspapers where the point was made that while technically the language in this bill does not specifically prohibit price competition, the new language would likely keep private contractors from wanting to bid on the work.

The Defense Department has looked at this language. Several of our colleagues have looked at the language. The Defense Department has concluded, as the administration says in its letter, that if this language were adopted that they would not have the capacity to have a price competition for this procurement. They would be forced to do this work under monopoly circumstances in a Government depot, that the cost of doing that would be substantially above those levels that might be achieved through competitive bidding.

In fact, there was a competitive bid for the first work that was moved from Kelly Air Force Base. Interestingly enough, the winner of that contract was a Government depot. But the important thing is the price was substantially lower than the cost that the Government was paying. In fact, by having a competition, even though a Government depot won the competition, the bid was $190 million below what the taxpayer was paying; and the depot miraculously discovered that in their overhead they had hundreds of workers who could be released from overhead to do this work for $190 million less. Isn't it wonderful what competition does even to Government?

Now we are in the process of beginning to move toward competitive bidding for many other functions at these closed bases. Those competitions will occur this spring. It is the intention of the Defense Department to put this work out for bids, and if a private company can do it cheaper, it gets the bid. If a depot can do it cheaper, it gets the contract. And the net result will be literally hundreds of millions of dollars of savings for the taxpayer.

This is a principle that is well-established in our economy: If you have competition, you tend to get higher quality and you tend to get lower cost.

We have provisions in this bill that will disrupt that process, that will make it very difficult, if not impossible, for private contractors to bid on and potentially win these contracts. The net result will be that rather than the taxpayer benefiting from the cost savings that would come from competition, now this work is going to be dedicated to the Federal Government and its various entities and no such competition would occur under this language.

Granted, this language is 30 pages of mumbo jumbo, but the thrust of it, the focus of every word, the focus of every sentence is to inhibit competition.

Let me tell you what I see happening. I am not referring to any of my colleagues. In fact, the people on the other side of this issue are people that I have deep affection for. There is no one that I love more than the distinguished senior Senator from South Carolina who is chairman of the committee and who has done his best to work something out here that we could all live with. In the final analysis, he could not get the House to take language that we could have unanimity on in the Senate. But in any case, here is what is happening. I want to alert the Senate and the American people to it.

We have cut defense now since 1985 by over a third. As a result, we are dramatically reducing our funds to maintain our military equipment and to procure new military equipment.

In this environment, there is sort of two ways you could go. One way would be to say, "Well, listen, with these huge defense cuts, we've got to get the most we can for our money." So we want more competitive bidding. We want to put almost everything we do—within the constraints of this being defense and with its special needs—out for competitive bidding and try to get—to quote McNamara—probably not a good source to quote—"the biggest bang per buck." That would be one way to go. Quite frankly, that is the way we should go, in my humble opinion.

The other way to go, and the way we are going, is to take the very parochial view that defense is like welfare, and that agencies of the Government that have always had these contracts are entitled to them, whether they can do the work best or not, whether they can do it cheapest or not, and that since defense is being cut back, we have all got to grab what piece of it we can and hold it to our bosom and protect our own individual facilities.

We are masters at coming up with rationalizations for the things we do. You can argue that only Government employees can really understand an F-100 engine, even though private employees built the F-100. You can come up with many rationalizations and not all of them without merit.

But the bottom line is that what we are doing in this bill is that we are impeding competition and we are stopping the Secretary of Defense from doing what he believes is in the vital national security interest of the United States, and that is having the capacity to put contracts out for competitive bidding.

I want competition. I would like to say—not that any of us ever have to justify what we do; the one thing that we try as Members of the Senate to do is to show each other the courtesy of not impugning one another's motives—but I would like to make a point that at least it is important to me. I had the privilege of serving on the Armed Services Committee for 4 years. It was a great privilege. And I had in that capacity the opportunity to work with real giants. I have served with, in the Senate, Senator Goldwater, a hero of mine who I voted for President in 1964, and I have served with STROM THURMOND.

But I think anyone who has served with me, if they will remember from my initial debate with Congressman Nichols, who was a Congressman from Alabama and who represented a big defense logistics facility, that from the first year I was on the committee I have fought this business of denying competitive bidding and price competition.

I do not believe that I have ever deviated from my support, in terms of defense procurement, of the principle that where the objective is to get the lowest possible cost and the best quality, that we should have price competition.

I have objected to efforts to try to prevent us from forcing prisoners to work. I believe prisoners ought to work like taxpayers. But that is a subsidiary issue and has no part in this debate. But the point I want to make is, in my State we do have a closed military base which I voted to close as part of the base-closing process.

Nothing I am trying to do is trying to reverse the base-closing process. That base is going to be closed. The clock is running. Functions are already being shifted. Military personnel have got their orders to move off. I am not trying to reverse that.

But under the Base Closing Commission, one option that was open to the Pentagon was competitive bidding, with the winner of the bid, if it was a private company, having the option to chose where they wanted to do the work.

Privatization is an option that is explicitly, specifically outlined in the Base Closing Commission report.

The Defense Department wants to follow that procedure. The bill before us will, for all practical purposes, prevent that from happening.

Some of our colleagues, in debating this issue, have brought in President Clinton. I want to address that issue, if I may.

When the Base Closing Commission report came out closing huge logistics centers in San Antonio and in California, President Clinton, who has never been accused of not being a good politician, immediately did what any red-blooded politician would do, and that is he lamented the fact. In fact, he went to great lengths to talk about how terrible it was. I thought at one point he might put himself down in front of the gate at McClellan, and just as a bulldozer was getting ready to run over him, he would have a trusty aide come in and have the Secret Service drag him out.

It is also true that he said we will try to find a way to keep some of this work at Kelly and McClellan. If the assertion is that Bill Clinton was playing politics in the 1996 Presidential election, I am sure he would plead guilty, and he clearly was playing politics.

But as is true of so much that our President says, he said it but he didn't do it. He flirted with the idea of vetoing the base closing report, but he didn't. He talked about helping these two bases and their thousands of employees, but in the final analysis, he didn't do anything special to help them. He did what virtually any politician would do, and that is he felt their pain. He feels it better, or at least convinces people he feels it better, than most.

Now, when the Defense Department, using the exact language of the Base Closing Commission, is trying to move ahead with competitive bidding to decide whether to transfer functions from these closed bases or to give them to private companies if they can do it better, cheaper, or both, people who don't want this competition say President Clinton played politics with the process.

The point I want to make is that any politician, whether running for President, dog catcher or whatever, is going to talk about feeling people's pain when 22,000 people are being put out of work. There is no doubt about the fact that the President actually had people recommend to him that he override the Base Closing Commission. But the bottom line is he did not override the Base Closing Commission report. The bases are being closed. Nor did he intervene to try to say you have to give the contracts to private contractors who will use these old facilities.

What the Defense Department is trying to do and what this bill before the Senate seeks to prevent being done is to have a competition, where if the depots that are being protected by this language win the competition, they get the work, while if a private contractor wins they get the contract. This is what happened with the depot in Macon. The first competition saved the taxpayers $190 million by miraculously discovering hundreds of workers who were not so busy they couldn't do this work. Yet there are still many who say there couldn't possibly be a fair competition. It is very hard to convince people who don't want to be convinced.

Now, where are we and what is the issue here? Where we are and what the issue is here is the following: We have 30 pages of language in the bill that basically have as their aim stopping competition. I have the language here for people to see and I have given it to both the Republican and the Democrat leaders. We had a meeting with the Pentagon and a meeting with the White House and have gone through these 30 pages.

In the entire 30 pages we have come up with three major changes, one of which is changing a word, another of which is putting back in the bill language that was critically important to the Pentagon, critically important to the White House, critically important to those of us who oppose this language, but which the staff dropped, saying it was a technical thing. It was technical. When Senator McCAIN said, "Great, great, we can solve this problem. If it was technical, put it back in." Well, it may have been technical when they took it out, but when we asked it be put back in, it was not technical.

Now, in addition, when the Pentagon was trying to negotiate with the staff of the committee, the Pentagon and the staff reached a tentative agreement to strike some of the language. Not very much of it. As you can look at this bill, you can go many pages without seeing a single mark of anything that would be changed.

But what happened, and again nobody is blaming anybody for it, but in addition to taking out language that was critically important to the Secretary of Defense—saying it was technical when they took it out, and that it didn't matter, but now it is critical and can't be put back in—in addition to that, there were a lot of provisions, little bitty piddly things that were agreed on to take out of the bill. But then suddenly right at the last minute, it was discovered that that language had been put in the report and that the report language has the effect of law. Part of our dispute and I think one of the reasons for the strong commitment to try to do something here is a belief that we were on the verge of a deal, that language had been struck from the bill in good faith, and then we discover at the last minute that the language has been put back. Our language was in the bill and then we discover at the last minute that it has been struck.

So what those of us who vigorously oppose the bill in its current form have done is reduced our changes down to one page. It would take 17 hours to read the defense authorization bill, and we may well have the opportunity to hear it read before this debate is over. I think that would be therapeutic because I think if people heard all this noncompetitive language, they would be against it. But in trying always to be reasonable, in trying to follow the saintly principle of trying to accommodate other people and their legitimate needs and concerns, in working with the Pentagon and the White House we have come up with one page of changes—one page. In a bill that would take 17 hours to read, we have one page of changes that would apply to 30 pages of language that is aimed at trying to prevent price competition. We have one page of changes, and two of the three changes have to do with, one, putting back in language that we thought had already been agreed to leave in the bill; and two, taking out language that had already been agreed to take out. Only we find that it has been put in the report language and, therefore, for all practical purposes, has the same effect.

So, of the things we are asking for, far more than half are things that were already agreed to.

So it seems to me that even though the House has acted, we can try to have a simple motion to amend this language in the bill. There is already an effort underway to have a similar motion to fix an inadvertent change in language for Senator DOMENICI, and if we could, through a technical correction amendment, simply get this one page of simple changes, half of which go back to what was already agreed on but which subsequently was changed at the last minute without our knowing about it, if we could do this, two things could happen, and both of them are good.

First, those Senators who are opposed to the bill could graciously or ungraciously step aside and allow the bill to pass. Second, the President could sign the bill instead of vetoing the bill. But in order to do that, we are going to have to put back in language that was previously agreed on and then later taken out. We are going to have to take out language that was taken out and then later put back. Then we are going to have to reach an agreement on a couple of points that are technical but are important to the Secretary of Defense in meeting the national security needs of the United States.

So I want to say to my colleagues we are at this unhappy state where we have at least four and probably more of our colleagues who are going to try to the best of their ability to prevent this conference report from being adopted in this session of Congress. We want to work out an agreement. We want to pass this bill. There are things in this bill that are provisions that I wrote, that I am for. We have a provision of this bill to guarantee the status of senior military colleges. That is important. That is important to Texas A&M. I love Texas A&M, other than my family, more than anything else in the world. I want that language to become law. There are a lot of things in this bill that I care about.

So I would like to work out an agreement. So would my colleagues—my colleague from Texas, my two colleagues from California. But if we can't work this out, we are tired of being run over. We are tired of a small group of Members of the House who have to have it their way, even if it means hundreds of millions of dollars of additional cost for the taxpayer, even if it means a weaker national defense. They have literally distorted this whole process, and for 3 years we have been engaged in a struggle where they have pursued their own individual interest to protect their facilities at the expense of the taxpayer and at the expense of national security. If the alternative is to let them prevail, then we have no alternative except to resist. Again, obviously it is very difficult to resist a conference report, but we intend to do the best we can in trying to do that.

Our intention, our hope, is that we can make these small changes. I will give you one of the three things that we need changed. On page 5, line 8, of this 30 pages of anticompetitive language that is aimed at preventing price competition and, in the process, making taxpayers pay more, there is a word that creates a tremendous problem for the Defense Department, and that word is "ensure." Now, what the Secretary of Defense has said is that he could live with all of this language—I am tempted, and if I were in a more expansive mood, I would say "rotten language" but I am not going to say it—if another word were used instead of saying "ensure." The sentence says,

> The Secretary of Defense shall require the performance of core logistic workloads necessary to maintain the core logistics capacities identified under paragraphs 1, 2, and 3 at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities sufficient workload to ensure cost efficiency and technical competence in peacetime, while preserving the surge capacity and reconstitution capabilities necessary to support fully strategic and contingency plans referred to in paragraph 3.

In other words, all the work goes to them.

Now, the Secretary of Defense, in trying to reach a compromise, says he could live with promoting it but he can't live with ensuring it. Now, is it worth risking killing the whole bill over one word? Well, it is if you believe that one word is going to mean higher cost and less effective defense and if you believe that this is part of a continued effort of a small group of Members of the House to impose their will on the whole process.

So I think we have come up with one page of changes in a bill that takes 17 hours to read, many of which are just one word. If we could work this out, we could get out of the way and this bill could be signed by the President instead of being vetoed.

A final point, and I will yield the floor. We have already passed the appropriations bill for the Defense Department. We are here trying to pass the authorization bill after the appropriations bill has already passed. We don't have to pass this bill. I would like to pass it. But I would just like to remind my colleagues that we are here today, instead of being here 2 months ago, or a month ago, because of this one issue, and this one issue is that principally Members of the House are saying, "You are either going to protect my depot from competition, or else I am not going to support defense." That is basically what the

House depot caucus, as it is called, is saying.

What will happen if this small number of Members of the Senate who are today opposing this conference report lose is, first of all, we will be unhappy about it. But second, the President is going to veto the bill anyway and you are not going to be able to override the veto. So the bill is not going to become law in any case. What we are asking for, once again—and I would like to renew this request, and I would like to try to get this material to our distinguished chairman and to people who are interested—is to make one page of changes in a bill that would take 17 hours to read and that gives totally unfair advantage to depots as compared to private companies. If we must, we will accept tilting the competition toward depots and away from private companies, even though it will mean higher costs and lower quality defense, in order to reach a compromise. We are not willing to accept a prohibition against competition. I am sure we can all defend our positions, and probably will as this debate goes on.

I am happy that my position is in favor of competition. If companies bidding to do this work and wanting to do it in San Antonio, TX, can't do it cheaper and better, don't give them the work. But if they can do it cheaper, if they can do it better, to the extent that I have power as just 1 of the 100 Members of the Senate, I cannot and will not step aside while other Members of the Senate in essence say, even if private contractors in San Antonio or California can do it better, even if they can do it cheaper, even if it saves hundreds of millions of dollars, we don't care, and we won't let competition occur because we are going to run over people because we have a large enough number of people. We are going to say forget the taxpayers, forget competition, we want this for ourselves. We have earned it. We have these depots and it is our right to have this work.

Well, I reject that. I think it is wrong. I believe I would reject it if there were no people in my State who wanted to compete for these contracts. Now, there are people who want to compete for these contracts, and I just want to repeat, in concluding, that I am not trying to put any language in the bill that says give it to my people in Texas. I am not trying to put any language in this bill that says tilt the playing field toward the private sector.

I am willing to accept 30 pages of language that does everything it can to prevent competition from ever occurring if they will make one page of changes. But I cannot and will not accept the position that people in my State who want to do this work and who have been doing it for years, who helped win the cold war and tear down the Berlin wall and liberate Eastern Europe and free more people than any victory in any war in the history of mankind, now all of a sudden, because a few Members who because of their numbers have dominated this process, say, "Don't let people compete for my jobs," will not be able to compete to keep some of their work. I cannot step aside and let that happen willingly. I may not be able to prevent it, as we will find out as this process goes along, but I have an obligation to fight it because it is fundamentally wrong for America to be preventing competition.

Almost as if on cue, our distinguished majority leader is here. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say that it seems customary on this floor to say how much you appreciate and love somebody and respect them. Of course, there is no better evidence of my affection for the senior Senator from Texas than the fact that back when—some may have forgotten that he ran for President. In the primary, he ran against the then majority leader Bob Dole. I openly supported the senior Senator from Texas over Senator Bob Dole, which was politically pretty dumb for me to do. But I did it because I felt he is a very capable individual.

Having said that, I would like to respond to the items that he has stated in his statement. Let me cover a couple of things that the distinguished Senator from Texas talked about.

For openers, the Senator from Texas stated that the BRAC Commission, during their process in 1995, offered as an alternative to privatize in place. Let me suggest to you, Mr. President, that is not the case. It was the case in Newark, it was the case in Louisville, it was the case in the Naval Air Warfare Center in Indianapolis; but it was not the case in either McClellan Air Force Base or Kelly Air Force Base. The reason I say that is that, specifically in those first three instances where they did privatize in place, the BRAC report said specifically "privatize in place." Contrary to that, in the 1995 round, it specifically said that whatever happens, whether it is privatization or anything else, you have to move the required equipment and any required personnel to the receiving locations.

I think we all know why that is the case. If you have five air logistic centers, each one operating at 50 percent capacity and you close the two least efficient ones, according to the BRAC Commission, you then would transfer that workload, and if you didn't transfer that workload, you would have to somehow account for paying for 50 percent of overhead that isn't being used.

Now, when we talk about what this bill does, it is true that we are including in any competition a value for the vacancy that occurs, or the 50 percent capacity that is not being used in the remaining ALC's. There would be three remaining. That is only reasonable because there is a tremendous value to that.

Second, we are also providing a value of the actual real estate value of the facilities that would be used. For example, if the Senator from Texas wanted competition to come in and use Kelly Air Force Base, it would not be fair competition to say, fine, you could have it for $1 a year. Instead, the bill provides that it would have to be for the value of that institution. Those are dollars that otherwise would be spent on our defense system.

Third, I mention the question as to whether or not President Clinton made a political statement when he suggested out in Sacramento, CA, that they were going to leave that alone, I would like to read his statement to you. It says:

> On July 1, you were dealt a serious blow when the independent Base Closing Commission said that we ought to shut Kelly down. At my insistence and my refusal to go along with that specific recommendation, the Air Force developed the privatization in place plan that will keep thousands of jobs here at this depot.

That is right before the Presidential election. If you look at this one sentence which says, "At my insistence and my refusal to go along with that specific recommendation * * *" that in and of itself is a very clear violation of both the intent and the letter of the BRAC process.

I yield to the majority leader.

Mr. LOTT. Mr. President, I know there is a lot more debate that we will hear on this subject. We would like to start a process that would get us on the DOD authorization conference report.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. LOTT. Mr. President, regarding the Coverdell A-plus education bill, I ask unanimous consent that the Senate now turn to H.R. 2646, the Coverdell education bill.

Mr. DASCHLE. Mr. President, reserving the right to object. We have no opposition to moving to the bill, but, obviously, how the bill is considered will be of some interest to us. I know that the leader has indicated he would like to go to the bill and, as I understand it, there may be a cloture vote as early as Friday on the bill itself.

Obviously, we still have not been able to resolve our problems relating to campaign finance reform and, in part because of that and also because this is a tax bill and not subject to reconciliation constraints under which we have worked with other tax bills, Democratic Senators, I know, and perhaps some Republicans would appreciate the opportunity to offer amendments. We have an array of amendments on this particular bill that we would like to offer and, of course, perhaps most prominently of all, the non-tax-related matters for which there would be an interest in having a good debate is the campaign finance reform bill.

Hopefully, by Friday, we can resolve that matter. But even if we do, the issue would still stand that we would need to be able to offer some amendments. So I am hopeful that we can arrange a way in which that can be accommodated. Subject to how the bill is pending on Friday, we would be subject to another cloture vote for which there would be a significant degree of opposition—hopefully unanimous on our side—so long as the campaign finance reform issue and this tax matter has not been resolved. But we certainly will work with the leader to work through these matters, and we have no objection to bringing the bill up today.

Mr. LOTT. Mr. President, I have a unanimous-consent request pending.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2646, the Education Savings Act for Public and Private Schools.

Trent Lott, Paul Coverdell, Robert F. Bennett, Pat Roberts, Strom Thurmond, Gordon H. Smith, Bill Frist, Mike DeWine, Larry E. Craig, Don Nickles, Connie Mack, Jeff Sessions, Conrad Burns, Lauch Faircloth, Thad Cochran, Wayne Allard.

Mr. LOTT. Mr. President, for the information of all Senators, the cloture vote on the Coverdell education bill will occur on Friday of this week. We will have consultation with the Democratic leader and will notify Senators as to exactly what time that would occur. We will give them that information on Thursday so Members can make plans for what time we would have that vote and, hopefully, what time they could then leave on Friday.

In response to the Democratic leader's comments, first of all, this is a very, very important issue. I have found that any time that I explain what the Coverdell A-plus provision will do, people of all backgrounds and races and situations in education are very much attracted to it. We would allow people, whether it is parents or grandparents or even other groups, to be able to have savings accounts similar to individual retirement accounts. And those moneys can be used with tax benefit to help children with education, K through 12—kindergarten through the 12th grade. That may be for computers, or it could be for a tutor. It could be for supplies, or it could be to make some decision on their own as parents as to where their children would go to school. It is the sort of thing we have for higher education in America.

I think one of the reasons we have very good higher education in America but much weaker elementary and secondary is because we don't have the same resource, the same opportunity, the same financial benefits available.

So I think this is a bill that has a lot of support. We saw that here in the vote earlier this year in the Senate.

I am glad that Senator DASCHLE indicates that they do not object to us getting to the substance of this bill.

With regard to amendments, I certainly think it would be a good idea and would want amendments to be offered. I would like for them certainly to be germane amendments. After we get cloture on this issue then we would go to the amendment process. I am sure that Senators on both sides of the aisle would probably have some amendments that they would like to offer.

I think, once again, it is very unfortunate that this matter would be tied up over the campaign finance reform issue. We continue to work to get some agreement that we can go along with.

As a matter of fact, once again, just like last week, I had thought we had an agreement. We had a unanimous-consent agreement typed up. Senator MCCAIN is now saying that is not what he meant, that is not what he wants, or he needs something different. But we will continue to work on it. Senator DASCHLE and I have talked. I have talked to interested Senators in trying to get resolution as to when it would be handled.

I say, again for the RECORD, it would be my intent to call this issue up before the end of the first week in March. I don't intend to fill the tree up. I would like amendments to be in order. The problem is Senator MCCAIN wants some specific extra provision as to what he might offer and how it would be voted on. That is what we are still working on. But we get very close, and then it slides back a bit. We will keep working on that because, again, I think it would be unfortunate if the Senate would continue to be tangled up on that issue while letting very, very important national issues like our national transportation infrastructure, highway improvement and educational opportunities in America—even fast-track trade agreements—because we can't get an agreement on this other issue.

But as majority leader I am going to call these important bills up. And this one will get a cloture vote, and then hopefully we will proceed to the substance and relevant amendments that would be offered.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

Mr. DASCHLE. Mr. President, reserving the right to object, I wish quickly to respond.

Mr. President, the distinguished majority leader mentioned several other pieces of legislation that have urgency to them. Our position has been all along that on those occasions where there is urgent legislation, we want to work with the majority to expeditiously move those bills through the process. One in particular is the 6-month ISTEA bill. We have indicated that we are more than ready to respond to the bipartisan Governors' request stated yesterday in a letter that we pass a 6-month ISTEA bill. Members of the House leadership have said they will only accept a short-term bill. The House short-term bill is currently on the calendar.

I hope we can take that House-passed bill, amend it with any improvements the Senate deems appropriate, and quickly to deal with the urgent matter of reauthorizing expired safety programs and the urgent matter of providing contract authority that the 6-month legislation addresses. So we are more than willing to work with our colleagues on such matters of urgency.

This tax bill, however, would not be called urgent. It may be, as the Senator has indicated, a popular bill. But there are other popular tax bills that didn't get in the budget reconciliation package last summer that many Senators want to revisit. This happens to be one of them.

We have a whole host of other tax provisions that we think the Senate, if we are going to have a tax bill, ought to at least give some thought to reconsideration.

So again we are certainly ready to work with our colleagues, and I am willing to work with the majority leader to see if we can't resolve that matter. But I am very hopeful and determined to ensure that we do come to some final agreement on a procedure on campaign finance, and, like the majority leader, I stand willing to work with those who have been very much involved in the issue to see if we can do that this week.

I will not object.

The PRESIDING OFFICER [Ms. COLLINS]. Without objection, it is so ordered.

Mr. LOTT. Madam President, if I could just respond further, I think I have made it clear my commitments trying to get the ISTEA extension highway infrastructure bill done. Basically, the Senate spent 2 weeks trying to get on the substance of that bill. Because of the unrelated campaign finance reform issue, the highway bill has had to be pulled. I indicated more than once repeatedly that if we didn't get cloture and get on the substance the Members that were blocking that bill would have to bear the responsibility for it. For those Governors and those highway people that now would like some additional action, where were they a week ago? Why weren't they talking to the Senators that were opposing cloture that would allow us to get on to this highway bill?

So, if they have any ideas now as to how to proceed, I urge them to talk to the chairman and ranking member on the Environment and Public Works Committee and explain why they weren't involved a week or 2 weeks ago so we could get to the substance of this issue.

UNANIMOUS CONSENT REQUEST—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998, CONFERENCE REPORT

Mr. LOTT. Madam President, I now ask unanimous consent that the Senate turn to the consideration of the DOD authorization conference report, and it be considered as having been read.

Mr. DASCHLE. Reserving the right to object.

Mr. GRAMM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. DASCHLE. Madam President, I sought recognition.

Mr. GRAMM. Madam President, if I might have the indulgence of the majority leader to try to explain where we are, and I will do it very briefly.

We have before us a bill that would take 17 hours to read. It has 30 pages in it that are aimed primarily to prevent competition from occurring in defense. In preventing competition from occurring, it will cost the taxpayers hundreds of millions of dollars, and it will prevent private contractors—some of whom might use facilities at Kelly Air Force Base in Texas or might use facilities at McClellan Air Force Base in California, or might use other facilities anywhere in the country—from competing.

Despite the fact that we have a bill that would take 17 hours to read, despite the fact that we have 30 pages of language which is primarily aimed at preventing this competition, in working with the Defense Department and with the White House, we have come up with 1 page of changes that if it could be made in technical corrections to the language of the bill, then we would happily get out of the way and let the bill pass.

The President, who is committed to veto the bill—and I put his letter in the RECORD—would then gladly sign the bill. So the point I would like to make is that while we are here to resist to the best of our ability—and we will resist—that we are only a few changes away from the ability to move ahead with a bill that not only could we pass this afternoon but that the President could sign.

It is my understanding that there may be other technical language changes related to an amendment that Senator DOMENICI wrote that was adopted by the Senate, and then subsequently was technically changed by the staff. Senator DOMENICI is seeking to get a technical change to correct this mistake. I think if you look through the 30 pages of depot language—what the Leader is looking at—you can see that we are asking for hardly any changes, but that these are changes the Secretary of Defense and the President believe are critical to their ability to operate the Defense Department efficiently and to meet the national security needs of the country.

So, while we are here today to obstruct, we are willing, with just a few changes, to allow the bill to go forward, and in the process we can get a guarantee that the President will sign the bill.

So I would like to urge my colleagues to work with us to correct this 30 pages of language which is aimed at preventing competition.

So, while we obstruct, we hope to make progress.

And, based on that hope, I object.

Mr. LOTT. Under his reservations, would the Senator withhold on his objection, and allow me to make a comment and ask a question?

Mr. GRAMM. Certainly.

Mr. LOTT. Madam President, if he would yield for a response, I understand that these few changes are about 30 pages.

Mr. GRAMM. No.

Mr. LOTT. I have been notified by four Senators that they have objections.

Mr. GRAMM. Those are the 30 pages in the bill. The only changes we are making are the changes that are written in black ink.

Mr. LOTT. Let me just say I have worked with this issue, as the Senator knows, and the other Senator from Texas, over the last 2 or 3 years. I know there are other Senators that have an interest in it and have different views. I know a mighty effort has been made on all sides. This is not a partisan issue. It is a difficult issue between some States, though, to try to resolve it.

I really felt like we were never to bring it to a head until we get this legislation started. That is my intent here. We are going to get it started off.

I have discussed with Senator DASCHLE the possibility that we at some point—we met this afternoon—we meet to see what else can be done. I am certainly willing to continue to work with both sides to try to find a resolution.

But we are running out of time in this session. This is a very, very important bill for national defense and the security of our country.

So I thought we should go ahead and get started. And hopefully that will cause us to try to find some way to resolve this one remaining—one remaining—very difficult issue to resolve.

I thank the Senator for withholding so I could make that comment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Does the minority leader seek recognition?

Mr. DASCHLE. I do, Madam President. But I would be happy to allow the distinguished Senator from Texas to complete his remarks.

Mr. GRAMM. I was seeking recognition, Madam President, both to complete my remarks, and to object. If the distinguished minority leader wanted to speak before I objected, I would be glad to withhold.

Mr. DASCHLE. I appreciate the accommodation of the Senator from Texas.

Madam President, just very briefly, because the distinguished majority leader made some comments relating to the ISTEA bill, let me just say as succinctly as I can, there is a difference between desirable outcome and an essential outcome. A 6-year bill certainly is desirable. I have long favored a 6-year bill with my full support. But a 6-month bill is now essential. House leaders have said they are not taking up the desirable bill. They are taking up the essential bill—the 6-month bill that bridges the two legislative sessions to accommodate our Nation's highway, transit and safety needs. We have come to the recognition, given our current circumstances, that the essential bill may be all we can do.

So I do think it is important as we consider these bills to recognize that there is a difference between essential and desirable. We recognize the importance of getting the essential work done. That is the reason we would support this afternoon taking up that bill.

I again appreciate the accommodation of the Senator from Texas.

I yield the floor.

Mr. GRAMM. Madam President, I object.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Madam President, I now move to proceed to the DOD authorization conference report.

MOTION TO POSTPONE

Mr. GRAMM. Madam President, I send a motion to postpone the motion to proceed to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the motion.

The legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM] moves to postpone the motion to proceed until January 15, 1998.

Several Senators addressed the Chair.

Mr. GRAMM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Madam President——

Mr. GRAMM. Let me ask the Chair.

Mr. LOTT. Madam President, I am raising my hand to go ahead and give a second.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 1526 TO MOTION TO POSTPONE

Mrs. HUTCHISON. I send an amendment to the motion to postpone to the desk, and ask for its immediate consideration.

Mr. LOTT. Madam President, I move to table the Gramm motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will first report the amendment from the Senator from Texas.

The legislative clerk read as follows:

> The Senator from Texas [Mrs. HUTCHISON], proposes an amendment numbered 1526 to the motion by Mr. GRAMM to postpone the motion to proceed:
>
> Strike the date and insert "January 18, 1998."

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I move to table the Gramm motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, only to ask unanimous consent that a staffer be allowed on the floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered. The Senator from Texas.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. I ask unanimous consent my staff member, Karen Knutson, be allowed access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to called the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that, prior to the motion to table vote, there be 45 minutes of debate only, equally divided between the time controlled by Senator GRAMM and Senator INHOFE, or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, and I will not object, so in essence what we are agreeing to is to set aside 45 minutes, half of which would be ours, for people to talk about the issue. At the end of that 45 minutes, we would then vote on the motion to table——

Mr. LOTT. That's correct.

Mr. GRAMM. The underlying amendment. OK. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, just again for clarification of what we are doing here, there are very strong feelings and great ground for substantive disagreement on this issue. Before we start a series of procedural votes, I thought it made good sense for both sides, proponents and opponents of the position in the conference report, to sort of have a chance to lay out their positions. By doing it this way, the time will be actually controlled between the two sides. Then we will have some procedural votes. And it is my intent to also file cloture on this issue tonight.

Beyond that, we will see what happens. So, for the next 45 minutes, then, we will have debate equally divided.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Madam President, I yield the distinguished Senator from California 7 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes.

Mrs. FEINSTEIN. I thank the Chair and thank the Senator from Texas.

Madam President, I rise to oppose the Defense authorization conference report. I oppose this conference report because it contains language that will effectively ban any further public-private competition of depot workload at McClellan and Kelly Air Logistics Centers. If this restrictive depot language remains in the bill, the President has said he will veto the bill. A letter is already in the RECORD, signed by Office of Management and Budget Director Franklin Raines, to that effect. I will read the letter in part:

> The bill includes provisions whose intent is to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions, which run counter to the ongoing efforts by Congress and the Administration to use competition to improve DOD's business practices, would severely limit the Department's flexibility to increase efficiency and save taxpayer dollars.
>
> Both the Quadrennial Defense Review and the National Defense Panel recommended repeal of current laws constrain DOD's efforts to competitively outsource depot maintenance workload. Rather than facilitating DOD's use of competitive outsourcing, the bill attempts to further restrict it.

This so-called compromise essentially puts an end to the Defense Department's plan to conduct public-private competitions for the depot work currently done at both Kelly and McClellan. The possibility for a private company to win one of these competitions is the cornerstone of each community's reuse plan that resulted from the Base Realignment and Closure Act which will close both of these bases at the turn of the century.

Continuing to quote from Director Raines' letter:

> The bill seeks to impose unique and inappropriate requirements on DOD's process for allocating the work now performed at San Antonio and Sacramento Air Logistics Centers. The Department is conducting a fair and open competition to determine the most efficient and cost-effective way to perform this work in the future. Both private contractors and public depots are competing for the work. By dictating how DOD should treat certain competitive factors, this bill seeks to skew any competition in favor of the public depots.

This skewing of the outcome of these ongoing public-private competitions is what is unacceptable, and we will fight it to the bitter end.

We tried to work with the committee toward an agreement. At one time, the Senators from Texas and California thought we had succeeded in reaching an agreement with the committee. We were ready to buy half a loaf. There were four points we wanted, but the agreement we thought we had only contained 2½ of those needs. We agreed to back off. Overnight those who wrote the bill put in technical language which essentially killed the ability for private contractors to bid. One of the ways they did it was by hiding their overhead costs.

I think the Senators from Texas can well explain how this has happened in the past, and how great a disincentive this would be to any private company who might want to bid on our workloads.

I find it amazing that this depot caucus language was still included, even after the first private-public competition held for Kelly's C–5 air work workload was won by Warner Robins Air Logistics Center in Georgia.

Members of the Depot Caucus have complained from the first day these competitions were announced by the Air Force that they would be unfair and biased. They said that public depots could not possibly win. But Warner Robins won. How did this happen?

One of the reasons is that public depots can hide their overhead in other accounts when they bid against private industry for work, and members of private industry on numerous occasions have said this is exactly why they cannot compete under current law.

Warner Robins, as I understand it, took advantage of this ability to hide overhead costs to help make their bid below that of their private competitors. In fact, the Air Force had to add approximately $170 million to Warner Robins' bid for the 500 employees and other overhead that had been shifted to other accounts.

The way the next two competitions are set up, under this bill, private industry will be very reluctant to bid, and probably will not bid, on the workloads at McClellan and Kelly. In fact, the Sacramento Bee quoted an industry representative who said, "I can't conceive of a company that would bid for McClellan and Kelly under these circumstances."

Supporters of the depot language say this is a compromise that will allow fair and open competitions at McClellan and Kelly. I say baloney. How can I or my colleagues from California and Texas believe that these competitions will be fair and open when one of the authors of this very language, a Senator from Oklahoma, believes that this language shuts the door on private industry's ability to compete. Quoted in the Daily Oklahoman he said, "I think it's highly unlikely any contractor would want to bid on it." Now, how are my colleagues and I supposed to believe it is a fair compromise with statements like this? We need fair and open competition for the depot work at McClellan and Kelly. As Secretary Cohen has stated repeatedly, this language just does not provide it.

We need to allow public-private competitions in order to achieve the kinds of savings necessary to reach the procurement levels needed to fund the modernization of our weapons systems.

Madam President, I have much more to say, but in the interest of time let me say this.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mrs. FEINSTEIN. We have tried to achieve a compromise. We are open to a compromise.

Mr. GRAMM. Madam President, I yield 1 additional minute to the distinguished Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Senator from Texas.

We are open to a compromise. We are willing today to accept the very language that we thought we had agreed upon, which gave us the two and a half issues out of the four which would enable us to have public-private competition at these bases. In order for this to occur, we must return to the earlier compromise language, before the changes were made.

Madam President, I cannot tell you what a big deal this is in Northern California. The entire community has been mobilized around this concept of possibly being able to privatize the workload. All we are asking for is fairness. All we are asking is that the deck not be stacked against us. All we are asking is that public depots not have the opportunity to fudge bids by hiding costs. This conference report denies that, and we have decided that we will use every avenue open to us to fight this bill until we either achieve a compromise or a veto.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I yield 7 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair and I thank the Senator from Oklahoma.

I sat and listened to the senior Senator from Texas as I did some weeks, if not months, ago when he made similar speeches, and I want to respond to some of the comments he made.

He said that his primary interest in life is preserving competition. I want competition, too. He said he wants fair competition. I want fair competition, too. I remember in his previous speech he said he was so concerned about fair competition that he would be willing to write the law in such a way as to outline the requirements to make sure there was fair competition and then allow the depots a 10-percent cushion. He said, if they came within 10 percent of the private sector, they would be given the opportunity to hold the work.

We believe the language in this bill fulfills the requirement that he laid out on this floor at that time, that it does outline fair competition. He says many people think of depots as an entitlement, and he says, "I reject that."

I agree with him 100 percent. Depots, or any defense facility, are not an entitlement, whether it is in California or Texas or Utah or Arizona. However, there is the question of the core capability of the Department of Defense in establishments that they have created over time. It is an established rule that core work is to be done in Government-owned facilities.

What is core work? It is the work that has to be done in case we go to war, in case we are in the circumstance where a private contractor says, "I don't want to interrupt my commercial business to do this military business just because there is a war going on." There is core work that must be done.

Prior to the adoption of the language that is in this bill, the definition of what is core work and what is not was left entirely to the Secretary of Defense. That means if the Secretary of Defense wants to rule something as not core work and thereby rig the competition for political purposes, he has the right to do it.

One of the things that appeals to me most about this language is that it puts sunshine on the process of determining what is core and what is not and requires the Secretary of Defense to report to whom? To the Congress, to the people who are appropriating the money, as to what is core and what is not.

What can be wrong with that? The Senator from Texas wants competition. So do I. I think we have responded to the Senator's call for competition, and we have crafted language that produces that.

Madam President, I have a document with responses to a floor statement that was made earlier by the senior Senator from Texas. This briefly addresses some of his primary objections, many of which have been repeated here today.

I ask unanimous consent that the summary of those 11 statements, plus the responses to them, be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. Now, Madam President, I have spent 5 years in the Senate. I have spent 40 years in the business community. I am a businessman who has run businesses. I would like to speak, in the remaining time, out of that experience rather than the political experience.

What we are dealing with here from a business standpoint is a factory that is at overcapacity. The question is, How do we as competent managers deal with that excess capacity? Do we have competition? Of course, we do. If we have items that can be taken out of the factory and built more cheaply someplace else, we want them out of the factory and built more cheaply someplace else.

But if we have the capital investment in the factory itself and we have excess capacity, we would not be wise stewards, we would not be intelligent businesspeople if we did not go out and look for things to be built in the factory to soak up that excess capacity as our first responsibility to the shareholders.

We here in the Senate are responding not to shareholders but to taxpayers. We are responding to military people who are depending upon these facilities to provide the necessary skills in time of war, and we are facing a circumstance where we have excess capacity.

I am as dedicated as anybody else to the idea that we need to move ahead with competition and save taxpayers' money. But to ignore the question of our existing capacity and overcapacity in the name of a theoretical argument in favor of competition, which sounds good in the classroom, is to be irresponsible.

One final comment, Madam President, and then I will yield back the remainder of my time. The Senator from Texas has said on this occasion and repeatedly that this for him is not a parochial issue, that it is a matter of principle and that he is standing on this principle even if a base in Texas were not involved. I will accept that. I will respect that. I want to make it equally clear, however, Madam President, that there are those of us on the other side of the argument who feel just as strongly that we are standing for a principle where the principle is integrity in the contracting process in the Department of Defense, which integrity we feel has been attacked.

I was asked, on the record, would you still be fighting this fight if Hill Air Force Base were not involved, and would you stand to protect Hill Air Force jobs if it cost the taxpayers extra money? I said to the reporter in the hometown where Hill Air Force Base is located, if we cannot demonstrate that the Air Force is better off financially by having the work done at Hill Air Force Base, I cannot as a Senator say the work should still be done at Hill Air Force Base at a higher price.

I believe the position we are taking is sound management practice, sound business practice. It is what I would do if I were a businessman charged with the responsibility of running this factory that is at overcapacity, and I believe that we have just as solid reasoning to stand on principle as the Senator from Texas believes he has.

I hope everyone will recognize that it is not appropriate to attack anybody else's motives. Now, if he attacks the motives of the folks in the House, that is fair game. I will let him do it with the people in the House; that is kind of the way we do it here. But I wanted to make my statement with respect to where we are in the Senate.

EXHIBIT 1

COMPETITION—STATEMENTS OF SENATOR PHIL GRAMM

1. "What the Department of Defense wants to do is have a competitive bidding between the three depots in the Air Force that are doing maintenance work and private contractors." (The bill specifically authorizes such competitions and requires that the Department allow all qualified bidders and teams to participate.)

2. "Now, what Senator Hutchison and I want is simply to allow private contractors in our State or anywhere else to have the right to compete for this work and, if they can do it better, if they can do it cheaper, they would have an opportunity to do it." (The bill specifically authorizes such competitions and requires that the Department allow all qualified bidders and teams to participate.)

3. "Why should we not have price competition." (We should, and this bill makes that happen. The compromise language requires that the Department has to take into account the total direct and indirect costs when comparing the offers.)

4. "If Republicans believe in anything, it is competition." (The bill reflects this belief, and specifically authorizes such competitions and requires that the Department allow all qualified bidders and teams to participate on an even playing field.)

5. "Obviously, if you wanted to be reasonable on this issue, you would simply say to the Defense Department, look, here are a set of criteria for looking at a fair competition with a level playing surface." (The bill does this. It authorizes competitions and establishes a few of the criteria that must be considered in evaluating the various proposals. The Department of Defense would retain the flexibility to establish any additional criteria that the Department believes would ensure a level playing surface.)

6. "But we could set out simple criteria for a level playing surface to have competition between the public sector and the private sector to do this work." (Again, this bill does this. It establishes a few of the criteria that must be considered in evaluating the various proposals. For example, it states private and public bidders can team. This is good for competition. The Department of Defense would retain the flexibility to establish any additional criteria that the Department believes would ensure a level playing surface.)

7. "Have competitive bidding after you first set out the criteria for competitive bidding. If you want to look at the cost of facilities they are using, to make adjustments for it, then look at everything—look at retirement costs, look at every single cost, come up with a way of measuring it, and have a competition. And then, even if the depots lose the competition by less than 10 percent, give it to them anyway." (The criteria specifically includes the cost of facilities (land, plant, and equipment) from a military installation that are proposed to be used by a private offeror. The Department would retain the flexibility to include the cost of facilities that are proposed to be used by a public depot if they can justify their decision. The criteria also include the total estimated direct and indirect costs (including retirement costs) and the total estimated direct and indirect savings to the Department of Defense. The only thing the language does not do is give the public depots a 10-percent price preferential, as was proposed by the Senator from Texas.

8. "But what I want the workers there to have a chance to do is to go to work for private companies that might have a chance to compete for the work. So I am not asking for anybody to give anything to San Antonio, TX. But I am demanding that we have an opportunity to compete." (The compromise language gives them this opportunity.)

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. GRAMM. Madam President, I want to yield to my colleague from California, but I want to make two points that I think will be telling.

I would like people to note that in trying to find a compromise, I made an extraordinary offer which the Senator alluded to, and that is I said, look, don't have a fair competition between the private sector and the depots. Have a competition that says if the depots can do it at only 10 percent more than the private sector, then give them the work and let the taxpayer pay 10 percent more for the same work. But if they, if the private sector, can do it with savings of at least 10 percent, then let them have it.

I would just note to my colleagues that was an offer on my part to have less than a flat playing surface, and that offer was rejected.

Second, I would just go back to the newspaper article reporting on the amendment and those who had crafted the language of the bill saying, "The requirements put on contractors"—that is private contractors—"in the new language would likely keep them from wanting to bid on the work."

Well, if the language keeps them from wanting to bid, how do you have competition? It seems to me that those two points show we were not even insisting on any kind of level playing surface. And second, they say of their own provision that it will prevent private contractors from wanting to bid. How do you have competition if there are no bidders?

I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. I thank the Chair. I thank Senator GRAMM for yielding me this time. I thank Senator HUTCHISON for her being so kind to me to allow me to precede her in these remarks. I will not go over my 5 minutes because I know she has much to offer and has been struggling with this issue for quite a while.

I wonder if the public is confused about what this debate is all about. They see colleagues across party aisles, from Texas and California, joining hands—we don't often do this on many issues—and complaining that, in fact, a compromise that was supposed to occur in the committee to work out the problems we all had with this depot language was abandoned. Had that language been held to, had we been able to work it out, we would all be here without holding up this bill.

I really think what is at stake is very important not just to those workers at

McClellan, 2,000 strong—it impacts 2,000 families—4,000 workers at Kelly, at least that many and their families, but also, as Senator GRAMM has pointed out, to taxpayers throughout the Nation.

But the fact is, either you are for competition and the best deal for taxpayers or you are not. We are for competition. We are for allowing the private sector to come in with a fair and level playing field. The language in the bill which we now oppose would thwart competition.

In the Senate, we managed to keep all harmful language off the bill, but the House had very restrictive language. We hoped going into the conference there could be a compromise.

What you are going to hear from some of the folks who don't want competition from the private sector is that this group of us from Texas and California want to undo the BRAC, want to undo the Base Closure Commission and their recommendations vis-a-vis Kelly and McClellan. This is false.

If you turn to page I–85 of the BRAC report, you will find that right there it says the DOD is instructed to "consolidate the remaining workloads to other DOD depots or to private sector commercial activities."

So very clearly the BRAC said the DOD should have the flexibility to work with the private sector, and the administration very much wants to do this. The Department of Defense very much wants to do this.

We already heard from Senator GRAMM that the President will veto this bill if we do not move forward toward a compromise. I don't think the Senators from California and Texas want a veto. We could stop talking at this very moment and go into one of the cloakrooms and work this matter out. We think we almost did work this matter out, but overnight, something changed in the language. We are unable to look our constituents in the eye and look the taxpayers in the eye and say they are going to get a fair deal, because they are not.

That is really all we want on behalf of our constituency: a fair chance to compete, to do the work at a lower cost. You wouldn't think we would have to struggle over such a commonsense proposition.

I really have to say that the passage of this bill has been jeopardized. The adoption of this conference report is jeopardized, and there is no reason for it. We were so close. We ought to go back again.

What happened in the end, to use an analogy, was like a footrace in which the committee basically said, "Line up all the private sector people who want to be involved in depot work; line up all the public depots in Utah, in Oklahoma, in Georgia, and everyone will sprint as fast as they can for 100 yards. The first person to cross the finish line wins."

Unfortunately, the committee put 100-pound weights on those from Kelly and McClellan, so they can't win a race or even compete in a race if they are so burdened. That is what this conference committee has done.

I say in the name of fairness, to those working families at Kelly and McClellan, I say in the name of fairness to taxpayers who want to see us move forward and save as many tax dollars as we can, and in the name of a strong national defense where the Defense Department has the flexibility it needs in this case and many others to move to the best way to meet our national defense needs, in the name of all of them, I suggest that we go back to compromise mode. We can resolve this problem and move this bill forward.

That is the spirit in which I speak to the U.S. Senate today. I do want to say this. I am as determined as my colleagues from Texas and my senior Senator, Senator FEINSTEIN, to do everything in my power to make sure—to make sure—that the commitments made to the people at Kelly and McClellan and to the taxpayers are, in fact, kept. We will use every parliamentary tool at our disposal to make sure that fairness and justice will win out in this debate. Thank you, very much. I yield back my time to Senator GRAMM.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I yield 6 minutes to the distinguished junior Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Madam President, I certainly understand the position of the Senators from Texas and California. They have worked long and hard on this issue. I understand where they are coming from. I congratulate the Senator from Oklahoma, Senator INHOFE, and others, who have worked just as hard to make sure this is a fair bill. The bill is consistent with the targets of the bipartisan budget agreement.

On the major issues such as Bosnia, the B–2 bomber, and cooperative threat reduction, the bill is much closer to the Senate position than the House position. The most difficult issue to resolve in the conference was the depot maintenance provision. These provisions are the product of intense communication, diligent coordination and diplomatic negotiations of the issues to the fullest extent possible. We have actually been working on these issues some 9 months. We made numerous significant concessions in order to reach an agreement.

In the final analysis, the major concessions were:

We agreed to the Department of Defense request to continue free and open public-private competitions for the workloads at Kelly Air Force Base, TX, and McClellan Air Force Base, CA, with public-private partnerships.

We agreed to the Department of Defense request to lower the 60–40 rule to 50–50.

We agreed to the Department of Defense request to solicit a single contract for multiple workloads having been certified by the Secretary of Defense.

And we agreed that it is critical to maintain a core capability at the public facilities with a surge capacity that supports our mobilization needs at a moment's notice.

In spite of all the concessions made in this agreement, the opposition believes this should be an all-or-nothing deal. To do so, I think, would truly negate the rules of fairness and the competitive market, and it undermines the credibility of DOD's stated financial priorities. It also risks the future of legitimate privatization efforts by the Department of Defense.

I am satisfied with the depot provision in the conference report. The Department of Defense is satisfied with the provision. And the provision has the unanimous support of the Senate Armed Services Committee on which I serve.

The provision does not include everything that either side really wanted, but it is undoubtedly a fair and unbiased bill that places bidders on an equal footing.

I find it hard to argue against fairness. So, Madam President, I suggest this body finally act on the defense authorization bill, and it has my support. Thank you very much. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes and 5 seconds remaining.

Mr. GRAMM. Madam President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Madam President. I thank all of the Senators who are trying to do what is right in this bill. I hope very much that we will be able to come to an agreement that will allow free and fair competition.

We are not asking for something special. We are not asking for an advantage. In fact, we have gone so far beyond where BRAC, the Base Closing Commission, was that I think we have gone overboard to allow the public depots to even compete, because the Base Closing Commission report in 1995 states specifically, and I am reading from the report:

> Therefore, the Commission recommends the following: Realign Kelly Air Force Base, including the Air Logistics Center, consolidate the workloads to other Department of

Defense depots or to private sector commercial activities as is determined by the Defense Depot Maintenance Council.

"As determined by the Defense Depot Maintenance Council." By the law that this Congress passed in adopting the Base Closing Commission report in full, the Department of Defense has total discretion about whether to move the depot maintenance from Kelly and McClellan or whether to privatize it in place. The concept of competition came forward in the intervening years, and we all believe that is fair. Why shouldn't the public depots be able to compete? We think that is best for the taxpayers.

So, of course, there we were trying to get a fair and level playing field so that the public depots could compete, so that there could be private competition in the depots that were closed, and that is what is right for this country. It is what is right for the Department of Defense, and it is what the Department of Defense wants. So we have added a huge measure of support for the public depots to be able to compete.

In the last 2 years, I have heard Member after Member who represents a depot State saying, "There can't be fair competition between the public sector and the private sector." In fact, the first competition that was held for part of the work that is now being done at Kelly went out for competition and, in fact, the bid was awarded to a public depot in Georgia. In fact, the Department of Defense personnel say that they don't think there was a level playing field in that bid. But nevertheless, the bid was won.

Did the people of San Antonio stand up and whine about not getting the bid? No, they didn't. Even though they were told it wasn't fair, even though they were told that their bid was better, they did not whine about it because they believe that if they have a fair chance, they will be able to compete the next time.

Now we have a bill before us that does not allow them to compete on a level playing field once again. At some point, there has to be integrity in the process. At some point, the people of San Antonio or the people of Sacramento must know that there is a fairness because the Base Closing Commission recommended that the Department of Defense be given the option of privatizing in place or going to a public depot. They have competed fair and square, and they have been beaten. They have been beaten. So you can have a fair competition. It has been shown.

Who was the winner in the C–5 competition? It was the taxpayers of America, because there was competition. The taxpayers of America and the men and women in our military gained $190 million because that is the efficiency that would be gained because there was competition.

If you take the other competitions that are left to go during the years, think of the hundreds of millions of dollars that will be available for a better quality of life for our men and women in the services, for the equipment and the technology that would protect them when they are in the field, and that would make our security of our shores intact. Those hundreds of millions will go for our national security rather than on wasted depot space.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. HUTCHISON. I ask Senator GRAMM for half a minute.

Mr. GRAMM. I yield the Senator a full minute.

Mrs. HUTCHISON. Just to end my remarks, if you want to have the argument on fairness, I will just quote from the junior Senator from Oklahoma who says in the newspaper that the requirements that are in this bill put on contractors new language which would likely keep them from wanting to bid for the work. He says contractors will have to include in their bids millions of dollars in costs that weren't previously required. "I think it's highly unlikely any contractor would want to bid on it," he said.

Madam President, that is prima facie evidence that they are not looking for a level playing field. If they will sit down and work with us, we will provide the level playing field, the winners will be the taxpayers of America, the winners will be the Department of Defense, the winners will be our men and women in the military, and the winners will be the secure Americans who will have the hundreds of millions of dollars that competition will give us in national security rather than in Government waste. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Thank you, Madam President. I ask how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 12 minutes and 22 seconds remaining.

Mr. INHOFE. I yield 3 minutes to the Senator from Utah, Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I have been very interested in this debate because we went through three BRAC processes and, now, all of a sudden, we find it turned upside down.

Let me respond to the Senators from Texas, especially Senator GRAMM. I have always appreciated his dogged defense of competition. Generally, I am right there with him. That is why I truly regret that I must differ with him on his interpretation that the conference report is, in his words, anticompetitive.

There is fair competition and there is unfair competition. The conference report proposes fair competition.

Let us look at how the conference report differs from the privatization-in-place language initially proposed by the Clinton administration.

First, the conference report requires that all the costs of operation be factored into the bids.

What honesty is there in a bid that excludes certain costs? Well, you got that right—none. Privatization in place, as originally proposed, would have permitted certain contractors from excluding the costs of the facilities themselves in Texas and in California. Naturally, these contractors would be able to submit artificially low bids. This would be an unfair disadvantage to the successful depots, which had already justified their existence through three separate BRAC processes, because excess capacity will inflate their hourly costs.

Second, the Base Closing and Realignment Commission, the BRAC, recommended the closure of Kelly and McClellan and that the work be distributed to the three remaining depots.

Instead of consolidating work as BRAC recommended, privatization in place merely masks greater inefficiency. Privatization in place may sound like competition, but it is not fair competition.

And it is not very prudent. Let me ask my colleagues: How is it a cost saving if private companies are able to take over the work of Kelly and McClellan under contract to the Government? I realize that this is something of a sleight of hand, so let me review the concept.

If you have a subsidiary plant that is not working to capacity, the normal business decision would be to close it down and redistribute the work to the other more efficient plants, which was what BRAC was all about. But under the original Clinton plan, the work would simply be bid out to others. There is no closure of the facility, and you are paying others for the work. And, you have to ask, what in the world is going on here?

The conference report language is a compromise. Those of us referred to by the Senators from Texas and California as the depot caucus are not getting what we wanted—which was the validation of the BRAC process, whatever that may bring.

I know that I went to every one of those meetings. It was a pressure-packed, difficult time. All of us were concerned.

Frankly, the BRAC Commission did make the tough decisions in determining which ones should survive, which ones should not. But for the other three to do their job, they must have this work in fair competition. I have every confidence that Utahns can compete with anyone in a fair competition.

At least by leveling the playing field for bidding on depot work, everyone has a fair chance. May the best bidders win. And let us keep integrity in the process. What the Senators on the other side seem to be arguing for is a system that really stacks the deck.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, how much time does the Senator from Oklahoma have?

The PRESIDING OFFICER. The Senator from Oklahoma has 8½ minutes.

Mr. GRAMM. How much time do I have?

The PRESIDING OFFICER. One minute.

Mr. GRAMM. I would like to reserve my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I am going to reserve the remainder of my time. The Senator from Texas can use his minute.

Mr. GRAMM. Mr. President, parliamentary inquiry. If there is a quorum call at this point, how is that time counted?

The PRESIDING OFFICER. The quorum call would be charged against whichever side put in the request.

Mr. GRAMM. Well, Mr. President, I will be happy to go ahead and take my minute. The normal procedure would be both sides would run off their time equally. I think we are the challenger here and should go last, but that is not of any real significance.

I think, Mr. President, I can sum up what this is about very simply. We have 30 pages in this bill that were written with one and only one purpose, and that purpose was to derail price competition, to prevent price competition with the depots.

The people who wrote the provision are quoted publicly as saying that that was the objective. They say in the newspaper that it would be virtually impossible for a private firm to compete with a Government depot under their language. That is not me talking, that is not the Senator from California talking. That is the proponents of this language and the people who help write the language.

Second, it has to strike you as funny that this language only applies to competition that would involve private companies who would choose to locate either at Kelly or at McClellan.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. We have 30 pages that are limited simply to that. So I hope nobody is deceived. And I am sure they are not.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eight minutes.

Mr. INHOFE. Mr. President, let me just real quickly cover some of the things that have been said in the last 10 or 15 minutes.

First of all, I do not like the way this ended up because we had to agree, in order to bring everyone in and to have a unanimous vote in the Senate Armed Services Committee, to allow the President of the United States to interfere and to politicize the BRAC process for the first time since it went in place in the round of 1989.

Second, a quote has been attributed to me that I do not think that the private sector is going to want to bid on this. I think that is accurate, because the private sector would have liked very much to bid if they could get free—for maybe a dollar a year—a huge facility down in Texas or one in California. Sure, that would be certainly to their advantage, but the taxpayers would lose.

All we are saying is: If you want to have free and open competition, let us take all costs, direct and indirect costs, to the Department of Defense and throw them in there.

Two big costs: No. 1, the cost of the installation that would be used if privatization in place took place; and, No. 2, the cost of the excess capacity in the remaining three air logistics centers, which the GAO said would be about $468 million a year.

Third, in terms of charges that have been made about competition, no one in this Chamber is going to be able to stand any higher than I do on my background in privatization. When I was mayor of Tulsa, I privatized everything that wouldn't move.

This is different. This is our Nation's defense. However, this bill provides for privatization. It just says that we are going to have to take all costs into consideration.

Fourth, there is one other area in the bill. It is called "teaming." Right now under the current law, if this should be defeated, the private sector would not be able to go to the air logistics center in Georgia or anyplace else and compete because they are precluded from doing so. This defense authorization bill provides for much greater opportunity for the private sector to compete.

The issue that the junior Senator from California brought up on privatization in place—she was not in here when I covered the details in that. The BRAC recommendations specifically precluded privatization in place for the air logistics centers. She quoted words out of the BRAC language, but she neglected to read the last sentence, which I will read to you: "Move the required equipment and any required personnel to the receiving locations."

Mr. President, you, of course, are a businessman. We have already heard your pitch. I agree with everything that you said. But the cost of keeping three air logistics centers at 50 percent capacity is a huge cost and has to be considered in the consideration of this.

I came to the House of Representatives in 1987. That was my first year. One of the persons I had the most respect for was a Congressman by the name of DICK ARMEY. And DICK ARMEY, for the first time, convinced me that we have a real serious problem with excess capacity. We have never been able to do away with it because of the political interference of the local Congressman, of the Senators, and sometimes of the President.

So he set up a system called the BRAC process. This process was to be free of any political interference—any political interference. He said, "Someday I'm going to regret this because I'm going to have to go against my own State when we have to close down some type of installation."

But you know, Mr. President, it worked. We went through, not three, as the senior Senator from Texas suggested, but we went through four BRAC rounds—1989, 1991, 1993, and 1995. During these BRAC rounds, we closed over 100 major installations.

I suggest to you, Mr. President, that we would not have been able to close one of them if it had not been for DICK ARMEY from Texas, the Congressman who established the whole BRAC process. So while we talk about not having parochial interests, I can assure you that I do not. In fact, I am on record in the State of Oklahoma, in 1994, in my election to the Senate, the first time I was elected, they used it against me, because I said, "I will not use political interference and will not try to politicize the system." That was used against me.

So Congressman ARMEY prevailed. As a result of that, we have been able to close a lot of excess capacity. The other day he made a speech on the floor. Mr. President, I do not have the time—I was going to read the entire speech, but there isn't time remaining to do that. But I will just read one paragraph out of it. This is Congressman DICK ARMEY from the State of Texas:

> We had three rounds in base closing, and we are all very proud of the process because politics never intruded into the process. That ended in round four. And all of my colleagues knew at the time, and we know now, that the special conditions for McClellan and Kelly, California and my own State of Texas, where you might think I have a parochial interest, were in a political intervention.
>
> We talk about this being privatization. No, it is not. It is a new concept. It is privatization in place, created specifically for these two bases in an election year for no purpose other than politics.

That is a quote from Texas Congressman DICK ARMEY, the founder of this system.

Finally, Mr. President, they keep talking about, "We had a deal." There was never any deal that was had. We have been negotiating this thing now for well over a year. And we negotiated it in years prior to this. We are trying now to get a defense authorization bill. We have caved in. We have provided for privatization in place so long as we take all costs into consideration.

When it has been stated several times by the distinguished senior Senator from Texas that only a small number or group of people are concerned about this, I suggest to you that this bill that we are talking about, this conference report was passed out of the Senate Armed Services Committee by a vote of 18 to zero—18 to zero.

A couple of nights ago—last night I guess it was—it was voted on in the House of Representatives. The vote was 286 to 123. I suggest to the senior Senator from California, if she is convinced that the President is going to veto this, we have the votes to override a veto. We are not going to allow the President to say, "I'm vetoing a bill because I want to politicize the system for the first time since its inception in 1988."

So, Mr. President, I feel very strongly that we have an opportunity here to have a defense authorization bill that does far more than correct a problem that has been there in the depots. It takes care of many, many needs to try to keep America strong. I agree with the Senator from Texas when he talks about the fact that our defense has been decimated. It has been decimated. We are going to try to do something about saving, in this case with this change in the air logistics centers, some $468 million a year.

Mr. President, there are two individuals who are here who have not been heard from. I ask unanimous consent that both the chairman and the ranking minority member of the Senate Armed Services Committee be allowed to speak for 1 minute each.

Mr. GRAMM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, of course, I will not object. I would like to suggest that they have an opportunity to speak for more than 1 minute. I amend the request to ask unanimous consent that each of them be given 5 minutes.

The PRESIDING OFFICER. Is there objection to the underlying request as amended?

Without objection, it is so ordered. The chairman and the ranking member are each permitted now to speak for up to 5 minutes.

Who yields time?

Mr. THURMOND. Mr. President, I will not take 5 minutes.

Mr. President, I would just like to take a few moments to address the outcome of what was the single most controversial issue in the conference—depot maintenance. The bill contains a fair compromise that was drafted by the members and staff of the Senate Armed Services Committee after consulting with all interested parties, including the administration and the concerned delegations. It is fair to assert that none of the parties involved are completely happy with this compromise language; however, that is what happens when you have to compromise. If we all insisted on getting everything our way, nothing would ever be accomplished by the Congress.

Mr. President, Senator LEVIN, the ranking member of our committee, and I worked together in a totally bipartisan manner to achieve this compromise and we both agree that this compromise enables the Department of Defense to conduct fair and open competitions for the workloads currently performed at Kelly and McClellan. In fact, the compromise language specifically authorizes competitions for these workloads.

Mr. President, during the drafting of this compromise language the Department of Defense, as well as the staff of the concerned delegations, were provided numerous opportunities to review this language and identify their concerns. We made significant changes to this language in order to alleviate many of the concerns they raised.

Mr. President, no one knows the amount of work that was put into this compromise. We worked night and day. The staffs worked night and day. If this compromise doesn't go through, all of those States will suffer, in my opinion. It is better for us to pass this bill. This is a very important bill. It means a lot to our whole Nation, not just any one State or a few States, but all of the States.

I ask the Senate to pass this compromise and stand by what has been done and reached heretofore on this important matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we will move to this conference report. This conference report contains hundreds of legislative provisions, thousands of funding provisions which had to be resolved. The issue that took us the longest to resolve was the difference about depot maintenance work at the closed air logistic centers at Kelly and McClellan. Probably the last month was taken up trying to resolve that issue. No agreement was ever reached.

So we, the members of the committee, had to do the best that we could to try to reach a fair and a just conclusion that would not tilt this toward either direction. That is what we attempted to do.

Otherwise, we would give up on getting a defense authorization bill to the floor and we were not willing to give up that. There are too many issues at stake in this bill that are important to this country not to bring this bill to the floor and not to bring the conference report to the floor.

We know there are very strong feelings on both sides of the depot issue, and it is understandable. To ever denigrate the strength of any Members' feeling about regulating the interests of their State—I think all of us have to accept that feelings are very strong on this issue. Representatives of some States felt that the President had ignored the spirit of the base closure process by pursuing a policy of privatization in place at Kelly and McClellan. Others felt equally strongly that the work should remain at the closed depots.

I will state candidly that I disagreed with the assertion of the depot caucus that the Base Closure Commission prohibited privatization in place at Kelly and McClellan. The 1995 Base Closure Commission left it up to the Department of Defense to decide how to distribute the Kelly and McClellan work. The Commission's recommendation directed the Department of Defense to "Consolidate the workloads to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council." That "or" is a critical "or" in the BRAC report.

I also disagreed with the legislation proposed in the depot caucus and included in the House bill which would have prohibited the department from privatizing in place until the three remaining Air Force depots were operating at 80 percent of capacity—in effect, prohibiting the Air Force from keeping any of the work at California or Texas. I voted against that proposal in our committee and I voted against it in conference because it was one-sided and unfair. Had that provision been included in this bill, I would have strongly opposed the conference report.

Mr. President, that provision is not in the conference report. But what we have instead are provisions aimed at providing a level playing field for competition between the closed depots and the depots that remain open. I have always believed that competition results in the best value to the Department of Defense and to the taxpayers, and I believe that is the right answer to the depot dispute.

The conference language includes seven specific criteria to help ensure that the Air Force does not unfairly tilt the playing field.

I ask unanimous consent a brief summary of these seven criteria for a fair competition be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. These requirements were written by Members and staff who are neutral in the fight between the closed bases and the remaining air logistic centers. Our sole objective was to ensure a fair competition, and each of these requirements was included for that purpose.

We had complaints from both sides of the issue from the Congress, from the administration, about every single proposal that was put on the table. It went on for months. But the bottom line is that sooner or later those of us who were not involved in this struggle had to reach a conclusion as to what would be a fair and just competition. We believe we achieved that, and that the Defense Department can make it work to achieve a fair and open competition.

I say that after many consultations between my staff and myself and the Defense Department. I support this compromise because I believe it will lead to a fair and open competition that is the only answer to this dispute. Keeping this dispute going and going and going is not going to resolve this dispute. We learned that from months of fruitless effort.

Exhibit 1

Key Elements of the Fair Competition Provision

Section 359 of the bill requires the use of competitive procedures in contracting for performance of depot-level maintenance and repair workloads formerly performed at closed or realigned military installations. This provision includes a number of requirements and conditions to ensure that any such competition is conducted on a level playing field.

First, the source selection process must permit both public and private offerors to submit bids. It goes without saying that these bids must be considered on the merits by the source selection authority.

Second, the source selection process must take into account the fair market value (or book value) of any land, plant, or equipment at a closed or realigned military installation that is proposed to be used by the private offeror in the performance of the workload. This provision is intended to ensure that closed military installations are not given an unfair competitive advantage as a result of facilities provided to them free of charge by the federal government (under the base closure laws, we generally give closed facilities to the local communities without charge). Although this provision does not address the value of facilities available to the depots that remain open (or other private sector facilities), it does not preclude the Department from giving appropriate consideration to the value of those facilities as well.

Third, the source selection process must take into account the total direct and indirect costs that will be incurred by the Department of Defense and the total direct and indirect savings that will be derived by the Department of Defense. Such savings would include overhead savings that might result from the consolidation of workloads to the remaining public depot activities. The Department of Defense and the Air Force should establish the ground rules for evaluating these savings and for considering any other indirect costs or savings that may be associated with performance of the work by various offerors as a part of the competition plan and procedures required by this section.

Fourth, the cost standards used to determine the depreciation of facilities and equipment shall provide identical treatment, to the maximum extent practicable, to all public and private offerors. Such standards shall, at a minimum, include identical depreciation periods for public and private offerors. The qualification "to the maximum extent practicable" was added at the request of the Department of Defense, which argued that the evaluation of depreciation requires the application of an extremely complex set of rules which are necessarily different, in some cases, for public and private entities. We anticipate that these rules will be modified for the purposes of public-private competitions under this provision to make them as close as possible.

Fifth, the solicitation must permit any offeror, whether public or private, to team with any other public or private entity to perform the workload at one or more locations. It is our expectation that such teaming will ensure the best possible result for the Department and the taxpayers. While a decision by the Air Force to prohibit any teaming arrangement between an Air Logistics Center and a private sector entity would be inconsistent with this provision, the Air Force retains discretion to determine whether a particular teaming proposal is in the best interest of the Department of Defense and the taxpayers. We expect the Air Force to establish substantive and procedural guidelines for the review and approval of proposed teaming agreements as a part of the competition plan and procedures required by this section.

Sixth, no offeror may be given any preferential consideration for, or in any way be limited to, performing the workload at the closed or realigned facility or at any other specific location. This provision guarantees a level playing field for public-private competition, without any preference for either Kelly and McClellan or the depots that remain open. The Department would be expected to consider real differences among bidders in cost or performance risk associated with relevant factors, including the proposed location or locations of the workloads. The weight given to such differences would not be considered "preferential treatment".

Seventh, the provision would authorize the bundling of unrelated workloads into one contract only if the Secretary of Defense determines in writing that individual workloads cannot as logically and economically be performed under separate contracts. This provision permits the Secretary to bundle workloads together only if he determines that such bundling will result in the most favorable bids from public and private sector offerors. We do not expect the Secretary to bundle workloads together if the result would be to substantially reduce competition or eliminate qualified offerors who might otherwise be able to submit advantageous offers.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to postpone. The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—78

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Brownback
Bumpers
Burns
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Johnson
Kempthorne
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—20

Biden
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Feinstein
Gramm
Grams
Hutchison
Jeffords
Kerrey
Kohl
Leahy
Moynihan
Reid
Rockefeller
Torricelli
Wellstone

NOT VOTING—2

Coats
Mikulski

The motion to lay on the table the motion to postpone was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, it appears that the Senator from Texas, Senator GRAMM, is not prepared at this time to give agreement on the DOD authorization conference report.

In an effort to try to resolve the depot issue, it seems to me that having endless motions to postpone consideration of the conference report is not constructive at this time.

CLOTURE MOTION

Mr. LOTT. Having said that, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the conference report to accompany H.R. 1119, the National Defense Authorization Act:

Trent Lott, Strom Thurmond, Wayne Allard, Pat Roberts, Judd Gregg, Robert F. Bennett, Rod Grams, Spencer Abraham, Don Nickles, John Ashcroft, Rick Santorum, Tim Hutchinson, Paul

Coverdell, Bob Smith, James Inhofe, Chuck Hagel, John Warner.

Mr. LOTT. Mr. President, this cloture vote, for the information of all Senators, will occur on Friday. If cloture is not invoked on Senator COVERDELL's A-plus education savings account bill, all Senators will be notified as to the time of the cloture votes, and we will discuss that with the Democratic leader to be able to inform the Members on Thursday about what time these cloture votes will occur.

Did the Senator wish to comment?

Mr. DASCHLE. Mr. President, for the purposes of scheduling, could I inquire of the majority leader, is this the last vote anticipated tonight, given the schedule?

Mr. LOTT. I believe that would be the last vote tonight, given the schedule.

We have some other matters we are working on on the Executive Calendar that may require some recorded votes. But in view of some other meetings that are occurring, we will have to schedule those. We will try to schedule them early in the morning. I will consult further with you on that.

Mr. President, I now withdraw the motion.

Mr. FORD. Mr. President, may we have order?

What was the motion?

The PRESIDING OFFICER. The motion was to withdraw the motion to proceed.

Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask that there be a period for the transaction of morning business until 5:30 p.m. this evening with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate now in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DORGAN. I ask consent to be allowed to speak for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFINISHED BUSINESS

Mr. DORGAN. Mr. President, I know that there is some business that the majority leader will take up in a few moments. When he desires the floor I certainly will yield to him. But I wanted to take this moment to describe a couple of the things that I think we still need to do, unfinished items, before the Senate leaves following this first session of this Congress. Among those is the issue of campaign finance reform, which we have been debating back and forth here for some long while. There is not any reason, in my judgment, that we cannot take up and at least have a vote on the substance of campaign finance reform.

Second, it seems to me that we cannot leave town without having done something on a highway reauthorization bill. I know there are some who say we brought a highway bill to the floor of the Senate and we had plenty of opportunity and now we had to pull it, but I want to make the point the bill that was brought to the floor of the Senate was brought here under procedures designed to block legislation, not pass legislation. And we have a responsibility, whether it is a 6-month bill or a 6-year bill, we have a responsibility to address the issue of highway construction and the highway reauthorization bill. So my hope is that through negotiation the leaders of the Democrats and the Republicans here in the Senate can deal with both of these issues in a thoughtful way.

But I did want to make the point that we also are probably going to deal with the issue called fast-track trade authority in the coming week or so. To the extent we do that, I want Members of the Senate to understand this will not be an easy issue. There are a number of us here in the Senate who feel very strongly about the issue of trade. It is not a circumstance where we believe that our country should put walls around the country and prevent imports from coming in, or that we should ignore the fact that we now live in a global economy or that we should decide, somehow, that trade is not part of our economic well-being, it is unimportant—that is not the case at all. Trade is very important. It is a critically important component of this country's ability to grow and to prosper. But the right kind of trade is important, not the wrong kind of trade.

The wrong kind of international trade in this country is trade that results in ever-increasing, choking trade deficits, because those deficits, now totaling nearly $2 trillion, trade deficits which in this last year were the largest merchandise trade deficits in the history of this country—in fact, that was true for the last 3 years and will be true at the end of this coming year—the largest merchandise trade deficits in this country. To the extent that is the kind of trade we are involved in, trade that is not reciprocal, trade that is not two-way trade that is fair, trade that substantially increases our deficits and takes American jobs and moves them abroad and overseas—that is not trade that is beneficial to our country. Many of us feel it is time for us to have a debate on the floor of the Senate about what is fair and what is unfair trade.

I have said many times that it is very difficult to have a discussion about trade. A discussion about international trade quickly moves into a thoughtless ranting by those who say there is only one credible view on trade and that is the view of free trade. You are either for free trade or you are somebody who doesn't quite understand. You are an xenophobic isolationist who wants to build walls around America—you are either that or you are a free trader. I happen to believe expanded trade, in the form of fair trade, makes sense for this country, so I am someone who believes that we benefit from reciprocal trade with other countries, that trade with other countries can be mutually beneficial. But I also believe it hurts our country when we have trade circumstances that exist when we trade with another country and they ship all their goods to our marketplace and then we discover what we produce, our workers and our businesses, can't get our goods into their marketplace. That is not fair, yet that goes on all across the world.

I notice today the President of China has arrived in our country. Our country welcomes him. We hope we will have a mutually productive relationship with China. I am concerned about a number of things that I see happening in China—yes, human rights. I was in China about a year ago today, when a young man was sentenced to prison, I believe for 11 years, for criticizing his government. So I think there are serious human rights questions in China. But also, in addition to the human rights issues in China, the Chinese leader comes to our country at a time when they have, with us, a trade imbalance of nearly $40 to $50 billion. Last year it was $40 billion and it is now heading to $50 billion.

So we have a Chinese Government and a Chinese economy that ships massive quantities of Chinese goods to our country. But when it comes time to buy from our country, things which China needs—wheat, airplanes and more—they say, "Well, we want to ship Chinese goods to your country, but we want to look elsewhere for products; we want to go price shopping for a week with Canada and with Venezuela."

So while we used to be the major wheat supplier to China, we were displaced as the major wheat supplier even as they were running up huge trade surpluses with us or us being in the position of having huge trade deficits with them.

Airplanes. China has obviously the largest population on Earth, and they need a lot of airplanes. They don't manufacture large airplanes. They need to buy airplanes. So, since they ship so many of their products to our country for consumption, you expect they would come to us and buy our airplanes.

They come to our country and say, "We need airplanes, but we'll buy your airplanes if you manufacture the airplanes in China." That's not the way trade works. That's not a mutually beneficial relationship, and that's the thing that I think we ought to be talking to the Chinese leader about.

Yes, we ought to talk about a whole range of other issues—human rights, the transfer of sensitive nuclear technology and the transfer of missile technology to renegade and rogue nations. Yes, we ought to talk to them about that. But we also ought to talk to them about this huge growing trade deficit.

I hope very much that when President Clinton visits with President Jiang Zemin, he will describe to him a trade relationship mutually beneficial, and it is not one where one side has a huge imbalance, in this case China, and in which case the United States has a huge and growing deficit, which means, in the final analysis, that jobs that existed for Americans are now moving overseas. That is what is at the root of this trade imbalance. Jobs that used to be U.S. jobs, jobs held by U.S. citizens, jobs to help maintain U.S. families are now jobs that are gone.

The same is true with Japan. I happen to be talking about China just because the Chinese leader is in town today. But Japan, we have a growing trade deficit with Japan. As far as the eye can see, it has been $50 billion, $60 billion a year. This year, it is expected to be up 20 or 25 percent, probably reaching a $60 billion, $65 billion trade deficit with Japan once again this year.

Are there people walking around here saying this is an urgent problem, this is trouble? No, they don't. They say, "Gee, this is just free trade. So what if we have a huge trade deficit." In fact, one person wrote an article in the Washington Post recently and said those folks who talk about the trade deficit being troublesome for our country don't understand it. He said, "Think of it this way: If someone offered to sell you $10,000 worth of pears for $5,000 worth of apples, you would jump at it."

That is a simple and irrelevant example, one I suppose meant to inform those of us from other parts of the country who don't quite get it. Perhaps there is a way to study economics or perhaps there is a school that teaches economics that will tell those people who think that way and write that way that trade deficits represent an export of part of your wealth. Trade deficits will and must be repaid with a lower standard of living in this country's future. Trade deficits are trouble for this country's economy.

People say to me, "Well, if that's true, if trade deficits are troublesome, why do we have an economy that seems so strong?" You can have an appearance of strength. You can live next to a neighbor that has a brand new Cadillac in the driveway, a brand new home and all the newest toys without understanding, of course, that it is all debt financed and that person is about 2 weeks away from serious financial trouble.

So our trade deficit matters, and we must do something about it.

The point I make about fast track, which is the trade authority the President is going to seek, is this: We have massive trade problems, yes, with Japan, with China, yes, with Canada, with Mexico. And before we run off and negotiate new trade agreements in secret, behind closed doors, let's fix some of the trade problems that now exist.

Senator HELMS yesterday reminded me of an old quote that Will Rogers made that I had read many years ago. He said, "The United States has never lost a war and never won a treaty." That is certainly true with trade.

Recently, we were asked to provide fast-track trade authority so that a trade agreement called NAFTA could be reached with Canada and Mexico. So the Congress dutifully complied. The Congress passed what is called fast-track authority which says, you go ahead, you negotiate a new trade agreement with a foreign country, you can do it in secret, you can do it without coming back and advising us what you are doing; bring it back, and you come to the Senate and House and it must be considered with no amendments because no amendments will be allowed. That is what fast track is.

Fast track through the Senate says that nobody will be allowed to offer an amendment; no amendments at all.

So NAFTA was negotiated. They ran off and negotiated NAFTA, brought it back, and ran it through the Congress. I didn't vote for it, but the Congress passed it. When NAFTA was negotiated, we had an $11 billion trade deficit with Canada. Then they negotiated NAFTA, which includes Canada, and the trade deficit doubled.

When NAFTA was negotiated with Mexico, we had a $2 billion trade surplus with Mexico. They negotiate NAFTA and the $2 billion trade surplus evaporated to a $15 billion trade deficit.

That is progress? Where I come from it is not called progress. Yet, we are told now, again, we need to have fast-track trade authority.

I come from a State that borders Canada. I just want to tell you that today thousands of trucks come across the border from Canada hauling Canadian durum and Canadian wheat, sold into this country by a state trade enterprise, by a monopoly called the Canadian Wheat Board. It is a monopoly that would not be allowed to sell grain in this country. It would be illegal. It sells its grain at secret prices. Yet, it ships through our backyard enormous quantities of Canadian grain, undercutting our farmers' interests, undercutting our income in our State by $220 million a year, according to a study at North Dakota State University, and the fact is, we can't get it stopped.

It is patently unfair trade, and we can't get it stopped because all these trade agreements that they have concocted over the years have pulled out the teeth of enforcement of trade treaties in a meaningful way, and so now we can't chew and we are complaining there are no teeth.

I understand what has happened here. What has happened here is we have concocted bad trade strategy, bad trade agreements and bad enforcement of the agreements that did exist. It is time for us to decide we must insist our country stand up for its own economic interest. Yes, its economic interest is in part served by expanding world trade. We are a leader. We ought to lead in world trade. We ought not close our borders. I don't sound like Smoot. I don't look like Hawley. So those thoughtless people who say, "Well, if you don't chant 'free trade' like a robot on a street corner, we will call you Smoot-Hawley"—that is the most thoughtless stuff I ever heard, but it goes on all the time.

I am not someone who believes we should shut off the flow of imports and exports, but I do believe we ought to stand up to the interests of the Chinese, Japanese and, yes, the Mexicans and Canadians, and other trading partners and tell them it is time for reciprocal and fair trade treatment. If we let your goods into our marketplace—and we should and will—then you have a responsibility to open your markets to American goods.

If we say to our people, "You can't pollute our streams and air when you produce," then foreign producers who want to ship to our country ought not be able to pollute their rivers and streams on Earth through that same production. If we say that it is not fair to hire 14-year-old kids and work them 14 hours a day and pay them 14 cents an hour, then we ought to say to them that we don't want your goods if you are employing 14-year-old kids and working them 14 hours a day. We don't want producers to pole vault over all those debates we had all these years about worker safety, about child labor, about minimum wage, about air pollution and water pollution. We don't want that to be represented as fair trade because it is not if producers find the lowest cost production in the world, locate their plants there and produce their products in those circumstances avoiding all of the problems that exist for them in having to comply with what we know now are commonsense proposals: child labor proposals, minimum wage, environmental proposals and others. That is what this is all about.

My only concern is this: I want us to have a fast track trade debate in which we are able to offer amendments, able to have a lengthy and thoughtful discussion about our trade policies and able to have an opportunity back and forth in this Chamber to describe what kind of trade policies will best advance this country's economic interests.

If and when the legislation comes to the floor of the Senate, and we will begin with a motion to proceed at some point, when that happens, some of us will be on the floor of the Senate insisting that we have a full, a fair and a thoughtful debate about this country's trade policy. At least those of us, including myself, who believe very strongly that a trade policy that produces the largest trade deficit in the history of this country is not moving this country in the right direction, we will be here demanding that kind of aggressive debate.

What does our trade strategy now produce and what kind of trade strategy would represent better economic interest for this country? Not protectionism, but an interest of expanding the American economy and expanding American opportunities as we move ahead.

So let me conclude—I know my colleague has things that he wants to say on education issues—and let me once again indicate that I hope very much that prior to getting to fast track, which I expect will probably happen the end of this week or the first part of next week, that we can also address the issue of campaign finance reform with a real vote, and we can also extend the highway reauthorization bill.

Mr. President, let me thank the Senator from Vermont for his patience and thank him for the wonderful work he does on education.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. I thank my good friend from North Dakota for his remarks.

The subject I will talk about I know the Presiding Officer does not need to hear. He is well aware of what I am talking about and I know agrees with me that we have to take action.

CONGRESS IS RESPONSIBLE FOR THE SCHOOLS

Mr. JEFFORDS. Mr. President, I rise today to bring to the attention of the Senate the tragic situation we have going on right now in the school system of the Nation's Capital.

Nearly every day for the past month an article has appeared in the Washington papers portraying the State of emergency and dysfunction in the District of Columbia's public school system—the shutting down of schools.

Here are some of the facts:

For the fourth year in a row the schools in this city have opened late by at least 2 weeks. This year they are continuing to be closed by the fact that there are repairs that are essential and necessary to be made.

The reason they have opened late is because of an infrastructure emergency—repairs and renovations. These needs are estimated by the GSA to be about $2 billion. And this is almost all for code violations. It has nothing to do with their acceptability from educational function purposes.

The Congress of the United States is responsible for the schools of the Nation's Capital, the students who depend on these schools, and the repairs these schools need.

What are we doing about this?

I, for one, am ashamed of the way we have not done anything that is responsible to this point, other than what the Appropriations Committee has done out of necessity but not the way that it ought to be done to be responsible.

I ask my colleagues to take a look at the human result of schools opening late and then closing again.

I ask you to take a look at this. This came from the Washington Post. I will read it to you. The sign says, "Why should students suffer? For adult incompetence."

Those adults are us. We are the ones that have the primary responsibility for the city. We took it back. We took home rule away basically.

This student is from a senior high school and holds a sign. These students were all forced out of their school and forced to be trucked, bused, whatever else, to some other place to be able to receive education until such time as that school is fixed. All this student wants to do is to go to class and start paving the way for her future. Who are the adults that this poster refers to? They are us. We cannot deny that. I hope we begin to understand that.

Times have changed. We took back home rule basically.

Why is the city in this mess? Why can't they get the revenue stream they need to bond so that they can responsibly repair these schools on some sort of a schedule, to get them all done so they can be done when the school year opens, and to do it not in a piecemeal fashion as the Appropriations Committee has been forced to do by having emergencies to appropriate money to do this?

We have to have a plan. If somebody else has a plan to do it, fine. But we cannot let this situation go on where year after year we are going to be doing this, shutting the schools down and trying to find ways to open them. We created this problem. This is another important thing to remember.

In 1974, when we gave home rule to Washington, DC, a very, very astute Member of the Virginia delegation—I commend him for his foresight because Lord knows what would have happened if they had all this additional money to spend with what they did have—but he got legislation passed which said that you can't tax the nonresidents that are working in your city. This is the only city in the country under this situation that does not have that authority.

Sure, the District could levy an income tax on its own residents, but due to the inability to tax the nonresidents, and especially because of the situation in the city—the workers were fleeing out of town; crime was the No. 1 issue; schools second—people were leaving in droves. A lousy educational system, a lousy police system, and so we went from about 50 percent of the workers being residents down to about 30 percent. As money drained from the District, crime went up, as I said, and the school system deteriorated causing the well-known national phenomenon known as "urban flight."

But the urban and middle class population stayed close to the District of Columbia in the suburbs because it is the crown jewel of this metropolitan region. Being the Nation's Capital, the District provides the jobs, the tourism, the prestige and therefore high-earning capacity to an enormously affluent population residing in the surrounding Virginia and Maryland counties.

But like a tiger with no teeth, the District, under current law, has no ability to levy any fair recompense from those who benefit daily from its services, its roads, and all else, and, namely, their jobs.

Let me point out, every other city in an interstate circumstance like D.C. does have the ability to gain revenues from nonresident workers to support the maintenance of their schools, and whatever else.

In the absence of such a dedicated revenue stream, Congress has tried to keep the city afloat through the annual appropriations process. But in some ways that is like giving a man dying of thirst a drop or two of water every year. Eventually, the biological systems just give out from the stress of such bare-bones maintenance. And that is what has happened to the school system here. It is in the process of giving out.

Listen to the beginning of the article from yesterday's Washington Post.

> District schoolchildren lined up somberly in the cold mist early yesterday outside Emery Elementary School in Northeast Washington, waiting to be taken to makeshift classes at a nearby school and a neighboring church. Their school was one of five closed late last week. . .

This is dated October 28th, so this is well after school should have begun.

> where asbestos is being removed during boiler repairs.

That is what has been going on. We just cannot blind ourselves to it. And I know when you talk about D.C., most everybody and Members just say, "Well, that's not our problem." But it is. That is the message I want to give them today.

In 1995, Congress created the Control Board and later the Emergency School Board of Trustees thereby taking back most of the authority over the management and delivery of education which the Senate previously had. And we therefore took over the responsibility of the schools of this city. This Emergency School Board of Trustees deals specifically with the school infrastructure problem.

Earlier, the Control Board asked GSA to estimate the need, and outline a plan for repair and renovation. And the report came out in September of 1995, showing a $2 billion sum, mostly for code violations, in order to make the schools physically safe for the children to be in.

The thought of appropriating $2 billion from the Congress, to do this in an orderly fashion, is of course impossible to think of. And why should they when all they have to have is the power that any other city, under the circumstances, has to take really a 1 percent tax on the nonresidents in order to be able to raise enough money on the bonding to fix the schools?

Why shouldn't the people that benefit from the jobs in this city take part in helping the city, like those benefiting in every other city under these similar circumstances do?

We have on our shoulders the burden of these schools. The average District of Columbia public school facility is 65 years old. We have also taken on our shoulders the fact that 48 more roofs need to be replaced. That is in addition to all of those that have been replaced up to now. We have taken on ourselves the burden that 72 of the school boilers need to be replaced. We are heading into winter right now and already they are blowing up or failing. So we will see these boilers starting to blow up more on the days ahead. The colder it gets the more they will be going, and we will get more articles in the Washington Post and more condemnation for our failure to act.

The control board has tried to meet the demands. Under the direction of Gen. Julius Becton, 61 school roofs have been repaired or replaced since January 1997 but that is all from emergency money from the Appropriations Committee—not a sound way to do it. Over the past 2 years, $86 million has been appropriated for such repairs. Also, I have been able to raise a similar amount by being able to find things that were going to raise money within the city like the privatization of Sallie Mae and Connie Lee, so we have put a lot of money into fixing these schools up, but to do it piecemeal one or two schools at a time—it will be 40 years before we are done at that rate. The District needs a dedicated revenue stream to be able to bond to meet the $2 billion challenge. We need that stream to responsibly meet our responsibilities.

I have a plan to do that. If someone else has a better plan, fine, bring it forward, let's take a look at it, but let us not fail to meet our responsibilities.

My proposal to meet this challenge is laid out in the legislation S. 1070, which proposes a nonresident income tax to provide that dedicated revenue stream to fix the schools, to provide that $2 billion. Incidentally, I want to reassure, and I don't know how many of my colleagues listen to us when we are here, but I know a number of our staff do because they called up in a panic thinking they would have to pay more taxes. I want to reassure them that that is not the case because already in the law they are required to allow people to take that as a tax credit for either the Virginia or Maryland taxes they pay, so no one is going to pay any more taxes. That will all be able to be taken as a credit against the taxes of Maryland and Virginia.

For all of those hard-working residents of northern Virginia and southern Maryland I say you will not have a difference in your tax. I want to emphasize that.

My proposal is also to take a reasonable approach to the issue of education and training, to create a reasonable partnership dedicated to fix the 50,000 jobs that are out in this area that are going begging because the region does not provide the necessary skills for them to take these jobs.

If we go up to 3 percent we can provide a revenue stream for the District to help them float municipal bonds or to provide money to improve their educational system. I know the Presiding Officer from North Carolina had spectacular results in taking care of regions, and providing the educational skill and training in regions, and I know this will work here if we have the funding to do it.

The bill represents a novel and equitable approach. The taxpayer suffers no economic detriment. The taxpayer's community in the Washington metropolitan area will receive substantial additional education training benefit. Workers for the thousands of available jobs will be provided new business which will be attractive and substantial new tax revenues will be raised. This is a win-win win-win.

In this process, Congress will live up to its responsibility to meet that $2 billion challenge through the simple act of giving the District of Columbia the ability to act like any other city in a similar interstate situation. By giving up our responsibility we will not have to bear the shame of knowing that those adults the marching students referred to, "Why should students suffer—for adult incompetence," that we would no longer be placed in a position of having to respond to that.

I thank my colleagues. I urge them in joining me to make the issue of our Nation's Capital school system a top priority for us.

I ask unanimous consent the complete Washington Post article from yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 28, 1997]

BATTLE OVER BOILERS LEAVES D.C. STUDENTS OUT IN COLD

CHILDREN BUSED TO OTHER SITES AS JUDGE KEEPS SCHOOLS CLOSED

(By Debbi Wilgoren)

District schoolchildren lined up somberly in the cold mist early yesterday outside Emery Elementary School in Northeast Washington, waiting to be taken to makeshift classes at a nearby school and a neighboring church. Their school was one of five closed late last week because a D.C. judge didn't want students in school buildings where asbestos is being removed during boiler repairs.

But boiler repairs haven't started yet at Emery, school officials said yesterday. And asbestos removal for boiler work was finished Friday in two of the other closed schools, Langdon Elementary in Northeast Washington and Whittier Elementary in Northwest Washington.

D.C. Superior Court Judge Kaye K. Christian probably doesn't know there is no dangerous work going on at those three closed schools because—after learning last week that some asbestos removal had begun without her permission—she refused to let school system witnesses testify about boiler repairs.

The D.C. Court of Appeals rejected a District request yesterday to overturn Christian's order closing the schools. The court said it would first give Christian a chance to rule on a similar request that the city made over the weekend.

In the meantime, about 4,300 students—including 1,800 from two other schools that have been closed for a month because of roof repairs—are displaced without proper books, supplies or equipment.

"What we see happening is the egos and emotions of adults penalizing and punishing the children," said Roger Glass, PTA president at Whittier, where no boiler work was underway yesterday and where school officials say asbestos removal was completed last week.

"I don't know how else to explain it," Glass said. "I understand that the judge is the judge, and she has all the authority. But just because she has the right to do something doesn't mean that it is the right thing to do."

The boiler standoff between Christian and the school Chief Executive Julius W. Becton, Jr. is the latest in a series of clashes that began shortly after Becton was appointed in November to overhaul the troubled D.C. public schools.

As the retired Army lieutenant general has pushed forward with repairs never undertaken by his predecessors, Christian—who oversees school building safety because of a 1992 lawsuit against the city over the fire code violation in schools—has demanded detailed summaries of the repair work and repeatedly expanded her jurisdiction over safety issues.

This summer, Christian forbade roof work while students or staff were in school buildings, despite expert testimony that such repairs could be made safely. The appeals court upheld her decision. Last month, she ruled that no construction of any kind could take place while a school is in operation.

When a fire inspector said in court last week that the boiler work could be defined as construction, Christian put that on the list of forbidden work as well, even though boiler repairs have been made in the past without her interference.

"The court has ruled on these issues with respect to construction going on in these schools while they're occupied," Christian said, interrupting Assistant Corporation Counsel Robert Rigsby on Thursday as he tried to protest her decision. "This court has ruled that this work is to be done while the building is not occupied. Certainly the court has grave concerns about asbestos and children."

School Chief Operating Officer Charles E. Williams testified in court Friday that asbestos-related boiler work scheduled for Emery had not yet started. But Christian, who had closed Langdon the day before, said: "If Emery, Tyler, Whittier and Young are undergoing this process, then they are to be closed."

Rigsby tried to clarify the order but did not specifically point out that work had not begun at Emery. Christian told him to put his requests in writing. Neither school spokeswoman Loretta Hardge nor Corporation Counsel John Ferren returned telephone calls yesterday to explain whether they considered keeping Emery open because no work is going on there.

School officials say that it is costing them more than $20,000 a day for buses to transport the students to alternative school sites. And the situation could get worse, they warned, if more schools must close before boiler repairs and other work can be started.

About 72 boilers in the city's 146 aging schools have needed replacing for years, officials note. Unless the work is done, youngsters in many classrooms will continue to be dependent on temporary heat or end up taking tests in coats and mittens. The school system has secured $40 million to begin replacing 47 of the boilers and had hoped to do the work this fiscal year.

Each project begins by unwrapping material that may contain asbestos from around the pipes of the old boiler—the procedure that concerned Christian the most last week. But the project manager that Christian wouldn't let testify said in an affidavit filed over the weekend that in accordance with the law and environmental regulations, extreme precautions are taken that would prevent the asbestos from endangering students or staff members at a school.

The boiler room, in school basements, is sealed off with a special fabric, approved by the Environmental Protection Agency, that does not allow air and asbestos to penetrate, said Narase Bob Oudit, senior project manager for the school system. An EPA-certified company monitors the air outside the area and is required to shut down the project if any asbestos is detected.

Oudit said he had monitored similar projects for 11 years and had never seen a case in which asbestos leaked out if the correct precautions were taken. Nor was any asbestos reported in the air during recent boiler work in the schools. If removal is done improperly, he said, the contractor can lose its license and be fined as much as $1 million. Asbestos work at one of the closed schools, Young Elementary in Northeast Washington, doesn't involve a boiler. The heating-system work there is part of a five-month-old project with the EPA designed to improve the school's energy efficiency, school officials say.

The asbestos removal at Tyler in Southeast Washington should be completed today, an aide to Williams said.

At Whittier yesterday, Glass handed out fliers to parents urging them to call Becton and Parents United, the group that filed the lawsuit, to demand a negotiated solution. Settlement talks began in earnest two weeks ago but faltered this weekend over how much money should be earmarked for school repairs and who should monitor the agreement.

At Emery yesterday, the breakfasts usually served before school were not available, and the after-school day-care program was canceled. The youngest children, Head Start through third grade, were bused about 12 blocks across North Capitol Street to Scott Montgomery Elementary School.

Fourth-, fifth- and sixth-graders were taken around the corner to Metropolitan Wesley AME Church, where by 9:30 a.m. they sat clustered with their teachers in a large open space usually used for Sunday school. Children wrote stories with paper and pencil supplied by the church or bought by individual teachers.

"We're doing the best we can under very, very trying circumstances," said Leonard Sanders, Emery's principal. A little girl raised her hand to ask when they would return to their school.

"I do not know," Sanders said slowly, "As soon as I find out, I will let you know."

Mr. JEFFORDS. I yield the floor.

The PRESIDING OFFICER. The distinguished senior Senator from the State of Mississippi.

CORRECTING A TECHNICAL ERROR IN THE ENROLLMENT OF H.R. 2160

Mr. COCHRAN. At the direction of the majority leader, I ask unanimous consent the Senate proceed to the consideration of House Concurrent Resolution 167.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 167) to correct a technical error in the enrollment of H.R. 2160.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, this concurrent resolution was adopted by the House with the passage of the rule for the consideration of the conference report to accompany H.R. 2160, the Fiscal Year 1998 Agriculture, Rural Development, and Related Agencies Appropriations Act.

It makes a technical correction in the conference report. Specifically, it inserts a proviso in the food stamp account language which was included in the House bill and agreed to by the conference committee but inadvertently left out of the conference report which was filed.

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (H. Con. Res. 167) was agreed to.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

Mr. COCHRAN. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate, to the bill (H.R. 2160) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 17, 1997.)

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be 20 minutes of debate equally divided between the chairman and ranking member, and following the expiration or yielding back of time, the conference report be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am very pleased to be able to present for the Senate's approval today the conference report on H.R. 2160, the Fiscal Year 1998 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

The conference agreement provides total appropriations of $49.7 billion. This is $4.1 billion less than the fiscal year 1997 enacted level and $2.6 billion less than the level requested by the President. It is $964 million less than the total appropriations recommended by the Senate-passed bill and $146 million more than the level recommended by the House bill.

Including Congressional budget scorekeeping adjustments and prior-year spending actions, this conference agreement provides total discretionary spending for fiscal year 1998 of $13.751 billion in budget authority and $13.997 billion in outlays. These amounts are consistent with the revised discretionary spending allocations established for this conference agreement.

Both the House and the Senate passed this bill at the end of July. The conferees met and completed conference on September 17. I believe it is a credit to all members of the conference committee that we were able to reach a conference agreement quickly. Special recognition is due the ranking member of the subcommittee, my colleague from Arkansas, Senator BUMPERS; the chairman of the House Subcommittee, Congressman SKEEN of New Mexico; and the ranking member of the House Subcommittee, Congresswoman KAPTUR, for their hard work and cooperation in making this possible.

It was our intent that the conference report on this bill would be adopted by both bodies of the Congress and sent to the President prior to the October 1, 1997, start of the fiscal year. However, it was the decision of the leadership to withhold Senate approval of this conference agreement until further progress was made on the FDA reform bill, which reauthorizes fees to expedite FDA's prescription drug review and approval process.

The conference agreement on this appropriations bill was adopted by the House of Representatives on Monday, October 6, by a vote of 399 yeas to 18 nays. Senate adoption of this conference report today is the final step remaining to allow this measure to be sent to the President for signature into law. We have every indication that the bill will be signed by the President.

Approximately $37.2 billion, close to 75 percent of the total new budget authority provided by this conference report, is for domestic food programs administered by the U.S. Department of Agriculture. These include food stamps; commodity assistance; the special supplemental food program for Women, Infants, and Children [WIC]; and the school lunch and breakfast programs. This is roughly the same as the House bill level and $923 million less than the Senate level. The difference from the Senate recommended level is principally due to the fact that the Senate receded to the House on the transfer of funding Food and Consumer Service studies and evaluations to the Economic Research Service, and accepted the lower House bill level for the Commodity Assistance Program based on the Department of Agriculture's revised estimate of program need. In addition, the Senate receded to the House level of $100 million for the Food Stamp Program contingency reserve, $900 million less than the Senate bill level.

For agriculture programs, the conference report recommends a total of $6.9 billion, $57 million more than the House bill level. This amount includes $1.2 billion for agricultural research and education, $423 million for extension activities, $430 million for the Animal Plant Health and Inspection Service, $589 for the Food Safety and Inspection Service, $703 million for the Farm Service Agency, and $253 million for the Risk Management Agency.

For conservation programs, the conference report recommends almost $790 million, $30 million more than the House bill level but $36 million less than the amount recommended by the Senate.

For rural economic and community development programs, the bill recommends $2.1 billion, $47 million more than the House level and $9 million more than the Senate bill level. Included in this amount is $652 million for the Rural Community Advancement Program, nearly $8 million more than the Senate bill level, and the Senate bill level of $535 million for the rental assistance program. The conference report also provides a total rural housing loan program level of $4.2 billion.

For foreign assistance and related programs of the Department of Agriculture, the bill recommends $1.7 billion, including $131 million in new budget authority for the Foreign Agricultural Service and a total program level of $1.1 billion for the Public Law 480 Food for Peace Program.

The Food and Drug Administration receives one of the largest discretionary spending increases over the fiscal year 1997 level. Included in the appropriation provided by the conference agreement for salaries and expenses of the Food and Drug Administration is $24 million for food safety and $34 million for youth tobacco prevention. These are the full amounts requested by the Administration for these initiatives.

Mr. President, there is no reason to continue temporary stop-gap funding for the programs and activities funded by this bill. As I indicated earlier, this conference report was filed on September 17 and was adopted by the House of Representatives on October 6. Senate passage of this conference report today is the final step necessary to send this fiscal year 1998 appropriations bill to the President for signature into law. I urge my colleagues to support the adoption of this conference report.

Mr. BUMPERS. Mr. President, I am pleased to join my colleague from Mississippi, Senator COCHRAN, in bringing to the Senate floor the conference report for the fiscal year 1998 appropriations bill for the Department of Agriculture, the Food and Drug Administration, and related agencies. We concluded a successful conference with the House and although our 602(b) allocation had to be adjusted downward, we were still able to maintain relatively high levels of funding for many important programs.

As I stated during consideration of the Senate bill, I had hoped we could provide higher levels of funding for agricultural research. I am happy to report that the conference agreement provides a higher level of funding for the Agricultural Research Service than was contained in either the earlier House or Senate versions. Funding for the Food Safety Inspection Service is provided at a level more than $15 million above last year and additional funds are included for the President's Food Safety Initiative at USDA and FDA.

The conference report contains funding for conservation programs well above last year's level and I am happy to report that the House and Senate conferees have agreed to changes in rural development activities that will protect program integrity and make them more efficient. The WIC Program retains the increase of more than $100 million above fiscal year 1997 that was included in the Senate bill and full funding for FDA's youth tobacco initiative is provided.

I regret that we had to defer consideration of this conference report until this time. We had completed conference action and had been prepared to conclude action on this bill well in advance of the end of the previous fiscal year. However, questions raised by the authorization committees of the Food and Drug Administration postponed this final action until today. I look forward to quick passage of this conference report and approval by the President.

We have already seen the President exercise his new authorities of line-item veto on bills presented to him. I no doubt suspect that he will review this legislation with a similar critical eye and, without doubt, he will find items that had not originated with the executive branch. Mr. President, I do not here intend to reopen floor debate on the ill-conceived line-item veto. However, I remind my colleagues, and my friend in the White House, that the Congress has very explicit responsibilities derived from the U.S. Constitution relating to the expenditure of funds. Simply because an item does not originate with the executive does not mean it is without merit. Let me plainly observe that when this bill was on the Senate floor in July of this year, it passed by a resounding 98 to 0. Mr. President, that simple statistic should speak for itself and send an important message to those who would undue the work we have done.

In closing, let me again say what a pleasure it has been to work with my friend from Mississippi, the chairman of this subcommittee. He understands the programs and the issues contained in this bill and his leadership has been beyond value. Let me also again thank the subcommittee's majority staff, Rebecca Davies, Martha Scott Poindexter, Rochelle Graves, and, on this side, Galen Fountain, Carole Geagley, and Ben Noble of my personal staff. All their work has been important to completing work on this bill.

Mr. DOMENICI. Mr. President, the pending Agriculture and related agencies appropriations bill provides $49.0 billion in new budget authority [BA] and $41.5 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies for fiscal year 1998.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $48.8 billion in budget authority and $49.2 billion in outlays for fiscal year 1998.

Of the $49.2 billion in outlays, $35.2 billion fund entitlement programs like food stamps, child nutrition programs, and price support payments. The remaining $14.0 billion funds discretionary programs like rural housing and economic development, food safety inspection, activities of the Food and Drug Administration, agriculture research and the Farm Service Agency.

The conference report falls within the current 302(b) allocation for the Agriculture and Related Agencies Appropriations Subcommittee. I commend the distinguished Senator from Mississippi for bringing this bill to the floor within the subcommittee's allocation.

The bill contains important increases over the 1997 level from programs like the WIC Program and the new food safety initiative, and I urge adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2160, AGRICULTURE APPROPRIATIONS, 1998 SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority		13,751		35,048	48,799
Outlays		13,997		35,205	49,202
Senate 302(b) allocation:					
Budget authority		13,791		35,048	48,839
Outlays		14,167		35,205	49,372
President's request:					
Budget authority		14,025		35,048	49,073
Outlays		14,282		35,205	49,487
House-passed bill:					
Budget authority		13,650		35,048	48,698
Outlays		13,989		35,205	49,194
Senate-passed bill:					
Budget authority		13,791		35,048	49,839
Outlays		14,038		35,205	49,243
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority		−40			−40
Outlays		−170			−170
President's request:					
Budget authority		−274			−274
Outlays		−285			−285
House-passed bill:					
Budget authority		101			101
Outlays		8			8
Senate-passed bill:					
Budget authority		−40			−40
Outlays		−41			−41

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. McCAIN. Mr. President, I regret to come to the floor once again to talk about wasteful and unnecessary spending in an appropriations conference agreement.

During Senate consideration of the Agriculture appropriations bill, I presented a nine-page list of add-ons, earmarks, and set-asides in the bill and report language.

I had highlighted four provisions in the bill language of the Senate version of the Agriculture appropriations bill, and not surprisingly, every one of these provisions, with minor modifications, is included in the final conference bill.

Interestingly, though, the conferees also made sure that most of the earmarks and set-asides in the report language of both Houses is included by reference in the final agreement. The report language of the conference agreement says:

> The House and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

So the list I present to the Senate today does not represent all of the wasteful spending in the Agriculture appropriations bill, but only that which the conferees made the effort to specifically mention in the conference statement of managers. The rest of the earmarks are simply carried over from the Senate and House Appropriations Committee reports.

Mr. President, I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 2160 CONFERENCE AGREEMENT ON FY 1998 AGRICULTURE APPROPRIATIONS BILL

BILL LANGUAGE

$20 million earmarked for water and waste disposal systems for the Colonias along the U.S.-Mexico border

$15 million for water systems for rural and and native villages in Alaska

Section 716 contains "Buy America" domestic source restrictions on expenditures of appropriations in this bill

Section 729 exempts the Martin Luther King area of Pawley's Island, South Carolina, from the population eligibility ceiling for housing loans and grants

Section 730 prohibits closing or relocating the FDA Division of Drug Analysis in St. Louis, Missouri

REPORT LANGUAGE

[NOTE: Statement of managers explicitly directs that report language is binding, and that any language in either Senate or House report that is not specifically addressed in conference report should be considered direction of the conference. Following list represents objectionable provisions specifically stated in conference agreement.]

Agricultural Research Service:

Earmarks and directive language for research programs:

$250,000 for apple-specific E. coli research at the Eastern Regional Research Center, Wyndmoor, Pennsylvania

$1 million for grazing research, earmarked equally for centers in Utah, Oklahoma, New Mexico, and Pennsylvania

$500,000 for fusarium head blight research at the Cereal Rust Laboratory in St. Paul, Minnesota

$500,000 for research on karnal bunt at Manhattan, Kansas

$1.25 million for Everglades Initiative, of which $500,000 is for research on biocontrol of melaleuca and other exotic pests at Fort Lauderdale, Florida, $500,000 is for hydrology studies at Canal Point, Florida, and $250,000 is for a hydrologist to work on south Florida Everglades restoration

$1 million for an Arkansas entity to perform dietary research, $500,000 for similar work by a Texas entity, and $250,000 for each of three other centers proposing to do dietary research.

Earmark of $250,000 for Appalachian Soil and Water Conservation Laboratory

$650,000 for ARS to assist Alaska in support of arctic germplasm

$250,000 to initiate a program for the National Center for Cool and Cold Water Aquaculture at the Interior Department's Leetown, West Virginia Science Center, where the national aquaculture center will be collocated

$250,000 for high-yield cotton germplasm research at Stoneville, Mississippi

$250,000 to support research on infectious diseases in warmwater fish at the Fish Disease and Parasite Research Laboratory at Auburn, Alabama

$500,000 increase for the National Aquaculture Research Center in Arkansas

$250,000 for grain legume genetics research at Washington State University

$500,000 earmark for additional scientists to do research on parasitic mites and Africanized honeybees at the ARS Bee Laboratory in Weslaco, Texas

$100,000 to continue hops research in the Pacific Northwest

$500,000 increase for the National Warmwater Aquaculture Research Center in Mississippi, and direction in the House report that the center be renamed the Thad Cochran National Warmwater Aquaculture Center

$500,000 for Northwest Nursery Crops Research Center in Oregon

$250,000 increase for Southeast Poultry Research Laboratory in Georgia

$250,000 increase for an animal physiologist position at the Fort Keough Laboratory in Montana

$250,000 increase for additional scientific staffing at Small Fruits Research Laboratory in Mississippi

$5 million for Formosan subterranean termite research

$200,000 for sugarcane biotechnology research at Southern Regional Research Center in Louisiana

Earmark of $500,000 for ginning research at laboratory in Texas

$100,000 for funding of research at Poisonous Plant Laboratory at Logan, Utah

$1 million for coastal wetlands and erosion research at the Rice Research Station in Louisiana

$250,000 for research at the Food Fermentation Center in Raleigh, North Carolina

$450,000 to hire two small grain pathologists, one at the ARS laboratory in Raleigh, North Carolina, and the other at the laboratory at Aberdeen, Iowa

$950,000 for rice research in Beaumont, Texas, and Stuttgart, Arkansas

$200,000 for plant genetics equipment for the ARS laboratory at Greenhouse, Missouri

$700,000 for natural products in Mississippi

Earmarks for unrequested building projects:

$5.2 million for the Western Human Nutrition Research Center in Davis, California

$1.8 million for the Avian Disease Labs in East Lansing, Michigan

$7.9 million for two projects in Mississippi (planning and design for a Biocontrol and Insect Rearing Laboratory in Stoneville, and National Center for Natural Products in Oxford)

$606,000 for a pest quarantine and integrated pest management facility in Montana

$4.4 million for Human Nutrition Research Center in North Dakota

$4.824 million for the U.S. Vegetable Laboratory in South Carolina

$600,000 for a Poisonous Plant Laboratory in Utah

$6 million for a National Center for Cool and Cold Water Aquaculture in Leetown, West Virginia

Supportive language:

Notes importance of barley stripe rust research at Pullman, Washington laboratory and expects work on controlling root disease of wheat and barley in cereal-based production systems to continue at FY 1997 levels

Support the addition of a new lettuce geneticist/plant breeder position at the ARS in Salinas, California

Expects ARS to expand research for meadowfoam at Oregon State University and the ARS facility at Peoria, Illinois

Directs National Sedimentation Laboratory to initiate integrated watershed research program for Yalobusha River Basin and Grenada Lake

Cooperative State Research, Education, and Extension Service:

Earmarks:

$51.5 million for 110 special research grants:

Less than $7 million of this amount was requested, and the conferees reduced funding for 3 requested projects

All but $7 million of the $51.5 million is earmarked for particular states.

Almost $9 million for unrequested administrative costs in connection with 14 research programs in specific states, including:

$150,000 for the Center for Human Nutrition in Baltimore, Maryland

$844,000 for the Geographic Information System program in Georgia, Chesapeake Bay, Arkansas, North Dakota, Washington, and Wisconsin, and new entities in New Mexico, and Colorado

$100,000 for the mariculture program at University of North Carolina at Wilmington

$150,000 for the National Center for Peanut Competitiveness

$3.354 million for shrimp aquaculture in Arizona, Hawaii, Mississippi, Massachusetts, and South Carolina

Directs consideration of Pennsylvania State University E. coli Reference Center as candidate for $2 million food safety initiative

$6.1 million for 14 unrequested special grants for extension activities and personnel in specific states

Animal and Plant Health Inspection Service:

Earmarks and directive language:

$1.225 million for rabies control programs in Ohio, Texas, New York, and other states

$400,000 for a geographic information system project to prepare to expand boll weevil eradication program into remaining cotton production areas

Supportive language: Urges APHIS to continue cooperative efforts to eradicate boll weevil in New Mexico

Agricultural Marketing Service:

Earmarks: $1 million for marketing assistance to Alaska

National Resources Conservation Service:

Earmarks:

$350,000 for Great Lakes Basin Program for soil and erosion sediment control

$3 million for technical assistance in Franklin County, Mississippi

$750,000 for Deer Creek watershed in Oklahoma

$300,000 to assist farmers around Lake Otisco in New York

$100,000 for Trees Forever program in Iowa

Supportive language: Supports continuation of Potomac Headwaters project, which was proposed by Senate at $1.8 million, and encourage continued work with West Virginia Department of Agriculture for further development of poultry waste energy recovery project at Moorefield and project implementation at Franklin

Rural Community Advancement Program:

Supportive language: Urges consideration of grant proposals from 5 entities (in Texas, Colorado, New Mexico, and the Midwest) which were not mentioned in either report [page 52 of conference report]

Rural Utilities Service:

Supportive language: Encourages Agriculture Department to give consideration to an application from State University of New York Telecommunications Center for Education for a distance learning project, which was not mentioned in either report.

Total objectionable provisions: $152.4 million.

Mr. McCAIN. Mr. President, let me take a moment to highlight some of the items that are specifically earmarked in the conference agreement.

The conferees earmark $3.354 million of the research funds provided to the Cooperative State Research, Education, and Extension Service [CSREES] for shrimp aquaculture studies in Hawaii, Mississippi, Massachusetts, California, and my home State, Arizona. Funding for shrimp aquaculture is a perennial congressional add-on that has not, to my knowledge, ever been included in an administration budget request. And I have yet to fathom the logic of conducting shrimp research in the desert.

The conferees earned another $150,000 from the same CSREES account for the National Center for Peanut Competitiveness. Again, this item was not included in the budget request but was added by the House with the expectation that the Department of Agriculture would "exploit every opportunity to collaborate with the Center"—according to the House report language.

Two earmarks are included in the conference managers' statement for the National Center for Cool and Cold Water Aquaculture in Leetown, WV. The conferees earned another $6 million to complete construction of a building at this site, which was funded at the same level in the fiscal year 1997 bill. And the conferees also provided $250,000 to initiate a program to be conducted at this new facility which, according to the Senate report language, will "ensure that risks associated with the long-term stability of the [cool and cold water aquaculture] industry are reduced."

Finally, the conferees earmarked $1.7 million for new personnel at various centers. The specific earmarks in the statement of managers language include: $500,000 for additional scientists to do research on parasitic mites and Africanized honeybees at the Agriculture Research Service Bee Laboratory in Weslaco, TX; $250,000 for an animal physiologist position at the Fort Keough Laboratory in Montana; $250,000 for additional scientific staffing at the Small Fruits Research Laboratory in Mississippi; $450,000 to hire two small grain pathologists, one at the Agriculture Research Laboratory in Raleigh, NC, and the other at the laboratory at Aberdeen, IA; and $250,000 for a hydrologist to work on south Florida Everglades restoration. The report language of both Houses and the conferees also includes numerous instances of language supporting or urging or encouraging various agencies to hire additional staff personnel, including a particular reference in the managers' statement, that was not included in either report, to express the conferees' "support [for] the addition of a new lettuce geneticist/plant breeder position at the U.S. Agricultural Research Station in Salinas, CA."

Mr. President, these are just a few examples of the egregiously wasteful spending practices of the Congress. I cannot condone wasting millions of taxpayer dollars at a time when we are finally making progress toward a balanced budget. Even when we have eliminated annual deficits, hopefully within just a few years, our Nation will still face a debt of over $5.4 trillion. Why not stop wasting money on unnecessary projects, and start repaying this huge debt?

I plan to recommend that the President exercise his line item veto authority to eliminate these earmarks and set-asides. I hope he does so, because eliminating unnecessary spending is in the best interest of all Americans.

Mr. KOHL. Mr. President, I rise today in support of my colleagues', Mr. FEINGOLD and Mr. GRAMS, efforts to clarify study language included in the Agriculture appropriations bill being discussed today.

My friends from the Northeast have worked hard to boost prices above market clearing levels by creating a regional compact for their farmers. Now that the compact is implemented and operating, we need a timely, comprehensive economic analysis by the Office of Management and Budget of the marketing and pricing of milk within the six State compact and surrounding areas. The pricing of milk is an extremely complex issue. Artificially manipulating the marketing and pricing of milk will have major impacts on other regions of the United States, like Wisconsin.

Their proposal to raise prices for farmers has worked well and that cost is being passed on to consumers. A recently released study announced that Massachusetts consumers will pay an additional $25 million for their milk over the next 12 months. The print media has reported that consumers are paying $.27 a gallon more per gallon of milk in the compact area. We need to analyze the impact this price increase has not only on government purchases of dairy products for lunch programs, but also the impact on low-income families that spend more of their income on food and dairy products.

Although the program only regulates class I milk, other classes will be impacted by the economic signals encouraging Northeast dairy farmers to overproduce. What happens to that excess fluid or manufacturing milk that will be produced in the Northeast and forced to find a new processing plant outside the compact area? Again, the print media has reported that distressed raw milk has moved out of the Northeast to plants in Ohio and as far away as Wisconsin and Minnesota. Ohio plants reportedly were paying $8.00 per cwt. delivered milk filling all manufacturing plants to capacity in that State. That excess supply of milk added to the overproduction that occurred in the United States further exasperating record low price paid to farms this summer.

Finally, the study should consider a cost/benefit analysis for each State participating in the compact. For example, Massachusetts has only about 300 dairy farms, roughly 10 percent of New England total, while its consumers pay half of the aggregate total consumer costs.

I encourage the Office of Management and Budget to take a serious look at the issue.

Mr. CONRAD. Mr. President, I am pleased to support the Agricultural Research, Extension, and Education Reform Act, the 1996 farm bill's research title. This bill will bring many benefits to the Nation's farmers and to producers in North Dakota. This bill is important not only to our farmers but to North Dakota State University, our five Tribal Colleges and all facets of agricultural production that are the State's lifeblood.

In addition to establishing agricultural research priorities, the bill makes positive changes in the operation of the Nation's agricultural research system, which I am pleased to support. Specifically, this bill will increase the accountability of USDA funded research by increasing stakeholder input. Just this year, the North Dakota State Legislature created one of the first stakeholder groups in the country and gave it unprecedented power to direct the agricultural research at North Dakota State University. This 13-member group met for the first time in July to set priorities for agricultural research in North Dakota. We look forward to being able to serve as a model to other States planning to increase stakeholder input.

I am very pleased the Agriculture Committee and now the U.S. Senate have strongly supported funding for agricultural research. Our Nation's economic base was founded on agriculture and as we drift toward an increasingly urban population, we drift from our agrarian roots but we must not ignore the importance of agricultural productivity. North Dakota farmers and livestock producers continually look to increase farm efficiency, profitability, and environmental stewardship by using new technologies. It is critical that federally funded research focus on these goals while producers maintain global competitiveness.

The bill's Initiative for Future Agriculture and Food Systems provides new funding of $100 million in fiscal year 1998 and $170 million for each of fiscal years 1999 through 2002 to competitively award research, extension, and education grants on issues related to food genome mapping, food safety and technology, human nutrition, new and alternative uses, production of agricultural commodities, biotechnology, and natural resource management.

These are the directions that agricultural research must go in order for the United States to maintain its edge in the global market while providing greater harmony between agriculture and the environment.

Mr. President, I am very pleased this bill incorporates my proposal to give policy research centers the authority to study the effect trade agreements have on farm and agricultural sectors, the environment, rural families, households and economies. Of special concern are the impacts of Canadian grain imports and international policies on the Northern Great Plains. Specifically, I would like them to examine the impact of multinational trade policy issues and North American cross-border policies on Northern Plains agriculture, identify strategies to improve export opportunities for this region of the country, and evaluate the impacts of national and international policies on the region's agricultural competitiveness, farm income, farm structure, and rural economies. Policy researchers at North Dakota State University requested this amendment to help obtain funding for the proposed Northern Great Plains Policy Research Center which would serve as part of the Food and Agricultural Policy Research institute consortium. I fully support their proposal.

And finally, Mr. President, I am very pleased that the bill includes provisions to authorize the Secretary of Agriculture to grant up to $5.2 million in each of years 1998 through 2002 to a consortium of land-grant universities combating diseases of wheat and barley caused by Fusarium graminearum and related fungi, commonly known as scab. Scab has had a profound effect on the farmers and economy of North Dakota and this year alone it is expected to cause $1.1 billion in economic damages. I cannot stress enough the importance of research to combat this horrible crop disease and thank my colleague from Minnesota, Senator WELLSTONE, for working closely with me on this issue and my colleague from Indiana, Senator LUGAR, for including these provisions in the manager's package.

Mr. President, so that everyone may fully understand the consequences of this crop disease, I would like to submit an economic analysis of scab's impact on my home State of North Dakota. I would also like to submit for the RECORD a recent newspaper article from the Grand Forks Herald, headlined, "An agricultural nightmare," which describes scab's impacts and discusses the need for research to combat the disease. Mr. President, I ask that both submissions be printed in the RECORD in full.

The material follows:

THE MARKET ADVISER: SCAB LOSSES SEVERE—GEORGE FLASKERUD, EXTENSION CROPS ECONOMIST NDSU EXTENSION SERVICE

Scab in spring wheat, durum and barley will have a severe impact on the economy of North Dakota this year. Estimates by the department of agricultural economics at North Dakota State University put the direct loss to producers at about $355 million. The total loss is expected to be about $1.1 billion when the indirect impact on the communities is included. This brings total scab losses since 1993 to about $2.9 billion. Demcey Johnson and I, with the help of others in the department, calculated the losses.

These losses have severely damaged many farm financial statements. The median debt/asset ratio for North Dakota farmers increased from 48 percent in 1992 to 56 percent in 1996 and is expected to further increase this year. In addition, North Dakota had a net loss of about 2,000 farms between 1992 and 1996, in many cases due to scab. The debt/asset ratios were derived from the records of farmers in the North Dakota Farm Business Management Education Program.

The total direct loss in 1997 was the greatest of the scab losses since 1993. Yield losses were greater during 1993 and 1995 than during 1997, but, when the price effect was considered, the total direct loss during 1997 was record-setting. The price effect during 1997, to date, has been negative, on average, which accentuates the 1997 yield loss. The price effect has been negative because actual net selling prices have been below what they would have been during a normal year, on average. Many times over the past five years, a positive price effect offset some or all of the loss due to lower yield.

Spring wheat scab losses have generally increased over time when both the yield and price effects are considered. Total direct spring wheat scab losses since 1993 were worse every year except one, the exception being 1996. Barley losses were substantial in three of the five years: the largest was in 1993 followed by 1997 and 1995. For durum, the yield effect exceeded the price effect in two of the five years, 1995 and 1996.

Yield losses were calculated as the difference between trend yields and actual yields. Trend yields were derived from 1970–92 data, leaving out two drought years. The trends were extended to 1997 to derive losses during 1993–97. The yield losses were calculated for Crop Reporting Districts 2, 3, 5, 6, and 9, essentially the eastern portion of North Dakota that has suffered from scab.

Price impacts were calculated as the difference between normal prices and actual net selling prices. For spring wheat, normal prices for 1993–97 were derived from the 1989–92 price relationship between actual net selling prices and Minneapolis futures prices. For durum, normal prices for 1993–97 were derived by multiplying the 1993–97 spring wheat normal prices by a factor of 1.09, which is the long-term price relationship between durum and spring wheat prices. For barley, normal prices for 1993–97 were derived from the 1989–92 price relationship between actual net selling prices and Duluth feed barley prices. These methods permitted both the yield and quality effects to be reflected in the price impacts.

This analysis did not address such factors as insurance indemnity payments and disaster payments. Both were substantial in 1993. Based on my observation of yields in 1997, however, I would expect that insurance indemnity payments will be relatively low this year. Many yields appear to be about at the level where insurance indemnity payments would just start to be realized.

[From the Grand Forks Herald, Sept. 12, 1997]

AN AGRICULTURAL NIGHTMARE—INFESTATIONS OF SCAB PROVIDE AREA FARMERS LOTS OF PAINS IN AND OUT OF THE FIELDS

(By Erin Campbell)

Termed the Armageddon for wheat and barley and compared with cancer, scab remains an uninvited guest and pillager of small grains fields in the region for the last five years.

"It's not a new disease to the area," says Jochum Wiersma, small grains specialist with University of Minnesota, Crookston. In fact, it's popped up a few times in the region since the turn of the century.

Scab can infest any wheat-growing area if it has the right moisture conditions to develop, he says.

"We certainly are due for a break," says Don Loeslie, a Warren, Minn., farmer.

Wetter-than-normal weather conditions provide tailor-made conditions for scab to thrive and impact the rural economy.

"When we got rain in July, it used to add to bushels, now it takes away," says Neal Fisher, deputy administrator for the North Dakota Wheat Commission.

For some producers, scab has robbed them of profits for five years.

"It was the sure crop to plant. We could always pencil in a profit," Loeslie says. When farmers deliver grain to their local grain elevator, its quality is evaluated, and the grain is "graded." Grades vary from elevator to elevator. At the MayPort (Mayville and Portland, N.D.) Farmers Co-op elevator grades include milling, No. 1, No. 2, No. 3, No. 4 and terminal or feed wheat.

The price impact of a difference between grades usually amounts to 5 to 10 cents. Feed wheat usually brings 70 cents less than the top market price.

Farmers also receive discounts for low test weight and damage, or they may collect premiums for high protein content.

This year, discounts for damaged wheat aren't as severe as previous years because the shriveled, scabby grain kernels didn't make it into producers' combine hoppers, says Dan Pinske, general manager for MayPort Farmers Co-op elevator.

Instead of discounts, farmers harvested less grain.

"It (scab) was so severe it (scab-damaged grain)— didn't make it into the combine, so they lost a lot of bushels," he says.

ECONOMIC IMPACT

Those lost bushels affect producer's profits and the entire region's economy.

Elevators profiting on volume have been hit in the pocketbook as scab reduces the region's wheat yields.

"If we start knocking off 30 to 40 percent of the potential (crop), it's a huge income loss," Pinske said.

A study recently done by Demcey Johnson and George Flaskerud, both of North Dakota State University's Agricultural Economics Department, shows scab caused a total economic impact of $2,875 billion from 1993 to 1997. That's a combination of a $934 million direct impact and an indirect impact of $1.941 billion.

Producers in Minnesota saw a 33 percent loss due to scab in 1993. This year, the loss is expected between 12 percent and 18 percent in the northwest valley area of Minnesota, says Roger Jones, Extension plant pathologist at the University of Minnesota.

That loss is comparative to the direct impact of losing one year's entire wheat crop, Fisher says.

The total economic impact of spring wheat production on the region would be about $3.96 billion, using last year's production of 313.5 million bushels multiplied by an average seasonal price of $4.10, a plus a "multiplier" effect. Durum, at 79.4 million bushels times the seasonal average price last year of $4.40, plus the multiplier effect, equals roughly $1.08 billion. All barley, at 143 million bushels, times an average seasonal price (average of feed and malting) of $2.45, plus the multiplier effect, also is equivalent to about $1.08 billion.

The scab epidemic has made research efforts a main focus to get the wheat industry back in the black.

But, that takes money.

Scab has become a more prominent issue since 1993 and was the reason for a visit by the newly appointed U.S. Department of Agriculture undersecretary for research, economics and education, Miley Gonzalez.

The North Dakota Wheat Commission and other state grain commissions and councils also are making research a priority when preparing budgets.

The North Dakota Wheat Commission has about $2.4 million to spend this year. If estimates are correct, and the wheat harvest is 100 million bushels lower, the commission will have $800,000 less than last year. The commission's budget comes from an 8/10 of a cent per bushel checkoff.

But, commissions and councils can't shoulder the entire research effort, either.

Attempts at gaining more federal dollars for research are slowly gaining strength in Washington. About $1.2 million in federal funding is planned for 1998.

STOPPING SCAB

Instead of battling the problem individually, states also are teaming up to stop scab.

Minnesota, North Dakota, South Dakota and Canada joined forces in 1993 after the Minnesota Association of Wheat Growers organized a scab symposium.

A 12-state scab initiative, which includes the Dakotas and Minnesota, also was initiated a few years ago.

"The fact that it affects other wheat is, in a way, a blessing in disguise because it becomes a national problem," Wiersma said.

One of the key research tasks is finding varieties that resist scab.

"Variety shifts have cut the disease levels in half." Jones said.

Most of the varieties used by producers existed before the epidemic hit, and some new varieties have proven to be less susceptible. Barley has not made variety changes to date, but varieties on the horizon look promising.

For a variety to be successful; resistance would need to be twice the current resistance level, Jones says.

"I have a lot of confidence in our scientists, but it's not going to be overnight," Fisher said.

In order to solve the scab problem, the industry needs to focus on more than resistant varieties.

Although controversial, different residue practices, such as plowing, may help destroy scab inoculum.

The only way to prove it is by plowing the whole valley, which is unlikely, Wiersma says.

"Producers need to look at their residue programs. Simply relying on genetic resistance, we are going to have a difficult time resolving this problem," Jones said.

Change in rotation practices and alternative crops also are options, but they alone cannot solve the problem, either.

"Rotation has an impact, but it's marginal," Wiersma says.

OTHER CROPS

Alternative crops, such as oilseeds and beans, face market uncertainty because of overproduction. Many producers have decreased wheat acres as much as possible and are trying other crops.

"Producers are looking for every alternative they can, and that's understandable considering the circumstances. (However) those markets are easily saturated," Fisher said.

Many producers also are considering planting winter wheat, but it also can be attacked by scab if excessive moisture comes at the wrong time, Jones says.

And there simply is not a large enough variety of crops to choose from in the northern valley.

"There aren't enough specialty crops to tide us over. We don't have the luxury of the southern areas," Loeslie says.

Besides, producers who use wheat as a rotation for other crops, such as sugar beets, can't change their rotation plan.

Sugar beets are planted on a field once every three years, with four years being optimal, said Mark Weber, executive director of the Red River Valley Sugarbeet Growers.

Like the flood that hit Grand Forks this spring, this river of scab will never be forgotten, Loeslie says.

"It's not a healthy situation for the region."

But the producers in this area will not go down without a fight. Loeslie is confident the dedication and work of a team effort will prove to be successful in the long-term.

"I hate to give up. Wheat has been too good to us for too long."

RESOURCE CONSERVATION AND DEVELOPMENT

Mrs. MURRAY. Mr. President, the conference report (105-252) on Department of Agriculture appropriations includes $34.4 million for resource conservation and development [RC&D]. The conferees note that this increase in funding is not specifically earmarked for any initiative but should be used for approved RC&D Councils waiting for funding. I agree that the Natural Resource Conservation Service [NRCS] should prioritize funding for newly approved RC&D Councils. These councils provide much needed assistance to watersheds and conservation districts seeking to maximize the environmental benefits of their conservation programs. RC&D Councils should be funded. RC&D is a very important program for protection and prudent development of our Nation's natural resource base. Working through local RC&D Councils, this program helps enhance our ability to meet economic objectives within the context of a wise and sustainable use of our natural resources. In Washington State, a State rich in natural resources, RC&D offers the chance to meet the challenges of threatened resources in the face of demands for continued economic development.

Mr. BUMPERS. Mr. President, I agree with the Senator from Washington. The purpose of the RC&D program is to encourage and improve the capability of State and local units of government and local nonprofit organizations in rural areas to plan, develop, and carry out programs for resource conservation and development. The NRCS also helps coordinate available Federal, State, and local programs to ensure adequate protection of natural resources while promoting sound development practices. Funding of the RC&D Councils is an important priority for the NRCS, as correctly emphasized by the conferees, and I urge the NRCS to not overlook opportunities to enhance the efforts of the RC&D Councils in a manner complimentary and consistent with these stated objectives.

Mr. WYDEN. Mr. President, I would like to join my colleagues in expressing support for the important work of RC&D Councils as well as opportunities to enhance these efforts. I urge the NRCS to seek avenues that maximize the beneficial conservation and environmental purposes of RC&D activities.

Mr. COCHRAN. Mr. President, as provided by the unanimous-consent agreement taking up this appropriations conference report, there are 20 minutes equally divided available for further discussion of the conference report. I have had some indication that there may be one or two Senators who may wish to comment. Pending their arrival on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I have been advised by the staff that hotlines have been sent out to Members on both sides, and we have no indication that any other Senator wants to come and speak on the subject of the conference report.

Therefore, I am authorized by the distinguished ranking member to yield back all time remaining on the conference report on both sides of the aisle, and I now so do.

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

The conference report was agreed to.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for morning business until 6:30 p.m. within which Senators may be permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 28, 1997, the Federal debt stood at $5,429,321,910,123.66 (Five trillion, four hundred twenty-nine billion, three hundred twenty-one million, nine hundred ten thousand, one hundred twenty-three dollars and sixty-six cents).

One year ago, October 28, 1996, the Federal debt stood at $5,233,941,000,000 (Five trillion, two hundred thirty-three billion, nine hundred forty-one million).

Five years ago, October 28, 1992, the Federal debt stood at $4,065,988,000,000 (Four trillion, sixty-five billion, nine hundred eighty-eight million).

Ten years ago, October 28, 1987, the Federal debt stood at $2,385,891,000,000 (Two trillion, three hundred eighty-five billion, eight hundred ninety-one million).

Fifteen years ago, October 28, 1982, the Federal debt stood at $1,142,243,000,000 (One trillion, one hundred forty-two billion, two hundred forty-three million) which reflects a debt increase of more than $4 trillion—$4,287,078,910,123.66 (Four trillion, two hundred eighty-seven billion, seventy-eight million, nine hundred ten thousand, one hundred twenty-three dollars and sixty-six cents) during the past 15 years.

NGAWANG CHOEPHEL

Mr. LEAHY. Mr. President, I regret that I must again bring to the Senate's attention the situation of imprisoned Tibetan music and dance scholar, Ngawang Choephel. I had hoped that Chinese authorities would have recognized by now the grave mistake they made in sentencing him to 18 years in prison.

In 1995, Mr. Choephel was in Tibet making a documentary film of traditional Tibetan music and dance when he was detained by Chinese authorities. After being held incommunicado for 15 months without access to his family or independent legal counsel, Mr. Choephel was sentenced to 18 years in prison for violating the State Security Law. It was insinuated that he was paid by the U.S. Government to spy on behalf of the Dalai Lama. No evidence to support such a claim has ever been produced. The 16 hours of film Mr. Choephel sent to India during the first weeks of his project simply contain footage of the traditional music and dance he said he had gone to document.

Persistent inquiries to Chinese authorities regarding Mr. Choephel's whereabouts and the condition of his health have produced little information. I wrote to the head of the Chinese Communist Party soon after Mr. Choephel's detention and received no reply. I raised his case personally in meetings with President Jiang Zemin and other Chinese officials last November in Beijing and received no reply. I have written to President Jiang since then to urge his personal intervention in this case and received no reply. I am just one of many who have sought information about Mr. Choephel to no avail. As of today we have no information as to where Mr. Choephel is being held, or even if he is still alive.

This is an outrageous situation. A former Fulbright Scholar has been deprived of 18 years of his life as a result of spurious charges by a government that will not even reveal his whereabouts. I have urged the White House to raise Mr. Choephel's case with President Jiang. I plan to do the same. If President Jiang is interested in fostering closer ties with the United States, he could make no gesture more meaningful than ordering his release.

Mr. President, I ask unanimous consent that excerpts from an article entitled "Who Is Invited to the Banquet?" by Jeff Kaufman of the Rutland Daily Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rutland Daily Herald, Oct. 23, 1997]

WHO IS INVITED TO THE BANQUET?—TIBETAN FROM VERMONT REMAINS IN CHINESE PRISON

(By Jeff Kaufman)

In a few weeks, the Clinton administration will welcome Chinese President Jiang Zemin on his first state visit to the United States. Champagne, smiles, encouraging words and a good dose of pomp and circumstance will be broadcast, not just to Americans, but around the world. Sidebar statements about human and workers' rights will be drowned out by televised images that will instantly convey the central message of such a historic meeting: The leaders of the world's most powerful countries are celebrating joint ventures and common purpose.

* * * * *

Anonymity for political prisoners is a tyrant's ally, so here is a name and a story to personalize the kind of cruelty imposed by China's prison archipelago. This individual case may be not be typical in that it involves a young man who left the safety of America to travel to his native Tibet, but it is all too typical in its show of intolerance, judicial abuse and lack of regard for basic standards of human rights.

Tibetan exile and Fulbright scholar Ngawang Choopal came to this country at the age of 27 to study ethnomusicology at Middlebury College in 1993. In the summer of 1995, he returned to Tibet to film a documentary about traditional Tibetan music and dance. Sixteen hours of video were sent to friends in the West; they show beautiful images and sounds of a great culture, but no military installations, no political protests, not a critical word against China.

Nonetheless, Chinese authorities arrested Ngawang Choepal in Llasa's Shigatse market in September 1995. He was incarcerated for 15 months without being allowed to meet his family, independent legal counsel, or American representatives. Sen. Patrick Leahy visited Beijing in November 1996 and appealed directly to President Jiang Zemin on behalf of Ngawang. That plea was at first followed by a vague promise to examine the case. A month later, Chinese authorities convicted Ngawang Choepal of espionage and providing information "to the Dalai Lama clique's government-in-exile and to an organization of a certain foreign country."

The sentence imposed was stunningly severe: 18 years in prison. Eighteen years in a Chinese jail for videotaping people dancing to old Tibetan songs.

The Chinese government has ignored assurances from the United States that Ngawang Choepal is just a non-political music student, several congressional resolutions in his support, pleas from his family and a number of worldwide letter-writing campaigns.

In fact, the international Campaign for Tibet reports that the American Embassy in Beijing is not even certain in what prison Ngawang is being held.

Ngawang Choepal's case is tragic on its own very personal terms and as a reflection of a much wider Chinese decision to wipe out all opposition no matter how benign and no matter how inadvertent.

Such an outrageous violation of human rights should be a serious obstacle to productive relations between the United States and China (it certainly would be if the offending country had less trade potential).

Sadly, President Clinton and in essence our whole country will soon host the man who is responsible for locking up Ngawang Choepal and who could instantly set him free. When President Jiang Zemin visits America later this month, he'll be toasted, feasted, and courted by businesses and lobbyists. Ngawang Choepal's voice will not pass through the thick stone walls that he faces every day.

Who will speak out for him and thousands like him?

It should be our president and secretary of state using the impressive clout of the United States. Soon we will see what this country really stands for.

DEATH OF FORMER SENATE PRESS GALLERY SUPERINTENDENT DON C. WOMACK

Mr. BYRD. Mr. President, I was saddened to learn that Don C. Womack, who served as superintendent of the U.S. Senate Press Gallery from 1973 to 1981, died of cancer Thursday morning at his home in Arlington at the age of 87.

Don was born in Danville, Virginia August 22, 1910. He moved to the Washington Area in 1935, and attended the Corcoran School of Art and George Washington University. He managed a string of movie theaters in Northern Virginia before taking a job as staff assistant in the House of Representatives Periodical Press Gallery in 1948, beginning a 33-year career as a press liaison on Capitol Hill.

Don began working in the Senate Press Gallery in 1951. He briefly left to serve as superintendent of the House Periodical Gallery in 1954 and 1955, then returned to the Senate to be deputy superintendent, and continued in that capacity until his promotion in 1973.

Don became superintendent of the Senate gallery during a tumultuous time—the beginning of the Watergate hearings. He weathered the storm, and received a commendation from the Standing Committee of Correspondents, the governing body of the Congressional press galleries, for his handling of the hearings.

During his tenure as superintendent, Don presided over press coverage of the Senate during such major events as the end of the Vietnam War, the Panama Canal Treaties debates, and the ABSCAM hearings. He assisted with media arrangements for the Republican and Democratic Conventions and the Presidential Inaugurals from 1948 to 1988. He was a tremendous help to Senators, staff members and the members of the press.

A Southern gentleman with a quick wit and warm sense of humor, Don was one of the true characters to roam the halls of Congress. He was beloved by reporters and Senators alike for his storytelling, his affable nature, and his seemingly endless repertoire of jokes. He will be greatly missed.

My deepest sympathy goes out to his wife, Mary Womack; his two daughters, Kay Duda of Alexandria and Patricia Fair of Eatontown, New Jersey; his five grandchildren; eleven great grandchildren, and his great-great grandson.

MESSAGES FROM THE PRESIDENT

REPORT OF ACHIEVEMENTS IN AERONAUTICS AND SPACE FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1996, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities in FY 1996 involved 14 contributing departments and agencies of the Federal Government.

A wide variety of aeronautics and space developments took place during FY 1996. The Administration issued an integrated National Space Policy, consolidating a number of previous policy directives into a singular, coherent vision of the future for the civil, commercial, and national security space sectors. The Administration also issued a formal policy on the future management and use of the U.S. Global Positioning System.

During FY 1996, the National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. NASA also launched 7 expendable launch vehicles, while the Department of Defense launched 9 and the commercial sector launched 13. In the reusable launch vehicle program, Vice President Gore announced NASA's selection of a private sector partner to design, fabricate, and flight test the X-33 vehicle.

Scientists made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. Most notably, NASA researchers cooperating with the National Science Foundation found possible evidence of ancient microbial life in a meteorite believed to be from Mars.

In aeronautics, activities included the development of technologies to improve performance, increase safety, reduce engine noise, and assist U.S. industry to be more competitive in the world market. Air traffic control activities focused on various automation systems to increase flight safety and enhance the efficient use of air space.

Close international cooperation with Russia occurred in the Shuttle-Mir docking missions and with Canada, Europe, Japan, and Russia in the International Space Station program. The United States also entered into new cooperative agreements with Japan and new partners in South America and Asia.

In conclusion, FY 1996 was a very active and successful year for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, environmental health, and economic competitiveness.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 29, 1997.*

MESSAGES FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 286. Resolving that the House has heard with profound sorrow of the death of the Honorable Walter H. Capps, a Representative from the State of California.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-279. A resolution adopted by the Council of the City of Monterey Park, California relative to the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

POM-280. A resolution adopted by the Council of the City of West Sacramento, California relative to spent nuclear fuel; to the Committee on Energy and Natural Resources.

POM-281. A resolution adopted by the Upper Mississippi River Basin Association relative to the Missouri River; to the Committee on Environment and Public Works.

POM-282. A resolution adopted by the Lenawee County Board of Commissioners (Michigan) relative to the Environmental Protection Agency; to the Committee on Environment and Public Works.

POM-283. A resolution adopted by the Macedonian Patriotic Organization of the United States and Canada relative to the former Federal Republic of Yugoslavia; to the Committee on Foreign Relations.

POM-284. A resolution adopted by the Macedonian Patriotic Organization of the United States and Canada relative to the Republic of Macedonia; to the Committee on Foreign Relations.

POM-285. A resolution adopted by the Macedonian Patriotic Organization of the United States and Canada relative to the North Atlantic Treaty Organization and the Republic of Macedonia; to the Committee on Foreign Relations.

POM-286. A resolution adopted by the Macedonian Patriotic Organization of the United States and Canada relative to the government of Greece; to the Committee on Foreign Relations.

POM-287. A resolution adopted by the Macedonian Patriotic Organization of the United States and Canada relative to the European Union; to the Committee on Foreign Relations.

POM-288. A resolution adopted by the Macedonian Patriotic Organization of the United States and Canada relative to capital investment for the Republic of Macedonia; to the Committee on Foreign Relations.

POM-289. A resolution adopted by the Council of the City of Plantation, Florida relative to the proposed "Private Property Rights Implementation Act"; to the Committee on the Judiciary.

POM-290. A resolution adopted by the Board of Supervisors, County of Los Angeles, California relative to the proposed "Immigration Reform Transition Act of 1997"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 79. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe (Rept. No. 105–117).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 53. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes (Rept. No. 105–118).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 967. A bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska natives and rural residents, and for other purposes (Rept. No. 105–119).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels (Rept. No. 105–121).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1294. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program (Rept. No. 105–122).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works: Kenneth R. Wykle, of Virginia, to be Administrator of the Federal Highway Administration.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Finance:

Mary Ann Cohen, of California, to be a judge of the U.S. Tax Court for a term of 15 years after she takes office (Reappointment).

Margaret Ann Hamburg, of New York, to be an Assistant Secretary of Health and Human Services.

Stanford G. Ross, of the District of Columbia, to be a member of the Social Security Advisory Board for a term expiring September 30, 2002.

David W. Wilcox, of Virginia, to be an Assistant Secretary of the Treasury.

Rita D. Hayes, of South Carolina, to be Deputy U.S. Trade Representative, with the rank of Ambassador.

Charles Rossotti, of the District of Columbia, to be Commissioner of Internal Revenue.

David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

Jacques Gansler, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

John E. Mansfield, of Virginia, to be a member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2001.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Steward E. Cranston, 8502.

The following-named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. James P. Czekanski, 6070

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig Gen. Rendell F. Clark, Jr., 0152
Brig Gen. Wilfred Hessert, 8822
Brig Gen. Theodore F. Mallory, 3006
Brig Gen. Loran C. Schnaidt, 1892
Brig Gen. James E. Whinnery, 5760

To be brigadier general

Col. Garry S. Bahling, 1521
Col. David A. Beasley, 0103
Col. Jackson L. Davis, III, 0987
Col. David R. Hudlet, 0856
Col. Karl W. Kristoff, 4801
Col. John A. Love, 4350

Col. Clark W. Martin, 9609
Col. Robert P. Meyer, Jr., 3099
Col. John H. Oldfield, Jr., 0627
Col. Eugene A. Schmitz, 2448
Col. Joseph K. Simeone, 3044
Col. Dale K. Snider, Jr., 3065
Col. Emmett R. Titshaw, 1140
Col. Edward W. Tonini, 1963
Col. Giles E. Vanderhoof, 8468

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. John A. Gordon, 7817

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig Gen. Paul A. Weaver, Jr., 8755

To be brigadier general

Col. Craig R. McKinley, 8368
Col. Kenneth J. Stromquist Jr., 6182
Col. Jay W. Van Pelt, 3971

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Peter J. Schoomaker, 3788

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jack P. Nix, Jr., 1547

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Larry R. Jordan, 0772

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Fletcher C. Coker, Jr., 6733

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral (lower half)

Capt. Phillip M. Balisle, 3385
Capt. Kenneth E. Barbor, 7864
Capt. Larry C. Baucom, 2710
Capt. Robert E. Besal, 1115
Capt. Joseph D. Burns, 3870
Capt. Joseph A. Carnevale, Jr., 0347
Capt. Jay M. Cohen, 8660
Capt. Christopher W. Cole, 7275
Capt. David R. Ellison, 9973
Capt. Lillian E. Fishburne, 0641
Capt. Rand H. Fisher, 2658
Capt. Alan M. Gemmill, 5200
Capt. David T. Hart, Jr., 6096
Capt. Kenneth F. Heimgartner, 7295
Capt. Joseph G. Henry, 8067
Capt. Gerald L. Hoewing, 6618
Capt. Michael L. Holmes, 7043
Capt. Edward E. Hunter, 0022
Capt. Thomas J. Jurkowsky, 4460
Capt. William R. Klemm, 8633
Capt. Michael D. Malone, 2917
Capt. William J. Marshall, III, 7915
Capt. Peter W. Marzluff, 8982
Capt. James D. McArthur, Jr., 9260
Capt. Michael J. McCabe, 0987
Capt. David C. Nichols, Jr., 5011
Capt. Gary Roughead, 6126
Capt. Kenneth D. Slaght, 3471
Capt. Stanley R. Szemborski, 8912
Capt. George E. Voelker, 1271
Capt. Christopher E. Weaver, 5940
Capt. Robert F. Willard, 1564
Capt. Charles B. Young, 0248

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10 United States Code, section 624:

To be rear admiral (lower half)

Capt. Marion J. Balsam, 8109
Capt. Barry C. Black, 6743
Capt. Richard T Ginman, 6455
Capt. Michael R. Johnson, 2467
Capt. Charles R. Kubic, 6173
Capt. Rodrigo C. Melendez, 1580
Capt. Daniel H. Stone, 0520

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

To be Admiral

Vice Adm. Donald L. Pilling, 5233

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Conrad C. Lautenbacher, 2275

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (lh) Lowell E. Jacoby, 4376

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Michael L. Bowman, 1041

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Vernon E. Clark, 8489

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 17 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORD of June 12, September 18, October 7, 9, and 20, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators:

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 12, September 18, October 7, 9, 20, 1997, at the end of the Senate proceedings.)

Military nominations which have been pending with the Senate Armed Services Committee the required length of time and which are proposed for the committee's consideration on October 28, 1997.

In the Naval Reserve there is one appointment to the grade of captain (Jeffrey L. Schram, USNR) (Reference No. 384-2)

In the Navy there are 587 appointments to the grade of commander (list begins with Frank P. Achron, Jr.) (Reference No. 654)

In the Army there are six appointments to the grade of lieutenant colonel and below (list begins with Reed S. Christensen) (Reference No. 704)

In the Army there are two appointments to the grade of major (list begins with Perry W. Blackburn, Jr.) (Reference No. 705)

In the Marine Corps there is one appointment to the grade of lieutenant colonel (Paul D. McGraw) (Reference No. 706)

In the Navy there are three appointments to the grade of lieutenant (list begins with Frederick Braswell) (Reference No. 707)

In the Navy there are 690 appointments to the grade of lieutenant comaander (list begins with Leigh P. Ackart) (Reference No. 708)

In the Navy there are 216 appointments to the grade of lieutenant (list begins with William L. Abbott) (Reference No. 709)

In the Navy there are 53 appointments to the grade of lieutenant commander (list begins with William B. Allen) (Reference No. 710)

In the Air Force there are 1,292 appointments to the grade of lieutenant colonel (list begins with Rebecca G. Abraham) (Reference No. 711)

In the Army there are three appointments as permanent professors at the U.S. Military Academy to the grade of colonel and below (list begins with Russell D. Howard) (Reference No. 742)

In the Air Force there are 49 appointments to the grade of captain (list begins with Share Dawn P. Angel) (Reference No. 748)

In the Army there are 16 appointments to the grade of colonel (list begins with Debra L. Boudreau) (Reference No. 749)

In the Army there are three appointments to the grade of lieutenant colonel (list begins with Lelon W. Carroll) (Reference No. 750)

In the Naval Reserve there is one appointment to the grade of captain (Arvin W. Johnsen) (Reference No. 751)

In the Navy there are two appointments to the grade of captain (list begins with William L. Richards) (Reference No. 752)

In the Navy there is one appointment to the grade of commander (James R. Pipkin) (Reference No. 753)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 1329. A bill to prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes; to the Committee on Indian Affairs.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1330. A bill to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McClosky Postal Facility"; to the Committee on Governmental Affairs.

By Mr. McCAIN:

S. 1331. A bill to amend title 49, United States Code, to enhance domestic aviation competition by providing for the auction of slots at slot-controlled airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 1332. A bill to amend title 28, United States Code, to recognize and protect State efforts to improve environmental mitigation and compliance through the promotion of voluntary environmental audits, including limited protection from discovery and limited protection from penalties, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FRIST:

S. 1333. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself, Mr. SHELBY, Mr. WARNER, Mr. REID, Mr. JOHNSON, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. MACK, Mrs. MURRAY, Mr. ASHCROFT, Mr. CRAIG, Mr. BUMPERS, Mr. LEAHY, Ms. COLLINS, Mr. SESSIONS, Mr. ALLARD, Mr. BAUCUS, and Mrs. FEINSTEIN):

S. 1334. A bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system; to the Committee on Armed Services.

By Ms. SNOWE:

S. 1335. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

By Mr. GRAHAM:

S. 1336. A bill for the relief of Roy Desmond Moser; to the Committee on the Judiciary.

S. 1337. A bill for the relief of John Andre Chalot; to the Committee on the Judiciary.

By Mr. KERREY:

S. 1338. A bill to authorize the expenditure of certain health care funds by the Ponca Tribe of Nebraska; to the Committee on Indian Affairs.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1339. A bill to provide for an increase in pay and allowances for members of the uniformed services for fiscal year 1998, to improve certain authorities relating to the pay and allowances and health care of such members, to authorize appropriations for fiscal year 1998 for military construction, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1340. A bill entitled the "Telephone Consumer Fraud Protection Act of 1997."; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1341. A bill to provide for mitigation of terrestrial wildlife habitat lost as a result of the construction and operation of the Pick-Sloan Missouri River Basin program in the State of South Dakota, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. THOMAS):

S. 1342. A bill to amend title XVIII of the Social Security Act to increase access to quality health care in frontier communities by allowing health clinics and health centers greater medicare flexibility and reimbursement; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1343. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax rate on tobacco products and deposit the resulting revenues into a Public Health and Education Resource Trust Fund, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. KEMPTHORNE, Mr. WELLSTONE, Mr. AKAKA, Mr. CRAIG, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. CHAFEE, Mr. BRYAN, Ms. COLLINS, Mr. FORD, Mr. SARBANES, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. ROTH, Mr. KOHL, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. WARNER, Mr. FRIST, Mr. DORGAN, Mr. SPECTER, Mr. ROBB):

S. Res. 141. A resolution expressing the sense of the Senate regarding National Concern About Young People and Gun Violence Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 1329. A bill to prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN TRUST LANDS REFORM ACT OF 1997

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation aimed at returning some common sense to one aspect of the Federal Government's Indian lands policies. My bill, the Indian Trust Lands Reform Act of 1997, arises out of a problem Connecticut and other States have been struggling with for the last few years.

The bill would amend the Indian Reorganization Act of 1934 to reinforce its original purpose: helping Indian tribes and individual Indians to hold on to or obtain land they need to survive economically and become self-sufficient. Congress passed the 1934 act after the landholdings of some tribes had dwindled down to acres. Tribes and their members were selling and losing land to foreclosures, tax arrearages, and the like. The 1934 act gave the Secretary of the Interior the authority needed to help tribes hold on to or acquire land on which they could earn a living and, further, to hold those lands in trust for them so they would not be sold or otherwise lost. Once the United States takes land into trust for a tribe through this process, the land becomes part of the tribe's sovereign property. This means that State and local governments no longer have jurisdiction over the land, and the land is removed from those governments' tax, zoning, and police powers.

Economic conditions for some tribes have improved since 1934 through a variety of commercial, agricultural, and other enterprises, but many are still struggling. Few could be described as rich or even comfortable; far too many still live in poverty. The 1934 act should remain available to help those tribes who still need assistance from the Federal Government in attaining economic self-sufficiency.

As our experience in Connecticut has shown, however, that act is now being used to achieve goals far removed from its original purpose. As a result of the Indian Gaming Regulatory Act of 1988, many tribes have established casinos and gambling operations, and, although gaming has not brought riches to many of those tribes, some have been very successful, particularly in my home State. One of the most successful gambling casinos in the country is located in eastern Connecticut and is owned and operated by the Mashantucket Pequot Tribe. The success of the tribe's Foxwoods Casino has been well chronicled. Established in 1992, the casino has been open 24 hours a day, 7-days a week ever since. Whatever one thinks about the Indian Gaming Regulatory Act or gambling, either morally or as a vehicle for economic growth, the Mashantucket Pequots seized the opportunity presented to them by the Indian Gaming Act. They have developed an extraordinarily successful, well-run casino in record time. Annual casino revenues for the 500-member tribe reportedly approach $1 billion. By any measure, the tribe has become very wealthy.

Given the tribe's tremendous financial success, it is not at all surprising that it has decided to buy more land near its reservation in order to expand and diversify its businesses. According to press accounts, the tribe owns over 3,500 acres outside of the boundaries of its reservation, in addition to the approximately 1,320 acres that is held in trust on its behalf within the reservation. The tribe is now the largest private landowner in southeastern Connecticut. It already runs several hotels outside of its reservation's boundaries, and tribal leaders have at various times talked of building a massive theme park and golf courses on its off-reservation land.

The tribe owns its land in fee simple and so is free to develop it like any other property owner might. But unlike other property owners—who must develop their land in compliance with State and local zoning laws and who must pay taxes on the land and on the businesses conducted on the land—the tribe has claimed it has the option, under the 1934 act, to ask the Department of the Interior to take that land in trust on the tribe's behalf, thereby removing the land from all State and local jurisdiction. This is an option because the Department of Interior interprets the 1934 act as being available, with limitations, to all federally recognized tribes, regardless of whether the tribe's situation bears any resemblance to the conditions that originally spurred Congress to enact the 1934 provisions.

And, this is an option the Mashantucket Pequots have exercised. In 1992, the Department of Interior granted the tribe's request to take into trust approximately 20 acres located outside the tribe's reservation boundaries in the neighboring towns of Ledyard and Preston. In January 1993, the tribe filed another application, this one to have an additional 248 off- reservation acres taken in trust. The affected towns of Ledyard, North Stonington, and Preston challenged that request. Nevertheless, the Department of Interior granted that request in May 1995, subject to certain conditions regarding the land's development—a decision the towns and the Connecticut attorney general are challenging in Federal court. In March 1993, the tribe applied to have 1,200 more off-reservation acres taken in trust. That request was sent back to the tribe because of legal deficiencies in the application, but reapplication by the tribe is expected, and past statements by tribal leaders suggest that more applications may be filed in the future.

The effect of the tribe's and the Department of Interior's decisions involving off-reservation lands has been unsettling, to say the least, on the tribe's neighbors—the residents of the small towns that border the reservation. Once the United States takes land into trust on behalf of a tribe, as it has attempted to do here, boundaries change permanently. The land is no longer within the jurisdiction of the State or local governments. It is not subject to local zoning, land-use or environmental controls. Taxes cannot be collected on the land or on any business operated on the land. And State and local governments may exercise no police powers on the land unless invited by the tribe to do so.

The plight of the towns surrounding the Mashantucket Pequot lands show that these problems are not just theoretical. Ledyard, North Stonington, and Preston are small communities whose combined population is about 25,000—less than half the number of visitors the Foxwoods Casino receives on a typical summer weekend. The towns have a combined annual tax revenue of approximately $25 million—less than half the amount of revenue the casino's slot machines generate in 1 month alone. Obviously, towns of this size cannot absorb a business of this size without there being any consequences. As a result of the Casino's success, the character of the towns has been permanently altered, and the costs of local government—from crime prevention to road maintenance to countless other things—have increased, all at the same time that the 1934 act has precluded the towns from exercising zoning and other controls and from collecting taxes to help defray the newly imposed costs.

Given the financial resources of the tribe and the apparent willingness of the Department of Interior to take land into trust on their behalf regardless of any evidence that the tribe needs additional trust lands, many residents wonder where this will lead. I question the policy justification for the United States to change the boundaries of three Connecticut towns unilaterally so that an extraordinarily wealthy tribe—this one or any other —can expand its gaming or other business enterprises, free of taxes and local land-use controls, particularly when that tribe is perfectly capable of expanding its businesses on the thousands of trust and nontrust acres it presently owns. I question whether Congress—which enacted the 1934 act "to provide for the acquisition, through purchase, of land for Indians, now landless, who are anxious to make a living on such land * * *" and "to meet the needs of landless Indians and of Indian individuals whose landholdings are insufficient for self-support" (Senate Report No. 1080, 73d Congress, 2d Session 1–2 (1934))—intended in 1934 that the law would be used in this fashion.

The authority for the Department of Interior to grant the tribe's request is now subject to review in the courts. The courts will have to decide whether the 1934 act even applies to this tribe and, if so, whether the Secretary acted properly. The courts will have to decide as well whether the 1983 Mashantucket Pequot Settlement Act independently prohibits trust acquisition by the tribe outside of reservation boundaries and whether the trust acquisition complied with applicable Federal environmental laws.

To avoid future disputes and controversy, my bill would amend the Indian Reorganization Act to return to its original purpose. It would prohibit the Secretary of Interior from taking any lands located outside of the boundaries of an Indian reservation into trust on behalf of an economically self-sufficient Indian tribe, if those lands are to be used for gaming or any other commercial purpose. It directs the Secretary of Interior to determine, after providing opportunity for public comment, whether a tribe is economically self-sufficient and to develop regulations setting forth the criteria for making that determination generally. Among the criteria that the Secretary must include in those regulations to assess economic self-sufficiency are the income of the tribe, as allocated among members and compared to the per capita income of citizens of the United States, as well as the role that the lands at issue will play in the tribe's efforts to achieve economic self-sufficiency. May I note that I understand that some tribes do not have reservations in the traditional sense, and so the language of this bill will have to be adjusted in the future to address the situation of those tribes.

In short, my bill is very narrow in scope, aimed solely at ensuring that the Department of Interior's awesome power to remove lands from State and local authority is used only in accordance with the original intent of the 1934 Act. The bill would not impose any restrictions on the Department's authority to take on-reservation land into trust. It would not affect the ability of the Secretary to assist tribes that genuinely need additional land—whether on or off their reservations—in order to move toward or attain economic self-sufficiency. It would not even affect the ability of the Department of Interior to take into trust off-reservation land for wealthy tribes needing the land for non-commercial purposes. The bill contains explicit exemptions for the establishment of initial reservations for Indian tribes, whether accomplished through recognition by the Department of Interior or by an act of Congress, and in circumstances where tribes once recognized by the Federal Government are restored to recognition. And, of course, it does not impact the ability of wealthy tribes to buy as much land as they want for whatever purpose they want it. The only thing my bill does do is to require tribes who are economically self-sufficient and who wish to engage in commercial activity outside of their reservation's boundaries to do so in compliance with the same local land-use and tax laws applied to every other land holder.

Mr. President, many residents of Connecticut applaud the success that the Mashantucket Pequot Tribe has had with its Foxwoods Casino. The tribe employs thousands of Connecticut residents in an area of the State that was hard hit by a lingering recession and cuts in defense spending. The tribe's plans for economic development of the region, while not universally liked, have many in the area genuinely excited about future opportunities.

I have discovered though that even among residents cheered by the tribe's success and supportive of its plans, there is a strong sense of unfairness about how the land in trust process is being used. They believe there is no reason why this tribe, or any other in a similar situation, needs to have the U.S. Government take additional, commercial land in trust on the tribe's behalf outside of its reservation boundaries. What is at stake here, after all, is not preserving a culture or achieving self-sufficiency, but expansion of an already successful business on lands that are owned by the tribe and developable by them, as they would be by any other landowner. Extra help is simply not needed, and continuing to grant it is not fair and, in my view, ultimately counterproductive for all involved.

It is time for Congress to make this common-sense clarification in the law. I urge my colleagues to join me in supporting this legislation, and ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Trust Lands Reform Act of 1997".

SEC. 2. PROHIBITION AGAINST TAKING CERTAIN LANDS IN TRUST FOR AN INDIAN TRIBE.

Section 5 of the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act of 1934") (48 Stat. 985; 25 U.S.C. 465) is amended—

(1) by striking the section designation and inserting immediately preceding the first undesignated paragraph the following:

"SEC. 5. ACQUISITION OF LANDS.";

(2) in the first undesignated paragraph, by striking "The Secretary of the Interior" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior";

(3) in the undesignated paragraph following subsection (a), as redesignated, by striking "For the" and inserting the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the";

(4) in the undesignated paragraph following subsection (d), as redesignated, by striking "The unexpended" and inserting the following:

"(e) AVAILABILITY OF UNEXPENDED BALANCES.—The unexpended";

(5) in the undesignated paragraph following subsection (e), as redesignated, by striking "Title to" and inserting the following:

"(f) EXEMPTION FROM TAXATION.—Title to"; and

(6) by inserting after subsection (a) the following:

"(b) PROHIBITION.—

"(1) IN GENERAL.—Except with respect to lands described in subsection (c), the Secretary of the Interior may not take, in the name of the United States in trust, for use for any commercial purpose (including gaming, as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) by an economically self-sufficient Indian tribe, any land that is located outside of the reservation of that Indian tribe as of the date of enactment of the Indian Trust Lands Reform Act of 1997.

"(2) DETERMINATION OF ECONOMIC SELF-SUFFICIENCY.—

"(A) IN GENERAL.—The Secretary of the Interior shall, after providing notice and an opportunity for public comment, determine whether an Indian tribe is economically self-sufficient for purposes of this subsection. The Secretary of the Interior shall issue regulations pursuant to section 553 of title 5, United States Code, to prescribe the criteria that shall be used to determine the economic self-sufficiency of an Indian tribe under this subsection.

"(B) CRITERIA.—The criteria described in subparagraph (A) shall include—

"(i) a comparison of the per capita allocation of the gross annual income of an Indian tribe (including the income of all tribal enterprises of the Indian tribe) among members of the Indian tribe with the per capita annual income of citizens of the United States; and

"(ii) the potential contribution of the lands at issue as trust lands toward efforts of the Indian tribe involved to achieve economic self-sufficiency.

"(c) TREATMENT OF CERTAIN LANDS.—Subsection (b) shall not apply—

"(1) with respect to any lands that are taken by the Secretary of the Interior in the name of the United States in trust, for the establishment of an initial reservation for an Indian tribe under applicable Federal law, including the establishment of an initial reservation by the Secretary of the Interior in accordance with an applicable procedure of acknowledgement of that Indian tribe, or as otherwise prescribed by an Act of Congress; or

"(2) to any lands restored to an Indian tribe as the result of the restoration of recognition of that Indian tribe by the Federal Government.".

By Mr. MCCAIN:

S. 1331. A bill to amend title 49, United States Code, to enhance domestic aviation competition by providing for the auction of slots at slot-controlled airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AVIATION COMPETITION ENHANCEMENT ACT OF 1997

Mr. MCCAIN. Mr. President, I am pleased to introduce the Aviation Competition Enhancement Act of 1997. This bill seeks, in a modest and rational fashion, to deregulate further our domestic aviation system, and to introduce additional competition in the airline industry for the benefit of travelers and communities.

This legislation is intended to reduce barriers to airline competition, including those imposed by the government. Anticompetitive Federal restrictions in particular—restrictions such as slot controls and the perimeter rule at National Airport—are barriers to competition in a deregulated environment.

The Department of Transportation [DOT], in a report released on October 22, 1997, reiterated its 1990 study on domestic competition, which demonstrated relatively high fares at network hubs dominated by one major carrier. In an April 1996 study, the DOT estimated that almost 40 percent of domestic passengers traveled in markets with low-fare competition, saving consumers an estimated $6.3 billion annually in airline fares. As the Department states in its most recent report, "[i]ndeed, we concluded that virtually all of the domestic traffic growth and declines in average fares in recent years could be attributed to this growing form of competition."

The General Accounting Office [GAO] reported in October 1996 that barriers to market entry persist in the airline industry, and that access to airports continue to be impeded by, first, Federal limits on takeoff and landing slots at the major airports in Chicago, New York, and Washington; second, long-term exclusive-use gate leases; and third, perimeter rules prohibiting flights at airports that exceed a certain distance. In addition, according to GAO, several factors have limited entry at airports serving small- and medium-sized communities in the East and upper Midwest, including the dominance of routes to and from those airports by one or two established airlines. The GAO concluded that operating barriers such as slot controls at nearby hub airports, and incumbent airlines marketing strategies' have fortified those dominant positions.

The National Commission to Ensure a Strong Competitive Airline Industry in 1993 recommended that the artificial limits imposed by slots either be removed or raised to the highest level consistent with safety. The Department of Transportation subsequently conducted a study, in which it found that eliminating slots would not affect safety and would result in increased competition. This bill, however, does not suggest that we eliminate slots.

Mr. President, I would like to outline what the Aviation Competition Enhancement Act of 1997 does:

Slot auction: The legislation mandates a slot allocation among new entrant and limited incumbent air carriers—air carriers that hold no more than 12 slots. The Secretary of Transportation is directed to create new slots where possible, and allocate unused slots.

If it is not possible to create slots because of capacity and noise limitations, which are not affected by this bill, the Secretary must withdraw a limited number of slots—up to 10 percent initially, 5 percent every 2 years following—that were grandfathered free-of-charge to the major air carriers in 1985 and that remain with those grandfathered carriers. The DOT cannot withdraw slots that are used to provide air service to under served markets. The withdrawn slots then will be auctioned among only the new entrant and limited incumbent air carriers.

The process for obtaining slots would be as follows. A new entrant or limited incumbent air carrier would apply to the DOT for slots, proposing the markets to be served and the times requested. The DOT must approve the application if it determines that the carrier can operate the proposed service for at least 180 days, and that the service will improve the competitive environment. The DOT can return the request to the applicant for further information.

While service to any city is eligible under this process, the DOT must prioritize applications that propose service between a high-density airport, a slot-controlled airport—National, Kennedy, LaGuardia, and O'Hare, and a relatively small city.

All slot auction proceeds would be deposited in the aviation trust fund. The legislation directs the DOT to institute action to ensure maximum slot usage, to tighten up the 80 percent use-or-lose provisions, and to study the effect of the high-density rule on airline competition, and the impact of changes to the rule on safety.

Complaints concerning predatory behavior: The legislation establishes a 90-day deadline for the DOT to respond to complaints of predatory behavior on the part of major air carriers.

Exemptions to perimeter rule at National Airport: The bill mandates that the Secretary grant exemptions from the perimeter rule to an air carrier proposing to serve Washington National from points beyond the perimeter, if the carrier's proposal would, first, provide service with network benefits, and second, increase competition in multiple markets. The proposal stipulates that the Secretary should not approve applications that propose to trade under served markets within the perimeter for long-haul markets that are well served from the Washington region.

The legislation would not affect the cap on the number of hourly operations at Washington National. The number of flights at National would not increase. Commercial aircraft operations at National Airport are limited to 37 takeoffs and landings per hour. This requirement stands independent of the perimeter rule. In addition, strict noise restrictions currently in place at National Airport would not be affected, nor would Federal Aviation Administration requirements ensuring that all aircraft flying into National, regardless of the time of day, meet the most stringent noise standards by the year 2000.

All exemption operations would be limited to stage 3 aircraft. The legislation would require the DOT to certify periodically that noise, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities within the perimeter have not been degraded as a result of this exemption authority.

The fact is that changes in the perimeter rule to allow some measure of flights outside the distance limit may very well reduce noise at National, as carriers replace older, short-hop aircraft with newer, longer range aircraft that are quieter. The next generation of long-haul Boeing 737 aircraft, for instance, will offer increased range along with significantly less noise. In addition, a number of flight deck improvements represent safety features not found in the older aircraft.

As a means of derailing efforts to reform the perimeter rule, some have impugned my motives, suggesting that my secret purpose is to convenience my own travel between Washington and Arizona. I find this charge wearisome and offensive. Even so, to allay these concerns, I have pledged not to take a nonstop flight from Washington National to Arizona should such an opportunity ever result from this legislation.

This bill would result in more competition, with more convenient options and competitive air fares for travelers. It would not result in either increased noise or diminished safety. I believe that a service diversity and safety will be enhanced, as they always are in a competitive regime. The incumbent carriers should not be afraid of competition, or fear that their passengers will be taken away. This legislation would result in more competition and economical flights, which will allow more people to fly.

Most of my colleagues know that I would prefer to get rid of the perimeter rule, as well as slot restrictions, in a manner consistent with safety. My efforts to do so over the past decade, however, have encountered extreme resistance. As a result, I have scaled back my original proposals significantly in an effort to address the concerns of airlines and others who will not let legislation of that magnitude pass. In turn, I ask that the protectors of the status quo recognize my legitimate concerns about competition, and fair access for all travelers to airports that make up a national aviation system, paid for by all taxpayers. I must say that all I have heard thus far from my opponents is that there is no problem.

I do not assert that this bill represents a magical, painless solution. I do assert emphatically, however, that it is modest in nature, and that it is open to debate as the Congress moves forward on this and similar proposals. In the House of Representatives, Aviation Subcommittee Chairman JIMMY DUNCAN intends to introduce an aviation competition bill. Representative DUNCAN and I have worked together on a number of provisions, and will continue to do so as we proceed. I commend him for his effort and foresight. I can say the same for Senate Aviation Subcommittee Chairman GORTON, who has demonstrated exceptional interest and leadership in this area.

In addition, I understand that several of my Commerce Committee colleagues, including Senators HOLLINGS and FORD, are working on their own competition proposals. I believe that all of this activity is a clear indication that there is a problem with respect to domestic aviation competition. I look forward to working with my colleagues in a bipartisan fashion on a solution.

Mr. GORTON. Mr. President, I would urge my colleagues to give their full attention and consideration to the Aviation Competition Enhancement Act of 1997 that Senator McCAIN has just introduced. I would also recognize Senator McCAIN for his tireless efforts to address barriers to competition in the airline industry, and to provide better air service for consumers. Senator McCAIN has devoted much time to consideration of this issue.

Competion is a hallmark of our Nation, and the benefits of competition are clear. Studies show time and again that competition improves products and services, and reduces costs to consumers. When possible, the Congress should do whatever is reasonable to enhance competition.

Airline competition has proven beneficial. Since the airline industry was deregulated, fares have fallen, and service options have increased on average across all communities. The major carriers deserve credit for responding well to competitive challenges. In addition, many of the benefits of deregulation can be attributed to the entry of so called low-fair airlines into the marketplace. The low-fare airlines have increased competition, and have enabled more people to fly than ever before. Air traffic has grown as a result, and all predictions are that it will continue to grow steadily over the next several years..

Although competition exists, there are also barriers to airline competition. The bill that Senator McCAIN has introduced today would loosen some of the anticompetitive Federal restrictions on the Nation's aviation system. These restrictions, such as slot controls and the perimeter rule at National Airport, inhibit competition. As a result, the benefits of deregulation have been limited in certain communities.

I understand that changing the status quo by easing existing barriers is difficult. Airline businesses and services have evolved under these barriers. Airlines, airports, communities, and consumers have all grown accustomed to these barriers. This should not prevent us, however, from examining the adverse impacts of these barriers and exploring reasonable measures to remove them.

I would also note that Senator McCAIN's bill would require the Department of Transportation to respond to complaints of predatory behavior on the part of major airlines within 90 days. There are numerous industry practices that warrant close scrutiny. Take for example computer reservation systems. Airline travelers usually buy tickets through travel agents, who almost always use a Computer Reservation System to determine what airline fares are available, and to make bookings. Each of the Computer Reservation Systems operating in the United States is entirely or predominately owned by one or more airlines or airline affiliates. This certainly gives these airlines and affiliates the ability to prejudice the competitive position of other airlines if not checked. Any airline that believes it is being subjected to predatory behavior deserves a timely response from the Department of Transportation.

Again, I would urge my colleagues to take time from their busy schedules to consider Senator MCCAIN's bill, and to provide their thoughts and insights on this important matter.

By Mr. ENZI:

S. 1332. A bill to amend title 28, United States Code, to recognize and protect State efforts to improve environmental mitigation and compliance through the promotion of voluntary environmental audits, including limited protection from discovery and limited protection from penalties, and for other purposes; to the Committee on Environment and Public Works.

THE STATE ENVIRONMENTAL AUDIT PROTECTION ACT

Mr. ENZI. Mr. President, I rise today to introduce the State Environmental Audit Protection Act. It is a bill that would improve environmental quality across this Nation by enlisting the voluntary aid of people to seek out environmental problems and to correct violations using State environmental audit laws. This legislation would provide protection for those States that have fully debated the issue and after the debate, have chosen to enact aggressive and proactive environmental audit laws.

First, I would like to explain briefly what an audit law is and how it works. State legislatures have chosen to enact many different kinds of audit laws with varying levels of incentives. It is important to note that audit laws are not all the same. This concept is apparently lost on those who try to mischaracterize every audit law in the most sinister and fearful terms. It is important that we recognize the difference.

The purpose of audit laws are to provide incentives for regulated entities to search for and disclose environmental violations and to clean them up at their own expense. Entities cover all kinds of groups with operations that may have an effect on the environment, such as businesses, schools, hospitals, towns, and counties. The incentives can range from relief from penalties to protection of voluntarily gathered information. The incentives usually require full disclosure and due diligence in correcting violations. When there is protection of information, some States simply agree not to inspect based on disclosure of an audit, others go further by allowing that certain documents will not be used against the entity in enforcement actions.

It is important to keep in mind when considering protection of documents that audits are conducted in good faith. By definition, any information that is compiled is voluntary and as such is above and beyond what is otherwise required by law. Following from that, any disclosures are a net gain above traditional enforcement.

Consider for a moment, Mr. President, the decisions a small business faces with regard to its environmental performance. Many small businesses are already required to monitor and report certain emissions and audit protections do not cover those reports. But consider a business that is not on an inspection schedule and has no required emissions reporting. If that entity wants to review its performance under environmental laws, it would have to conduct a study. It would have to pay an auditor to come in and review its operations—that would be voluntary. Without audit protection, that business would take on a big risk—a risk big enough so that most small entities would never undertake a voluntary audit. The risk is that once they spend the money to review their activities, if they find a violation and report it, they face both fines and cleanup expenses. Furthermore, if they don't report it, they risk criminal activity by knowingly violating the law.

Faced with the liabilities, without an audit law, most people would not voluntarily police themselves. The risks are too big. Folks choose instead to just take their chances and wait for the inspectors. After all, inspectors only visit 2 percent of all regulated entities anyway. Just 2 percent, Mr. President.

How do we encourage the other 98 percent to really think about their environmental performance?

Audit laws recognize good-faith efforts to improve environmental compliance. They encourage people to look for problems and know with assurance that they won't be penalized for their efforts.

Today, Mr. President, 24 States have enacted some form of audit law; 16 more have legislation pending. These laws have been on the books for several years in some States and I would point out—you don't see the examples of abuses that many claimed would occur during the State legislative debates.

Wyoming is one of the States that has passed an audit law. I was the prime sponsor in that process during my time in the Wyoming State Senate. I studied examples and results from other States that had gone through the process. I worked closely with our State Department of Environmental Quality and with members of the regulated community. I worked with various resource and conservation groups in Wyoming and we crafted a bill that provides very reasonable incentives for people to review their operations and clean up the problems they find. We provided no criminal immunity or criminal privilege. We deferred to Federal laws wherever conflicts existed. There was a consensus. The bill made it out of committee unanimously and then passed the House and the Senate by more than a two-thirds majority.

We had a vigorous debate in Wyoming. In the end, after all the public deliberation, we passed a reasonable bill. But it was a consensus of the legislators elected by the people of Wyoming. When I got to Washington, several States were meeting with the EPA. The EPA was using threats of overfiling and delayed approval of State enforcement programs. Overfiling means the EPA could use a document done at extra expense and exposure to a company in order to be sure there was no harm to the environment, only to find the EPA could use those documents as a road map for levying fines. The EPA wanted us to change the Wyoming law—in spite of repeated assertions from our own State attorney general that the law did not compromise our enforcement authority.

Wyoming's scenario is not unique. Working with other States where this has happened has led me to offer this piece of legislation.

The strange thing I find is that the EPA touts the value of audits. The concept has been trumpeted as part of their reinventing environmental regulation initiative and a final policy on audits was released in early 1996. Administrator Carol Browner called it, "a policy that provides real incentives for industry and others to voluntarily identify and correct environmental violations."

President Clinton in his 1995 State of the Union Address, stressed the need for more common sense and fairness in our environmental regulations. He recognized the limitations of the command and control approach. He stated that "Washington is not the source of all answers and that we should shift more decision-making authority from the Federal Government to States, tribes and local communities."

Apparently the EPA feels the States are not ready to handle audits. Apparently, Mr. President, State attorneys general are unable to verify with certainty that audit laws are reasonable. In its own astonishing way—and in seeming contradiction to its own objectives—the EPA remains opposed to State efforts to reinvent command and control through the use of audits.

The problem with EPA's audit policy is that ordinary people do not want to use it. Big business will agree to negotiate with the EPA. They will enter into cooperative agreements and consent agreements because they have entire departments of environmental litigators.

Small businesses don't have that. They don't trust the EPA. They see the EPA Office of Compliance Assistance trying to help them out, while Criminal Enforcement across the hall is concocting ways to put them in jail—and boy would those offices love to work together. The EPA has little accountability to folks at home. It is just too unpredictable. That is why people need statutory protection before they will take on the potential liability of audits.

I would like to take a minute to explain my approach to the issue. The legislation I am introducing would provide a safe-harbor for State laws that fit within certain limits. It would not give any authority to any State unless they go through the full legislative process, including all of the local discussion and debate that entails. That is a critical part of this process and something we should recognize. The boundaries of the safe-harbor we create would describe what State laws may provide:

Limited protection from discovery for audit information—but only information that is not required to be gathered. All legal reporting requirements and permitting disclosures remain in effect and could not be covered by an audit privilege.

A State audit law may provide limited protection from penalties if violations are promptly disclosed and cleaned up. Note, the protection will not cover criminal actions, and the law must preserve the ability of regulators to halt activities that pose imminent danger to public health.

Third, if a State law falls within the safe-harbor, the EPA would be prohibited from withholding State enforcement authority or overfiling against individuals simply because of the State's audit law.

Last, the bill would require an annual State performance report that will help measure the success of different laws, so we can see what works and what doesn't.

I want to point out that this legislation will not dilute enforcement. There are safeguards to ensure that State audit laws always act to supplement—not to supplant—existing enforcement. It is important to note that. Audits are an affirmative tool. Used properly, they can only be used to improve environmental conditions above the status quo. They do not protect any entity from regular inspection or monitoring.

The principle of audit incentives is simple and reasonable. It is no surprise to me that nearly half of our States have chosen to enact some form of audit legislation. It is a positive tool that helps people understand and comply with environmental laws. It gives people a chance to ask questions without being penalized. It gives them the chance to figure out what they are doing wrong and fix it—without adding steep penalties to the cost of compliance. This bill will put into law methods that have been tested and work.

Mr. President, small business owners don't take time to read the layer after layer of byzantine regulations constructed by Washington lawyers. I know because my wife and I were small business owners for 26 years. In a small business, the owner is the same one who counts the change, helps the customers and vacuums the floor.

He or she has to stay in business, make payroll, and keep up with constantly evolving mandates from a never-ending supply of Federal attorneys. And while the small business owner has many jobs, these attorneys have only one job, to create and modify mandates and to investigate citizens. There are over 17,000 employees at the EPA and now, in spite of the rhetoric about reinventing regulations, they want funds for another 200 enforcement police.

We don't need more police to improve environmental compliance—we need translators to interpret the regulations.

But the fact is, the heavy-handed, command and control approach works well for the EPA—especially in Washington. Here I am beginning to see the process by which they protect and expand their regulatory supremacy. It is an artful combination of nebulous policies, and self-defining authority. Taken from this perspective, the EPA clearly views any State audit laws as a direct assault on its unbridled jurisdiction and power.

Shortly after promoting its own audit policy as a reinvention of regulation, the EPA was quick to remind that State audit laws "would cause environmental programs delegated to states * * * to revert to national control at EPA." Since then, they have used their leverage to compel States to modify laws in accordance with the will of EPA guidelines.

This absolute circumvention of the democratic process is astonishing to me. As a former State legislator, I think it is a tragedy that the EPA is denying States the chance to test reasonable and innovative solutions to a cleaner environment. Instead of promoting reinvention, the EPA is perpetuating an environmental race to mediocrity.

Some of the people listening may wonder how Wyoming's audit law has fared. Well, Mr. President, I am proud to report that after repeated delays from the EPA on our title 5 clean air permits, and after threats to withdraw delegation of other programs—the EPA has finally decided that statutory changes may not be necessary in Wyoming's law, even though there remain problems to be worked out.

At least, Mr. President, that's what they tell us today. They just might change their minds tomorrow. It is no wonder that Wyomingites are afraid to use our State audit law.

I feel it is time we put this issue to rest by defining a "safe-harbor" and giving State laws the certainty they need to be effective. I would encourage Members to take a look at this bill and to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Environmental Audit Protection Act".

SEC. 2. FINDINGS

Congress finds that—

(1) consistent with the purpose of voluntary environmental audits of enhancing United States environmental mitigation efforts, it is in the interest of the United States to allow and encourage States to enact and implement such incentive programs as are consistent with the specific and respective needs and situations of the States;

(2) State environmental incentive laws should be allowed and encouraged by the Federal government as a means of enabling regulated entities to set minimum requirements in environmental mitigation efforts by the entities;

(3) a strong regulatory enforcement effort is necessary to ensure compliance with Federal, State, and local laws that protect the environment and public health;

(4) the use of voluntary environmental audits, in accordance with respective State laws, is intended to supplement, not supplant, regulatory enforcement efforts to improve the environmental compliance of regulated entities;

(5) the protections offered by the amendments made by this Act do not relieve regulated entities from the need to comply with otherwise applicable requirements to disclose information under Federal, State, or local environmental laws; and

(6)(A) law and regulatory policies provide ample precedent for the constructive use of voluntary audits;

(B) the final policy on the use of environmental audits (60 Fed. Reg. 66706) issued by the Administrator of the Environmental Protection Agency—

(i) provides incentives for conducting audits; and

(ii) includes limited protection from discovery and disclosure of audit information and discretionary relief from an enforcement action for voluntary disclosure of violations;

(C) Advisory Circular 120–56, issued by the Administrator of the Federal Aviation Administration, commits to a policy of cooperative problem-solving and use of self-evaluation incentives as a means of enhancing aviation safety in the commercial airline industry; and

(D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) provides discovery protection for information developed by creditors as a result of self-tests that are voluntarily conducted to determine the level of compliance with that Act.

SEC. 3. VOLUNTARY AUDIT PROTECTION.

(a) In General.—Part VI of title 28, United States Code, is amended by inserting after chapter 176 the following:

"CHAPTER 177—VOLUNTARY AUDIT PROTECTION

"Sec.
"3601. Recognition of State efforts to provide voluntary environmental audit incentives.
"3602. Performance Report.
"3603. Definitions.

"§ 3601. Recognition of State efforts to provide voluntary environmental audit incentives

"(a) Voluntary Environmental Audit Incentive Laws.—

"(1) Limited protection from discovery.—

"(A) In general.—Except as provided in subparagraph (C), a State law may provide that a voluntary environmental audit report, or a finding, opinion, or other communication related to and constituting part of a voluntary environmental audit report, shall not be—

"(i) subject to discovery or any other investigatory procedure governed by Federal, State, or local law; or

"(ii) admissible as evidence in any Federal, State, or local judicial action or administrative proceeding.

"(B) Testimony.—Except as provided in subparagraph (C), a State law may provide that an entity, or an individual who performs a voluntary environmental audit on behalf of the entity, shall not be required to give testimony in any Federal, State, or local judicial action or administrative proceeding concerning the voluntary environmental audit.

"(C) Information not subject to protection.—The protections described in subparagraphs (A) and (B) shall not apply to any information that is otherwise required to be disclosed under a Federal, State, or local law.

"(2) Limited protection for disclosure.—

"(A) In general.—Except as provided in subparagraph (B), a State law may provide that an entity that promptly discloses information about noncompliance with a covered Federal law, that is discovered as a result of a voluntary environmental audit or through a compliance management system, to an appropriate Federal, State, or local official may be protected, in whole or in part, from an enforcement action in a Federal, State, or local judicial or administrative proceeding.

"(B) Disclosure not subject to protection.—A State law described in subparagraph (A) shall not apply to noncompliance with a covered Federal law that is—

"(i) not discovered voluntarily; or

"(ii) the result of a willful and knowing violation or gross negligence by the entity disclosing the information.

"(b) Prohibited Federal Activities.—A Federal agency shall not—

"(1) refuse to delegate enforcement authority under a covered Federal law to a State or local agency or refuse to approve or authorize a State or local program under a covered Federal law because the State has in effect a voluntary environmental audit incentive law;

"(2) make a permit, license, or other authorization, a contract, or a consent decree or other settlement agreement contingent on a person waiving any protection under a State voluntary environmental audit incentive law; or

"(3) take any other action that has the effect of requiring a State to rescind or limit any protection of a State voluntary environmental audit incentive law.

"§ 3602. Performance report

"(a) In general.—Section 3601 shall not apply to a State voluntary environmental audit incentive law unless the appropriate State agency compiles and submits to appropriate Federal agencies an annual report in accordance with this section on the performance of the State voluntary environmental audit incentive law during the previous calendar year.

"(b) Provisions of Report.—The performance report shall include—

"(1) the number of noncompliance disclosures that were received by the State pursuant to the State voluntary environmental audit incentive law, with an indication of the noncompliance disclosures that were made by—

"(A) regulated entities that are normally inspected; and

"(B) regulated entities that are not on inspection schedules;

"(2) the categories and sizes of regulated entities that disclosed noncompliance problems pursuant to the State voluntary environmental audit incentive law and a description of the noncompliance problems that were disclosed;

"(3) the status of remediation undertaken by regulated entities in the State to correct noncompliance problems that were disclosed pursuant to the State voluntary environmental audit incentive law; and

"(4) a certification from the State attorney general that the State maintains the necessary regulatory authority to carry out administration and enforcement of delegated programs in light of the State voluntary environmental audit incentive law.

"(c) Additional Information.—In addition to the information required under subsection (b), the State agency may include additional information in the annual performance report that the State agency considers important to demonstrate the performance of a State voluntary environmental audit law.

"§ 3603. Definitions

"In this chapter:

"(1) Covered federal law.—

"(A) In general.—The term 'covered Federal law' means—

"(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

"(ii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(iii) the Federal Water Pollution Control Act (commonly known as the 'Clean Water Act') (33 U.S.C. 1251 et seq.);

"(iv) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

"(v) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(vi) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.);

"(vii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(viii) the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ix) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

"(x) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.);

"(xi) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.);

"(xii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(xiii) chapter 51 of title 49, United States Code;

"(xiv) section 13 or 16 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 3, 1899 (commonly known as the 'River and Harbor Act of 1899') (33 U.S.C. 407, 411);

"(xv) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); and

"(xvi) any other law enacted after the date of enactment of this chapter that addresses subject matter similar to a law listed in clauses (i) through (xv).

"(B) Inclusions.—The term 'covered Federal law' includes—

"(i) a regulation or other binding agency action issued under a law referred to in subparagraph (A);

"(ii) the terms and conditions of a permit issued or other administrative action taken under a law referred to in subparagraph (A); and

"(iii) a State law that operates as a federally enforceable law under a law referred to in subparagraph (A) as a result of the delegation, approval, or authorization of a State activity or program.

"(2) Enforcement action.—

"(A) In general.—The term 'enforcement action' means a civil or administrative action undertaken for the purpose of imposing a penalty or any other punitive sanction, including imposition of a restriction on providing to or receiving from the United States or any State or political subdivision a good, material, service, grant, license, permit, or other approval or benefit.

"(B) Exclusion.—The term 'enforcement action' does not include an action solely for the purpose of seeking injunctive relief to remedy a continuing adverse public health or environmental effect of a violation.

"(4) Environmental compliance management system.—The term 'environmental compliance management system' means the systematic effort of a person or government entity, appropriate to the size and nature of the person or government entity, to prevent, detect, and correct a violation of a covered Federal law through—

"(A) a compliance policy, standard, or procedure that identifies how an employee or agent shall meet the requirements of the law;

"(B) assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for ensuring compliance at each facility or operation;

"(C) a mechanism for systematically ensuring that compliance policies, standards, and procedures are being carried out, including—

"(i) a monitoring or auditing system that is reasonably designed to detect and correct a violation; and

"(ii) a means for an employee or agent to report a violation of an environmental requirement without fear of retaliation;

"(D) an effort to communicate effectively the standards and procedures of the person or government entity to employees and agents of the person or government entity;

"(E) an appropriate incentive to managers and employees of the person or government entity to perform in accordance with any compliance policy or procedure of the person or government entity, including consistent enforcement through an appropriate disciplinary mechanism; and

"(F) a procedure for—

"(i) the prompt and appropriate correction of any violation of law; and

"(ii) making any necessary modifications to the standards or procedures of the person or government entity to prevent future violations of law.

"(5) FEDERAL AGENCY.—

"(A) IN GENERAL.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

"(B) INCLUSIONS.—The term 'Federal agency' includes any agency or instrumentality of an Indian Tribe with authority to administer or enforce a covered Federal law.

"(6) REGULATED ENTITY.—

"(A) IN GENERAL.—The term 'regulated entity' means a person regulated under a covered Federal law, including an officer, agent, or employee of the person.

"(B) EXCLUSIONS.—The term 'regulated entity' does not include an entity owned or operated by a Federal or State agency.

"(7) STATE AGENCY.—The term 'State agency' means an agency or instrumentality of the executive branch of a State or local government with the authority to administer or enforce any covered Federal law, including an agency or instrumentality of 2 or more States or local governments, whether or not the localities are in different States.

"(8) VOLUNTARY ENVIRONMENTAL AUDIT.—The term 'voluntary environmental audit' means an assessment, audit, investigation, or review that is—

"(A) initiated voluntarily by a regulated entity, including an officer, agent, or employee of a regulated entity, but not including a regulated entity owned or operated by a State or Federal agency;

"(B) carried out by an employee of the person, or a consultant employed by the person, for the purpose of carrying out the assessment, evaluation, investigation, or review; and

"(C) carried out in good faith for the purpose of determining or improving compliance with, or liability under, a covered Federal law, or to assess the effectiveness of an environmental compliance management system.

"(9) VOLUNTARY ENVIRONMENTAL AUDIT REPORT.—

"(A) IN GENERAL.—The term 'voluntary environmental audit report' means a document prepared as a result of a voluntary environmental audit.

"(B) INCLUSIONS.—The term 'voluntary environmental audit report' includes—

"(i) a field note, draft, memorandum, drawing, photograph, computer software, stored or electronically recorded information, map, chart, graph, survey, analysis (including a laboratory result, instrument reading, or field analysis), and other information pertaining to an observation, finding, opinion, suggestion, or conclusion, if the information is collected or developed for the primary purpose and in the course of creating a voluntary environmental audit;

"(ii) a document prepared by an auditor or evaluator, which may describe the scope of the evaluation, the information learned, any conclusions or recommendations, and any exhibits or appendices;

"(iii) an analysis of all or part of a voluntary environmental audit or issues arising from the audit; and

"(iv) an implementation plan or tracking system that addresses an action taken or to be taken by the owner or operator of a facility as a result of a voluntary environmental audit.".

(b) CONFORMING AMENDMENT.—The table of chapters of part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 176 the following:

"177. Voluntary Audit Protection ...... 3601".

SEC. 4. ASSISTANCE FROM SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(S) assisting small businesses in complying with the requirements necessary to receive protections provided by any applicable State voluntary environmental audit incentive law.".

By Mr. FRIST:

S. 1333. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges; to the Committee on Energy and Natural Resources.

THE LAND AND WATER CONSERVATION FUND ACT AMENDMENT ACT OF 1997

Mr. FRIST. Mr. President, I rise today to introduce a measure which will help preserve one of our greatest national treasures and maintain one of the most significant contributors to the economy of east Tennessee. The Great Smoky Mountains National Park is by far our Nation's most visited national park, both because of its striking beauty, wildlife, and recreational opportunities, and for the fact that it is within a day's drive of half of the population of the United States.

I have often escaped to the Great Smoky Mountains National Park for hiking, camping, and enjoying the great outdoors with my three sons. I have witnessed the splendor of the turning leaves in the fall, and the glory and renewal that springtime brings to the Smokies. Spending time in the Smokies allows my family and millions of other families to reconnect with nature and to refocus on the fundamental strengths of what really holds us together as a family.

While the Great Smoky Mountains National Park plays such a valuable role in the lives of so many American families, it is also a park that strains under the burdens of heavy use. Infrastructure and services struggle to meet demands which the larger and less-visited parks can more easily attain. To compound the problems associated with heavy use and popularity, the park is prohibited from collecting an entrance fee of any kind. It is the only national park with such a prohibition, thus limiting its access to valuable, internally generated resources which supplement the budgets of other parks. The result is that the Smokies has great difficulty in meeting the infrastructure and maintenance needs generated by its 9 million yearly visitors.

In the 104th Congress we began a program which allowed individual parks to keep for their internal use up to 80 percent of the user fees collected above and beyond the level of fees collected in 1994. My bill will allow the park to retain 100 percent of that amount. While this change is modest, it is one way to begin to address the deficit in which the Smokies operates every year, and assist in sustaining the very attractions which serve to make it our most popular national park.

In 1910, Teddy Roosevelt said, "A nation behaves well if it treats its natural resources as assets which it must turn over to the next generation increased, and not impaired, in value." Roosevelt was the first proponent of what has clearly become a fundamental tenet of the preservation of the Great Smoky Mountains National Park. Mr. President, we owe it to the future generations of Americans to allow this invaluable national treasure to benefit from its own popularity and accessibility and to keep more of the revenues from its fees. We can thus help ensure that it will continue to offer the services and facilities so many millions of families enjoy and will help guard one of our Nation's most precious legacies.

By Mr. BOND (for himself, Mr. SHELBY, Mr. WARNER, Mr. REID, Mr. JOHNSON, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. MACK, Mrs. MURRAY, Mr. ASHCROFT, Mr. CRAIG, Mr. BUMPERS, Mr. LEAHY, Ms. COLLINS, Mr. SESSIONS, Mr. ALLARD, Mr. BAUCUS, and Mrs. FEINSTEIN):

S. 1334. A bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system; to the Committee on Armed Services.

FEHBP DEMONSTRATION FOR MILITARY RETIREES LEGISLATION

Mr. BOND. Mr. President, I rise today to introduce a measure on behalf of myself, Mr. SHELBY, Mr. WARNER, Mr. REID of Nevada, Mr. JOHNSON, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. MACK, Mrs. MURRAY, Mr. ASHCROFT, Mr. CRAIG, Mr. BUMPERS, Mr. LEAHY, Mrs. COLLINS, Mr. SESSIONS, Mr. ALLARD, Mr. BAUCUS, and Mrs. FEINSTEIN.

This vital, bipartisan legislation would establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits Program [FEHBP] to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

Current trends, such as base closures, the downsizing of military treatment facilities, and the introduction of TRICARE, have all hindered access to health care services for military retirees aged 65 and over. In theory, Medicare-eligible retirees can receive health care services at military treatment facilities on a space available basis; however, active duty and their dependents have priority.

Therefore, in reality, space is rarely available—resulting in military retirees being locked out of the Department of Defense's [DOD] health care delivery system. And because of their considered secondary status, many retirees are forced to travel great distances to receive even the minimum of care.

Further, when compared to what other Federal and private sector retirees receive in terms of health care options, it is easy to note that the current health care choices for military retirees are woefully inadequate and downright inexcusable.

This measure will rectify the inequity of the current system and take the guesswork out of the financial viability of an FEHBP option for military retirees.

Scheduled for no more than 3 years, the FEHBP pilot program would be tested at two different sites. One site will be within a military treatment facility catchment area and the other in a noncatchment area. Up to 50,000 Medicare-eligible military retirees will be able to participate in the demonstration, with each site capped at 25,000 retirees.

Mr. President, this legislation represents an active step toward honoring our Nation's obligation to those military retirees who faithfully and selflessly served our country in times of war and in times of peace. Furthermore, this measure will provide retirees more dependable, consistent, and affordable care while simultaneously applying equitable standards of health care for all Federal retirees.

I look forward to working with my colleagues on this bipartisan piece of legislation

Mr. SHELBY. Mr. President, according to the latest statistics, Alabama is home to 47,011 military retirees. We have the eight largest population of retired service personnel in the Nation. Senator BOND highlighted the many changes in DOD's health care system that are limiting access to health care for military retirees aged 65 and above. I would like to briefly explain how these general trends are affecting the 47,011 military retirees in my State.

The 1995 BRAC slated Fort McClellan for closure by 1999. When that base closes, Noble Army Hospital will be forced to close as well. The emergency room at Lyster Army Hospital at Fort Rucker is being closed. At all of the military treatment facilities, space-available is becoming unavailable. In addition to these physical changes, TRICARE came on line in region 4, and Alabama now is experiencing excessive delays in receiving reimbursement payments and other well-known problems associated with TRICARE. Many private physicians who provided CAMPUS are leaving the DOD health care, which I believe is unacceptable and irresponsible.

Despite extended service and sacrifice, retired service members are the only Federal employees who will lose their government-sponsored health insurance when they become eligible for Medicare. This bill takes a modest step forward to insuring that military retirees receive at least as much as Members of Congress or retired Federal employees. Military retirees have dedicated their lives to protecting our Nation; we owe it to them to pave the way for health care equity.

I thank Senator BOND for his leadership in introducing this legislation. I urge my colleagues to cosponsor this bipartisan bill.

By Ms. SNOWE:

S. 1335. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

THE HEALTH BENEFITS STANDARDIZATION ACT

Ms. SNOWE. Mr. President, I rise today to introduce legislation designated to standardize coverage for bone mass measurement for people at risk for osteoporosis under the Federal Employee Health Benefits Program. This legislation is similar to my bill which was enacted as part of the Balanced Budget Act to standardize coverage of bone mass measurement under Medicare. The bill I introduce today guarantees the same uniformity of coverage to Federal employees and retirees as Congress provided to Medicare beneficiaries only a few months ago.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; 80 percent of its victims are women. The disease causes 1.5 million fractures annually at a cost of $13.8 billion—$38 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. A woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. We now have drugs that promise to reduce fractures by 50 percent. However, identification of risk factors alone cannot predict how much bone a person has and how strong bone is. Experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

Unfortunately, Federal Employee Health Benefits Program [FEHBP] coverage of bone density tests is inconsistent. Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the over 400 participating plans to decide who is eligible to receive a bone mass measurement and what constitutes medical necessity. A survey of the 19 top plans participating in FEHBP indicated that many plans have no specific rules to guide reimbursement and cover the tests on a case-by-case basis. Several plans refuse to provide consumers with information indicating when the plan covers the test and when it does not. Some plans cover the test only for people who already have osteoporosis.

Mr. President, we owe the people who serve our Government more than that. That is why my legislation standardizes coverage for bone mass measurement under the FEHBP. I urge my colleagues to support this legislation, in order to help prevent the 1.5 million fractures caused annually by osteoporosis.

By Mr. GRAHAM:

S. 1336. A bill for the relief of Roy Desmond Moser; to the Committee on the Judiciary.

S. 1337. A bill for the relief of John Andre Chalot; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. GRAHAM. Madam President, I ask unanimous consent that the text of the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF EFFECTIVE DATE OF NATURALIZATION OF ROY DESMOND MOSER.

Notwithstanding title III of the Immigration and Nationality Act, any predecessor provisions to such title, or any other provision of law relating to naturalization, for purposes of determining the eligibility of Roy Desmond Moser for relief under the Agreement Between the Government of the United States and the Government of the Federal Republic of Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, signed at Bonn on September 19, 1995, Roy Desmond Moser is deemed to be a naturalized citizen of the United States as of August 8, 1942.

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF EFFECTIVE DATE OF NATURALIZATION OF JOHN ANDRE CHALOT.

Notwithstanding title III of the Immigration and Nationality Act, any predecessor provisions to such title, or any other provision of law relating to naturalization, for purposes of determining the eligibility of John Andre Chalot for relief under the Agreement Between the Government of the United States and the Government of the Federal Republic of Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, signed at Bonn on September 19, 1995, John Andre Chalot is deemed to be a naturalized citizen of the United States as of September 3, 1943.

By Mr. DURBIN:

S. 1340. A bill entitled the "Telephone Consumer Fraud Protection Act of 1997."; to the Committee on the Judiciary.

THE TELEPHONE CONSUMER FRAUD PROTECTION ACT OF 1997

Mr. DURBIN. Mr. President, I rise today to introduce the Telephone Consumer Fraud Criminal Penalties Act of 1997. This measure will finally allow us to strike back against "slamming," the practice of changing a telephone customer's long-distance carrier without the customer's knowledge or consent.

Slamming is the Federal Communications Commission's largest source of consumer complaints. In 1995 and 1996, more than one-third of the consumer complaints filed with the FCC's Common Carrier Bureau involved slamming. Last year 16,000 long-distance telephone consumers filed slamming complaints with the FCC. Since 1994, the number of slamming complaints has tripled. Yet, this is only the tip of the iceberg— the Los Angeles Times reports that more than 1 million American telephone consumers have been slammed in the last 2 years.

In my home State of Illinois slamming was the No. 1 source of consumer complaints to the attorney general's office in 1995, and the No. 2 source of complaints in 1996. Slamming is obviously a serious problem that must be stopped.

Slamming is not merely an inconvenience or a nuisance. It is an act of fraud that costs long-distance telephone consumers millions of dollars a year and robs them of the right to contract. The Telephone Consumer Fraud Criminal Penalties Act will now ensure that slammers are held accountable for their fraudulent acts.

My measure will help stamp out slamming in two ways:

First, the Telephone Consumer Fraud Criminal Penalties Act creates criminal fines and jail time for repeat and willful slammers. Slamming takes choices away from consumers without their knowledge and distorts the long distance competitive market by rewarding companies that engage in fraud and misleading marketing practices. This measure's criminal penalties will guarantee that slammers can no longer act with impunity.

Second, the Telephone Consumer Fraud Criminal Penalties Act charges the Attorney General with the duty of conducting a study on the fraudulent and criminal behavior of telecommunications carriers and their agents in the solicitation, marketing, and assignment of telecommunication services. The Attorney General's study will examine the fraudulent methods by which a telecommunications consumer's local, long distance, and other telecommunications services are changed without the consumers knowledge or consent. Through this study, Congress will gain a better understanding of how slammers operate. With this knowledge we will be able to draft a well crafted, all encompassing law that will finally put a lid on slamming.

Thank you, Mr. President, for the opportunity to introduce this important initiative. I hope my colleagues will join with me and support the Telephone Consumer Fraud Criminal Penalties Act in order to protect the rights of telephone consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Consumer Fraud Protection Act of 1997."

SEC. 2. CRIMINAL PENALTIES.

Title 18 of the United States Code is amended in the appropriate place to provide the following.

(A) PERSONS.—Any person who submits to a subscriber a request for a change in a provider of telephone exchange service or telephone toll service in willful violation of the procedures established in 47 CFR §§64.1100 or 64.1150:

(i) shall be fined not more than $1,000, imprisoned not more than 30 days, or both for the first offense; and

(ii) shall be fined not more than $10,000, imprisoned not more than 9 months, or both, for any subsequent offense.

(B) TELECOMMUNICATIONS CARRIERS.—Any telecommunications carrier who submits to a subscriber a request for a change in a provider of telephone exchange service or telephone toll service, or executes such a change, in willful violation of 47 CFR §§64.1100 or 64.1150:

(i) shall be fined not more than $50,000 for the first such conviction; and

(ii) shall be fined not more than $200,000 for any subsequent conviction.

SEC. 3. A STUDY BY THE ATTORNEY GENERAL.

The Attorney General shall conduct a study and report to Congress on the fraudulent and criminal behavior of telecommunications carriers and their agents in the solicitation, marketing, and assignment of wire services. The Attorney General's study shall examine the fraudulent methods by which a telecommunications consumer's local, long distance, and other telecommunications services are changed without her or his knowledge or consent. The Attorney General's study shall also examine the negative impact and costs that such fraudulent activity is having on consumers and the marketplace.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1341. A bill to provide for mitigation of terrestrial wildlife habitat lost as a result of the construction and operation of the Pick-Sloan Missouri River Basin program in the State of South Dakota, and for other purposes; to the Committee on Environment and Public Works.

THE CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT MITIGATION ACT OF 1997

Mr. DASCHLE. Mr. President, on behalf of the South Dakota congressional delegation and Gov. Bill Janklow, I am today introducing the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and the State of South Dakota Terrestrial Wildlife Habitat Mitigation Act. This proposal, which is the culmination of more than 2 years of discussion with Governor Janklow and his staff, South Dakota tribal leaders, representatives of South Dakota sportsmen groups and affected citizens, lays out a plan for resolving some of the environmental and jurisdictional problems created by the construction of the main stem dams nearly 40 years ago.

Land transfers and their attendant jurisdictional implications are serious issues with real world ramifications, and it has been the Governor's and my goal throughout this process to achieve consensus on how to proceed. The introduction of this legislation is one more step on the path to that consensus. I would like to take this opportunity to outline the bill, explain how we got to this point and suggest where we might go from here.

More than a half century ago, Congress set in motion a series of events that resulted in an extraordinary loss of land and wildlife habitat by the State of South Dakota, tribes, and individual landowners along the Missouri River. This loss of land and the accompanying fractionation of jurisdiction has fueled extensive and costly litigation over the regulation of hunting and fishing along the river. Moreover, the Federal Government has never mitigated the impact of the dams on critical wildlife habitat, as it is required to do by the 1958 Fish and Wildlife Coordination Act. The legislation I am introducing today is an attempt to settle those issues without further litigation, to provide a means to fairly compensate the State of South Dakota and the tribes for the loss of habitat, and to expand public hunting opportunities for sportsmen.

This bill would not have been possible without the efforts of many South Dakotans. Governor Janklow and I have worked closely together for over 2 years to craft this compromise. Many tribal leaders in the State have provided constructive input throughout this process. In particular, I would like to acknowledge Chairman Michael Jandreau of the Lower Brule Sioux Tribe and Chairman Gregg Bourland of the Cheyenne River Sioux Tribe for their wise advice, friendship and guidance.

Senator JOHNSON and Congressman THUNE have approached this often contentious project with open minds. It is significant that Senator JOHNSON is a cosponsor of this bill and that Representative THUNE will introduce a companion measure in the House of Representatives.

I would also like to thank John Cooper, the secretary of the South Dakota Game, Fish, and Parks Department, for the enormous amount of time he spent holding public meetings and diligently working with all interested parties to sketch out the broad contours of this compromise as well as to craft the small details. His patience and imagination have been critical to the successful development of this legislation.

Finally, our draft proposal was discussed with representatives of the United Sportsmen and South Dakota Wildlife Federation. Both groups made constructive comments about the draft, and I appreciate their endorsement of the bill we are introducing today.

The Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and the State of South Dakota Terrestrial Wildlife Habitat Mitigation Act establishes trust funds to compensate the State and the tribes for the terrestrial wildlife habitat that was lost due to construction of the mainstem Missouri River dams. It transfers to the Interior Department to be held in trust for the tribes the lands that were acquired for the Pick-Sloan project and that remain above the exclusive flood pool. The tribes will be able to regulate hunting and fishing on those lands for all who wish to use them, as long as they accept the conditions of the bill, which include protecting the ability of the heirs and assignees of Indian and non-Indian ranchers who lost land to the construction of the dams to graze on those lands and reaching agreement with the State on rules governing fishing on the Missouri River within reservation boundaries. Unless otherwise agreed to by the tribes and the State, recreation areas currently operated by the corps within the boundaries of the Indian reservations will be transferred into trust for those tribes to manage, while recreation areas located outside of the boundaries of Indian reservations will be leased to the State.

Since there is insufficient Federal project land in South Dakota on which to perform the necessary wildlife habitat mitigation, this legislation would authorize the tribes and the State to spend revenues from the trust funds on other projects related to wildlife conservation and public access to habitat throughout the State. The result should be expanded opportunity for South Dakota hunters.

Through the trust funds, the tribes and State will have a steady source of funding with which to implement formal wildlife habitat mitigation plans.

To supplement those plans, the tribes and State will be able to use revenues from the trust funds to implement plans developed in consultation with the U.S. Fish and Wildlife Service to lease private lands for the protection of important habitat, including habitat for threatened and endangered species. Private landowners who participate in this program will be required to provide public access for sportsmen during hunting season. The South Dakota Game, Fish and Parks Department estimates that over 200,000 acres of private land will be enrolled in this program, significantly expanding public hunting opportunities for sportsmen throughout the State.

The tribes and the State will be able to use proceeds from the trust funds to operate the recreation areas.

The tribes and the State will be able to use the funds to develop, maintain and protect wildlife habitat and recreation areas along the Missouri River.

And, the tribes will be able to use revenues from the fund to protect native American cultural sites threatened by the operation of the Pick-Sloan project.

To understand the approach taken by this legislation, it is necessary to understand the events that were prologue to its development. In response to a series of major floods along the upper Missouri River in the early part of this century, Congress enacted the Flood Control Act of 1944, which called for implementation of a plan developed by General Pick of the U.S. Army Corps of Engineers and William Sloan of the Bureau of Reclamation, known as the Pick-Sloan plan, to establish a series of dams along the river. By authorizing the construction of these massive earthen dams, this law played a critical role in shaping the future development of the State and of the downstream States that benefited from meaningful flood control.

By hosting these dams, South Dakota has provided valuable storage of water in the region, preventing flooding, and allowing development along the river in downstream States all the way to the Mississippi River. The sacrifices South Dakota made for this purpose, however, can be counted in the loss of roughly a quarter of a million acres of the most productive, unique, and irreplaceable cottonwood forests and river bottomland in the upper Great Plains.

Land that once provided habitat and critical wintering cover for nearly 400 species of wildlife is now submerged. The remains of those cottonwood forests can be seen today from the banks of the mainstem reservoirs, their dead tops sticking out of the water reminding all of us what was once such an integral element of the upper Great Plains ecosystem. The effects of that loss also can be felt today. Last winter, South Dakota suffered through some of the most severe weather in recent memory. Wildlife throughout the State, unable to find sufficient cover, froze to death in vast numbers.

At the time the Pick-Sloan project was being constructed, Congress passed the Fish and Wildlife Coordination Act of 1958. That law officially recognized the severe loss of wildlife habitat that could accompany the construction of water projects and, as a result, required the Federal construction agency—in this case the Corps of Engineers—to consult with the U.S. Fish and Wildlife Service and the State wildlife agency for the purposes of determining the possible damage to wildlife resources and for the purposes of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources. This requirement applied to any Federal project not yet 60 percent complete at the time of enactment. In South Dakota, this meant the Oahe and Big Bend dams. Despite the requirements of the 1958 Fish and Wildlife Coordination Act, the Federal Government has never adequately mitigated the loss of habitat that accompanied those projects.

It may be impossible to completely recreate the unique habitat that once existed along the Missouri River. However, the Federal Government does bear the responsibility to the State and tribes of South Dakota to do whatever it can to mitigate that loss. Between 1960 and 1982, the corps developed seven major plans to mitigate the lost wildlife habitat. However, since each of those plans proposed the politically unpopular fee title acquisition of land and since the corps did not forward any of these plans to Congress for authorization, none was ever implemented.

In 1982, the Corps of Engineers developed a new plan, known as the Post-Authorization Mitigation Report for Fish and Wildlife Mitigation, Lake Oahe and Sharpe, SD. This plan, which called for mitigating only a fraction of the habitat that was lost, was unique in that it did not rely on acquisition of land in fee title, but rather made existing project lands available for mitigation work. An unsteady history of implementation of the 1982 plan began in 1989. In 1990, funding was cut off and then eventually restored. The corps again terminated funding for the project in 1995, only to restore it in the face of delegation opposition.

It has become clear that wildlife habitat mitigation for Lakes Oahe and Sharpe are not high priorities for the Corps of Engineers. While I recognize that this is attributable in some measure to the levels of funding provided that agency by Congress, that does not excuse the Federal Government of its responsibility to mitigate the lost habitat.

Another important feature of the legislation being introduced today deals with the management of the Corps of Engineers' recreation areas in the State. In partial compensation for South Dakota's sacrifice of prime lands to the construction of the dams, Congress had intended that considerable irrigation development would occur along the Missouri River. While irrigation development has fallen far short of expectations, today roughly 5.1 million residents and nonresidents benefit by using the reservoirs for camping, fishing, boating, hunting, and general recreation.

Despite the use that these reservoirs enjoy, there is serious concern over the corp's ability to continue to maintain its extensive network of recreation areas along the river. Adjusted for inflation, the corps' budget for this purpose has shrunk by 30 percent since 1993. Prospects for reversing this trend are poor, making the challenge of funding both wildlife habitat mitigation and recreation area maintenance more and more daunting in the future.

That is why this legislation would transfer those recreation areas to the tribes and the State and why the trust funds would be used to provide a predictable source of funding to meet the needs of the 5.1 million people who use those facilities.

There is solid precedent for the establishment of dedicated trust funds to compensate the tribes and the State for losses suffered as a result of these projects. In 1992 Congress enacted the Standing Rock and Three Affiliated Tribes Infrastructure Compensation Act, establishing a trust fund to compensate the tribes for infrastructure losses suffered as a result of construction of the dams. That trust fund was capitalized with funding equal to 25 percent of the annual revenues to the Western Area Power Administration from sales of hydropower generated by the mainstem dams of the Missouri River. In 1996, Congress unanimously passed the Crow Creek Infrastructure Compensation Act, establishing a similar fund, and I expect Congress to pass a similar bill for the Lower Brule Sioux Tribe in the near future.

In short, Congress has recognized the appropriateness of linking legitimate compensation for losses resulting from the construction of the dams to the power revenues those dams generate. The legislation I am introducing today adopts that same principle.

As I mentioned, the development of this legislation has involved extensive discussion and negotiation among many interested parties throughout the State. The bill has undergone five drafts over the course of nearly 10 months. A number of public meetings have been held to discuss the bill, and Governor Janklow and I have received, considered, and responded to, comments and suggestions from interested members of the public.

The tribes expressed a strong desire to protect their jurisdiction over the hunting and fishing of tribal members. The legislation adopts a cooperative State-tribal enforcement system based on a previous Memorandum of Agreement reached between the Lower Brule Sioux Tribe and the South Dakota Game, Fish, and Parks Department—a system that respects and protects tribal sovereignty. To transfer the land to trust status and to keep the land in trust, the tribes would implement an enforcement system whereby both the State and the tribes would be able to arrest violators of fish and game rules on the waters of the Missouri River within Indian reservation boundaries, with tribal members prosecuted in tribal or Federal court and non-Indians prosecuted in State or Federal court. This protects tribal jurisdiction over tribal members and should maximize the effectiveness of fish and game enforcement efforts along the river. Also, under the bill, participating tribes will be able to establish seasons and bag limits for hunting on the lands that will be transferred into trust and to enforce those rules against all those who will hunt on those lands—an opportunity they are denied currently.

In response to concerns expressed by the tribes about the effect of the bill on treaty rights and water rights, language has been included in the bill stating that both treaty rights and water rights will be protected.

A number of counties expressed concern that they would lose their 75-percent share of revenues from leases the corps currently holds on the transferred lands. Under the bill, the Department of the Interior will be responsible for maintaining those leases. To ensure that the counties are not penalized by the transfer of the land to trust status the bill directs the Department of the Interior to pay the affected counties 100 percent of the revenues from leases on the lands.

Sportsmen commented that the State should obtain new lands to mitigate the loss of wildlife habitat. The bill transfers the 20,000 acre Bureau of Reclamation's Blunt Reservoir and Pierre Canal lands to the State for that purpose. Since the land will be transferred in fee title, the State will pay the county taxes on that land.

Non-Indian ranchers and Indian allottees who lost land or whose ancestors lost land to the construction of the dams, urged that the bill clarify that heirs or assignees be granted the right to graze on the lands taken from them or their ancestors, that access easements be guaranteed, and that any tribe or agency requiring fencing be responsible for installing and maintaining it. This legislation safeguards that grazing opportunity.

Those with easements and rights-of-way on land that would be transferred to the Interior Department, such as the electric utilities, asked that language be added to protect those easements and rights-of-way. Broad language has been added to preserve existing easements on any lands transferred to the Interior Department to be held in trust for the tribes and on any recreation areas leased to the State.

The Corps of Engineers needs to ensure that it retain its ability to operate the reservoirs. The bill protects its ability to do so.

Despite these modifications, not every concern or comment could be addressed. Some South Dakota tribes that do not border the river have expressed frustration that they were not included in this legislation. It has been our intention from the beginning of this process to include all eligible tribes in this legislation. Since the 1958 Fish and Wildlife Coordination Act calls for the Federal Government to mitigate the loss of habitat that occurred due to construction of the Oahe and Big Bend dams, all the tribes that lost habitat due to the construction of those projects qualify for mitigation under Federal law and have been invited to participate in this bill.

Two eligible tribes—the Standing Rock Sioux Tribe and the Crow Creek Sioux Tribe—have decided not to be part of this arrangement at this point. I respect their decisions, and they are not included in the legislation.

In summary, Mr. President, the State of South Dakota, the Federal Government, the tribes, the wildlife and all who use these reservoirs for hunting, fishing, and recreation will benefit from this bill. It provides for a fair resolution to the environmental and jurisdictional problems created by the construction of the main stem dams nearly 40 years ago.

I am hopeful that the appropriate congressional committees will schedule action on this legislation as soon as possible so that further testimony can be heard and necessary refinements can be made. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, resolve the regulatory issues relating to hunting and fishing along the Missouri River, provide the public with well-maintained recreation areas along the Missouri River and expand hunting opportunities long into the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Mitigation Act of 1997".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Big Bend and Oahe projects are major components of the Pick-Sloan Missouri River Basin program that contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water to provide flood control and other benefits for all States and tribes in the Missouri River Basin;

(3) to carry out the Pick-Sloan Missouri River Basin program, the Secretary of the Army acquired approximately 500,000 acres of land from the State of South Dakota, 4 Indian tribes, and private individuals;

(4) as of the date of enactment of this Act, of the acreage referred to in paragraph (3), approximately 200,000 acres remain at an elevation above that of the top of the exclusive flood pool of the projects of the program;

(5) of the approximately 200,000 acres of dry land referred to in paragraph (4), approximately 80,000 acres are located within the exterior boundaries of the Cheyenne River Reservation, Crow Creek Reservation, Lower Brule Reservation, and Standing Rock Reservation;

(6) as a result of the inundation from the construction of the Big Bend and Oahe projects, the State of South Dakota and the 4 Indian reservations referred to in paragraph (5) lost approximately 250,000 acres of fertile, wooded bottom land along the Missouri River;

(7) the lost acreage constituted some of the most productive, unique, and irreplaceable acres of wildlife habitat in the State of South Dakota, including habitat for game and nongame species (including species that are listed as endangered or threatened species under Federal or State law);

(8) the Federal Government has never applied the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) in such a manner as to adequately mitigate the loss of habitat in the State of South Dakota and on affected Indian reservations within the State;

(9) an insufficient quantity of Federal land within the boundaries of projects of the Pick-Sloan Missouri River Basin program is available in the State of South Dakota to provide adequate mitigation of the loss of habitat;

(10) because of complicated land ownership patterns along the Missouri River, there have been many jurisdictional disputes over the control of the land along the river, including disputes concerning—

(A) the jurisdiction of tribal or State courts over hunting and fishing activities—

(i) on land of the Pick-Sloan Missouri River Basin program projects located within an Indian reservation; or

(ii) on the Missouri River;

(B) the establishment and enforcement of hunting and fishing seasons and limits; and

(C) hunting and fishing license requirements;

(11) the jurisdictional disputes referred to in paragraph (10)—

(A) have been, and continue to be, adjudicated in Federal courts; and

(B) have resulted in great costs to the Federal Government, the State of South Dakota, and the Indian tribes;

(12) as of the date of enactment of this Act, policies of the Army Corps of Engineers encourage the leasing of public recreation facilities to, and the management of certain land by, State and local sponsors, if feasible;

(13) the State of South Dakota has demonstrated its ability to manage public recreation areas and wildlife resources along the Missouri River;

(14) the Indian tribes have demonstrated an ability to manage wildlife resources on land located within the respective reservations of those Indian tribes;

(15) the transfer of administrative jurisdiction over certain land acquired for the purposes of the Pick-Sloan Missouri River Basin program from the Secretary of the Army to the Secretary of the Interior is in the best interest of the United States, the State of South Dakota, and the Indian tribes; and

(16) the Federal Government has a trust relationship and a fiduciary responsibility to Indian tribes.

(b) PURPOSES.—The purposes of this Act are—

(1) to mitigate the loss of terrestrial wildlife habitat that occurred as a result of construction projects carried out under the Pick-Sloan Missouri River Basin program;

(2) to settle longstanding jurisdictional disputes over land and water within the Pick-Sloan Missouri River Basin program projects;

(3) to protect, and provide public access to, the remaining wildlife habitat in the State of South Dakota; and

(4) to transfer to the Department of the Interior to be held in trust for the Indian tribes of South Dakota land acquired for the Pick-Sloan Missouri River Basin program within existing exterior reservation boundaries, without altering any boundary of a reservation of an Indian tribe established by a treaty with the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" means—

(A) the Cheyenne River Sioux Tribe; and

(B) the Lower Brule Sioux Tribe.

(2) MEMBER.—The term "member" means an individual who is an enrolled member of an Indian tribe.

(3) NON-INDIAN.—The term "non-Indian" means an individual who is not an enrolled member of an Indian tribe.

(4) SECRETARY OF THE ARMY.—The term "Secretary of the Army" means the Secretary of the Army, acting through the Chief of Engineers.

(5) TERRESTRIAL WILDLIFE HABITAT.—The term "terrestrial wildlife habitat" means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

SEC. 4. LEASE OF CORPS OF ENGINEERS RECREATION LAND TO THE STATE OF SOUTH DAKOTA.

(a) IN GENERAL.—At the request of the State of South Dakota, the Secretary of the Army shall lease to the State of South Dakota the land described in subsection (b) for a term not less than 50 years, with an option for renewal.

(b) LAND LEASED.—The land described in this subsection is any other land within the projects of the Pick-Sloan Missouri River Basin program in the State of South Dakota that—

(1) is located outside the external boundaries of a reservation of an Indian tribe; and

(2) the Secretary of the Army determines at the time of the transfer is designated as a recreation area in the current Project Master Plans.

(c) LEASE CONDITIONS.—The Secretary of the Army shall lease the land described in subsection (b) to the State of South Dakota on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land leased under this section caused by sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program.

(2) FLOWAGE EASEMENT.—The Secretary of the Army shall retain a flowage easement on the land leased under this section, and the lease shall not interrupt the ability of the Army Corps of Engineers to operate the projects in accordance with the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(3) MANAGEMENT OF RECREATION AREAS.—To the extent consistent with other Federal law, the Secretary of the Army shall not unreasonably impede or restrict the ability of the State of South Dakota to freely manage the recreation areas included in the lease.

(4) AGREEMENT BY THE STATE.—The State of South Dakota shall agree—

(A) to carry out the duties of the State under this Act, including, managing, operating, and maintaining the recreation areas leased to the State under this Act;

(B) to take such action as may be necessary to ensure that the hunting and fishing rights and privileges of Indian tribes described in section 5 are recognized and enforced; and

(C) not to assess a fee for sport or recreation hunting or fishing on the Missouri River by a member within the boundaries of an Indian reservation.

(5) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The State of South Dakota shall maintain all existing easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of execution of a lease under this section.

(6) COMPLIANCE WITH FEDERAL LAWS.—The State of South Dakota shall ensure that the leased land described in subsection (b) are used in accordance with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(C) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(d) MANAGEMENT TRANSITION.—The Secretary of the Army shall continue to fund and implement, until such time as funds are available for use from the South Dakota Wildlife Habitat Mitigation Trust Fund under section 7(d)(3)(A)(i), the terrestrial wildlife habitat mitigation plans under section 6(a).

SEC. 5. TRANSFER OF ARMY CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land described in subsection (b).

(2) TRUST.—The Secretary of the Interior shall hold in trust for each Indian tribe the land transferred under this section that are located within the external boundaries of the reservation of the Indian tribe.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of a reservation of an Indian tribe.

(c) MAP.—The Secretary of the Army, in cooperation with the governing bodies of the Indian tribes, shall prepare a map of the land transferred under this section. The map shall be on file in the appropriate offices of the Secretary of the Army.

(d) TRANSFER CONDITIONS.—The land described in subsection (b) that was acquired for the Pick-Sloan Missouri River Basin program shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land transferred under this section caused by sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) FLOWAGE EASEMENT.—The Secretary of the Army shall retain a flowage easement on the land transferred under this section and the transfer shall not interrupt the ability of the Army Corps of Engineers to operate the projects in accordance with the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(3) ACCESS BY ORIGINAL OWNERS.—An original owner of land (including an heir or assignee) shall be allowed access to the land in accordance with subsection (e) for the purposes described in that subsection.

(4) ACCESS BY THE STATE.—Each Indian tribe agrees to provide free and unencumbered access to the State of South Dakota, for purposes of fish and wildlife management, to each reservoir of the Missouri River that is located on or adjacent to the reservation of the Indian tribe.

(5) MANAGEMENT BY INDIAN TRIBES.—Each Indian tribe agrees, with respect to land held in trust for the Indian tribe, to manage, operate, and maintain any recreation area transferred to the Indian tribe under this section.

(6) REGULATION OF HUNTING, FISHING, AND RECREATION WITHIN EXTERIOR RESERVATION BOUNDARIES.—

(A) APPLICABILITY.—The conditions described in this paragraph shall apply—

(i) to the extent not inconsistent with other law;

(ii) except as otherwise provided in this section; and

(iii) with respect to—

(I) the water of the Missouri River within the exterior boundaries of a reservation of an Indian tribe; and

(II) land and water within the exterior boundaries of a reservation of an Indian tribe that is above the water's edge of the Missouri River, which land and water consists of allotted land and tribal trust land.

(B) LICENSE REQUIREMENTS.—

(i) IN GENERAL.—Each Indian tribe shall allow any non-Indian to purchase a license from the Indian tribe to hunt on allotted land and trust land of the Indian tribe without being required to purchase a hunting license from the State of South Dakota.

(ii) ALLOTTED LAND.—Hunting and fishing on allotted land shall require the permission of the allottee or a designated agent of the allottee.

(iii) MIGRATORY WATERFOWL.—A non-Indian shall not hunt migratory waterfowl on trust land unless the non-Indian is in possession of a Federal migratory-bird hunting and conservation stamp (known as a "Duck Stamp") issued under the Act of March 16, 1934 (48 Stat. 451, chapter 71; 16 U.S.C. 718 et seq.).

(iv) STATE GAME LICENSES.—Each Indian tribe shall honor big game and small game licenses issued by the State of South Dakota on non-Indian private deeded land and public land and water within the exterior boundaries of the reservation of the Indian tribe described in subparagraph (A)(iii) (referred to in this paragraph as the "reservation boundaries") without requiring a State licensee to purchase a hunting license or permit from the Indian tribe.

(v) NON-INDIAN LAND.—A non-Indian landowner who resides within the reservation boundaries of an Indian tribe may hunt on the non-Indian's land without securing a license from the Indian tribe.

(vi) DEEDED LAND.—Hunting on non-Indian and member private deeded land within the reservation boundaries of an Indian tribe shall be contingent on obtaining permission from the owner or lessee.

(vii) MEMBERS.—A member of an Indian tribe may hunt and fish on allotted or tribal trust land within the reservation boundaries of the Indian tribe with only a license from the Indian tribe, if such a license is required.

(C) ESTABLISHMENT OF WILDLIFE MANAGEMENT RULES.—

(i) RULES FOR MEMBERS.—Each Indian tribe shall establish such regulations, seasons, and bag limits for hunting or fishing by a member on allotted land and trust land of the Indian tribe as the wildlife management agency of the Indian tribe determines appropriate.

(ii) RULES FOR NON-INDIANS.—Each Indian tribe shall establish such regulations, seasons, and bag limits for hunting or fishing by non-Indians on allotted land and trust land of the Indian tribe as the wildlife management agency of the Indian tribe determines appropriate.

(iii) FISHING RULES.—Each Indian tribe shall adopt and enforce rules that affect fishing on the water of the Missouri River within the reservation boundaries of the Indian tribe that are agreed to by the State and affected tribe.

(D) PROHIBITIONS.—

(i) IN GENERAL.—Each Indian tribe shall—

(I) prohibit the use of gill or trammel nets and snagging of fish, other than when used in a fishery management effort by a certified tribal or State game, fish, and parks officer or employee;

(II) require the use of nontoxic shot in the hunting of migratory waterfowl; and

(III) prohibit the sale, trade, or barter of fish or terrestrial wildlife or other such practices that are detrimental to game and fish resources.

(ii) ENFORCEMENT.—Each Indian tribe and the State of South Dakota shall actively enforce the prohibitions described in clause (i) against members and non-Indians without discrimination.

(E) ENFORCEMENT OF RULES.—

(i) EXECUTION OF CROSS-DEPUTIZATION AGREEMENTS.—

(I) IN GENERAL.—Each Indian tribe shall enter into a cross-deputization agreement with the State of South Dakota under which tribal officers, on certification by the Law Enforcement Training and Standards Commission or after receiving equivalent Federal training, are granted the credentials of a State of South Dakota Deputy Conservation officer effective only within the reservation boundaries of the Indian tribe.

(II) PROVISION OF TRIBAL ENFORCEMENT CREDENTIALS.—Each Indian tribe shall provide tribal enforcement credentials to State of South Dakota Conservation officers on proof to the tribe that the officers are certified as conservation officers under Federal, tribal, or State law, effective only within the reservation boundaries of the Indian tribe.

(ii) ARRESTS.—

(I) COORDINATION.—Any arrest made under the authority of a cross-deputization agreement shall be coordinated through the officer of the government that has prosecutorial jurisdiction for the arrest.

(II) AVAILABILITY TO TESTIFY.—The officer who arrests or causes the arrest of a person under the authority of a cross-deputization agreement shall be reasonably available to testify in the appropriate tribal, Federal, or State court.

(F) PROSECUTION.—

(i) ALLOTTED LAND AND TRIBAL TRUST LAND.—

(I) NON-INDIANS.—A non-Indian violator of a regulation that affects a hunting, fishing, or recreational activity on the allotted land or tribal trust land of an Indian tribe shall be prosecuted in Federal court or a court of the Indian tribe, whichever is appropriate.

(II) MEMBERS.—A member violator of a regulation that affects a hunting, fishing, or recreational activity on the allotted land or tribal trust land of an Indian tribe shall be prosecuted in a court of the Indian tribe.

(ii) MISSOURI RIVER.—

(I) NON-INDIANS.—A non-Indian violator of a regulation that affects a hunting, fishing, or recreational activity on the water of the Missouri River shall be prosecuted in a Federal or State court, whichever is appropriate.

(II) MEMBERS.—A member violator of a regulation that affects a hunting, fishing, or recreational activity on the water of the Missouri River within the reservation boundaries of an Indian tribe shall be prosecuted in the court of the Indian tribe.

(G) PENALTIES.—The penalties for violations of regulations that affect a hunting, fishing, or recreational activity on the water of the Missouri River shall be identical for members and non-Indians.

(7) OTHER INDIAN TRIBE REQUIREMENTS.—Each Indian tribe shall agree to meet the requirements applicable to the Indian tribe under this Act.

(8) BOATING SAFETY; TEMPORARY LANDINGS.—Each Indian tribe shall grant any person who operates a vessel the right of access, without charge, to land under the jurisdiction of the Indian tribe located along the shore of the Missouri River or the reservoirs of the Pick-Sloan Missouri River Basin program projects for the purposes of—

(A) ensuring safety under adverse weather conditions (including storms and high winds);

(B) otherwise making a landing that—

(i) is for a purpose other than hunting, fishing, or removing objects, including Indian cultural or archaeological materials;

(ii) is of a duration of not more than 24 hours; and

(iii) is consistent with the protection of natural resources and the environment.

(C) carrying out any subsequent co-management agreement that may be negotiated between the State of South Dakota and the Indian tribe relating to hunting, fishing, or recreational use; and

(D) making an unarmed retrieval of waterfowl (as determined under the law of the State of South Dakota).

(9) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all existing easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay the affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

(e) ACCESS BY ORIGINAL OWNERS.—

(1) IN GENERAL.—An original owner of land transferred under this section (including an Indian allottee), and any other person who has been assigned or has inherited land from an original landowner (or Indian allottee), who maintains base property in the vicinity of the land, shall be guaranteed access to and a right to lease, for agricultural purposes (including grazing), the land acquired from the original owner by the Secretary of the Army for the Pick-Sloan Missouri River Basin program.

(2) EASEMENTS AND RIGHTS-OF-WAY.—An Indian tribe shall honor past easements and rights-of-way and provide reasonable future easements and rights-of-way to ensure access for use of the land.

(3) FENCING.—Any agency or Indian tribe that requires the land to be fenced shall be responsible for building and maintaining the fencing required.

(4) FEES.—An Indian tribe that leases land to an original owner or other person described in paragraph (1) may charge a grazing fee at a rate that does not exceed the rate charged by the Indian tribe for grazing on comparable land within the external boundaries of the reservation of the Indian tribe.

(5) ELIGIBILITY TO LEASE LAND FOR AGRICULTURAL PURPOSES.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall determine which original owners, heirs, and assignees (including Indian allottees) meet the eligibility criteria to lease land for agricultural purposes under this section.

SEC. 6. TERRESTRIAL WILDLIFE HABITAT MITIGATION.

(a) TERRESTRIAL WILDLIFE HABITAT MITIGATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and with the assistance of the Secretary of the Army and the Secretary of the Interior, the State of South Dakota and each Indian tribe shall, as a condition of the receipt of funds under this Act, develop a plan for the mitigation of terrestrial wildlife habitat loss that occurred as a result of flooding related to projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE.—The Secretary of the Treasury shall make available to the State of South Dakota funds from the South Dakota Wildlife Habitat Mitigation Trust Fund established by section 7, to be used to carry out the plan.

(B) INDIAN TRIBES.—The Secretary of the Interior shall make available to each Indian tribe funds from the Native American Wildlife Habitat Mitigation Trust Fund established by section 8, to be used to carry out the plan.

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use payments received under section 7(d)(3)(A)(ii), and each Indian tribe may use payments received under section 8(d)(3)(A)(ii), to develop or expand a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF PLAN.—

(A) IN GENERAL.—If the State of South Dakota, or an Indian tribe, conducts a program in accordance with this subsection, the State of South Dakota, or the Indian tribe, in consultation with the United States Fish and Wildlife Service and with opportunity for public comment, shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, or the Indian tribe, in carrying out the program developed under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting seasons; and

(B) other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota or Indian tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program in accordance with this subsection, the State may use payments received under section 7(d)(3)(A)(ii) to—

(i) acquire easements, rights-of-way, or leases for management of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private land in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse private property; or

(iii) lease land for the creation or restoration of a wetland on tribal or private land in the State of South Dakota.

(B) INDIAN TRIBES.—If an Indian tribe conducts a program in accordance with this subsection, the Indian tribe may use payments received under section 7(d)(3)(A)(ii) for the purposes described in subparagraph (A).

(c) DEAUTHORIZATION OF BLUNT RESERVOIR PROJECT.—

(1) IN GENERAL.—The Blunt Reservoir and Pierre Canal features of the Oahe Unit, administered by the Bureau of Reclamation in the State of South Dakota, are not authorized after the date of enactment of this Act.

(2) TRANSFER OF LAND.—Land associated with the Blunt Reservoir and Pierre Canal features of the Oahe Unit that is administered by the Bureau of Reclamation is transferred in fee title to the State of South Dakota to be used for the purpose of terrestrial wildlife habitat mitigation.

SEC. 7. SOUTH DAKOTA WILDLIFE HABITAT MITIGATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "South Dakota Wildlife Habitat Mitigation Trust Fund" (referred to in this section as the "Fund").

(b) FUNDING.—For the fiscal year following the fiscal year during which the aggregate of the amounts deposited in the Lower Brule Sioux Tribe Infrastructure Development Trust Fund is equal to the amount specified in section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act of 1997, and for each fiscal year thereafter until such time as the aggregate of the amounts deposited in the Fund under this subsection, is equal to **$108,000,000**, the Secretary of the Treasury shall deposit in the Fund an amount equal to 15 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—The Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use in accordance with paragraph (3). The Secretary of the Treasury may not withdraw the amounts for any other purpose.

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the State of South Dakota shall use the amounts transferred under paragraph (2) only to carry out the following activities:

(i) The implementation and administration of a terrestrial wildlife habitat mitigation plan under section 6(a).

(ii) The purchase and administration of wildlife habitat leases under section 6(b) and other activities described in that section.

(iii) The management, operation, administration, maintenance, and development, in accordance with this Act, of all recreation areas that are leased to the State of South Dakota by the Army Corps of Engineers.

(iv) The development and maintenance of public access to, and protection of, wildlife habitat and recreation areas along the Missouri River.

(B) ALLOCATION FOR PLAN.—The State of South Dakota shall use the amounts transferred under paragraph (2) to fully implement the terrestrial wildlife habitat mitigation plan of the State under section 6(a).

(C) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 8. NATIVE AMERICAN WILDLIFE HABITAT MITIGATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Native American Wildlife Habitat Mitigation Trust Fund" (referred to in this section as the "Fund").

(b) FUNDING.—For the fiscal year following the fiscal year during which the aggregate of the amounts deposited in the Lower Brule Sioux Tribe Infrastructure Development Trust Fund is equal to the amount specified in section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act of 1997, and for each fiscal year thereafter until such time as the aggregate of the amounts deposited in the Fund under this subsection, is equal to **$47,400,000**, the

Secretary of the Treasury shall deposit in the Fund an amount equal to 10 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with paragraphs (3) and (4).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—At the request of the Secretary of the Interior, the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Secretary of the Interior for use in accordance with paragraphs (3) and (4). The Secretary of the Treasury may not withdraw the amounts for any other purpose.

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (4), the Secretary of the Interior shall use the amounts transferred under paragraph (2) only for the purpose of making payments to Indian tribes to carry out the following activities:

(i) The implementation and administration of a terrestrial wildlife habitat mitigation plan under section 6(a), which payment shall be made at such time as the Secretary of the Army approves a terrestrial wildlife habitat mitigation plan developed by the Indian tribe under that section.

(ii) The purchase and administration of wildlife habitat leases under section 6(b) and other activities described in that section.

(iii) The management, operation, administration, maintenance, and development, in accordance with this Act, of recreation areas held in trust for the Indian tribes.

(iv) The development and maintenance of public access to, and protection of, wildlife habitat and recreation areas along the Missouri River.

(v) The preservation of Native American cultural sites located on the transferred land.

(B) ALLOCATION FOR PLAN.—Each Indian tribe shall use the amounts transferred under paragraph (2) and paid to the Indian tribe to fully implement the terrestrial wildlife habitat mitigation plan of the Indian tribe under section 6(a).

(C) PROHIBITION.—The amounts transferred under paragraph (2) and paid to an Indian tribe shall not be used for the purchase of land in fee title.

(4) PRO RATA SHARE OF PAYMENTS.—In making payments from the interest generated under the Fund, the Secretary of the Interior shall ensure that the total amount of payments received by the Indian tribes under paragraph (3) is distributed as follows:

(A) 79 percent shall be available to the Cheyenne River Sioux Tribe.

(B) 21 percent shall be available to the Lower Brule Sioux Tribe.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 9. AUTHORIZATION OF ADMINISTRATIVE COSTS OF THE ARMY CORPS OF ENGINEERS.

There are authorized to be appropriated to the Secretary of the Army such sums as are necessary—

(1) to pay administrative expenses incurred in carrying out this Act; and

(2) to fund the implementation of terrestrial wildlife habitat mitigation plans under section 6(a) until such time as funds are available for use under sections 7(d)(3)(A)(i) and 8(d)(3)(A)(i).

SEC. 10. RULE OF CONSTRUCTION; PROHIBITION.

(a) STATUTORY CONSTRUCTION.—Nothing in this Act diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this Act;

(3) any valid, existing treaty right that is in effect on the date of enactment of this Act;

(4) the external boundaries of any reservation of an Indian tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish and terrestrial wildlife resources, except as specifically provided in another provision of this Act;

(6) any authority or responsibility of the Secretary of the Army or the Secretary of the Interior under a law in existence on the date of enactment of this Act, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(C) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(7) the ability of an Indian tribe to use the trust land transferred to the Indian tribe under this Act in a manner that is consistent with the use of other Indian trust land, except as otherwise specifically provided in this Act.

(b) POWER RATES.—No payment made under this Act shall affect any power rate under the Pick-Sloan Missouri River Basin program.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this Act.

By Mr. MURKOWSKI (for himself and Mr. THOMAS):

S. 1342. A bill to amend title XVIII of the Social Security Act to increase access to quality health care in frontier communities by allowing health clinics and health centers greater Medicare flexibility and reimbursement; to the Committee on Finance.

THE MEDICARE FRONTIER HEALTH CLINIC AND CENTER ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Medicare Frontier Health Clinic and Center Act of 1997. I am pleased that the junior Senator from Wyoming, Senator THOMAS is cosponsoring this bill.

Our bill clarifies the intent of Congress to allow health clinics to participate in the new Medicare Rural Hospital Flexibility Program.

Mr. President, great advances in health care have occurred during the past decades, however, some communities in remote areas continue to struggle to provide primary care services. These communities face unparalleled geographic, climatic and economic barriers to quality health care. They simply do not have the resources, surface transportation nor the demand to provide full service inpatient and outpatient care—yet the community might be located hours from an acute care hospital in an urban center.

The Medicare Rural Hospital Flexibility Program in the Balanced Budget Act of 1997 addresses part of this dilemma. It exempts many rural hospitals from burdensome Medicare regulations designed for large urban hospitals and does not straight jacket them under the prospective payment system. This limited-service model has already helped to reduce unnecessary overhead and prevent cost shifting in eight States.

The Medicare Rural Hospital Flexibility Act means that extremely rural communities will finally be able to provide more complete health care to the elderly. However, Mr. President, this important Medicare provision needs legislative clarification. The Medicare Rural Hospital Flexibility Program addresses part of the dilemma faced by communities located in remote areas, but misses a piece of the health care puzzle for our frontier communities—health clinics.

Frontier communities face conditions even more extreme than rural communities. For example, the communities on the Fox Islands in Alaska are 400 miles from the nearest limited-service hospital and 650 miles from the nearest major, acute care hospital. There are no hospitals or even limited-service hospitals on the Fox Islands—just health clinics.

This legislation will enable clinics in frontier communities such as the Fox Islands to participate in the program. A frontier area is defined in the bill as borough with six or fewer people per square mile. Additionally, to ensure this extension goes to frontier communities who are truly in need, participating clinics must be located in health professional shortage areas, and be more than a 50-mile drive from another facility.

Mr. President, the Medicare Frontier Health Clinic and Center Act of 1997 is the answer for ensuring health care for our elderly who live in extremely rural and frontier areas. Demonstrations conducted by the Health Care Financing Administration have already proven the cost effectiveness of limited-service facilities.

I would also point out that yesterday, the National Rural Health Association [NRHA], in a letter to Nancy-

Ann Min DeParle, the nominee to be Administrator of the Health Care Financing Administration, endorsed the concept of allowing rural clinics to participate in this program.

I urge my colleagues to consider the health care needs of frontier communities and adopt this bill.

By Mr. LAUTENBERG:

S. 1343. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax rate on tobacco products and deposit the resulting revenues into a Public Health and Education Resource Trust Fund, and for other purposes; to the Committee on Finance.

THE PUBLIC HEALTH AND EDUCATION RESOURCE ACT [PHAER]

Mr. LAUTENBERG. Mr. President, last spring, various State attorneys general announced that they had reached a global agreement to settle ongoing State lawsuits against the tobacco industry in exchange for certain concessions by the industry aimed at reducing teen smoking. This truly historic agreement followed a persistent effort by President Clinton to empower the Food and Drug Administration to regulate nicotine and develop strategies to stop the addiction of our children to this deadly drug. President Clinton is the first President in our Nation's history to take on the tobacco industry on behalf of the American people and he deserves enormous credit for his bold and relentless leadership on this issue.

Since the announcement of the global tobacco settlement, President Clinton, his health advisers, former FDA Commissioner David Kessler, former Surgeon General C. Everett Koop, our leading public health groups, and many of us in the Congress have reviewed the proposed settlement. While the attorneys general pushed the industry as hard as they could, they had to make significant compromises along the way to keep the industry at the bargaining table. An examination of their deal with the industry reflects the limits under which they were operating and shows that the settlement is flawed in many respects.

The Congress, Mr. President, is in an entirely different position vis-a-vis the tobacco industry. The Congress has no need to make the kinds of concessions to the industry that the attorneys general did. The Congress does not need permission from the industry to take steps to reduce teen smoking and put an end to hundreds of thousands of preventable deaths each year. We don't have to settle. Our job is to develop legislation in the public interest and promote the public health.

Mr. President, virtually no one in the Congress today supports the settlement proposed by the industry and the attorneys general. The settlement is dead. It is gone with Joe Camel. After extensive review, President Clinton recommended to the Congress that we enact comprehensive tobacco control legislation, and focus on the public health—not the tobacco industry's interests.

Mr. President, I share President Clinton's deep reservation about the settlement as a framework for this legislation. Instead, I would like to propose an alternative framework for my colleagues and others in the public health community to consider. I hope it will influence our deliberations next year, and contribute to the enactment of effective and comprehensive tobacco legislation. Mr. President, this approach is not premised on the notion of a deal with the industry. Instead, it attempts to build on the extremely thoughtful and knowledgeable work of Drs. Kessler and Koop, and many other public health experts and economists, who have studied these questions for a long time. It is a public health measure, pure and simple.

Mr. President, today Representative JIM HANSEN and I are introducing the Public Health and Education Resource Act—or the PHAER Act. The PHAER Act is, in some ways simple and straightforward. It goes right at the problem. It would raise the excise tax on tobacco by $1.50, consistent with the President's recommendation on pricing. It specifically targets the revenues raised to public health, with an emphasis on reducing youth smoking rates. This bipartisan, bicameral proposal is intended to serve as the blueprint for accomplishing the public health goals that the President and public health leaders have outlined.

Mr. President, the overarching goal of the public health community is to decrease the rate of tobacco addiction in children. I believe the PHAER Act is the simplest and most direct way to accomplish that goal. Every health expert concludes that the single most effective way to reduce youth consumption of cigarettes is to increase the price. According to the Congressional Research Service, a $1.50 increase in the price of cigarettes will result in a 45-percent reduction in youth smoking rates. The President has made this a prerequisite to any tobacco legislation.

So, Mr. President, the question before Congress is how to accomplish this price increase and serve our public health interests. The tobacco settlement would raise prices by funneling money through the tobacco companies to accomplish a price increase. This approach relies on the industry to raise the price—which is a Catch-22. If the industry does raise the price by a $1.50, then there is no guarantee that all of these revenues will go toward the public health. In fact, health experts and the Federal Trade Commission have concluded that under the proposed settlement, the companies would make a substantial profit from such a price increase—as less than half of the $1.50 would actually go toward settlement payments.

On the other hand, the companies might not ever raise their prices to a point that actually makes a real dent in teen smoking. They could choose to simply raise it high enough to cover their settlement costs—estimated at 62 cents per pack.

Neither of these outcomes are positive for America's health. That is why the only fair way to accomplish these goals is through the PHAER Act I am introducing today.

Mr. President, we know that an increase in excise taxes is the single most effective step we can take to reduce teen smoking, and through PHAER we can ensure that every penny of the price increase is targeted to programs that will further reduce illegal youth tobacco consumption and promote other critical public health priorities. This is the most effective and reliable mechanism to guarantee that prices go up and that revenues are targeted to the proper programs.

Mr. President, this is not a partisan issue. Senators from both sides of the aisle have stated that the excise tax is the most efficient and effective way to reduce teen smoking and decrease the cost of tobacco illness in our country. This is one of the few taxes that people actually support increasing. It is one of the few taxes that can be directly linked to positive policy goals. Now, all we need is the will to act.

Mr. President, we propose a revenue pipeline to the public health rather than relying on the Rubik's cube payment scheme offered by the industry. Under my bill, excise tax increases will turn teenagers away from cigarettes and the proceeds of the increase will go directly to benefit America's health. These funds are targeted to public health and educational programs to further reduce teen tobacco addiction.

Our PHAER tobacco excise tax increase will be phased in over 3 years. Each year the fee will increase by 50 cents until it reaches $1.50. Once at $1.50, the PHAER fee will be indexed for inflation to guarantee that its price-deterrent effect continues to be strong enough to maintain the reduction in teen tobacco use.

Mr. President, many have stated that a price increase alone will not sustain a long term decrease in youth tobacco addiction, and they are right. That is why the revenues from the PHAER fee will be targeted to public health programs, with an emphasis on those that will directly decrease the number of kids who begin to smoke every day.

Three-quarters of PHAER funds will be disbursed at the State and local level for health and education programs that bring home to young people the deadly consequences of smoking. These funds will be distributed to the States with the supervision and assistance by the Secretary of Health and

Human Services. We should set out national goals for reducing teen smoking, and insist on accountability, but we should also give States the flexibility to develop the best programs for their people.

Mr. President, each State will be able to design teen smoking cessation programs that are most effective for its particular circumstance. An average of $15 billion per year will be available for these States programs. Eligible uses include smoking cessation programs and services, school and community-based tobacco education and prevention programs, counteradvertising campaigns, expansion of the children's health insurance program created in the budget act, and other public health purposes.

Mr. President, it is critical that smoking cessation and addiction treatment programs be put into place, and the PHAER Program will do that. I hear a great deal of talk about adult choice. Well, most adults who smoke are not really choosing to smoke—they are addicted. It is not merely a habit—it is an addiction as powerful as the addiction to cocaine. And as the price of cigarettes goes up, we should put a system in place that will help bring addicted smokers off nicotine. Cessation and treatment programs should be available to all Americans, regardless of their income.

Mr. President, these programs will be coordinated at the State level and the States will have flexibility to design their own programs. The States vary widely in the patterns of tobacco use. Some States have youth cigarette consumption rates reaching catastrophic levels; other States have a more pressing problem with chewing—or smokeless—tobacco.

Mr. President, the remaining 25 percent of PHAER funds—an average of $5 billion per year—will be available at the Federal level to expand critical research at the National Institutes of Health and the Centers for Disease Control. They will also be used to adequately fund tobacco control programs at the Food and Drug Administration and to assure that tobacco farmers, factory workers, and their communities will not suffer economic devastation as we move to reduce smoking. The PHAER Act would also contribute to tobacco prevention programs at the Veterans' Administration, the Drug Czar's office, and across the world through assistance to international programs. PHAER would also fund Medicare prevention programs and premium and cost-sharing assistance for low-income Medicare beneficiaries.

Mr. President, all of these goals—and many more—can be accomplished, and we do not need to ask the tobacco industry's permission to do it. We just need to raise the tobacco excise tax and use the revenues to promote clear public health objectives.

Mr. President, the reason we can accomplish these goals is that the PHAER fund will raise $494 billion over 25 years—an average of nearly $20 billion per year. This estimate is based on the tobacco consumption curve developed by the Joint Committee on Taxation. It is a realistic calculation of the revenues that will flow from this excise tax boost, even given anticipated reductions in tobacco consumption.

Mr. President, this revenue projection of $494 billion over 25 years is much more reliable than the $368.5 billion figure projected by the tobacco industry and State attorneys general as a result of their proposed settlement. Those numbers are full of holes and deceptions. The Federal Trade Commission recently found that the much-publicized $368.5 billion figure so widely associated with the proposed tobacco settlement failed to take into account the effect of reduced consumption of tobacco on the industry's payment obligations under the terms of the settlement. A more realistic estimate would peg the proceeds of the proposed tobacco settlement closer to $250 billion over 25 years.

Mr. President, when you look at real numbers, it is clear that the PHAER Act will provide States with considerably more funds than the proposal by the tobacco industry and the attorneys general.

Finally, Mr. President, our bill includes a series of sense-of-the-Senate provisions. We include them in the bill to reflect our recognition that comprehensive tobacco legislation should include a broader range of measures than the revenue proposals in PHAER. These provisions state that any final legislation should include: stiff penalties to serve as an incentive for the industry to stop targeting kids, full authority for the Food and Drug Administration to regulate tobacco, disclosure of documents, restrictions on secondhand smoke, ingredient and constituent disclosure and a ban on the use of Federal Government resources to weaken nondiscriminatory public health laws abroad.

Already this year, several key pieces of tobacco legislation have been introduced that should be part of congressional action next year on tobacco. I have introduced the Tobacco Disclosure and Warning Act, dealing with ingredient labeling, the Smoke-Free Environment Act, which would restrict secondhand smoke, and the Worldwide Tobacco Disclosure Act, which would set out our international trade policy on tobacco. I have also cosponsored Senator DURBIN's legislation, the No Tobacco for Kids Act, which would set up real penalties to stop the industry from targeting kids.

In addition, along with Minnesota State Attorney General Humphrey and others, I have called for a full disclosure of hidden documents from the industry, including those that have been fraudulently concealed under the cloak of the attorney-client privilege. I have asked relevant committee chairmen to subpoena documents being held by Minnesota courts because Congress must have the unfiltered truth before we legislate on such a critical issue.

Hopefully, Mr. President, the State of Minnesota will do what the Congress of the United States has so far failed to do. Minnesota—which did not sign on to the supposedly "global" tobacco settlement—is expected to go to trial in January. That case should bring significant information to light—information on tobacco and health that will be critical to crafting appropriate legislation in Congress.

Mr. President, opponents of strengthening the proposed tobacco settlement assert the industry will "walk away" if any legislation is too favorable to the public health. Last time I checked the Constitution of the United States, only duly elected U.S. Senators could vote in this Chamber, and only Members, staff, and former Members could have access to the floor. As far as I'm concerned, the tobacco industry can walk anywhere it wants to—but not onto this floor to cast votes for or lobby against this legislation.

Mr. President, all of us were elected to serve the people of our individual States and the Nation as a whole. There are few things that I could do for the people of New Jersey—especially the young people and their parents—that are more critical than preventing children from inhaling a deadly and addicting toxin into their body.

Mr. President, I urge my colleagues to cosponsor the PHAER legislation. It is not time to strike a deal with Big Tobacco, but rather it is time to make a healthy future real for America's kids.

Mr. President, I ask unanimous consent that letters I have received from public health groups supporting the approach taken in this legislation be entered into the RECORD. This includes a letter from the ENACT Coalition, which is signed by the American Medical Association, the American Cancer Society, the American Heart Association, American Academy of Pediatrics, American College of Preventive Medicine, National Association of County and City Health Officials, Partnership for Prevention, and the Campaign for Tobacco-Free Kids. In addition, I am inserting letters from the American Lung Association and the National Association of Counties, which also indicated support for the introduction of the PHAER legislation.

I also ask unanimous consent to insert the bill, a fact sheet, and a chart reflecting how many more lives would be saved under the PHAER Act as opposed to the tobacco industry's proposed settlement into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Health and Education Resource (PHAER) Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—IMPOSITION OF INCREASED TAXES ON TOBACCO PRODUCTS
Sec. 101. Increase in excise tax rate on tobacco products in addition to such increase contained in the Balanced Budget Act of 1997.
Sec. 102. Tax treatment for certain tobacco-related expenses.
TITLE II—PHAER TRUST FUND
Sec. 201. Public Health and Education Resource Trust Fund.
TITLE III—FEDERAL STANDARDS WITH RESPECT TO TOBACCO PRODUCTS
Sec. 301. Federal standards with respect to tobacco products.
TITLE IV—SENSE OF THE SENATE
Sec. 401. Sense of the Senate regarding comprehensive tobacco legislation.

TITLE I—IMPOSITION OF INCREASED TAXES ON TOBACCO PRODUCTS

SEC. 101. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS IN ADDITION TO SUCH INCREASE CONTAINED IN THE BALANCED BUDGET ACT OF 1997.

(a) CIGARETTES.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 is amended—

(1) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 or 1992);" in paragraph (1) and inserting "the applicable rate per thousand determined in accordance with the following table:

"In the case of cigarettes removed during:	The applicable rate is:
1998	$12.00
1999	$37.00
2000	$67.00
2001	$92.00
2002	$94.50.;

and

(2) by striking paragraph (2) and inserting the following:

"(2) LARGE CIGARETTES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), on cigarettes, weighing more than 3 pounds per thousand, the applicable rate per thousand determined in accordance with the following table:

"In the case of cigarettes removed during:	The applicable rate is:
1998	$25.20
1999	$77.70
2000	$140.70
2001	$193.20
2002	$198.45.

"(B) EXCEPTION.—On cigarettes more than 6½ inches in length, at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette."

(b) CIGARS.—Subsection (a) of section 5701 of such Code is amended—

(1) by striking "$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 or 1992)," in paragraph (1) and inserting "the applicable rate per thousand determined in accordance with the following table:

"In the case of cigars removed during:	The applicable rate is:
1998	$1.125 cents
1999	$3.4687 cents
2000	$6.2822 cents
2001	$8.6264 cents
2002	$8.8588 cents.";

and

(2) by striking paragraph (2) and inserting the following:

"(2) LARGE CIGARS.—On cigars, weighing more than 3 pounds per thousand, the applicable percentage of the price for which sold but not more that the applicable rate per thousand determined in accordance with the following table:

In the case of cigars removed during:.	The applicable percentage is:.	The applicable rate is:
1998	12.750% ...	$30.00
1999	39.312% ...	$92.50
2000	71.189% ...	$167.50
2001	97.753% ...	$230.00
2002	100.407% ...	$236.25."

(c) CIGARETTE PAPERS.—Subsection (c) of section 5701 of such Code is amended to read as follows:

"(c) CIGARETTE PAPERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), on each book or set of cigarette papers containing more than 25 papers, manufactured in or imported into the United States, there shall be imposed a tax of the applicable rate for each 50 papers or fractional part thereof as determined in accordance with the following table:

"In the case of cigarette papers removed during:	The applicable rate is:
1998	0.75 cent
1999	2.31 cents
2000	4.18 cents
2001	5.74 cents
2002	5.91 cents.

"(2) EXCEPTION.—If cigarette papers measure more than 6½ inches in length, such cigarette papers shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper."

(d) CIGARETTE TUBES.—Subsection (d) of section 5701 of such Code is amended to read as follows:

"(d) CIGARETTE TUBES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), on cigarette tubes, manufactured in or imported into the United States, there shall be imposed a tax of the applicable rate for each 50 tubes or fractional part thereof as determined in accordance with the following table:

"In the case of cigarette tubes removed during:	The applicable rate is:
1998	1.50 cents
1999	4.62 cents
2000	8.39 cents
2001	11.53 cents
2002	11.82 cents.

"(2) EXCEPTION.—If cigarette tubes measure more than 6½ inches in length, such cigarette tubes shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube."

(e) SMOKELESS TOBACCO.—Paragraphs (1) and (2) of subsection (e) of section 5701 of such Code are is amended to read as follows:

"(1) SNUFF.—On snuff, the applicable rate per pound determined in accordance with the following table (and a proportionate tax at the like rate on all fractional parts of a pound):

"In the case of snuff removed during:	The applicable rate is:
1998	36 cents
1999	$1.11
2000	$2.01
2001	$2.76
2002	$2.835 cents.

"(2) CHEWING TOBACCO.—On chewing tobacco, the applicable rate per pound determined in accordance with the following table (and a proportionate tax at the like rate on all fractional parts of a pound):

"In the case of chewing tobacco removed during:	The applicable rate is:
1998	12 cents
1999	37 cents
2000	67 cents
2001	92 cents
2002	94.5 cents."

(f) PIPE TOBACCO.—Subsection (f) of section 5701 of such Code is amended to read as follows:

"(f) PIPE TOBACCO.—On pipe tobacco, manufactured in or imported into the United States, there shall be imposed a tax of the applicable rate per pound determined in accordance with the following table (and a proportionate tax at the like rate on all fractional parts of a pound):

"In the case of pipe tobacco removed during:	The applicable rate is:
1998	67.5 cents
1999	$2.0812 cents
2000	$3.7705 cents
2001	$5.1774 cents
2002	$5.3157 cents."

(g) IMPOSITION OF EXCISE TAX ON MANUFACTURE OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5701 of such Code (relating to rate of tax) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax of the applicable rate per pound determined in accordance with the following table (and a proportionate tax at the like rate on all fractional parts of a pound):

"In the case of roll-your-own tobacco removed during:	The applicable rate is:
1998	67.5 cents
1999	$2.0812 cents
2000	$3.7705 cents
2001	$5.1774 cents
2002	$5.3157 cents."

(2) ROLL-YOUR-OWN TOBACCO.—Section 5702 of such Code (relating to definitions) is amended by adding at the end the following new subsection:

"(p) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes."

(3) Technical amendments.—

(A) Subsection (c) of section 5702 of such Code is amended by striking "and pipe tobacco" and inserting "pipe tobacco, and roll-your-own tobacco".

(B) Subsection (d) of section 5702 of such Code is amended—

(i) in the material preceding paragraph (1), by striking "or pipe tobacco" and inserting "pipe tobacco, or roll-your-own tobacco", and

(ii) by striking paragraph (1) and inserting the following new paragraph:

"(1) a person who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the person's own personal consumption or use, and".

(C) The chapter heading for chapter 52 of such Code is amended to read as follows:

"CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES".

(D) The table of chapters for subtitle E of such Code is amended by striking the item relating to chapter 52 and inserting the following new item:

"Chapter 52. Tobacco products and cigarette papers and tubes."

(h) Inflation Adjustment of Rates and Floor Stocks Taxes.—Section 5701 of such Code, as amended by subsection (g), is amended by redesignating subsection (h) as subsection (j) and by inserting after subsection (g) the following:

"(h) Inflation adjustment.—In the case of a calendar year after 2002, the dollar amount contained in the table in each of the preceding subsections (and the percentage contained in the table contained in subsection (b)(2)) applicable to the preceding calendar year (after the application of this subsection) shall be increased by an amount equal to—

"(1) such dollar amount (or percentage), multiplied by

"(2) the greatest of—

"(A) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'the second preceding calendar year' for 'calendar year 1992' in subparagraph (B) thereof,

"(B) the medical consumer price index for such calendar year determined in the same manner as the adjustment described in subparagraph (A), or

"(C) 3 percent.

"(j) Floor Stocks Taxes.—

"(1) Imposition of tax.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States which are removed before any tax increase date, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

"(A) the tax which would be imposed under any preceding subsection of this section on the article if the article had been removed on such date, over

"(B) the prior tax (if any) imposed under such subsection on such article.

"(2) Liability for tax and method of payment.—

"(A) Liability for tax.—A person holding cigarettes on any tax increase date, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

"(B) Method of payment.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

"(C) Time for payment.—The tax imposed by paragraph (1) shall be paid on or before April 1 following any tax increase date.

"(3) Articles in foreign trade zones.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on any tax increase date, shall be subject to the tax imposed by paragraph (1) if—

"(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

"(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

"(4) Tax increase date.—The term "tax increase date" means January 1.

"(5) Controlled groups.—Rules similar to the rules of section 5061(e)(3) shall apply for purposes of this subsection.

"(6) Other laws applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by the preceding subsections of this section shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such subsections. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made."

(i) Modifications of Certain Tobacco Tax Provisions.—

(1) Exemption for exported tobacco products and cigarette papers and tubes to apply only to articles marked for export.—

(A) Subsection (b) of section 5704 of such Code is amended by adding at the end the following new sentence: "Tobacco products and cigarette papers and tubes may not be transferred or removed under this subsection unless such products or papers and tubes bear such marks, labels, or notices as the Secretary shall by regulations prescribe."

(B) Section 5761 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Sale of Tobacco Products and Cigarette Papers and Tubes for Export.—Except as provided in subsections (b) and (d) of section 5704—

"(1) every person who sells, relands, or receives within the jurisdiction of the United States any tobacco products or cigarette papers or tubes which have been labeled or shipped for exportation under this chapter,

"(2) every person who sells or receives such relanded tobacco products or cigarette papers or tubes, and

"(3) every person who aids or abets in such selling, relanding, or receiving,

shall, in addition to the tax and any other penalty provided in this title, be liable for a penalty equal to the greater of $1,000 or 5 times the amount of the tax imposed by this chapter. All tobacco products and cigarette papers and tubes relanded within the jurisdiction of the United States, and all vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States."

(C) Subsection (a) of section 5761 of such Code is amended by striking "subsection (b)" and inserting "subsection (b) or (c)".

(D) Subsection (d) of section 5761 of such Code, as redesignated by subparagraph (B), is amended by striking "The penalty imposed by subsection (b)" and inserting "The penalties imposed by subsections (b) and (c)".

(E)(i) Subpart F of chapter 52 of such Code is amended by adding at the end the following new section:

"SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(a) In General.—Tobacco products and cigarette papers and tubes previously exported from the United States may be imported or brought into the United States only as provided in section 5704(d). For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) Cross Reference.—

"For penalty for the sale of tobacco products and cigarette papers and tubes in the United States which are labeled for export, see section 5761(c)."

(ii) The table of sections for subpart F of chapter 52 of such Code is amended by adding at the end the following new item:

"Sec. 5754. Restriction on importation of previously exported tobacco products."

(2) Importers required to be qualified.—

(A) Sections 5712, 5713(a), 5721, 5722, 5762(a)(1), and 5763 (b) and (c) of such Code are each amended by inserting "or importer" after "manufacturer".

(B) The heading of subsection (b) of section 5763 of such Code is amended by inserting "Qualified Importers," after "Manufacturers,".

(C) The heading for subchapter B of chapter 52 of such Code is amended by inserting "**and Importers**" after "**Manufacturers**".

(D) The item relating to subchapter B in the table of subchapters for chapter 52 of such Code is amended by inserting "and importers" after "manufacturers".

(3) Books of 25 or fewer cigarette papers subject to tax.—Subsection (c) of section 5701 of such Code is amended by striking "On each book or set of cigarette papers containing more than 25 papers," and inserting "On cigarette papers,".

(4) Storage of tobacco products.—Subsection (k) of section 5702 of such Code is amended by inserting "under section 5704" after "internal revenue bond".

(5) Authority to prescribe minimum manufacturing activity requirements.—Section 5712 of such Code is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) the activity proposed to be carried out at such premises does not meet such minimum capacity or activity requirements as the Secretary may prescribe, or".

(j) Repeal of Duplicative Provisions.—Section 9302 (other than subsection (i)(2)) of the Balanced Budget Act of 1997 is repealed.

(k) Effective Date.—The amendments and repeal made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this section) after December 31, 1997.

SEC. 102. TAX TREATMENT FOR CERTAIN TOBACCO-RELATED EXPENSES.

(a) In General.—Section 275(a) of the Internal Revenue Code of 1986 (relating to certain taxes) is amended by inserting after paragraph (6) the following:

"(7) Taxes imposed by chapter 52, but only in an amount determined at rates in excess of the rates of such taxes effective in 1998."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE II—PHAER TRUST FUND

SEC. 201. PUBLIC HEALTH AND EDUCATION RESOURCE TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9512. PUBLIC HEALTH AND EDUCATION RESOURCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Public Health and Education Resource Trust Fund' (hereafter referred to in this section as the 'PHAER Trust Fund'), consisting of such amounts as may be appropriated or transferred to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the net increase in revenues received in the Treasury attributable to the amendments made by section 2 of the Public Health and Education Resource (PHAER) Act as estimated by the Secretary.

"(c) OBLIGATIONS FROM TRUST FUND.—

"(1) STATE PROGRAMS.—

"(A) IN GENERAL.—An applicable percentage of 75 percent of the amounts available in the Trust Fund in a fiscal year shall be distributed by the Secretary of Health and Human Services to each State meeting the requirements of subparagraphs (C) and (D) to be used by such State and by local government entities within such State in such fiscal year and the succeeding fiscal year in the following manner:

"(i) Not less than 10 nor more than 30 percent of such amounts to State and local school and community-based tobacco education, prevention, and treatment programs.

"(ii) Not less than 10 nor more than 30 percent of such amounts to State and local smoking cessation programs and services, including pharmacological therapies.

"(iii) Not less than 10 nor more than 30 percent of such amounts to State and local counter advertising programs.

"(iv) Not less than 10 nor more than 25 percent of such amounts to the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) to be in addition to the amount appropriated under section 2104 of such Act.

"(v) Not less than 5 nor more than 10 percent of such amounts to—

"(I) the Special Supplemental Food Program for Women, Infants, and Children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) to be in addition to the amount appropriated under such section, or

"(II) the Maternal and Child Health Services Block Grant program under title V of the Social Security Act (42 U.S.C. 701 et seq.) to be in addition to the amount appropriated under such title, or

"(III) a combination of both programs as determined by the State.

"(vi) Not less than 1 nor more than 3 percent of such amounts to the American Stop Smoking Intervention Study for Cancer Prevention (ASSIST) program for such State or other State or local community-based tobacco control programs.

"(vii) Not more than 5 percent of such amounts to a State general health care block grant program.

"(B) ALLOCATION RULES.—For purposes of subparagraph (A), the applicable percentage for any State is determined in accordance with the following table:

State	**Applicable Percentage**
Alabama	1.270390
Alaska	0.241356
Arizona	1.163883
Arkansas	0.751011
California	8.805641
Colorado	1.054018
Connecticut	1.596937
Delaware	0.227018
District of Columbia	0.534487
Florida	3.590667
Georgia	2.007112
Hawaii	0.642527
Idaho	0.257835
Illinois	4.272898
Indiana	1.714594
Iowa	0.758686
Kansas	0.762230
Kentucky	1.875439
Louisiana	1.916886
Maine	0.870740
Maryland	2.051849
Massachusetts	3.700447
Michigan	4.431824
Minnesota	2.474364
Mississippi	0.851450
Missouri	1.659116
Montana	0.335974
Nebraska	0.445356
Nevada	0.307294
New Hampshire	0.552048
New Jersey	3.494187
New Mexico	0.465816
New York	4.529380
North Carolina	2.097625
North Dakota	0.250758
Ohio	4.690156
Oklahoma	0.841972
Oregon	1.092920
Pennsylvania	5.233270
Rhode Island	0.821727
South Carolina	0.883628
South Dakota	0.234849
Tennessee	2.479873
Texas	4.451382
Utah	0.330016
Vermont	0.370244
Virginia	1.373860
Washington	1.794612
West Virginia	1.003660
Wisconsin	2.098696
Wyoming	0.122405
American Samoa	0.008681
N. Mariana Islands	0.001519
Guam	0.006506
U.S. Virgin Islands	0.004804
Puerto Rico	0.193175

"(C) STATE PLANS FOR CERTAIN ALLOCATIONS.—Each State, working in collaboration with local government entities, shall submit a plan to the Secretary of Health and Human Services for approval for an allocation under the programs described in subparagraph (A), specifying the percentage share for each program. Each State plan shall provide for an equitable allocation of funds to local government entities, specifically in relation to local government tobacco-related health care needs and anti-tobacco education, prevention, and control activities. If a State fails to provide any component of a State plan with respect to any program allocation or if the Secretary of Health and Human Services disapproves any such component, the Secretary may make the allocation for such program to 1 or more local government or private entities located in such State pursuant to plans submitted by such entities and approved by the Secretary.

"(D) PROHIBITION OF SUPPLANTATION OF STATE FUNDS.—Each State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that an allocation to a State under a program described in subparagraph (A) in any fiscal year shall be used to supplement, not supplant, existing funding for such program.

"(2) FEDERAL PROGRAMS.—

"(A) IN GENERAL.—Twenty-five percent of the amounts available in the Trust Fund in a fiscal year shall be distributed in the following manner:

"(i) 10 percent of such amounts to the Office of the Commissioner of Food and Drug Administration to be allocated at the Commissioner's discretion to conduct tobacco control activities.

"(ii) 25 percent of such amounts to the Office of the Secretary of Agriculture to be allocated at the Secretary's discretion to protect the financial well-being of tobacco farmers, their families, and their communities.

"(iii) 20 percent of such amounts to be allocated at the discretion of the Secretary of Health and Human Services to—

"(I) the Office of the Director of the National Institutes of Health to be allocated at the Director's discretion to conduct disease research, and

"(II) the Office of the Director of the Centers for Disease Control and Prevention to be allocated at the Director's discretion to decrease smoking.

"(iv) 20 percent of such amounts to the Office of the Secretary of Health and Human Services to be allocated at the Secretary's discretion—

"(I) to conduct prevention programs resulting from the study under section 4108 of the Balanced Budget Act of 1997, and

"(II) to increase the Federal payment for the coverage of qualified medicare beneficiaries under section 1902(a)(10)(E)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(i)) and specified low-income medicare beneficiaries under section 1902(a)(10)(E)(iii) of such Act (42 U.S.C. 1396a(a)(10)(E)(iii)).

"(v) 20 percent of such amounts to fund a national counter advertising program.

"(vi) 2 percent of such amounts to the Office of the Administrator of the Agency for International Development to be allocated at the Administrator's discretion to strengthen international efforts to control tobacco.

"(vii) 2 percent of such amounts to the Office of the Director of the Office of National Drug Control Policy to be allocated at the Director's discretion to conduct tobacco education and prevention programs.

"(viii) 1 percent of such amounts to the Office of the Secretary of Veterans Affairs to be allocated at the Secretary's discretion to conduct tobacco education, intervention, and outreach programs.

"(B) GRANTS AND CONTRACTS FULLY FUNDED IN FIRST YEAR.—With respect to any grant or contract funded by amounts distributed under paragraph (1), the full amount of the total obligation of such grant or contract shall be funded in the first year of such grant or contract, and shall remain available until expended."

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

"Sec. 9512. Public Health and Education Resource Trust Fund."

TITLE III—FEDERAL STANDARDS WITH RESPECT TO TOBACCO PRODUCTS

SEC. 301. FEDERAL STANDARDS WITH RESPECT TO TOBACCO PRODUCTS.

(a) CIGARETTES.—Subsection (b) of section 5 of the Federal Cigarette Labeling And Advertising Act (15 U.S.C. 1334(b)) is repealed.

(b) SMOKELESS TOBACCO.—Subsection (b) of section 7 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(b)) is repealed.

TITLE IV—SENSE OF THE SENATE

SEC. 401. SENSE OF THE SENATE REGARDING COMPREHENSIVE TOBACCO LEGISLATION.

It is the sense of the Senate that any final comprehensive tobacco legislation funded by the PHAER Trust Fund under section 9512 of the Internal Revenue Code of 1986, as added by section 201 of this Act, must include, at the very least, the following additional elements:

(1) Stiff penalties that give the tobacco industry the strongest possible incentive to stop targeting children.

(2) Full authority for the Food and Drug Administration to regulate tobacco like any other drug or device with sufficient flexibility to meet changing circumstances.

(3) Codification of the Food and Drug Administration's initiative to prevent teen smoking and the imposition of stronger restrictions on youth access and advertising consistent with the United States Constitution.

(4) Broad disclosure of tobacco industry documents, including documents that have been hidden under false claims of the attorney-client privilege.

(5) Efforts to ensure that the tobacco industry stops marketing and promoting tobacco to children, including comprehensive corporate compliance programs.

(6) Elimination of secondhand tobacco smoke in public and private buildings in which 10 or more people regularly enter.

(7) Disclosure of the ingredients and constituents of all tobacco products to the public and the imposition of more prominent health warning labels on packaging to send a strong and clear message to children about the dangers of tobacco use.

(8) A prohibition on the use of Federal Government resources to weaken nondiscriminatory public health laws or promote tobacco sales abroad.

THE PUBLIC HEALTH AND EDUCATION RESOURCE [PHAER] ACT

PHAER would raise the price of cigarettes to a level that would decrease youth smoking by half.

PHAER would place a $1.50 Public Health and Education Resource (PHAER) per-pack fee on cigarettes and a comparable fee on other tobacco products.

The PHAER fee would be phased in by 50-cent increments over three years.

In the fourth year, the PHAER fee would be indexed for inflation to ensure that youth smoking does not rise again due to inflationary effects. This index will be based on the CPI, the Medical CPI or an increase of 3%, whichever is greater.

The PHAER fee will raise approximately $494 billion over 25 years (using the tobacco consumption projections of the Joint Committee on Taxation), an average of almost $20 billion per year. Of these funds:

75% (an average of $15 billion per year) will be distributed at the State level for: Smoking cessation programs and services; school and community-based tobacco education and prevention programs; State-level counter-advertising campaigns; ASSIST and similar community-based tobacco control programs; expansion of the Children's Health Insurance Program created in the 1977 Budget Reconciliation Act; early childhood development programs through the Maternal Child Health Block Grant and WIC; and other appropriate public health uses.

25% (an average of $5 billion per year) will be distributed at the Federal level for: Research and prevention programs at NIH and CDC; FDA jurisdiction over tobacco products; USDA programs to assist tobacco farmers, their families and their communities; a national counter-advertising campaign; Medicare prevention programs and premium and cost-sharing assistance for low-income Medicare beneficiaries; International Programs to decrease worldwide tobacco-related illness; the Drug Czar to conduct tobacco education and prevention programs; and the VA to conduct tobacco education, intervention and outreach programs.

EFFECTIVE NATIONAL ACTION
TO CONTROL TOBACCO,
Washington, DC, October 28, 1997.

Hon. FRANK R. LAUTENBERG,
U.S. Senate.
Hon. JAMES V. HANSEN,
House of Representatives.

DEAR SENATOR AND CONGRESSMAN: On behalf of our millions of public health officials and professionals, health care providers and volunteer members of ENACT, the coalition for Effective National Action To Control Tobacco, we applaud the introduction of the Public Health and Education Resource (PHAER) Act.

We particularly want to thank you for your leadership in reaffirming what the members of the coalition have said in the ENACT consensus statement regarding increases in the cost of tobacco products. Experts in the area of tobacco control agree that significant increases in the cost per pack deter children and others from taking up the use of tobacco. The ENACT coalition believes strongly that such an increase in the federal excise tax is essential.

In addition to providing for a $1.50 excise tax per pack, indexed to inflation, and the nondeductibility of those new taxes, you have addressed many essential public health programs. Adequate funding of these programs is integral to comprehensive, sustainable, effective, well-funded tobacco control legislation. We look forward to working with you and the supporters of your legislation to get action on tobacco now.

Signed,

AMERICAN ACADEMY OF PEDIATRICS.
AMERICAN CANCER SOCIETY.
AMERICAN COLLEGE OF PREVENTIVE MEDICINE.
AMERICAN HEART ASSOCIATION.
AMERICAN MEDICAL ASSOCIATION.
CAMPAIGN FOR TOBACCO FREE KIDS.
NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS.
PARTNERSHIP FOR PREVENTION.

AMERICAN LUNG ASSOCIATION,
Washington, DC, October 23, 1997.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American Lung Association commends you on the introduction of the Public Health and Education Resource Act (PHAER). As you know, the American Lung Association has pursued a significant price increase in the federal cigarette excise tax for many years.

Tobacco use is the nation's leading preventable cause of death and disability. Each year an estimated 419,000 people die from diseases directly caused from smoking. Three thousand children start smoking each day in this country. One thousand of them will eventually die from a smoking-related disease. Smoking costs this nation at least $97.2 billion annually. Of that total cost, $22 billion is paid by the Federal government. Over the next 20 years, Medicare alone will spend an estimated $800 billion to care for people with smoking related illnesses.

Reducing tobacco consumption among our nation's youth has long been a goal of the American Lung Association. The bulk of academic research indicates that a sharp and sudden increase in the price of tobacco products has the effect of lowering smoking rates among teens. Raising the price per pack by at least $1.50 or more would help achieve that desired outcome.

The American Lung Association applauds your continued efforts and leadership in reducing tobacco consumption, especially among our youth, and we look forward to working with you as this tobacco-related legislation progresses through Congress.

Sincerely,

FRAN DUMELLE,
Deputy Managing Director.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, October 23, 1997.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENATOR LAUTENBERG: The National Association of Counties (NACo) is pleased to support your bill, the Public Health and Education Resource (PHAER) Act. The legislation is a strong step forward for public health activities related to tobacco and helps focus the congressional debate on legislative language rather than broad concepts.

We particularly support your recognition of the role of counties and other local governments in the provision of health services. Counties, in collaboration with states, will be key to the success of the public health programs outlined in the PHAER trust fund, including tobacco education and prevention, smoking cessation, and counter advertising. NACo appreciates your work to ensure a local government role in the planning and implementation of the trust fund's health activities.

Thank you again for your leadership on this issue. Dan Katz of your staff has been very responsive to our concerns. NACo looks forward to working with you and your staff as tobacco legislation moves forward.

Very Truly Yours,

RANDY JOHNSON,
President, NACo,
Hennepin County Commissioner.

PHAER: REDUCTION IN YOUTH SMOKING AND INCREASE IN LIVES SAVED

State	Youth smoking reduction under Industry/AG settlement (percent) [1]	Youth smoking reduction under $1.50-per-pack tax (percent) [1]	Additional lives saved under $1.50-per-pack tax vs. Industry/AG settlement [1]
Alabama	25.1	60.6	29,666
Alaska	19.6	47.3	4,996

PHAER: REDUCTION IN YOUTH SMOKING AND INCREASE IN LIVES SAVED—Continued

State	Youth smoking reduction under Industry/AG settlement (percent) [1]	Youth smoking reduction under $1.50-per-pack tax (percent) [1]	Additional lives saved under $1.50-per-pack tax vs. Industry/AG settlement [1]
Arizona	18.9	45.6	26,359
Arkansas	23.1	55.9	16,351
California	20.9	50.6	137,480
Colorado	24.1	58.2	29,680
Connecticut	20.0	48.5	15,962
Delaware	24.3	58.9	5,725
D.C.	18.2	44.0	1,272
Florida	22.9	55.3	96,439
Georgia	26.3	63.7	48,981
Hawaii	17.2	41.7	5,051
Idaho	22.8	55.0	7,875
Illinois	21.0	50.9	77,720
Indiana	26.8	64.9	53,553
Iowa	22.1	53.6	16,846
Kansas	24.5	59.2	17,103
Kentucky	28.7	69.4	35,762
Louisiana	25.1	60.6	37,716
Maine	22.0	53.3	9,757
Maryland	21.9	53.0	26,659
Massachusetts	17.1	41.3	25,617
Michigan	17.9	43.3	58,614
Minnesota	19.3	46.7	26,554
Mississippi	24.8	59.9	17,165
Missouri	25.7	62.1	43,386
Montana	25.4	61.4	5,416
Nebraska	22.6	54.7	11,396
Nevada	21.0	50.9	9,434
New Hampshire	23.6	57.2	7,979
New Jersey	21.5	51.9	41,304
New Mexico	23.8	57.5	11,262
New York	18.8	45.4	100,545
North Carolina	27.5	66.6	64,751
North Dakota	21.6	52.2	3,758
Ohio	25.1	60.6	101,429
Oklahoma	24.3	58.9	22,047
Oregon	21.1	51.1	18,402
Pennsylvania	23.6	57.2	92,073
Rhode Island	19.3	46.7	6,433
South Carolina	27.2	65.8	25,691
South Dakota	23.0	55.6	4,774
Tennessee	26.0	62.9	38,859
Texas	22.0	53.3	115,888
Utah	22.5	54.4	11,127
Vermont	20.7	50.1	3,633
Virginia	26.2	63.3	50,287
Washington	15.8	38.2	24,163
West Virginia	26.0	62.9	14,219
Wisconsin	20.8	50.4	34,603
Wyoming	25.5	61.7	3,671
Total	n/a	n/a	1,695,433

[1] Source: American Cancer Society, October 1997.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 219

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 222

At the request of Mr. DOMENICI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 358

At the request of Mr. DEWINE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 440

At the request of Mr. FEINGOLD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 440, a bill to deauthorize the Animas-La Plata Federal reclamation project and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe.

S. 714

At the request of Mr. AKAKA, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 714, a bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs.

S. 829

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 829, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes.

S. 850

At the request of Mr. AKAKA, the names of the Senator from California [Mrs. BOXER] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 850, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1024

At the request of Mr. GRASSLEY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1024, a bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

S. 1037

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1037, a bill to amend the Internal Revenue Code of 1986 to establish incentives to increase the demand for and supply of quality child care, to provide incentives to States that improve the quality of child care, to expand clearing-house and electronic networks for the distribution of child care information, to improve the quality of chlid care provided through Federal facilities and programs, and for other purposes.

S. 1050

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1050, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children.

S. 1096

At the request of Mr. KERREY, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1284

At the request of Mr. ROBERTS, the names of the Senator from Montana [Mr. BURNS], the Senator from New Hampshire [Mr. SMITH], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1284, a bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes.

S. 1311

At the request of Mr. LIEBERMAN, the names of the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

At the request of Mr. LOTT, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from South Carolina [Mr. THURMOND], the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], the Senator from South Dakota [Mr. JOHNSON], the Senator from Kentucky [Mr. FORD], the Senator from Delaware [Mr. ROTH], the Senator from Vermont [Mr. LEAHY], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1311, supra.

S. 1323

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1323, a bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

AMENDMENT NO. 1345

At the request of Mr. BENNETT the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of amendment No. 1345 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1346

At the request of Mr. BENNETT the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of amendment No. 1346 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE RESOLUTION 141—RELATIVE TO THE NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE DAY

Mrs. MURRAY (for herself. Mr. KEMPTHORNE, Mr. WELLSTONE, Mr. AKAKA, Mr. CRAIG, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. CHAFEE, Mr. BRYAN, Ms. COLLINS, Mr. FORD, Mr. SARBANES, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. ROTH, Mr. KOHL, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. WARNER, Mr. FRIST, Mr. DORGAN, Mr. SPECTER and Mr. ROBB) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 141

Whereas every day in America, 15 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in helping children grow from a childhood free from fear and violence into healthy adulthood;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of this day will give the students the opportunity to make an earnest decision about their future by voluntarily signing the "Student Pledge Against Gun Violence", and sincerely promise that the students will never take a gun to school, will never use a gun to settle a dispute, and will use their influence to keep friends from using guns to settle disputes: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) November 6, 1997, should be designated as "National Concern About Young People and Gun Violence Day"; and

(2) the President should be authorized and requested to issue a proclamation calling upon the school children of the United States to observe such day with appropriate ceremonies and activities.

Mrs. MURRAY. Mr. President, I rise today to submit a resolution proclaiming November 6, 1997, as National Concern about Young People and Gun Violence Day. Last year, Senators WELLSTONE, SPECTER, and Bradley introduced this resolution. I am joined by Senator KEMPTHORNE and many other colleagues today in supporting an identical resolution. We have all seen the good that can come from focusing attention on young people and helping organizations across the country mobilize children to stay away from gun violence.

The Day of Concern was initiated by Mary Lewis Grow, a Minnesota homemaker, in 1996. Other groups, such as Mothers Against Violence in America, have joined her effort to establish a Day of Concern. The proclamation of a special day of recognition also provided support to a national effort to encourage students to sign a pledge against gun violence. In 1996, 32,000 students in Washington State signed the pledge card, as did more than 200,000 children in New York City, and tens of thousands more across the nation.

The Student Pledge Against Gun Violence calls for a national observance on November 6 to give students throughout America the chance to make a promise, in writing, that they will do their part to prevent gun violence. The students' pledge promises three things: first, they will never carry a gun to school; second, they will never resolve a dispute with a gun; and third, they will use their influence with friends to discourage them from resolving disputes with guns.

Mr. President, just last week I joined several colleagues on the floor of the Senate as we decried the murder of Ann Harris, a 17-year-old Virginian, by a 19-year-old man in Washington State. This random act of violence was apparently precipitated because the car in which Ann was a passenger was going too slowly for the driver of the car in which the murderer was riding. The young man was angry enough and morally numbed enough to fire his gun into Ann's car, killing Ann. What a tragedy. What a waste.

In another example, a 14-year-old boy opened fire in a Moses Lake, WA classroom, killing a teacher and student and wounding others. He has been convicted, but that does little to ease the pain of the loss suffered by that small community. Maybe if he had signed a pledge, maybe if he had heard the message over and over from parents and friends that gun violence was the wrong way to solve problems, maybe if * * * maybe if * * *. We don't know how we might have stopped this act of violence, but we know we all have to try education, try outreach, try everything.

We all have been heartened by statistics showing crime in America on the decline. A number of factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and population demographics. I don't think any of us intend to rest on our successes. Rather, we must review programs that work, and focus our limited resources on those. Legislation passed earlier this year, the Safe and Drug Free Communities Act, will help us do that.

Mr. President, I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming November 6, a "Day of Concern about Young People and Gun Violence." This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends, and students try to prevent gun violence before it continues to ruin countless lives.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

HUTCHISON AMENDMENT NO. 1526

Mrs. HUTCHISON proposed an amendment to the motion to postpone the motion to proceed to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike the date and insert "January 18, 1998".

THE AGRICULTURAL, RESEARCH, EXTENSION AND EDUCATION REFORM ACT OF 1997

LUGAR (AND HARKIN) AMENDMENT NO. 1527

Mr. JEFFORDS (for Mr. LUGAR, for himself and Mr. HARKIN) proposed an amendment to the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes; as follows:

On page 30, strike lines 7 through 9 and insert the following:

"(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WORK.—Not more than ⅔ of the".

On page 30, strike line 13 and insert the following:

"(b) ADMINISTRATIVE COSTS.—The Secretary".

On page 30, strike lines 19 and 20 and insert the following:

"(c) LIMITATIONS.—

"(1) BUILDINGS OR FACILITIES.—Funds".

On page 31, strike line 1 and insert the following:

"(2) EQUIPMENT PURCHASES.—Of funds".

On page 31, strike lines 5 through 13 and insert the following:

"(A) $15,000; or

"(B) ⅓ of the amount of the grant award.".

On page 33, strike lines 1 and 2 and insert the following:

"(i) as the lead Federal agency—

"(I) the Department of Agriculture; or

"(II) if funding provided for the Plant Genome Initiative through the Department of Agriculture is substantially less than funding provided for the Initiative through another Federal agency, the other Federal agency, as determined by the President; and".

On page 35, lines 22 through 25, strike "without regard" and all that follows through "2281 et seq.)".

On page 58, between lines 8 and 9, insert the following:

SEC. 229. KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM.

(a) AMENDMENTS TO ORDERS.—Section 554(c) of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7463(c)) is amended in the second sentence by inserting before the period at the end the following: ", except that an amendment to an order shall not require a referendum to become effective".

(b) NATIONAL KIWIFRUIT BOARD.—Section 555 of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7464) is amended—

(1) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

"(1) 10 members who are producers, exporters, or importers (or their representatives), based on a proportional representation of the level of domestic production and imports of kiwifruit (as determined by the Secretary).

"(2) 1 member appointed from the general public.";

(2) in subsection (b)—

(A) by striking "MEMBERSHIP.—" and all that follows through "paragraph (2), the" and inserting "MEMBERSHIP.—Subject to the 11-member limit, the"; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (2), by inserting "who are producers" after "members";

(B) in paragraph (3), by inserting "who are importers or exporters" after "members"; and

(C) in the second sentence of paragraph (5), by inserting "and alternate" after "member".

SEC. 230. NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT.

(a) DEFINITIONS.—Section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking "the propagation" and all that follows through the period at the end and inserting the following: "the commercially controlled cultivation of aquatic plants, animals, and microorganisms, but does not include private for-profit ocean ranching of Pacific salmon in a State in which the ranching is prohibited by law.";

(2) in paragraph (3), by striking "or aquatic plant" and inserting "aquatic plant, or microorganism";

(3) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) PRIVATE AQUACULTURE.—The term 'private aquaculture' means the commercially controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government, any State or local government, or an Indian tribe recognized by the Bureau of Indian Affairs.".

(b) NATIONAL AQUACULTURE DEVELOPMENT PLAN.—Section 4 of the National Aquaculture Act of 1980 (16 U.S.C. 2803) is amended—

(1) in subsection (c)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C);

(2) in the second sentence of subsection (d), by striking "Secretaries determine that" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate, determines that"; and

(3) in subsection (e), by striking "Secretaries" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate,".

(c) FUNCTIONS AND POWERS OF SECRETARIES.—Section 5(b)(3) of the National Aquaculture Act of 1980 (16 U.S.C. 2804(b)(3)) is amended by striking "Secretaries deem" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate, consider".

(d) COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE.—The first sentence of section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)) is amended by striking "(f)" and inserting "(e)".

(e) NATIONAL POLICY FOR PRIVATE AQUACULTURE.—The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7, 8, 9, 10, and 11 as sections 8, 9, 10, 11, and 12, respectively; and

(2) by inserting after section 6 (16 U.S.C. 2805) the following:

"SEC. 7. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

"(a) IN GENERAL.—In consultation with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall coordinate and implement a national policy for private aquaculture in accordance with this section. In developing the policy, the Secretary may consult with other agencies and organizations.

"(b) DEPARTMENT OF AGRICULTURE AQUACULTURE PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a Department of Agriculture Aquaculture Plan (referred to in this section as the 'Department plan') for a unified aquaculture program of the Department of Agriculture (referred to in this section as the 'Department') to support the development of private aquaculture.

"(2) ELEMENTS OF DEPARTMENT PLAN.—The Department plan shall address—

"(A) programs of individual agencies of the Department related to aquaculture that are consistent with Department programs related to other areas of agriculture, including livestock, crops, products, and commodities under the jurisdiction of agencies of the Department;

"(B) the treatment of cultivated aquatic animals as livestock and cultivated aquatic plants as agricultural crops; and

"(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

"(c) NATIONAL AQUACULTURE INFORMATION CENTER.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center at the National Agricultural Library as a repository for information on national and international aquaculture.

"(d) TREATMENT OF AQUACULTURE.—The Secretary shall treat—

"(1) private aquaculture as agriculture; and

"(2) commercially cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and transported or moved in standard commodity channels as agricultural livestock, crops, and commodities.

"(e) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

"(1) RESPONSIBILITY.—The Secretary shall have responsibility for coordinating, developing, and carrying out policies and programs for private aquaculture.

"(2) DUTIES.—The Secretary shall—

"(A) coordinate all intradepartmental functions and activities relating to private aquaculture; and

"(B) establish procedures for the coordination of functions, and consultation with, the coordinating group.

"(f) LIAISON WITH DEPARTMENTS OF COMMERCE AND THE INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall each designate an officer or employee of the Department of the Secretary to be the liaison of the Department to the Secretary of Agriculture.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the National Aquaculture Act of 1980 (as redesignated by subsection (e)(1)) is amended by striking "the fiscal years 1991, 1992, and 1993" each place it appears and inserting "fiscal years 1991 through 2002".

On page 66, line 5, insert "costs and" after "regarding the".

On page 66, between lines 16 and 17, insert the following:

(7) The study of whether precision agriculture technologies are applicable and accessible to small and medium size farms and the study of methods of improving the applicability of precision agriculture technologies to the farms.

On page 74, between lines 2 and 3, insert the following:

SEC. 237. COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY AND LIVESTOCK OPERATIONS.

(a) IN GENERAL.—The Secretary may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy and livestock operations (referred to in this section as "operations").

(b) COMPONENTS.—To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) research and extension on management-intensive grazing systems for livestock and dairy production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock systems that increase efficiencies, reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk and meat production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

(c) ADMINISTRATION.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

SEC. 238. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM.

(a) RESEARCH GRANT AUTHORIZED.—The Secretary may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-State research project aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (referred to in this section as "wheat scab").

(b) RESEARCH COMPONENTS.—Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat and barley for the presence of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat and barley infected with wheat scab; and

(C) milling and food processing techniques to render contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat and barley to wheat scab, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and consideration of other chemical control strategies to assist farmers until new more resistant wheat and barley varieties are available.

(c) COMMUNICATIONS NETWORKS.—Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab.

(d) MANAGEMENT.—To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,200,000 for each of fiscal years 1998 through 2002.

SEC. 239. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the "FARAD program") through contracts with appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) CONTRACTS.—

(1) IN GENERAL.—The Secretary shall offer to enter into contracts with appropriate colleges and universities to operate the FARAD program.

(2) TERM.—The term of a contract under subsection (a) shall be 3 years, with options to extend the term of the contract triennially.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

SEC. 240. FINANCIAL ASSISTANCE FOR CERTAIN RURAL AREAS.

(a) IN GENERAL.—The Secretary may provide financial assistance to a nationally recognized organization to promote educational opportunities at the primary and secondary levels in rural areas with a historic incidence of poverty and low academic achievement, including the Lower Mississippi River Delta.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section up to $10,000,000 for each fiscal year.

On page 79, line 15, before the period, insert ", including the viability and competitiveness of small and medium sized dairy, livestock, crop, and other commodity operations".

On page 84, after line 24, insert the following:

(3) in section 1676(e) (7 U.S.C. 5929(e)), by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002";".

On page 85, line 1, strike "(3)" and insert "(4)".

On page 85, line 3, strike "(4)" and insert "(5)".

On page 86, strike lines 16 through 20.

On page 87, line 5, strike "1670, 1675, and 1676" and insert "1670 and 1675".

On page 87, line 7, strike ", 5929".

Beginning on page 89, strike line 18 and all that follows through page 91, line 16, and insert the following:

(a) FOOD STAMPS.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) in the first sentence of subsection (a), by striking "The Secretary" and inserting "Subject to subsection (k), the Secretary"; and

(2) by adding at the end the following:

"(k) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) AFDC PROGRAM.—The term 'AFDC program' means the program of aid to families with dependent children established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq. (as in effect, with respect to a State, during the base period for that State)).

"(B) BASE PERIOD.—The term 'base period' means the period used to determine the amount of the State family assistance grant for a State under section 403 of the Social Security Act (42 U.S.C. 603).

"(C) MEDICAID PROGRAM.—The term 'medicaid program' means the program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(2) DETERMINATIONS OF AMOUNTS ATTRIBUTABLE TO BENEFITING PROGRAMS.—The Secretary of Health and Human Services, in consultation with the Secretary of Agriculture and the States, shall, with respect to the base period for each State, determine—

"(A) the annualized amount the State received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as in effect during the base period)) for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program that were allocated to the AFDC program; and

"(B) the annualized amount the State would have received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as so in effect)), section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7) (as so in effect)), and subsection (a) of this section (as so in effect), for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program, if those costs had been allocated equally among such programs for which the individual, family, or household was eligible or applied for.

"(3) REDUCTION IN PAYMENT.—Notwithstanding any other provision of this section, effective for each of fiscal years 1998 through 2002, the Secretary shall reduce, for each fiscal year, the amount paid under subsection (a) to each State by an amount equal to the amount determined for the food stamp program under paragraph (2)(B).

"(4) DETERMINATIONS NOT SUBJECT TO REVIEW.—The determinations of the Secretary of Health and Human Services under paragraph (2) shall be final and not subject to administrative or judicial review.

"(5) ALLOCATION OF COMMON ADMINISTRATIVE COSTS.—In allocating administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for 2 or more State-administered public benefit programs, the head of a Federal agency may require States to allocate the costs among the programs.".

On page 98, between lines 17 and 18, insert the following:

(d) FOOD STAMP ELIGIBILITY FOR CERTAIN INDIANS.—

(1) EXCEPTION FOR CERTAIN INDIANS.—Section 402(a)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(G)) is amended—

(A) in the subparagraph heading, by striking "SSI EXCEPTION" and inserting "EXCEPTION"; and

(B) by striking "program defined in paragraph (3)(A) (relating to the supplemental security income program)" and inserting "specified Federal programs described in paragraph (3)".

(2) BENEFITS FOR CERTAIN INDIANS.—Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(A) in the subsection heading, by striking "SSI AND MEDICAID"; and

(B) by striking "(a)(3)(A)" and inserting "(a)(3)".

Beginning on page 99, strike line 1 and all that follows through page 101, line 4.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 29, 1997, at 2 p.m. on Death on the High Seas Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Wednesday, October 29, 9:30 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent to conduct a hearing on Wednesday, October 29, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, at 11 a.m. and 2 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Caucus on International Narcotics Control be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, at 2 p.m. to hold a joint hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Wednesday, October 29, 1997, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, at 9:30 a.m. in room 106 of the Dirksen Senate Building to conduct a hearing on S. 1077, a bill to amend the Indian Gaming Regulatory Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, at 10 a.m. to hold a hearing in room 226, Senate Dirksen Building, on antitrust implications of the tobacco settlement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 29, for the purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 638, a bill to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 act that established the monument, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 29, 1997, at 9:30 a.m. on future of the NOAA Corps.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 29, 1997, to conduct an oversight hearing on securities litigation abuses.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNIZING MINNESOTA'S SOIL AND WATER CONSERVATION DISTRICT EMPLOYEES

• Mr. GRAMS. Mr. President, I rise today to bring to the attention of the Senate the dedication and hard work of many individuals in my home State of Minnesota.

During this past years CRP signup, at least 275 employees from Minnesota's 91 Soil and Water Conservation Districts donated over 6,000 hours assisting U.S. Department of Agriculture employees, ensuring the signups success. Without their efforts, there is little doubt the work would not have been done on time and in such an efficient manner. Their work, along with the work of USDA employees, should not go unnoticed.

Mr. President, the Conservation Reserve Program is a vital program for the people of my State. It provides incalcuable benefits to farmers, sportsmen, conservationists, the wildlife, and, therefore, all American citizens. I have been, and will continue to be, a vocal supporter of a strong and balanced Conservation Reserve Program. It is simply good for Minnesota and good for our Nation.

In closing, Mr. President, with the combined efforts of Congress, the USDA, farmers and people like those at Minnesota's Soil and Water Conservation Districts, we can ensure the continued success and viability of the Conservation Reserve Program well into the 21st Century.•

JAMES A. MICHENER

• Mr. INOUYE. Mr. President, I would like to take this moment to remember an extraordinary and talented individual. I join the multitude of people who noted the passing of James A. Michener with much sadness. I recall my meetings with Mr. Michener during his brief residency in Hawaii, during which time, he did much of his research on his monumental opus, "Hawaii."

Though some may have criticized his book, it was generally received by the people of Hawaii with great enthusiasm and commendation. He captured the spirit of early Hawaii, and reminded us of the sad plight of the indigenous people of Hawaii—the proud and noble Polynesians. We shall always be indebted to James Michener for introducing to the world the Hawaiian Islands that now constitute the 50th State of our Nation.•

TRIBUTE TO THE HONORABLE DOROTHY COMSTOCK RILEY

• Mr. ABRAHAM. Mr. President, today I rise to pay tribute to one of Michigan's most outstanding citizens, the Honorable Dorothy Comstock Riley. After a long and highly successful career, in which she reached the highest level in the Michigan judicial system, she has decided to retire.

For Dorothy, success came early. Always a bright and industrious student, while at Wayne State University, she was recognized as the top graduating woman. Following her law degree from Wayne State, she entered private practice. In 1956, Dorothy left her practice to serve the community as an assistant Wayne County Friend of the Court. She excelled in this capacity and helped ensure the needs of families and children were well represented. Although she returned to private practice in 1968, where she helped found the firm of Riley and Roumell, her commitment to public service was only beginning.

A few years later, Dorothy's outstanding abilities and dedication to the legal profession were again recognized. In 1972 she was appointed to the Wayne County Circuit Court. Four years later she received an appointment to the Michigan Court of Appeals, and was reelected to a 6-year term on the Court. Soon after, the integrity and fairness she had shown throughout her career were recognized once more when she was appointed to the Michigan State Supreme Court. Dorothy's commitment to her profession was rewarded in 1987 when she was elected Chief Justice of the Michigan Supreme Court.

During her long, distinguished career, Dorothy has belonged to many organizations and received numerous accolades. From honorary doctorates to the presidency of professional associations, each award and membership reflected Dorothy's commitment to integrity, honesty, and leadership. And while Monday evening's event represents one award among many, I am thankful for this opportunity to express how grateful I am for Dorothy's service. Throughout her career, Dorothy personified what is best in our legal system: a fair-minded justice with a passion for truth. Because of her long commitment to the State of Michigan, Dorothy's presence will be greatly missed.

As she enters this new phase in her life, I want to express how great an impact she has had on both her profession and those individuals fortunate enough to know her. I wish her all the best.•

FISCAL YEAR 1998 TREASURY, POSTAL SERVICE, GENERAL GOVERNMENT APPROPRIATIONS CONFERENCE REPORT

• Mr. DORGAN. Mr. President, I would like to take this opportunity to discuss my vote on the fiscal year 1998 Treasury, and Postal Service, general government appropriations conference report.

When the Treasury, Postal Service, general government appropriations bill passed the Senate, we included a provision to prohibit a cost-of-living allowance for Members of Congress. I voted for that prohibition because I thought it was the right thing to do.

The U.S. House, meanwhile, passed its own version of this bill—a version which did not contain the restriction against a cost-of-living allowance.

The Senate and House bills went to a conference committee, and when the conference agreement came back to the Senate for final passage, it had adopted the House position, which included no restriction on a COLA.

I voted for the conference report because it contained over $20 billion of needed funds, including 40 percent of all Federal law enforcement moneys and funds to wage war on gangs and drugs in this country.

However, I think Congress should have had a separate vote on the cost-of-living adjustment, and if there is an opportunity to have a separate vote, I intend to vote against the COLA.•

TRIBUTE TO JOSEPH BARRY MASON

• Mr. SHELBY. Mr. President, I rise today to honor Dr. Joseph Barry Mason, the Dean of the College of Commerce at my alma mater, The University of Alabama, in my hometown of Tuscaloosa. Dean Mason is a remarkable man, a distinguished educator and a good friend.

Joseph Barry Mason received his undergraduate degree from the Louisiana Tech University College of Administration and Business. Upon receiving his Ph.D. in marketing from The University of Alabama in 1967, Dr. Mason joined the faculty of The University and, since that time, he has served that institution with distinction. During his tenure, Dr. Mason has served as the

Chairman of the College of Commerce Department of Management and Marketing, and since 1988, as the Dean of the College of Commerce and the Russell Professor of Business Administration.

Dr. Mason's professional associations extend beyond the campus of The University. He is a former chairman of the board of the American Marketing Association and the 1976 Beta Gamma Sigma National Scholar.

Further, in 1984 Dr. Mason served as the Chairman of the UA Task Force on Cost Savings. In that capacity, Dr. Mason worked with the General Motors Rochester Products Plant and the United Auto Workers in Tuscaloosa in order to identify cost savings and prevent the closure of the 200-employee facility. As a result of his successful efforts, the groundwork for future academic-industrial partnerships was laid.

For his excellence in education, Dr. Mason has received numerous distinguished awards. Dr. Mason received the Leavey Award for Excellence in Private Enterprise Education from the Freedoms Foundation of Valley Forge, PA. In 1986, he was named the first annual recipient of the Academy of Marketing Science Outstanding Educator of the Year Award. And in 1994, Dean Mason was designated a Distinguished Fellow of the Academy of Marketing Science.

At various points in his career, The University has honored Dean Mason, as well. For bringing distinctive credit to the academic community, Dean Mason was awarded the John F. Burnman Distinguished Faculty Award and The University of Alabama National Alumni Association Outstanding Commitment to Teaching Award.

Recently, Dean Mason was honored by Louisiana Tech University as its 1997 Distinguished Alumnus. As many of my colleagues know, on Saturday, November 1, 1997, The University of Alabama will play Louisiana Tech at our Homecoming Football game.

On that day, Dean Mason, loved and respected by all who have known him, will be honored as a friend and leader to not only The University of Alabama, but also to Louisiana Tech. On this day, on behalf of my wife, Annette, we wish Joseph Barry Mason our sincerest thanks and congratulations for his dedication to making a difference.•

INDUCTION OF JACKIE ROBINSON INTO NORTHEASTERN UNIVERSITY'S SOCIETY HALL OF FAME

• Mr. KERRY. Mr. President, on October 28, Northeastern University will posthumously induct Jackie Robinson into its Sport in Society Hall of Fame. As a member of the National Advisory Board of the Center for the Study of Sport in Society, I want to make a few remarks about Robinson, the Center, and racism.

Future historians will remember Jackie Robinson as one of the most significant individuals in twentieth-century U.S. history. As the first African-American to play Major League Baseball in this century, Robinson had to will himself to endure horrific abuse from fans and fellow players alike. His perseverance in the face of this challenge would have made him a memorable player even had he not excelled on the diamond.

But Jackie Robinson did excel. In his distinguished career, he won the Rookie of the Year and Most Valuable Player awards. Robinson also played a prominent role as a member of the 1955 Brooklyn Dodgers ball club, the" Wait 'Til Next Year' team that finally bested its arch rival New York Yankees in a thrilling World Series.

Recounting Robinson's greatest accomplishments as a player cannot do justice to the impact that he had on the game and our nation. His daring on the base paths brought the running game back as the major style of attack in the National League for the first time in some three decades. His success with the Dodgers led to the signing of other notable players such as Roy Campanella, Larry Doby, and Satchel Paige.

His loyalty to the Dodgers ended his career prematurely. Jackie Robinson retired rather than play for the San Francisco Giants when the Dodgers sold his contract. Imagining Robinson in any uniform other than the Dodgers' is like envisioning Cal Ripken wearing New York Yankee pinstripes.

Robinson also led a productive life off the field. A Republican and a businessman, Robinson devoted the remainder of his life to civil rights, party politics, and urban affairs. He bemoaned baseball's tepid efforts at integrating all levels of the great game.

Sadly, baseball has made insufficient progress since Robinson's death almost a quarter of a century ago. In its "Racial Report Card" released earlier this year, Northeastern's Center gave Major League Baseball an overall grade of B, but only a C− for top management positions.

As Jackie's widow, Rachel Robinson, the Center's Director, Richard Lapchick, and all of the other excellent employees and friends of the Center celebrate Jackie's life, we should all reflect on what we can do to honor and build on his legacy.

Unquestionably, there is a distance yet to go when, for example, we have only one African-American general manager in major league baseball.

I send my best wishes to Northeastern University, the Center, and Rachel Robinson on this occasion. I hope that all of us will use it as a reminder of the work that lies ahead: to realize our objective, which was Jackie Robinson's as well, of a society that does not discriminate on the basis of race and offers equal opportunity to all.•

EXPLANATION OF VOTES ON THE FY98 LABOR/HHS APPROPRIATIONS BILL

• Mr. ABRAHAM: Mr. President, I supported an amendment offered by Senator GORTON which would block grant several K–12 education programs directly down to local school districts. I believe Mr. GORTON'S amendment moves in a positive direction for education spending. By cutting out levels of bureaucratic red tape, Mr. GORTON'S amendment would actually send more money into the classroom.

As we determine the best possible way to spend scarce education resources, I believe it is essential to ensure that the largest possible portion of our education spending makes it way into a classroom. I believe Mr. GORTON'S amendment achieves this objective. By using the same appropriations level for these programs as last year and block granting that amount to the most local level, the Gorton amendment will actually provide $670 million in additional money to local school districts. For this reason, I supported this important amendment.•

THE STATE VISIT OF JIANG ZEMIN PEOPLES REPUBLIC OF CHINA

• Mr. BURNS. Mr. President, this week one of the most important events since the end of World War II will take place here in Washington. It is the State visit of the National Leader of the Peoples Republic of China. The future of United States-China relations will somewhat be forged on the occasion of the visit of the President of People's Republic of China, Jiang Zemin. This summit will, hopefully, define our challenges and opportunities and could and should serve as a model for future discussions for both nations.

Let me say that I continue to be disturbed by some of the actions embarked upon by the PRC. The militaristic actions toward Taiwan, the sale of weapons to Iran, Pakistan, Syria, and other nations, and the internal human rights violations that continue to occur to name the main ones.

However, policy of isolation has never proven successful in international relations. In fact, a detriment to all this nation has to offer and the very doctrines we abide by and stand for.

An example: I have not been totally convinced the need for the expansion of NATO—I can hear it now—what does China and NATO have to do with one another and it there a relationship.

Well, as a Western State Senator, I have a tendency to view our foreign policy from the Pacific, rather than the Atlantic. In my opinion, looking from the standpoint of NATO, Europe, Russia continues to have difficulties with the fact that NATO enlargement is under consideration. Russia is a cash poor nation with an overabundance of military weapons, a silent industry base, and a unmanageable bureaucracy. On the other hand, the PRC, their neighbor, is a cash rich nation searching for ways to expand investments throughout the world.

For the moment China, has not been allowed access to Western military technology. The West has not allowed and for good reason. I wholly agree with a nonaccess policy given obvious actions taken by the PRC.

Therefore, China's defense industry does not have the command, control, computer, and communication systems, known collectively as "C4".

Even with these limitations, China continues its work on advanced cruise missiles, a satellite positioning system, and airborne early-warning radar.

To facilitate this continued work, China's government has now turned to Russia as the best available source of military foreign technology from foreign sources.

It has brought 72 SU–27 fighters—and plans to build more under license—as well as Russian kilo submarines. There is good news. With a limited procurement budget, it cannot splash out on imports. The only good news is that Russia is still unwilling to sell China its best equipment.

From these facts, one is able to determine that a China that is alienated by the United States will continue to invest their funds for modern military technology wherever, even with their neighbor, and possible ally, Russia to "divide and conquer" any perceived threats to their borders, whether it be their Eastern or Western border.

However, if the United States commits to an open dialog—tries in the most earnest way to work out the differences that exist, it is my hope the PRC will become an integrated member of the international community and begin to act as responsible member of that community. This can only further peace and stability for both nations and the world.

Besides its recent economic advancements, it is incumbent that the United States have a constructive working relationship with China. The reasons are obvious:

The People's Republic of China [PRC] plays a major role in the post-cold-war world;

It is the world's most populous nation, about 1.2 billion people, and the third-largest in land mass after Russia and Canada;

It has nuclear weapons, is a growing military power, and plays a key role in regional stability while emerging as a regional leader in Asia; and

As one of the five permanent Members of the U.N. Security Council, China has veto power over security council resolutions dealing with key multilateral issues, including international peacekeeping and the resolution of regional conflicts.

Finally, Mr. President, the upcoming summit is an important opportunity to address many issues that will be of importance to all Americans especially Mountains. Agriculture cannot be left out in these discussions.

Our Nation was founded on hard work, innovative technologies in agricultural production. U.S. farmer and ranchers have supplied our Nation and the world with clean, safe and affordable food since our humble beginnings.

We are a leader in agriculture exports. This fact is sometimes transparent in the eyes of those who would rather consider the United States as a nation of fiber optics rather than food and fiber. But, I say we can do both.

In 1996, China's farmers produced a bumper wheat crop. That along with a dispute over unfounded accusations and over reaction over alleged infected wheat contributed to a severe decrease in the United States grain exports to China.

China's ban on United States imports of wheat is based on scientifically unfounded trade evidence linked to insignificant disease commonly known as tck smut. This diseases is present in Canada, as well as Europe. Such barriers-to-entry are and will be a barrier to China's entry into the WTO.

We've seen this type of attack on U.S. agriculture before. Recently, the European Union objected to United States beef imports based on scientifically unfounded evidence; eventually, the United States prevailed in a WTO challenge but not before the United States cattle industry was damaged and European markets found their beef exports elsewhere.

Mr. President, U.S. farmers and ranchers produce the healthiest and best food commodities in the world. If we are truly supposed to be a global economy, we need to put our great American agriculture on an equal basis with semiconductors and automobiles. Agriculture has always been dealt away first in all of the trade agreements in the last 50 years. It is not fair or right that the great machine of food and fiber production be left picking up the scraps.

I think that the United States is following the same course as our relations with Russia in the late 1980's. An establishment of ties with China does not necessarily imply an endorsement of their policies. I believe that the freedom that the United States embraces can only serve as an example to the Chinese people. The summits between President Reagan and Mr. Gorbachev brought about the fall of the Berlin wall—there were naysayers then so maybe the talks that the we begin now, will lead to the opening of the Great Wall of China.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through October 24, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84), show that current level spending is below the budget resolution by $34.9 billion in budget authority and above the budget resolution by $1.9 billion in outlays. Current level is $1.6 billion below the revenue floor in 1998 and $2.5 billion above the revenue floor over the five years 1998–2002. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $177.0 billion, $3.7 billion above the maximum deficit amount for 1998 of $173.3 billion.

Since my last report, dated October 1, 1997, the Congress has cleared, and the President has signed, the Oklahoma City National Memorial Act of 1997 (P.L. 105–58) and the following appropriation acts: Further Continuing Appropriations (P.L. 105–64), Energy and Water Development (P.L. 105–62), Treasury and General Government (P.L. 105–61), Veterans, Housing and Urban Development and Independent Agencies (P.L. 105–65), and Transportation (P.L. 105–66). These actions changed the current level of budget authority, outlays and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 28, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 1998 shows the effects of Congressional action on the 1998 budget and is current through October 24, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated September 29, 1997, the Congress has cleared, and the President has signed, the Oklahoma City National Memorial Act of 1997 (P.L. 105–58) and the following appropriation acts: Further Continuing Appropriations (P.L. 105–64), Energy and Water Development (P.L. 105–62), and Treasury and General Government (P.L. 105–61). In addition, the Congress has cleared for the President's signature the following appropriation bills: Veterans, Housing and Urban Development and Independent Agencies (H.R. 2158) and Transportation (H.R. 2169). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1998, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS OCTOBER 24, 1997

[In billions of dollars]

	Budget resolution (H. Con. Res. 84)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,390.9	1,356.0	−34.9
Outlays	1,372.5	1,374.4	1.9
Revenues:			
1998	1,199.0	1,197.4	−1.6
1998–2002	6,477.7	6,480.2	2.5
Deficit	173.3	177.0	3.7
Debt Subject to Limit	5,593.5	5,339.1	−254.4
OFF-BUDGET			
Social Security Outlays:			
1998	317.6	317.6	0.0
1998–2002	1,722.4	1,722.4	0.0
Social Security Revenues:			
1998	402.8	402.7	−0.1
1998–2002	2,212.1	2,212.3	0.2

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source: Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS OCTOBER 24, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,206,379
Permanents and other spending legislation	880,313	866,860	
Appropriation legislation		241,036	
Offsetting receipts	−211,291	−211,291	
Total previously enacted	669,022	896,605	1,206,379
ENACTED THIS SESSION			
Balanced Budget Act of 1997 (P.L. 105–33)	1,525	477	267
Taxpayer Relief Act of 1997 (P.L. 105–34)			−9,281
Stamp Out Breast Cancer Act (P.L. 105–41)[1]			
Oklahoma City National Memorial Act of 1997 (P.L. 105–58)	14	3	14
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−350	−280	
Defense Appropriations Act (P.L. 105–56)[2]	247,709	164,702	
Energy and Water Appropriations Act (P.L. 105–62)[3]	20,732	13,533	
Legislative Branch Appropriations Act (P.L. 105–55)	2,251	2,023	
Military Construction Appropriations Act (P.L. 105–45)[4]	9,183	3,024	
Treasury and General Government Appropriations Act (P.L. 105–61)[5]	17,106	14,168	−4
Total enacted this session	298,170	197,650	−9,004
PASSED PENDING SIGNATURE			
Veterans, HUD appropriations bill (H.R. 2158)	90,689	52,864	
Transportation appropriations bill (H.R. 2169)	13,064	13,485	
Total passed pending signature	103,753	66,349	
CONTINUING RESOLUTION AUTHORITY			
Further continuing appropriations (P.L. 105–64)[6]	145,502	76,311	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	139,518	137,458	
TOTALS			
Total current level	1,355,965	1,374,373	1,197,375
Total budget resolution	1,390,913	1,372,462	1,199,000
Amount remaining:			
Under budget resolution	39,948		1,625
Over budget resolution		1,911	
ADDENDUM			
Emergencies	266	2,283	
Contingent emergencies	5	3	
Total	271	2,286	
Total current level including emergencies	1,356,236	1,376,659	1,197,375

[1] The revenue effects of this act begin in fiscal year 1999.

[2] Estimates include $144 million in budget authority and $73 million in outlays for items that were vetoed by the President on October 14, 1997.

[3] Estimates include $19 million in budget authority and $12 million in outlays for items that were vetoed by the President on October 17, 1997.

[4] Estimates include $287 million in budget authority and $28 million in outlays for items that were vetoed by the President on October 6, 1997.

[5] Estimates include $2 million in budget authority and $2 million in outlays for items that were vetoed by the President on October 17, 1997.

[6] This is an annualized estimate of discretionary spending provided in P.L. 105–64, which expires November 7, 1997, for programs funded in the following appropriations bills: Agriculture, Commerce-Justice-State, District of Columbia, Foreign Operations, Interior, and Labor-HHS-Education. The first continuing resolution (P.L. 105–46) expired October 23, 1997.

Note.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

HONORING THE MEMORY OF THE FORMER PEACE CORPS DIRECTOR LORET MILLER RUPPE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, Senate Resolution 123.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 123) honoring the memory of former Peace Corps Director Loret Miller Ruppe.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 123) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 123

Whereas the Members of the Senate were greatly saddened by the death of Loret Miller Ruppe, the longest-serving Director of the Peace Corps; and

Whereas Loret Miller Ruppe's inspirational vision, dedication, and leadership (1) revitalized the Peace Corps as she began or revived programs in Sir Lanka, Haiti, Burundi, Guinea-Bissau, Chad, Equatorial Guinea, and the Cape Verde Islands; (2) energized a new generation of Americans to accept the challenge of serving in the Corps; (3) refocused the Corps on its mission of development to achieve world peace; and (4) did a great service to America and to the millions of the world's citizens touched by her efforts: Now, therefore, be it

Resolved, That (a) the Senate recognizes and acknowledges the achievements and contributions of the longest-serving Director of the Peace Corps, Loret Miller Ruppe, and the volunteers she inspired, not only for their service in other countries but also in their own communities.

(b) It is the sense of the Senate that the President should honor the memory of the Peace Corps' great leader Loret Miller Ruppe and reaffirm the commitment of the United States to international peace and understanding.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, on that subject, I didn't realize that such a resolution was coming forward this evening. But having heard the nature of the resolution, I commend my good friend from Vermont for forwarding this on behalf of the sponsors of the resolution. As it happened, by pure coincidence, today in the Foreign Relations Committee, I supported the nomination of David Hermelin, of Michigan, to be our Ambassador to Norway. I made reference to the fact that Mrs. Ruppe, also from Michigan, had served with tremendous distinction as our Ambassador to Norway, as well as she had served the Peace Corps as its director.

So it is quite a coincidence that this resolution is coming forward today with her name commemorated at the Foreign Relations Committee with great warmth. I wanted to just rise to give my strong support to this resolution. It is highly appropriate.

Mr. JEFFORDS. I appreciate the Senator saying that.

CONCURRENT RESOLUTION ON LITTLE LEAGUE BASEBALL INCORPORATED

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 200, Senate Concurrent Resolution 37.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 37) expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and should be entitled to all of the benefits and privileges available to nongovernmental international organizations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment in the nature of a substitute, as follows:

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that Little League Baseball Incorporated is international in character and has engendered international goodwill through its worldwide activities, particularly among the youth of the world.

(b) The Congress reaffirms that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide, through the chartering of local leagues and the provision of assistance to such local leagues, through the creation or location of facilities in other countries, and the provision of other support as appropriate, including financial support, without right of reimbursement or repayment.

(c) The Congress calls upon the parliamentary bodies and government officials of other nations, particularly those that participate in Little League baseball, to recognize and celebrate the international character of Little League baseball.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that committee substitute be agreed to, the resolution be agreed to, as amended, the preamble be agreed to, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 37), as amended, with its preamble reads as follows:

S. CON. RES. 37

Whereas Little League Baseball Incorporated is a nonprofit membership organization, chartered by the Congress of the United States in 1964 to promote, develop, supervise, and assist youth worldwide in participation in Little League baseball and to instill in youth the spirit and competitive will to win, values of team play, and healthful association with other youth under proper leadership;

Whereas Little League Baseball Incorporated has chartered more than 18,000 local Little League baseball or softball leagues in 85 countries, across 6 continents, through which more than 198,000 teams and 3,000,000 youth worldwide come together in healthy competition, learning the value of teamwork, individual responsibility, and respect for others;

Whereas Little League Baseball Incorporated provides administrative and other services, including financial assistance from time to time, to such leagues without any obligation to reimburse Little League Baseball Incorporated;

Whereas Little League Baseball Incorporated has established a United States foundation for the advancement and support of Little League baseball in the United States and around the world, and has also created in Poland through its representative, Dr. Creighton Hale, the Poland Little League Baseball Foundation for the construction of Little League baseball facilities and playing fields, in which youth may participate worldwide in international competitions, and is providing all the funds for such construction;

Whereas the efforts of Little League Baseball Incorporated are supported by millions of volunteers worldwide, as parents, league officials, managers, coaches, and auxiliary members and countless volunteer agencies, including sponsors, all of whom give their time and effort without remuneration, in service to others, to advance the goals of Little League Baseball Incorporated and thereby assist the economic transformation of societies worldwide, the improvement in the quality of life of all citizens and the promotion of a civil international community; and

Whereas, as demonstrated by the success of its efforts worldwide, Little League Baseball Incorporated is the largest nongovernmental international youth sports organization in the world and continues to grow: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that Little League Baseball Incorporated is international in character and has engendered international goodwill through its worldwide activities, particularly among the youth of the world.

(b) The Congress reaffirms that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide, through the chartering of local leagues and the provision of assistance to such local leagues, through the creation or location of facilities in other countries, and the provision of other support as appropriate, including financial support, without right of reimbursement or repayment.

(c) The Congress calls upon the parliamentary bodies and government officials of other nations, particularly those that participate in Little League baseball, to recognize and celebrate the international character of Little League baseball.

The title was amended so as to read:

Concurrent Resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 154, Senate 1150.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multi-State significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1527

(Purpose: To improve the bill)

Mr. JEFFORDS. Mr. President, Senator LUGAR has a managers' amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LUGAR and Mr. HARKIN, proposes an amendment numbered 1527.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LUGAR. Mr. President, today the Senate completes action on the Agricultural Research, Extension and Education Reform Act of 1997. This legislation was approved by a unanimous rollcall vote of the 18 members of the Senate Agriculture Committee in July. I commend Senator HARKIN and all members of the committee for their bipartisan approach and cooperative efforts in constructing this legislation.

Because research programs were only authorized through 1997 in last year's farm bill, the Senate Agriculture Committee has had the opportunity this year to review agricultural research, extension and education funding. The committee gathered testimony through four hearings in March and received more than 100 responses to some relevant questions that I posed publicly in January.

With the growth in world population, U.S. producers may well need to triple their production in the next few decades to meet growing demand for food and spare the world's rain forests from being uprooted in a desperate effort to expand production.

To increase future food production, our Nation must devote additional resources to agricultural research. This bill provides new funding for agricultural research to address critical emerging issues related to future food production, environmental protection and farm income. Food genome science, food safety, agricultural biotechnology and precision agriculture are key areas that need additional resources to meet the challenges that face U.S. farmers.

This bill also makes significant reforms to the current agricultural research system. This system has served us well. To use our available resources most effectively, however, it is important to ensure more collaboration and efficiency as well as achieve greater accountability. We cannot overlook the relevance or merit of the research, extension, and education programs.

I urge all Members of the Senate to support this important legislation.

Mr. DASCHLE. Mr. President, I want to thank Chairman LUGAR, Senator HARKIN, and their staffs for the tremendous effort they have devoted to the research reauthorization bill over the past several months, and congratulate them for the legislation we have before us today.

We owe much of the credit for this country's agricultural success to our network of land grant institutions, State agriculture experiment stations, USDA's Agricultural Research Service, and hundreds of county extension offices. These entities work together in a wide range of ways to produce cutting-edge research and then convert it into improved practices and technology meaningful to producers.

It is important to strengthen this network further. This bill places increased emphasis on collaboration among institutions and disciplines, and encourages pursuit of goals benefiting more than one region or State. It emphasizes priority-setting so resources can be targeted to emerging and critical issues when necessary, and establishes new mechanisms for ensuring accountability.

Specifically, I am pleased that the bill preserves existing programs that share these objectives, such as the Fund for Rural America. As you know, the fund was designed to provide immediate, flexible, and applied research and support to people in rural areas who are adjusting to rapid changes in the agricultural sector since the last farm bill.

The Fund for Rural America promotes value-added processing, which is vital to successful rural economic development. Our rural communities must capture more of the revenue their locally produced commodities ultimately generate. Value-added processing keeps that revenue local, which will be critical to the future of those communities.

I am pleased to say also that this bill treats smaller institutions fairly. It significantly levels the playing field for small schools competing for limited research funds, and it is sensitive to the relative importance of formula funds for institutions in agrarian States with low populations.

Finally, I had hoped we would be able to address the problems with the CRP haying and grazing program, but I recognize that consensus on a specific remedy remains elusive. I do hope we will be more successful on this front in the near future because the current system is creating both severe difficulties for the people managing those lands and growing uneasiness among all groups interested in CRP's success. I urge the committee to continue working on this issue.

This bill is a positive step forward. Federal investment in agricultural research, extension, and education is one of the most important duties of the Senate Agriculture Committee, and, again, I commend Senator LUGAR and Senator HARKIN for their commitment to this effort.

FOOD GENOME STRATEGY

Mr. BOND. Mr. President, I would like to discuss with the distinguished chairman of the Agriculture Committee the food genome strategy that is authorized in this bill. Senator LUGAR is to be commended highly for including this visionary provision in the bill. It is my understanding that the food genome strategy, authorized in this bill, will include comprehensive, directed, and coordinated plant genome and animal genome initiatives. Is my understanding correct?

Mr. LUGAR. Yes, these initiatives, while allowing for all entities to compete competitively for funding, will be directed and coordinated programs that are designed to accomplish specific objectives. The request for proposals [RFP] that will be published by the USDA could be very specific in its requests. For example, one part of the RFP may request the development of 100,000 expressed sequence Tags on corn and another part may request a very high resolution physical map of corn.

Mr. BOND. I understand that it is your intention that the plant genome initiative and the animal genome initiative will not be scientific free-for-alls, if you will, that fund any research project that happens to have genome in the proposal. Rather, this program will be designed to have specific objectives and milestones that must be met along the way so that the taxpayers realize a timely and significant return on their dollar invested in this research.

Mr. LUGAR. The purpose of having a food genome strategy is to ensure that there is a comprehensive plan that includes appropriate, specific objectives for each aspect of the program, be it mapping, sequencing, trait identification, or bioinformatics.

Mr. BOND. With your assistance, we have established a $40 million plant genome initiative within the National Science Foundation [NSF] that will be focused on economically significant crops. To facilitate the development of a comprehensive plant genome initiative, the President's Science Advisor, Dr. Gibbons, established an Inter-Agency Working Group on Plant Genomes. This group will be consulting with the NSF in the design and implementation of the plant genome initiative. It is my understanding that the plant genome initiative, authorized under this bill, will be coordinated with the NSF plant genome initiative.

Mr. LUGAR. Certainly, we intend for the work to be complementary. We expect the USDA to work with the Inter-Agency Working Group to ensure that the total amount of funds from all agencies is coordinated, directed, and focused. This will ensure that there is no duplication and better coordination.

Mr. BOND. Since the NSF has $40 million for a plant genome initiative, there have been some questions raised concerning which agency, NSF or USDA, would serve as the lead agency for the national plant genome initiative. In the managers amendment, you clarified this issue by providing that USDA be the lead agency unless the funding it administered for the plant genome initiative was substantially less than that provided by another agency.

Mr. LUGAR. That is correct. I agree that if the USDA does not provide sufficient funding for the plant genome initiative, it should not be the lead agency.

Mr. BOND. It is my understanding that some people have stated that this program will be administered in a manner similar to the national research initiative, the NRI. While the NRI plays a valuable role in the discovery of scientific information related to agriculture, it is not a directed, coordinated program. It is my understanding, however, that the plant genome initiative will be coordinated and focused on the most economically significant crops. Is that correct?

Mr. LUGAR. Yes. The food genome strategy will be coordinated and directed and the outcomes will be focused on economically significant plants, animals, and microbes and will ensure that all the funding under the program will be directed at achieving results that ultimately will yield us the greatest economic returns.

Mr. BOND. The report accompanying S. 1150 makes clear that the committee intends that the Secretary utilize funds from the initiative for future agriculture and food systems, established under title III of the bill, for the plant genome initiative and the animal genome initiative. Under the Initiative for Future Agriculture and Food Systems, there is no provision for coordinated, directed, and focused programs. Am I correct in assuming that while the funds for the food genome strategy may be derived from the Initiative for Future Agriculture and Food Systems, it is the intent of the managers that the food genome strategy would, in fact, be a coordinated, directed program?

Mr. LUGAR. The food genome strategy will be a coordinated, directed program without regard to the origin of the funding.

Mr. BOND. In addition, under title III, the Secretary is required, in making individual grants, to give higher priority to a proposal that is multistate, multi-institutional, or multidisciplinary. While the overall Food Genome Strategy will be multi-State, multi-institutional, and multidisciplinary, there will be many aspects of the program that will not facilitate multi-State, multi-institutional, and multidisciplinary grants, especially in the first couple of years. For example, the development of expressed sequence tags and high-resolution physical maps may, of necessity, be done by one entity. Expressed sequence tags and physical maps are the critical foundation of the food genome strategy. If the Secretary is required to give higher priority to multi-State, multi-institutional, and multidisciplinary proposals, this very basic information may not be developed. It is my understanding, however, that the managers do not intend for this to happen. Rather, since the entire Food Genome Strategy will be multi-State, multi-institutional, and multi-disciplinary, all aspects of this program could receive a higher priority.

Mr. LUGAR. That is absolutely correct. We recognize that the food genome strategy will be different from other projects funded under title III. The food genome strategy will be a multi-State, multi-institutional, and multi-disciplinary program and, therefore, all individual proposals and projects could meet the tests for gaining a higher priority.

Mr. BOND. Thank you, Mr. Chairman. I commend you and other members of the Agriculture Committee for including this vitally important provision in the bill. I also appreciate the able assistance of our staff throughout this process.

This legislation, will provide us the tools we need to meet the challenges of the 21st century and I congratulate you on your continuing leadership.

Mr. FEINGOLD. Mr. President, today, the Senate will pass S. 1150, the Agricultural Research, Extension, and Education Reform Act. I am pleased, Mr. President, that several amendments I had planned to offer on the floor when the Senate took up this bill have been accepted by the chairman, Mr. LUGAR, and the ranking member, Mr. HARKIN, of the Agriculture Committee and have been included in the managers' amendment to the bill.

Two of my amendments included in the bill address a new research program regarding precision agriculture. Precision agriculture is a system of farming that uses very site-specific information on soil nutrient needs and presence of plant pests, often gathered using advanced technologies such as global positioning systems, high performance image processing, and software systems to determine the specific fertilizer, pesticide and other input needs of a farmer's cropland. This technology may have the benefit of lowering farm production costs and increase profitability by helping the producer reduce agricultural inputs by applying them only where needed. In addition, reducing agricultural inputs may minimize the impact of crop production on wildlife and the environment. While precision agriculture, generally defined, encompasses a broad range of techniques from high-technology satellite imaging systems to manual soil sampling, it is most frequently discussed in terms of the use of capital intensive advanced technologies.

Section 232 of the S. 1150 creates a new research program authorizing the Secretary of Agriculture to make grants for the development and promotion of precision agriculture, including projects to educate producers on the benefits of this new technology. One of my amendments, which has been included in the managers amendment, ensures that educational efforts provide farmers with information about the costs of this technology as well. Any responsible federally funded farmer education efforts on precision agriculture must inform farmers of costs of this new technology.

Cost considerations are particularly important given that precision agriculture technologies tend to be technologically sophisticated and capital intensive, requiring investments in computer systems, new software, and potentially new mechanical input applicators. Farmers who wish to avoid acquiring the equipment needed for precision agriculture may have to contract for these services with input suppliers. In either case, substantial financial investments may be required of farmers adopting precision agriculture technologies. Farmers need information that will allow them to balance the potential long-term benefits of precision agriculture technologies with the short-term and long-term financial costs. My amendment clarifies that any USDA funding provided for producer education efforts must provide information on both costs and benefits of precision agriculture.

While precision agriculture may result in production efficiencies and improved profitability for some farms, many in agriculture are concerned that, because of the capital intensive nature of this precision agriculture systems, this new technology will not be applicable or accessible to small or highly diversified farms. It is unclear whether precision agriculture services, even if provided by input suppliers, will be available at affordable rates to small farms. Furthermore, some observers are concerned that private firms may find that marketing efforts directed at small farms are not lucrative enough and thus may avoid efforts to apply the technology to small operations.

In addition to concerns about the applicability and accessibility of precision agriculture to small farms, many are concerned that precision agriculture may not be the most appropriate production system for small farms given the costs of acquiring new technology or contracting for additional services. There may be other production systems, such as integrated whole farm crop, livestock, and resource management systems, that allow small farmers to reduce input costs, improve profitability, and minimize environmental impacts of agricultural production that are more appropriate for smaller operations.

To address this concern, I have proposed an amendment which adds new language to section 232 allowing USDA to fund studies evaluating whether precision agriculture technologies are applicable or accessible to small- and medium-sized farms. The amendment also allows USDA to conduct research on methods to improve the applicability of precision agriculture to these operations. It is critical that USDA's research investment in this new technology not exclude the needs of small farmers. If it does, this new research program could ultimately affect the structure of agriculture, potentially providing disproportionate advantages to large scale farming operations, furthering the trend to fewer and larger farms. My amendment will allow USDA to conduct research on low cost precision agriculture systems that do not require significant financial investments by farmers and that may be more appropriate to small or highly diversified farming operations.

The final two amendments I have offered and which have been included in the managers' amendment authorize and provide funding for research, education and extension projects to improve the competitiveness, viability and sustainability of small- and medium-size dairy and livestock operations.

Many Senators have expressed concern about the trend toward increased concentration in the dairy and livestock sectors. According to a 1996 report by the USDA Advisory Committee on Agricultural Concentration, concentration in cattle feeding has grown dramatically, with 152 feeders accounting for more than 40 percent of all head sold. Meatpacker concentration has also grown, with four packing firms accounting for 80 percent of fed cattle in the U.S. Extensive vertical integration in the cattle industry has also reduced price discovery and market information available to small producers. The combination of reduced price information and increased concentration in the feeding and packing industry has put small cattle producers under extreme financial pressure, necessitating more research, education and extension efforts to ensure the viability of small- and medium-sized cattle operations.

Of greatest concern to producers in my home State of Wisconsin is the trend toward fewer and larger dairy farms in the United States. In 1980, there were 45,000 dairy farms in Wisconsin. In 1997, there are only 24,000 dairy farms. Of those 24,000 dairy farms, 90 percent are operations with fewer than 100 cows. The trend toward fewer but larger dairy operations is mirrored in most States throughout the Nation. The economic losses associated with the reduction in small farm numbers go well beyond the impact on the individual farm families exiting the industry. Rather, the reduction in farm numbers has affected the rural communities in my home State that have been built around a large number of small family-owned dairy farms. The grocery storeowners, input suppliers, schoolteachers, truckers, cheese manufacturers, and many other small rural businesses have been hurt as Wisconsin has seen its dairy farm numbers decline.

There is substantial concern that past and present Federal investments in agricultural research have focused almost solely on the needs of larger scale agricultural producers, neglecting the specific research needs of small producers. Some have suggested that this research bias has exacerbated the trend toward increased concentration and vertical integration, particularly in the livestock sector.

To address this concern, I have proposed an amendment to S. 1150, included in the managers' amendment, which authorizes a coordinated program of research, extension, and education to improve the viability of small- and medium-size dairy and livestock operations.

Among the research projects the Secretary is authorized to conduct are: Research, development, and on-farm education low-cost production facilities, management systems and genetics appropriate for these small and medium operations, research and extension on management intensive grazing systems which reduce feed costs and improve farm profitability, research and extension on integrated crop and livestock systems that strengthen the competitive position of small- and medium-size operations, economic analyses and feasibility studies to identify new marketing opportunities for small- and medium-size producers, technology assessment that compares the technological resources of large specialized producers with the technological needs of small- and medium-size dairy and livestock operations, and research to identify the specific research and education needs of these small operations.

The amendment allows the Secretary to carry out this new program using existing USDA funds, facilities and technical expertise. Dairy and livestock producers should not be forced to become larger in order to remain competitive. Bigger is not necessarily better. And in fact, Mr. President, expansion is often counterproductive for small operations requiring them to take on an even greater debt load. Farmers need more help in determining other methods of maintaining long-term profitability. For example, small dairy farmers may find adoption of management-intensive grazing systems combined with a diversified cropping operation a profitable alternative to expansion. But there has been far too little federally funded research devoted to alternative livestock production systems. Small producers need more Federal research and extension activity devoted to the development of these alternatives. I believe this amendment is a good first step in establishing the Federal research commitment to help develop and promote production and marketing systems that specifically address the needs of small producers.

Using research dollars to help maintain the economic viability of small- and medium-size dairy and livestock operations has benefits beyond those afforded to such farmers and the communities in which they reside. Keeping a large number of small operations in production can provide environmental benefits as well. As livestock operations expand their herd size without a corresponding increase in cropping acreage, manure storage and management practices become more costly and more burdensome for the operator and raise additional regulatory concerns associated with runoff and water quality among State and Federal regulators. Research that helps dairy and livestock operators remain competitive and profitable without dramatic expansion will help minimize these concerns.

Finally, Mr. President, I proposed an amendment to require the Secretary to fund research on the competitiveness and viability of small- and medium-size farms under the Initiative for Future Agriculture and Food Systems—a new research program authorized by S. 1150 funded at total $780 million for fiscal years 1998 through 2002. With the inclusion of my amendment in the managers amendment, the Secretary is directed to make grants for research projects addressing the viability of small- and medium-size farming operations with funding made available under the Initiative in fiscal years 1999–2002. This amendment ensures that the research needs of small dairy, livestock, and cropping operations will be addressed under the substantial new funding provided for agricultural research in this bill.

Mr. President, I appreciate the cooperation of the chairman, Mr. Lugar, and the ranking member, Mr. HARKIN, of the Agriculture Committee and their staff in addressing the important research needs of small- and medium-size farms by including my amendments in this important bill. I look forward to working with them to maintain these amendments during conference committee consideration of this bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1527) was agreed to.

The bill (S. 1150), as amended, was passed, as follows:

S. 1150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Research, Extension, and Education Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PRIORITIES, SCOPE, AND REVIEW OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

Sec. 101. Standards for Federal funding of agricultural research, extension, and education.
Sec. 102. Priority setting process.
Sec. 103. Relevance and merit of federally funded agricultural research, extension, and education.
Sec. 104. Research formula funds for 1862 Institutions.
Sec. 105. Extension formula funds for 1862 Institutions.
Sec. 106. Research facilities.

TITLE II—OTHER REFORMS OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

Subtitle A—Amendments to National Agricultural Research, Extension, and Teaching Policy Act of 1977

Sec. 201. Advisory Board.
Sec. 202. Grants and fellowships for food and agricultural sciences education.
Sec. 203. Policy research centers.
Sec. 204. International agricultural research, extension, and teaching.
Sec. 205. General administrative costs.
Sec. 206. Expansion of authority to enter into cost-reimbursable agreements.

Subtitle B—Amendments to Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 211. National Agricultural Weather Information System.
Sec. 212. National Food Genome Strategy.
Sec. 213. Imported fire ant control, management, and eradication.
Sec. 214. Agricultural telecommunications program.
Sec. 215. Assistive technology program for farmers with disabilities.

Subtitle C—Amendments to Other Laws

Sec. 221. 1994 Institutions.
Sec. 222. Cooperative agricultural extension work by 1862, 1890, and 1994 Institutions.
Sec. 223. Eligibility of certain colleges and universities for extension funding.
Sec. 224. Integration of research and extension.
Sec. 225. Competitive, special, and facilities research grants.
Sec. 226. Fund for Rural America.
Sec. 227. Honey research, promotion, and consumer information.
Sec. 228. Office of Energy Policy and New Uses.
Sec. 229. Kiwifruit research, promotion, and consumer information program.
Sec. 230. National aquaculture policy, planning, and development.

Subtitle D—New Programs

Sec. 231. Biobased products.
Sec. 232. Precision agriculture.
Sec. 233. Formosan termite eradication program.
Sec. 234. Nutrient composition data.
Sec. 235. Consolidated administrative and laboratory facility.
Sec. 236. National Swine Research Center.
Sec. 237. Coordinated program of research, extension, and education to improve viability of small and medium size dairy and livestock operations.
Sec. 238. Support for research regarding diseases of wheat and barley caused by Fusarium graminearum.
Sec. 239. Food animal residue avoidance database program.
Sec. 240. Financial assistance for certain rural areas.

Subtitle E—Studies and Miscellaneous

Sec. 241. Evaluation and assessment of agricultural research, extension, and education programs.
Sec. 242. Study of federally funded agricultural research, extension, and education.
Sec. 243. Sense of Congress on State match for 1890 Institutions.

TITLE III—INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS

Sec. 301. Initiative for Future Agriculture and Food Systems.

TITLE IV—EXTENSION OR REPEAL OF CERTAIN AUTHORITIES; TECHNICAL AMENDMENTS

Sec. 401. Extensions of authorities.
Sec. 402. Repeal of authorities.
Sec. 403. Short titles for Smith-Lever Act and Hatch Act of 1887.
Sec. 404. Technical corrections to research provisions of Federal Agriculture Improvement and Reform Act of 1996.

TITLE V—AGRICULTURAL PROGRAM SAVINGS

Sec. 501. Nutrition programs.
Sec. 502. Information technology funding.

SEC. 2. DEFINITIONS.

In this Act:

(1) 1862 INSTITUTION.—The term "1862 Institution" means a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.).

(2) 1890 INSTITUTION.—The term "1890 Institution" means a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.

(3) 1994 INSTITUTION.—The term "1994 Institution" means a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note)).

(4) ADVISORY BOARD.—The term "Advisory Board" means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(5) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(6) HATCH ACT OF 1887.—The term "Hatch Act of 1887" means the Hatch Act of 1887 (as designated by section 403(b)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(8) SMITH-LEVER ACT.—The term "Smith-Lever Act" means the Smith-Lever Act (as designated by section 403(a)).

(9) STAKEHOLDER.—The term "stakeholder" means a person who conducts or uses agricultural research, extension, or education.

TITLE I—PRIORITIES, SCOPE, AND REVIEW OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

SEC. 101. STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) IN GENERAL.—The Secretary shall ensure that agricultural research, extension, or education activities described in subsection (b) address a concern that—

(1) is a priority, as determined under section 102(a); and

(2) has national or multistate significance.

(b) APPLICATION.—Subsection (a) applies to—

(1) research activities conducted by the Agricultural Research Service; and

(2) research, extension, or education activities administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

SEC. 102. PRIORITY SETTING PROCESS.

(a) IN GENERAL.—Consistent with section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101), the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

(b) INPUT FROM STAKEHOLDERS.—

(1) IN GENERAL.—In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from stakeholders.

(2) 1862, 1890, AND 1994 INSTITUTIONS.—

(A) IN GENERAL.—Effective beginning October 1, 1998, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, and 1994 Institution shall establish and implement a process for obtaining stakeholder input concerning the use of the funds.

(B) REGULATIONS.—The Secretary shall promulgate regulations that prescribe—

(i) the requirements for an Institution to comply with subparagraph (A); and

(ii) the consequences for an Institution of not complying with subparagraph (A), which may include the withholding and redistribution of funds to which the Institution may be entitled until the Institution complies with subparagraph (A).

(c) MANAGEMENT PRINCIPLES.—Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended—

(1) in the section heading, by inserting "**AND MANAGEMENT PRINCIPLES**" after "**PURPOSES**";

(2) by inserting "(a) PURPOSES.—" before "The purposes"; and

(3) by adding at the end the following:

"(b) MANAGEMENT PRINCIPLES.—To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, education, and extension activities are accomplished in a manner that—

"(1) integrates agricultural research, education, and extension functions to better link research to technology transfer and information dissemination activities;

"(2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources;

"(3) achieves agricultural research, education, and extension objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives; and

"(4) requires accountability to be measured against shared national goals of the research, education, and economics mission area agencies of the Department and their partners that receive Federal research, extension, and higher education funds, consistent with the Government Performance and Results Act of 1993 (Public Law 103–62) and amendments made by that Act.".

(d) NOTIFICATION OF ADVISORY BOARD AND CONGRESS.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following:

"(d) NOTIFICATION OF ADVISORY BOARD AND CONGRESS.—

"(1) ADVISORY BOARD.—The Secretary shall provide a written response to the Advisory Board regarding the implementation of any written recommendations made by the Advisory Board to the Secretary under subsection (c).

"(2) CONGRESS.—The Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the response of the Secretary to an Advisory Board recommendation concerning the priority mission areas of the Initiative for Future Agriculture and Food Systems established under section 301(c)(2)(B) of the Agricultural Research, Extension, and Education Reform Act of 1997.".

SEC. 103. RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) REVIEW OF CSREES RESEARCH.—The Secretary shall establish procedures that ensure—

(1) scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service; and

(2) merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

(b) ADVISORY BOARD REVIEW.—The Advisory Board shall review, on an annual basis, the relevance to the Secretary's priorities established under section 102(a), and adequacy, of the funding of all agricultural research, extension, or education activities of the Department.

(c) REQUESTS FOR PROPOSALS.—

(1) REVIEW RESULTS.—As soon as practicable after the initial review is conducted under subsection (b) for a fiscal year, and each fiscal year thereafter, the Secretary shall consider the results of the annual review when formulating each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

(2) STAKEHOLDER INPUT.—In formulating a request for proposals described in paragraph (1), the Secretary shall solicit and consider input from stakeholders on the prior year's request for proposals.

(d) SCIENTIFIC PEER REVIEW OF ARS RESEARCH.—

(1) IN GENERAL.—The Secretary shall establish procedures that ensure scientific peer review of research activities of the Agricultural Research Service.

(2) REQUIREMENTS.—The procedures shall require that—

(A) at least once every 5 years, a review panel verify that a research activity referred to in paragraph (1) and research conducted by each scientist employed by the Agricultural Research Service—

(i) has scientific merit and relevance to the priorities established under section 102(a); and

(ii) has national or multistate significance, as required under section 101(a)(2);

(B) a review panel comprised of individuals with scientific expertise, a majority of whom are not employees of the Agricultural Research Service; and

(C) the results of the panel reviews are transmitted to—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(iii) the Advisory Board.

(e) MERIT REVIEW.—

(1) 1862 AND 1890 INSTITUTIONS.—Effective beginning October 1, 1998, to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(2) 1994 INSTITUTIONS.—Effective beginning October 1, 1998, to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(f) REPEAL OF PROVISIONS FOR WITHHOLDING FUNDS.—

(1) SMITH-LEVER ACT.—Section 6 of the Smith-Lever Act (7 U.S.C. 346) is repealed.

(2) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking the last paragraph.

(3) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—Section 1468 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3314) is repealed.

SEC. 104. RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS.

(a) IN GENERAL.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) Not less than 25 percent shall be allotted to the States for cooperative research employing multidisciplinary approaches in which a State agricultural experiment station, working with another State agricultural experiment station, the Agricultural Research Service, a college, or a university, cooperates to solve problems that concern more than 1 State. The funds available under this paragraph, together with the funds available under subsection (b) for a similar purpose, shall be designated as the 'Multistate Research Fund, State Agricultural Experiment Stations'.

"(4) Research carried out under paragraph (3) shall be subject to scientific peer review. A project review under this paragraph shall be considered to satisfy the merit review requirements of section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1997."; and

(2) in subsection (d), by striking "regional research fund, State agricultural experiment stations," and inserting "Multistate Research Fund, State Agricultural Experiment Stations,".

(b) CONFORMING AMENDMENT.—Section 5 of the Hatch Act of 1887 (7 U.S.C. 361e) is amended in the first sentence by striking "regional research fund" and inserting "Multistate Research Fund, State Agricultural Experiment Stations".

SEC. 105. EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS.

Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by adding at the end the following:

"(h) MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—

"(1) IN GENERAL.—Not less than the applicable percentage specified under paragraph (2) of the amounts that are made available to carry out subsections (b) and (c) during a fiscal year shall be allotted to States for cooperative extension activities in which 2 or more States cooperate to solve problems that concern more than 1 State (referred to in this subsection as 'multistate activities').

"(2) APPLICABLE PERCENTAGES.—

"(A) CURRENT EXPENDITURES ON MULTISTATE ACTIVITIES.—The Secretary of Agriculture shall determine the percentage of Federal formula funds described in paragraph (1) that each State expended for fiscal year 1997 for multistate activities.

"(B) PLANNED EXPENDITURES ON MULTISTATE ACTIVITIES.—For fiscal year 2000 and each subsequent fiscal year, a State shall expend for multistate activities a percentage of the Federal formula funds described in paragraph (1) for a fiscal year that is at least equal to the lesser of—

"(i) 25 percent; or

"(ii) twice the percentage for the State determined under subparagraph (A).

"(C) REDUCTION BY SECRETARY.—The Secretary may reduce the minimum percentage required to be allotted for multistate activities under subparagraph (B) in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

"(D) PLAN OF WORK.—The State shall include in the plan of work of the State a description of the manner in which the State will meet the requirements of this paragraph.

"(3) APPLICABILITY.—This subsection does not apply to funds provided—

"(A) by a State or local government pursuant to a matching requirement;

"(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

"(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(i) MERIT REVIEW.—

"(1) In general.—Effective beginning October 1, 1998, extension activity carried out under subsection (h) shall be subject to merit review.

"(2) Other requirements.—An extension activity that is merit reviewed under paragraph (1) shall be considered to have been reviewed under section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1997.".

SEC. 106. RESEARCH FACILITIES.

(a) Criteria for Approval.—Section 3(c)(2)(C)(ii) of the Research Facilities Act (7 U.S.C. 390a(c)(2)(C)(ii)) is amended by striking "regional needs" and inserting "national or multistate needs".

(b) National or Multistate Needs Served by ARS Facilities.—Section 3 of the Research Facilities Act (7 U.S.C. 390a) is amended by adding at the end the following:

"(e) National or Multistate Needs Served by ARS Facilities.—The Secretary shall ensure that each research activity conducted by a facility of the Agricultural Research Service serves a national or multistate need.".

(c) 10-Year Strategic Plan.—Section 4(d) of the Research Facilities Act (7 U.S.C. 390b(d)) is amended by striking "regional" and inserting "multistate".

(d) Comprehensive Research Capacity.—Section 4 of the Research Facilities Act (7 U.S.C. 390b) is amended by adding at the end the following:

"(g) Comprehensive Research Capacity.—After submission of the 10-year strategic plan required under subsection (d), the Secretary shall continue to review periodically each operating agricultural research facility constructed in whole or in part with Federal funds, and each planned agricultural research facility proposed to be constructed in whole or in part with Federal funds, pursuant to criteria established by the Secretary, to ensure that a comprehensive research capacity is maintained.".

(e) Priority Research.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)(2) by striking "regional" and inserting "multistate".

TITLE II—OTHER REFORMS OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

Subtitle A—Amendments to National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 201. ADVISORY BOARD.

Section 1408(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended by adding at the end the following:

"(7) Equal representation of public and private sector members.—In appointing members to serve on the Advisory Board, the Secretary shall ensure, to the maximum extent practicable, equal representation of public and private sector members.".

SEC. 202. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (d), (f), (g), (h), (i), (j), (k), and (l), respectively;

(2) by inserting after subsection (b) the following:

"(c) Priorities.—In awarding grants under subsection (b), the Secretary shall give priority to—

"(1) applications for teaching enhancement projects that demonstrate enhanced coordination among all types of institutions eligible for funding under this section; and

"(2) applications for teaching enhancement projects that focus on innovative, multidisciplinary education programs, material, and curricula."; and

(3) by inserting after subsection (d) (as redesignated by paragraph (1)) the following:

"(e) Food and Agricultural Education Information System.—From amounts made available for grants authorized under this section, the Secretary may maintain a national food and agricultural education information system that contains information on enrollment, degrees awarded, faculty, and employment placement in the food and agricultural sciences and such other information as the Secretary considers appropriate.".

SEC. 203. POLICY RESEARCH CENTERS.

Section 1419A(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(a)) is amended by inserting "and trade agreements" after "public policies".

SEC. 204. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING.

(a) Teaching.—

(1) In general.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended—

(A) in the section heading, by striking "**RESEARCH AND EXTENSION**" and inserting "**RESEARCH, EXTENSION, AND TEACHING**";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "related research and extension" and inserting "related research, extension, and teaching"; and

(II) in subparagraph (B), by striking "research and extension on" and inserting "research, extension, and teaching initiatives addressing";

(ii) in paragraph (2), by striking "education" and inserting "teaching";

(iii) in paragraph (4), by striking "scientists and experts" and inserting "science and education experts";

(iv) in paragraph (5), by inserting "teaching," after "development,";

(v) in paragraph (6), by striking "education" and inserting "teaching";

(vi) in paragraph (7), by striking "research and extension" and inserting "research, extension, and teaching"; and

(vii) in paragraph (8), by striking "research capabilities" and inserting "research, extension, and teaching capabilities"; and

(C) in subsection (b), by striking "counterpart agencies" and inserting "counterpart research, extension, and teaching agencies".

(2) Conforming amendment.—The subtitle heading of subtitle I of title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by striking "Research and Extension" and inserting "Research, Extension, and Teaching".

(b) Grants for Collaborative Projects.—Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) make competitive grants for collaborative projects that—

"(A) involve Federal scientists or scientists from land-grant colleges and universities or other colleges and universities with scientists at international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research;

"(B) focus on developing and using new technologies and programs for—

"(i) increasing the production of food and fiber, while safeguarding the environment worldwide and enhancing the global competitiveness of United States agriculture; or

"(ii) training scientists;

"(C) are mutually beneficial to the United States and other countries; and

"(D) encourage private sector involvement and the leveraging of private sector funds.".

(c) Reports.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by adding at the end the following:

"(d) Reports.—The Secretary shall provide biennial reports to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on efforts of the Federal Government to—

"(1) coordinate international agricultural research within the Federal Government; and

"(2) more effectively link the activities of domestic and international agricultural researchers, particularly researchers of the Agricultural Research Service.".

SEC. 205. GENERAL ADMINISTRATIVE COSTS.

(a) In General.—Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting before section 1463 (7 U.S.C. 3311) the following:

"SEC. 1461. GENERAL ADMINISTRATIVE COSTS.

"(a) In General.—Except as otherwise provided in law, indirect costs charged against a grant described in subsection (b) shall not exceed 25 percent of the total Federal funds provided under the grant award, as determined by the Secretary.

"(b) Applicability.—Subsection (a) shall apply to—

"(1) a competitive research grant made under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)); and

"(2) except as otherwise provided in law, a competitive research, extension, or education grant made under—

"(A) section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f); or

"(B) section 301 of the Agricultural Research, Extension, and Education Reform Act of 1997.".

(b) Administrative Costs.—Section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315) is amended—

(1) by striking the section heading and all that follows through "Except as" and inserting the following:

"SEC. 1469. AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.

"(a) In General.—Except as";

(2) by striking paragraph (3) and inserting the following:

"(3) the Secretary may retain up to 4 percent of amounts appropriated for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this or any other Act; and"; and

(3) by adding at the end the following:

"(b) Community Food Projects.—The Secretary may retain, for the administration of community food projects under section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.".

SEC. 206. EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the first sentence by inserting "or other colleges and universities" after "institutions".

Subtitle B—Amendments to Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 211. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subtitle D (7 U.S.C. 5851 et seq.) and inserting the following:

"Subtitle D—National Agricultural Weather Information System

"SEC. 1637. SHORT TITLE; PURPOSES.

"(a) SHORT TITLE.—This subtitle may be cited as the 'National Agricultural Weather Information System Act of 1997'.

"(b) PURPOSES.—The purposes of this subtitle are—

"(1) to facilitate the management and coordination of a national agricultural weather and climate station network for Federal and State agencies, colleges and universities, and the private sector;

"(2) to ensure that timely and accurate information is obtained and disseminated; and

"(3) to aid research and education that requires a comprehensive agricultural weather and climate database.

"SEC. 1638. AGRICULTURAL WEATHER SYSTEM.

"(a) ESTABLISHMENT.—The Secretary of Agriculture may establish the National Agricultural Weather Information System (referred to in this subtitle as the 'System'). The System shall be comprised of the operational and research activities of the Federal, State, and regional agricultural weather information systems.

"(b) AUTHORITY.—Notwithstanding chapter 63 of title 31, United States Code, to carry out this subtitle, the Secretary may—

"(1) enter into contracts, grants, cooperative agreements and interagency agreements without regard to competitive requirements, except as otherwise provided in this subtitle, with other Federal and State agencies to—

"(A) support operational weather and climate data observations, analysis, and derived products;

"(B) preserve historical data records for research studies useful in agriculture;

"(C) jointly develop improved computer models and computing capacity for storage, retrieval, dissemination and analysis of agricultural weather and climate information;

"(D) enhance the quality and availability of weather and climate information needed by the private sector for value-added products and agriculturalists for decisionmaking; and

"(E) sponsor joint programs to train private sector meteorologists and agriculturalists about the optimum use of agricultural weather and climate data;

"(2) obtain standardized weather observation data collected in near real time through regional and State agricultural weather information systems;

"(3) coordinate the activities of the Chief Meteorologist of the Department of Agriculture and weather and climate research activities of the Department of Agriculture with other Federal agencies and the private sector;

"(4) make grants to plan and administer State and regional agricultural weather information systems, including research in atmospheric sciences and climatology;

"(5) encourage private sector participation in the System through cooperation with the private sector, including cooperation in the generation of weather and climate data useful for site-specific agricultural weather forecasting; and

"(6) make competitive grants to carry out research in all aspects of atmospheric sciences and climatology regarding the collection, retention, and dissemination of agricultural weather and climate observations and information with priority given to proposals that emphasize—

"(A) techniques and processes that relate to—

"(i) weather- or climate-induced agricultural losses; and

"(ii) improvement of information on weather and climate extremes (such as drought, floods, freeze, and storms) well in advance of their occurrence;

"(B) the improvement of site-specific weather data collection and forecasting;

"(C) the impact of weather on economic and environmental costs in agricultural production; or

"(D) the preservation and management of the ecosystem.

"SEC. 1639. FUNDING AND ADMINISTRATION.

"(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WORK.—Not more than ⅔ of the funds made available for a fiscal year to carry out this subtitle shall be used for work with the National Oceanic and Atmospheric Administration.

"(b) ADMINISTRATIVE COSTS.—The Secretary of Agriculture may retain for administration of the System up to 4 percent of the amounts made available to carry out this subtitle, notwithstanding the availability of any appropriation for administrative expenses to carry out this subtitle.

"(c) LIMITATIONS.—

"(1) BUILDINGS OR FACILITIES.—Funds made available to carry out this subtitle shall not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

"(2) EQUIPMENT PURCHASES.—Of funds made available under a grant award under this subtitle, a grantee may use for equipment purchases not more than the lesser of—

"(A) $15,000; or

"(B) ⅓ of the amount of the grant award.

"SEC. 1640. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $15,000,000 for each of fiscal years 1998 through 2002.".

SEC. 212. NATIONAL FOOD GENOME STRATEGY.

Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended to read as follows:

"SEC. 1671. NATIONAL FOOD GENOME STRATEGY.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in plant, animal, and microbial genomics;

"(2) to focus on the species that will yield early, scientifically important results that will enhance the usefulness of many plant, animal, and microbial species;

"(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in crop species ranging from corn to soybean to cotton and animal species ranging from cattle to swine to poultry;

"(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

"(5) to develop, within the National Food Genome Strategy required under subsection (b) for agriculturally important plants, animals, and microbes, a Plant Genome Initiative under which—

"(A) the Plant Genome Initiative will be an interagency activity conducted with—

"(i) as the lead Federal agency—

"(I) the Department of Agriculture; or

"(II) if funding provided for the Plant Genome Initiative through the Department of Agriculture is substantially less than funding provided for the Initiative through another Federal agency, the other Federal agency, as determined by the President; and

"(ii) the National Science Foundation and the Department of Energy as participants; and

"(B) the National Institutes of Health will continue to invest in the underlying critical technologies through its Human Genome Initiative and other genetics research;

"(6) to establish, within the National Food Genome Strategy, an Animal Genome Initiative—

"(A) to address the obstacles limiting the development and implementation of gene-based approaches for animal improvement, such as high-resolution genomic maps; and

"(B) to take advantage of complementary work of the Human Genome Initiative, the Agricultural Research Service, and State agricultural experiment stations;

"(7) to encourage Federal Government participants to maximize the utility of public and private partnerships for food genome research;

"(8) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

"(9) to encourage international partnerships with each partner country responsible for financing its own strategy for food genome research.

"(b) DUTIES OF SECRETARY.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall develop and carry out a National Food Genome Strategy to—

"(1) study and map agriculturally significant genes to achieve sustainable and secure agricultural production;

"(2) ensure that current gaps in existing agricultural genetics knowledge are filled;

"(3) identify and develop a functional understanding of genes responsible for economically important traits in plants, animals, and microbes of importance to agriculture;

"(4) ensure future genetic improvement of agriculturally important species;

"(5) support preservation of diverse germplasm;

"(6) ensure preservation of biodiversity to maintain access to genes that may be of importance in the future; and

"(7) otherwise carry out the purposes of this section.

"(c) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into or make contracts, grants, or cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318).

"(2) COMPETITIVE BASIS.—A grant under this subsection shall be made on a competitive basis.

"(d) ADMINISTRATION.—

"(1) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

"(2) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—The Secretary may use funds made available under this section to consult with the National Academy of Sciences regarding the administration of the National Food Genome Strategy.

"(3) INDIRECT COSTS.—Indirect costs under this section shall be allowable at the rate indirect costs are allowable for contracts, grants, or cooperative agreements entered into or made by the National Science Foundation for genomic research.".

SEC. 213. IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) by striking subsections (a), (d), (e), and (f);

(2) by redesignating subsections (b), (c), and (g) as subsections (a), (b), and (c), respectively; and

(3) by adding at the end the following:

"(d) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.—

"(1) NATIONAL ADVISORY AND IMPLEMENTATION BOARD ON IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.—

"(A) ESTABLISHMENT.—The Secretary of Agriculture may establish a National Advisory and Implementation Board on Imported Fire Ant Control, Management, and Eradication (referred to in this subsection as the 'Board').

"(B) MEMBERSHIP.—The Board shall consist of 12 members who are experts in entomology, ant ecology, wildlife biology, electrical engineering, economics, or agribusiness and who are appointed by the Secretary from academia, research institutes, and the private sector.

"(C) COMPENSATION.—

"(i) IN GENERAL.—A member of the Board shall not receive any compensation by reason of service on the Board.

"(ii) EXPENSES.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in the performance of a duty of the member.

"(D) TERMINATION.—The Board shall terminate 60 days after the date on which the national plan is submitted to the Board under paragraph (4)(B).

"(2) INITIAL GRANTS.—

"(A) REQUEST FOR PROPOSALS.—

"(i) IN GENERAL.—The Secretary shall publish a request for proposals for grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

"(ii) INPUT FROM BOARD.—In developing a request for proposals under clause (i), the Secretary shall solicit and consider input from the Board.

"(B) SELECTION.—Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate and select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

"(C) GRANTS.—The Secretary may award a total of $6,000,000 for each fiscal year in grants to colleges, universities, research institutes, Federal laboratories, or private entities selected under subparagraph (B), for a term of not to exceed 5 years, for the purpose of conducting research or demonstration projects related to the control, management, and possible eradication of imported fire ants. Each project shall be completed not later than the end of the term of the grant.

"(3) SUBSEQUENT GRANTS.—

"(A) EVALUATION; SELECTION.—If the Secretary awards grants under paragraph (2)(C), the Secretary shall—

"(i) evaluate all of the research or demonstration projects conducted under paragraph (2)(C) for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land; and

"(ii) on the basis of the evaluation, select the projects the Secretary considers most promising for additional research or demonstration related to the control, management, and possible eradication of imported fire ants and notify the Board of the selection.

"(B) GRANTS.—The Secretary may award a grant of up to $4,000,000 for each fiscal year to each of the colleges, universities, research institutes, Federal laboratories, or private entities selected under subparagraph (A)(ii) for the purpose of conducting research or demonstration projects for the preparation of a national plan for the control, management, and possible eradication of imported fire ants. Each project shall be completed not later than 2 years after the grant is made.

"(4) NATIONAL PLAN.—

"(A) EVALUATION; SELECTION.—If the Secretary awards grants under paragraph (3)(B), the Secretary shall—

"(i) evaluate all of the research or demonstration projects conducted under paragraph (3)(B) for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land; and

"(ii) on the basis of the evaluation, select 1 project funded under paragraph (3)(B), or a combination of grant projects, as the basis for the plan and notify the Board of the selection.

"(B) GRANT.—The Secretary may award a grant of up to $5,000,000 to the sponsor or sponsors of the grant project selected under subparagraph (A)(ii) for the purpose of the final preparation of the national plan for the control, management, and possible eradication of imported fire ants that is based on the project. If the Secretary awards a grant under this subparagraph, the national plan shall be completed, and submitted to the Board, not later than 1 year after the grant is made.

"(C) REPORT TO CONGRESS.—Not later than 60 days after the plan is submitted to the Board under subparagraph (B), the Secretary shall submit to Congress the national plan for the control, management, and possible eradication of imported fire ants.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 1998 through 2002.".

SEC. 214. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) A*DEC.—The term 'A*DEC' means the distance education consortium known as A*DEC."; and

(C) by adding at the end the following:

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through A*DEC.";

(2) in subsection (d)(1), by striking "The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education," and inserting "The Secretary of Agriculture shall establish a program, to be administered through a grant provided to A*DEC under terms and conditions established by the Secretary of Agriculture,"; and

(3) in the first sentence of subsection (f)(2), by striking "the Assistant Secretary for Science and Education" and inserting "A*DEC".

SEC. 215. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a), by striking paragraph (6);

(2) in subsection (b)—

(A) in striking "DISSEMINATION.—" and all that follows through "GENERAL.—The" and inserting "DISSEMINATION.—The"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 1998 through 2002.

"(2) NATIONAL GRANT.—Not more than 15 percent of the amounts made available under paragraph (1) for a fiscal year shall be used to carry out subsection (b).".

Subtitle C—Amendments to Other Laws

SEC. 221. 1994 INSTITUTIONS.

(a) DEFINITION.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

"(30) Little Priest Tribal College.".

(b) ACCREDITATION.—Section 533(a) of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

"(3) ACCREDITATION.—To receive funding under sections 534 and 535, a 1994 Institution shall certify to the Secretary that the Institution is—

"(A) accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority as to the quality of training offered; or

"(B) as determined by the agency or association, making progress toward the accreditation.".

SEC. 222. COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS.

Section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)) is amended in the last sentence by striking "State institutions" and all that follows through the period at the end and inserting "1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the Institutions through cooperative agreements with colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), or the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University, located in any State.".

SEC. 223. ELIGIBILITY OF CERTAIN COLLEGES AND UNIVERSITIES FOR EXTENSION FUNDING.

(a) In General.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by striking subsection (d) and inserting the following:

"(d) Funding of Extension Activities.—

"(1) In general.—The Secretary shall receive such amounts as Congress shall determine for administrative, technical, and other services and for coordinating the extension work of the Department and the several States, territories, and possessions of the United States.

"(2) Eligibility of certain colleges and universities for extension funding.—

"(A) Competitive awards.—Colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), including a foundation established by the colleges or universities, shall be eligible for extension funding awarded under paragraph (1) on a competitive basis.

"(B) Noncompetitive awards.—

"(i) In general.—An entity described in clause (ii) shall be eligible for extension funding awarded under paragraph (1) on a noncompetitive basis.

"(ii) Applicability.—Clause (i) shall apply to—

"(I) a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

"(II) a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University;

"(III) a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); and

"(IV) a foundation established by a college, university, or Institution described in this clause.

"(3) Memoranda of understanding, cooperative agreements, and reimbursable agreements.—To maximize the use of Federal resources, the Secretary of Agriculture shall, to the maximum extent practicable, enter into memoranda of understanding, cooperative agreements, or reimbursable agreements with other Federal agencies under which the agencies provide funds, facilities, and other resources of the agencies to the Department of Agriculture to assist the Department in carrying out extension work.".

(b) Conforming Amendments.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsections (b)(1) and (c), by striking "Federal Extension Service" each place it appears and inserting "Secretary of Agriculture"; and

(2) in subsection (g)(1), by striking "through the Federal Extension Service".

SEC. 224. INTEGRATION OF RESEARCH AND EXTENSION.

(a) In General.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended by adding at the end the following:

"(h) Integration of Research and Extension.—

"(1) In general.—Not less than the applicable percentage specified under paragraph (2) of the Federal formula funds that are made available to carry out this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), to colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), during a fiscal year shall be allotted to activities that integrate cooperative research and extension (referred to in this subsection as 'integrated activities').

"(2) Applicable percentages.—

"(A) Current expenditures on integrated activities.—The Secretary of Agriculture shall determine the percentage of the Federal formula funds described in paragraph (1) that each State expended for fiscal year 1997 for integrated activities.

"(B) Planned expenditures on integrated activities.—For fiscal year 2000 and each subsequent fiscal year, a State shall expend for integrated activities a percentage of the Federal formula funds described in paragraph (1) for a fiscal year that is at least equal to the lesser of—

"(i) 25 percent; or

"(ii) twice the percentage for the State determined under subparagraph (A).

"(C) Reduction by secretary.—The Secretary may reduce the minimum percentage required to be allotted for integrated activities under subparagraph (B) in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

"(D) Compliance.—The State shall provide to the Secretary a description of the manner in which the State will meet the requirements of this paragraph.

"(3) Applicability.—This subsection does not apply to funds provided—

"(A) by a State or local government pursuant to a matching requirement;

"(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

"(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(4) Other requirements.—Funds that are used in accordance with paragraph (2)(B) may also be used to satisfy the requirements of subsection (c)(3) and the requirements of section 3(h) of the Smith-Lever Act (7 U.S.C. 343(h)).".

(b) Conforming Amendment.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) (as amended by section 105(2)) is amended by adding at the end the following:

"(j) Reference to Other Law.—Section 3(h) of the Hatch Act of 1887 (7 U.S.C. 361c(h)) shall apply to amounts made available to carry out this Act.".

SEC. 225. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

(a) Competitive Grants.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

(1) in the first sentence of paragraph (1), by inserting "national laboratories," after "Federal agencies,"; and

(2) in the second sentence of paragraph (3)(E), by striking "an individual shall have less than" and all that follows through "research experience" and inserting "an individual shall be within 5 years of the individual's initial career track position".

(b) Special Grants.—

(1) In general.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended by striking subsection (c) and inserting the following:

"(c) Special Grants.—

"(1) In general.—The Secretary of Agriculture may make grants, for periods not to exceed 3 years, to colleges, universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research to address—

"(A) agricultural research needs of immediate importance, by themselves or in conjunction with extension or education; or

"(B) new or emerging areas of agricultural research, by themselves or in conjunction with extension or education.

"(2) Limitations.—The Secretary may not make a grant under this subsection—

"(A) for any purpose for which a grant may be made under subsection (d); or

"(B) for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

"(3) Review requirements.—

"(A) Research activities.—The Secretary shall make a grant under this subsection for a research activity only if—

"(i) the activity has undergone scientific peer review arranged by the grantee in accordance with regulations promulgated by the Secretary; and

"(ii) except in the case of a grant awarded competitively under this subsection, the grantee provides to the Secretary a proposed plan for graduation from noncompetitive Federal funding for grants under this subsection.

"(B) Extension and education activities.—The Secretary shall make a grant under this subsection for an extension or education activity only if—

"(i) the activity has undergone merit review arranged by the grantee in accordance with regulations promulgated by the Secretary; and

"(ii) except in the case of a grant awarded competitively under this subsection, the grantee provides to the Secretary a proposed plan for graduation from noncompetitive Federal funding for grants under this subsection.

"(4) Partnerships.—

"(A) Immediate needs.—Except in the case of a grant awarded competitively under this subsection, to receive a grant under paragraph (1)(A), a recipient of a grant shall enter into a partnership to carry out the grant with another entity referred to in paragraph (1).

"(B) New and emerging areas.—Except in the case of a grant awarded competitively under this subsection, after a recipient has received a grant under paragraph (1)(B) for 3 consecutive years, to receive such a grant for an additional year, the recipient shall enter into a partnership to carry out the grant with 2 or more entities referred to in paragraph (1).

"(5) Reports.—

"(A) In general.—A recipient of a grant under this subsection shall—

"(i) prepare on an annual basis a report describing the results of the research, extension, or education activity and the merit of the results; and

"(ii) submit the report to the Secretary.

"(B) Public availability.—

"(i) In general.—Except as provided in clause (ii), on request, the Secretary shall make the report available to the public.

"(ii) Exceptions.—Clause (i) shall not apply to the extent that making the report, or a part of the report, available to the public is not authorized or permitted by section

552 of title 5, United States Code, or section 1905 of title 18, United States Code.

"(6) SET ASIDE FOR ADMINISTRATIVE COSTS.—Of the amounts made available for a fiscal year to carry out this subsection, not more than 4 percent of the amounts may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subsection.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on October 1, 1998.

SEC. 226. FUND FOR RURAL AMERICA.

Section 793(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)) is amended—

(1) in paragraph (1), by striking "January 1, 1997, October 1, 1998, and October 1, 1999" and inserting "October 1, 1997, and each October 1 thereafter through October 1, 2001"; and

(2) by striking paragraph (3) and inserting the following:

"(3) PURPOSES.—Subject to subsection (d), of the amounts transferred to the Account for a fiscal year, the Secretary shall make available—

"(A) for activities described in subsection (c)(1), not less than 50 percent, and not more than 67 percent, of the funds in the Account; and

"(B) for activities described in subsection (c)(2), all funds in the Account not made available under subparagraph (A).".

SEC. 227. HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION.

(a) FINDINGS AND PURPOSES.—Section 2 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601) is amended—

(1) by striking the section heading and "SEC. 2. The Congress" and inserting the following:

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress"; and

(2) in subsection (a) (as designated by paragraph (1)), by adding at the end the following:

"(8) Research directed at improving the cost-effectiveness and efficiency of beekeeping and developing better means of dealing with pest and disease problems is essential to keeping honey and honey product prices competitive, facilitating market growth, and maintaining the financial wellbeing of the honey industry.

"(9) Research involving the quality, safety, and image of honey and honey products, and how that quality, safety, and image may be affected during the extraction, processing, packaging, marketing, and other stages of the honey and honey product production and distribution process, is highly important to building and maintaining markets for honey and honey products.".

(b) RESEARCH PROJECTS.—Section 7(f) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(f)) is amended—

(1) by striking "(f) Funds" and inserting the following:

"(f) USE OF FUNDS.—

"(1) IN GENERAL.—Funds";

(2) by striking "The Secretary shall" and inserting the following:

"(3) REIMBURSEMENT.—The Secretary shall"; and

(3) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

"(2) RESEARCH PROJECTS.—

"(A) IN GENERAL.—The Honey Board shall reserve at least 8 percent of all assessments collected during a year for expenditure on approved research projects designed to advance the cost-effectiveness, competitiveness, efficiency, pest and disease control, and other management aspects of beekeeping and honey production.

"(B) SUBSEQUENT AVAILABILITY.—If all funds reserved under subparagraph (A) are not allocated to approved research projects in a year, any unallocated reserved funds shall be carried forward for allocation and expenditure under subparagraph (A) in subsequent years.".

SEC. 228. OFFICE OF ENERGY POLICY AND NEW USES.

Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6911 et seq.) is amended by adding at the end the following:

"SEC. 220. OFFICE OF ENERGY POLICY AND NEW USES.

"An Office of Energy Policy and New Uses of the Department shall be established in the Office of the Secretary.".

SEC. 229. KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM.

(a) AMENDMENTS TO ORDERS.—Section 554(c) of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7463(c)) is amended in the second sentence by inserting before the period at the end the following: ", except that an amendment to an order shall not require a referendum to become effective".

(b) NATIONAL KIWIFRUIT BOARD.—Section 555 of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7464) is amended—

(1) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

"(1) 10 members who are producers, exporters, or importers (or their representatives), based on a proportional representation of the level of domestic production and imports of kiwifruit (as determined by the Secretary).

"(2) 1 member appointed from the general public.";

(2) in subsection (b)—

(A) by striking "MEMBERSHIP.—" and all that follows through "paragraph (2), the" and inserting "MEMBERSHIP.—Subject to the 11-member limit, the"; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (2), by inserting "who are producers" after "members";

(B) in paragraph (3), by inserting "who are importers or exporters" after "members"; and

(C) in the second sentence of paragraph (5), by inserting "and alternate" after "member".

SEC. 230. NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT.

(a) DEFINITIONS.—Section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking "the propagation" and all that follows through the period at the end and inserting the following: "the commercially controlled cultivation of aquatic plants, animals, and microorganisms, but does not include private for-profit ocean ranching of Pacific salmon in a State in which the ranching is prohibited by law.";

(2) in paragraph (3), by striking "or aquatic plant" and inserting "aquatic plant, or microorganism";

(3) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) PRIVATE AQUACULTURE.—The term 'private aquaculture' means the commercially controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government, any State or local government, or an Indian tribe recognized by the Bureau of Indian Affairs.".

(b) NATIONAL AQUACULTURE DEVELOPMENT PLAN.—Section 4 of the National Aquaculture Act of 1980 (16 U.S.C. 2803) is amended—

(1) in subsection (c)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C);

(2) in the second sentence of subsection (d), by striking "Secretaries determine that" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate, determines that"; and

(3) in subsection (e), by striking "Secretaries" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate,".

(c) FUNCTIONS AND POWERS OF SECRETARIES.—Section 5(b)(3) of the National Aquaculture Act of 1980 (16 U.S.C. 2804(b)(3)) is amended by striking "Secretaries deem" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate, consider".

(d) COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE.—The first sentence of section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)) is amended by striking "(f)" and inserting "(e)".

(e) NATIONAL POLICY FOR PRIVATE AQUACULTURE.—The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7, 8, 9, 10, and 11 as sections 8, 9, 10, 11, and 12, respectively; and

(2) by inserting after section 6 (16 U.S.C. 2805) the following:

"SEC. 7. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

"(a) IN GENERAL.—In consultation with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall coordinate and implement a national policy for private aquaculture in accordance with this section. In developing the policy, the Secretary may consult with other agencies and organizations.

"(b) DEPARTMENT OF AGRICULTURE AQUACULTURE PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a Department of Agriculture Aquaculture Plan (referred to in this section as the 'Department plan') for a unified aquaculture program of the Department of Agriculture (referred to in this section as the 'Department') to support the development of private aquaculture.

"(2) ELEMENTS OF DEPARTMENT PLAN.—The Department plan shall address—

"(A) programs of individual agencies of the Department related to aquaculture that are consistent with Department programs related to other areas of agriculture, including livestock, crops, products, and commodities under the jurisdiction of agencies of the Department;

"(B) the treatment of cultivated aquatic animals as livestock and cultivated aquatic plants as agricultural crops; and

"(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

"(c) NATIONAL AQUACULTURE INFORMATION CENTER.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center at the National Agricultural Library as a repository for information on national and international aquaculture.

"(d) TREATMENT OF AQUACULTURE.—The Secretary shall treat—

"(1) private aquaculture as agriculture; and

"(2) commercially cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and transported or moved in standard commodity channels as agricultural livestock, crops, and commodities.

"(e) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

"(1) RESPONSIBILITY.—The Secretary shall have responsibility for coordinating, developing, and carrying out policies and programs for private aquaculture.

"(2) DUTIES.—The Secretary shall—

"(A) coordinate all intradepartmental functions and activities relating to private aquaculture; and

"(B) establish procedures for the coordination of functions, and consultation with, the coordinating group.

"(f) LIAISON WITH DEPARTMENTS OF COMMERCE AND THE INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall each designate an officer or employee of the Department of the Secretary to be the liaison of the Department to the Secretary of Agriculture.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the National Aquaculture Act of 1980 (as redesignated by subsection (e)(1)) is amended by striking "the fiscal years 1991, 1992, and 1993" each place it appears and inserting "fiscal years 1991 through 2002".

Subtitle D—New Programs

SEC. 231. BIOBASED PRODUCTS.

(a) DEFINITION OF BIOBASED PRODUCT.—In this section, the term "biobased product" means a product that is produced from a renewable agricultural or forestry product.

(b) COORDINATION OF BIOBASED PRODUCT ACTIVITIES.—The Secretary shall—

(1) coordinate the research, technical expertise, economic information, and market information resources and activities of the Department to develop, commercialize, and promote the use of biobased products;

(2) solicit input from private sector persons who produce, or are interested in producing, biobased products;

(3) provide a centralized contact point for advice and technical assistance for promising and innovative biobased products; and

(4) submit an annual report to Congress describing the coordinated research, marketing, and commercialization activities of the Department relating to biobased products.

(c) RESEARCH AND COOPERATIVE AGREEMENTS FOR BIOBASED PRODUCTS.—

(1) DEFINITION OF ELIGIBLE CONTRACTOR.—In this subsection, the term "eligible contractor" means—

(A) a party that has entered into a cooperative research and development agreement with the Department under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a);

(B) a recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902);

(C) a recipient of funding from the Biotechnology Research and Development Center; or

(D) a recipient of funding from the Department under a Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

(2) RESEARCH.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service, cooperative research and development agreement funds, or other funds—

(A) to enter into cooperative agreements with eligible contractors to operate pilot plants and other large-scale preparation facilities to promote the practical application of biobased technologies; and

(B) to conduct—

(i) research on environmental impacts of the technologies;

(ii) research on lowering the cost of manufacturing biobased products; or

(iii) other appropriate research.

(3) SALE OF BIOBASED PRODUCTS.—For the purpose of determining the market potential for biobased products, an eligible contractor who enters into a cooperative agreement may sell biobased products produced at a pilot plant or other large-scale preparation facility under paragraph (2).

(d) PILOT PROJECT.—

(1) IN GENERAL.—The Secretary, acting through the Agricultural Research Service, shall establish and carry out a pilot project under which grants are provided, on a competitive basis, to scientists of the Agricultural Research Service to—

(A) encourage innovative and collaborative science; and

(B) during each of fiscal years 1999 through 2001, develop biobased products with promising commercial potential.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 1999 through 2002.

SEC. 232. PRECISION AGRICULTURE.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL INPUTS.—The term "agricultural inputs" includes all farm management, agronomic, and field-applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agricultural production.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State agricultural experiment station;

(B) a college or university;

(C) a research institution or organization;

(D) a Federal agency;

(E) a national laboratory;

(F) a private organization or corporation; or

(G) an individual.

(3) PRECISION AGRICULTURE.—The term "precision agriculture" means an integrated information- and production-based farming system that is designed to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop production;

(C) integrating the information with appropriate data derived from remote sensing and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking; or

(D) using the information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems.

(4) PRECISION AGRICULTURE TECHNOLOGIES.—The term "precision agriculture technologies" includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decisionmaking;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking, including high bandwidth networks, distributed processing, spatial databasing, object technology, global positioning systems, data modeling, high performance image processing, high resolution satellite imagery, digital orthophotogrammetry simulation, geographic information systems, computer aided design, and digital cartography; or

(D) machines that deliver information based management practices, including global positioning satellites, digital field mapping, on-the-go yield monitoring, automated pest scouting, and site-specific agricultural input application to accomplish the objectives of precision agriculture.

(5) SYSTEMS RESEARCH.—The term "systems research" means an integrated, coordinated, and iterative investigative process that considers the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions with cropping and natural resource systems, precision agriculture technologies development and implementation, data and information collection and interpretation, production scale planning, production-scale implementation, and farm production efficiencies, productivity, and profitability.

(b) GRANTS.—After consultation with the Advisory Board, the Secretary may make competitive grants, for periods not to exceed 5 years, to eligible entities to carry out research, education, and information dissemination projects for the development and promotion of precision agriculture. The projects shall address 1 or more of the following:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach designed to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability.

(2) The improvement in the understanding of agronomic systems, including soil, water, land cover, and meteorological variability.

(3) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems into an integrated program.

(4) The promotion of systems research and education projects focusing on the integration of the multiple aspects of precision agriculture, including development, production-scale implementation, and farm production efficiencies, productivity, and profitability.

(5) The education of agricultural producers and consumers regarding the costs and benefits of precision agriculture as it relates to increased long-term farm production efficiencies, productivity, and profitability, as well as the maintenance of the environment and improvements in international trade.

(6) The provision of training and educational programs for State cooperative extension services agents, agricultural producers, agricultural input machinery, product, and service providers, and certified crop advisers and other professionals involved in agricultural production and the transfer of integrated precision agriculture technology.

(7) The study of whether precision agriculture technologies are applicable and accessible to small and medium size farms and the study of methods of improving the applicability of precision agriculture technologies to the farms.

(c) Education and Information Dissemination.—Of the funds allocated for grants under this section, the Secretary shall reserve a portion of the funds for education and information dissemination grants regarding precision agriculture.

(d) Precision Agriculture Partnerships.—

(1) Establishment.—In carrying out this section, the Secretary, in consultation with the Advisory Board, shall encourage the establishment of appropriate multistate and national partnerships or consortia among—

(A) land-grant colleges and universities;

(B) State agricultural experiment stations;

(C) State cooperative extension services;

(D) other colleges and universities with demonstrable expertise regarding precision agriculture;

(E) agencies of the Department;

(F) national laboratories;

(G) agribusinesses;

(H) agricultural equipment and input manufacturers and retailers;

(I) certified crop advisers;

(J) commodity organizations;

(K) other Federal or State government entities and agencies;

(L) nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(M) agricultural producers and other land managers.

(2) Agreement between secretary of energy and secretary of agriculture.—The partnerships established pursuant to this subsection may include the agreement entered into (before the date of enactment of this Act) by the Secretary of Energy (on behalf of the national laboratories of the Department of Energy) and the Secretary of Agriculture (on behalf of agencies of the Department) to promote cooperation and coordination between the national laboratories of the Department of Energy and agencies of the Department of Agriculture in the areas of systems research, technology research and development, and the transfer, utilization, and private-sector commercialization of technology.

(3) Role of partnerships.—Partnerships described in paragraph (1) shall be eligible grantees for conducting systems research (including on-farm research) regarding precision agriculture and precision agriculture technologies.

(e) Limitation.—A grant made under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(f) Matching Funds.—The Secretary may not take the offer or availability of matching funds into consideration in making a grant under this section.

(g) Annual Report.—Not later than January 1 of each year, the Secretary shall transmit to Congress an annual report describing the policies, priorities, and operations of the grant program authorized by this section during the preceding fiscal year.

(h) Regulations.—The Secretary shall promulgate such regulations as the Secretary considers necessary to carry out this section.

(i) Applicability of Other Laws.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications or proposals submitted under this section.

(j) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1998 through 2002, of which, for each fiscal year—

(A) not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams;

(B) not less than 40 percent shall be available to make grants for research to be conducted by eligible entities conducting mission-linked systems research; and

(C) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this section.

(2) Availability of funds.—Funds made available under paragraph (1) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

SEC. 233. FORMOSAN TERMITE ERADICATION PROGRAM.

(a) Research Program.—The Secretary may make competitive research grants for terms of not to exceed 5 years to regional and multijurisdictional entities, local government planning organizations, and local governments for the purpose of conducting research for the control, management, and possible eradication of Formosan termites in the United States.

(b) Eradication Program.—

(1) In general.—The Secretary may enter into cooperative agreements with regional and multijurisdictional entities, local government planning organizations, and local governments for the purposes of—

(A) conducting projects for the control, management, and possible eradication of Formosan termites in the United States; and

(B) collecting data on the effectiveness of the projects.

(2) Funding priority.—In allocating funds made available to carry out this subsection, the Secretary shall provide a higher priority for regions or locations with the highest historical rates of infestation of Formosan termites.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

SEC. 234. NUTRIENT COMPOSITION DATA.

(a) In General.—The Secretary shall update, on a periodic basis, nutrient composition data.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and

(2) the timing for updating the data.

SEC. 235. CONSOLIDATED ADMINISTRATIVE AND LABORATORY FACILITY.

(a) In General.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.), or section 5 of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), the Secretary, in consultation with the Administrator of General Services, may enter into contracts for the design, construction, and operation of a consolidated administrative and laboratory facility of the Animal and Plant Health Inspection Service to be located in or near Ames, Iowa.

(b) Awarding of Contract.—

(1) Solicitation.—The Secretary may solicit contract proposals from interested parties to carry out subsection (a).

(2) Priority.—In awarding contracts under subsection (a), the Secretary shall—

(A) review the proposals; and

(B) provide a higher priority to proposals that—

(i) are—

(I) the most cost effective for the Federal Government; or

(II) safer, based on the relative safety of the proposed facility in comparison to facilities of the Animal and Plant Health Inspection Service located in Ames, Iowa, in existence on the date of enactment of this Act; and

(ii) allow for the use of donated land, federally owned property, or lease-purchase arrangements.

(c) Donations.—In carrying out this section, the Secretary may, in connection with real property, buildings, and facilities, accept on behalf of the Animal and Plant Health Inspection Service such gifts or donations of services or property, real or personal, as the Secretary determines necessary.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1998 through 2002, to remain available until expended.

SEC. 236. NATIONAL SWINE RESEARCH CENTER.

Subject to the availability of appropriations to carry out this section, or through a reprogramming of funds provided for swine research to carry out this section pursuant to established procedures, during the period beginning on the date of enactment of this Act and ending December 31, 1998, the Secretary, acting through the Agricultural Research Service, may accept as a gift, and administer, the National Swine Research Center located in Ames, Iowa.

SEC. 237. COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY AND LIVESTOCK OPERATIONS.

(a) In General.—The Secretary may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy and livestock operations (referred to in this section as "operations").

(b) Components.—To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) research and extension on management-intensive grazing systems for livestock and dairy production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock systems that increase efficiencies, reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk and meat production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

(c) ADMINISTRATION.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

SEC. 238. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM.

(a) RESEARCH GRANT AUTHORIZED.—The Secretary may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-State research project aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (referred to in this section as "wheat scab").

(b) RESEARCH COMPONENTS.—Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat and barley for the presence of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat and barley infected with wheat scab; and

(C) milling and food processing techniques to render contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat and barley to wheat scab, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and consideration of other chemical control strategies to assist farmers until new more resistant wheat and barley varieties are available.

(c) COMMUNICATIONS NETWORKS.—Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab.

(d) MANAGEMENT.—To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,200,000 for each of fiscal years 1998 through 2002.

SEC. 239. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the "FARAD program") through contracts with appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) CONTRACTS.—

(1) IN GENERAL.—The Secretary shall offer to enter into contracts with appropriate colleges and universities to operate the FARAD program.

(2) TERM.—The term of a contract under subsection (a) shall be 3 years, with options to extend the term of the contract triennially.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

SEC. 240. FINANCIAL ASSISTANCE FOR CERTAIN RURAL AREAS.

(a) IN GENERAL.—The Secretary may provide financial assistance to a nationally recognized organization to promote educational opportunities at the primary and secondary levels in rural areas with a historic incidence of poverty and low academic achievement, including the Lower Mississippi River Delta.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section up to $10,000,000 for each fiscal year.

Subtitle E—Studies and Miscellaneous

SEC. 241. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

(a) EVALUATION.—The Secretary shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

(b) CONTRACT.—

(1) IN GENERAL.—The Secretary shall enter into a contract with an expert in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

(2) GUIDELINES FOR PERFORMANCE MEASUREMENT.—

(A) IN GENERAL.—The contractor under paragraph (1) shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs.

(B) CONSISTENCY WITH GPRA.—The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103-62) and amendments made by that Act.

SEC. 242. STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) STUDY.—Not later than January 1, 1999, the Secretary shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

(b) REQUIREMENTS.—The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the formulas for funding agricultural research and extension; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

(c) REPORTS.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b), including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3) and (4) of subsection (b), including any appropriate recommendations.

SEC. 243. SENSE OF CONGRESS ON STATE MATCH FOR 1890 INSTITUTIONS.

It is the sense of Congress that States should provide matching funds for agricultural research and extension formula funds provided by the Federal Government to 1890 Institutions.

TITLE III—INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS

SEC. 301. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) In General.—There is established in the Treasury of the United States an account to be known as the Initiative for Future Agriculture and Food Systems (referred to in this section as the "Account") to provide funds for activities authorized under this section.

(b) Funding.—

(1) In general.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Account—

(A) on October 1, 1997, $100,000,000; and

(B) on October 1, 1998, and each October 1 thereafter through October 1, 2001, $170,000,000.

(2) Entitlement.—The Secretary—

(A) shall be entitled to receive the funds transferred to the Account under paragraph (1);

(B) shall accept the funds; and

(C) shall use the funds to carry out this section.

(c) Purposes.—

(1) Critical emerging issues.—The Secretary shall use the funds in the Account—

(A) subject to paragraph (2), for research, extension, and education grants (referred to in this section as "grants") to address critical emerging agricultural issues related to—

(i) future food production;

(ii) environmental protection; or

(iii) farm income; and

(B) for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

(2) Priority mission areas.—

(A) Fiscal year 1998.—In making grants under this section for fiscal year 1998, the Secretary shall address priority mission areas related to—

(i) food genome;

(ii) food safety, food technology, and human nutrition;

(iii) new and alternative uses and production of agricultural commodities and products;

(iv) agricultural biotechnology; and

(v) natural resource management, including precision agriculture.

(B) Fiscal years 1999 through 2002.—In making grants under this section for each of fiscal years 1999 through 2002, the Secretary shall address—

(i) priority mission areas described in subparagraph (A); or

(ii) after consultation with the Advisory Board, new or different priority mission areas, including the viability and competitiveness of small and medium sized dairy, livestock, crop, and other commodity operations.

(d) Eligible Grantees.—The Secretary may make a grant under this section to—

(1) a Federal research agency;

(2) a national laboratory;

(3) a college or university or a research foundation maintained by a college or university; or

(4) a private research organization with an established and demonstrated capacity to perform research or technology transfer.

(e) Use of Grants.—

(1) Smaller institutions.—The Secretary may award grants under this section to ensure that the faculty of small and mid-sized institutions who have not previously been successful in obtaining competitive grants awarded by the Secretary under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) receive a portion of the grants.

(2) Priorities.—In making grants under this section, the Secretary shall provide a higher priority to—

(A) a project that is multistate, multi-institutional, or multidisciplinary; or

(B) a project that integrates agricultural research, extension, and education.

(f) Administration.—

(1) In general.—In making grants under this section, the Secretary shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals through a system of peer review in accordance with section 103;

(C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priority mission areas established under subsection (c); and

(D) solicit and consider input from stakeholders in accordance with section 102(b)(1).

(2) Competitive basis.—A grant under this section shall be awarded on a competitive basis.

(3) Term.—A grant under this section shall have a term that does not exceed 5 years.

(4) Matching funds.—As a condition of making a grant under this section, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

(A) for applied research that is commodity-specific; and

(B) not of national scope.

(5) Delegation.—

(A) In general.—The Secretary shall administer this section through the Cooperative State Research, Education, and Extension Service of the Department.

(B) Institutes.—The Secretary may establish 1 or more institutes to carry out all or part of the activities authorized under this section.

(6) Availability of funds.—Funds for grants under this section shall be available for obligation for a 2-year period.

(7) Administrative costs.—The Secretary may use not more than 4 percent of the funds made available for grants under this section for administrative costs incurred by the Secretary in carrying out this section.

(8) Buildings and facilities.—Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

TITLE IV—EXTENSION OR REPEAL OF CERTAIN AUTHORITIES; TECHNICAL AMENDMENTS

SEC. 401. EXTENSIONS OF AUTHORITIES.

(a) National Agricultural Research, Extension, and Teaching Policy Act of 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in subsection (l) of section 1417 (7 U.S.C. 3152) (as redesignated by section 202(1)), by striking "1997" and inserting "2002";

(2) in section 1419(d) (7 U.S.C. 3154(d)), by striking "1997" and inserting "2002";

(3) in section 1419A(d) (7 U.S.C. 3155(d)), by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002";

(4) in section 1424(d) (7 U.S.C. 3174(d)), by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002";

(5) in section 1425(c)(3) (7 U.S.C. 3175(c)(3)), by striking "and 1997" and inserting "through 2002";

(6) in the first sentence of section 1433(a) (7 U.S.C. 3195(a)), by striking "1997" and inserting "2002";

(7) in section 1434(a) (7 U.S.C. 3196(a)), by striking "1997" and inserting "2002";

(8) in section 1447(b) (7 U.S.C. 3222b(b)), by striking "and 1997" and inserting "through 2002";

(9) in section 1448 (7 U.S.C. 3222c)—

(A) in subsection (a)(1), by striking "and 1997" and inserting "through 2002"; and

(B) in subsection (f), by striking "1997" and inserting "2002";

(10) in section 1455(c) (7 U.S.C. 3241(c)), by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002";

(11) in section 1463 (7 U.S.C. 3311), by striking "1997" each place it appears in subsections (a) and (b) and inserting "2002";

(12) in section 1464 (7 U.S.C. 3312), by striking "1997" and inserting "2002";

(13) in section 1473D(a) (7 U.S.C. 3319d(a)), by striking "1997" and inserting "2002";

(14) in the first sentence of section 1477 (7 U.S.C. 3324), by striking "1997" and inserting "2002"; and

(15) in section 1483(a) (7 U.S.C. 3336(a)), by striking "1997" and inserting "2002".

(b) Food, Agriculture, Conservation, and Trade Act of 1990.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) in section 1635(b) (7 U.S.C. 5844(b)), by striking "1997" and inserting "2002";

(2) in section 1673(h) (7 U.S.C. 5926(h)), by striking "1997" and inserting "2002";

(3) in section 1676(e) (7 U.S.C. 5929(e)), by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002";

(4) in section 2381(e) (7 U.S.C. 3125b(e)), by striking "1997" and inserting "2002"; and

(5) in section 2412 (7 U.S.C. 6710), by striking "1997" and inserting "2002".

(c) Critical Agricultural Materials Act.—Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "1997" and inserting "2002".

(d) Research Facilities Act.—Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002".

(e) National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985.—Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (99 Stat. 1566) is amended by striking "1997" and inserting "2002".

(f) Competitive, Special, and Facilities Research Grant Act.—Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking "1997" and inserting "2002".

(g) National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981.—Section 1432(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97-98; 7 U.S.C. 3222 note) is amended by striking "1997" and inserting "2002".

(h) Equity in Educational Land-Grant Status Act of 1994.—Sections 533(b) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) are amended by striking "2000" each place it appears and inserting "2002".

(i) Renewable Resources Extension Act of 1978.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking "the fiscal year ending September 30, 1988," and all that follows through the period at the end and inserting "each of fiscal years 1987 through 2002.".

SEC. 402. REPEAL OF AUTHORITIES.

(a) National Agricultural Research, Extension, and Teaching Policy Act of 1977.—Sections 1424A and 1476 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a, 3323) are repealed.

(b) Food, Agriculture, Conservation, and Trade Act of 1990.—Subtitle G of title XIV and sections 1670 and 1675 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5501 et seq., 5923, 5928) are repealed.

(c) Federal Agriculture Improvement and Reform Act of 1996.—Subtitle E of title VIII of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1184) is repealed.

SEC. 403. SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887.

(a) Smith-Lever Act.—The Act of May 8, 1914 (commonly known as the "Smith-Lever Act") (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), is amended by adding at the end the following:

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Smith-Lever Act'.".

(b) Hatch Act of 1887.—The Act of March 2, 1887 (commonly known as the "Hatch Act of 1887") (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.), is amended by adding at the end the following:

"SEC. 10. SHORT TITLE.

"This Act may be cited as the 'Hatch Act of 1887'.".

SEC. 404. TECHNICAL CORRECTIONS TO RESEARCH PROVISIONS OF FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996.

(a) Supplemental and Alternative Crops Research.—Section 819(b)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1167) is amended by striking "paragraph (3)" and inserting "subsection (c)(3)".

(b) Joint Council on Food and Agricultural Sciences.—Section 1413(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(b)) is amended by striking "Joint Council, the Advisory Board," and inserting "Advisory Board".

(c) Advisory Board.—

(1) Support for advisory board.—Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is amended—

(A) in subsections (a) and (b), by striking "their duties" each place it appears and inserting "its duties"; and

(B) in subsection (c), by striking "their recommendations" and inserting "its recommendations".

(2) General provisions.—Section 1413(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(a)) is amended by striking "their powers" and inserting "its duties".

(d) Plant and Animal Pest and Disease Control Program.—Section 1629(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(g)) is amended by striking "section 1650,".

(e) Grants To Upgrade 1890 Land-Grant College Extension Facilities.—Section 873 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1175) is amended by striking "1981" and inserting "1985".

(f) Effective Date.—The amendments made by this section take effect on April 4, 1996.

TITLE V—AGRICULTURAL PROGRAM SAVINGS

SEC. 501. NUTRITION PROGRAMS.

(a) Food Stamps.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) in the first sentence of subsection (a), by striking "The Secretary" and inserting "Subject to subsection (k), the Secretary"; and

(2) by adding at the end the following:

"(k) Reductions in Payments for Administrative Costs.—

"(1) Definitions.—In this subsection:

"(A) AFDC program.—The term 'AFDC program' means the program of aid to families with dependent children established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq. (as in effect, with respect to a State, during the base period for that State)).

"(B) Base period.—The term 'base period' means the period used to determine the amount of the State family assistance grant for a State under section 403 of the Social Security Act (42 U.S.C. 603).

"(C) Medicaid program.—The term 'medicaid program' means the program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(2) Determinations of amounts attributable to benefiting programs.—The Secretary of Health and Human Services, in consultation with the Secretary of Agriculture and the States, shall, with respect to the base period for each State, determine—

"(A) the annualized amount the State received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as in effect during the base period)) for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program that were allocated to the AFDC program; and

"(B) the annualized amount the State would have received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as so in effect)), section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7) (as so in effect)), and subsection (a) of this section (as so in effect), for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program, if those costs had been allocated equally among such programs for which the individual, family, or household was eligible or applied for.

"(3) Reduction in payment.—Notwithstanding any other provision of this section, effective for each of fiscal years 1998 through 2002, the Secretary shall reduce, for each fiscal year, the amount paid under subsection (a) to each State by an amount equal to the amount determined for the food stamp program under paragraph (2)(B).

"(4) Determinations not subject to review.—The determinations of the Secretary of Health and Human Services under paragraph (2) shall be final and not subject to administrative or judicial review.

"(5) Allocation of common administrative costs.—In allocating administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for 2 or more State-administered public benefit programs, the head of a Federal agency may require States to allocate the costs among the programs.".

(b) Meals for Children of Working Families.—

(1) Grants for low-income areas.—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

"(f) Low-Income Area Grant Program.—

"(1) Definitions.—In this subsection:

"(A) Eligible school.—The term 'eligible school' means a school—

"(i) attended by children, a significant percentage of whom are members of low-income families, as determined by the Secretary; and

"(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

"(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

"(B) Service institution.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

"(C) Summer food service program for children.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(2) Establishment.—The Secretary shall establish a program under this subsection to be known as the 'Low-Income Area Grant Program' (referred to in this subsection as the 'Program') to assist eligible schools and service institutions through grants to initiate or expand programs under the school breakfast program and the summer food service program for children.

"(3) Payments.—

"(A) Appropriation.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $5,000,000 for fiscal year 1998 and each fiscal year thereafter.

"(B) Entitlement to funds.—The Secretary shall be entitled to receive the funds made available under subparagraph (A) and shall accept the funds.

"(C) Use of funds.—The Secretary shall use the funds made available under subparagraph (A) to make payments under the Program—

"(i) in the case of the school breakfast program, to school food authorities for eligible schools; and

"(ii) in the case of the summer food service program for children, to service institutions.

"(D) Insufficient number of applicants.—The Secretary may expend less than the amount described in subparagraph (A) for a fiscal year to the extent that there is an insufficient number of suitable applicants to initiate or expand programs under this subsection for the fiscal year.

"(4) PRIORITY.—The Secretary shall make payments under the Program on a competitive basis and in the following order of priority (subject to the other provisions of this subsection) to:

"(A) School food authorities for eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program.

"(B) Service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(5) PAYMENTS ADDITIONAL.—Payments under the Program shall be in addition to payments under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(6) PREFERENCES.—Consistent with paragraph (4), in making payments under the Program for any fiscal year to initiate or expand school breakfast programs or summer food service programs for children, the Secretary shall provide a preference to a school food authority for an eligible school or service institution that—

"(A) in the case of a summer food service program for children, is a public or private nonprofit school food authority;

"(B) has significant public or private resources that will be used to carry out the initiation or expansion of the programs during the year;

"(C) serves an unmet need among low-income children, as determined by the Secretary; or

"(D) is not operating a school breakfast program or summer food service program for children, as appropriate.

"(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other school food authorities for eligible schools or service institutions any amounts under the Program that are not expended within a reasonable period (as determined by the Secretary).

"(8) MAINTENANCE OF EFFORT.—Expenditures of funds from State, local, and private sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under the Program.".

(2) MEALS AND SUPPLEMENTS.—Section 13(b)(2) of the National School Lunch Act (42 U.S.C. 1761(b)(2)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking "(2) Any service" and inserting the following:

"(2) MEALS AND SUPPLEMENTS.—

"(A) IN GENERAL.—Any service";

(C) by striking "3 meals, or 2 meals and 1 supplement," and inserting "4 meals"; and

(D) by adding at the end the following:

"(B) CAMPS AND MIGRANT PROGRAMS.—A camp or migrant program may serve a breakfast, a lunch, a supper, and meal supplements.".

(3) NUMBER OF MEALS AND SUPPLEMENTS.—Section 17(f)(2) of the National School Lunch Act (42 U.S.C. 1766(f)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) NUMBER OF MEALS AND SUPPLEMENTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), no reimbursement may be made to any institution under this paragraph, or to a family or group day care home sponsoring organization under paragraph (3), for more than 2 meals and 1 supplement per day per child.

"(ii) CHILD CARE.—A reimbursement may be made to an institution under this paragraph (but not a family or group day care home sponsoring organization) for 2 meals and 2 supplements, or 3 meals and 1 supplement, per day per child for children that are maintained in a child care setting for 8 or more hours per day.".

(4) EFFECTIVE DATE.—The amendments made by paragraphs (2) and (3) take effect on September 1, 1998.

(c) INFORMATION CLEARINGHOUSE.—Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "$150,000" and all that follows through "1998" and inserting "$150,000 for fiscal year 1997, and $185,000 for each of fiscal years 1998 through 2002".

(d) FOOD STAMP ELIGIBILITY FOR CERTAIN INDIANS.—

(1) EXCEPTION FOR CERTAIN INDIANS.—Section 402(a)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(G)) is amended—

(A) in the subparagraph heading, by striking "SSI EXCEPTION" and inserting "EXCEPTION"; and

(B) by striking "program defined in paragraph (3)(A) (relating to the supplemental security income program)" and inserting "specified Federal programs described in paragraph (3)".

(2) BENEFITS FOR CERTAIN INDIANS.—Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(A) in the subsection heading, by striking "SSI AND MEDICAID"; and

(B) by striking "(a)(3)(A)" and inserting "(a)(3)".

SEC. 502. INFORMATION TECHNOLOGY FUNDING.

(a) IN GENERAL.—Section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) is amended in the first sentence by striking "$275,000,000" and inserting "$193,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 276, 280, 283, 284 and 285.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1999.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Paula Dobriansky, of Maryland, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1998.

DEPARTMENT OF STATE

R. Nicholas Burns, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Tom McDonald, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Mark Robert Parris, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, OCTOBER 30, 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, October 30. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted. As in executive session, I ask unanimous consent that the Senate immediately proceed to executive session for the consideration of Calendar No. 324, Judge Siragusa, of New York, and the time between then and 10:30 a.m. be equally divided between the chairman and ranking member.

I further ask consent that at 10:30 the Senate proceed to vote on the confirmation of the nomination, and immediately following that vote the notification of the President, and upon resumption of legislative session there be a period of morning business until the hour of 12 noon with Senators to speak up to 5 minutes each with the following exceptions:

Senator THOMAS for up to 30 minutes;

Senator DASCHLE, or his designee, for up to 30 minutes.

I further ask unanimous consent that at 12 noon the Senate proceed to the consideration of S. 1292 regarding the line-item veto matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1173

Mr. JEFFORDS. Mr. President, I ask unanimous consent that S. 1173 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow, following the 10:30 vote, there will be a period of morning business until 12 noon.

The Senate will begin consideration of S. 1292, a bill disapproving the cancellations transmitted by the President on October 6. The measure has a 10-hour statutory time limitation. However, it is the hope of the majority leader that much of that time may be yielded.

The Senate may also consider and complete action on any or all of the following items: the District of Columbia appropriations bill, the FDA reform conference report, the Amtrak strike resolution, the intelligence authorization conference report, and any additional legislation or executive items that can be cleared.

I also remind all Senators that under rule XXII they have until 1 p.m. on Thursday in order to file timely amendments to H.R. 2646, the A-plus education savings account bill.

Needless to say, all Senators should expect rollcall votes throughout Thursday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator LEVIN.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair and my good friend from Vermont.

NATO ENLARGEMENT

Mr. LEVIN. Madam President, I rise this evening to discuss an issue that relates to NATO enlargement that I believe merits careful consideration by the Senate at this early stage of the ratification process.

Enlargement of the Alliance is based upon Article 10 of the North Atlantic Treaty, also known as the Washington Treaty, which states in pertinent part as follows:

> The parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this treaty.

So Article 10 sets up two conditions for Alliance membership. One, to further the principles of the Treaty, and, two, to contribute to the security of the North Atlantic area.

Madam President, the principal focus of the Senate and expert commentators thus far has been to examine whether the accession of Poland, Hungary and the Czech Republic will contribute to European security. That is the second condition. And that is surely an appropriate focus.

For instance, one of my first concerns was the impact that these additions would have on democratization and movement to a market economy in Russia, which I believe has a major bearing on European security. Those concerns have been greatly ameliorated by the NATO-Russia Founding Act and other NATO initiatives. But we also need to be aware of the other condition of Article 10; namely, to further the principles of the Washington Treaty.

Now, those principles are summed up in the preamble which reads as follows:

> The Parties to this Treaty reaffirm their faith in the purposes and principle of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.
>
> They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law.
>
> They seek to promote stability and well-being in the North Atlantic area.
>
> They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

Those are the principles in the preamble to the NATO Treaty.

In the April 23 testimony of Secretary of State Albright and Secretary of Defense Cohen before the Armed Services Committee that kicked off the Senate ratification process, my first question to Secretary Albright dealt with this issue. I asked her to list the criteria which will be applied in judging the applications for membership of the various countries.

Secretary Albright responded as follows:

> Senator LEVIN, what we are doing is looking at a general set of criteria that fit into some of the comments that I made in my statement, as did Secretary Cohen. That is, we are interested in countries, first of all, that can be active contributors to the Alliance. This is not a way of just trying to give gifts to countries. This is the world's strongest military alliance, and members have to be capable of pulling their weight in it.

And she continued:

> We are looking at democracies, at free market systems. We are looking at the way that countries treat their minorities, their attitude toward human rights. We are looking to make sure that there is civilian control over the military, generally looking at the ways that they are approaching the post-cold war world and their sense of responsibility toward their own populations.

She continued:

> So in broadest terms, our criteria are, first of all, their ability to contribute to this foremost alliance, so that the alliance itself is never diluted; and, second, their bona fides in terms of being functioning democracies with market systems that respect their people and where civilian and military relationships are the kind that we believe are pursuant to those ends.

Madam President, I believe that these are appropriate criteria for judging the suitability of countries for admission to the NATO Alliance. Additionally—and this is my point this evening—I believe that they are appropriate criteria for continued membership in the Alliance. In other words, I believe that the criteria which are used to judge a country's suitability for membership should also remain applicable during its membership, and that if a country fails to live up to those criteria after becoming a member of NATO, that a process should be available whereby that country's membership can be suspended until it can once again meet those criteria.

During the cold war, when the Warsaw Pact posed a major threat to NATO, the emphasis understandably was on the military contribution that NATO members brought to the Alliance. That has changed, however, in the post-cold-war period. There is no current major threat to NATO member countries, and the rationale for enlargement of the Alliance in the present environment, as the Alliance's own September 1995 "Study on NATO Enlargement" makes clear, is different than it was during the cold-war period. Chapter 1 of the NATO study entitled "Purposes of Enlargement" list the following as the first of seven ways in which enlargement will contribute to enhanced stability and security for all countries in the Euro-Atlantic area as:

> Encouraging and supporting democratic reforms, including civilian and democratic control over the military.

Similarly, in listing 13 criteria for possible new Alliance members, chapter 5 of the NATO study lists the following as the very first criterion:

> Conform to basic principles embodied in the Washington Treaty: democracy, individual liberty and the rule of law.

I have reviewed several collective security treaties to which the United States is a party. In the course of that review, I discovered a number of relevant provisions; for instance, the Charter of the Organization of American States, the world's oldest regional organization. While not as widely celebrated as some of the other charters, nonetheless all of the countries in the Americas but one are today democratic, and it should come as no surprise, then, although the event received virtually no publicity, that on September 25, with the ratification by Venezuela of the Protocol of Washington, the OAS Charter was amended to provide for the suspension of any member country if that country's democratically elected government is brought down by force. The suspension requires the vote of two-thirds of the member states. So in the OAS there is a way of suspending a member who no longer complies with the criteria for membership in the OAS.

In the United Nations Charter, for instance, it provides in Article 5 that a member against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership. Moreover, Article 6 of the United Nations Charter provides that a member who has persistently violated the principles of the Charter may, indeed, be expelled from the United Nations.

When we review the Washington Treaty that created NATO, we see that it has a provision, article 13, which enables a NATO member to cease to be a party 1 year after notice has been given by it, but the treaty does not contain any provision or process for the suspension of a member nation. And, I think that it should. Specifically, I believe that the NATO treaty should provide for a mechanism to suspend the membership of a NATO member if that member no longer adheres to the principles of the Washington Treaty. Like the recent amendment to the Charter of the Organization of American States, the suspension of a NATO member, I believe, should require the affirmative vote of two-thirds of the members of NATO.

I want to quickly add, this proposal that we add a suspension provision to the NATO Charter is not aimed at any of the current member countries. It is not aimed at Poland or Hungary or the Czech Republic. It is not aimed at any of the nine other members that sought NATO membership or any other nations that may be contemplating seeking membership in NATO in the future. It is simply a mechanism which is needed in any collective security agreement to assure that if a member of that collective security pact no longer adheres to the fundamental principles which bind that pact, that the other members should have a mechanism to suspend the country which is no longer adhering to the fundamental principles.

At the Armed Services Committee's hearing with Secretaries Albright and Cohen, I listed several major issues that the Senate would have to consider in the course of our examination of the wisdom of NATO enlargement. One of those issues was, "Should the United States consider the security of Central European nations one of our Nation's vital interests, so that we would go to war if their security is threatened?"

That is not the only issue, but it is a central issue. And I, for one, am not ready to put the lives of American youth at risk for a nation unless that nation adheres to the principles of the Washington Treaty: democracy, individual liberty, and the rule of law. If there is a nation in NATO now or that might be added later that no longer adheres to those fundamental principles, then I believe there should be a mechanism in NATO to suspend that country so that we are not bound collectively to go to the defense of a nation that doesn't adhere to the fundamental principles which bind NATO.

Accordingly, I believe that the Senate should add a condition to its ratification of the accession of new members and that condition be that the North Atlantic Treaty be amended to enable NATO to suspend one of its members on the affirmative two-thirds vote of the NATO countries.

I thank the Chair for her patience tonight. I don't think any motion or other action on my part is appropriate. So I simply yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, at 6:20 p.m., the Senate adjourned until Thursday, October 30, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 29, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. DAVID R. IRVINE, 7022

IN THE COAST GUARD

THE FOLLOWING-NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE U.S. COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 211:

To be lieutenant (junior grade)

WHITNEY L. YELLE, 6516

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant commander

MATTHEW B. AARON, 6900
TODD A. ABLER, 5172
CHARLES E. ADAMS, 6482
CHRISTOPHER A. ADAMS, 5187
DAVID J. ADAMS, 4320
JEFFREY D. ADAMS, 9142
TAMMY M. ADAMS, 4150
GLENN R. ALLEN, 8908
ROBERT J. ALLEN, 7459
LEE K. ALLRED, 7603
JUAN ALVAREZ, 3312
STEPHEN M. ANDERJACK, 3553
DOUGLAS J. ANDERSON, 9280
ERIC B. ANDERSON, 0672
MARK S. ANDERSON, 0528
MILTON D. ANDERSON, 1968
WILLIAM H. ANDERSON, 0771
CHRISTOPHER P. ANKLAM, 6487
MITCHELL APPEL, 6552
LAYNE M. K. ARAKI, 7908
CHRISTOPHER L. ARCHUT, 2398
KEITH M. ARMISTEAD, 5534
PETER S. ASBY, JR, 2802
ROGER A. ASCHBRENNER, 1482
MARK R. ATWOOD, 8951
JEFFREY G. AUSTIN, 6358
LISA A. AVILA, 3666
HERMAN T. K. AWAI, 1879
ROBERT D. AZEVEDO, 8445
BRUCE G. BACHAND, 2008
DANIEL K. BACON, JR, 5058
DANIEL K. BAGGETT, 7113
VERNON E. BAGLEY, 0090
KEVIN W. BAILEY, 4587
SCOTT M. BAILEY, 0558
TODD E. BAILEY, 7720
JOHN C. BAKER, 3272
TIMOTHY H. BAKER, 2085
RICKY D. BALCOM, 1466
KEVIN L. BALLINGER, 6601
STEPHEN C. BALLISTER, 3759
GRADY T. BANISTER III, 9590
ROBERT E. BANKER, JR., 4244
TIMOTHY S. BARBIER, 6152
MICHAEL G. BARGER, 5705
JOHN H. BARNARD, 5733
DANNY T. BARNES, 4309
DEBORAH K. BARNES, 7833
HAROLD L. BARNES, 7385
JOHN H. BARNET, JR., 1011
GLENN E. BARRICK, 4387
JEFFREY B. BARRON, 8588
MARK C. BARRY, 0956
THOMAS BAU, 2753
RICHARD W. BAUER, 6235
GREGG W. BAUMANN, 7892
BENITO E. BAYLOSIS, 2571
CABELL W. BAYNES, 7983
BRENT R. BEABOUT, 0059
SCOTT A. BEARE, 2191
MARTIN R. BEAULIEU, 2376
JOHN T. BEAVER, JR., 8356
MICHAEL P. BEAVERS, 8774
WALTER E. BECK, 7126
CHRISTIAN D. BECKER, 0461
MARK A. BECKER, 6754
MIRIAM D. BECKER, 9087
KYLE B. BECKMAN, 2041
THOMAS R. BELESIMO III, 9516
JERRI A. BELL, 6297
MICHAEL D. BELL, 0200
ROBERT J. BELLO, 2114
DAVID C. BEMENT, 3367
ELIZABETH M. BENDEL, 3087
MARK B. BENJAMIN, 5266
STEVEN M. BENKE, 9432
MICHAEL L. BENO, 2938
KIRK R. BENSON, 8220
STEVEN G. BETHKE, 7458
TODD R. BIBZA, 0919
JAMES S. BIGGS, 1490
RACHEL L. P. BILLINGSLEY, 8069
PATRICK J. BINDL, 9959
DAVID G. BISAILLON, 0560
SCOTT R. BISCHOFF, 8751
DONALD R. BISHOP, 4719
JOHN P. BISSA, 5396
FRANCIS J. BITZAN, 5020
SHARON M. BITZER, 5708
JONATHAN D. BLACKER, 3677
CHARLES R. BLAIR, 4755
DAVID I. BLAIR, 8033
DONALD L. BLAIR, JR., 2977
DONOVAN F. BLAKE, 7211
ROBERT M. BLAKE II, 5010
SCOTT R. BLAKE, 9552
RICHARD P. BLANK, 5587
PAULA S. BLOOM, 7344
DOUGLAS A. BOERMAN, 1692
JEAN P. BOLAT, 6042
WAYNE D. BOLL, 4505
DAVID A. BONDURA, 8196
ANDREW J. BOOTH, 1037
LEONARD H. BORGDORFF, 4669
JOSEPH H. BORJA, 3473
DAVID L. BOSSERT, 6128
BRADFORD L. BOTKIN, 1047
JAMES W. BOUCK, 6394
RICHARD F. BOWEN, JR., 2816
MARK L. BOWLIN, 9628
JAY S. BOWMAN, 1143
ALAN L. BOYER, 9921
MICHAEL E. BOYLE, 4787
MICHAEL R. BOYLE, 1196
GEORGE E. BRADSHAW III, 5575
ROBERT F. BRADSHAW, 3554
DAVID L. BRAGG, 2356
DWIGHT A. BRANDON II, 8726
THOMAS P. BRASEK, 5299
THOMAS I. BREED, 0755
JOSEPH R. BRENNER, JR., 6828
CLARK V. BRIGGER, 1019
GRANT A. BRIGGER, 1008
VOLTAIRE H. BRION, 7732
GARY L. BRISTER, 2905
DONALD R. BRITTAIN, JR., 0521
JEFFREY B. BRITTON, 7014
BRENT R. BROOKS, 2841
PATRICK M. BROPHY, 2607
BRUCE W. BROSCH, 5812
RODNEY A. BROWER, 0541
BRADFORD L. BROWN, 8946
JAMES A. BROWN, 7564
JEFFREY M. BROWN, 4825
LINSLY G. M. BROWN, 4682
MARSHALL B. BROWN, 7789
WILLIAM D. BROWN III, 3254
STEVEN P. BROWNE, 5345
TIMOTHY G. BRUCE, 1977
BOBBY BRYANT, 7465
RICHARD R. BRYANT, 8772
MICHAEL BUCHANAN, 5613
GREGORY R. BUCK, 3420
EDGAR D. BUCLATIN, 6092
DELL D. BULL, 7342
BRADLEY C. BURGESS, 0996
KEITH N. BURGESS, 2860
JASON B. BURKE, 9110
MICHAEL F. BURKE, 8079

STEPHEN N. BURKE, 9520
GARY A. BURKHOLDER, 7671
STANLEY G. BURLINGAME, 6314
DAVID L. BURNHAM, JR., 8724
LAURENCE T. BURNS, 2948
RICHARD A. BURR, 7743
BRYAN P. BURT, 9542
JOHN A. BURTON, 2236
CHRISTOPHER J. BUSHNELL, 3702
WILLIAM S. BUTLER, 5943
ROBERT C. BUZZELL, 4747
JAMES W. BYERLY, 4676
ANTHONY T. CALANDRA, 6422
PETER J. CALLAGHAN, 0046
KENNETH E. CALLEN, 0855
JOHN S. CALVERT, 1006
PAUL T. CAMARDELLA, 8062
ANDREW R. CAMERON, 6941
CHRISTIAN G. CAMERON, 1733
JAMES R. CAMPBELL, 7458
JOHN C. CAMPBELL, 9786
WILLIAM R. CAMPBELL, 4130
JOEL M. CANNON, 0080
JON C. CANNON, 0846
ROBERT L. CAPPS, 8888
MICHAEL A. CARAMBAS, 6686
KENNETH W. CARAVEO, 3800
PAMELA K. L. CAREL, 2877
ROBERT S. CARLISLE, 9654
MARK S. CARLTON, 9191
DAVID J. CARRILLO, 3605
MICHAEL CARSLEY, 5943
JOHN P. CARTER, 0181
CHARLES L. CASH, 5044
EDWARD B. CASHMAN, 0544
CHARLES J. CASSIDY, 5242
JERRY M. CATRON, JR., 5758
GERALD J. CAVALIERI, JR., 1140
DAVID CELA, 9601
GINO CELIA, JR., 9873
TIMMIE R. CHAMBERS, 8756
CHARLES J. CHAN, 3624
TIMOTHY J. CHARLESWORTH, 7486
CHARLES T. CHASE, 1937
MICHAEL A. CHEATWOOD, 8607
CARL P. CHEBI, 3095
DAVID D. CHELSEA, 1415
MICHAEL F. CHESIRE, 4909
LEDA M. L. CHONG, 0710
PAUL H. CHRISMAN, 8312
JOHNNY D. CHRISTENSEN, 1746
PETER J. CHRISTENSEN, 1917
WARREN B. CHRISTIE III, 5039
DANIEL G. CHRISTOFFERSON, 2788
ANDREW L. CIBULA, 4939
ARTHUR E. CIMILUCA, JR., 2861
DAVID A. CIMPRICH, 5151
GREGORY S. CLARK, 0017
STEVEN M. CLARKE, 8797
LARRY A. CLAWSON, JR., 3049
KENNETH E. CLEVELAND, 1643
JOHN W. CLIFTON, 6651
JAMES COCKLIN, JR., 2196
JAMES P. CODY, 3045
GEOFFREY D. COGAN, 3032
HANK A. COLBURN, 3505
DANIEL J. COLE, 0769
ROBERT E. COLEMAN, 5101
THOMAS R. COLEMAN, 6348
MICHAEL J. COLMAN, 3335
ANTHONY C. CONANT, 5051
TIMOTHY W. CONWAY IV, 1613
ARTHUR T. COOGAN III, 6835
THOMAS L. S. COOK, 0572
ROBERT P. COOKE, JR., 7944
CHARLES B. COOPER II, 9109
DAVID A. COPP, 2864
RANDALL D. CORBELL, 7695
FARON J. CORDREY, 4130
TIMOTHY J. CORKERY, 3366
KELLY J. CORMICAN, 4378
RICHARD L. CORNWALL, 6267
TIMOTHY J. CORRIGAN, 3924
SCOTT E. CORSANO, 9882
KEVIN A. CORY, 7532
PATRICK COSTELLO, 5199
JOHN M. COTTINGHAM, 8260
STEPHEN J. COUGHLIN, 1838
KEVIN M. COYNE, 1080
KURTIS W. CRAKE, 6266
RONALD L. CRANFILL, 9521
LAURENCE A. CRAWFORD, 8128
JASON W. CRONIN, 7879
BARRY W. CROSBY, JR. 1181
THOMAS R. CROWELL, 5892
ALLEN R. CRUZ, 5719
DENNIS R. CRUZ, 7918
JEFFREY C. CRYMES, 2847
JUAN D. CUESTA, 2170
DAVID A. CULLER, JR, 2830
MICHAEL L. CUNNINGHAM, 5326
DANIEL L. CURRIE III, 1183
PATRICK N. CURTIN III, 1065
DAVID C. CUTTER, 0439
DANIEL M. DABERKOE, 3069
JONATHAN B. DACHOS, 7844
MICHELE A. DALEYRYAN, 5461
BERNARD L. DALLY, 2495
JAMES DALTON, 9021
CHARLES L. DANIELS II, 0525
KATHLEEN B. DANIELS, 5216
FREDERICK W. DAU IV, 7869
DARYL S. DAVIS, 2823
MARIA J. DAVIS, 2701
MICHAEL C. DAVIS, 2092
PHILIP D. DAVIS, 8410
WILLIAM J. DAVIS, 5831
GREGORY E. DAWSON, 6586
GLENROY E. DAY, JR, 4851
THOMAS L. DEARBORN, 5971
GEOFFREY G. DEBEAUCLAIR, 5553
WILLIAM W. DEBOW, 2957
JOSEPH A. DELEON, 5166
CHARLES S. DELLINGER, 4362
BRUCE R. DEMELLO, 6972
ALBERT E. DEMPSEY III, 9097
THOMAS M. DENDY, 2380
CARL J. DENI, 0966
SUSAN V. DENI, 5275
CHARLES L. DENNIS, 9342
STEPHEN W. DENNIS, 2771
KENNETH B. DEPEW, 5672
RODNEY P. DEWALT, 9365
STEVEN M. DEWITT, 6152
SCOTT R. DIAZ, 7271
JOSEPH A. DICKINSON, 0389
ERICH W. DIEHL, 4216
GARRY W. DILDAY, 6133
THOMAS W. DILL, 1136
DAVID S. DIMITRIOU, 0052
SCOTT M. DIX, 9898
CHRISTOPHER J. DIXON, 4757
MATTHEW DIXON, 4528
WILLIAM A. DONEY, JR, 7887
CATHERINE K. DONOHUE, 6592
JAMES F. DOODY, 1268
THOMAS A. DOPP, 4580
CHAD O. DORR, 0761
KEVIN A. DOWGIEWICZ, 5558
JAMES P. DOWNEY, 2191
CHRISTOPHER S. DREWELLO, 7171
DAWN H. DRIESBACH, 9751
STEVEN P. DUARTE, 9287
SCOTT A. DUFFY, 5424
SCOTT E. DUGAN, 7066
JAMES J. DUKE, JR, 3462
JOHN M. DULLUM, 9068
JOHN L. DUMAS, 5053
JOSEPH R. DUNDAS, 3809
MARK B. DUNLEAVY, 5352
CHRISTOPHER E. DUNPHY, 3663
DANIEL W. DWYER, 9382
CHARLES S. DYE, 9446
JAMES EASAW, 2890
BRETT K. EASLER, 3002
JEFFERY P. EATON, 1172
DAVID M. ECCLES, 0047
DAVID M. EDGECOMB, 1618
SCOTT A. EDWARDS, 9007
BRIAN F. EGGLESTON, 0218
EDWARD W. EIDSON, 2633
JOSEPH A. ELLENBECKER, 3316
MARK R. H. ELLIOTT, 9979
JAMES M. ELLIS, 8052
NEALE R. ELLIS, 6402
MICHAEL A. ELSBERG, 9663
JOHN P. ELSTAD, 2338
ELLEN H. EMERSON, 1664
TERENCE G. EMMERT, 1104
STEPHEN M. EMSWILER, 5565
RICHARD D. ENGLE, 3736
JOHN G. ENGLER III, 5385
SEAN T. EPPERSON, 8404
ELLEN ERICKSON, 7203
RICHARD S. ERIE, 5756
KARL A. ERIKSON, 7547
DALE L. ERLEWINE, 1732
JEFFREY R. ERMERT, 8488
BURT L. ESPE, 5148
PAUL E. ESPINOSA, 6510
JOHN M. ESPOSITO, 6894
PAUL M. ESPOSITO, 3776
THOMAS V. EVANOFF II, 1644
ASHLEY D. EVANS, 9612
COLEY L. EVANS, 2278
JOSEPH H. EVANS, 3616
JOSEPH S. EVERSOLE, 1300
BRIAN G. FALKE, 1884
TIMOTHY C. FALLER, 0854
NIELS A. FARNER, 7832
BRUCE C. FAUVER, 8755
JOHN P. FEENEY, JR., 5508
DAVID FELLER, 5412
JEFFREY W. FENTON, 1524
KENT C. FERGUSON, 0358
RANDYALLEN FERGUSON, 2300
SCOTT C. FERRIS, 4080
DAVID W. FISCHER, 2341
JAMES J. FISHER, 8026
SCOTT J. FISHER, 8316
LAURENCE W. FITZPATRICK, 8897
CARLOS E. FLANAGAN, 7540
EDWARD M. FLANAGAN, 3241
TODD J. FLANNERY, 0429
ANDREW FLEMING, 7649
THOMAS G. FLETCHER, 1841
DAVID L. FLOODEEN, 8856
GREGORY J. FLORENCE, 7748
MICHAEL S. FLOYD, 2571
JOSEPH D. FLYNN, 0450
JUDITH M. FORTIER, 2681
KEVIN D. FOSTER, 5778
PAUL J. FOSTER, 4652
SEAN P. FOX, 0927
STANLEY L. FOX II, 8245
DAVID M. FRAVOR, 7758
JON FREDAS, 0319
JOHN N. FREEBURG III, 7049
WILLIAM D. FRENCH, 8744
GREGORY C. FRIEND, 5906
MERL W. FUCHS, 2194
DANIEL E. FUHRMAN, 8482
SCOT A. FUHRMAN, 9975
MICHAEL B. FULKERSON, 7775
JOHN V. FULLER, 3265
DONALD D. GABRIELSON, 4587
JOHN C. GAFFE, 2589
STEPHANIE GAINER, 9601
WALTER GAINER III, 4467
SCOTT R. GALLAGHER, 7945
CARLOS E. GALVEZ, JR., 0394
ROBERT D. GAMBERG, 2063
ANDREW J. GAMBLE, 5325
ANTHONY R. GAMBOA, 8572
TORSTEN A. GARBER, 8433
ARTURO M. GARCIA, 8937
DANIEL L. GARCIA, 2572
HECTOR GARCIA, 0681
RUBEN M. GARCIA, 7976
ANNETTE M. GARDINAL, 8385
STEVEN R. GARDNER, 8953
JOHN P. GASPERINO, 8815
EMMET S. GATHRIGHT, 6245
JOHN C. GAWNE, JR., 9304
JAMES R. GEAR, JR., 9788
ROBERT N. GEIS, 0034
JOHN R. GENSURE, 9687
JOSEPH A. GHERLONE, JR., 3682
MICHAEL J. GIANNELLI, 0115
TIMOTHY W. GIBBONS, 5235
RICHARD T. GILLIN, 3032
DONALD A. GISH, 3796
KEVIN J. GISH, 5215
TEMIJUIIN H. GLASS, 5243
LAWRENCE E. GLOSS, 8371
JAMES D. GODEK, 1213
ANNE M. GODFREY, 9120
JAMES E. GOEBEL, 8205
HOWARD S. GOLDMAN, 7075
CURTIS L. GOMER, 9136
THOMAS C. GOMEZ, 3434
HERMANN F. GONZALEZ, 3910
CHARLES M. GORDON, 4650
JOHN J. GORDON, 8507
ALAN B. GORSKI, 1970
GREGORY A. GORTON, 7758
FREDERICK J. GOSEBRINK II, 1689
GARY A. GOTHAM, 2516
SCOTT C. GOVER, 3613
CHARLES F. GOVIER, 1859
JAMES J. GRACIO, 2045
TRACY A. GRAHAM, 3096
WILLIAM R. GRAHAM, 4225
PIERRE J. GRANGER, 6261
DOUGLAS W. GRANT, 2573
JAMES D. GRASSEY, 7973
THOMASCOPP GRAVES, 0012
CHRISTOPHER S. GRAY, 1786
JAMES L. GRAY, JR., 5717
JOHN K. GREEN, JR., 2164
JAMES R. GREENBURG, 0579
DAVID R. GREER, 6300
JOHN L. GREER, 3828
PAUL GRIFFIN, JR., 7735
THOMAS G. GRIFFIN, JR, 0003
ERIC F. GRIFFITH, 8622
GLENN E. GROESCH, 9219
DAVID M. GROFF, 3026
BART L. GROSSMAN, 4276
TIMOTHY J. GROUT, 2810
MICHAEL H. GUERRERA, 5738
JOSEPH P. GUERRERO, 0304
ROBERTO I. GUERRERO, 7894
THOMAS K. GUERRERO, 4190
MARK B. GUEVARRA, 6177
MICHELLE A. GUIDRY, 4493
SCOTT F. GUIMOND, 6556
DAVID W. GUNDERSON, 6471
BRIAN C. GURR, 0968
FRANCIS R. GUTIERREZ, JR., 9686
MICHAEL F. GUYER, 5224
MATTHEW K. HAAG, 2030
STEVEN J. HADDAD, 1741
TODD W. HAGE, 4422
PAUL P. HAGERTY, 2857
RICHARD E. HAIDVOGEL, 2423
MICHAEL W. HAIJSMAN, 6014
IAN M. HALL, 8398
DAVID D. HALLISEY, 6291
KENNETH T. HAM, 2437
QUINTON HAMEL, 9325
BRUCE H. HAMILTON, 0110
ALLEN W. HAMMERQUIST, 2133
MICHAEL J. HAMMOND, 3343
BETH J. HANKINS, 7107
DOUGLAS D. HANLON, 2628
PHILIP L. HANS IV, 2180
DOUGLAS J. HANSON, 9410
KURT P. HARDY, 9231
ROBERT W. HARGRAVE, 9937
CHRISTOPHER L. HARKINS, 1739
MICHAEL W. HARLOW, 9759
ROBERT S. HARRILL, 8346
MICHAEL S. HARRINGTON, 1760
ROBERT S. HARRINGTON, 8460
GREGORY N. HARRIS, 8473

LESLIE H. HARRIS, 5758
RONALD J. HARRIS, 8306
WILLIAM O. HARRIS III, 2401
BERNARD C. HARRISON III, 2928
CLAYTON A. HARTMAN, 8977
KARL M. HARTMAN, 2654
KAREN A. HASSELMAN, 6885
ROBERT N. HEIN, JR., 3390
JURGEN HEITMANN, 9985
ERIC HENDRICK, 0805
ERIC J. HENDRICKSON, 9022
HENRY J. HENDRIX II, 4081
ROBERT T. HENNESSY, 6368
DAMON M. HENRY, 3485
DENNIS F. HENSLEY, 4590
DONALD R. HENSLEY, JR., 1960
RICHARD F. HERBST, 2293
BRYAN E. HERDLICK, 2855
TRACY W. HERNANDEZ, 6061
MICHAEL A. HERRERA, 0729
PATRICK B. HERRINGTON, 2677
BARBARA P. HESS, 8185
WILLIAM F. HESSE, 3330
WILLIAM A. HESSER, JR., 6493
KIRK R. HIBBERT, 3455
TODD W.H. HICKERSON, 3599
ROBERT A. HICKEY, 6440
MICHAEL E. HICKS, JR., 1559
HOWARD J. HIGGINS, 7223
RONALD L. HIGGS, JR., 6300
KARL A. HILBERG, 3425
GREGORY A. HILDEBRAND, 0871
ANDREW J. HILL, 4724
KIM D. HILL, 1990
JAMES R. HITT, 6976
ROBERT L.R. HODGE, 5720
MARY T. HOEKSEMA, 7011
JAMES P. HOGAN, 7877
JUAN J. HOGAN, 3032
SCOTT M. HOGAN, 6277
DAVID R. HOGSTEN, 3690
JERRY K. HOLDEN, 9800
DOUGLAS J. HOLDERMAN, 4888
THOMAS A. HOLE, 4356
PATRICK R. HOLLEN, 9006
MICHAEL K. HOLLOWELL, 1183
CHRISTOPHER D. HOLMES, 6326
ALAN W. HOLT II, 0739
PATRICK T. HOLUB, 7852
DAVID A. HONABACH, 6489
HERBERT H. HONAKER, 1940
DAVID M. HONE, 9834
GEORGE H. HONEYCUTT II, 1778
MARK A. HOOPER, 1763
JOHN M. HOOPES, 0688
TIMOTHY HOOYER, 0872
STEVEN D. HOPE, 3521
WILLIAM D. HOPPER, 1213
PAUL T. HORAN, 4431
BRIGITTE HORNER, 6837
JAMES E. HORTEN, 6273
JAMES D. HOUCK, 0968
DAVID B. HOWARD, 3116
DONALD B. HOWARD, 1237
JAMES F. HRUSKA, 2533
STEVEN R. HUBBELL, 4558
SETH F. HUDGINS III, 4109
ROBERT E. HUDSON, 1998
WARREN G. HUELSNITZ, 1045
MICHAEL T. HUFF, 7986
WAYNE R. HUGAR, 2654
JONATHAN R. HUGGINS, 9343
FRANCIS M. HUGHES III, 1595
JEFFREY W. HUGHES, 8431
TREVOR C. HUNLEY, 9147
DAVID R. HUNT, 5108
JOHN M. HUNT, 4040
KEVIN D. HUNT, 1629
RAYMOND B. HURD, JR., 9415
DANIEL J. HURDLE, 5797
CLEM P. HURN, 4736
RODNEY E. HUTTON, 6026
CHRISTOPHER K. HYDER, 8747
HEWITT M. HYMAS, 1092
KENNETH A. INGLESBY, 7424
MARK T. INNES, 1155
JOHN R. IRVIN, 7428
DENNIS M. IRWIN, 6370
KENNETH R. IRWIN, JR., 1400
THOMAS E. ISHEE, 6845
JILL M. ITO, 0171
JEFFREY T. JABLON, 1605
DARRYL F. JACKSON, 3065
MARY M. JACKSON, 5606
DOUGLAS M. JACOBSEN, 4593
RHETT R. JAEHN, 3163
KENNETH W. JALALI, 9628
SHAWN D. JAMES, 3012
STEVEN M. JAMES, 1420
HERBERT A. JANSEN, 3301
MARK M. JAREK, 7398
PAUL J. JARRETT, 2417
RICHARD A. JEFFRIES, 0218
JOHN R. JENSEN, JR, 7857
ROSALIE A. JEPSKY, 0851
NORBERTO G. JIMENEZ, JR, 6293
RICHARD O. JOHNS, 7334
WILLIAM D. JOHNS, 7042
DAVID A. JOHNSON, 0488
DAVID E. JOHNSON, 7154
ERIK N. JOHNSON, 7403
GREGORY S. JOHNSON, 4658
HOBART C. JOHNSON, 1894
KURT B. JOHNSON, 6335
LEE M. JOHNSON, 3704
MARK A. JOHNSON, 7330
MARK S. JOHNSON, 8586
RANDY L. L. JOHNSON, 7399
SHIRL D. JOHNSON, 4254
TROY A. JOHNSON, 9044
WILLIAM S. JOHNSON, 6053
JAMES H. JONES, 4909
JOHN R. JONES, 1710
JOHNATHAN L. JONES, 0269
MICHAEL C. JONES, 5784
TIMOTHY W. JONES, 9216
MATTHEW J. JORDAN, 6898
PERNELL A. JORDAN, 0239
JEFFREY D. JORGENSEN, 7405
DONNA M. JOYAL, 8029
FRANCISCO M. JUANCHE, 0332
DAVID R. JUNGERS, 4542
VERNON L. JUNKER, 6583
JAY A. KADOWAKI, 2910
RICHARD W. KAMMANN, JR, 3034
SHEILA KAPITULIK, 3315
RICARDO J. KARAKADZE, 7728
ROBERT D. KASS, 3164
JAMES A. KASTLE, 8402
RICHARD M. KAY, 8853
ROBERT T. KAY, 4205
JOHN T. KEANE, JR, 3965
DOUGLAS F. KELLER, 4700
JAMES P. KELLOGG, 6009
MARY C. KELLY, 4209
MICHAEL M. KELLY, 7334
PATRICK M. KELLY, 6835
SCOTT K. KELLY, 3650
JUDY L. KEMPISTY, 5747
ROBERT L. KENDALL, 0183
STEPHEN J. KENNEDY, 6704
TROY J. KENNEDY, 4295
JOHN E. KENNINGTON, 7490
JAMES A. KERR, 9809
JOSEPH P. KERSTIENS, 9583
TODD A. KIEFER, 9974
DOUGLAS P. KIEM, 0435
ANDREW S. KING, 0834
JOHNNY C. KING, 9563
STEWART E. KING, 1143
JEFFREY H. KIRBY, 5305
RICHARD R. KIRCHNER, 3914
THOMAS K. KISS, 7429
BRENT R. KLAVON, 2981
KYLE D. KLIEWER, 9120
DANIEL B. KLINE, 8458
DEAN W. KLUSS, 0832
RANDALL G. KNAPP, 6342
JAMES A. KNORTZ, 4205
EDWARD R. KNOWLES, 2139
BRIAN D. KOEHR, 4430
DOUGLAS H. KOEKKOEK, 9777
BRYAN S. KOHN, 4976
MATTHEW B. KOLOSEIKE, 1678
WILLIAM P. KOPPER, 3196
CHRISTOPHER A. KORN, 7191
ERIC R. KOSTEN, 9764
TODD D. KOTOUCH, 3935
KEVIN E. KRAUS, 5715
DOUGLAS R. KREBS, 4997
MICHAEL H. KRISTY, 5915
JOHN KROPCHO III, 9720
STEPHEN M. KRUEGER, 8023
DENISE M. KRUSE, 1600
ANDREW R. KUEPPER, 7303
JEFFREY A. KUHLMAN, 4852
ERIC G. KUKANICH, 7507
TIMOTHY M. KUNKEL, 8528
PAMELA S. KUNZE, 5359
MICHAEL C. KVICALA, 4885
ERIC R. KYLE, 8480
STEVEN J. LABOWS, 0821
PETER C. LACHES, 0304
KARL A. LADO, JR, 0804
JAMES P. LAINGEN, 0526
NANCY D. LAKE, 2136
JOHN H. LAMB, 9861
DAVID J. LAMBERT, 5621
CHRISTOPHER A. LAMM, 3140
JAMES W. LANDERS, 6038
JAMES L. LANE, JR., 1717
GEORGE E. LANG, JR., 3163
TIMOTHY K. LANGDON, 2137
GREGORY E. LAPUT, 2302
ROBERT B. LARUE, 6187
FREDERICK LATRASH, 2836
THOMAS D. LATTOMUS, 4891
SEAN P. LAUGHLIN, 5593
ERIC H. LAW, 4803
HARRY E. LAWSON, JR., 0692
JEFFERY E. LAY, 4887
SCOTT C. LEACH, 5342
STEVEN E. LEAHY, 6841
WILLIAM J. LEAR, JR, 1100
MARK D. LECHNER, 2568
BRADLEY LEE, 5920
DANIEL G. LEE, 1837
RICKY A. LEE, 3702
DENNIS M. LEETE, 0175
DIDIER A. LEGOFF, 1364
GREGG D. LEHOCKY, 7270
ANDREAS LEINZ, 7293
JOHN S. LEMMON, 1949
MICHAEL T. LENTS, 3641
HOWARD F. LENWAY, 8360
LUIS A. LEON, JR., 1322
JEFFRY P. LEPORTE, 2164
DONALD B. LESH, 5284
MATTHEW A. LETOURNEAU, 6897
WILLIAM T. LEUTZ, 2308
CHRISTOPHER R. LEVESQUE, 2442
ALBERT S. LEWIS II, 5476
SCOTT M. LEWIS, 7226
ROGER W. LIGON, 5171
JACK C. LIKENS, JR., 8759
CLAUDE P. R. LIM, 6765
DANIEL B. LIMBERG, 6222
RICHARD W. LINDSAY, 2031
KEITH L. LINDSEY, 3630
RICHARD J. LINEHAN, 5597
FRANK S. LINKOUS, 0885
KENNETH V. LINKOUS, JR., 1110
CHARLES E. LITCHFIELD, 9795
ERIC L. LITTLE, 8525
R. E. LIVINGSTON IV, 9137
STEVEN E. LOEFFLER, 8957
ANDREW J. LOISELLE, 5195
MARK H. LOKAY, 0002
JOHN M. LONGHINI, 5817
STEPHEN E. LORENTZEN, 3089
GREGORY K. LORICK, 5256
MARK LOTZE, 2207
CHRISTOPHER A. LOTZIA, 5591
TY E. LOUTZENHEISER, 8092
RANDALL L. LOVELL, 6846
RODNEY K. LUCK, 4348
DOUGLAS A. LUCKA, 8355
ANTHONY J. LUDOVICI, 8487
MARY E. LUGENBEAL, 8208
RANDALL J. LYNCH, 6751
JOSEPH F. LYONS, 4625
PAUL J. LYONS, 1845
BRADLEY J. MAAK, 9936
WILLIAM A. MACCHIONE, 2384
MATTHEW P. MACIEJEWSKI, 6587
WILLIAM C. MACK, 9854
WILLIAM G. MACMILLAN, 4313
THOMAS H. MACRAE, 4650
MICHAEL G. MADISON, 9651
MARK P. MAGLIN, 2950
ALBERT J. MAGNAN, 7092
WILLIAM D. MALONE, 0027
MOSE L. MANINI III, 6045
CHERYL D. MANNING, 2233
SCOTT A. MAPLE, 9153
SCOTT A. MARGULIS, 0017
CHARLES B. MARKS III, 7305
WILLIAM E. MARPLE, 8574
DANIEL P. MARSHALL, 4713
GEOFFREY K. MARSHALL, 2828
MATTHEW J. MARTIN II, 9047
MICHAEL R. MARTIN, 9370
MICHAEL W. MARTIN, 3359
RANDALL H. MARTIN, 8358
ANTONIO R. MARTINEZ, 0779
WILLIAM H. MASON, JR., 0606
JAMES N. MASSELLO, 9248
TODD H. MASSIDDA, 0995
TIMOTHY E. MATTISON, 5325
JOHN E. MAWHINNEY, 1596
GREGORY K. MAXEY, 5394
KATHERINE A. MAYER, 0572
GARY A. MAYES, 0729
DANIEL J. MAYO, 5177
MICHAEL P. MAZZONE, 4764
MARY C. MCAULEY, 0265
VINCENT D. MC BETH, 5735
IAN F. MC CALLUM, 7192
SEAN P. MC CARTHY, 3174
ANDREW P. MC CARTIN, 7705
WALTER O. MC CLENNEY, 1364
SCOTT A. MC CLURE, 3161
BRIGHAM A. MC COWN, 5279
ANDREW C. MC CUE, 2875
PERRY L. MC DOWELL, 5253
DARREN J. MC GLYNN, 3902
LARRY L. MC GUIRE, 0312
JOSEPH R. MC KEE, 8811
DENNIS J. MC KELVEY, 2096
WILLIAM P. MC KINLEY, 4016
ANTHONY MC KINNEY, 6019
R.F. MC KINNEY, JR., 9145
KENNETH J. MC KOWN, 0637
JOHN M. MC LAIN, 4100
JIMMY R. MC LAUGHLIN, 4721
MICHAEL J. MC MANUS, 0611
ROBERT P. MC NABB, 4133
PATRICK K. MC NAMARA, 9873
WILLIAM R. MC VICKER, JR, 8219
DWAINE D. MEAGHER, 2912
AUDREY D. MEANS, 2115
BRADLEY P. MEEKS, 3390
PAUL J. MEISCH, 9863
JOHN E. MEISSEL, 5261
ANGEL O. MELENDEZ, 3267
DARRYL C. MELTON, 1769
DEBRA N. MELTON, 1086
GARY R. MELVIN, 7207
GILBERT A. MENDEZ, 1391
ERNST MENGELBERG, 2130
JEFFREY P. MENNE, 6513
LIAM P. MERRICK, 1716
MILTON C. MERRITT, 4327
DAVID W. MEYER, 7732
ROBERT H. MEYER, 1310
FRANCISCO Q. MEZA, 6371

DOMENICK MICILLO, JR, 7112
JOHN R. MIGAS, 8084
MICHAEL H. MIKLASKI, 3232
GUY A. MILLER, 7146
MATTHEW C. MILLER, 7451
STEPHANIE MILLER, 9913
DAVID B. MILLIGAN, 0684
HUGH E. MILLS, JR, 3029
JAY R. MILLS, 9347
RODNEY A. MILLS, 0609
DAVID MILOT, 3652
SCOTT A. MINIUM, 8367
JOHN C. MINNERS, 5609
JAMES C. MINSTER, 8152
MICHAEL L. MOATS, 9327
FRANCIS M. MOLINARI, 9942
OSCAR E. MONTERROSA, 9908
BRIAN T. MOORE, 6610
SYLVESTER MOORE, 0139
TOMMY E. MOORE, JR., 7004
WALLACE F. MOORE, 2019
WILLIAM C. MOORE, 0566
JANE M. MORASKI, 8710
MICHAEL S. MORENO, 5563
DAVID G. MORETZ, 0004
GARNER D. MORGAN, JR., 7730
JAMES M.L. MORGAN, 4877
STEVEN B. MORIEN, 6273
FRANCIS D. MORLEY, 1814
PAUL D. MORRIS, 2394
JEROME S. MORRISON, 4740
JOHN R. MOSIER, JR., 4171
GERALD M. MOST, 8103
ANDREW J. MUELLER, 3962
KEVIN S. MUHS, 5459
GREGORY A. MUNNING, 5297
DOUGLAS M. MURPHY, 3962
THOMAS P. MURPHY, 9682
WILLIAM R. MUSCHA, 4930
ALBERT F. MUSGROVE II, 2984
MARK E. MUZII, 9254
RANDALL J. NASH, 7002
CARL D. NEIDHOLD, 6751
LOURDES T. NEILAN, 8652
RICHARD D. NELSON, 3949
WILLIAM L. NELSON, 8955
MICHAEL D. NEUMANN, 7068
SAMUEL W. NEWMAN, 2428
JAMES P. NICHOLS, 5949
ROLANDO R. NIEVES, 2810
BRAD A. NISSALKE, 3045
ROY L. NIXON, 0213
JAMES W. NOLAN, 4981
RHODY V. NORNBERG, 7348
HOWARD J. NUDI, 8852
JAMES M. NULL, 1257
MICHAEL W. OATES, 1429
KAREN L. OBERG, 3749
CATHAL S. O'CONNOR, 1668
RICHARD M. ODOM II, 6496
THOMAS P. O'DOWD, 3530
JAMES D. O'LEARY II, 3643
MARIE E. OLIVER, 2625
DARREN M. OLSON, 6252
MICHAEL S. ONAN, 9685
DONALD K. O'NEILL, 1307
THOMAS E. O'NEILL IV, 4398
MICHAEL F. OTT, JR., 7295
MARC R. OUELLET, 9000
LINDA D. OVERBY, 0335
MARTIN E. PACE, 4268
RANDALL C. PACKARD, 9505
TINA M. PACO, 9783
EDWARD E. PALMER III, 3074
BOBBY J. PANNELL, 8169
SAMUEL J. PAPARO, JR., 9109
JAMES C. PAPINEAU, 8671
MICHAEL S. PARISH II, 9857
ANTHONY J. PARISI, 2040
WILLIAM D. PARK, 3745
DONALD W. PARKER, 3293
GARY W. PARKER, 3401
VERA PARKER, 1561
WILLIAM J. PARKER III, 3462
JOSEPH A. PARRILLO, 4838
RONALD L. PARSLOW, 5248
KENNETH M. PASCAL, 1795
MARCO A. PATI, 1760
NANCY C. PAULSEN, 2198
RICHARD PEACH, 3850
BENJAMIN J.I. PEARSON, 9485
STEPHEN C. PEARSON, 5394
LAWRENCE A. PEMBERTON, 4784
GLENN W. PENDRICK, 3190
BLAINE S. PENNYPACKER, 3815
SHAWN L. PENROD, 3751
PAUL A. PENSABENE, 3845
MARC B. PEOT, 2902
CRAIG PEPPE, 9928
GARY E. PERKINS, 9364
ALBERT D. PERPUSE, 1718
THOMAS M. PERRON, 6617
JEAN M. PERRY, 2474
JOHN D. PETERS, 7192
KEVIN R. PETERSON, 6503
ANITA S. PETTY, 2112
WILLIAM M. PEYTON, JR., 8209
THUAN N. PHAM, 2232
CHRISTOPHER T. PHILLIPS, 6580
DEXTER PHILLIPS, 5779
LEE V. PHILLIPS II, 6045
ERIC M. PICKEL, 6675
CHRISTOPHER J. PIECZYNSKI, 1264
ALDEN D. PIERCE, 5316
JAMES T. PIERCE, 1849
WILLIAM S. PIESESKI, 7831
JOHN PINCKNEY, 9234
STEPHEN J. PINEDO, 7370
ROGER E. PLASSE, JR., 1815
PATRICK J. PLESH, 5362
JOHN W. PLOHETSKI, 9192
JOHN E. PODOLAK, JR., 8690
TODD E. POLLARD, 1592
MARTIN L. POMPEO, 6132
MICHAEL J. POPADAK, 0685
JAMES R. POPP, 7368
PATRICK J. PORTER, 6044
MICHAEL W. POSNER, 0178
CHRISTOPHER S. POWELL, 9108
EVERETT S. PRATT, 1133
MILTON J. PRELL, 0681
GREGORY B. PRENTISS, 3583
HERBERT L. PRINGLE, 8369
TODD W. PUGH, 0724
ESTON D. PURVIS, 9115
FRANK N. QUILES, 8219
CHARLES F. QUINLEY, 8018
MICHAEL J. QUINN, 3554
TIMOTHY W. QUINN, 7200
TODD W. RADER, 7930
STEPHEN G. RADY III, 9915
LUIS M. RAMIREZ, 7554
CHRISTOPHER B. RAMSEY, 6202
ANDREW G. RANDER, 6279
ELISA A. RANEY, 0773
NICOLAS RANGEL, JR., 2796
LOUIS W. RANKIN, 1722
CHRISTOPHER G. RAPP, 6824
ROBERT E. RASMUSSEN, 3915
STEVEN R. RASMUSSEN, 2694
RONALD L. RAVELO, 6235
MICHAEL D. RAYFIELD, 1057
GREGORY L. REED, 2429
DAVIS B. REEDER, 0892
GREGORY A. REHARD, 6690
WILLIAM D. REID, 3410
ROBERT A. REIFENBERGER, 7061
WILLIAM REILLY, JR., 2824
SCOTT E. REIN, 2159
KURT B. REINHOLT, 1387
ARTHUR J. REISS, 1156
LEONARD V. REMIAS, 4753
JAMES L. REYBURN, 9914
TIMOTHY D. REYNOLDS, 2619
WILLIAM F. REYNOLDS, 1900
ANN Y. RHIE, 4817
CHRISTOPHER A. RHODEN, 4093
JAMES E. RICHARDSON, 7477
HARRY M. RIDDLE, 0086
JOHN C. RING, 8213
JOHN F. RINKO, 9623
JAMES F. RISLEY, 4684
ROBERT E. RITCHEY, JR, 3677
BRADLEY W. ROBERSON, 1977
JOHN L. ROBEY, 3625
DAVID A. ROBINSON, 9709
GEORGE S. ROBINSON, 9768
MITCHELL O. ROBINSON, 3103
THOMAS L. ROBINSON, 2734
KIMBERLY A. RODDY, 5807
SHARON L. RODDY, 3818
PETER J. ROEDL, 3507
JEFFREY M. ROGALINER, 7227
SCOTT W. ROGERS, 5378
THOMAS E. ROGERS, 9013
JAMES A. ROICK, 2484
PETER A. ROLLICK, 3043
CHRISTOPHER A. ROLLINS, 4255
JAMES R. RONKA, 3916
TIMOTHY B. ROONEY, 9316
PHILIP H. ROOS, 0394
THOMAS P. ROSDAHL, 9487
ERIK M. ROSS, 7130
KEVIN H. ROSS, 7140
DANIEL M. ROSSER, 5492
JAMES M. ROSSI, 1626
WILLIAM ROSSI, 0931
MICHAEL P. ROUSSEAU, 9155
HENRY P. ROUX, JR, 6133
ANDREW W. ROWE, 6020
TIMOTHY J. RUSH, 4204
KENT E. RUSHING, 5125
DOUGLAS V. RUSSELL, 3488
THOMAS M. RUTHENBERG, 9086
ERIC C. RUTTENBERG, 0364
MICHAEL R. RYAN, 6623
LAURAN W. RYE, 2158
ROBERT D. SALLADE, 6227
TERIANN SAMMIS, 8696
ROBERT W. SANDERS, 7781
ALISON N. SANFORD, 3339
TERESA S. SANFORD, 7602
MICHAEL J. S. SANGSTER, 5450
MIGUEL G. SANPEDRO, 8516
RICHARD SANTOMAURO, 7754
VINCENT P. SAPORITO, 6118
GEORGE B. SAROCH, 6381
WILLIAM E. SASS, JR, 7816
ERIKA L. SAUER, 9699
PAUL E. SAVAGE, 6297
ROBERT B. SCEARCE II, 8647
TYSON P. SCHAEDEL, 0959
THOMAS A. SCHARES, 8586
DANIEL J. SCHEBLER, 8035
MICHAEL A. SCHEIBER, 9939
CHRISTOPHER R. SCHENCK, 7644
ERIC H. SCHIERLING, 4316
JOHN G. SCHIERLING, 7921
PAUL J. SCHLISE, 6783
GEORGE P. SCHMIDT, 3837
HARRY M. SCHMIDT, 8033
WILLIAM J. SCHMITT, JR, 8553
WILLIAM C. SCHMITZ, 4478
DAVID W. SCHNEIDER, 9046
JAMES A. SCHREIBER, 7715
DAVID R. SCHUCK, 2232
JOHN E. SCHUMANN, 6824
JOEL D. SCHUSTER, 4820
STEPHEN M. SCHUTT, 7082
WILLIAM A. SCHWALM, 1649
CAROL L. SCHWARTZ, 0247
RICHARD SCHWARZ, 3150
RICHARD E. SCOTT, 6019
WILLIAM B. SEAMAN, JR, 2544
KEVIN M. SEARLS, 3465
TODD J. SENIFF, 1629
DONALD A. SEWELL, 4411
JAMES A. SEWELL, 2487
JACQUES SHAKE, 8006
ROBERT D. SHARP, 0357
ERIC T. SHAW, 2332
THOMAS P. SHAW, 4353
JOHN J. SHEA, 2485
PATRICK O. SHEA, 6122
KENNETH M. SHEEHY, 2151
JOSEPH F. SHELTRY, 5468
ANTHONY M. SHEPHERD, 6242
BENJAMIN A. SHEVCHUK, 1430
STEPHEN A. SHINEGO, 1596
SCOTT R. SHIRE, 9816
ERIC S. SHIREY, 0197
MICHAEL W. SHULTS, 6549
PHILLIP T. SICARD, 6015
EUGENE P. SIEVERS, 7135
DAVID J. SILKEY, 0564
RICHARD J. SILONG, 5989
GREGORY L. SIMMONS, 8931
MARK D. SIMMS, 1407
EDWIN L. SIMS, 2978
TRACY L. SIMS, 9918
SEAN G. SKELLY, 0266
JAMES W. SKINNER IV, 7522
STEVEN D. SLADKY, 6957
SCOTT D. SLATER, 1715
JOHN F. SLEDGIANOWSKI, 5818
DANIEL J. SMITH, 1871
JED C. SMITH, 4008
KENDELL O. SMITH, 9346
STEPHAN M. SMITH II, 3354
WADE H. SMITH, JR, 5444
WILLIAM D. SMITH, 3100
DAVID R. SNOW, 9515
TIMOTHY L. SNYDER, 1118
JAY M. SOKOLOWSKI, 0179
DAVID W. SOMERS III, 4441
STEVEN P. SOPKO, 2096
IAN R. SORENSEN, 5588
BRIAN E. SOUCHET, 7733
RICHARD N. SOUCIE, 6610
ROBERT C. SPARROCK, 0686
PAUL D. SPEAR, 4324
JEFFREY S. SPEARMAN, 7921
WESLEY W. SPENCE, 3837
DAVID R. SPENCER, 0856
PAUL A. SPILSBURY, 3771
JOHN P. SPRINGETT, 6924
KENNETH R. SPURLOCK, 7494
TODD J. SQUIRE, 3572
PAUL A. STADER, 1156
RICHARD A. STAGERS, 8610
JEFFREY A. STAGGS, 1753
STEVEN L. STANCY, 1500
MARK J. STANSELL, 6503
JAMES A. STEADMAN, 5605
JAMES P. STEIL, 2521
JOHN F. STEINBERGER, 442[illegible]
MICHAEL S. STEINER, 1090
MARK L. STEVENS, 4986
SHAWN M. STICKLES, 7139
JOSEPH V. STILLWAGGON, 5269
MICHAEL A. STOCKDALE, 3807
MATTHEW P. STOECK, 2653
LEON C. STONE, JR, 6905
MICHAEL A. STONE, 0111
CHARLES W. STOUDENMIRE, 8522
PEGEEN O. STOUGARD, 3918
ROY B. STRACHAN, 3289
GREGORY W. STRAUSER, 7392
MICHAEL H. STRICKER, 9717
WILBURN T. J. STRICKLAND, 8593
SHRI J. STROUD, 8232
CHRISTOPHER P. STUBBS, 7090
MICHAEL W. STUDEMAN, 3795
CARLOS M. SUAREZ, 3444
THOMAS H. SUGG, JR. 9231
WILLIAM H. SUGGS, JR, 4370
MARK J. SULLIVAN, 8364
WILLIAM G. SULLIVAN, 6039
JOHN M. SUTHERLAND, 8153
NIGEL J. SUTTON, 0949
JON E. SWANSON, 6303
MARK J. SWAYNE, 3874
ANDREW W. SWENSON, 1267
JAMES S. SZERBA, 9692
BRUCE H. SZYMANSKI, 0928
TERRY R. TAKATS 4378

SAMUEL L. TATE, 6000
WILLIAM R. TATE, 1156
JOHN N. TAVENNER, 2772
MICHAEL J. TAYLOR, 9840
RICK T. TAYLOR, 8939
TARL W. TAYLOR, 3998
RICHARD L. TEETER, 9105
THOMAS R. THIEN, 3885
CHRISTOPHER K. THOMASSY, 3267
EUGENE G. THOMPSON, 0617
JEREMY S. THOMPSON, 9475
RITCHARD R. THOMPSON, 2459
STEPHEN M. THOMPSON, 5256
JOHN D. THORLEIFSON, 2932
ROBERT F. THORNHILL, JR, 4047
JOHN A. TIGANI, JR, 1220
MICHAEL A. TLUCHOWSKI, 3523
THOMAS TOMAIKO, 9652
PAUL J. TORTORA, 8546
ROBERT P. TORTORA, 9369
ARTHUR F. TRAHAN, JR, 2879
BAOQUOC TRANTHIEN, 4014
OWEN M. TRAVIS, 8246
BRADDOCK W. TREADWAY, 9112
KIRK E. TREANOR, 3331
JOHN L. TREFZ, JR, 9135
STEVEN E. TRENT, 3750
JOHN C. TREUTLER, 2352
THOMAS G. TROTTER, 4563
KAREN A. TSIANTAS, 1878
TIMOTHY P. TUMELTY, 1514
EMMETT S. TURK, 7354
ALFRED R. V. TURNER, 3363
ANDREW K. TURNER, 8536
MARK L. TURNER, 4659
PETER N. TURNER, 5208
ROBERT A. TURNER, 0583
TIMOTHY F. TUTT, 8336
PATRICK J. TWOMEY, 0731
DAVID C. UNCUR, 3497
MARK C. VAILLANCOURT, 0933
BENEDICT J. B. VALECRUZ, 5936
DEAN F. VALENTINE, 5539
LESLIE B. VANDAM, 6178
RICHARD L. VANVLIET, 4270
MARK S. VANYE, 0901
CATHERINE J. VARELA, 4918
XAVIER M. VARGAS, 6642
DONALD R. VARNER, 7699
GEORGE J. VASSILAKIS, 2428
OSCAR VELA, JR, 3208
RENE VELAZQUEZ, 0839
PETER D. VENA, 6689
CHRISTOPHER J. VERDONI, 4291
SCOTT D. VERMILYEA, 7418
JOHN F. VERTEL, 8456
MICHAEL L. VINKAVICH, 6722
THOMAS K. VINSON, 2818
NEIL F. VOJE, 4024
MARK F. VOLPE, 8377
JEFFREY R. VONHOR, 8337
JOHN E. WADSWORTH, 7887
ERICH J. WAHL, 8539
JOSEPH P. WAITE, 6649
MATTHEW WAKABAYASHI, 1630
BRYCE E. WAKEFIELD, 6050
ANTHONY S. WALCHER, 4894
BENJAMIN H. WALKER IV, 3627
ROBERT J. WALKER, 5196
THADDEUS O. WALKER III, 5869
FRANK T. WALLACE, 2462
MICHAEL M. WALLACE, 5046
JOHN M. WALLACH, 8692
DENNIS J. WALSH, JR, 6794
ANDREW D. WANNAMAKER, 8030
BLAKE D. WARD, 2263
CHARLES J. WASHKO, 4172
MARK S. WASSIL, 6914
JAMES R. WATKINS, 5850
HOWARD M. WATSON, 7403
JOHN N. WATSON, 9441
MICHAEL P. WATSON, 3026
RODNEY J. WATSON, 9367
MYRON C. WEAVER, 9367
ROBERT E. WEBB, JR, 7792
MATTHEW A. WEBBER, 9387
VICTOR K. WEBER, 1750
JOHN M. WEEKS, 2783
ERIC F. WEILENMAN, 3712
EDMOND J. WEISBROD, JR, 6581
ERIC W. WEISEL, 4914
JOHN J. WELSH, 8112
DAVID E. WERNER, 1804
JOSEPH R. WESSLING, 7166
RANDAL T. WEST, 2753
TIMOTHY J. WEST, 6511
EDWARD J. WHALEN, 0878
WILLIAM W. WHEELER III, 9647
GEORGE N. WHITBRED IV, 6876
ALAN A. WHITE, 9449
JAMES A. WHITE, 9432
ALMUR S. WHITING III, 4182
BRIAN D. WHITTEN, 8089
FRANK D. WHITWORTH, 4677
DANIEL B. WIDDIS, 4804
STEVEN J. WIEMAN, 0889
CLIFFORD M. WILBORN, 4731
ANDREW J. WILLIAMS, 4225
HAROLD E. WILLIAMS, 9232
PAUL M. WILLIAMS, 2412
STEVEN M. WILLIAMS, 0311
THOMAS G. WILLIAMS, 0715
ELMER L. WILSON, 8782
ERIN A. WILSON, 0373
GAYLE S. WILSON, 6536
JOHN E. WIX, 1033
CURTIS A. WOLD, 1800
SCOTT M. WOLFE, 3952
DONALD W. WOLFGANG, 4989
JAMES A. WOLTERS II, 0135
ERIC W. WON, 9732
RICHARD K. WOOD II, 0162
DAVID L. WOODBURY, 4332
MOODY G. WOOTEN, JR, 6094
ANITA H. B. WRIGHT, 2164
ERIK C. WRIGHT, 3153
CHARLES F. WRIGHTSON, 8426
JAMES R. WYATT, 8026
LAURA G. YAMBRICK, 1646
THOMAS M. YAMBRICK, 5503
ANDREW C. YENCHKO, 2178
STEVEN J. YODER, 0798
ANDREW L. YORK III, 3366
JOHN M. YOUNG, 3859
JOHN R. YOUNG, 9274
ROBERT E. YOUNG, 4476
ROBERT L. YOUNG, JR, 4788
JAMES B. ZEH, 9066
EDWARD C. ZEIGLER, 6557
CARLOS J. ZENGOTITA, 0915
JOHN D. ZIMMERMAN, 3157
MICHAEL T. ZIMMERMANN, 4832
JEROME ZINNI, 5742
MATTHEW R. ZOLLA, 8984
TODD A. ZVORAK, 4260
DONALD L. ZWICK, 7159
THOMAS A. ZWOLFER, 6727

CONFIRMATIONS

Executive nominations confirmed by the Senate October 29, 1997:

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HAROLD C. PACHIOS, OF MAINE, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1999.

PAULA DOBRIANSKY, OF MARYLAND, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION OF PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1998.

DEPARTMENT OF STATE

R. NICHOLAS BURNS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

TOM MCDONALD, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

MARK ROBERT PARRIS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

FEDERAL COMMUNICATIONS COMMISSION

WILLIAM E. KENNARD, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, October 29, 1997*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

In all the moments of life or death we are grateful, Almighty God, that Your Spirit is with us to give strength when we are weak, to nurture us along life's way, and to sustain us with the promise of everlasting life.

We remember with gratitude and love our friend and colleague, WALTER CAPPS, a Member of this assembly, who died last night. We recall his winsome presence and his abiding confidence in the goals of justice for every person, of equality in the eyes of government, and of understanding and unity between people of differing traditions and backgrounds. Our prayers reach out to his family and those near and dear to him, that they will be supported by Your perfect grace, O God, and sustained by Your love and care.

Remind us, O God, of those concerns that were close to his heart, and bring us together in greater understanding until we meet again. "So teach us to number our days that we may gain a heart of wisdom" (Psalm 90:12). Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. MCNULTY] come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.".

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. WALTER H. CAPPS, REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 286) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HOBSON). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 286

> *Resolved*, That the House has heard with profound sorrow of the death of the Honorable WALTER H. CAPPS, a Representative from the State of California.
>
> *Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.
>
> *Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.
>
> *Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.
>
> *Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] is recognized for 1 hour.

Mr. FAZIO of California. Mr. Speaker, let me begin by expressing the deep appreciation of all those assembled for the eloquent prayer offered by our Chaplain, Jim Ford, who is not only a great leader in times of distress but in this case a close personal friend of the deceased, our friend, WALTER CAPPS.

I hope we have an opportunity today and later this week to have many Members come to the floor to express their strong feelings about WALTER CAPPS. There is much good to remember, even though his time with us was rather brief. We have yet to even reach the anniversary of his election, and obviously he did not serve the entire first year of his term. But WALTER CAPPS had made an impact here because of his wisdom, his maturity, his sense of proportion, and his bipartisan goodwill.

A professor from the University of California at Santa Barbara for over 30 years, he came here and quickly developed the ability of a pragmatic and effective politician and public servant, without losing the perspective of someone who had spent his life studying religion and its effect on the human soul. He was truly ecumenical in his ability to communicate between religions and here across party lines.

WALTER CAPPS is the kind of individual who rarely comes our way. It is obviously a great loss when we have failed to get from his public service the benefits that we could have easily anticipated.

His wife, Lois, is here today, as she has been with him, inseparable from the moment he began his quest for Congress in 1994. We offer her our great condolence and sympathy and support, and hope that their three children, Lisa, Todd, and Laura, as well as their grandson, David, will be held in the hearts of all those who, in the next week particularly, will be praying for the Capps family.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], our leader.

□ 1015

Mr. GEPHARDT. Mr. Speaker, this is a particularly difficult day for all of us who loved WALTER CAPPS and his family. It was only last week that I was able to meet with WALTER and many of his constituents who had come to Washington to be with him and to learn from him. On this particular day, WALTER was in his usual optimistic, positive, idealistic frame of mind about his district, about America and about the public service that he was so well giving for the people of his district.

I have never met someone in public life who was so grounded in their beliefs, their morals, ethics, in his religion, his belief in religion, his belief in how America and how public service could be better. He served his constituents as faithfully as anyone I have ever known. He went back to California every weekend. He was on the plane and was working for his constituents, meeting with them in the district, having meetings, listening to them, trying to understand their needs, trying to understand their concerns.

It is almost impossible to understand how someone so young and someone so talented, someone so committed, someone so idealistic could be taken from us before a year of his service had even transpired. I guess the only thing we can do to understand it is to be thankful that he had the 10 months that he had in the House of Representatives. I can say without qualification that in those short 10 months, he did as much as anyone has ever done here to contribute to his fellow Members and to represent his constituents faithfully and honestly and with great skill.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We will miss him very much. He is irreplaceable for his constituents and for all of us. We grieve with his family, his wonderful wife Lois who is here, we grieve with his children, and we grieve with all of his constituents. We know that America and the House of Representatives has been a far, far better place because WALTER CAPPS was here.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. SHERMAN], a neighbor of Mr. CAPPS' district.

Mr. SHERMAN. Mr. Speaker, yesterday this country lost a leader of depth and integrity. Yesterday, we in this House lost one of our own. Yesterday, I lost a role model and a friend. And yesterday Lois and Lisa, Todd, and Laura lost a husband and a father. WALTER CAPPS was the professor that we called a freshman. Most of us come to Congress hoping that we will make a contribution of which we can be proud.

WALTER CAPPS came here having already done more than most of us can hope to do. Like many freshmen, I came here and I often seek advice. When I wanted to know what was the smart political move, I never called on WALTER. But when I sought wisdom and thoughtfulness and a way of looking at things that is different from today's headlines or yesterday's poll questions, I sought out WALTER CAPPS, and he was always there.

We who hold elective office are often viewed as cynical manipulators of public opinion or as slaves to it. We are depicted as knowing more or caring more about politics than we do about substance. You can say what you will about most of us, but you cannot say all of us, because for a short time we served in this House with WALTER CAPPS, and he is everything you want us to be. He was the best of us. He will be missed.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. GALLEGLY], another representative of the south coast of California.

Mr. GALLEGLY. I thank the gentleman for yielding me this time. Mr. Speaker, I would like to pay tribute to my friend, WALTER CAPPS. He will be missed not only by those he represented but by those of us who had the opportunity to work with WALTER. WALTER and I did not always see eye to eye on every issue, but he always remained true to his beliefs and principles. His intense spirituality and dedication to his community and country will always be an inspiration to those of us that had the opportunity to serve with WALTER. Our thoughts and prayers go out to Lois, Lisa, Todd, and Laura today. WALTER will be missed. WALTER was my friend.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, as a Member of the freshman class of this Congress, it certainly saddens each of us to have lost one of our own, WALTER CAPPS. WALTER was a deeply spiritual man, a man who thought deep thoughts, a man who represented his district well and always had a quick smile for each of us as we passed his way.

Lois, we join you this morning in your grieving, and Lisa and Todd and Laura. We saw you many times, Lois, walking hand in hand with WALTER across the Capitol grounds, and you joined him on many occasions for events and committee meetings. We know that you will miss him deeply, as we will. He was a great American, a great husband, a great father, and a great friend to all of us who had the time and chance to know him for these brief few months we served together. We will miss WALTER CAPPS. The people of this country will miss WALTER. He represented the very best that we can offer.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time. I would like to join with my colleagues in extending our condolences to Lois and Lisa and Todd and Laura. I would like to say as a Californian that I have had the privilege of serving in this body for, this is my 17th year. I have known more than a couple of people who have served here. When I heard the news last night from my friend HOWARD BERMAN of WALTER's sudden passing, I was struck first with how horrible, how horrible it is to hear of someone who is so young, who is just beginning what obviously is a new chapter in his life. He has only had the opportunity to serve here for 10 months. Then I began to think about how WALTER CAPPS was clearly the nicest Member of Congress I have ever met. Some Members of Congress are not very nice, but there are a lot of nice people. But I cannot think of anyone who was nicer than WALTER.

I also found him, surprisingly to many maybe on this side of the aisle, to be very reasonable. When I sat down with him and began talking about the need to reduce the top rate on capital gains, I was stunned when WALTER said to me, "DAVID, I want to cosponsor your bill." I thought, wow, here is a guy who really is thinking deeply about a lot of issues and is not having a knee-jerk response to every single thing which many people had categorized, some, as his having done. I will say that I will miss him greatly. He was a true friend to many of us. That kind of levelheaded thinking is needed more in this institution.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am still shaken by the news of the passing of our colleague, the arbitrariness of it all, and almost the whimsical nature that someone so vibrant and so healthy could all of a sudden be gone. I think WALTER had something very instructive for the rest of us. I remember first hearing about WALTER from a friend of mine, a former legislator from the area, Gary Hart, who told me about his background. I thought, how does somebody with this background and this perspective win a tough election? One message of WALTER's life is that one does not have to trim his sails, one does not have to compromise his fundamental principles to win a tough election, that he goes out there and says what he thinks and convinces people of the wisdom of his ideas and the principle and depth of his conviction, and he can be successful in the political process.

Another thing WALTER meant for me was sort of the serenity in the midst of all the frenetic behavior that exists in this business and in this Chamber, that this was somebody who could maintain his serenity and his perspective and his fundamental calmness in the midst of all of that and analyze and judge and make decisions sort of as if he were almost apart from all of that frenzy that goes on here.

Lois, you and the children perhaps more than anybody have the ability to continue WALTER's legacy in whatever you choose to do. I know you will miss him greatly. We all will. Our thoughts are with you.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I would like to echo the sentiments of what some of the other people have said today. Mr. CAPPS certainly led a very active life, a successful life as a professor. He went to divinity school at Yale. He was a trend-setter. He was the first person to teach a course on the Vietnam war. He wrote 14 books.

In his short time here he introduced legislation to help people with Lou Gehrig's disease; in an amendment to a foreign aid bill he advocated the preservation of Tibetan culture; he also introduced an amendment with conservative CHRIS SMITH to the Foreign Policy Reform Act to eliminate restrictions on United States expansion in Vietnam. But more importantly than that was really what he taught us on a personal level. I know I worked with him on an issue regarding human rights in the Sudan, but also talking about serenity in the face of adversity, reading about his response after the car accident that almost killed him. He came out of that positively and he said, "I would never wish for a car accident like this. But I have learned from it. Love and caring for one another is what is at the core of what links us."

Talking about the House, he said he wanted to promote conciliation in the House and was put off by partisan confrontations on procedure. "In the world

I came from, the world of religion, people don't worry about procedure. They just give you the high ideals. The question is, what will I do? Am I being true to who I am? If I go this way, will I have violated anything that is essentially human?" That is a question today that I think we can all ask ourselves. I certainly hope that as a father I can be that type of example to my young boys.

I can tell you, I and everybody else was very moved by his relationship with his wife. Seeing you two walking around hand in hand on the weekends I think was an example for a lot of us. I certainly agree with the rest of the men and women here that he certainly will be missed. He was a great example while in his 10 months here in the House.

□ 1030

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the gentleman from California for yielding me time.

I think WALTER's election last November is a good indication that the system of America works and that a gentle person can win an election in this country, in spite of all of the kind of rhetoric we have been seeing over the years. I think the one regret many of us in this Chamber have today is the fact that the American public will not get to know WALTER CAPPS better, as many of us in this Chamber have gotten to know him.

He was one individual that when he confronted an issue, he could really understand it from an ethical and from a value system basis. As a result of that, he would have added greatly over the years to this institution and to this country.

I have to say that my friend, BRAD SHERMAN, a freshman Member of Congress, referred to WALTER just a few moments ago as a mentor. I have been here for now 20 years. This is my 10th term, and I also would regard WALTER CAPPS as my mentor, because he really understood what our country was about and certainly had the values in order to impart it upon all of us.

I give my deepest sympathies to Lois and the three children. I think all of us, including myself, the people of the State of California, and the people of this Nation, will greatly miss WALTER, but we have actually gained so much by his 63 years on this Earth.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to pay tribute to WALTER CAPPS as well. Congressman CAPPS served on the Committee on Science for the last 10 months, and I got to know the quality of this individual during our rather lengthy meetings in an attempt, successfully, to achieve bipartisan policy to advance the cause of science and education.

Mr. CAPPS was a tremendous asset to the committee, not only because of his ethical principles, but also because of his background in education and knowing what works in the educational arena and what does not.

But I think the true mark of this man was a conversation that I had with him about 4 months ago after a very long, productive and bipartisan session in the Committee on Science, where he told me that he was so pleased with seeing how Congress should work actually working out.

After our session in the Committee on Science was over with, he said he was invited to participate in a meeting by some people on the Democratic side of the aisle who were not quite as bipartisan in outlook as Mr. CAPPS was, and the Committee on Science has been. And he said, "You know, after seeing how productive the Science Committee was working on a bipartisan basis, I just could not attend the meeting to try to disrupt the operations of the House."

WALTER CAPPS was one of the most principled people I have ever met, and this House and this country has really suffered a great loss with his passing.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Speaker, WALTER CAPPS had a keen intellect. He had a kind heart, and, most of all, he had a gentle soul. I know we will all miss WALTER. But for me, my service in Congress will never be exactly the same, because WALTER was my friend.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from California, [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise as a fellow Congressman and a fellow professor of humanities, not to mourn WALTER CAPPS, but to remember him.

In many ways, a lot of us thought that WALTER seemed out of place here. In a place that prided itself on action, WALTER was reflective; in a place that prides itself on hardball, WALTER was gentle; in a place that prides itself on its pragmatism, WALTER was moral and ethical. In a place where supposedly nice guys finish last, WALTER was nice.

Yes, he was out of place here, but even in his short time, he made this a better place. His own example did that. Lois, we loved him; we love you. We will miss him.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to join in expressing my shock and grief at the loss of our friend and colleague, WALTER CAPPS. When we think of WALTER CAPPS, the overwhelming aura of the man is the fundamental decency of him. In his life and in his death, he reminds us of those things that we value most; honesty, friendship, loyalty, civility, and an unwavering dedication to the public good.

On a recent flight back to California we were sitting next to each other. We got on to the topic of religion, in which both of us having a great deal of interest in it. It was right before the Jewish holidays. We were talking about how important it is for people to know they have control over themselves and a higher power willing to help them along.

I wished he had been here longer and been able to serve in the House of Representatives and his district for a longer time, but his legacy will live on in the lives of the thousands of students that he touched so deeply.

I want to join my colleagues and the whole House of Representatives on this very sad day in expressing our condolences to his family. He will be sorely missed.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute the to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, a headline this morning read, "A California Congressman dies after being stricken at an airport." I think the headline should be, "A great American dies while in the service of his country."

Representative WALTER HOLDEN CAPPS was a professor of religion, but he was a spiritual person with a great love for his Nation. I enjoyed talking to Congressman CAPPS on the floor of the House, because his analytical mind and his sensitivity always shed the kind of light that we should have in coming together on these very important issues.

He was the first Democrat elected in his district since World War II, but he came here with a sense of commitment to his constituents, and he exuded love toward his fellow Members.

He was a religious professor, but he had a great curiosity about science, and I enjoyed serving with him on the Committee on Science. He held a doctorate from Yale University and he shared his knowledge through 14 books, but he taught his students for 33 years.

When he ran in 1996, he was in a terrible car accident, but he came back and he won. He perservered.

We will miss WALTER CAPPS. I would like to conclude by simply acknowledging the words of President Bill Clinton, that WALTER CAPPS was a rare soul, someone able to fuse intense spirituality with a devotion to his community and country. He brought constant values, a rare perspective, and a sense of moral grounding that public life too often lacks, and we will sorely miss him.

God bless his family, God bless WALTER CAPPS, a great American, and God bless America.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Speaker, let me first begin by giving honor and praise to God for the life of WALTER CAPPS. Many of us live our lives as if life is certain and death is uncertain. The reality is, life is uncertain and death is certain.

While many of us today have been given 60 seconds to talk about the life of our good friend, WALTER CAPPS, 60 seconds, 120 seconds, 180 seconds by no means can express the depth of sorrow of what this country and this House has lost on this occasion.

WALTER CAPPS could be seen in this House not so much talking to most Members of this body, but standing in the first three rows of this aisle on a regular basis talking with Dr. Ford about some of the great spiritual as well as philosophical differences that exist within this House.

Members of Congress from ages ago stood in the old House Chamber without cameras, and above the Speaker's chair is Clio there watching over the work of Members of Congress as they deliberated upon posterity of ideals of liberty for all people.

Today in the House of Representatives there is no Clio over the Speaker's chair, as WALTER CAPPS would tell us; there are simply C-SPAN cameras. So Members of Congress come to the floor, not only as representatives of their district, but they come to this floor in part as entertainers seeking reelection.

No, WALTER CAPPS was not out of place in the House of Representatives, we are out of place in the House of Representatives. WALTER CAPPS was reflective upon the decisions that Members of this body were entrusted to make. He was a minister. He led a complete life: His outward reach and concern for God, something bigger than himself; ideals that were bigger than himself; his concern for humanity. That is why he ran for Congress and won and represented people other than himself. But also his concern, which was healthy for himself, his wife, and his children.

We will miss WALTER CAPPS, not because of the short amount of time that he spent in the House of Representatives, but because of the amount of time that he spent and the quality of that time, Mr. Speaker. We give honor and praise to God for his time well served.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Speaker, to Lois and her children, I offer my condolences. We all suffered a great loss last night. WALTER was an absolute joy to be around. He was a devoted public servant and he was a good friend.

The first time I met WALTER he talked about the car accident, in the middle of a campaign, and it was a serious car accident. I said, "Well, what did you do and how did you carry on?" He said, "Well, I wrote a book." I said, "You wrote a book in the middle of a campaign while you were recovering from this accident?" He talked about that as the most normal thing in the world. I think to most of us, that was rather surprising.

One of the things we will miss about WALTER is the thoughtful way he approached legislation and legislative problems. We will miss his absolute unwavering commitment to the people in this country. We will miss his pleasant smile, his easygoing nature, his calmness, and, most of all, his great sense of humor.

Even though he was here only a short time, his spirit, his energy, and his commitment made a difference to all of us and to all of our lives.

WALTER, we will miss you.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in this House, where power is sort of compared to who serves on what committees, who has more power, I think there was not anybody in this House that was more powerful than WALTER CAPPS.

I guess at this time, when we have lost somebody, we think about how untimely death is when it comes so early in someone's life, like it did with WALTER, and we think perhaps, how are we living our lives?

Well, I can tell you, I know myself that as WALTER lived his life, that is the one thing that we can feel that was joyful, because he never wasted a moment. He was true to himself; he was true to his heart. I think probably the worst thing in life is to feel like you live life and did not live it honestly.

□ 1045

One thing about WALTER is he lived his life honestly. He loved, as I heard some of my colleagues, he loved people.

I was really fortunate to have been able to go with him and do a few political events in his district, and accompany Lois. I think that he loved Lois so much. I just cannot recall all the times, and I know my colleagues have said it, when we walked out the door at the end of votes, and Lois, you were always there waiting for him. What a beautiful love you two had, and what a love he had for his family. I think what a love he had for his country.

I think he was a truly great American, and this country has lost a really fine American.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, today is a sad day for those of us that knew WALTER CAPPS, but I am thankful to have had an opportunity to know WALTER. I remain thankful for knowing Lois and Lisa, and I look forward to meeting Todd and Laura as well.

But I will tell the Members, my dad always used to tell us, when the good Lord brought you to this Earth, he brought you here with simply one thing, and that was a good name. He always told us, never do anything to dishonor that name, because in the final analysis when you leave this Earth, you are going to take nothing except your name and your reputation.

Today, although it is a sad day for us, I think WALTER CAPPS has taken with him not only a name that he carried with honor, a name that he took with him with honor, but a gentleman that really has redefined in this day and age what public service is all about.

I think it is important for all of us to look at WALTER CAPPS and say, we can be that way. God put him here for a reason. The reason was so we could have a standard. He set that standard for us. He may have been a freshman, but he was a giant in this House. I am very proud to have known him.

I am also proud to have had an opportunity last week to have been at a function that he was hosting for some constituents of his from his district. I am so thankful to God that I got an opportunity to say the things that I felt about him while he could still here them on this Earth. Few of us here in this House probably had that opportunity, but I will forever be grateful.

In finishing, my wife has a theory that when God needs a new angel, he calls one of us from this Earth. God has a great angel with him now. God bless Lois, and Lisa, Todd, and Laura, because through them, WALTER will never die.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California for yielding time to me.

Mr. Speaker, I first met WALTER when we were candidates and we were waiting to make our television appearance at the Democratic Convention, to be made up. WALTER looked at me and said, I do not know if the makeup is going to help you or not, but I do not think it is going to do much for me. So WALTER had a great sense of humor, but also a great sense of sensitivity, always talking about those things that meant much.

My best memory, fondest and perhaps last memory of WALTER was just last week. We were walking over to vote, and there was a young man with him about 12 years old who was just as excited as he could be. WALTER introduced him to me and said, this is the chairman of my youth council. These people are the future of America.

And I thought that that was just one of the greatest ways to remember WALTER, always nurturing, always teaching, and always looking forward to tomorrow. Yes, we shall, indeed, miss him.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Speaker, like many in this Chamber, yesterday evening I was struck with a sense of unfairness and sadness, learning the news of WALTER's passing, somebody who has worked so hard to get here. Yet, it seemed to me that WALTER would have us focus on what that year meant, his passion for justice, his enthusiasm for what this body can mean.

I do identify with the remarks of the gentlewoman from Texas [Ms. JACKSON-LEE], that he is, indeed, a role model. I do not think he was out of place here at all. I think it is for us to reflect on the extent to which we measure up to the ideal that he has established for us, being reflective, honest, thoughtful, and having the enthusiasm for serving the people. I think his influence is going to be felt for as long as any of us who served with him will continue in this Chamber. I hope that he will accept the deepest sympathy for his family and many friends from Oregon. We would like to thank them for sharing WALTER with us.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we are gathered here today not to mourn the loss of our beloved friend, WALTER CAPPS, though mourn him we will and we must, but really to celebrate his life and the effect that he had on all of us here.

I am a proud member of the freshman class who entered this Congress this year with WALTER CAPPS. He made us all better. Although I knew him and Lois for a little less than a year, I felt as if I had known him my whole life, because he was someone who I aspired to become, someone who loved and cared for his family very much, someone who was a deep thinker, philosophically and theologically, someone who had great respect for this institution, for the process of this great democracy of ours, but especially someone who had great respect and showed great interest in the individuals who make up this institution.

I will never forget, shortly after the swearing in ceremony this year, I was sitting next to WALTER and we were talking about the future, and how he exuded this idealism and his respect for this place, but also the responsibility that we all shared.

But perhaps, most of all, and this was something you could see daily, was WALTER's attempt to get to know all of us on both sides of the aisle. We would constantly see him seated next to someone, just talking to them, picking their brains, getting to know them a little bit better.

In this era of modern politics where so many of us are dedicated to destroying one another, attacking each other's character, he tried to work from the other point of view, to get to know one another, realizing that ultimately only good things are accomplished when we can work in a bipartisan fashion together, and in the best interests of this country.

Lois, WALTER will be missed, but he will never be forgotten here. Rest in peace, my friend.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, this morning is an opportunity to give thanks for the remarkable life of WALTER CAPPS, and an opportunity for us to reflect on some of the amazing characteristics of a very unique man.

One of the things I will always remember about WALTER is just how incredibly strong-willed he was in a body of very strong-willed people. How else can you explain a man who, at not a terribly young age, invested the time and energy he did in two campaigns, including one while he was seriously injured, in the hospital. Yet one of the unique things about WALTER was, while he was so strong-willed, he was so incredibly selfless. WALTER invested his will in a search for the truth.

The other thing I will remember about WALTER is his quiet strength. In a place where there is a lot of noise and hyperbole, WALTER lived as an example of the power of knowledge, a belief in the power of conviction, in the power of belief. That is the way he went about conducting his business. He did so in a way that set a very powerful example for all of us.

The other thing I will remember about WALTER is his incredible peace, his incredible stillness, to me a reflection of a very rich spiritual life and a tremendous sense of self-knowledge. I think some of us were even a little envious. WALTER knew who he was, he knew what he believed, and he simply came here to do it.

WALTER's untimely passing is our loss. Above all, WALTER was a great teacher. We were just starting to learn from WALTER. But in the short time that he has been with us we have learned a lot, and certainly the influence he has had on all of us, as lawmakers, as husbands, as fathers, as citizens, will last for a very long time.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, it is with great sadness that I join my colleagues here today to honor the life of Congressman WALTER CAPPS of California. In his year in the Congress of the United States of America, he added immeasurably to the lives of those with whom he served. His thoughtfulness, his eagerness to engage in dialogue on both sides of the aisle, and his commitment to the idea that well-meaning people can reason together was an inspiration and should be a model for all us.

I met WALTER CAPPS during the freshman orientation of the 105th Congress's new Members. He was thrilled to be here. Walter was a brave man. He had run for Congress once and lost, and had the courage to run again. He was delighted to be a Member of the Congress of the United States of America. He was gracious, incredibly gracious as he introduced each and every one of us to his wife, Lois.

Most importantly, WALTER CAPPS was a man who understood governance. He understood he was part of making our democratic system work. He came to Washington to make democracy work. He wanted it to work for the country that he loved and respected. In his year here he only enhanced that democractic system he loved so much.

Most importantly, WALTER CAPPS understood the relationship between this great country and religion. He understood that that wall between the U.S. Government and our houses of worship had to be an incredibly strong wall. That should be universally understood in this body, and if WALTER CAPPS had reminded here, he would have been able to explain to every Member in this body that they should not mix government and religion. So that is one of the reasons, of the many reasons that I feel so badly that WALTER has left us, because he could have led us in that dialog.

In a way it is fitting that WALTER CAPPS left us as he did, rushing back to the Capitol to serve his constituents. My thoughts are with his wife, Lois, and with his children. I hope they will find comfort in the fact that this wonderful man had such an impact on this body in 1 year.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FARR], a friend of WALTER's and his neighbor to the north.

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I guess we are all in shock, considering that yesterday at this time our colleague was en route to this very room, and today he is not with us. I do not know what we all have to say, except to reflect on the fact that we serve in an institution that he campaigned to be here in a style which is remarkable, because he comes here with such unusual gifts that this institution needs. He has a doctorate. There are not many Members of Congress that have doctorates.

□ 1100

He has written 14 books. Not many Members have written any. He was an incredible human being with just a family that is the envy of everyone. And I guess as the son of a politician, I rise sort of for Lisa and for Todd and Laura, who are his kids, who no longer have a father, and for Lois, his wife, who is just a remarkable woman.

I think his life teaches that we have to take a look at this institution, at the way we treat one another, the way we treat our radical schedule, and remember that he represented on this battlefield of this floor, a peacemaker. We need more peacemakers. And we need to make sure that WALTER CAPPS, who was a gift to this institution, shall not die in vain, that in his memory this institution will better itself and that we will be more civil, that we will better treat our schedule and people who serve in public office.

Because, Mr. Speaker, he is the one who did not have to serve. He had a career in education. He chose to come here, and that is the kind of people we like to attract to this institution. But if we keep treating ourselves the way we have been, people like WALTER CAPPS will not come to the U.S. Congress. Let us not let him die in vain. Let us remember him, and to Lisa, Todd, Laura and Lois, I am very, very sorry.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, I rise as someone who is very sad to be joining my colleagues today. At the same time, I am very proud to have entered the Congress with WALTER CAPPS and to have served on the Committee on Science with him.

The Committee on Science is meeting as we are here today. It is meeting about a subject that WALTER cared deeply about, and that is science education. Science education is something that we shared a great and common interest in and WALTER sat right next to me on the Committee on Science, and I will go back to committee this morning and he will not be there.

But I will always remember his wonderful commitment and intellect, the caring that has been talked about this morning. There are so many common themes and words that we are hearing from colleagues this morning about our friend, WALTER CAPPS. His sense of humor. His strength. His quietness. His caring. His dedication.

He is a gentleman who worked very, very hard on behalf of his constituents and cared and was so proud of his wonderful family. My heart goes out to them as we grieve together and celebrate having had the opportunity to serve with him.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. It is with great sorrow that I join my colleagues in observing the passing of our dear friend and colleague, WALTER CAPPS. It was like a chill wind coming through this Chamber last night when the word spread, the unbelievable word spread that WALTER had passed away.

Mr. Speaker, my first reaction was it cannot be true. After that, how unfair. How unfair. WALTER was only here 1 year, but I thought back to his accident about 1½ years ago and, as I prayed and tried to understand why WALTER would leave us, I thought perhaps God decided at the time of the accident that WALTER would have 1½ more years to live and that would be his gift to his family and to this Congress and, therefore, to the country, because certainly, although WALTER only served here 1 year, the quantity of time he spent here was not great, the quality of the time he spent here was unsurpassed. He had a tremendous, as our colleagues have referenced, impact on this body, on our colleagues, by the dint of his personality. He was truly a gentle man. We call each other gentleman, gentlewoman; this man was a gentle man.

Mr. Speaker, I was recalling two happy incidences, one in which WALTER made others happy and one in which I saw him enjoy himself within the past 2 weeks. The first incident was a while ago during the campaign when my family and I were very honored to host a reception for WALTER in our home. And after he spoke, the people who had gathered there were so impressed, so inspired, so full of hope, that a person of WALTER'S caliber and his background and his commitment would be willing to endure the rough and tumble of politics and try to come to Congress. In fact, the first response to his speech was tearful and joyful and then tremendous applause. He made us happy and hopeful.

Then just 2 weeks ago, Lois joined WALTER at the White House for the ceremony for the awards of NEA and NEH. WALTER had been a recipient of NEH, a participant in the past and he was in his glory. He was in his element. He was recognized by the people there as one of them, a man who bridged both worlds, the political and the creative and the humanitarian.

Mr. Speaker, like so many others here, I want to recognize WALTER's patriotism, he certainly loved the American flag and all that it stood for; recognize him as a teacher by profession and by his nature he taught us; and say to Lois, I hope that it is a comfort to you, Lois, to Lisa, to Todd and Laura, that so many people mourn your loss, so many people recognize WALTER's worth. My hopes and prayers go out to you and I join my colleagues in extending the good wishes of the people of my district to your family and to WALTER's constituents. He loved his family. He loved his constituents. He loved his country.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise to express my deep sense of loss over the passing of a great Member of this House, WALTER CAPPS from Santa Barbara. Very few of us have the opportunity to make a difference in the world. WALTER CAPPS was such a person.

Whenever I saw him, he shared a great appreciation for the best our Nation had to offer. He was a lover of the principles of democracy. He cared deeply for the people he represented.

I heard of WALTER's accomplishment as a scholar, teacher, writer, and thinker long before he came to Congress. When he came here in January of this year, I wanted to meet him because I knew he would add something different to this body. I knew that he was not a seasoned politician, but a deeply caring and sharing citizen of his community.

I knew that WALTER loved ideas and that somehow his ideas would shape the laws we make and the destiny of our democracy.

Mr. Speaker, on several occasions I had an opportunity to talk with WALTER on the floor, in the cloakroom, walking across the lawn. Just last Thursday we had an opportunity to talk, and he was so pleased to introduce me to the grandson of Cesar Chavez.

WALTER CAPPS was the personification of the best of human kind, and I think we all can learn from his example. He was our colleague. He was my friend. He was my brother.

To Lois, his wife, and to his family, we mourn with you. And as Members, we are more than lucky we are blessed we had an opportunity to know him. We will miss WALTER.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I did not know WALTER CAPPS very well. I served on the Committee on Science with him, and I found him to be a very honorable, fair, gentle man who cared about issues, who was dedicated to public service, to his country, his community, his friends, and indeed to his family.

I offer my condolences to his family. He is a man who is also very bipartisan in terms of being very fair. He will be missed by this Chamber. He will be missed by his district, by his friends, and by his family.

As Thornton Wilder said, "There is a land of the living and a land of the dead and the bridge is love, the only survival, the only meaning." I think that WALTER CAPPS will live on in love.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. KILPATRICK].

Ms. KILPATRICK. Mr. Speaker, I come to this podium today to join my colleagues as a Member of the freshman class with Mr. CAPPS, Mr. WALTER CAPPS, a distinguished literary man, a professor of religion, but more than that, a man who would take the issues of this Congress, listen to them thoroughly, and then let his conscience and the well-being of the American citizens determine how he would cast his vote.

Mr. Speaker, I sat with him last Thursday as we discussed the Loretta Sanchez case out in California's 46th. How worried and troubled he was that an election that could be won by some 900 votes could be simply thrown aside and castigated and, more than that, the Congresswoman duly elected be chastised and harassed after having won an election in his beautiful home State of California.

Mr. Speaker, I sponsored the Wilma Rudolph Congressional Gold Medal legislation last week, and I think my legislation might have been the last one that Mr. WALTER CAPPS was able to cosponsor. I am proud to have him as a cosponsor. I want his wife, Lois, and his family to know that all of us will remember WALTER as we carry out our congressional duties, that this Congress will be a better Congress because WALTER served here.

So, Mr. Speaker, I say to Lois and his family, "He lives and he will always live because we will always remember him. God bless you."

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise to extend my prayers and my sympathies to the Capps family, to Lois and Lisa and Todd and Laura. And I want to just reflect for just a minute about WALTER CAPPS, who was a man of contrasts but certainly not conflicts.

He was gentle in his personality, but strong and towering in his views. He was a professor of theology, and he was very, very strong in his faith, yet he did not preach to others.

He was an academician, but not in the ivory tower sense. He had a wonderful and very witty sense of humor. He was humble. When my colleague just mentioned that he had written 14 books, with his great sense of humor and his humbleness he might have turned to me as a member of the Committee on Science and said, "Roemer, have you even read 14 books?"

He was somebody who always sought out other people's opinions and listened to those opinions to form his own view. Yet that was not a view that was a weak view; it was a resolute view and an informed view.

Finally, Mr. Speaker, I would say as I come from the Committee on Science, where I shared that committee with Professor and Congressman CAPPS, he worked and was dedicated to issues such as science and education. Well, now where he rests he can work on issues that he cares maybe even more deeply about. That is personal faith and world peace. May God bless you, WALTER CAPPS.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, it is always tragic to lose someone like WALTER CAPPS, who showed such enthusiasm for his newest challenge in life, this new career in Congress. But I will have to say if WALTER had stayed on this Earth until he was 103, his life even then would have been tragically interrupted because I suspect he would have been mastering some new skill, taking on another new challenge, inspiring those around him to do better, probably writing another dang book.

Mr. Speaker, he worked hard for his country because he loved his country. We loved WALTER CAPPS. We respected WALTER CAPPS and we will miss him.

Mr. Speaker, I noticed in the last few moments that we have heard the delightful sound of little children in the gallery. I think WALTER would have liked that.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. MILLENDER-McDONALD].

Ms. MILLENDER-McDONALD. Mr. Speaker, I too rise to express my heartfelt sympathy to the family of Representative WALTER CAPPS and extend my condolences and those of my constituents to his wife Lois and his children, Laura, Todd, and Lisa.

Mr. Speaker, during the time I knew him and had the opportunity to serve with him in this House, it was a pleasure. His gentle, reflective nature had a calming influence, one I appreciated during those times we have to dash to the floor to cast votes.

On one occasion, Mr. Speaker, when we were discussing the challenges of maintaining two households, one here and one in our districts, I encouraged him to consider a place in my building because WALTER was more than an educator, a father, and a Member of Congress; he was a neighbor whose civility, reflections, experience, and knowledge helped him to master a rule of the House we should all refer to more frequently: The Golden Rule.

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For even in this House, with all the issues, the stakes and the games, WALTER would do unto others as you would have others do unto you. The great State of California has lost a great warrior of the people.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I express my sympathies and prayers to the Capps family and the constituents of the 22d District of California.

Mr. Speaker, John Kennedy once said, I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for our victories or defeats in battle or in politics, but for our contribution to the human spirit.

We will not have to wait for the dust to settle on the work of this great giant, WALTER CAPPS, to understand and to remember the contribution he made to lifting the human spirit of this great body of Congress. He brought a sense of spirituality to this body and was a model of integrity and generosity, indeed, a decorated soldier for humanity. The 15th verse of the 116th Psalm, Mr. Speaker, reads that precious in the sight of the Lord is the death of his saints. Oh, what a sight WALTER CAPPS must be.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. McGOVERN].

Mr. McGOVERN. Mr. Speaker, I am very sad that this House and this Nation has lost a decent, caring and thoughtful Member. WALTER CAPPS ran for Congress and won for all the right reasons. He stood for something. He cared passionately about issues. He was principled. He was a man of strong ideals.

My wife, Lisa, and I admired WALTER very much, not only for his views, but also because he brought a special dignity to this office. This Congress and our country has lost a great patriot. My deepest sympathies go out to Lois and WALTER's entire family. WALTER has set a powerful and compassionate example that all of us in this Chamber should follow, and we will miss him very much.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. BOSWELL].

Mr. BOSWELL. Mr. Speaker, I have appreciated in our sorrow the reflections about WALTER. He was a great man. I would say to Lois and the family, remember those great and wonderful memories that you have got. In this moment of sadness, they will carry you through.

WALTER touched me many ways. He was kind of my buddy. We kind of jabbed each other once in a while about being the oldest in the class. We talked just about every day, shared a few pleasantries, tried to have a new joke for one another. But in the process, I realized that WALTER was a man of great depth.

He was a teacher. He was a writer. He was a loving person. He was very sincere. Even though he had a lot of fun, he was very sincere about life. The inscription above the Speaker's head, in God we trust, he believed that.

I think we can take some comfort in what is a favorite scripture of mine, John 14, that I go to prepare a place for you and will receive you to myself.

I think WALTER is there. I think he is watching us. I think there is a smile upon his face because he knows that he touched our lives, touched every one of us, and our lives have been made better because of WALTER CAPPS. So may the good Lord bless him and may we remember those good times and appreciate him, is my thought.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, rare, but from time to time we will meet someone whose decency, intellect, and integrity leave upon us a permanent impression. Such was the case with WALTER CAPPS for me.

The House of Representatives, on any given day, can be a very tough, rough and tumble place, and yet during the visits I would have with WALTER at the back of the Chamber, somewhere across the face of this Capitol campus, I would always come away feeling better, feeling a little calmer, a little more upbeat because of his person. He was so good that he just left you feeling better for having talked to him.

Some try in this place to lead by angry bombast. With WALTER, it was the case of leading by quiet, dignified example.

To spend any time with him, you would just simply gather a sense that WALTER had a great sense of personal balance. Watching the beautiful friendship, the loving friendship he had with his wife, Lois, his inseparable companion during his time here, left that impression ever so clearly.

WALTER, you were not here long but by virtue of the man you were, you have touched our lives and in the process you have uplifted the people's House of Representatives.

God bless you, WALTER.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, as a new Member of Congress, I am proud to be part of a class which included WALTER CAPPS of California. He was a man of decency, integrity, and perseverance. His passing is a loss for Lois and the family, and it is a loss for our congressional family.

He had an easygoing style and grace, a light which emanated from his smile and his humor. He was a gentleman in the finest sense, gentle. May he go gently into the light.

God bless you, WALTER.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I come from the other side of the country from WALTER and Lois Capps, but Diana and I count as one of the blessings of this job the chance that we had to get to know both WALTER and Lois. We will miss him.

I am told that his class on the Vietnam war at the University of California Santa Barbara, taught annually, had the largest enrollment on campus and reached more students than any other course in the entire University of California system. Knowing WALTER, I believe that. I understand that.

He brought a decency, a compassion and honesty about this business to this House that was a credit to him and to the citizens of the 22d District of California. He cared deeply about education, that was his background. But he also, because he came at this time of life that he did, he was not caught up in all of our partisan battles. He really was here to do good, and he did it as long as he was here.

I was talking to a member of my staff a moment ago. She said she met him once and he was a kind soul. She said it well. He was a good and kind and strong gentleman, and we will miss him.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, I just want to say a word or two to Mrs. Capps and the kids.

This is a remarkable hour. Not many people could spend 1 year here and have this many Members say what they are saying. Most of us, we are here 10 years, 20 years, not this kind of thing would occur for them.

He aimed well. He succeeded.

God bless you.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, those of us who came in as freshman class Democrats came from all parts of the country with different viewpoints and different backgrounds. I think when we all first came here, we kind of looked for someone, someone that we could always associate with. That person happened to be WALTER CAPPS.

He was like a soul mate to all of us. Whenever you spoke with him, you always felt at ease. Whenever you talked with him about an issue, he always understood and you always had a sense that, in fact, you were connecting. I guess he always had that ability to do so. He was such a loving man, a man of family, a man of community.

But I think most of all, he was a man that we remember, a man of decency. In a Chamber that is often characterized by yelling, screaming, and finger pointing, WALTER CAPPS was, in fact, perhaps the best image that we could ever have, a true man of decency, and we will miss him.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I welcome the opportunity to pay tribute to the memory of our late colleague. Congressman WALTER CAPPS of California's untimely passing yesterday has brought sorrow to all of us.

As an active member of our Committee on International Relations, WALTER CAPPS brought a wealth of wisdom and experience developed during his career that spanned 33 years as a professor of religious studies at the University of California in Santa Barbara, including the authorship of more than a dozen books.

WALTER had a special interest in the study of conflict resolution, a subject that is of particular concern to us in the field of international relations. His strong record of constructive participation in the work of our committee and on the floor of this body demonstrated his deep commitment to the work of the Congress.

Congressman WALTER CAPPS, in his dedication to public service, was a man distinguished by gentleness who cared deeply for others. The House is greatly diminished by his loss. Our heartfelt sympathies and condolences to go out to his wife, Lois, and their three children.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I join with my colleagues in expressing our very sincere condolences to the Capps family, to the residents of WALTER's district and really to this country, because WALTER was a special person.

WALTER was an honest man in a time when some of us see things but fall short of that. He was honest intellectually. He loved this job. And in all the discussions I had with him, he talked about what a great honor it was to share the power and the hope and the ideal of this country with people who felt that they were left out.

I can remember nights walking through the halls when he would be showing young people from his district this building and explaining the majesty of the Congress and making them feel that they owned it as much as anyone in this country. To Lois, we honor you for all you have done with WALTER. He could not have done it without you.

We miss you, WALTER.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I just want to join with my colleagues, to the family, to give our concern and our love. He was a special individual on the committee. From the first day there, he brought with him an intellect that is hard to match and an understanding of history and the courage to follow those convictions through.

We often have Members that have courage. We often have Members that have an understanding of history, but they never seem to be quite as joined as they were in WALTER, a great sense of what has happened and where we should go, the courage to stick with it.

It always, I think, brought us great joy to see WALTER and his wife around the Capitol together. It was a privilege to serve with him on the Committee on International Relations.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, when I returned home last night and told my wife the sad story about WALTER CAPPS leaving this place, the first thing she asked was about Lois.

A lot of us, in the 10 months that we were here, did not know WALTER CAPPS all that well. I got to know him a little bit at Hershey, he and his wife both. He was an honest, decent guy that worked so hard for his constituents back in California. He was well-respected on both sides of the aisle. We are going to miss him.

Like a lot of Members in this House, he was not flashy. His name was not a household name. But I think it was his courage and wisdom and thoughtfulness that, in fact, made a difference for not only his constituents, but for this House as well.

We are going to miss him. We wish Lois and his family the very best in our prayers.

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Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, John Gardner has written that "some people strengthen this society just by being the kind of people they are." WALTER CAPPS was such a person. I would like to say that some Members strengthen the House of Representatives just by being the kind of person they are, and WALTER CAPPS was such a Member. I admired him greatly.

And Lois, I would like to say that when it comes time for me to leave this Earth, I hope that people can feel about me the way we all obviously feel about your WALTER.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Washington [Mr. MCDERMOTT] has said, this has been an extraordinary outpouring of sentiment during an extremely busy time of a very busy day at the end of the session; and it is totally appropriate for WALTER CAPPS.

I had the privilege of working with him during his two campaigns for Congress. The first real communication I had with him was by computer. He sent me a message from Santa Barbara. It said, "You cannot imagine how entirely irrelevant the material you are sending me is."

As chairman of the DCCC, I realized he not only had a great sense of humor, he also had a very incisive intelligence. And I came to respect his different approach, a successful approach which we have all come to appreciate.

I saw him among his constituents from Santa Maria the other day, not the bastion of WALTER CAPPS' support in his first two races for Congress. But I could tell you, I could see the growing pride, the clear respect those constituents had for his efforts and his service here. I know the leaders of that community, largely of the other party from WALTER's, were looking forward to his reelection. And the depth of feeling about his passing will be felt just as strongly there as it was in Santa Barbara.

We have talked about his introduction of legislation on Lou Gehrig's disease, and the time he spent in the hospital recovering from a near fatal auto accident, during which he wrote a book. But we do not know that the reason that he introduced that bill was because, during his time in the hospital, he befriended an individual suffering from Lou Gehrig's disease and learned from that man things that brought him to that introduction when he became a Member of Congress.

WALTER was always sensitive to those around him, always learning and doing what he could to be helpful. I was most impressed not just by the vote he cast, but by the process he went through struggling with the question of how to vote on the constitutional amendment on flag burning. There were many who assumed they knew how WALTER CAPPS would vote on that issue. But WALTER CAPPS went in depth to his family and his friends and the veterans he knew so well and decided, contrary to my view, I might add, to support that amendment. And in doing so, I think he sent a message to all of us that he was here for the people and he was going to be independent in his judgment on every issue.

There was no typecasting WALTER CAPPS. And that is why this incredible loss will be felt most of all when we debate those questions of church and state, the interrelationship of our religious faith and our belief in democracy and free speech. His loss there will have to be compensated for only by his writings.

And so we, I think, all feel a tremendous loss for a man who spent all too little time with us but made an incredible impact on us.

Mr. ROTHMAN. Mr. Speaker, this morning I wish to join with my colleagues in mourning the loss of our friend, Congressman WALTER CAPPS.

First of all, allow me to extend my heartfelt condolences to his wife Lois, and his children. My thoughts and prayers are with you in this time of loss.

WALTER CAPPS lived a rich and vigorous life, serving his community in several different capacities. As a young man in Omaha, NE, he learned the value of a hard day's work with Union Pacific Railroad and by delivering newspapers and painting houses. As a professor of religious studies at the University of California, Santa Barbara, he emerged as a national leader in the study of peace and conflict studies, veterans affairs, and American democracy. And while at UCSB, he also developed one of the first college curriculums on the history, experience, and ramifications of the Vietnam war. Furthermore, he was very active with community service organizations in the Santa Barbara area and in his own Lutheran church.

WALTER epitomized the type of individual we all strive to be, not only as Members of Congress, but as human beings. In a time where petty partisan wrangling has engulfed this body and prevented us from doing the people's work, WALTER CAPPS exuded a sense of humility, compassion, empathy, and inner peace that we all should endeavor to attain. Refusing to subscribe to the lowest common denominator of discourse, he spoke from the heart, challenging all of us to see the big picture and work for a world where harmony, reconciliation, and scholarship are more common than conflict, ignorance, and economic disparity.

While campaigning to represent the people of the 22d Congressional District of California, WALTER CAPPS often spoke of the broken bond of trust between the people of the United States and their government. He believed that Americans deserve a government as good as the people it serves and that idealism has a place in Washington, DC. Therefore, in the memory of WALTER CAPPS, I challenge each and every Member of this House and every Member of the U.S. Senate to seize this idealism and begin to work for a nation that WALTER would have been proud of: a place where social divisions melt away into a national community coming together to solve its problems in a constructive, thoughtful, and compassionate manner.

It was a great honor to serve this Nation with WALTER CAPPS and to have gotten to know him and work with him however briefly. His loss is a wound that will not heal swiftly. It is my hope and prayer that this House will carry on his legacy and always remember and live up to his expectations and grand vision of the potential of the Federal Government and of humanity.

Mrs. MALONEY of New York. I rise to share my condolences with the family of WALTER CAPPS—Lois, Lisa, Todd, and Laura—and with every member of this House because we've all lost a true contributor: A man who legislated from his soul.

We are all left shocked and sorrowful at his death. But there was perhaps no one more prepared for this moment than WALTER himself. Elected officials often suffer from erosion—outside forces chip away at our thoughts, and work to influence our actions.

But WALTER didn't work from the outside in—he worked from the inside out. His studied philosophies, his moral strength and his writings have left us with an example to follow in our professional lives.

His sincerity, and that twinkle in his eye, have left us with fond memories to carry home.

Mr. PAYNE. Mr. Speaker, I rise to honor the memory of my friend and colleague, Congressman WALTER H. CAPPS. Although Congressman CAPPS was with us for a brief period of time, he left his mark in Congress and on the world. Congressman CAPPS and I both served on the Committee on International Relations which he joined in 1996. When Representative CAPPS joined the International Relations Committee he did so because of his commitment to changing and making a difference in the world with all people from all races and religions. Although he was with us for a short period of time, he touched many lives. CAPPS was a prominent figure in the circle of human rights and fundamental freedoms for all peoples but he was especially concerned with the growing human rights abuses of the Chinese officials toward the Tibetans. I think that during the visit of Jiang Zemin this week, we should be mindful of the things that Congressman CAPPS stood for—the right of a people to live in peace and the right of a people to determine their own future.

Congressman CAPPS was a spiritual and devout man who taught religious studies at the University of California at Santa Barbara for 33 years. His pioneering spirit led him to write several books. He was best known for a well-renown course he taught on the Vietnam war.

CAPPS had a subtle drive. He had a civil, congenial nature, that became contagious whenever anyone was in his presence. He was admired by many of his colleagues and friends for his gentile and deferential nature. In committee hearings, he would often question the inhospitable nature of members and would encourage bipartisanship. Although it was difficult for some of his colleagues to see an answer to a problem, he would help solve disputes with amicable diplomacy and resolve.

He was respected and admired by many people. CAPPS has left a legacy and an enlightened path will be difficult to follow.

Mr. DOOLEY of California. Mr. Speaker, I rise today in memory of our colleague and friend WALTER CAPPS, whose generosity of spirit enriched this Chamber, the State of California, and this country immeasurably during his tenure in the U.S. House of Representatives. He brought to this House the same intellectual rigor and deep compassion that allowed him to excel as a professor of religious studies at the University of California at Santa Barbara, as an author, as a U.S. Congressman, and as a husband and father.

Representative CAPPS was a man of patience and principle whose leadership in the House, while brief, had a significant effect on his colleagues. He did not enjoy conflict, yet he fought with passion and sensitivity for the issues he felt were crucial to his constituents and to his own conscience. He did not make decisions lightly, but, once decided, his opinions were profoundly argued and vibrantly supported by his actions. He did not consider himself a politician, and resisted the deal-cutting and personal attacks that represent the worst part of government. Yet he himself represented the best of what politics can be, as an independent thinker, a sympathetic listener, and a devoted advocate for the concerns of his constituents and of all Americans.

WALTER was a man of faith, not only of the spiritual kind, but of the political kind. He had faith in the democratic process, and had faith that it would allow him to be elected even after an initial defeat. His victory proved to all of us in California and across the country that voters will choose substance over style, and that true leadership will be recognized no matter what the odds.

To Lois and his children, I offer my sincere condolences, with the hope that they may find comfort in the tremendous good WALTER has done in this House and within the 22d District of California. He will be truly missed. I ask my colleagues to join me in paying tribute to the memory of our colleague, the Honorable WALTER CAPPS.

Mrs. LOWEY. Mr. Speaker, I rise today to honor WALTER CAPPS.

Those of us in this House were privileged to know and serve with WALTER this past year. This institution is diminished by his passing.

Just recently WALTER and I worked together in an effort to prevent imported assault weapons from flooding our streets. WALTER was undeterred by the political risks involved with taking on this issue because he was here not merely to occupy a seat—but to make a difference.

As a professor, he understood the value of education and the importance of history. He brought thoughtful convictions and a gentle manner to an institution too often characterized by bluff and bluster, and reminded us all of the importance of decency and integrity. .

My thoughts and prayers go out to Lois and her children. WALTER made a real impact here and he will be missed.

Mr. MALONEY of Connecticut. Mr. Speaker, I'd like to take a moment to honor the tremendous accomplishments of a special man, a friend, and a dedicated public servant, WALTER CAPPS.

I had the great pleasure of entering Congress with WALTER. At a time when, as a freshman class, we were embarking on a remarkable privilege and profound challenge, WALTER's warm and caring nature, constant humor, and analytical mind truly added a great deal to our process. Most important, WALTER's strong commitment to getting the job done for America's families without engaging in partisan politics is truly to be commended: WALTER's priority was always focused on making a difference in the lives of the families of California's central coast. Whether improving education, saving Morro Bay, supporting Vandenberg Air Force Base, or protecting seniors, WALTER's strong commitment to his constituents always took first place in all he worked for and accomplished.

At a time when new Members of Congress are working hard to break with the politics of old and create a new more cohesive and productive atmosphere, WALTER will be greatly missed, but his contributions will never be forgotten. My thoughts go out to his wife Lois, three children, and grandchild.

Mr. SENSENBRENNER. Mr. Speaker, it was with great sadness that I learned of the death of WALTER CAPPS, my colleague in the House and a member of the Science Committee, which I chair. WALTER died yesterday of an apparent heart attack after arriving at Dulles airport upon returning to Washington from his California district.

Before his election to Congress, WALTER was a professor of religious studies at the University of California at Santa Barbara. He also established and taught the first college course on the Vietnam war. His lifelong commitment to education was evident to everyone who knew him. His experience as an educator was a tremendous asset to the Science Committee and our work to improve science and math education.

I was particularly impressed by the integrity and honesty that WALTER CAPPS displayed at all times. I recall a conversation I had with WALTER after a particularly successful bipartisan markup we had in the Science Committee earlier this year. He told me he was impressed by the bipartisan spirit and focus on policy over politics and he hoped that it would catch on in the House. Displaying the integrity that I particularly admired in WALTER CAPPS, he indicated to me that he was going to skip a meeting later that day with Members of his own party that he believed to be intent on promoting partisan politics.

WALTER was a pleasure to work with and will be missed as both a friend and a colleague. I know that all of the Science Committee members would want to join me in extending our sympathy to his wife, Lois, and three children, Lisa, Todd, and Laura.

Mr. TRAFICANT. Mr. Speaker, yesterday this body lost a great Member. The passing of WALTER CAPPS will be felt deeply by all of us. He was a wonderful man, dedicated to making a difference. He will be missed terribly.

WALTER was not a politician. He was an academic at heart, and it was his background in academia that enabled him to bring a unique viewpoint to Congress. His expertise in the study of the Vietnam conflict and conflict resolution earned the respect of his colleagues, and enabled him to play a significant role on the International Relations Committee, even as a freshman.

A truly remarkable individual, WALTER was deeply affected by the 1996 car accident, which left him temporarily in a wheel chair. From this tragedy, he learned a lesson that many of us would have overlooked, that loving and caring for each other was what mattered in the end. He carried this perspective into his daily work on the House floor. Determined to protect those individuals who could not help themselves, WALTER would always cast his vote to protect the most vulnerable in our society. He truly believed that even if reform was called for, the Government must not abandon what he felt to be its mandate: to help families and individuals who could not help themselves. This kindness, compassion, and genuine concern for his fellow man was evident in all that WALTER said and did.

I would like to offer my deepest condolences to WALTER's wife, Lois, and to their children. At this time of great sorrow please know that you will be in the thoughts and prayers of myself and the other Members. I hope that you can take some small comfort in knowing that WALTER was admired and respected by all who came in contact with him. He truly was a great man, and I am honored to have known him.

Mr. HOYER. Mr. Speaker, I rise today with a heavy heart to share the intense grief of my colleagues over the passing of WATER CAPPS. This is a truly sad day in the Congress and a truly sad day for our country.

In a body often riddled with cynicism, WALTER CAPPS stood above the crowd as a straight-forward man of integrity and honor. Grounded in his own deeply moral and ethical beliefs, he served as a shining beacon to us all on the virtues of conciliation, kindness, and compassion.

Before entering the Congress, WALTER gained national prominence on the stage of academia. He spent 30 years as a professor of religious studies at the UC-Santa Barbara, where he authored 14 books, became widely known as an expert on religion, conflict resolution, and American democracy, and developed an extraordinarily popular course on the Vietnam war that brought together soldiers, protestors, and Vietnamese refugees. He brought this unique perspective on politics and on life to the Halls of Congress, enriching the atmosphere and heightening our collective sense of dignity and comradery.

The Santa Barbara News Press describes WALTER as a Congressman who sought to personalize American politics and bring civility back to the discourse on Capitol Hill. This sense of purpose was a common threat running throughout WALTER's personal and professional life. WALTER's tireless work on behalf of his congressional district, traveling back to California every week, listening to and connecting with his constituents, represented his uniquely personal brand of politics.

Mr. Speaker, it is never easy to lose a colleague or a friend. But, our grief is overshadowed by those that knew WALTER on a more personal level. It is my sincere wish that his wonderful wife Lois, and his children Todd, Lisa, and Laura, take solace in the knowledge that WALTER was so highly respected and revered by his peers. Today's outpouring of emotion on the House floor accurately reflects the high esteem with which WALTER was held.

WALTER will be missed by this body, and he will be missed by a county seeking the values and commitment to civility he so fully represented. While only here in Congress a short while, I know that WALTER CAPPS has made a lasting impression upon us all.

Mr. MILLER of California. Mr. Speaker, I rise today to express my shock and profound sadness at the sudden passing of our friend and colleague, WALTER CAPPS. I send my most sincere condolences to WALTER's family and I wish to let them know that he will be missed and fondly remembered.

Like many of us here, I came to know WALTER when he decided to run for office in the 1994 elections. Even before meeting him during the campaign, word traveled from California to Washington that a respected professor and an exciting man wanted to represent the people of Santa Barbara in Congress. We were told that he was smart, compassionate, and would fight hard for his beliefs and his community.

Advance praise for WALTER CAPPS was not undeserved. My only regret was that we did not have more time to work together and to become better friends. Some of my most recent memories of WALTER include standing together on the steps of the Capitol one sunny day this month demanding a vote on campaign finance reform. And, one day while walking across the street to vote on another matter, WALTER and I discussed the brewing controversy over the future of the ranch in Santa Barbara owned by the Reagans.

WALTER was well versed in matters both local and national and I believe he would have been one of our great Members of Congress had he only had the chance.

WALTER, I will miss you. We will all miss you. I am proud to have known you and to have served with you and I will do my part to see that your dreams for our country are realized.

Ms. HARMAN. Mr. Speaker, I join my colleagues in paying respect to the memory of WALTER CAPPS.

WALTER was an especially decent man, one of the few freshmen to make an immediate impact upon arrival. That impact was based on a strong sense of moral purpose and a grounding in the belief that Congress could solve problems without resorting to partisanship or one-ups-manship. With WALTER's sudden passing yesterday, a bright light has gone out.

Mr. Speaker, we are fortunate to have had WALTER here in Congress, even for a brief time. Sidney and I express our deepest sympathies to his wife, Lois, and the Capps family.

Mr. FAZIO of California. Mr. Speaker, I yield back any time I may have remaining.

The SPEAKER pro tempore (Mr. HOBSON). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks in the RECORD referencing the passing of our friend, the gentleman from California [Mr. CAPPS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minutes.

PRESIDENT CLINTON MEETS WITH PRESIDENT JIANG ZEMIN OF CHINA

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, as I speak, the President of the United States is meeting with President Jiang of China. The people of the United States and the people of China share many interests and hopes for their futures.

I voted for MFN because I believe that trade is one way we can influence the people of China to force their Government to give up its authoritarian ways. But as the President of China meets with the President of the United States, one message must be sent loud and clear: That the United States will not condone China's persecution of people for their religious and political beliefs.

I am especially appalled by the treatment of Pastor Xu Yongze, who has been tortured and unjustly imprisoned simply because of his religious beliefs. Pasture Xu is a widely respected, mainstream pastor, often called the Billy Graham of China. He does not deserve this kind of treatment.

So I urge President Clinton, Mr. Speaker, to convey this simple message to the President of China: If China wants to be a respected nation in the world, it must give up its persecution of innocent people who simply want a chance to practice their religion in peace.

COMMUNIST CHINA SHOULD FREE RELIGIOUS PRISONERS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, in an apparent effort to illustrate its commitment to human rights during President Jiang Zemin's visit to the United States, the Communist Chinese Government just released a Roman Catholic bishop from prison. My question is this: What the heck was a Roman Catholic bishop doing in prison in the first place?

The answer, of course, is that Bishop Su is a priest in what is known as the underground church, a church that does not take its orders from a Chinese dictatorship.

I hope that between the champagne toast over at the White House, President Clinton does not forget to remind his guests that Communist China still has a long way to go when it comes to religious freedom, and that if the dictatorship wants our Government to take them seriously, they will open the prison doors and release all those believers they have jailed because they dared to practice their faith.

Mr. Speaker, China and the world is watching.

TRIBUTE TO REPRESENTATIVE WALTER CAPPS

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, I wanted to add my words on behalf of a friend and someone who unfortunately has left us, Mr. WALTER CAPPS.

WALTER, as most folks also remember, ran earlier in 1994 for election and did not win. He barely lost. And in 1996 he did win. I attribute his first loss to the fact that he did not run as a politician. I attribute his win the second time because folks finally had a chance to see shining through the real qualities of this gentleman. He came up here to serve, and he came up here as Mr. Smith in that movie came up here to serve, and it is unfortunate that he is gone.

Most folks do not recognize, as well, that a year and a half ago WALTER nearly lost his life in a car accident that almost took his wife's life, as well. He survived that, and I felt the Lord kept him here for a reason. Perhaps now, with his death, maybe he did; maybe he now wants us to take a look at not just what it means to live, but also what it means to die.

I am very saddened to lose a friend, WALTER CAPPS. I think this whole institution is saddened. Unfortunately, the American people, as they did not know about his near fatal car accident, as they did not know about his first loss, probably did not get enough time to know this man, who would have been a unique and essential man to the Congress of the United States. I extend my condolences to his family.

ON ISSUE 2 IN STATE OF OHIO

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, there is an issue in the State of Ohio which I wanted to call to the attention of the Members. The State of Ohio has on the ballot an issue, issue 2, which would severely restrict the right of people to be able to collect once they are injured on the job.

I believe that workers have many rights, and one of the rights which workers have is to be able to be fairly compensated when they are injured on the job. Issue 2 in Ohio would really affect that right of injured workers. It would stop women, for example, from being able to be fairly compensated for repetitive motion injuries. It would cut the amount of time that people would be able to apply for benefits. It would cut the amount of time that people would be able to, in effect, file a complaint about an injury they received on the job.

In this Congress we are here to protect our constituents. And as someone who is very concerned about workers' rights and about people's rights to be able to be compensated if they are injured on the job, I am voting against issue 2 in Ohio. And I am hoping all those people in Ohio will recognize that they should do the same, to vote "no."

ON SECTION 245(I)

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we will be voting on preserving an important immigration provision, section 245(i), 245(i) benefits America. The U.S. Chamber of Commerce and major American corporations such as Xerox, Microsoft, and Ford strongly support the extension of 245(i). These American businesses know just how essential well-skilled and qualified immigrants are to our economy as they cause our businesses to prosper. They, too, are American consumers and innovators.

The reality is that if 245(i) is not extended, the only thing that we would be hurting would be the productivity of our country; 245(i) helps especially to keep families together. It especially helps businesses to retain skilled workers. It brings up to $200 million a year to our Treasury. And 245(i) does not give special benefits to illegal immigrants.

The U.S. Senate has voted to extend this provision. I urge my colleagues to support America and help keep families together by extending 245(i) today.

PRESIDENT JIANG ZEMIN ENTERTAINED AT WHITE HOUSE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today President Jiang Zemin is being entertained at the White House. The plight of the people of China and Tibet is a challenge to the conscience of the United States.

So I would join my colleagues in reminding President Clinton that when he toasts President Jiang Zemin, that he not forget that Mr. Jiang Zemin is directing the torture of many prisoners of conscience in China as the State dinner proceeds.

And as the Clinton administration gives the 21-gun salute to President Jiang Zemin today, which the Chinese Government insisted upon, that President Clinton and all those assembled remember the shots fired in Tiananmen Square. By the way, the bullets that killed the young demonstrators, the bills for those bullets were sent to the families as a cost to them for killing their children.

And I hope the President and those gathered will not forget the millions of people in labor camps for their religious and political beliefs. Prisoners of conscience are told that nobody knows about them and that nobody cares. That is a painful form of torture.

But we all remember Wei Jingsheng and Wang Dan and so many others in prison, and I hope that President Clinton will have them on his mind as he toasts President Jiang Zemin today.

GIVE PARENTS A CHOICE ON EDUCATION FOR THEIR CHILDREN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, if you want to improve the quality of computers, how would you go about doing it? If you wanted to see engineering innovations in the car you drive, what do you think might produce them? And if you wanted to see your daughter become a national caliber gymnast, what conditions might lead her to become one?

The answer is quite simple. It is called competition. Humans respond in a positive way to competition because competition brings out the best in us. Competition makes us work hard. It forces us to achieve wonders that we never even dreamed possible.

Microsoft, Ford, and Mary Lou Retton all responded to competition by changing the way they did things. Windows 95, the Taurus and Olympic gold medals are the products of endless striving, experimentation and the pressure to excel among one's competitors. Surely the education of our children is important, important enough to demand competition in this area of life, as well.

It is time to let competition bring out the best in our children's education by giving parents a choice on which school their children attend. After all, Mr. Speaker, our children deserve the best.

FREEDOM FROM RELIGIOUS PERSECUTION ACT

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I am a proud cosponsor of the bill of the gentleman from Virginia [Mr. WOLF], the Freedom From Religious Persecution Act. I believe as the Chinese leadership is in this country meeting at the White House, the most appropriate response for those of us who are concerned about human rights abuses and the persecution of those in China simply because they wish to practice their religious faith, the most appropriate response for those of us who are Members of this House would be to sign on as cosponsors of the Wolf bill.

□ 1145

We need to send a message to the Chinese government and to the Clinton administration that we will not continue to tolerate the religious persecution of people of faith in China and throughout the rest of the world.

VISIT OF CHINESE PRESIDENT

(Mr. RYUN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN. Mr. Speaker, in 1992, Candidate Bill Clinton denounced President George Bush for "coddling tyrants." This week he will welcome Chinese President Jiang Zemin with a 21-gun salute and State dinner, something no American President has done for a Communist leader since the Tiananmen Square massacre. Since China's Communist army opened fire on unarmed democracy demonstrators in 1989, America has been outraged at China's flagrant abuse of human rights.

In addition to human rights abuses, China poses a serious threat to peace. The Chinese Government is modernizing its navy and its air force to expand their offensive capability and extend their reach. Although China signed a nuclear nonproliferation treaty, it continues to transfer arms and nuclear technology to Iran and Pakistan. President Clinton has indicated that he will certify to Congress that China has halted all exports of nuclear technology, something that the Reagan and Bush administrations refused to do.

Mr. Speaker, it is high time that the United States Government establish a policy for dealing with the government of China. It is not time to throw State dinners and to deliver 21-gun salutes.

LET LORETTA SANCHEZ GO

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to say to you, to the chairman of the Committee on House Oversight and to the Republican Members of the House, let LORETTA SANCHEZ go. Stop holding this woman hostage in your game of political terrorism.

The voters of California's 46th Congressional District cast their ballots last November. They voted Bob Dornan out and LORETTA SANCHEZ in by nearly 1,000 votes. The election was certified by the California Secretary of State. A lengthy recount requested by Mr. Dornan showed no change in the outcome.

Then came Mr. Dornan's charges of voter fraud. Yet almost a year after the election and after expending hundreds of thousands of dollars in taxpayer funds, Republicans have yet to show any evidence of voter fraud.

Mr. Speaker, the time has come to give up the charade. Stop this mockery of an investigation, stop the harassment, stop the intimidation. Let LORETTA SANCHEZ go. She won her seat in the House fair and square. Put up your evidence or drop this ill-conceived investigation. Stop it and end it now.

NUCLEAR WASTE POLICY ACT IS A BAD BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today this body will consider a bill that will mandate transportation of the world's deadliest material through nearly every community in this Nation. How can this bill that will send nuclear waste through our national parks, over our rivers, near schools meet the environmental standards of this country? The answer is simple. It cannot, it will not, it never will. H.R. 1270 ignores these requirements. This bill is in direct violation of the National Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act, to name a few.

Knowing of this bill's blatant disregard for the environmental safety, I offered an amendment before the Rules Committee that simply stated H.R. 1270 must comply with current environmental laws. It was rejected. It was rejected because if it was debated on this floor, it would pass. It was rejected because the nuclear power lobby spent $13 million making sure the Members of this body who oppose this bill will never have a voice in opposition heard. Vote "no" on this bill.

VOTE NO ON NUCLEAR WASTE POLICY ACT

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, I also rise to talk about H.R. 1270, not Yucca Mountain but the interim storage of nuclear waste. A lot of people are getting it mistaken.

Every major environmental group in the United States is opposing H.R. 1270. Why? Because H.R. 1270 is ignoring all of the laws in the United States that protect us. We are talking about the most dangerous substance known to mankind, but the Republican leadership even blocked us from offering some reasonable amendments.

One of those amendments would have allowed us to protect our children and schools from having nuclear waste transported by their doors. Another amendment would have said that this bill cannot waive all of our environmental laws. And then something else, talking about hypocrisy with the Republican leadership on this, the Republican leadership came in defending private property rights, and yet they would not even allow us an amendment to defend private property rights on H.R. 1270. I urge a "no" vote today on the rule and on final passage.

VIRGINIA GOVERNOR ALLEN AND WIFE SPEAK OUT ON VISIT OF CHINESE PRESIDENT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, I want to take a moment to salute Virginia's Governor, my Governor, George Allen and his wife Susan Allen for their eloquence, their grace and their conviction in speaking out on behalf of universal human principles and democracy as the Chinese President visited at Colonial Williamsburg.

Mrs. Allen in remarks at yesterday's luncheon for the Chinese President noted, "Thomas Jefferson was the author of the Virginia Statute of Religious Freedom and our Declaration of Independence. Virginia is proud that one of its sons wrote words that are universal in their meaning for all people, declaring that all men are endowed by their Creator with certain unalienable rights of life, liberty and the pursuit of happiness."

In an earlier letter to President Zemin, Governor Allen wrote, "Williamsburg offers a unique insight into America's courageous and spirited beginning here in our blessed Commonwealth of Virginia. May this treasured setting provide you with a greater understanding of and appreciation for the universal human principles upon which America is built: freedom, liberty, and representative democracy."

I salute Governor Allen and Mrs. Allen for their willingness to speak in a clear voice on the core principles that has made America good. I just hope that the Chinese President heard them.

Mr. Speaker, I include the letter from Governor Allen to President Jiang for the RECORD.

The text of the letter is as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, October 28, 1997.

His Excellency JIANG ZEMIN,
President of the People's Republic of China,
Embassy of the People's Republic of China, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the people of Virginia: Greetings. I hope that you, your wife and other members of your delegation will find your visit to the United States and with the American people to be both enjoyable and enlightening.

Virginia is a land that has greeted visitors from across the seas dating back to 1607. The Commonwealth of Virginia is young compared to China, yet our history has left its indelible mark on the souls of men throughout the world.

It is appropriate, therefore, that your historic visit to the United States includes Virginia, the birthplace of American freedom—where the seeds of individual liberty, self-government and free-enterprise were planted, took root and have yielded an abundant harvest—one of the most uplifting and successful influences in the history of mankind.

Thomas Jefferson, the second Governor of Virginia, was the author of the Virginia Statute for Religious Freedom and our Declaration of Independence. Virginia is proud that one of its sons wrote words that are universal in their meaning for all people declaring that all men are "endowed by their Creator with certain unalienable rights . . . of life, liberty and the pursuit of happiness. . . .'' and that governments derive ''their just powers from the consent of the governed.''

Although your visit to Colonial Williamsburg and Virginia is brief, I hope you have the opportunity to experience the beauty and hospitality of this historic location.

Williamsburg offers a unique insight into America's courageous and spirited beginning here in our most blessed Commonwealth of Virginia. May this treasured setting provide you with a greater understanding of, and appreciation for, the universal human principles upon which America is built—freedom . . . liberty . . . and representative democracy.

We wish you every success for a productive visit in Virginia and in the United States. We hope it will lead to mutually beneficial exchanges between the people of our two nations, as well as result in a stronger economic relationship, and in a vigorous marketplace of competing ideas and open discourse.

Most sincerely yours,

GEORGE ALLEN.

SHOULD NONCITIZENS BE ALLOWED TO VOTE?

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, the real question in the debate surrounding the contested election in California's 46th District is do we want noncitizens voting in elections? It is not about Bob Dornan and LORETTA SANCHEZ. It is about whether or not we want to see our election process compromised. Someone would have us believe that this current investigation is unique. Would it surprise my colleagues to know that since the Civil War the House of Representatives has been involved in over 100 such investigations?

Another thing critics of this investigation will not tell us is that the supporters of Ms. SANCHEZ acknowledge that 303 noncitizens, illegally registered to vote by Hermandad, voted in the 46th Congressional District. There is strong evidence to support the fact that far more than 303 votes were fraudulently cast in this race.

Do we really want to devalue the votes cast by legally registered American citizens? I think not. Our opponents on the other side of the aisle should welcome this investigation if they truly believe that their candidate won fair and square. The truth must be allowed to come out.

GETTING BUREAUCRACY OUT OF THE CLASSROOM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, recently a teacher in Camden County, GA, told me about going to a conference near the State capitol designed to tell teachers not to hug kids anymore and not to be in the room alone with them anymore, never to touch them. She says, ''You know, it's too bad because in the school district that I'm in, a lot of these children are from broken homes and they need hugging more than they need A's.''

Another teacher told me she cannot get parents to participate in the PTA programs anymore because when parents come up with good ideas, they just cannot get through the red tape. Then another teacher in Darien, GA, told me that she has to spend 2 to 3 hours each week on paperwork just to keep up with the bureaucracy.

Mr. Speaker, I believe we need to have more local control of school systems. We are going to vote today on a charter school bill which will give local control and get the bureaucracy out of the classroom so that the teacher can develop the relationship that is needed to teach Johnny how to read without a bunch of busybody bureaucrats from the State capitol or Washington, DC, telling them what they have to do and what they do not have to do.

HOUSE TO VOTE ON EDUCATION INITIATIVES

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, today and most of this week we are going to be voting on education initiatives. I want to call my colleagues' attention to what has been happening back in my home State of Minnesota. Our Governor, Arne Carlson, decided several years ago that ultimately what we need to do was empower parents and decentralize what is happening in education. The net result is in this year's legislature back in Minnesota, they passed some of the most wide-ranging tax reforms I think in any State in the Union. I am proud of that. Most parents in the State of Minnesota are proud of it as well.

What they included was tax credits and tax deductibility, making it easier for parents to send their kids to the school that they choose, not that is chosen for them. They made it easier for them to buy equipment for their students, including computers, and so forth.

This is a giant step forward. It reinforces, I think, what we are trying to do here in Washington, what parents want and what ultimately most people know is best for children, and that is to decentralize the school system, empower parents and create school systems that serve students rather than serving bureaucracies.

INTERNAL REVENUE SERVICE IN NEED OF REFORM

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, Republicans in the House are committed to reforming the IRS. For weeks the White House was signaling that they were going to battle us on that issue, and they issued repeated pronouncements defending the IRS. When the White House decided this was an unsustainable political position, last week the White House decided to reverse course: The administration indicated it would join Republicans and work with us to reform the IRS. Today we see their rhetoric does not match reality. This weekend Treasury Secretary Robert Rubin said the administration disagrees with Republican calls to scrap 17,000 pages of IRS rules and regulations.

In proclaiming support for this 17,000 page monstrosity, the administration claimed it gives taxpayers ''predictability.'' Ironically, they are right. The IRS Code is predictably too complex; it predictably favors its political friends; it predictably punishes its political enemies.

We will never have real tax reform in this country until we do away with those 17,000 pages of rules and regulations and give the taxpayers a fairer, flatter Tax Code. That is the ''predictability'' Americans are seeking, and it is the predictability they deserve.

PERSONAL EXPLANATION

Mrs. MCCARTHY of New York. Mr. Speaker, on Friday, October 24, I had the pleasure of attending the wedding of my son Kevin and daughter-in-law Leslie. Consequently, I was unable to vote on rollcall votes 526 through 531.

Had I been present, I would have voted ''yes'' on rollcall vote 526; ''yes'' on rollcall vote 527; ''yes'' on rollcall No. 528; ''no'' on rollcall 529; ''no'' on rollcall No. 530; ''yes'' on rollcall vote 531.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 2527.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed eighty minutes, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 306 of the Congressional Budget Act of 1974 are waived. Notwithstanding clause 5(c) of rule XXIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against the last amendment printed in the report of the Committee on Rules for failure to comply with clause 5(a) of rule XXI or section 306 of the Congressional Budget Act of 1974 are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. After a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the majority leader or his designee. After a motion to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 1270, it shall be in order to take from the Speaker's table the bill, S. 104, and to consider the Senate bill in the House. Points of order against consideration of the Senate bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1270 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 104 and request a conference with the Senate thereon.

□ 1200

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 29, nays 374, not voting 29, as follows:

[Roll No. 535]

YEAS—29

Ackerman
Andrews
DeFazio
DeGette
Delahunt
Dellums
Ensign
Eshoo
Fattah
Filner
Foglietta
Ford
Gephardt
Gibbons
Gordon
Hilleary
Jackson (IL)
Jefferson
LaFalce
Lewis (CA)
Lewis (GA)
Markey
McDermott
McNulty
Mink
Obey
Olver
Stark
Torres

NAYS—374

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield

Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—29

Bono
Brown (CA)
Conyers
Cubin
Dickey
English
Flake
Gekas
Gonzalez
Granger
Hansen
Houghton
Johnson, Sam
Kelly
Martinez
McIntosh
Myrick
Pascrell
Payne
Pelosi
Rodriguez
Rogan
Scarborough
Schiff
Stokes
Talent
Weldon (FL)
Yates
Young (AK)

□ 1221

Ms. SLAUGHTER, Mrs. NORTHUP, and Messrs. KENNEDY of Rhode Island, SAWYER, PACKARD, and HERGER changed their vote from "yea" to "nay."

Mr. MARKEY changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Washington [Mr. Hastings] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio [Mr. Hall], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 283 is a structured rule providing for the consideration of H.R. 1270, the Nuclear Waste Policy Act of 1997. The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Commerce, as well as 20 minutes of debate equally divided between the chairman and ranking member of the Committee on Resources.

The rule makes in order a committee amendment in the nature of a substitute as the base text, and waives Congressional Budget Act requirements that the Committee on the Budget report provisions within its jurisdiction. The rule also waives House rules prohibiting appropriations in an authorization measure.

Mr. Speaker, this rule makes in order 10 amendments, debatable in the order listed and for the amount of time specified in the Committee on Rules report. The rule further specifies that time for debate on each amendment shall be equally divided and controlled by a proponent and an opponent, and that amendments shall not be subject to further amendment, and shall not be subject for a demand for a division of the question in the House or in the Committee of the Whole. Furthermore, the rule waives all points of order against the amendment in the nature of a substitute offered by the gentlewoman from California [Ms. Millender-McDonald].

Under the rule, the Chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to 5 minutes, provided it follows a regular 15-minute vote.

In addition, the rule provides that after a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the majority leader or his designee. The rule also provides that after a motion to strike the enacting words of the bill has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. Finally, the rule provides for one motion to recommit with or without instructions.

After passage of H.R. 1270, the rule provides for the consideration of a motion to call up S. 104, the Senate version of the bill, strike all after the enacting clause, and insert the text of the House-passed version of H.R. 1270. After adoption of the motion, the rule makes in order a motion for the House to insist on its amendments to S. 104 and request a conference.

Mr. Speaker, as a Member who represents the area that has the largest repository of nuclear waste in the United States, let me take this opportunity to remind my colleagues that Congress not only has a statutory responsibility but a moral obligation to face squarely the issue of long-term storage of nuclear waste.

For more than half a century now our Nation has faced the challenges and reaped the benefits of nuclear science. Our ever-growing understanding of the atom has helped to win both World War II and the cold war that followed. At the same time, nuclear science has always made possible the generation of safe, clean electric power for millions of Americans in ways that produce far less pollution than many other sources of energy.

Having said that, Mr. Speaker, there is a very large and costly asterisk attached to the many benefits of nuclear energy. That is the need to deal with the large quantities of nuclear waste that are a byproduct of power generation in more than 100 reactors across this country.

True, we could dramatically reduce the waste stream if we treated the spent fuel produced in our Nation's powerplants as a renewable resource. Unfortunately, however, the tremendous potential for reprocessing has never been realized in the United States because of political opposition based more, frankly, on political ideology than on sound science.

As a result, Mr. Speaker, nuclear waste today sits untreated in temporary storage sites across the country that are rapidly reaching their full capacity. The amount of such waste is large and it is still growing.

The nuclear wastes resulting from defense production are even less stable. For example, in my own district at Hanford, 54 million gallons of liquid nuclear and hazardous wastes are sitting in 177 underground storage tanks just a few miles from the Columbia River. In addition, 2,100 metric tons of spent nuclear fuel rests little more than 100 yards from this same river. This pattern is repeated again and again at Savannah River, SC; Rocky Flats, CO; at Oak Ridge in Tennessee; at Idaho Engineering Laboratory in Idaho; and elsewhere.

Clearly, Mr. Speaker, this Congress has an obligation to act. Just as clearly, there are those in this body who oppose this legislation. Let me emphasize, I do not want to question their motives in opposing this bill. No one on either side of this issue who has looked carefully at the issues could fail to see the seriousness of the problems we face.

While I do not want to question their motives, I do have some practical questions for the critics of H.R. 1270. First, what do they propose as an alternative? We have done too little for too long, and the time, frankly, is running out.

Would our opponents send us back to the drawing board and delay this process yet once again? Would they leave this dangerous material stored in hundreds of our communities indefinitely? Do they truly favor leaving this material in deteriorating containers and storage pools? These are questions I think, Mr. Speaker, that need to be addressed in the debate that will follow after the adoption of the rule.

Mr. Speaker, there are times when this body must make agonizingly difficult decisions, and there are times when the risks of inaction are simply too great. I believe this is one of those times. This is a sound piece of legislation. The committees of jurisdiction have worked long and hard to balance the concerns of Members from different parts of this country. H.R. 1270 may not be perfect, but the rule we have reported will provide Members an opportunity to address their most serious objections to this bill.

The committee has reported a rule which will permit full and extensive debate on all sides of this complex and controversial issue.

□ 1230

Accordingly, I urge my colleagues to pass this rule so that we can proceed with the long overdue debate on H.R. 1270, the Nuclear Waste Policy Act of 1997.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington [Mr. HASTINGS] for yielding me this time. This resolution is a structured rule that will allow for consideration of H.R. 1270, the Nuclear Waste Policy Act of 1997. Mr. Speaker, the bill establishes a process to store spent nuclear fuel and high-level radioactive waste.

As my colleague from Washington has described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. It also provides 20 minutes of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources.

Mr. Speaker, only 10 specific amendments may be offered. No other amendments will be in order.

One of the major environmental problems facing our Nation is disposing of the thousands of tons of spent nuclear fuel and other dangerous radioactive wastes. The bill establishes an interim storage facility at Yucca Mountain for these nuclear wastes. The bill designates the same site for study as a permanent storage facility.

Unfortunately, the geological testing of Yucca Mountain has not been completed. Moreover, the bill does not consider any other location for a permanent facility. Acting hastily, before we have enough valid scientific information, could burden future generations with even greater problems than we face now. The bill also unnecessarily weakens existing environmental standards for acceptable radiation releases. For these reasons, the President would veto the bill.

Mr. Speaker, I am pleased that the Committee on Rules made in order a number of Democratic amendments among the 10 that may be offered. However, more than half of the requested amendments were denied by the Committee on Rules, including many amendments which would have improved the bill.

One of the amendments the Committee on Rules denied would make contractors more responsible for accidents when transporting radioactive wastes. There is no reason why American taxpayers should pay if the contractor is at fault, and there is no reason why this amendment should not be offered.

Mr. Speaker, bills reported from the Committee on Commerce have been traditionally brought to the floor under open rules, and I regret that we seem to be ending that tradition.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Colorado, Mr. DAN SCHAEFER, subcommittee chairman on the Committee on Commerce dealing with this legislation.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, today the House is considering the rule for H.R. 1270, and I think this is a real fair rule. It is one that provides for 10 amendments, 5 sponsored by Republican Members and 5 sponsored by Democrat Members. How much more fair can we get than that?

H.R. 1270 was developed by the Committee on Commerce in a bipartisan manner over the past 2½ years and enjoyed broad bipartisan support in the committee. Last month, the bill was reported out by a margin of 43 to 3. It is my hope that H.R. 1270 will enjoy the broad bipartisan support in the full House.

This bill has been a long time coming. Mr. Speaker, 15 years ago, 15 years ago, the Nuclear Waste Policy Act of 1982 established a nuclear waste program based on a permanent repository that was expected to begin operation in 1998. However, this repository is well behind schedule and will not begin operation now until the year 2010.

Last year a Federal court ruled that DOE had a legal duty to begin accepting the nuclear waste in January 1998. However, DOE cannot meet its legal duty to begin acceptance of this waste under current law, since this repository will not be operational now until the year 2010 and current law prevents DOE from developing interim storage facilities after a repository is licensed.

The Federal Government should not shirk its legal responsibility, and the word of the Federal Government should mean something to the American people. Congress must act to permit DOE to meet its legal duty under the Nuclear Waste Policy Act through acceptance at an interim storage facility.

Although the January 1998 deadline is not achievable, it is possible to begin acceptance at an interim storage facility by the year 2002. That is a near-term date that permits enough time for the NRC to license the interim storage facility.

Failure on the part of DOE to fulfill its legal duties will have a heavy cost. State public utility commissions and utilities are suing DOE for damages to pay for their onsite storage costs. If the courts order DOE to pay these damages, funding for the nuclear waste program will dry up and progress toward permanent disposal of nuclear waste will grind to a halt.

Current law also does not protect the consumers. Since 1983, consumers have paid $13 billion in fees to fund the nuclear waste program. Unfortunately, only a small part has really been paid for that. Recently as much as 85 cents of every dollar contributed by consumers has been diverted to other Federal programs, and this is a sham on the taxpayers in this country.

This diversion will continue unless Congress amends the fee, tackles this issue, and goes at it. The issue before the House is a simple one. Should Congress really act to fulfill the legal obligations of the Federal Government? Should they? And should Congress act to maintain progress toward development of a permanent repository?

Mr. Speaker, I think that we have to act and we have to act today, and I urge Members to support the rule for H.R. 1270.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS], a fine gentleman and the deputy minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, few bills we consider pose a greater threat to the health and well-being of our Nation than the one before us today. Nuclear waste is a deadly poison, a poison we must not treat lightly. We must develop an intelligent, thoughtful, and prudent nuclear waste policy.

Mr. Speaker, this bill is not intelligent. It is not thoughtful. It is not prudent.

This bill would have us move nuclear waste not just once, but twice. This bill will require nuclear waste to travel thousands of miles on our highways and railroads, through our neighborhoods, past our homes, down our streets. And in a few years, we may well do it all over again. Why? Because we do not know if Yucca Mountain is safe.

Mr. Speaker, nuclear waste does not just go away. The poison will be around for thousands of years. Our children and unborn generations will live with the nuclear waste we have created with the threat of leukemia, cancer, and a slow, agonizing death.

So when we store nuclear waste, let us take our time and do it right. Do it right. We should not rush to send these poisons through our neighborhoods, down our roads, down our railroads, into our streets and into our neighborhoods.

Mr. Speaker, let us slow down. Think of our children. Think of unborn generations, and defeat this ill-conceived and dangerous bill. I urge my colleagues to defeat the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, first let me say that obviously being from Nevada, I am opposed to this rule, but let me give some real reasons to be opposed to this rule.

Mr. Speaker, we came in actually as a Republican majority saying we want to open up the process. We want to allow the democratic process to go forward in a fair manner. This bill shuts down that process. It is not an open rule. It should be an open rule, as the gentleman from Ohio [Mr. HALL] said earlier.

But it also did not allow some very key amendments to be debated on this floor. This bill waives some of the most important environmental laws that we have on the books today. That is why every major environmental group in this country is opposed to this bill.

Mr. Speaker, one of the amendments we had on here had to do with private property rights. Republicans came in as part of the Contract With America saying that we want to defend the fifth amendment and when the Government devalues a citizen's property due to an action that it takes, that it should compensate them for that. The Republican leadership would not allow that amendment to this bill, H.R. 1270, to even be debated.

Also, Mr. Speaker, they would not allow an amendment that would protect our children in our schools from having nuclear waste transported near their schools.

Now, the gentleman who is controlling time on this side talked about alternatives. Alternatives. The NRC said that dry cask storage on site is safe for up to 100 years, keeping it right where it is. The most dangerous part of nuclear waste storage is actually transport. So why do we want to do something that we do not need to do?

They are saying that reactors are running out of space. No reactor in the United States has ever shut down because they were running out of storage space. There is plenty of room. Yes, they might have to build a concrete pad or two, put dry casks there, take these nuclear wastes out of the swimming pools, but there is plenty of room.

Mr. Speaker, I urge my colleagues to vote against this rule. This rule is ill-founded.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, the State of Ohio killed a plan to establish a radioactive waste dump because people in Ohio recognized the dangers of moving the waste to our State. I rise in opposition to this rule and to this bill which would permit transport of millions of tons of high-level radioactive waste through 43 States and dump it on the good people of Nevada.

□ 1245

It is nothing short of a total outrage that the American people will pay the price with their health and their tax dollars to dispose of waste which comes from commercial nuclear reactors. It is a bitter irony to those of us who oppose nuclear waste to be proven right, but now being forced to accept 15,000 shipments of waste through our communities.

This bill is fundamentally flawed. The amendments I tried to offer, but were not ruled in order would have at the very least made the shipments safer. In order to protect our densely populated urban areas, I offered an amendment that would prohibit private companies from transporting high level radioactive waste through any community larger than 50,000 unless the waste originated from that community. That amendment was rejected. The public has a right to know what is being trucked through their communities.

I offered an amendment that would require a notice to be published in a newspaper of general circulation in each community through which the waste would be transported and that the notice include a complete inventory of the waste to be transported. We have to be certain that people know what is going on with nuclear waste. Yet that amendment was not accepted, so now the people will not know.

We have to be certain that the containers which would carry the waste are safe and durable. So I offered an amendment to mandate that all of these containers used in the transport of the waste be physically crash tested prior to any shipments. None of these amendments were deemed suitable for a vote by the House of Representatives.

We must be mindful of the health effects which this waste can have on surrounding communities. So I offered an amendment which would have required an epidemiological study of the communities surrounding the waste dump to be conducted every 5 years after the first shipment of radioactive waste and continue every 5 years as long as the dump exists. Keep in mind, the waste will stay radioactive for thousands of years.

I also offered an amendment that would have prevented a temporary storage facility from being built until Yucca Mountain is deemed suitable for storage of high level radioactive waste. It seems logical, but none of these amendments were deemed suitable.

The important question here today is, Why do we not have an open rule so that the House of Representatives will be able to debate these and other critical issues on the House floor? When the American people find out what is really in this bill, there will be a deafening outcry. It will not be long before we will be hearing across the country a phrase similar to "hell no, we won't glow," as 15,000 shipments of nuclear waste comes rolling through the backyards of the people of the United States.

Members, do not let anyone tells us we have no choice but to pass this. There is an alternative. Do not move the waste. The sites where the waste exists will continue to be contaminated for thousands of years. Vote no on the rule; vote no on this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in strong opposition to this rule. Today this institution has literally declared nuclear war on Nevada. This institution has failed not just the people of Nevada, but all of America. What could have been an open and honest debate on H.R. 1270 is now limited to a very narrow attempt to approve one of the worst bills that has ever been debated by this body. Yes, the Committee on Commerce voted this out by a wide margin. But let me say that the Committee on Resources said no to this bill, the committee of joint jurisdiction.

In my brief time in Congress, I have done countless floor speeches, special orders, sent dear colleague letters out innumerable times, participated in national radio shows, and been interviewed by the national press on this issue. This effort has yielded great strides toward exposing the gross negligent effort of the environmental lobby. It has avoided environmental protection, transportation, safety, and health issues, as all my colleagues have stated. This House has denied those of us in opposition to this bill the opportunity to debate these issues in an open and honest forum.

This has failed the American people. I testified before the Committee on Rules asking them to make in order five simple amendments. This was a small request when considering the potential impact that it could have on the State of Nevada and especially on the district that I represent. I am not here to tie up the floor, but to correct the ill-thought-out misgivings of this legislation.

This rule will only permit me to offer two minor amendments tomorrow, two minor amendments on a bill that could devastate the environment, pollute our water supplies, contaminate entire communities across America, and maybe, yes, even maybe your community.

Vote no on the rule and allow our voices to be heard and permit this institution to do its work.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in opposition to the rule. I am a member of the Committee on Commerce, the committee with jurisdiction, and went before the Committee on Rules with an amendment that I think is a very good compromise and certainly something that should be discussed with regard to this very important issue. My amendment was not made in order so I will oppose the rule.

I agree with the gentleman from Nevada [Mr. ENSIGN] that on such an important issue as this, when we are essentially debating nuclear policy in this country, we should have allowed an open rule or, at the very least, we should have allowed pertinent amendments, certainly from members of the committee, to be able to present those amendments.

We all know that the President is probably going to veto this bill in its current form and even though I voted for the bill in committee, we know that we will probably have to come back next year and debate this again. And if we are going to debate the issue of nuclear waste, then certainly we need to have all the ideas on the table, particularly when there are very serious proposals of compromises that may ultimately have to be hammered out in this body. I just do not understand why my amendment and some of the other very pertinent amendments were not made in order by the rule. Therefore, I think it is a bad rule and ought to be defeated.

My amendment would have permitted utilities to spend fees coming into the nuclear waste trust fund for on-site storage prior to the construction of an interim or final repository. The fees, as the gentleman from Colorado said, have been collected. They have not been doing very much and I think that the fees that the public has been paying would be used, could be used to keep the nuclear waste at the facilities until we can decide where it ought to be permanently buried.

This approach would allow plants to address their waste problem now instead of in 2002, the date when H.R. 1270 foresees completion of the interim repository near Yucca Mountain, because by next year, Mr. Speaker, 26 nuclear reactors will have run out of storage space. This is a problem we must address now, not 5 years from now.

I offered this amendment in the Committee on Commerce, but withdrew it because it had not yet been reviewed by CBO and scored. I also did it to give my colleagues a chance on the committee to consider the measure. It has since been scored and will result in no additional costs.

My amendment addresses many of the problems not addressed by H.R. 1270. First, we all agree that the average ratepayer has been on the short end of the stick during this process as the trust fund is used to balance the budget, not for this purpose. My amendment would have put our constituents' money to its designated purpose, storage of spent nuclear fuel.

Second, it would allow power plants which are running out of pool space to create interim storage on site without passing all of the massive costs to the taxpayers on top of fees they pay to the trust fund.

Third, it allows the powerplants an economically viable way to stay open when they run out of storage space and, again, the nuclear waste would not have to be trucked through our communities because it would be able to be stored at the site itself.

Fourth, it offers a method to provide interim storage without the inherent risks in transportation and security and without creating powerful momentum for starting the permanent repository at Yucca Mountain before the science is completed, before the study is completed.

So once again, Mr. Speaker, I must unfortunately oppose the rule for H.R. 1270, because my amendment was not made in order and other amendments were not made in order. If we cannot have a very important discussion of this very important issue, then I think the rule is defective and ought to be defeated.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Washington [Mr. Hastings] has 15½ minutes remaining, and the gentleman from Ohio [Mr. Hall] has 18 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. Gutknecht].

Mr. GUTKNECHT. Mr. Speaker, I rise in strong support of this rule and this bill.

Some will argue that we need more time to study, we need more time to debate. I would suggest this issue has been debated and has been studied for years and years. In fact, ratepayers around the United States have paid $13 billion, and let us remind every Member who may be listening to this debate that a promise is a promise.

Since the dawn of the nuclear age and since the first nuclear powerplant, the Federal Government has promised that we would find a permanent storage site. This bill would recognize that the Department of Energy has an obligation to create a storage area in an area about the size of the State of Connecticut and this recognizes that it is time that we live up to that end of our bargain. The Federal court of appeals has ruled that we have that obligation. It is a binding obligation under the 1982 Nuclear Waste Policy Act.

Mr. Speaker, I think the time has long since passed for Congress to take action. Where I come from a deal is a deal and a bargain is a bargain. The time has come for us as representatives of the Federal Government to live up to our end of that bargain.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes and 30 seconds to the gentleman from Massachusetts [Mr. Markey].

Mr. MARKEY. Mr. Speaker, we are making one of the most important environmental decisions that the Congress has ever been confronted with. We are going to take all of the nuclear waste that has ever been generated at any nuclear powerplant in the United States, and we are going to find one location somewhere in the United States, and we are going to dump it all there.

Now, one would think on an issue of such grave importance that we would have a very well-thought-out scientific process that we would use. In fact, we are doing just the opposite. In 1982, we did set up a process that would find the best scientifically obtainable site in the United States. And in 1987, Congress got a little frustrated and they said, no, we are not going to have that search. We are going to pick Yucca Mountain in Nevada. We do not know if that is the right site, but we are picking it. Congress is picking it. Not geologists, not scientists, but Congress picked it.

Now it is 10 years later and Congress is unhappy with the pace of 10 years of the Reagan and Bush administrations and 5 years of the Clinton administration's DOE trying to determine if this site is the right place.

So what are we saying today? We are saying, we are not going to bury it permanently at Yucca Mountain. We are giving up on a permanent burial. We are going to build an above-ground mausoleum for all this stuff and we are going to ship it across the country to this site. We are giving up.

We are going to have a vote here today to never bury nuclear waste permanently in the United States. We are building an above-ground facility. We are sticking this nuclear queen of spades, because no one else wants it, with Nevada. They lose. Fifty States, 50 cards, they lose. And they lose because Texas does not want it. Louisiana does not want it. Washington State does not want it. Massachusetts does not want it. New York does not want it. You can be pronuclear all you want, but when we say, how would you like all the spent fuel from nuclear powerplants, it is, not in my backyard, no thanks. We are picking Nevada.

So I asked the committee for a rule, if you are going to ship all of this stuff across America in trucks. Guess what they do? They say that for the purposes of ensuring that we get it off site in all these individual States, we are going to have in this bill something that says that it is not a major Federal action. That is right, Mr. Speaker. This bill says that putting all the nuclear waste in America on railroad cars, in trucks shipping it to Nevada, storing it there for 10,000 years is not a major Federal action. As a result, you suspend NEPA, the constitution of the environment of the United States, and the National Environmental Policy Act.

□ 1300

We suspend it. So we can assume a lot of things. We can assume it is going to be safe. We can assume that we do not need extra protections. That is what we are doing here. Not scientists, not geologists, not physicians, Congress is assuming it is going to be safe, nuclear waste. Nobody wants it. "Don't get it near me." It is like kryptonite.

"Don't get it near my district." We are going to assume it is safe.

So, believe it or not, in this bill they say that if there is a trucking company and they get the contract from DOE to ship all this stuff in thousands of truckloads all across the country, that the trucking company is indemnified against any lawsuit even if they engage in willful gross misconduct. That is right. If they hire truck drivers who are drunk, who are on antidepressants, who are driving after midnight 100 miles an hour through our neighborhood and they crash through our neighborhood and leave a nuclear waste dump there for generations, we cannot sue the trucking company.

Now, I asked for an amendment to be placed in order, that at least we can make the trucking company liable. If someone brought nitroglycerin through our neighborhood and there was an explosion, we could sue them. If they brought TNT through our neighborhood and it exploded, we could sue them. But if they bring nuclear waste through the neighborhood, we here this Congress are saying the trucking company should not be liable.

My amendment has not been allowed to be put in order. And why is that? Because this generation that enjoyed nuclear power does not want to pay the price of burying this waste permanently. It is going to cost a lot of money. Instead, we engage in a thermonuclear ponzi game. We get the benefit of the electricity. We pass on to three or four generations from now the responsibility of finding a way of burying it because we are not going to do it.

Today is the official buck-passing day intergenerationally. In the same way that Congress irresponsibly for 20 years kept passing on the deficit to the next generation, we are now doing the same thing with environmental issues. Rather than bearing the burden today for the benefits that this generation received from the electricity generated from this source of power, we are all saying here today, well, we get a lot of electric utility executives that just want it off-site. Do we think they are ever going to call back again once they get it off-site? I do not think so.

This rule should have more opportunities for amendments to be made to cure the defects that are in it. I hope that the Members vote "no."

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding me the time.

Mr. Speaker, I oppose this rule because it fails to address the concerns my colleagues and I have with this nuclear waste bill. The Committee on Rules decided not to grant an open rule for the consideration of the bill, and it has precluded debate on the important environmental aspects of the bill. I am deeply concerned that, given the importance of this legislation and given the severe environmental impacts, that the process for full, fair and open debate has been precluded.

In the Committee on Commerce I offered an amendment which would require that the interim and permanent nuclear waste storage disposal site conform to the National Environmental Policy Act or NEPA. In the Committee on Rules my colleague from Nevada [Mr. ENSIGN] and I wanted to offer this amendment on the floor. We believe it is important that NEPA allow a thorough review of the environmental aspects when the Federal Government undertakes a major action, such as storage of high-level nuclear waste at this site. We have the NEPA law in effect today because there is an important need for the Federal Government to honestly consider all of the ramifications and options before it takes such an important environmental step.

In this case, we are going to pool high-level nuclear waste from our Nation's power plants which will stay there for the next 10 to 10,000 years. This is an environmental impact we cannot ignore. I urge a "no" vote on the rule and on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. McGOVERN. Mr. Speaker, transporting hazardous waste is a dangerous business, and transporting nuclear waste is certainly the most dangerous business of all. That is why I rise in opposition to this rule and to this legislation which would seriously undermine our efforts to keep our communities safe from nuclear waste.

Over the past 10 years my own State of Massachusetts witnessed more than 2,200 transportation-related accidents that resulted in the release of hazardous materials. Fifty-two of those accidents resulted in individual injuries costing more than $5.25 million in damages.

Fortunately, we do not ship a great deal of nuclear waste. Over the past 30 years we have shipped less than 2,500 truckloads of this incredibly dangerous material. But if this bill becomes law, my State of Massachusetts will see over 100,000 more shipments over the next 30 years. That is more than a 4,000-percent increase.

If only 1 percent of transported radioactive waste were released, the Department of Energy has estimated that it would contaminate 42 square miles, would require 460 days to deal with, and would cost over $620 million to clean up. That would spell disaster for families throughout my district and all across this Nation.

Who exactly would be affected? Well, the State of Nevada has prepared a map using the Department of Energy's own computer code, demonstrating that one truck path would run right through a dozen communities in my own congressional district. This map shows that the towns of Mansfield, Foxborough, Wrentham, Plainville, Franklin, Hopkinton, Westborough, Grafton, Auburn, and my hometown of Worcester would all be at risk under this legislation, and I cannot let that happen.

Section 501 of this bill ignores all of our efforts to craft balanced environmental laws by exempting every environmental regulation with which every other project in this Nation must comply. If that were not bad enough, we are learning more and more about the potential hazards of the site at Yucca Mountain, NV. Yucca Mountain is in the middle of a major fault line, and evidence shows that seismic activity at that site is greater than anticipated. That makes Yucca Mountain not merely a puzzling choice for nuclear waste storage, but a frightening one indeed.

Mr. Speaker, President Clinton has promised to veto this misguided legislation, and I applaud him for his leadership. The President understands that we already have a process in place to study and determine how best to deal with these toxic materials, and amending that process in a way that endangers our Nation's families is simply unacceptable.

This legislation would subvert reasonable safety measures established by the National Environmental Policy Act and Environmental Protection Agency, safety measures designed to protect communities all across the Nation from the devastating effects of nuclear waste spills.

Certainly we all understand the need to effectively deal with nuclear waste, but we have a moral obligation to our Nation to go about it in a way that protects our children and safeguards our environment. I strongly urge my colleagues to say "no" to this rule, "no" to this legislation, and "yes" to our future.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, and I wanted to commend the gentleman from New York [Mr. SOLOMON]. He never ducks tough issues. It is tough lining up on an issue on the gentleman from Nevada [Mr. GIBBONS], but I think he has done one of the greatest jobs in the country. I mean that.

But I have two amendments. One says, look, if we are going to spend money, and the bill is trying to buy American products, and I want to thank the gentleman from New York [Mr. SOLOMON] for helping us buy more American products. He helped me ever since I was a new Member, and I appreciate it.

The other amendment has been a little bit of a controversy. This is a controversial bill. But the chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, and the ranking member, the gentleman from Texas, Mr. HALL, do not duck controversial issues, and I am hoping that there could be some workout here and agreement that would reach the agreement of all of Congress. But Congress must work its will.

But the second Traficant amendment, known as No. 3, is very significant. It is very controversial to be transporting and storing spent nuclear fuel and waste, but what is worse is if America would become the dumping ground for nuclear spent fuel around the world. So the Traficant original amendment was designed to say, look, this deals with American spent nuclear fuel and the storage of only American nuclear spent fuel.

But then I did come to an understanding that there are certain international agreements and memorandums of understanding whereby we do accept foreign spent fuel, and we want to because we do not want it reprocessed and used against us by the wrong hands. And I do not disagree with that, for sure.

So I will be asking unanimous consent when I offer my amendment, that will retrofit it with language that says whenever there is an international agreement that allows for our taking, or a military agreement which allows for our taking in foreign spent fuel, that it would be so allowed, but that the commercialization of dumping nuclear spent waste fuel would be prohibited.

So that is what it is. I am going to support this rule. I normally support the rule. I think the Committee on Rules has been very, very fair, and I am hoping that some of these other agreements that are of concern to the gentleman from Nevada [Mr. GIBBONS] and the gentleman from Nevada [Mr. ENSIGN] can be worked out. I have the highest regard for both of them.

Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL], one the deans now for such a young man in the Congress, for yielding me the time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding.

I did want to respond, of course, to some of the assertions made by my colleague from Minnesota that the Federal court has obligated us to accept the nuclear energy industry's waste. That is just not so.

H.R. 1270 will state that the Federal court is legally bound to begin accepting waste by January 31, 1998. That is not what the court said. The court ruled, in Indiana Michigan Power versus DOE, that the Department of Energy needs to determine whether or not the delay in beginning the disposal of spent fuel is unavoidable within the meaning of Article IX of their contract.

Article IX provides, in brief, that "neither the Government nor the contractor or contract holder shall be liable for damages caused by failure to perform its obligations if such failure arises out of causes beyond and without the fault or negligence of the party failing to perform. In the event of an unavoidable delay, the parties are to readjust schedules as appropriate to accommodate the delay."

Let me read that again: "In the event of an unavoidable delay, the parties are to readjust schedules as appropriate to accommodate the delay."

The Office of Civilian Radioactive Waste Management contends that the delay was unavoidable and the Department of Energy would not be liable and not be required to accept this nuclear waste.

My colleagues, I urge a "no" vote on this rule because the House fails to understand that the law does not require the Federal Government to begin accepting nuclear waste. That is what the court said in Indiana Michigan Power versus DOE.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the other distinguished gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I thank the gentleman from Washington [Mr. HASTINGS] for yielding me the time.

Let me reemphasize a couple of points my colleague, the gentleman from Nevada [Mr. GIBBONS] brought up: first of all, that the court decision that everybody talks about, that we have an obligation to take this waste, that the Federal Government has, what the gentleman from Nevada [Mr. GIBBONS] said is true. Also, in the court they did say that some kind of a remedy must take place.

However, there are all kind of options on those remedies. Those options range from escrowing nuclear waste trust fund fees, taking title on site, or setting up an interim storage facility in the current law anywhere other than the State of Nevada. This bill seeks to change current law, to wipe it out, saying that permanent repository State also gets interim. In the first two bills on nuclear waste, whatever State was going to get permanent could not get interim because it would prejudice the siting, whether it is suitable or not to put nuclear waste in a deep geological storage facility.

Let me just mention a couple things on transport of the waste, as well, because this is really one of the big issues. In Germany they tried to transport high-level nuclear waste approximately 300 miles, just 300 miles, not thousands of miles like we are going to do in this country, just 300 miles. It took 30,000 police officers because there was so much civil unrest because of the transport of this waste. One hundred seventy-three people were injured during this ruckus. There are going to be similar types of civil disobedience, we can bet on it, in America if we go to transporting nuclear waste. The sad thing about it is it is not necessary. The technology exists to do on-site dry cast storage right where it is.

And reprocessing has been talked about today. It was talked about by the gentleman who manages time on this side. If we ever want to get to reprocessing, once we ship it to Nevada, we will never be able to reprocess. That will end that debate forever.

□ 1315

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I would ask Members to vote against the rule. I think that Republicans and Democrats on both sides feel that the rule is faulty, it is a structured rule, it is not open. There are amendments that should be in order that are not in order. I think in the bill itself, while I am not an expert on this issue, the bill really appears to be very deficient. For that reason, I would ask that the House vote against the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. I would say to the previous speaker, I hope he did not say that this rule was phony. I hope I misunderstood what he said.

Mr. Speaker, let me just say I rise in very, very strong support of this rule and of this bill. I want to say right off the bat that if I ever had to go into combat, by golly, there are two people in this body I would want by my side. One is the gentleman from Nevada [Mr. ENSIGN], and one is the gentleman from Nevada [Mr. GIBBONS]. I hope we live to fight many battles on this floor in the future side by side.

Let me also comment on the very eloquent gentleman from Massachusetts [Mr. MARKEY], who was here a few minutes ago, because he really was good. He always is. He is very eloquent and he has done his homework. But he is really criticizing this bill and that mystifies me, because this bill was reported out of the Committee on Commerce, which is a committee made up of a really diverse membership of this body, a real cross-section. We have got liberals, we have got conservatives and moderates from both political parties. The bill was reported 43-3. That means that all these liberals and these conservatives from the far right and the far left and in the middle must have voted for this bill. Let me read the Democrats, because this floors me when the gentleman from Massachusetts [Mr. MARKEY] stands up here, he says, "We are against this bill." Well, who is "we"? The gentleman from Michigan [Mr. DINGELL]? I mean, the dean of this delegation, of the Democratic side and of this whole Congress who has been here for how many years? Forty some years. He is for this bill. So is the gentleman from Texas [Mr. HALL]. Then we have the gentleman from Virginia [Mr. BOUCHER]. The gentleman from New York [Mr. TOWNS]. The gentleman from New Jersey [Mr. PALLONE], who is a noted green advocate in this Congress who takes this well day after day. He voted for this bill. The gentleman from Tennessee [Mr. GORDON], the gentleman from Florida [Mr. DEUTSCH], the gentleman from Illinois [Mr. RUSH], the gentleman from Pennsylvania [Mr. KLINK], the gentleman from Michigan [Mr. STUPAK]. The gentleman from New York [Mr. ENGEL], who was just here complaining in the well about the bill, voted for this bill. The gentleman from Maryland [Mr. WYNN], the gentleman from Texas [Mr. GREEN], the gentlewoman from Missouri [Ms. MCCARTHY], the gentleman from Ohio [Mr. STRICKLAND], the gentlewoman from Colorado [Ms. DEGETTE]. No, she did not. I beg your pardon. She was one of the 3 that voted against it. But I look at the cosponsors of this bill, 160 some odd, and lo and behold, there is the gentleman from New York [Mr. BOEHLERT]. He is the leader of the green Republicans. He is a cosponsor. Then you have got JERRY SOLOMON, me, and I am the leader of the opposite. I am the leader of property rights in this Congress. It seems to me that we have got everybody for this bill.

Some of the people were complaining this bill is not fair. Mr. Speaker, we have 6 legislative days left before we get out of here on November 7, these are full legislative days, when Members ought to get out of here and go back home and meet with their constituents. We should not even be here 10 months out of the year in the first place. We ought to be here 3 or 4 months and then back in our districts representing our people. People are complaining. They want to stay here.

Sure, we could have had an open rule on this bill and we could have spent 4 days on it, 4 out of the 6 remaining days. My colleagues know that is not possible. We made 5 Democrat amendments in order. They are significant amendments as I read them. We made 4 Republican amendments in order, two by the gentleman from Nevada [Mr. ENSIGN] and two by the gentleman from Nevada [Mr. GIBBONS]. One of those gentlemen stood up here and they said that, well, they are minor and insignificant amendments. I am going to tell these two gentlemen and anybody else in this body, do not ever come to the Committee on Rules and offer to make in order insignificant and minor amendments. I do not want to waste my time up there. If you want to have serious amendments, come up there and offer them and we will make them in order.

Let me just give my colleagues an example of one of these. The gentleman from Nevada [Mr. ENSIGN] has an amendment made in order that ensures that a risk assessment study and a cost-benefit analysis are conducted prior to any action being taken under this act. I think that is significant. Here is another by the gentleman from Nevada [Mr. GIBBONS], who I want by my side. He says:

> The Governor of each State, with nuclear waste routes, shall certify that "emergency response teams" exist and can properly manage any nuclear accident before transportation plans can be implemented by the Secretary.

I think that is very significant. I have two prototype nuclear reactors in my district in the Adirondack Mountains, where we train most of the nuclear sailors. We do not train them down in Groton, CT, on the sea. We train them up in the mountains. What are we going to do with that waste up there? We are going to have to get it out of there. We are going to take it to Nevada.

Mr. Speaker, I think I have just about covered it, except to say that some other people were complaining there was not much time allocated. By the time the Members have finished today they will have spent more than 6 hours on this bill. How many times have we dealt with the national defense budget of this country and not spent 6 hours spending $280 billion of the taxpayers' money? This rule is fair. The bill is good. Members ought to come over here, vote for the rule and vote for the bill and let us stop this business.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENSIGN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 155, not voting 18, as follows:

[Roll No. 536]

YEAS—259

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennelly
Kildee
Kim
King (NY)
Klink
Klug
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Manton
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Watkins
Watt (NC)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Young (FL)

NAYS—155

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Berman

Bishop
Blagojevich
Blumenauer
Borski
Brown (FL)
Brown (OH)
Bryant
Cardin
Carson
Christensen
Clay
Conyers
Costello
Coyne
Cummings
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dickey
Dixon
Doggett
Doyle
Engel
English
Ensign
Evans
Fattah
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Furse
Gephardt
Gibbons
Gutierrez
Hall (OH)
Hansen
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lantos
Largent
Lewis (GA)
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pombo
Poshard
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Snyder
Souder
Stabenow
Stark
Talent
Tauscher
Taylor (NC)
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Wamp
Waters
Watts (OK)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—18

Brown (CA)
Cubin
Gilchrest
Gonzalez
Houghton
Kelly
Knollenberg
Kolbe
Matsui
McIntosh
Meek
Payne
Pelosi
Scarborough
Schiff
Stokes
Weldon (FL)
Wolf

□ 1343

Messrs. OBEY, McNULTY, and HOLDEN changed their vote from "yea" to "nay."

Mrs. CLAYTON and Messrs. HUTCHINSON, COX of California, BOSWELL, LEWIS of California, and RUSH changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KNOLLENBERG. Mr. Speaker, on rollcall No. 536, I was inadvertently detained. Had I been present, I would have voted "yes."

□ 1345

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 287) pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LaHood). The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 287

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House and must be considered at this time, since offered by the minority leader.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a preferential motion to table the resolution.

The SPEAKER pro tempore. The Clerk will report the preferential motion to table.

The Clerk read as follows:

Mr. Solomon moves to table the resolution, House Resolution 287.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. Solomon].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Without objection, the Chair may reduce to not less than 5 minutes the time for a vote by the yeas and nays on the question of suspending the rules and agreeing to House Resolution 139 postponed from yesterday, which will be immediately following this vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 218, nays 200, answered "present" 1, not voting 13, as follows:

[Roll No. 537]

YEAS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra

Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Sanchez

NOT VOTING—13

Cubin
Gilman
Gonzalez
Houghton
Kelly
Kolbe
Matsui
McIntosh
Meek
Payne
Schiff
Stokes
Weldon (FL)

☐ 1408

Mr. BROWN of California changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed yesterday in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 139, by the yeas and nays; H.R. 1484, de novo; and H.R. 1479, de novo.

Pursuant to the order of the House today, the Chair will reduce to 5 minutes the time for the first vote in this series.

SENSE OF THE HOUSE REGARDING DOLLARS TO THE CLASSROOM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 139, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that House suspend the rules and agree to the resolution, House Resolution 139, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 310, nays 99, not voting 23, as follows:

[Roll No. 538]

YEAS—310

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kennelly
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence

Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—99

Abercrombie
Ackerman
Andrews
Becerra
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Engel
Eshoo
Farr
Filner
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gutierrez
Hastings (FL)
Hilliard
Hinojosa
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kind (WI)
Kucinich
Levin
Lewis (GA)
Manton
Markey
Martinez
McCarthy (MO)
McDermott
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mink
Moakley
Nadler
Neal
Olver
Ortiz
Owens
Pallone
Pelosi
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sanders
Sawyer
Scott
Serrano
Sherman
Skaggs
Slaughter
Spratt
Stark
Stupak
Thompson
Tierney
Torres
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—23

Barcia
Carson
Cubin
Davis (VA)
Evans
Ewing
Fattah
Furse
Gonzalez
Hamilton
Hastings (WA)
Hill
Houghton
Hoyer
Kelly
McIntosh
Meek
Payne
Rangel
Schiff
Stokes
Waters
Weldon (FL)

□ 1417

Mr. WYNN changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EWING. Mr. Speaker, on rollcall No. 538, I was chairing a subcommittee and unable to vote. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. HILL. Mr. Speaker, on rollcall No. 538, I was inadvertently detained. Had I been present, I would have voted "yes."

J. ROY ROWLAND FEDERAL COURTHOUSE

The SPEAKER pro tempore (Mr. LaHood). The unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 1484, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Kim] that the House suspend the rules and pass the bill H.R. 1484, as amended.

The question was taken.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 539]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—18

Burton
Conyers
Crane
Cubin
Fattah
Foglietta
Gonzalez
Hastings (WA)
Houghton
Kelly
McDade
McIntosh
Meek
Payne
Schiff
Stokes
Thomas
Weldon (FL)

□ 1426

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the 'J. Roy Rowland United States Courthouse'."

A motion to reconsider was laid on the table.

DAVID W. DYER FEDERAL COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 1479, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1479, as amended.

The question was taken.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 411, nays 0, not voting 21, as follows:

[Roll No. 540]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—21

Canady
Clay
Coburn
Conyers
Cubin
Deutsch
Fattah
Foglietta
Gonzalez
Houghton
Kelly
McIntosh
Meek
Payne
Pryce (OH)
Sawyer
Schiff
Serrano
Stokes
Weldon (FL)
Weldon (PA)

□ 1433

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the 'David W. Dyer Federal Building and United States Courthouse'."

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "aye."

MOTION TO INSTRUCT CONFEREES ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROHRABACHER. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

> Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the House and the Senate on H.R. 2267, Commerce-Justice-State-Judiciary Appropriations Act for fiscal year 1998, be instructed to insist on the House's disagreement with section 111 of the Senate amendment, which provides for a permanent extension of section 245(i) of the Immigration and Nationality Act.

The SPEAKER pro tempore. Pursuant to rule XXVIII, the gentleman from California [Mr. ROHRABACHER] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. MOLLOHAN. Mr. Speaker, I yield 15 minutes to the distinguished chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS].

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky will control 15 minutes.

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct conferees to try to prevent the enactment of a permanent rolling amnesty program for illegal aliens. Let me repeat that, "a permanent rolling amnesty program for illegal aliens." That is what the issue is today.

Contained in the Senate version of the Commerce-State-Justice appropriations bill is a perpetual extension of an infamous provision of law that has never won an up-and-down vote on the floor of either the House or the Senate. In fact, the only direct vote ever taken on this provision was taken in this House, and it lost.

Section 245(i) of the Immigration and Nationality Act allows people who are in the United States illegally to pay $1,000 to the INS to have their legal status changed. I know a lot of my colleagues have been told this only deals with people who have come here and overstayed their visas. That is absolutely inaccurate, and if they base their judgment on that supposed fact, they have been given a misrepresentation.

The INS suggests to us that 62 percent of the people using 245(i) are people who have come into this country illegally, did not come in with visas, snuck into our country. And, yes, some of them came in with visas and just arrogantly overstayed their visas and decided to stay here on an illegal status.

Make no mistake about it, 245(i) is only about illegal aliens who have snuck across our borders or who have overstayed their visas. This provision exists because it brings in hundreds of millions of dollars a year to the Immigration and Naturalization Service, even though they have only gotten around to spending about 5 percent of the 245(i) revenues.

This provision is bad for our country because it undermines our laws. It ends up costing us a lot more than that $200 million a year, because these people often come here, and illegal aliens, as we know, commit crimes and cost us in other ways. But it also undermines our trust in the law, it violates our national security, and it punishes millions of people around the world who are eligible for permanent residence in the United States but they are waiting their turn, they are waiting in line, and they are separated from their families.

Last year, we passed the Illegal Immigration Reform Act which was widely supported by Americans, immigrants and native-born alike. This reform was a promise to the American taxpayers that we would no longer reward those who break the law. We promised them that their hard-earned tax dollars would not be spent to pay for an immigration system that is contradictory and randomly applied. And we promised our newest American citizens that we would uphold the integrity of the system that they so apparently respected, waiting for months and many times for years to come to the United States of America.

If 245(i) is extended, or what this act wants to do is actually extend it in perpetuity, just make it a permanent provision of the law, the Illegal Immigration Reform Act that we passed last year is null and void, it has been passed in vain; 245(i) not only compromises the integrity of our laws, it also compromises our national security.

The legal immigration process which 245(i) beneficiaries bypass, the regular immigration process, requires would-be Americans to undergo background checks in their own countries by our State Department consuls. These officials, American officials, conduct a thorough background check in the applicants' home countries, where there are files and there are local officials to call, in order to screen out terrorists and criminals. They also check for an applicant's ability to stay off welfare.

Section 245(i) allows and encourages anyone in the world to skip the background check and skip the welfare probability check and to come here illegally and to pay $1,000. They then undergo a much less thorough check through the INS. In the meantime, while they are going through this much less thorough check, they are here in the United States of America. If they are terrorists or their criminal background is evident, they are here legally through the 245(i) process while they are being adjudicated. Native country screening for prospective Americans is vital to the safety of our citizens and the security of this country.

Mr. Speaker, we will hear from the other side today that 245(i) is just a matter of location, again, another piece of misinformation that has been passed out: It is just a matter of where someone picks up their visa. That is absolutely not true.

In fact, since most of the beneficiaries of 245(i) have lived here illegally for more than 6 months, most of them would not be eligible for a home-country visa. Meaning, if they returned home, they would not be able to do it anyway because they have already stayed here illegally over 6 months. The only possible way that they could get their visa to stay here legally would be to use 245(i) in this situation. Thus, what do we have? We are making it easier to immigrate illegally into the United States then it is for people to immigrate legally.

We will hear today that without 245(i) the families of illegal aliens may be separated, and that is true. There is no doubt about it, and we care about these people and these families. They put themselves in this situation, unfortunately. But what they will not tell us when we are discussing this, and even though our hearts go out to those people who are going to be separated, we also have a heart for those family members around the world who obey our laws, and they are separated from their families and they are waiting for months and sometimes years to come to this country. What about these families?

Permanently extending 245(i) means we are rewarding people who break our laws and penalizing those who abide by them. We are siding with the families of lawbreakers over those people who stay in line and are waiting, apparently, to obey our laws and come here as proud citizens of the United States of America.

Well, we have a chance to right this wrong, Mr. Speaker. We do not have to tell everyone in the world that the best and quickest way to a green card is to break our laws and to come here illegally. We can vote for instruction to conferees that will tell our conferees that a permanent extension of this gaping 245(i) loophole is unacceptable.

I would ask for a resounding "yes" on this vote for these commonsense instructions. Let me remind my colleagues, what we are doing today in a motion to instruct is asking our conferees not to go along with a permanent extension. That does not mean that we cannot sit down and negotiate and try to come up with a compromise on 245(i). But if we do not and our conferees go along with this, if our conferees go along with a permanent extension, there will be no compromise in the future. We have foregone that option.

□ 1445

Please, let us go for compromise, let us go for trying to mold this and make this more humane, but let us try to deal with the issue. I would ask for a yes vote on my motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in opposition to the motion to instruct. I am opposed to the motion not because I support a permanent extension, far from it. I do not. In fact, we are opposing a permanent extension, which the Senate would like to do. I think we need to not extend the 245(i) provision in the future, but by the same token, I think we have to leave open for the conferees to work in a fair and equitable fashion on the equities of people who have relied upon 245(i) in the past and that are presently in the country, who came here with the expectation that 245(i) would be available to them. I think we have to be free to deal with the equities of families who are here now.

For those in the future, however, who are thinking of coming here and trying to become citizens, they can know that in the future 245(i) will not be available. But for those here now, I think we have to be free to deal with them in a fair and equitable way.

I agree with the gentleman on opposing permanent extension. This conferee certainly and others are fighting permanent extension as hard as we know how. By the same token, I would ask that my colleagues defeat the motion to instruct, to leave us some freedom to deal with those who are here who find themselves in an awkward situation not of their making. I would hope that the Members of the body would leave the conferees some flexibility on the matter and not vote for this motion to instruct. I would hope that we would vote "no".

Mr. Speaker, I yield the balance of my time to the gentlewoman from Florida [Ms. ROS-LEHTINEN] and ask unanimous consent that she be permitted to control that time.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in opposition to the Rohrabacher motion. The Rohrabacher motion proposes that we disagree with the Senate's provision to permanently extend 245(i) of the Immigration and Naturalization Act and in the process really ties the hands of the conferees. Section 245 allows individuals who are already in this country who are eligible to become legal permanent residents to pay a fee and adjust their visa status here in the United States instead of having to go overseas to do so. Extension of this provision is an important immigration policy issue and one with serious financial impact implications.

Let me assure my colleagues that the conferees of the Commerce-Justice-State appropriations bill are working in good faith to weigh the issues associated with 245(i) and arrive at the best solution. I ask my colleagues to recognize that, not to tie our hands, and, therefore, I urge our colleagues to oppose this Rohrabacher motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Pardon me, but it is nonsense to try to read this proposal to instruct conferees and to suggest that it ties the hands of anyone. The bottom line is, read this motion to instruct. It just precludes us from permanently extending this immigration loophole to which hundreds of thousands of illegal immigrants are pouring in and being permitted to stay in this country illegally. We can make any type of compromise after that. The conferees can agree to anything else. But we are preventing a permanent extension of what is an ongoing amnesty program for illegal aliens. If we can agree, make some compromises, that is totally within this motion to instruct conferees. No one should oppose this motion based on that illogical analysis of what my motion is all about.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, here we have another attraction for people to come here illegally and then realize, well, "we are sort of dumb here and we will say 'if you pay us $1,000, you can sort of stay around.'"

Let us not just think about the young Americans that are pushed out of jobs by illegals, which started me on this issue in 1975. The leaders of Watts showed me how illegal immigrants were pushing out young people who were in entry jobs as teenagers in hotels, in restaurants, and in gasoline stations.

But we are also harming people from other countries who are following the rules and want to come here legally.

Let us look at the three major countries where future citizens are waiting for years. The Philippines. These are our allies. These are the people to whom we gave independence in 1946. They have been waiting in line since September 1986 to come legally to the United States under the first preference category.

India. The richest ethnic community in the United States are the people who have come from India legally, doctors, lawyers, Ph.D.s on university faculties. Those waiting to come here under the fourth preference in India goes back to June 1985.

Mexico. If you are a brother or a sister of an adult U.S. citizen, you have been "standing in line" legally in Mexico since 1986. They are not part of the 49 countries that pour over our southern border. They are trying to obey the laws of this land. How are we treating them? We are saying, come on over anytime, extend your stay, and all will be forgiven if you pay us $1,000.

When I see the flyers being passed out at the door on this vote on how business looks on this as a great revenue raiser to incarcerate criminal aliens, and—gee whiz say these business interests—the $1,000 resulted in $200 million. Let me tell my colleagues that the State of California spends $400 million to $500 million of its own money on handling criminal aliens. You are right, there should be something done about it. But it is not this way. When people who are coming here illegally are also being exploited by businesses, that is wrong.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in strong opposition to the Rohrabacher motion to instruct the conferees on the extension of section 245(i). Section 245(i) allows parents, students, doctors and teachers who have already received an INS-approved visa petition to renew or adjust their immigration status in the United States. The ways in which to receive an INS-approved visa petition is to either have an American family member or an employer such as Motorola or Texas Instruments, who both support this provision, sponsor the person. Section 245(i) would enable these American businesses to retain skilled and trained personnel in order to prosper.

Under 245(i), eligible immigrants whom the INS has already determined should be allowed to become permanent residents would normally need to return to their home consulates to renew their immigration status, leaving behind their American spouses and children. By passing an extension of 245(i), these people would be allowed to renew their immigration status in the United States while remaining in the company of their American loved ones. In fact, the only thing that the extension of 245 would do is to change the location of where a person's immigrant visa is renewed. Section 245(i) does not give special benefits to illegal immigrants. This means that the person who illegally snuck across the border, who therefore does not have an INS-approved visa petition, does not qualify for 245(i).

After being subjected to fingerprinting and rigorous background checks, immigrants who have never been convicted of a crime provide and fund our INS' detention and deportation activities by paying a sum of $1,000 to have their status renewed. It raises $200 million to our U.S. Treasury.

That is why Americans for Tax Reform, headed by Grover Norquist, supports the extension of 245(i). I urge my colleagues to vote against the Rohrabacher motion and support the renewal of 245(i) because it is essential and beneficial to American businesses and, indeed, to the American taxpayer. By supporting 245(i), we would support America and the scores of organizations and corporations which are depending on our vote.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Yes, big business does want this loophole to stay in place because it is exploiting illegal aliens and bringing down the pay of American workers, who are now having to face competition with people who were not meant to be here in the first place. That is immoral. It is an immoral thing, but our companies want to make a profit at it; fine, let us keep the loophole in place. That is wrong. It is wrong logic. It is not right for the Congress of the United States to be representing the interests of big business and illegal aliens and not representing the interests of the American people in between.

Mr. Speaker, we just heard that a person who illegally comes across our border is not eligible for 245(i). That is not the case. That is why 62 percent of the people who have used 245(i) are people who have snuck across our border and come here illegally. Someone who sneaks across the border, comes here illegally, finds himself a big businessman who will pay him substandard wages but will be willing to sponsor him or anybody else who he suckers into sponsoring him, they are then eligible for 245(i). Sixty-two percent of the hundreds of thousands of illegal aliens who have used this have come in just that way. They have snuck in illegally.

Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Speaker, I rise in support of this motion to instruct our conferees. The permanent extension of 245(i) really flies in the face of immigration reform. Whatever we need to do to work out immigration problems for people who are already in the country I think can be done within this motion to instruct. But certainly leaving this on the books, making it easier for people to illegally come to the country than for people to legally come to the country hurts people who are waiting to come to the country. It keeps people's families separated who have been in line, who have been waiting to come to the country.

Ending section 245(i) will not be harmful to businesses who employ legal aliens. Those individuals are already protected under 245(a), which says if you fall through the cracks, if there is some error that is not your fault that puts your status here in jeopardy, without paying $1,000 you can get that straightened out. This is really designed to protect the people who are here legally, working hard, having their families together, not to open the door to illegal aliens.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise today to express my strong opposition to the Rohrabacher motion to instruct conferees on H.R. 2267. The gentleman from California [Mr. ROHRABACHER] seeks to instruct the conferees to accept the House position with regard to 245(i) extension for illegal immigrants, a position which by allowing for the expiration would force hundreds of thousands of immigrants to return home in order to apply for a permanent visa. But what is even worse is that once these immigrants have left the United States, they would not be permitted to return to this country for 3 years or even 10 years in certain cases.

Extension of 245(i) is not a giveaway to illegal immigrants. Rather, this section can only be used by those who are already entitled to become permanent residents based on family or employer petitions. Forcing these people, many of whom have established strong ties with families, communities, and employers, to leave the country for 3 years or more is unfair and counterproductive. I urge my colleagues to vote against the Rohrabacher motion and signal your support for a reasonable response to an important issue that affects hundreds of thousands of families in this country.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

□ 1500

Mr. DIAZ-BALART. Mr. Speaker, I thank the distinguished gentlewoman from Florida not only for yielding me time, but for her leadership on this important issue, as she has demonstrated on so many other issues throughout her tenure, extraordinary tenure, in Congress.

With the utmost respect for my dear friend, the gentleman from California [Mr. ROHRABACHER], this is the ultimate issue of confusing apples and oranges. No one can use section 241(i) unless they are eligible for permanent residency in the United States. Unless you qualify for legal residency in the United States, you cannot use section 241(i).

I want to repeat that. I think it is important to repeat it, because of the confusion that is being spread this afternoon.

Section 245(i) says that if you are eligible for a green card, if you meet all the requirements for a green card, and, as the distinguished gentlewoman from Florida said, if, after meeting the requirements for a green card, you apply for permanent residency in the United States pursuant to section 245(i), then you have to go through all the requirements of getting the background check, criminal check and all that other very important procedure.

So this is not a matter that is appropriately addressed as one of illegal immigration. It is a matter of permitting people who are eligible and who qualify under all the requirements for permanent residency to seek their permanent residency in the United States. So it is an issue of common sense. It is an issue of fairness.

It is also an issue of proportionality. Why do I say it is an issue of proportionality, Mr. Speaker? The new immigration law says if you have technically at any point fallen out of status in the United States, if you were a student and, for example, not meeting your full course load and fell out of status for over 6 months, the new immigration law says you have to be out of the country for 3 years before you can even apply to come back.

Section 245(i) says if after having been technically out of status you qualify, as long as you qualify completely for permanent residence in the United States, then you can use 245(i) to seek permanent residence in the United States and not be barred for 3 years. So the issue of proportionality, I think, is very important.

I would like to say in addition to fairness, in addition to common sense, in addition to proportionality, there is a perception issue here.

Mr. Speaker, this issue has grown to one of immense proportions in the Hispanic community throughout the United States. I think it is appropriate for all my esteemed colleagues to know that this is perceived by the Hispanic community as one directly related to how immigrants in the United States are treated. I think it is important for all of our esteemed colleagues in this House to know that.

So, because of fairness, because of common sense, because of proportionality, and because of perception, I ask all my distinguished colleagues to vote "no" on Rohrabacher today, and to give a strong vote of confidence to this commonsense 245(i).

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], to talk about why he is opposed to this provision that has permitted 400,000 people already to illegally come into the United States.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we are going to hear debates that are emotional, that are based on personal points of view and perceptions that we do not all agree with. But there is one point of view we should all agree with, and that is we are a nation of law. It is our responsibility to make that law. It is our responsibility to forge support for the concept of law.

This is a situation, as I view it, in which the prerequisite that is indisputable for eligibility under 245(i) is that you be in violation of the law.

Mr. Speaker, can one think of any other statute that we have that says to qualify for the provisions of this statute, you must be a law violator? I can only think of one. That is where, in order to get a pardon, you must be in violation of the law and we forgive your sins and pardon you.

Mr. Speaker, that is what we are doing here. We are saying you are in violation of the law; no matter how well intended, no matter how many family members you have here, no matter how many employers you have that say they are willing to give you a job, you are in violation of the law.

If we are a nation of laws, we ought to abide by it, respect it, and enforce respect on behalf of those who are citizens and noncitizens.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first let me make it clear to anyone listening, this motion to instruct says we must insist on the House's position. The House's position is to eliminate section 245(i). It does not talk about coming up with some modification or compromise. It says eliminate, because we did not do anything on it, so that means it would be extinguished.

Secondly, this is not a section that would serve as a magnet, as one of the Members implied earlier in his discussion, to bring in people who are undocumented. An individual must have a legal basis for obtaining lawful permanent residency in order to qualify for section 245(i). If you do not have a legal basis to be in this country, you cannot apply.

This is a Nation of laws, and the law says that you can adjust based on 245(i) if you meet the conditions. What we are fighting is last year we changed the law in midstream on hundreds of thousands of people. That is unfair. Due process requires us to say to folks, if we told you these were the rules of the game, then that is what you must abide by.

We should not change. Now is the time for us to be flexible. Section 245(i) of the Immigration and Naturalization Act provides very needed flexibility for our business community and for very close-knit families. You have to be a spouse, a child or a parent to qualify, or you have to have a job in hand, because the business has proven to the Department of Labor that no other worker is available.

Mr. Speaker, let us understand what this is. Section 245(i) does not serve as a magnet for illegal immigration, nor does it give some type of benefit to someone who just walks into this country and says "now I want to be able to stay." You have to have a legal basis to be in this country in order to qualify, and then you pay a fine of $1,000. The fine has been used mostly for the purpose of helping to deter future illegal immigration. It is well worth it to have it. It provides the flexibility. The business community says it is worthwhile. So do families who are on the verge of losing a loved one.

Mr. Speaker, let us support section 245(i) and oppose the Rohrabacher motion to instruct.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York [Mr. GILMAN], the esteemed chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to rise in support of the extension of section 245(i) and in opposition to the motion by the gentleman from California [Mr. ROHRABACHER]. The motion to instruct the conferees would end an invaluable immigration procedure, will create new and unnecessary burdens on our families and on our businesses.

Section 245(i) will not change the immigration procedures, but rather will change the location where individuals obtain permanent residence via a green card, either here or abroad. This extension does not allow individuals to jump the line and obtain a residency any faster nor does it allow them to immediately become legal residents. Whether they process their paperwork here or in their home countries, these individuals must wait the same amount of time and are placed on a waiting list on a first come first serve basis.

Extending 245(i) will greatly assist our consular offices abroad to increase their efficiency and focus and provide better services to our American citizens traveling and living abroad. With the Immigration and Naturalization Service processing applications for green cards, consular offices throughout the world can service Americans with overseas emergencies rather than spending the majority of their time with noncitizens. Moreover, opponents believe INS does not provide adequate background checks on individuals and as a result is putting the American public at risk. That is simply not true.

INS processes all individuals through the same checks as the State Department would prior to allowing them to become citizens. Section 245(i) is not any amnesty program for illegal aliens. The program is designed to help people who are already eligible to obtain legal status in the form of permanent residence in this country. Those who apply for adjustment under section 245(i) must qualify for an immigrant visa based on a family or employment relationship, have a visa number immediately available and be otherwise admissible to our Nation. Section 245(i) does not change the rules or does not make immigration any easier.

It merely changes the location of processing and provides a penalty fee which offsets processing costs and funds detention efforts. Accordingly, I urge my colleagues to join in supporting the extension of 245(i) to help families and businesses around our Nation. This extension is necessary. Without it, consulates abroad will suffer under their increased workload, businesses will be interrupted and families torn apart. Moreover, 245(i) has generated $200 million in revenues in 1997 and over $120 million of that went to the detention and removal of criminal aliens.

I urge that we maintain adequate funding for detaining and deporting criminals. Vote "no" on the Rohrabacher motion.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, for those who are a little bit confused by the discussion today, we are talking specifically, in the short-term, about whether or not 1 million people who are in this country currently illegally, whether or not they should have to go back to their native country in order to adjust their status, or whether these people who are here in this country illegally, 62 percent of them who came here illegally in the first place, but ended up taking jobs from American citizens, coming here illegally and taking the food out of the mouths of our own working people, whether those people should have to obey the law when they came in, which was the law, and go home and adjust their status, or whether or not we are going to enforce the law and protect the people of the United States against the malicious, illegal immigration that has been hurting our country and our people.

The other thing is, and let us make very clear, this motion to instruct conferees opens the door to negotiations. It specifically states that we are opposed to a permanent extension of this ongoing amnesty for illegal aliens.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, we are really talking about fairness and common sense here. Now, last year we passed an Immigration Reform Act that was based on dividing legal immigration and illegal immigration. And about the concept of fairness, that we do not reward those who have broken the law and punish those following the law.

I am listening to the speakers that support 245(i), at least the great majority of them. If you go back in the record, you will find they did not support the Immigration Reform Act last year anyway. It passed by 320 votes, because the American people wanted fairness and common sense put back into our immigration law and stop punishing people for playing by the rules and stop allowing people to buy their way out of illegal status.

There are those that say, well, they will be legal; they are legal anyways, they would qualify. Except they are illegal aliens. If that was not true, then why are they opposing this bill? They would not need this exemption if they were actually legal as stated.

Mr. Speaker, I will include for placement in the RECORD a letter by James Dorcy, a veteran of 30 years of the Justice Department. He worked most of his career with the Immigration and Naturalization Service. His statement, he writes to me, and I would like to put it in the RECORD. He says that "245(i) sets up an irreconcilable conflict of interest within the Immigration and Naturalization Service. The conflict arises with the agency charged with enforcing our laws against illegal immigration actually profit from illegal immigration as it does through section 245(i). With such a conflict of interest, the INS cannot possibly fulfill its duties and obligations to remove aliens ordered removed or even to seriously act to prevent illegal immigration."

This is an immigration agent, somebody with 30 years experience, saying there is a problem here, a major problem.

Mr. Chairman, let us be fair about this. There are people who did not like that vote of 320 votes. Let us not reverse the Immigration Reform Act. This compromise just says we will allow a compromise, but we will not allow a permanent extension of 245(i). I would challenge anyone again to look at the motion. It says we oppose the permanent extension of 245(i).

Mr. Speaker, I include the letter I referred to in the RECORD.

SAN DIEGO, CA,
October 28, 1997.

Hon. BRIAN BILBRAY,
Longworth HOB,
Washington, DC.
Via Fax: 202-225-2948.

DEAR BRIAN: I am a retired 30-year veteran of the Justice Department. Most of my career was served in the Immigration and Naturalization Service with my last nine years working in the public integrity field in the Office of Professional Responsibility of the INS and later the Inspector General's Office of the Department of Justice.

It is from my experience in fighting internal corruption in our government that I want to call your attention to an extremely serious flaw in Section 245(i) of the Immigration and Nationality Act. Sec. 245(i) sets up an irreconcilable conflict of interest within the Immigration and Naturalization Service. The conflict arises when the agency charged with enforcing our laws against illegal immigration actually profit from illegal immigration as it does through Sec. 245(i). With such a conflict the INS cannot possibly fulfill its duties and obligations to remove aliens ordered removed or even to seriously act to prevent illegal immigration.

Hundreds of positions within the INS are becoming totally dependent for their existence on the fees collected from aliens. Employees whose livelihoods are dependent on these fees and their coworkers are so compromised that it is virtually impossible for them to objectively fulfill their duties and responsibilities in enforcing and administering law prohibiting illegal immigration.

It is estimated that there are more than 2 million aliens now on the immigrant visa waiting list residing in the United States illegally. There are potentially millions more aliens who now qualify or in the future will qualify for immigrant visas who will attempt to enter the United States illegally. For the INS to take action against such aliens, it would forfeit a potential of several billions of dollars in fees that it can collect from these same aliens through Sec. 245(i). It is absolutely outrageous that Congress would put an agency into such a position of conflict of interest.

This provision of law was scheduled to sunset on September 30th of this year. It has been temporarily extended but is due to expire on November 7th. The Senate has voted to permanently extend the measure in the appropriation bill for Commerce, Justice, State, and Judiciary. On Wednesday, October 29th, Congressman Dana Rohrabacher intends to introduce a motion to instruct conferees on this appropriation bill to oppose adoption of this measure into the final bill. I urge you to support and vote for the motion.

If this law is allowed to continue, we run a terrible risk of institutionalizing corruption that might very well spread throughout our government. Nobody should ever be allowed to buy a pardon for doing wrong, and that is exactly what Sec. 245(i) does. For government employees and the agency they work for to be put in a position of profitting from commerce in such pardons defies all reason and rationality. This form of institutionalized bribery is something one might expect of a Third World country, but it has no place in a great country like ours.

Again, I urge you to support Mr. Rohrabacher's motion to instruct and to do all you can to rid the Immigration and Nationality Act of this corrupting provision.

Sincerely,
JIM DORCY.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 30 seconds to respond to that.

Mr. Speaker, let me just ask, does the gentleman whose motion this is agree that this motion precludes any compromise with the Senate?

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, no, the intent of this motion is not that.

□ 1515

Mr. MOLLOHAN. The motion reads, to be instructed to insist on the House's disagreement with section 111 of the Senate amendment. That means all we can do is disagree. That precludes any compromise on this issue. If that is the gentleman's purpose, then I think the gentleman would oppose his own motion.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, that is not my purpose. I will be happy to state that for the record.

Mr. MOLLOHAN. Mr. Speaker, I yield 30 seconds to the chairman, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, my colleague on the committee is exactly right. The motion, if passed, would insist upon the House position, which is zip, nothing. In order for us to be able to compromise, the gentleman's motion should have been a motion to disagree with the Senate provision, with an amendment, allowing a compromise.

Mr. MOLLOHAN. So if the gentleman wants us to compromise, he should vote against his own motion.

Mr. ROGERS. That is right.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Minnesota [Mr. PETERSON].

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to this Rohrabacher motion to instruct conferees. Mr. Speaker, this motion is opposed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the AFL-CIO, and all by itself, bringing those organizations together, that should be enough to make Members realize that there is merit in this 245(i) program.

I do not claim to be an expert on this issue, but to me it just seems logical and practical to approach a complex problem within the immigration code in this manner. Once the United States has decided a person is eligible for a green card so they can legally work in this country, it does not make much sense to me to send them all the way back to their home country in order to pick up that status.

What sense does it make to force qualified workers to spend their money and time on travel for what amounts to little more than bureaucratic nonsense? What business do we have disrupting the workplace? The only thing the Rohrabacher motion would seem to accomplish is more paperwork, more cost, and more red tape.

Mr. Speaker, I urge my colleagues to join me in voting "no" on the Rohrabacher motion.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the motion to instruct conferees.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentlewoman for yielding me 1 minute.

Mr. Speaker, I do not like disagreeing with my good friend, the gentleman from California [Mr. ROHRABACHER], but I do oppose his motion to instruct. I would tell the gentleman, 245(i) does not give anybody an amnesty or give anybody a pass. It is a procedure whereby people who have been in this country and have attempted to regularize their status, and have applied and are on a list, and whose number has come up and a visa is available, it prevents them from being forced to go out of the country and wait either 3 years or 10 years to apply to come back. It keeps the families that have been established together. It is humanitarian.

Yes, we are dealing with illegals who can be deported anytime, but it is a process for people who are ready to become regularized, to become regularized without having to break up the family. It deals with the reality that the people are here. If we abandon 245(i), they are going to stay here. They are not going to have to leave. But that visa that would be used up by one of those applicants will be used by another immigrant, so we add to the totality of immigration, not reduce it.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, when we hear talk about regularization of status, what we are really talking about, and people should understand this, is someone who is in this country illegally. The fact that the AFL-CIO has again abandoned its defense of the rights of the working people of the United States, the citizens of our country and the people who are here legally, does not surprise me but it should surprise people on the other side of the aisle.

However, that big business wants to hire illegal immigrants and give them the jobs does not surprise me. One of the things that is wrong about illegal immigration is that it takes jobs away from the people of the United States. We should not permit that to happen. We should watch out for our own people. Who do we care for? We are supposed to be caring for the citizens of the United States and people who have come here legally and people who have respected our laws.

Second of all, this instruction of conferees clearly, just as in disagreement, the word "disagreement" is right there in the motion, with what the Senate is trying to do, and that is a permanent extension of this amnesty for illegal immigrants.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, if Members vote "no" on Rohrabacher they certify the encouragement of illegal immigration. I heard the words of perception, we are always going to get a race card or something here. I oppose illegal immigration, and I oppose illegal immigrants, black, white, red, yellow, brown, Martian, or an intergalactic time traveler. If you are in America illegally, I oppose you, and I oppose the Congress' laws that allow and encourage it.

Let us look at the law, because most Americans believe Congress needs a brain scan performed by a proctologist here. The first law said, if you are in America illegally for 5 years, Congress is so confused they are going to make you a citizen, and then made you a citizen. Then they said, since we made you a citizen, you have your dear family that misses you, and we will allow your family to come in and we will make them a citizen.

We set a big blinker out there that says, if you want to come to America, jump the fence, because somehow, some way, you are going to get certified and we are going to make you a citizen. Some people came over here in the belly of a slave ship. There are people that stood in line waiting to get in this country. We are now rewarding people who jump the fence. Beam me up.

The Rohrabacher motion says, look, we passed a law. That law made certain requirements. Now, the next year we are going to give a permanent extension and eradicate the law? Why did we have this debate a year ago? Because we could get together over a year ago and put it off for another day, and then we will take care of it with another machination of Congress. It is wrong, Congress. It is wrong. Our borders are wide open. We are destroying the fabric of what our law stands for.

We have had more Mexicans killed on the border than died at Oklahoma City, in that same period of time, trying to get in this country illegally. We have our borders wide open and narcotics running in here, and an epidemic of historic levels of first time use of heroin age 12 to 17.

The American people know it. They are fed up. The American people say, look, we have nothing against any ethnic group or any color of skin; if you are in this country, in the country illegally, get out. Congress should throw you out, not make you a citizen, and not encourage with laws and promote people who jump the fence. That is what we are doing. If Members vote "no" today, they are saying to the Senate, go ahead, go ahead and get over once again.

Both parties should be standing on the floor defending the House position. It is the position of the American people. I oppose illegal immigration. I will not be a part of any ploy that will allow more of it.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to vigorously oppose the motion to instruct, to make sure that the extension is put in place permanently to save families in this country.

Mr. Speaker, I rise today in opposition to Representative ROHRABACHER's motion to instruct the conferees on the Commerce, State, Justice appropriations bill directing the House conferees to disagree to the permanent extension of section 245(i) that was included in the Senate version of the bill.

In 1994, Congress passed section 245(i) of the Immigration and Nationality Act, a temporary provision that was to have expired on September 30, 1997. This provision has since been extended until November 7, 1997, by the two continuing resolutions. I urge my colleagues to oppose this motion to instruct and to allow section 245(i) to be extended permanently.

Section 245(i) allows certain immigrants who have fallen out of status, but who are now eligible for permanent U.S. residency, to pay a $1,000 fee and have their paperwork processed while they remain in the United States. Without 245(i) these immigrants would have to return to their native countries for visa processing before once again reentering the United States.

Section 245(i) is only available to those immigrants already on the brink of becoming legal permanent residents—people who are already eligible to become permanent residents. These are people who the INS has already determined should be able to become permanent residents based on their family and employment relationships, that is, they have been sponsored by either a family member who is a legal resident or citizen, or a business willing to employ the applicant.

Despite the charges of many, section 245(i) is not a vehicle for criminals and terrorists to become U.S. citizens. Section 245(i) will benefit:

Persons who unknowingly receive incorrect documents from the INS and by the time this error is recognized, they have fallen out of status;

Corporate executives, managers, and professionals whose status has lapsed due to an oversight by a human resource manager;

The family members of those corporate executives whose status lapses inadvertently through oversight;

A husband who is the sole source of support for his wife and children who are U.S. citizens;

A wife of a legal permanent resident and the mother of children who are U.S. citizens; and

The mother of a 12-year-old girl in my district who is from Honduras; the girl would be abandoned, otherwise.

Section 245(i) will allow businesses to keep valued employees, allows families to stay together, and provides substantial resources to the INS for border enforcement. Section 245(i) is a humanitarian provision of immigration law that allows families to stay together while one member seeks an immigrant visa. Any suspension of section 245(i) could force hundreds of thousands of people to leave their jobs and families in this country. Section 245(i) also provides U.S. businessman who use thousands of skilled foreign workers with needed work force continuity.

My colleagues, I urge you to oppose this motion to instruct and in so doing support the permanent extension of section 245(i), a practical and effective provision that is narrowly tailored to allow immigrants to obtain legal U.S. residency without leaving the country and leaving their families, their jobs and their hopes for better future behind.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to this motion to recommit. The families affected by 245(i) have their backs to the wall. Right now the futures of thousands and thousands of immigrants are at stake.

I want my colleagues who oppose this act of fairness to think about Elvi Blanco when they cast their vote. Her husband, a legal resident, has prostate cancer. Her two children are U.S. citizens. Elvi has been here for 9 years and will qualify for permanent resident status, but she will have to leave her ailing husband and her two children if 245(i) is not extended. Once she returns to El Salvador, it could take up to 2 years for her visa application to be processed.

If some people have their way, families like the Blancos will be split up, lives will be disrupted, and innocent people will suffer. I urge my colleagues to extend a small degree of fairness for immigrants. Vote "no" on the motion to instruct.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to the motion to instruct. Section 245(i) of the Immigration and Nationality act permits, as we have heard, certain family and employment-based immigrants, family and employment-based immigrants, to adjust their status to that of permanent residents, some that are not permanent residents because of clerical errors, while remaining in the United States, rather than requiring immigrants to return to their home country to obtain an immigrant visa.

We are not talking about if they become legal or when, but where. Do we kick them away from families until the paperwork is completed? Do we deprive families from being together and receiving support from the family member who is deported?

Section 245(i) was the product of efforts by the Department of State and the Immigration and Naturalization Service to expedite the process of granting immigrant visas, generate revenues, and free U.S. consulates abroad to fulfill their primary functions. Rather than requiring individuals already in the United States to return to their home countries to obtain their immigrant visas, this provision permits immigrants to remain in the United States while adjusting their status, but it imposes a fine on those who choose this option.

The enactment of section 245(i) generates, according to an INS spokeswoman, $200 million in fines this year alone. This additional revenue for the U.S. Government helps to reduce the State Department's visa processing case load by 30 percent, in addition.

Last year's immigration bill increased the fine to $1,000 from the previous $650, and required that at least 80 percent of the funds generated be deposited in a new INS account to be used only for detention. Failure to extend this provision of the law would result in a shortage of resources for both the INS and the State Department. It would create a backlog in application processing, a shortage of funds for detention, and undercut the primary functions of our consulates abroad, which is to advance foreign policy objectives.

I just think that for families, for children, for spouses, for employment, it behooves us to disapprove this motion to instruct.

Mr. ROHRABACHER. Mr. Speaker, for the United States of America, I yield 3½ minutes to the gentleman from Texas, Mr. LAMAR SMITH, chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I support the motion to instruct conferees to disagree with the Senate provision that makes permanent an immigration provision known as 245(i). The overriding objective of the Illegal Immigration Reform and Immigrant Responsibility Act, enacted by overwhelming margins in 1996, was to remove incentives for illegal immigration and require illegal aliens to return to their home countries or be removed.

Section 245(i) directly contradicts this goal. Section 245(i) permits illegal aliens who have become eligible for an immigrant visa to adjust to legal immigrant status without having to follow the normal procedure for obtaining an immigrant visa, applying for the visa at a U.S. consulate.

By allowing illegal aliens to bypass the legal process, we reward illegal behavior, and actually encourage aliens to enter or stay in the United States illegally. Section 245(i) rewards those who jump the line, and insults aliens who follow the law and wait for their visa before entering the United States. As a result, law-abiders have to wait to be with their families, while law-breakers do not.

The penalty paid by 245(i) applicants for the right to adjust status, a fee of $1,000, is minuscule compared to the multi-billion dollar cost imposed on taxpayers as a whole by illegal immigration. While the Federal Government spends hundreds of millions of dollars trying to prevent illegal immigration and to remove illegal aliens on the one hand, it is encouraging illegal behavior with 245(i) on the other.

□ 1530

That simply does not make any sense. The chief beneficiaries of 245(i) are the relatives of formerly illegal aliens legalized under the amnesty passed in 1986, proving once again that amnesties are among the worst possible options in immigration policy.

The requirement to undergo visa processing in one's own country is not a mere formality. Waiting for a visa outside of the U.S. allows more time, if required, for problem cases. If the visa should be denied, the alien is already outside of the United States and does not need to be deported. In addition, consular officers often are in a better position than INS to identify circumstances particular to a country of origin, such as a criminal background, that warrant closer examination or even denial of the application.

Mr. Speaker, having said all of this, it might be difficult to just end 245(i). There are people in the pipeline who, rightly or wrongly, have relied on its existence and have pending applications. I believe that we can draft a fair and compassionate solution to this situation by allowing persons who have already begun the process to continue to have their 245(i) applications processed, a type of grandfathering for those already in the pipeline.

Mr. Speaker, this approach allows both family and business-sponsored petitioners who have already taken significant steps to get their green cards to continue doing so, but says no to anybody thinking of benefiting from illegal behavior in the future.

As for U.S. employers, a provision could be drafted that allows processing to continue for cases where a short lapse in status has occurred due to processing errors or where more technical problems have occurred, but would not encourage illegal entry or other illegal behavior.

Mr. Speaker, allowing 245(i) to exist permanently would be like Congress passing a second amnesty. It would say, "Even if you ignore or intentionally violate U.S. immigration laws, we will forgive you and reward you with a green card."

Mr. Speaker, I urge my colleagues to vote "yes" on the motion and say "no" to rewarding illegal behavior.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, the gentleman from Texas, I think, has made an excellent statement. I would ask the gentleman if the conferees came back with a conference report that reflected the gentleman's recognition that we have to deal with those in the country who have relied upon 245(i) in the past, but repealed it for the future, is that something that the gentleman would agree with?

Mr. SMITH of Texas. Mr. Speaker, the gentleman from Kentucky is absolutely correct.

Mr. ROGERS. Mr. Speaker, if the gentleman would continue to yield, the problem is this motion would preclude that. That is why I am opposed to it.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I hope that no one is swayed by this nonsensical analysis. First of all, we know how much teeth a motion to instruct conferees has. This motion will in no way prevent a compromise.

Mr. Speaker, I would ask the gentleman from Kentucky [Mr. ROGERS] if he really believes that a motion to instruct conferees will prevent a compromise on this issue. Is that the gentleman's position?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I think so. That is the reason. I am opposed for this reason. The gentleman's motion insists upon the House position.

Mr. ROHRABACHER. Mr. Speaker, I reclaim my time. I wish the gentleman would quote the motion at hand rather than quoting what he thinks it should say.

Mr. Speaker, the fact is the motion is very clear. It is very clear that it is the House's disagreement on section 111 of the Senate amendment, that we are simply disagreeing with the Senate's permanent extension of this amnesty program for illegal aliens who are here in this country illegally. We are disagreeing with that permanent extension, for the record. And as we know, I would suggest that my words as the author now letting people know on the record what the purpose of this is, as well as the intent of the language as well as the language itself, does not in any way preclude this body from coming to a compromise on this issue. In fact, all it does is prevent a permanent extension of this amnesty for people who are here illegally. That is all it does, and I am stating that for the record as the legislative intent.

Mr. MOLLOHAN. Mr. Speaker, I yield 15 seconds to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, to respond to the gentleman from California [Mr. ROHRABACHER], my dear friend, I think he and I more or less agree on what should be the final result: No permanent extension. I believe sincerely that the gentleman's motion, if successful, would prevent that. Otherwise, I would support it. My staff tells me that that is the case.

Mr. MOLLOHAN. Mr. Speaker, I thank the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, for clarifying this very important point.

Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Speaker, I rise today to urge my colleagues to vote "no" on the Rohrabacher motion.

Mr. Speaker, it is rare that the U.S. Senate casts a 99-to-0 vote, but that is what they did earlier this year when faced with a decision to eject nearly 1 million people from this country. The U.S. Senate said "no." They said no because they knew that nearly 1 million people would be forced to leave their families, their businesses, their jobs, despite having a legal basis for obtaining permanent residency in this country.

Mr. Speaker, these 1 million hardworking immigrants, some of whom reside in my district in California, have a legal basis for retaining residency, yet if we adopt this motion they will be required to leave the country and wait years to be reunited with their families in the United States.

Mr. Speaker, I voted for the immigration bill last year, and there were some important changes that we made in the law to combat some of the problems of illegal immigration. But this provision of the law is unworkable and unfair, and it is inciting fear in many people who have built lives and families and businesses here and who are contributing to our communities and to our economy.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I reluctantly rise in opposition to the gentleman from California [Mr. ROHRABACHER], my good friend, and his motion to instruct conferees.

As a member of the Subcommittee on Commerce, Justice, State, and Judiciary, I would have to say, first and foremost, that 245(i) is an important undertaking in which we restore some compassion to the actions we took last year in immigration reform.

I supported immigration reform as a much-needed device in which we can separate the very big problem of illegal immigration in this country versus the problem of legal immigrants. People who have played by the rules come to this Nation and want to enjoy so much that this Nation has to offer, as many of our ancestors did when they came to this country.

This is about compassion, keeping families together, making sure that employers who want to keep talent in this country are able to do so. This is not about aiding illegal immigration. This is about compassion. This is tightening up on immigration reform.

Mr. Speaker, I rise in opposition, reluctantly, to the motion of the gentleman from California, my friend.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this motion and urge its adoption.

It is very important for my colleagues to understand what we are talking about here. This is a vote against a permanent extension. It does not, I repeat, does not preclude legislative actions on how to fairly resolve the issue, as was previously discussed by our colleagues the gentleman from California [Mr. ROHRABACHER] and the gentleman from Texas (Mr. SMITH).

Mr. Speaker, actually what are we doing if we permanently extend it? We are violating all the people that have come here honestly and legally in this country. We are telling all of those people that are sitting in files in our offices back in our districts that they do not have to obey the law, that they have been waiting legally in line for years to come in, but we are going to reward those who break the law.

Mr. Speaker, I also must point out that there are costs involved in this issue. Many of us, including New Jersey, I might say, are very concerned about how this benefit system has been a magnet for many illegal immigrants. In New Jersey alone we spend $146 million a year to educate children of illegal aliens. The costs go up from there. So we are not only talking about the law, we are also talking about taxpayer costs here.

I must stress that there are extenuating circumstances, I understand it and my colleagues understand it, to the INS paperwork backlogs and the bureaucratic snafus and there are situations where there might be delays for families who have put down roots here. But it would be wrong as a consequence of those snafus to extend this permanently.

What we should say is that as of the day that the bill is signed into law, any immigrant in this country who is trying to address their status might be considered independently and apply that, as the gentleman from California [Mr. ROHRABACHER] and the gentleman from Texas [Mr. SMITH] have already indicated.

I believe this is the fairest way to deal with the situation, and not violate those good people who have legally come to this country and not cause the taxpayers a greater cost on their tax bills.

The argument has been made that by allowing section 245(i) to stay on the books, the INS makes up to $150 million in revenue received from the $1,000 fee that aliens pay to obtain legal status. But, this money pales in comparison to the multi-billion dollar cost imposed on taxpayers as a result of the devastating consequences of illegal immigration.

At the same time many of us are concerned that our benefits system acts as a magnet for many illegal immigrants. For example, many children of illegal immigrants receive a free education in U.S. public schools at the expense of American taxpayers, driving up the cost of education and taking resources away from U.S. children. The State of New Jersey alone spends an estimated $146 million a year to educate about 16,000 children of illegal aliens.

The cost associated with providing Federal benefits to illegal immigrants is astronomical. While as a society, we do not turn people away from an emergency room or deny food to the hungry. Nor should we. However, I do not believe we should reward illegal immigrants by allowing them to stay.

Nevertheless, I must stress that I understand that there are extenuating circumstances due to INS paperwork backlogs and bureaucratic snafus. And there are situations where, because of these delays, families who have put down roots, would be split up because of an automatic cessation of 245(i).

Because of this, we should create a timetable for the sunsetting of 245(i). We should say that as of the day the bill is signed into law, any immigrant in the country, who is trying to adjust their status with the INS and would be considered in violation of the law under an expiration of 245(i), will be allowed to stay and complete the process. But as of that day, any new immigrant to this country will be subject to the new law that does not include the 245(i) loophole.

I believe that this is the fairest way to deal with this situation. I urge my colleagues to oppose permanent extension of section 245(i) and to work in a good faith effort to solve this problem fairly while remaining true to immigration law reform. This motion urges opposition to a permanent extension of 245(i). It does not preclude any discussion on finding the fairest way to phase out this section with the least possible impact on those involved.

I ask my colleagues to vote yes on this motion to instruct.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, I rise in opposition to the motion offered by my good friend from California, Mr. ROHRABACHER. Although I have the deepest respect for the gentleman from California, I feel strongly that Section 245(i) has been beneficial to our country and should be extended.

Section 245(i) allows an individual who is technically out of status to pay a fee and correct problems with his or her immigration status.

The majority of the people affected by this problem have merely overstayed the terms of their visas while they await permanent residence arising out of valid immigrant petitions.

Those qualified to use section 245(i) are already eligible for visas that will be immediately available to them under U.S. law.

Without section 245(i), these soon-to-be green cardholders are faced with an ironic problem: they are approved to be legal permanent residents, but have to return to their home countries to get their visas and, then, face a 3- to 10-year bar to reentry.

This result undermines the principle of family unification which forms the bedrock of our immigration code by separating spouses and children from their families. It would also adversely affect businesses by forcing important employees to leave the United States to adjust their status.

Several benefits accrue to the United States from permanent codification of this section.

Due to the $1,000 fee charged to those who utilize section 245(i), the INS expects to generate up to $200 million in revenue this fiscal year, alone. These moneys are used to offset the costs of detention and adjudications of illegal immigrants.

Furthermore, by allowing individuals to adjust status here, U.S. consular staff abroad have more time and resources to provide better services to traveling Americans.

I think it is important to note that the Senate has already agreed to extend section 245(i).

Mr. Speaker, I believe the choice is clear: support extension of section 245(i) and oppose the motion to instruct.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, the rules of the House and my friendship for the gentleman from California compel me to restrain myself in characterizing and in dealing with the gentleman's characterizations of this issue. But, Mr. Speaker, all I can say is on so many different issues the gentleman is factually wrong.

Mr. Speaker, 245(i) is not a rolling amnesty. It is not a stagnant amnesty. It is not an amnesty. Mr. Speaker, 245(i) is about where an individual can adjust their status. It has nothing to do with what their status was before; 245(i) has nothing to do with a stay of deportation or a defense against deportation. An individual who is in this country illegally can be deported at any time, and nothing about 245(i) provides a defense or a stay of that deportation.

And 245(i) does not allow any single individual to cut ahead of anyone else. It only applies when their number comes up and, as the gentlewoman from Florida has mentioned, it only involves where they actually make their status adjustment. It allows no one to cut ahead.

The gentleman from California [Mr. ROHRABACHER] keeps saying he is for compromise. The gentleman fought the 1-year bill in 1994. He fought it in 1995. He fought it in 1996. He keeps calling it an amnesty. He keeps saying it is a way to keep out of being deported. He keeps saying it allows people to jump ahead of line against lawful immigrants. Each time the gentleman is wrong. Each year the gentleman is wrong.

Now the gentleman says compromise, but he writes language which insists on the House position, which is no extension. The gentleman could have so easily drafted this motion to instruct to say that he would agree with the Senate with an amendment, and the amendment could have been the grandfather clause, the amendment could have been the compromise he now claims to have.

Mr. Speaker, I suggest that the gentleman from California does not want to see 245(i) extended for 1 day. This is not about a permanent extension. This is about destroying this program and having people believe it is something far different than it really is.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I agree with the gentleman from California [Mr. BERMAN]. We should not be misled by those who want to distort the facts about 245(i) and give inaccurate information; 245(i) does not give special benefits to illegal immigrants. It does not allow anyone to cut in line ahead of any other person. We should not be penalizing those who are on the way to becoming legal immigrants.

☐ 1545

Section 245(i) keeps families together. It enables businesses to retain skilled workers. It brings in $200 million a year to the U.S. Treasury. Half of the projected increase in funding for criminal detention space will come from the $1,000 per immigrant fees paid. Without this funding, detention space for an estimated 14,000 criminal aliens will not be available. That is an unsettling thought for many communities. Without that funding, inadequate space may mean that criminals that should be held in detention will not be with all the potential calamities that that will lead to.

Even if this possibility is unnecessary, if we simply extend 245(i), do not tie the hands of those negotiators and let us get a settlement on this issue. Reject the Rohrabacher motion.

Mr. MOLLOHAN. Mr. Speaker, I yield one-half minute to the distinguished gentleman from Illinois [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Mr. Speaker, let me reiterate what has been said before about 245(i). Section 245(i) will not help anybody who does not have a legal basis to stay. If you are an immigrant, you do not have a legal basis to stay. If you jump the fence to get into the United States, not all the king's horses nor all the king's men nor 245(i) will help you stay in the United States.

This is about immigrants who have a legal basis to stay. It is about the hardship on families for those who are here who sooner or later are going to get their adjustment in immigration status. The question is, do we disrupt families, do we send them back and keep families from being together and making those leave the United States and go to their host country to await adjustment of status, or do we keep them here and keep families together? That is the question.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from West Virginia [Mr. MOLLOHAN] has 4¼ minutes remaining, and the gentleman from California [Mr. ROHRABACHER] has 2 minutes remaining and has the right to close.

Mr. MOLLOHAN. Mr. Speaker, I yield 1¼ minutes to the distinguished gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, we hear a lot of rhetoric about what has become the common currency of those who oppose immigrants. I hope that instead today we will listen to some common sense.

The truth about 245(i) is that it is a family unifier. It keeps families together, children with their mothers, dads with their wives. It is a revenue raiser. It will raise more than $200 million in fiscal year 1997. It promotes effective immigration control, that so many Members speak about, by raising the $200 million.

It supports American business by helping them retain the skilled and highly qualified workers that they insist upon, that they insist upon. Those are the facts and the figures. But when is it more important to talk about fairness than today?

I think we should quote a man who spoke about fairness. When Martin Luther King, Jr. marched on Washington he said, we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vault of opportunity in this Nation.

Mr. Speaker, America's immigrants want only to share in the riches of freedom, to know that the security of justice extends to them also.

Please join me in sharing this freedom, extending this justice and saying yes to families and fiscal responsibility and fairness above all.

Let us keep the families together. Let us keep the moms with their children, mom and dad together raising them in this great Nation of ours. That is what we are based on. Oppose this motion.

Mr. MOLLOHAN. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Missouri [Mr. GEPHARDT], minority leader.

Mr. GEPHARDT. Mr. Speaker, I am very proud to stand before you today to send a very strong message that I support the permanent extension of 245(i) and I oppose the Rohrabacher motion. Section 245(i) is a very important provision of our immigration law that affects hundreds of thousands of individuals and families who have come to our country and are eligible for permanent residency.

Section 245(i) is profamily. It is probusiness. It is principles that have always been central to our national immigration policy. Section 245(i) helps hard-working individual Americans and families all across our country who could be needlessly disrupted.

Members have heard others before me on both sides of the aisle express their support for this provision and their opposition to the Rohrabacher motion. Before I leave today, I would like to make Members aware of a story of one person and one family who would be deeply affected.

Rajesh Dua came to this country from India to seek a Ph.D. degree. In 1992, Rajesh received his Ph.D. degree in medicinal chemistry and received several awards for his postdoctoral work in making safer and more effective drugs to fight illnesses like epilepsy.

In 1994, he obtained his green card and in 1995, he married Tomoko Nakagawa, a citizen of Japan who was also studying in the United States on a student visa. Rajesh and Tomoko decided to make the United States their home and they applied for Tomoko's green card in 1995. But because Tomoko was misinformed by a foreign student advisor who told her that she would not need to apply for a student visa while she was waiting for a green card, she is out of status.

Now, listen to Rajesh's own words:

> Currently, I am employed as a lead scientist in a biotech company in Seattle, Washington. I am actively involved in creating new agents against cancer, inflammation, and corneal epithelium injury. Tomoko and I are law-abiding, taxpaying citizens who own a home and are contributing to our society with community service.
>
> Tomoko has never worked illegally, has never sought any form of governmental assistance. She is fully covered by health care. She has a retirement account, life insurance, and is the equal owner of our home. We are expecting a baby in November of 1997. To me, it is atrocious to separate a healthy, loving, law-abiding, self-sufficient couple who have realized their American dream. I hope that somebody can understand our pain and frustration and help us obtain some sort of waiver so that people like myself and my wife can stay until she gets a green card.

There is case after case. People are calling our offices, a foreign national Ph.D., a primary care physician, a wife of an executive in valid status, on and on and on.

Mr. Speaker, this is a moral issue. Let us please vote down the Rohrabacher motion and keep this 245(i) in continuity for all of these people who are counting on us to vote the right way today.

Vote "no" on the Rohrabacher motion.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] is recognized for 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, first let me state that it is clear that on both sides of this issue there are people who love the United States of America, good Americans, and they love their fellow citizens and they love people of the world. So I have no dispersions on anybody's love of country or love of fellow human beings. But 245(i) is also supported by people who are not necessarily good hearted. There are big businessmen who have a big stake in keeping 245(i) in place so that they can hire people who come here illegally or are here illegally instead of hiring American citizens.

Let us make that very clear. When Members see the handout when they come in, they will see the big business organizations supporting 245(i). If they go along with that, they are along with putting our people out of jail and our people are people who have come here legally and U.S. citizens and giving those jobs to people who are here illegally.

Even if she is from India and a biotech person and a wonderful human being, if she was not in this country legally, maybe someone else like an American citizen should have had that job that she had. Even though we sympathize with her, we sympathize with the American people and the law-abiding people who did not break the law more than we do this young lady from India that was just described.

Four hundred thousand people have already used this loophole, this amnesty for illegal immigrants to get to stay in our country, 400,000. Sixty-two percent of them snuck into this country and did not come here legally at all; $1,000 made up for that, for the fact that they broke our law. With that $1,000, which will, of course, enable a million more and millions more in the future who are here illegally to normalize that status, we are going to pay for 14,000 spaces at detention centers. That is great. One-fourth of all of the criminals in California jails are illegal aliens. That does not come anywhere near the cost of illegal immigration into our country.

Section 245(i) does what? It undermines the background checks that we do in other countries to prevent criminals from coming here in the first place. Do not tell me we are going to build 14,000 new detention center spaces. That does not come anywhere near the price, plus the heartache of letting criminals come into this country. What it does more than anything else, it undermines respect for our law.

There are people like Charles Mensah from Ghana. Here is Charles Mensah's family. He came here legally. He has been waiting and separated from his family for years. Here they are waiting in Ghana. He is going to be a proud American citizen and he has obeyed the laws. What we are doing is slapping him in the face and saying, if you would have disobeyed our laws, skipped over, come here illegally or snuck your family in here illegally, we would reward you for that.

Section 245(i) breaks down all respect for our law. It jeopardizes our security by taking out the security clearances and the background checks. We need to end this practice, to vote for the motion to instruct conferees that will then permit us a chance to get a compromise on this issue. Support this conference instruction.

Mrs. MALONEY of New York. Mr. Speaker, I stand today in opposition to the motion by Mr. ROHRABACHER.

There are many misconceptions about 245(i) that I would like to clear up. Section 245(i) is only for people who qualify for permanent residency. It does not allow people to break in line, and it does not give them any preference. It simply allows them to stay in the country while their applications are being processed.

It reduces paperwork at consulate offices abroad, and generates $200 million a year in revenues for INS, an agency that cannot take anymore cuts.

These are not people who are not contributing to our society. These are people with family ties, jobs, and a stake in this country. These are people on their way to becoming legal residents.

If 245(i) is allowed to expire, it will not only be a tragedy for the people who are deported, but also for the families that they leave behind.

Mr. NADLER. Mr. Speaker, I rise to support the extension of section 245(i) of the Immigration and Nationality Act and to oppose this effort to blatantly force immigrants to endure unnecessary hardship.

Section 245(i) enables prospective lawful permanent residents to adjust their status while in the United States. This provision generates, through fees, more than $150 million in additional annual revenues, reduces the caseload of U.S. consulates overseas, and allows immigrants to remain with their families and businesses as they adjust their status in the United States rather than being forced to process their adjustments abroad.

This provision is designed to encourage immigrants to comply with the law and become legal residents. It punishes people for their infractions and fines them $1,000, and only then does it allow immigrants to adjust their status and become legal residents. If the provision did not exist, some immigrants may continue to evade the law in order to remain in this country and stay with their families. This provision is a practical and effective tool that has benefited the U.S. Government as well as thousands of now legal immigrants.

If we fail to extend this provision, we will have shifted enormous workloads back to U.S. consulates abroad, sacrificed desperately needed funds, and forced undue hardship on legal immigrants and their families.

We ought to extend section 245(i), and extend it permanently.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in objection to the motion to instruct conferees on H.R. 2267. In this motion is an effort to close the process of Americanization to thousands of qualified human beings who are a valuable part of America's future. Mr. Speaker, 245(i) permits certain family and employment-based immigrants to adjust their status to that of permanent residence while remaining in the United States.

The enactment of Section 245(i) has generated between $100 and $200 million annually in additional revenues for the U.S. Government and reduces the State Department's visa processing caseload by an average of 30 percent. In 1996 the immigration law increased the fine from $650 to $1,000 and required that at least 80 percent of the funds generated be deposited in a INS account, to be used as the INS wishes. Failure to extend this provision of the law would result in a shortage in resources for both the INS and the State Department and create a backlog in application processing.

Section 245(i) is not an amnesty, it does not allow illegal immigrants to buy their U.S. status. It can only be used by prospective lawful permanent residents and under close and careful scrutiny of Federal authorities. In order to adjust their status under this provision of the law, eligible immigrants must meet the same criteria as they would if their visa applications were processed overseas.

Mr. Speaker and colleagues, I believe in the words of Ms. Emma Lazurus when she wrote:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door?

I strongly urge my colleagues to join me in opposition to this motion and believe in the words of Emma Lazurus and I ask her clarion call become a relic of history? No, it is and will remain a viable statement of American values.

Thank you, Mr. Speaker, and I yield back the balance of my time.

Mr. STENHOLM. Mr. Speaker, I rise today to express my opposition to this motion to recommit, but also to express my hope that a compromise policy can be worked out in conference. I support the goal of this motion expressing support for House position to allow section 245(i) to sunset as required by the Immigration and Nationality Act because I believe that the Senate legislation, which would permanently extend this section 245(i), leaves a loophole which could encourage illegal immigration and allows those who violate our Nation's laws to buy a reprieve.

But, while I agree with the intent of this motion to close a loophole, I believe that in doing so we should make allowances for those folks and their families and employers who will be greatly impacted by the loss of section 245(i). I am convinced that there is middle ground to be found here, and I support looking for a compromise between the House and Senate bills to provide for a temporary extension of this legislation to give us time to study its impact on illegal immigration or an extension which would help those folks who have made a good faith effort to comply with all our Nation's immigration laws and who fall out of legal status. To me, their situations are different from those folks who enter this country illegally.

I urge my colleagues to vote against this motion to instruct conferees but also urge conferees to continue working to find the middle ground on this issue. While we should do everything in our power to encourage compliance with our Nation's immigration laws and to discourage illegal immigration, we must take into account the cases in which exceptions can be made and should be made which will not jeopardize these goals. I support and encourage my colleagues to support a compromise between the extremes of the House and Senate bills which will serve the interests of all American citizens.

MEMORANDUM

TO: CWS
FROM: Julie Turner
DATE: October 29, 1997
RE the Rohrbacher Motion to Instruct Conferees on Commerce-State-Justice (The permanent extension of section 245(i) of the Immigration Act)

BACKGROUND

Section 245(i) of the Immigration and Nationality Act was a temporary provision to allow individuals who are eligible for an immigrant visa because of their employment or family status to adjust their status (from illegal to legal) if they pay a $1,000 fine to the INS. This provision was set to sunset on September 30th. It was extended by the continuing resolution, and the Senate Commerce-State-Justice appropriation bill extends it permanently.

PROS

Extending section 245(i) is important to high tech businesses who rely on foreign workers (such as Texas Instruments, Monsanto, Dow Chemical, etc).

Extending 245(i) helps keep families together when some members are here legally and others in the family are here illegally or may have originally been here legally then fallen into illegal status by overstaying their visa or otherwise violating immigration laws.

Section 245(i) does not apply to all illegal immigrants. It applies only to those who are prospective lawful citizens who must meet the same eligibility requirements they would face if they were applying from their home country.

The fine generated $130 million in revenue which the INS used to detain illegal aliens, and eliminating the provision would require these folks to go back to their home countries to be processed thus shifting the burden of doing paperwork including background checks to the State Departments consular offices.

Supporters of extending Section 245(i) include Colin Peterson, Gary Condit, and Grover Norquist.

CONS

This provision allows folks who are here illegally (either by entering this country illegally or by falling out of legal status) to simply pay a fine to erase their illegal status.

Section 245(i) is used by people who entered this country illegally but who gained a right to apply for legal status by marrying a legal immigrant or having a child in the U.S.

Supporters of ending Section 245(i) include Lamar Smith, Brian Bilbray, and Dana Rohrbacher.

A LOOPHOLE IN IMMIGRATION LAW

(By Steven A. Camarota and Jessica Vaughan)

Just a year after Congress overwhelmingly passed a landmark bill aimed at curbing illegal immigration, it is poised to approve a loophole that renders one of the 1996 law's most important reforms meaningless.

The provision in question is section 245(i) of the Immigration and Nationality Act, which allows illegal aliens to undergo visa processing (i.e., receive a green card) in the United States, provided they pay a fine of $1,000. Until a few years ago, most of these individuals who have been required to apply for a visa in their home country. This controversial provision was scheduled to sunset on Sept. 30. However, at the beginning of the month, after a flurry of media coverage and intense pressure from interest groups, Congress extended it for 23 days and is considering extending it permanently.

By definition, all of the beneficiaries of 245(i) are illegal aliens. Proponents of high immigration have taken pains to describe them as "almost legal" or "on track for a green card." While it is true they have approved petitions from sponsors, giving them permission to apply, this is not the same as being approved for a green card. Their applications have yet to be screened for criminal and medical history, the likelihood that the applicant will become dependent on welfare or other disqualifers.

The sunsetting of 245(i) is necessary in order to activate a powerful enforcement tool passed last year. Anyone who has been in the United States illegally for at least five months can now be barred from reentering legally for either three or 10 years, depending on how long they were here illegally. In the past, illegal aliens could apply for permanent residence without penalty, even if they had been violating the law by living in the United States for years. If 245(i) ends as scheduled, any illegal alien who aspires to a green card will have to return home within six months or be subject to the new bar. The three-year/10-year bar was passed specifically with the sunset of 245(i) in mind. If 245(i) is extended, illegal aliens are shielded from the bar, rendering it meaningless.

The advocates of extending 245(i) argue that because these individuals are already here, there is little point in forcing them to return home for their visa processing. Beyond the disregard for the rule of law that this view represents, it is also troubling because it fails to appreciate the message it sends to those overseas who are considering entering the country illegally.

Illegal aliens are in effect being told that they may come whenever they want and stay illegally for as long as it takes until they get a visa. in fact, according to a recent analysis by the Immigration and Naturalization Service (INS), last year roughly 25 percent of legal immigrants were 245(i) recipients—about 230,000 individuals. What's more, the State Department estimates that perhaps 1 million people on visa waiting lists are residing in the United States illegally. Clearly, such a system encourages illegal immigration.

In addition to contributing to illegal immigration, 245(i) has other problematic aspects. The program creates a potential conflict of interest for the INS. In fiscal year 1996 the INS collected roughly $200 million in fines from 245(i) recipients. Thus, the INS is in the awkward position of arguing that illegal aliens should be allowed to stay because the agency needs the money their fines generate.

What's more, what does the 245(i) program say to those who are playing by the rules and patiently waiting their turn to come to the United States? This is the immigration policy equivalent of the Redskins ignoring the waiting list for season tickets and allowing anyone who manages to sneak into Jack Kent Cooke Stadium to stay and watch the game from whatever seat they can find, provided they pay a $50 fine.

There is also the question of which agency can best process visa applications. Recently the blue ribbon commission on Immigration Reform recommended that the State Department take over all visa functions from the INS. State Department personnel abroad know the local languages and customs and are in contact with local authorities. Thus, they are far better equipped to evaluate visa applications than the INS. Moreover, allowing people to apply for visas from within the United States makes any effort to keep out those who are found ineligible, such as criminals, totally ineffective because even if their applications are denied their chances of being deported are slim.

Clearly, any policy that results in more illegal immigration should be carefully considered. There are now about 5 million illegal aliens living in the country, with 400,000 more settling each year. Ample research indicates that the presence of illegal aliens depresses wages for other workers who are forced to compete with them for low-wage jobs. Also, illegal aliens work disproportionately in the underground economy and hold low-wage jobs, and thus typically pay very little in taxes—yet, they sue such costly taxpayer-provided services as education, public hospitals and the criminal justice system.

The upcoming decision on section 245(i) is ultimately about whether Congress places a higher value on the convenience of illegal aliens or on effective and fair immigration enforcement.

WASHINGTON, DC,
October 23, 1997.

DEAR MEMBER OF CONGRESS: I would like to respond to some of the misinformation that has been disseminated in the context of the debate over extension of Section 245(i) of the Immigration and Nationality Act.

Those who claim that business don't need Section 245(i) are being either intentionally misleading or don't understand immigration law. Allegations that 245(i) only benefits "illegal aliens" are simply not true. Section 245(i) is the sole method for certain individuals to adjust their status here in the United States. Section 245(i) cannot help an "illegal alien" who does not already have a legal basis for obtaining permanent residency.

Section 245(i) does not, under any circumstances, give an individual a substantive right to convert his or her status from illegal to legal. Section 245(i) helps many people who have unintentionally violated their status. For example, a foreign student here on a non-immigrant visa who drops a class one summer to lighten his course load may unwittingly change from a full-time student to a part-time student. If this is the case, this student has violated the terms of his non-immigrant visa. This innocent and unknowing violation of his status makes him ineligible to adjust his status through Section 245(a). His only option is 245(i).

Sunset of this provision will have a highly detrimental impact on U.S. businesses. Our business community hires many foreign nationals with crucial, hard to obtain skills. These individuals are an integral part of operations at companies such as Motorola, Microsoft, Texas Instruments, and Bell Atlantic. These individuals are often sponsored by their employers to adjust their status to permanent residence because of their importance to company operations.

An approved non-immigrant visa petition must be constantly updated, with no room for any margin of error. If a person works for a company that has gone through a merger or an acquisition, or if the person is transferred or has undergone a change of job title, that person's application must be updated and re-filed. Many times this is overlooked, because the individual and the company are not immigration law experts, and are unaware that failure to update the application renders the individual out of status.

Section 245(i) is the only way valued employees can adjust their status if they have, at any time, gone out of status. Extension of Section 245(i) becomes even more crucial to U.S. business when viewed in conjunction with the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (IIRAIRA). IIRAIRA bans individuals who have violated their status from entering the United States for 3 or even 10 years. If Section 245(i) is not permanently extended and an employee must leave the country to obtain permanent residence, that employee could be barred from entering the United States for at least 3 years, and possibly 10. Their absence will greatly disrupt U.S. companies, and put them at a distinct disadvantage in a competitive marketplace.

Section 245(i) raises badly needed revenue for the INS. This provision raised over $200 million in fiscal year 1997. Most of those funds went directly to the INS to combat illegal immigration. It is baffling why those opposed to 245(i) would eliminate a provision that aids in the fight against illegal immigration.

Permanent extension of 245(i) makes sense because it can only be used in individuals who are already eligible for permanent residence, it raises badly needed revenue for the INS to combat illegal immigration, and it gives U.S. companies the flexibility they need to attract and retain crucial, highly-skilled employees. I urge you to support permanent extension of Section 245(i).

Sincerely,

LAURA FOOTE REIFF,
Partner, Baker & McKenzie.

Ms. PELOSI. Mr. Speaker, I rise in strong opposition to this motion to instruct conferees to block the extension of section 245(i).

According to INS statistics, two-thirds of those using 245(i) are the spouses and children of American citizens and lawful permanent residents. Another portion is used by skilled immigrants sponsored by companies.

Section 245(i) can only be used by prospective lawful permanent residents and under careful scrutiny of Federal authorities. In order to adjust their status, eligible immigrants must meet the same criteria they would if their visa applications were reviewed overseas.

Allowing section 245(i) to expire will force a cruel separation of families. Silas Archila, who lives in my district in San Francisco, is in the process of becoming a U.S. citizen. He and his wife run a child care center. If his wife is not able to adjust her status through section 245(i), she will be forced to leave him to be a single parent of their 4-year-old daughter, a U.S. citizen, and she will be barred for 3 years from immigrating to the United States.

Allowing section 245(i) to expire will force many battered immigrant women to return to countries that cannot protect them—even though, as part of their Violence Against Women Act case, each woman has already proven to the INS that returning to that country and being forced to leave the United States would cause her and her children extreme hardship.

Failure to permanently extend this provision places unnecessary burdens on families and businesses, which will also suffer from the loss of skilled workers. I urge my colleagues to oppose this motion to instruct.

Mr. DEFAZIO. Mr. Speaker, this motion as I understand it would effectively terminate the 245(i) program which permits immigrants who have overstayed their travel student visas to qualify for legal citizenship by remaining in the United States and paying a $1,000 fee to the INS. I fully understand the concerns of many Oregonians who support extending this program indefinitely. However, I have also heard from some of my constituents who oppose extending this program because it would invite illegal boarder crossings. I do not support any measure that would unravel the progress we have made in enacting tough immigration reform laws passed during the 104th Congress.

I have long been a strong advocate of sensible immigration reform. That is why I voted for the Immigration Reform Act of 1996, which increases the number of border patrol agents and cuts the number of legal immigrants entering the United States. However, this motion places an arbitrary limit on the hundreds of legal immigrants who are currently being processed for residency status.

The 245(i) program applies to immigrants who have overstayed their visa and are eligible for residency status. The program also applies to individuals who are here legally and are seeking citizenship so that they do not have to return to their native country and wait 3 years before they can enter the United States as a legal immigrant. Most applicants of this program are spouses and children of U.S. citizens who would otherwise become eligible for permanent resident status. However, for those who enter illegally, this program should not apply.

I will vote present on this motion because it does not let Congress take a more pragmatic approach. I believe we can balance the concerns of both points of view. This motion does not distinguish between legal and illegal immigrants but 245(i) would apply for both. I believe we should make this important distinction so that people entering illegally will not be allowed to enter under the same conditions as those who enter legally. This approach does not let immigrants violate current immigration laws but would allow those currently seeking residency status to complete the process.

In the spirit of enacting fair and sensible immigration policy, Congress should adopt a more realistic termination date so that current applicants waiting to join their families here are not forced to leave the U.S. immediately.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong opposition to the motion to instruct conferees on Commerce-Justice-State appropriations for fiscal year 1998.

This motion to instruct would throw another roadblock before the conferees, by insisting on House language that allows section 245(i) of the Immigration and Nationality Act to sunset.

A significant proportion of people who use 245(i) never intended to break the law. Rather, they were tripped up by the Immigration and Nationality Act, which is arguably second only to the Tax Code in its sheer complexity. My colleagues who have criticized the Internal Revenue Service for strictly enforcing arcane tax laws will agree that honest mistakes happen. Likewise, these 245(i) applicants are not running from the Immigration and Naturalization Service. They are not fighting the paperwork requirements or griping about the $1,000 penalty. All they want is to retain the opportunity they now have in the law to set things right and get on with their lives.

Let us be clear: To be eligible to adjust status under section 245(i), these intending immigrants must meet all other immigration requirements: they must not have a criminal record; they must not be terrorists; they cannot belong to the Communist Party; they may not have an illness that presents a public health hazard; and they cannot be at risk of becoming a public charge. They still go through the criminal background and health checks that any other visa applicant does—they simply do it here in the United States.

For this same reason, section 245(i) will not stop deportations. In the first place, it is extremely rare for persons who find themselves in deportation proceedings to have a visa approved, ready and waiting for them, so they could not even apply to adjust status under 245(i). This fiscal year, INS removals skyrocketed to nearly 100,000, despite the fact that 245(i) was in effect. Clearly 245(i) has not interfered with deportations in the slightest.

Foes of 245(i) call it a unique, special concession under immigration law. This is untrue. Every day we allow people to cross our borders on fiancee visas, so they can marry U.S. citizens. Yet, we allow these fiancees to complete their immigrant processing here in the United States.

Furthermore, keeping section 245(i) makes fiscal sense. At least 80 percent of the penalties paid—$74 million this year alone—pay for detaining criminal aliens whom the INS seeks to deport. The INS budget receives $100 million per year from 245(i) penalties, but unfortunately this motion to instruct does not say where we should cut to make up the loss of funding.

Meanwhile, the State Department would have to shoulder a greatly increased burden of visa processing. Since fiscal year 1994 when 245(i) was instituted, appropriators have been able to significantly cut spending on U.S. consular staff abroad, because 30 percent of their immigrant visa traffic was using 245(i) to be processed stateside by INS. This appropriations bill does not restore this lost funding for overseas consular staff, so the Department of State will leave visa applicants subject to ever longer delays in processing and will create a bureaucratic nightmare for thousands of U.S. families and businesses.

The Senate voted overwhelmingly—99 to 0—to adopt its version of the Commerce, Justice, State appropriations bill, which included language to make 245(i) permanent. They had good reason to do so. Not only does 245(i) keep families intact until permanent residency becomes available, it also helps businesses keep some of their most unique, valuable, skilled employees. This skill base keeps hundreds of U.S. firms competitive in the international marketplace.

Scores of America's leading companies support making 245(i) a permanent part of U.S. law, including: AT&T, Apple Computers, Bayer Corp., Digital Equipment Corp., Dow Chemical, Ford Motor Co., Hewlett-Packard, INTEL, Maytag, Merck, Microsoft, Monsanto, Motorola, Procter & Gamble, Sun Microsystems, Texas Instruments, TRW, Westinghouse Electric, and Xerox. Even the U.S. Chamber of Commerce wants 245(i) to continue. I am baffled as to why my colleagues on the other side of the aisle would not listen to these business and industry leaders on this issue.

This debate is not a question of whether these intending immigrants will eventually get a green card. They will get a green card, so long as American relatives or employers sponsor them.

Killing 245(i) will not bring integrity to our immigration system. What it will do is cost the INS revenue for detaining criminal aliens, drop a staggering, unfunded workload onto the Department of State, disrupt family reunification, and interrupt business activity and innovation in our leading industries—just so we can send a message that minor immigration violations will not be tolerated.

Kicking hundreds of thousands of immigrants out of the country for minor violations makes no practical or fiscal sense. It doesn't help America fight illegal immigration. It is merely a way for hard-line immigration opponents to make an example of the very people who are trying to do the right thing.

Mr. WATTS of Oklahoma. Mr. Speaker, today we will have a vote on a provision of the Nation's immigration law referred to as section 245(i). I hope my colleagues will vote against repealing this provision of the law.

Section 245(i) allows individuals who are on the brink of becoming legal permanent residents to adjust their status without having to leave the country. The majority of these individuals are the spouses and children of American citizens.

Without this provision we tell these future citizens they must leave the country and leave their families and wait for perhaps years to be reunited with them in the United States. During that waiting time, they cannot re-enter the country to visit their families for any reason—not to attend a family wedding not to attend a family baptism, not even to attend a family funeral.

Having said that, I understand what my colleague from California is trying to accomplish and I have to believe that somehow we can negotiate and draft legislation that will punish the bad and not the good.

Compassion is a hallmark of the American people; it is part of our character as a nation. Today's vote will be a test of our compassion. I urge my colleagues to oppose repeal of this law.

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak against the motion to instruct conferees on H.R. 2267, the Departments of Commerce, Justice, State appropriations bill for fiscal year 1998.

I support section 245(i) of the Immigration and Nationality Act. The provision allows certain immigrants to have their papers processed here in order to become permanent residents, rather than requiring them to return to their home country. Section 245(i) is available only to people who are already eligible to become permanent residents, that is, those who are sponsored by close family members or by employers who cannot find eligible U.S. workers, and whose "priority date" is current under existing quotas. The provision does not, as alleged, give illegal immigrants the right to live in the United States. Nor does the provision change the order in which a person's claim is adjudicated. There is one single worldwide line for everyone waiting for their immigrant visa.

People adjusting status under section 245(i) are screened to make sure that they are barred from obtaining a green card on grounds such as criminal offenses, health problems, becoming a public charge, or other thresholds of inadmissibility. In addition, people applying under section 245(i) must submit fingerprints to the Federal Bureau of Investigation to verify that they have no disqualifying criminal history in the United States or in their home country.

If section 245(i) is not extended, both the Immigration and Naturalization [INS] and the State Department will be adversely impacted by a significant shift in workload. INS will lose personnel and money now earmarked for badly needed apprehension and detention efforts. Section 245(i) generated about $200 million in revenues in fiscal year 1996, of which 80 percent was used for detention. U.S. consulates abroad will be under great strain due to the increased workload without the additional resources that section 245(i) provides. U.S. citizens who seek services from one of these agencies will suffer, not just those individuals who could have used section 245(i).

Section 245(i) allows business to keep valued employees, allows families to stay together, and pays for detention.

I urge my colleagues to vote "no" on the motion to instruct conferees.

Mr. RILEY. Mr. Speaker, I rise today in strong support of this important motion.

In my view, our Nation can only be secure when its borders are secure. In recent years, and Nation's illegal alien population has reached intolerable levels—levels that threaten American jobs and place tremendous burdens on government services. America can no longer withstand the flood of illegal immigration.

Last year, Congress passed landmark legislation that, once and for all, cracked down on illegal immigration to our great Nation. Unfortunately, Mr. Speaker, there is a provision of law known as 245(i), which I believe undermines the intent of the Illegal Immigration Reform Act, sends the wrong message to the world, and seriously threatens our national security. It does so by allowing illegal aliens to pay the INS $1,000 to change their status from illegal to legal without appropriate background checks.

Who benefits most from 245(i)? People who illegally cross our borders or overstay their visas. In other words, it benefits illegal aliens. Consequently, 245(i) sends a dangerous message to the world. The message. "Don't wait to legally enter the United States. Come illegally and have your status adjusted for only $1,000."

Mr. Speaker, 245(i) also creates a very real threat to our Nation's national security and to the safety of our citizens. While many aliens who come to this country illegally do so to find a better way of life, others have more sinister reasons. The recent arrest in New York of two possible suicide bombers illustrates how easily criminals and terrorists can evade our immigration controls. Simply put, 245(i) makes it easier for dangerous criminals and terrorists to enter and remain in this country. Worse yet, they can stay without being subjected to criminal background checks in their home countries.

If this is true, then why would the INS support 245(i)? The answer is simple, Mr. Speaker. The INS supports 245(i) to make a buck and to lighten their caseload. For example, INS argues that it needs 245(i) because the provision expedites thousands of green card applications a year. They also say that the provision raises more than $200 million a year in badly needed funds. Yet, at $1,000 per person, INS is allowing more than 200,000 additional illegal aliens a year to remain in this country. I do not believe that INS should continue to risk American lives, create additional burdens on government services, and cost American jobs just to make a buck or to lighten their caseload.

Mr. Speaker, 245(i) may work well for illegal aliens and INS, but it does not work well for the American people. It is time we do the right thing and let 245(i) expire. I urge your support of this important motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 153, nays 268, answered "present" 1, not voting 10, as follows:

[Roll No. 541]

YEAS—153

Aderholt
Archer
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bono
Boyd
Brady
Bryant
Bunning
Burton
Callahan
Calvert
Campbell
Canady
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Klug
Largent
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McKeon
Mica
Miller (FL)
Moran (KS)
Nethercutt
Neumann
Ney
Northup
Norwood
Packard
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Pryce (OH)
Radanovich
Riggs
Roemer
Rogan
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Tauzin
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Traficant
Wamp
Watkins
Weldon (PA)
Whitfield
Wicker
Wolf
Young (FL)

NAYS—268

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Buyer
Camp
Cannon
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gordon
Granger
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates
Young (AK)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—10

Cubin
Gonzalez
Houghton
Kelly
McIntosh
Payne
Riley
Schiff
Stokes
Weldon (FL)

☐ 1617

Mr. VISCLOSKY, Mr. MCINNIS and Ms. DELAURO changed their vote from "yea" to "nay."

Messrs. HEFLEY, SOLOMON, PACKARD and DELAY changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Speaker, on roll call No. 541, I cast a "no" vote. I had intended to vote "aye."

NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore (Mr. CAMP). The Chair is prepared to declare the House resolved into the Committee of the Whole for consideration of H.R. 1270.

For what purpose does the gentleman from Nevada [Mr. ENSIGN] rise?

UNFUNDED MANDATE POINT OF ORDER

Mr. ENSIGN. Mr. Speaker, I rise to make a point of order under section 425 of the Budget Act on the basis that the provision beginning on page 56, line 15, imposes an unfunded intergovernmental mandate on State governments.

The SPEAKER pro tempore. The gentleman from Nevada makes a point of order that the bill violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman must specify precise language in the bill on which he predicates his point of order. Having met the threshold burden to identify specific language in the bill, the gentleman from Nevada [Mr. ENSIGN] and a Member opposed, the gentleman from Colorado [Mr. DAN SCHAEFER], each will control 10 minutes of debate on the question of consideration under 426(b)(4).

Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: "Will the bill H.R. 1270 be considered?"

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I yield myself such time as I may consume. The Congressional Budget Office states in its cost estimate of H.R. 1270, dated September 25, 1997, that H.R. 1270 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995, PL 104-4. CBO estimates that if this bill were enacted into law, the New York Power Authority, a publicly owned utility, would be required to pay $180 million in the year 2002. The Unfunded Mandates Reform Act set a threshold of $50 million for 1996, annually adjusted for inflation. Therefore, CBO estimates that these mandates would impose costs on State governments exceeding the threshold.

Mr. Speaker, I demand a ruling by the Chair that sustains my point of order against H.R. 1270 because it clearly violates the Unfunded Mandates Reform Act that forbade unfunded mandates on State and local governments.

Mr. Speaker, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, section 403(a)(3) of H.R. 1270 provides for payment of outstanding onetime fees owed by 13 utilities by the end of the fiscal year 2002. This provision is not in my estimation an unfunded intergovernmental mandate because it relates only to the timing of these payments. The obligation to pay these fees was created 15 years ago by the Nuclear Waste Policy Act of 1982, not by H.R. 1270.

I do have a letter here dated October 27, 1997, from the New York Power Authority, and it simply says:

Pursuant to the Nuclear Waste Policy Act of 1982, the Power Authority entered into a contract with the DOE for the disposal of spent nuclear fuel. We chose the option of paying the one-time disposal fee, and accumulated interest, for pre-1983 fuel at the time we first ship spent nuclear fuel to the DOE facility. Accordingly, we do not view this payment as an unfunded mandate, as long as DOE meets its obligation under H.R. 1270 to provide interim storage and disposal capacity.

Mr. Speaker, I think that a point of order is not inclined to be there.

Mr. Speaker, I yield back the balance of my time.

Mr. ENSIGN. Mr. Speaker, I yield myself such time as I may consume. Just very briefly, the Congressional Budget Office definitely stated that this bill violates the unfunded mandate law that was part of the Contract With America. The gentleman stated that the State of New York wishes to waive this, or at least the public utility. However, the State of Nevada does not wish to waive its unfunded mandate, and that is why we are asking for a vote on this. A lot of people in this House in the last Congress voted for the unfunded mandate law, and we are asking that those people be consistent on their vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to section 426(b)(3) of the Congressional Budget Act, the question is: Shall the bill, H.R. 1270, be considered?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENSIGN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 105, not voting 15, as follows:

[Roll No. 542]

YEAS—312

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
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Castle
Chabot
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Chenoweth
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Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
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Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
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Dixon
Dooley
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Dreier
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Edwards
Ehlers
Ehrlich
Emerson
Eshoo
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Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
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Hobson
Hoekstra
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
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Lewis (KY)
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Lipinski
Livingston
LoBiondo
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Manzullo
Mascara
McCarthy (MO)
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McCollum
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Menendez
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Miller (FL)
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Moran (KS)
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Morella
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Nethercutt
Neumann
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Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pastor
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Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
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Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Wynn
Young (FL)

NAYS—105

Abercrombie
Ackerman
Andrews
Baesler
Becerra
Blagojevich
Blumenauer
Bryant
Campbell
Carson
Christensen
Clay
Coburn
Cooksey
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Doggett
Engel
English
Ensign
Evans
Filner
Foglietta
Ford
Furse
Gekas
Gephardt
Gibbons
Gutierrez
Hansen
Harman

Hastings (FL)
Hinchey
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kingston
Kucinich
LaFalce
Lampson
Lantos
Lewis (CA)
Lewis (GA)
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Owens
Pascrell
Paul
Pelosi
Pombo
Radanovich
Rangel
Reyes
Roemer
Rothman
Roybal-Allard
Sanchez
Sanders
Scarborough
Schumer
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Souder
Talent
Tauscher
Tierney
Velázquez
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Woolsey
Young (AK)

NOT VOTING—15

Cubin
Franks (NJ)
Gonzalez
Hinojosa
Houghton
Hyde
Kelly
McIntosh
Payne
Schiff
Stokes
Torres
Weldon (FL)
Wise
Yates

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Messrs. DOGGETT, MEEHAN, SCHUMER, and MILLER of California changed their vote from "yea" to "nay."

Messrs. BROWN of Ohio and FLAKE changed their vote from "nay" to "yea."

So the House agreed to consider H.R. 1270.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

MODIFICATION OF AMENDMENT TO H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1270, pursuant to House Resolution 283, it may be in order to consider the amendment numbered 1 in House Report 105-354 in the modified form that I have placed on the desk.

The SPEAKER pro tempore (Mr. CAMP). The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 1, as modified, offered by Mr. DAN SCHAEFER of Colorado:

Page 19, line 2, insert before the period the following: , using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas

Page 19, beginning in line 3, strike "In conjunction with" and insert the following:

"(1) IN GENERAL.—In conjunction with" and add after line 16 on page 19 the following:

"(2) RAIL ROUTES.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall establish procedures for the selection of preferred rail routes for the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage site and the repository site. Such procedures shall be established in consultation with the designated emergency services planning management official for any State or Indian tribe affected by the rail routes selected.

Page 20, line 20, insert after "organizations" the following: ", voluntary emergency response organizations,".

Page 24, line 16, strike "regulations promulgated by the Commission" and insert "existing Federal regulations".

Page 25, beginning on line 1, strike "The" and all that follows through "paragraph (1)" on line 3 and insert "If training standards are required to be promulgated under paragraph (1), such standards".

Page 25, line 5, strike "include the following provisions—" and insert "provide for—".

Page 25, after line 19, insert the following: "The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (A) and (B).".

Page 43, strike lines 17 and all that follows through line 13 on page 44, and insert the following:

"SEC. 207. APPLICABILITY.

"Nothing in this Act shall affect the applicatino of chapter 51 of title 49, United States Code; part A of subtitle V of title 49, United States Code; part B of subtitle VI of title 49, United States Code; and title 23, United States Code.".

Page 81, after line 13, insert the following:

"SEC. 510. SEPARABILITY.

"If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.".

In the table of contents—

(1) in the item relating to section 207 amend the heading to read as follows: "Applicability"; and

(2) add at the end of title V the following:

"Sec. 510. Separability.

Page 21, line 6, redesignate subparagraph (B) as subparagraph (C) and insert after line 5 the following:

"(B) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

Mr. DAN SCHAEFER of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

THE NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1270.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. HALL] each will control 30 minutes. The gentleman from Alaska [Mr. YOUNG] and the gentleman from Massachusetts [Mr. MARKEY] each will control 10 minutes.

The Chair understands that the gentleman from Colorado, [Mr. DAN SCHAEFER] will be recognized for the time of the gentleman from Virginia, [Mr. BLILEY], and the Chair recognizes the gentleman from Colorado, [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House of Representatives is considering H.R. 1270, legislation to repeal the Nuclear Waste Policy Act of 1982 and replace it with the Nuclear Waste Policy Act of 1997. Mr. Chairman, H.R. 1270 was approved by the Committee on Commerce by a wide margin of 43 to 3, enjoys broad bipartisan support, and was carefully crafted over a 2½-year period.

H.R. 1270 achieves the following four principal goals: number one, the acceptance of nuclear waste at an interim storage facility in the year 2002; number two, it continues progress toward permanent disposal of nuclear waste at a geological repository; number three, it improves safety by consolidating storage of nuclear waste; and, four, it enhances consumer protection by ending the diversion of consumers' fees for other Federal programs.

Mr. Chairman, last year the U.S. Court of Appeals for the District of Columbia Circuit held in the Indiana Michigan Power Company that DOE has a legal obligation to begin acceptance of nuclear waste in January of 1998. It is impossible for DOE to fulfill its legal duty to begin acceptance in 1998, and under current programs that the DOE has, it will not be able to begin acceptance until the year 2010.

H.R. 1270 enables DOE to fulfill its legal obligation to begin acceptance at an interim storage facility in 2002, an earlier date that permits time for the NRC for licensing of this particular facility.

The overriding goal of the nuclear waste program since 1983 has been providing for permanent disposal of nuclear waste in a geological repository. That goal is strengthened by H.R. 1270. Congress has always sought to avoid a competition for funding between an interim storage facility and a repository. H.R. 1270 avoids such competition by providing ample funds to pursue both programs. According to DOE, the funding provisions of H.R. 1270 provide sufficient funds to provide for interim storage while maintaining the progress towards development of a permanent repository.

H.R. 1270 has protections designed to assure the interim storage facility cannot become a de facto permanent facility. There are statutory limits to the nuclear waste that can be stored in the interim facility, 40,000 metric tons, a small portion of the nuclear waste that will be generated, which is 115,000 metric tons.

The commitment to the repository in H.R. 1270 is reflected in the funding mechanism of the bill. H.R. 1270 provides for a fee that must average 1 mill, one-tenth of a cent, between 1999 and the year 2010, but can fluctuate to match program needs. Without this flexibility in the fee mechanism, funding for the repository may not be assured.

Maintaining the commitment to the repository is critical to the States that have significant amounts of defense nuclear waste at DOE nuclear facilities: Washington State, Idaho, South Carolina. Most of these defense wastes cannot be accommodated at an interim storage facility. They will have to be deposited in a repository of this nature. Continued progress on a repository is crucial for these particular States.

During the hearings held by the Subcommittee on Energy and Power of the Committee on Commerce on nuclear waste legislation, the Nuclear Regulatory Commission testified that onsite storage of nuclear waste is safe, but centralized storage of nuclear waste offers even higher safety margins than what we have today.

Right now, nuclear waste is spread all over the country in scores of sites in 35 States. Consolidating nuclear waste at one site will improve safety and provide for the enhanced protection and the public health and the public safety.

Since enactment of the Nuclear Waste Policy Act of 1982, consumers have contributed $13 billion, $13 billion, Mr. Chairman, towards the nuclear waste program. Only a portion of these sums, $6 billion, has been spent on the program itself. The rest has been effectively diverted to other Federal programs. This diversion has gotten so bad in recent years that only 15 cents, 15 cents of every dollar paid by consumers, has been spent on the nuclear waste program.

We need to protect the consumers and stop the diversion of nuclear waste fees to fund other Federal programs. H.R. 1270 protects the consumers in two ways: changing the fee to an annually adjusted fee that matches the appropriations level, and thereby eliminating the diversion of funds to other programs; and capping the fee at 1 mill, one-tenth of a cent per kilowatt hour. Under H.R. 1270, every penny of the fees paid by the consumers in the future will be spent on this particular program.

H.R. 1270 is consistent with the budget laws and does not violate pay-go requirements. It was not a simple matter to resolve the budgetary concerns related to the bill reported by the Committee on Commerce in 1995. The committee went through a great deal of effort to resolve budgetary concerns for one reason, a conviction that the diversion of fees paid by the consumers must be halted. The current fee is considered a mandatory receipt, and deleting this fee was deemed to reduce those receipts. The fee in H.R. 1270, since it is annually adjusted to match appropriation levels, is considered a discretionary fee.

The committee developed an offset for the loss of the mandatory receipts resulting from the switch from the flat mill fee established by the 1982 Act to the annually adjusted fee in H.R. 1270. The offset the committee adopted was requiring the payment of one-time fees owed by 13 utilities by the end of fiscal year 2002. These fees were required to be paid by the 1982 Act upon acceptance of nuclear spent fuel generated by these individual utilities. Requiring the payment of outstanding one-time fees in fiscal year 2002 was necessary to assure that H.R. 1270 does not violate budgetary pay-go limitations. That was the only reason the committee adopted this provision.

Opponents of H.R. 1270 have argued that the bill imposes tremendous burdens on taxpayers. Nothing could be further from the truth. The nuclear waste program has always been funded by consumers through fees on electric generation by nuclear power plants. Consumers will continue to fund the program through fees provided by H.R. 1270. The only cost, the only cost under H.R. 1270, is the cost of disposing of the defense waste. It is wholly appropriate that taxpayers fund this cost, since the benefits of our defense activities accrue to all taxpayers, not to just the consumers of utilities with nuclear power plants.

□ 1700

I understand the opponents of H.R. 1270 also assert that this bill preempts State and local transportation and safety requirements. That assertion also is completely false.

State and local governments are preempted from establishing inconsistent transportation safety requirements by existing Federal transportation laws, not in H.R. 1270.

Mr. Chairman, I would urge my colleagues to certainly support H.R. 1270.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today as cosponsor of H.R. 1270, the Nuclear Waste Act of 1997, a bipartisan bill that represents a lot of hard work on the part of members of the Committee on Commerce and the Subcommittee on Energy and Power to find what the gentleman from Colorado, Mr. DAN SCHAEFER, has deemed "a temporary solution to a critical and immediate problem," and that is the storage of our nation's spent nuclear fuel.

Mr. Chairman, I think it is certainly necessary. For one reason it is outrageous that the Department of Energy has failed in its quest, failed in the direction that this Congress has given them. This legislation is necessary because of that failure to find a permanent repository by the year 1998.

So far DOE has fallen behind on its responsibility in that it predicts a disposal facility will not be operational until the fiscal year 2010, which is absolutely unacceptable. That is at the earliest, they say. In the meantime, ratepayers have paid in billions of dollars to the Nuclear Waste Fund, with only about 15 cents on the dollar actually used for radioactive waste disposal programs.

This is unacceptable and, frankly, it is unconscionable. If my colleagues would just be logical about it, for a lot of years nuclear power has been a source of electricity supply across our country and we have known for many years that we have to find a long-term solution to the storage of nuclear waste that is the by-product of that industry. If they are going to use it, it has got to be stored. That is as logical as it can be.

DOE had a commitment to construct a permanent repository by 1998, but they have not lived up to that commitment, and that is why we are here today. The lack of a storage facility is placing very unrealistic demands on our Nation's nuclear power plants. Failure to act now could lead to the premature closing of some of our nuclear power plants and force additional costs upon them for on-site storage.

It is talk about nuclear as in energy, and there are some here who are just opposed to nuclear energy, period. The gentleman from Ohio is honest about that, and that is part of his speech and time that he will be using. But we see people out by nuclear plants that have signs that say "No Nukes." I go to schools and I say, "Children, how many of you are for nuclear energy?" And they all hold up their hands that they are opposed to it. But when they hear the hard cold facts that we sent Japan searching for energy, in World War II looking for energy, and that there is no question that President Bush sent 400,000 of our kids over to that desert looking for energy, and when we point out to schoolchildren that, yes, energy or lack of energy causes wars and explain that to them, then we tell them if we solve the energy problem, which this is a thrust in that direction, that those signs that they hold up saying "No Nukes" can say "No Wars." Then when asked the question again, the hands do not go up because it is properly explained to them.

I think during the year, DOE has made some progress on the excavation of the main tunnel at the Yucca Mountain facility, but we have got to encourage them to accelerate construction of the permanent facility. In the meantime we cannot afford to do nothing. We cannot afford to wait another 12 years. It is important that we act now.

This Congress just voted a few moments ago overwhelmingly not to let any amendment sent up, frivolous or otherwise, or sincere amendment or whatever, block the progress of this bill.

Mr. Chairman, I thank my colleagues, the gentleman from Virginia, Mr. BLILEY, and the gentleman from Michigan, Mr. DINGELL, ranking member, the gentleman from Colorado, Mr. DAN SCHAEFER, the gentleman from Michigan, Mr. UPTON, all of the other members for their hard work, even some of those who were opposed to the bill who have sent up good suggestions, some of them that we have taken and all of them that we considered.

But this thing started back in 1982. There was no Nuclear Policy Act. It said simply: "Ratepayers, you give us the money and we will pick up your spent fuel." And we did that. They have given us $13 billion. We have only spent $6 billion. In 1987, Yucca Mountain was designated as the only place for the DOE to study for permanent repository and a vote in the House and Senate took place.

I think in the appropriations bill in 1987, it may have been on December 21, 1987, the vote was for the fiscal 1998 budget reconciliation conference report, H.R. 3545. That vote then was 237 to 181. And it is unfortunate that no one wants this area. It is not politically selected by anyone.

Mr. Chairman, I am sorry for the gentleman from Nevada [Mr. ENSIGN]. The gentleman is doing what he ought to do. The gentleman is representing his district, representing his State. But this was considered at one time to be in Deaf Smith County, Texas. Had it been selected, I would understand that we would have to have an act, but I would probably be in the same position that these two gentleman are in who represent the State of Nevada.

But the hard cold fact is that the Nevada test site has been dedicated to nuclear uses for over 50 years. We have had 975 nuclear explosions there in the desert. They have studied Deaf Smith County; they turned that back. Since then, we have studied Yucca Mountain for $6 billion dollars worth and still the repository will not be ready until 2010 or 2015. I say start it in 1998. That is what this bill says. "Light up or light out."

Mr. Chairman, I reserve the balance of my time

Mr. MARKEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, as George Gershwin might say, "It's very clear, plutonium is here to stay. Not for a year, but forever and a day. The Rockies may crumble, Yucca may tumble, they're only made of clay. But plutonium is here to stay."

That is the problem, Mr. Chairman. It is here to stay; 10,000 years, 20,000 years. Nobody knows how long. This bill presumes that it is very safe. "Do not worry about it: We are picking Nevada," says the Congress. "We do not have any geologic or scientific evidence that supports our decision, but we have decided that we are getting it off of all the sites that it has been generated at and we are moving it to Nevada."

Mr. Chairman, in this legislation, we are going to suspend a lot of protections which we give to Americans. We are going to decide here today that each American could be exposed to 100 millirems of radiation. Now, in Sweden the standard is 10. In Switzerland it is 10. In Canada it is 1. Even at the New Mexico waste isolation pilot project, it is 15 millirems. But here, we are going to say that for every 286 persons exposed, that one of them will contract a cancer. We are going to decide that today. We are going to establish a level that does not allow the EPA to set these standards. We will decide them. That is what this bill says, and that is wrong.

What else does the bill do? It says that it will be transported through 40 States of the Union in trucks and railroad cars, totally indemnifying the trucking and railroad firms from any liability, even if they are engaged in willful misconduct, gross negligence. They are not liable.

Now what disincentive as a result exists for these contractors to ensure that they have not hired drivers who drink excessively in the evening, take antidepressants and then jump behind the wheel and drive 100 miles an hour through tunnels in highly populated population areas in our country? None. This bill allows that to happen. They are not liable.

And who pays if there is an accident? Believe it or not, it is the ratepayers who will pick up the tab, the very people who may have been victimized by an accident created in their neighborhoods.

And fourth, we have the Holy Roman Empire provision on NEPA. They used to say that the Holy Roman Empire was an oxymoron. It was not really holy, Roman, or an empire. Well, that is what we have got here with the Environmental Impact Statement that is built into this bill. It really does not evaluate the environment, it does not measure the impact it is going to have on a community, and it is not much of a statement. But at least we have got the words in there.

Then we have the "interim storage" oxymoron. We have put a cap on how much money we are going to raise from now on from nuclear utilities for permanent and interim storage. We are going to spend most of it on the interim storage. We are going to build something that is above ground and interim, and we are going to pretend that we are going to come back and still have a permanent waste repository built in this country.

A vote for this bill is a vote to kill a permanent repository in the United States permanently. This is an interim storage bill to just get it off the books from the utility executives of today, and forget about any permanent solution.

Mr. Chairman, I hope that the Members who are listening to this debate vote for the amendments to protect the American public.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 5½ minutes to the gentleman from Louisiana [Mr. COOKSEY].

Mr. COOKSEY. Mr. Chairman, I would like to engage the gentleman from Colorado, Mr. DAN SCHAEFER, in a colloquy.

Mr. Chairman, the ratepayers of Louisiana have paid more than $134 million into the Nuclear Waste Fund only to see that money used for purposes other than those specified by the law which mandated the collections. For that reason, I would like to engage in a colloquy with the distinguished floor manager to propound a few questions on the bill before us, which I have cosponsored.

As I understand the situation, one of the foremost improvements of the bill over current law are provisions which would ensure that monies collected from ratepayers will be used for the purposes for which they were intended under the Nuclear Waste Policy Act rather than being captured and used for other purposes because of discretionary spending limits imposed after the Nuclear Waste Policy Act was enacted.

Mr. Chairman, I ask the gentleman, is this a fair representation?

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. COOKSEY. I yield to the gentleman from Colorado.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, the gentleman is certainly correct. As is more fully explained in the committee's report, the basic inequity arises from the fact that the current 1 mill fee assessed against nuclear generated electricity is treated as a mandatory receipt to the Federal Government, and all programmatic expenses are treated as discretionary spending.

Now, as a result, spending for the waste program from the Nuclear Waste Fund is thus counted against various discretionary spending caps enacted after 1982 as a means of controlling overall Federal spending. As a result, while nearly $12 billion has been generated in fees and interest, only a little over $4.8 billion has been spent on the program.

Mr. COOKSEY. Mr. Chairman, reclaiming my time, I further understand that any effort, other than the one proposed in the bill, to create a situation where revenues and expenditures stand on the same side of the ledger, allowing annual revenues to offset annual outlays, would result in a technical violation of the scoring rules of the Congressional Budget Office and the Committee on the Budget.

The committee, therefore, had to find an accounting offset and the source of funds chosen for the offset was the one-time user fees owed by certain utilities under contracts entered into with the Department of Energy after enactment of the original 1982 statute. Is this an accurate presentation?

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, if the gentleman would continue to yield, I would say to the gentleman, that is accurate. For example, under the solution to this problem chosen by the committee in the last Congress, the termination of the current mandatory 1 mill fee and the institution in its stead of a discretionary user fee, we were informed that we had violated the budget rules because the Treasury would no longer be receiving these revenues on the mandatory receipts side of the budget, even though the Treasury would be receiving user fee revenues on the discretionary side of the budget as an offset for appropriations to fund the waste program.

Further, as the committee report indicates, 13 utilities availed themselves on the contractual option offered by the Department of Energy to pay fees assessed against spent nuclear fuel they generated prior to the effective date of the 1982 act.

□ 1715

By requiring these fees to be paid prior to the expiration of fiscal year 2002, the committee was able to generate a $2.7 billion revenue offset which, as the committee report indicates, was necessary in order to assure that the legislation does not violate the budgetary pay-as-you-go limitations.

Our understanding was confirmed in the letter of September 25, 1997, by CBO Director O'Neill to the gentleman from Virginia [Mr. BLILEY] as well as the September 18, 1997, letter from the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget, to the gentleman from Virginia [Mr. BLILEY].

Mr. COOKSEY. Is it true, Mr. Chairman, that such one-time fee payments will be credited to the balance of the Nuclear Waste Fund and that the program will largely rely on annual user fees to fund both continuing progress on the repository at Yucca Mountain and the interim self-storage facility mandated by the bill?

Mr. DAN SCHAEFER of Colorado. My colleague again is correct, Mr. Chairman. As the committee report states, it appears that the annual user fee that averages one mill per kilowatt hour will be sufficient to continue development of the repository and acceptance of spent nuclear fuel and high level radioactive waste at the interim storage facility. Information supplied to the committee by DOE indicates that in order to achieve these goals, a fee of one mill per kilowatt hour will be sufficient to maintain progress on the repository and develop an interim storage facility.

Mr. COOKSEY. Mr. Chairman, is it not the case that contracts entered into between utilities and the Department of Energy prior to the effective date of this act will continue in force unless both parties agree to a modification?

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, that is correct. Section 2 of H.R. 1270 provides that such contracts shall continue in effect under this act in accordance with their terms except to the extent that the contracts may have been modified by the parties to that contract.

Mr. COOKSEY. Mr. Chairman, I thank the gentleman.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Michigan [Mr. DINGELL], former long-time chairman of the Committee on Energy and Commerce and present ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Chairman, there is a funny thing about nuclear waste and other kinds of waste, too. Everybody wants somebody to pick it up and they never want them to put it down anywhere.

We have a massive problem in this Nation. How are we going to resolve the problem we have with regard to high level and low level nuclear waste? The answer is, we have got to begin somewhere.

The bill before us is a good bill. Every Member of Congress who has dealt with or thought about this issue has been frustrated about the fact that we have not dealt with the problem. Money collected for the purpose of dealing with the question of storage has been dissipated by the budgeteers and by the Committee on Appropriations. This bill addresses that problem. It solves it.

The bill goes further. The bill addresses the problem of where we are going to set up an interim storage place. That is important. I will assure my colleagues that it is interim because, in the process of considering this legislation, we have seen to it that there is not enough money for them to store enough of this waste that it can become a permanent storage facility. I am aware of the concerns of my colleagues on that matter because they are important.

The bill does not impose any new protections on the carriers or the transporters of nuclear waste that have not been a part of the protection of every nuclear contractor since the beginning of the program for nuclear power in this country, same as under Price-Anderson.

I assure my colleagues that the Department of Transportation and the Department of Energy will see to it that this is moved safely. If Members look at the casks and the carriers and the rules, they will find that they afford an abundance of protections. I would think that probably the worst thing that would happen, if we have some kind of an accident involving one of these vehicles, we would find that they had cracked the pavement because that is how strongly constructed the carriage devices and how strongly constructed the containers are.

We have to resolve the problem. The bill provides reasonable environmental protections for everybody who is concerned, the best that could be crafted. But it resolves an issue which is a matter of great concern to the Nation.

I am troubled that my friends from Nevada are not pleased with this legislation. The hard fact of the matter is, the studies that have gone on so far have come up with about the best place. That is an area of which we have had not only extensive studies of geology and safety and terrain stability and water, but also an area in which there have been extensive use of nuclear explosives, I think unwisely, but nonetheless have done so. And the result will be that the best possible protection for everybody can be done and will be done under this legislation.

I want to commend my dear friend, the ranking minority member, the gentleman from Texas [Mr. HALL], the distinguished gentleman from New York [Mr. TOWNS], the chairman of the subcommittee, the gentleman from Colorado [Mr. DAN SCHAEFER], the gentleman from Idaho [Mr. CRAPO], the gentleman from Illinois [Mr. HASTERT], the gentleman from Michigan [Mr. UPTON] and, of course, the chairman of the full committee for the work which they have done to bring us to the point where we are today. This is a good bill. It is a step along a long and difficult route to resolve an important question which is troubling everybody and which is causing huge problems for the Nation.

I urge my colleagues to support the legislation.

Mr. Chairman, I have long been frustrated with the pace of DOE's efforts, and the lack of any meaningful progress, toward opening a permanent repository for nuclear waste. I have spoken previously about my keen disappointment that there appears to be no way to recover the billions—literally billions—of dollars in ratepayer contributions to the Nuclear Waste Fund which the Budget Committee has siphoned off and used for wholly unrelated purposes.

I regret to say that, despite our best efforts here today, this Congress is not in a position to remedy all of the problems afflicting DOE's waste program. Nor can we guarantee that the repository will open on a date certain.

However, the bill before us is a marked improvement over current law. It is a bipartisan bill that passed the committee by a vote of 43 to 3. At this time let me thank Chairman TOM BLILEY for his hard work on this important issue. I also want to congratulate my colleagues—Chairman SCHAEFER, Ranking Member HALL, and Congressmen TOWNS, CRAPO, HASTERT, and UPTON—for their contribution in working through some of the hard questions and introducing H.R. 1270. This bill incorporates the following important provisions:

First, and foremost, the bill reforms the funding basis for the waste program, and ensures that every dollar contributed by ratepayers will be spent on the nuclear waste program—and nothing else. By transforming utility payments for nuclear waste into a user fee, the substitute puts an end to the diversion of these funds and ensures they will be applied exclusively for their intended purpose—the Yucca Mountain project.

Second, the substitute authorizes an appropriate interim storage facility. This facility will open in 2002, and will accept waste at nearly twice the rate DOE projects under its acceptance schedule. This is the least we can do, given the tardiness of the current program.

At the same time, however, it is essential that interim storage not become a de facto substitute for the permanent repository. In recognition of this, the substitute limits the capacity of the interim storage facility to about half of what the repository will accept—so that a healthy constituency remains for completing work on a permanent disposal facility.

Third, we cannot escape the fact that building two facilities simultaneously costs more than building one. If we direct DOE to build interim storage at the same time it is building the repository, we also must ensure adequate funding for both facilities.

Therefore, the bill permits an increase in the annual 1 mill per kilowatt-hour fee during peak construction years. However, ratepayers will pay no more in the long run because any such increase must be offset by lower fees in other years—so that the average annual fee over the next 12 years is no more than 1 mill. In order to provide additional assurance to ratepayers, utilities, State regulators that annual use fees will not spike dramatically, the bill imposes a 1.5 mill annual cap.

In summary, this bipartisan bill will make a number of important changes in the nuclear waste program that will protect our consumers and our environment. I urge its passage.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I appreciate the opportunity to speak in support of this important piece of legislation, the Nuclear Waste Policy Act of 1997. This is a very important issue to Idaho because, as I think most people now understand, Idaho has been the recipient of a significant amount of the spent nuclear fuel in the country to be stored on a supposedly temporary basis, but the progress toward permanent storage needs to be resolved and the interim storage facility issue needs to be resolved.

Idaho currently has 260 metric tons of spent nuclear fuel and 10,000 cubic meters of high level nuclear waste, and we must proceed with resolving this issue to protect the geologic areas of Idaho that are now jeopardized by the permanent, apparently permanent storage of the waste in those locations.

The point I would like to make is that Idaho is not unique here. Perhaps it is Idaho that has had a significantly larger amount of the spent nuclear fuel shipped to it, even though it has not generated any. But this bill is very much proenvironment because it removes nuclear spent fuel and high level nuclear waste from over 100 sites to only one remote site.

My friend from Massachusetts said that, in his argument against this bill, that we will see spent nuclear fuel transported through 40 different States. I think a better way to point it out is that we will see spent nuclear fuel transported out of about 40 States and out of over 100 sites to only one remote site where the location has been designed to have the least amount of environmental impact.

With regard to that transportation issue, the regulatory regime for radioactive material transport has worked well in this country. As the gentleman from Michigan [Mr. DINGELL] just said, it will be transported safely.

Over the past 30 years there were 2,500 shipments of spent nuclear fuel in the United States. Since 1957, there have been 667 shipments of Navy spent fuel over 1 million miles. And in the last 22 years, the Department of Energy has transported nuclear weapons and special materials nearly 100 million miles, and all of that has been done without radioactive release.

There has been an attack saying that there will be insufficient environmental analysis. Again, the true facts are that H.R. 1270 requires an environmental impact statement before every major Federal action in the Nuclear Waste Program. It is true that it says that alternate sites are not to be evaluated, but that is because this Congress is designating the evaluating site. And those who would say that a full environmental impact analysis is not being made are simply mischaracterizing the terms and provisions of this legislation.

Mr. Chairman, this legislation is critical to this country. Last year, the U.S. Court of Appeals for the District of Columbia held, in an important case, that DOE had a legal obligation to begin accepting this material by January of 1998. That cannot be done unless this type of legislation is moved properly into place to provide for the interim storage of spent nuclear fuel. This is important, critical legislation to the country. I encourage its adoption by the House.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

The CHAIRMAN. The gentleman from Ohio [Mr. KUCINICH] is recognized for 4 minutes.

Mr. KUCINICH. Mr. Chairman, I would like to correct a few misconceptions that I have heard during this debate.

First of all, the American people were never asked to build nuclear powerplants. The industry made the decision to go ahead. There was never a vote on it by the American people. The industry decided to build nuclear powerplants.

When the nuclear power plants were built, there were no plans by the industry at that time to talk about how the waste would be dealt with.

There are myths about the disposal of nuclear waste. First of all, we cannot dispose of nuclear waste. It lasts for thousands and thousands of years, something the gentleman from Massachusetts [Mr. MARKEY] pointed out. I would like to add that we cannot move it either, because once it is on a site, that site is contaminated. We cannot transport it out of anywhere. Nuclear power sites essentially are scorched Earth. That land will never be used again for anything.

Right now there are nearly 109 nuclear dump sites in America. When the waste is moved to Yucca Mountain, there will be 110 contaminated sites, not 109 less. When it will be moved from Yucca Mountain, then there will be 111 contaminated sites.

Nuclear power promised power too cheap to meter. It delivered electricity too expensive to use. It promised safe electricity. Three Mile Island and Chernobyl put the lie to that.

The nuclear power industry has caused utility rates to go up across this country. In my State of Ohio in the northern part of our State, utility rates are twice as high as they are in the southern part of the State. Everyone in this country who has nuclear power as a source of energy knows why their electric bills are so high.

Now the ratepayers are being told that they will pay more under this bill. Utility rates will go up even higher, and why? To bail out an industry that has built plants that have been neither used nor useful. The nuclear power industry has been holding up utility deregulation until they can dump the responsibility for nuclear waste, re: that stranded investment, on to the residential ratepayers and the small businesses and the taxpayers. This bill is the first step.

□ 1730

The waste belongs to nuclear power plants. But by law, when this bill is passed, the Department of Energy takes title. And who is the Department of Energy? The taxpayers of the United States of America. It is then the waste belonging to the people, their responsibility. If there is an accident, the taxpayers will end up paying for it. The waste will last for thousands of years. The taxpayers will end up paying to monitor it. The taxpayers will end up having to pay to isolate it from the biosphere. The taxpayers. The taxpayers. The taxpayers will buy a nuclear pig-in-a-poke waste dump and be stuck with the bill for it forever.

There is no known technology which can safely isolate the waste from the biosphere. The transportation of waste through populated communities, 50 million Americans will live within a half mile of the nuclear transportation routes, ensures that there will be a significant hazard to major populated areas.

The safety issues have not been adequately met in this legislation. There were amendments that were never even able to get out of the Committee on Rules that would have protected major population areas. This bill will, I believe, begin the dawning of new civic activism in the United States from people who are fed up with a nuclear industry which has in some cases ruined our economy because of high electric rates, passed the bill on to the ratepayers, and now wants to stick the American taxpayers with hundreds of billions of dollars of debt.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, may I inquire how much time we all have remaining?

The CHAIRMAN. The gentleman from Colorado, Mr. DAN SCHAEFER has 11½ minutes remaining; the gentleman from Texas, Mr. HALL has 18½ minutes remaining; the gentleman from Alaska, Mr. YOUNG has 10 minutes remaining; and the gentleman from Massachusetts, Mr. MARKEY has 4 minutes remaining.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, might I ask the gentleman from Texas [Mr. HALL] if he has some more speakers here?

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, 50 years ago in April 1947, a ship in the Texas City harbor bearing a cargo of now what stands before us all, after Oklahoma City, as an indelible memory of ammonium nitrate fertilizer was destined for war-torn Europe. That morning that ship caught fire a little after 9 a.m.

The Texas City disaster, as it has come to be known, happened as the ship exploded. Within moments, the Monsanto Chemical Plant that was nearby was in flames as entire buildings collapsed, trapping people inside. Fires quickly spread to the refineries that made up the Texas City industrial complex, with the force of a small nuclear weapon, setting off a tidal wave, causing a disaster that resulted in nearly 600 deaths in a town of about 16,000.

We have come a very long way in 50 years. Fortunately, we have learned from our mistakes. We understand the dangers of densely populated areas, and we have gotten very good at taking the right precautions and anticipating as many scenarios as possible.

But nothing is ever 100 percent foolproof, no matter how close we may come. If my colleagues believe that transporting the Nation's spent nuclear fuel to an interim storage facility makes sense, then they would have to agree, whether they agree with that principle or not, it should be done as safely as possible. If the unforeseeable or improbable does happen somehow, we all want the risks to human life or health to be as low as can possibly be.

In the committee I offered an amendment that would have added language directing the Secretary to choose routes for spent nuclear fuel and high-level radioactive waste to minimize transportation through populated areas. There may be cases where it is safer to use routes that are nearer to areas of population because of superior rail lines or highways. However, where track or road quality and other factors are otherwise equal, it is clear the Secretary should take into account proximity to human beings.

My intent is to enhance safety, not compromise it. I want to thank the chairman for working with me and my staff over the intervening weeks and for including my amendment as part of his own.

In the light of the progress in the work of the committee, I support this bill. I share the concerns of many, but I believe that the chairman and ranking members of the full committee and subcommittees have made an extraordinary good-faith effort to address the concerns of Members like me who care about safety in densely-populated urban areas, as I believe virtually all of us do. And I think that right now, with the clock running, this represents a sound path toward a more permanent solution.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, while I do not support this bill, I do believe that we must solve our nuclear waste problem. This bill is merely a temporary fix for a problem that has long-term implications. Our Nation is at a crossroads. We have benefited from nuclear technology. We are a Nation that has won wars and deterred others because of nuclear science. This technology is a cheap and efficient way to light our towns and cities. We have paid a price for this benefit.

Over the last 50 years, our Nation has generated tens of thousands of tons of highly radioactive nuclear materials and waste. I cannot stress the importance of finding a permanent and viable solution to the disposal of these wastes.

I have many fundamental problems with the bill before us that can be solved if the issue were given further consideration. This legislation allows for nuclear waste to be stored above ground in so-called interim storage facilities located in the State of Nevada. I am concerned that legal limitations to ensure that interim storage does not become permanent storage will be eroded.

The bill does not adequately address public health and safety protections relating to transportation, interim storage, and permanent disposal of nuclear waste. My constituents in Baltimore, as customers of the Baltimore Gas and Electric Company, pay into their nuclear waste fund, which is designed to cover costs of both interim storage and the permanent repository. I worry that places a continuous burden on utility customers around the country because this bill does not create a permanent repository.

I urge my colleagues to vote against this bill. We have much more work to do to ensure the protection of the public health, safety and environment.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Colorado [Mr. DAN SCHAEFER] for yielding me the time.

Mr. Chairman, I rise in support of H.R. 1270. I also want to salute the original drafter of this bill, the gentleman from Michigan [Mr. UPTON], for his work.

I want to talk a little bit about safety. I want to also talk about Halloween for a moment, because it seems Halloween is not until Friday but the gloom and doom stories have already begun. The myths about a "mobile Chernobyl" are about as credible as the legend of the headless horseman.

I know that transportation is a problem. Some Members have spoken about that. Safety is a problem, as well. I want to speak to both of those issues quickly.

Consider the record: 30 years of experience, 2,400 shipments of spent nuclear fuel, over 1.5 million miles logged in this country, does not include the 100 million miles that the gentleman from Idaho [Mr. CRAPO] talked about on the nuclear weapons side, and all of this movement with zero radioactive releases and no harm to the environment or American citizens. The casks are engineered safe. They are tested, they are demonstrated, and they are certified safe by the NRC, the Nuclear Regulatory Commission, for transportation.

I would like to focus on this chart. These are some of the tests that have taken place with respect to the casks. They include a 30-foot free-fall; a puncture test onto a steel rod, 6 inches, dropped from a height; a collision, get this, a collision with a speeding locomotive at 80 miles per hour; and fire at over 2,000 degrees Fahrenheit. I know the chart says 1475, but beyond that it has gone over 2,000. If that is not enough, these same casks were submerged underwater for 8 hours, all with no radiological releases. This technology is currently being used around the globe, so these casks are safe.

Opponents argue that H.R. 1270 infringes on State and local jurisdictions. We already heard a little bit about that. But, rather, H.R. 1270 requires advance notification to State and local governments before spent fuel crosses their jurisdiction and the defers to the States on designating the best routes. Transportation is safe.

I urge my colleagues to vote for this bill.

The CHAIRMAN. The gentleman from Colorado, [Mr. DAN SCHAEFER] has 9½ minutes remaining. The gentleman from Texas [Mr. HALL] has 14¾ minutes remaining. The gentleman from Nevada [Mr. ENSIGN], who has been the designee of the gentleman from Alaska, has 10 minutes remaining. And the gentleman from Massachusetts [Mr. MARKEY] has 20 minutes remaining.

Mr. ENSIGN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have heard several things from the proponents of the bill. I just want to say first of all, on the issue of urgency, a 1989 MRS Commission review found no safety advantage to centralizing the storage of spent fuel, taking it from all of these sites to one. In 1996, the Nuclear Waste Technical Review Board analyzed the issue of interim storage and concluded there is no urgent need, no urgent need, for centralized storage of commercial spent fuel. No need, no compelling necessity, no safety advantage to be achieved. That was 1996.

Now the Nuclear Waste Technical Review Board underwent a change in the composition of the chairmanship. So, in effect, there was an opportunity for a new board composed of new members to review whether or not they would agree with the position taken by the predecessors in 1996.

In testimony on February 5, 1997, Dr. Gerard L. Cohen, the chairman of the Nuclear Waste Technical Review Board, Dr. Cohen simply reaffirmed the position taken by his predecessors that there is no need, either for technical or safety reasons, to move spent fuel to a centralized storage facility for the next few years. He further maintains that to maintain credibility of the site selection process, any decision with respect to interim storage should be deferred until a technological site suitability decision can be made about Yucca Mountain.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield 3½ minutes to the gentleman from New York [Mr. TOWNS], an original cosponsor of this legislation.

Mr. TOWNS. Mr. Chairman, let us put the facts on the table. In 1982 Congress passed the Nuclear Waste Policy Act, which placed responsibility for the management of spent nuclear fuel, beginning in 1998 and for its ultimate disposal, with the Federal Government.

Since 1982 Congress has watched as successive Departments of Energy have attempted to move Federal nuclear waste programs forward, without any success, for a variety of reasons. Progress in this crucial problem has been painstakingly slow. How long must we wait?

Last year, this inaction resulted in a number of utilities suing the Department of Energy to fulfill their obligation to accept spent nuclear fuel beginning January 31, 1998. The U.S. Court of Appeals ruled in favor of the utilities on this issue. However, there is still no mechanism in place to establish an interim storage site that would enable the department to move forward with the acceptance of the waste.

The establishment of an integrated spent fuel management system, as established by our bill, H.R. 1270, will permit the Secretary to realize safety, efficiency and the economic benefit of a comprehensive design. In short Mr. Chairman, a centralized interim storage facility would mean high-level waste would be consolidated at one site instead of 40 different sites throughout this country.

Let me assure my colleague, the gentleman from Massachusetts [Mr. MARKEY], who painted a picture of trucks running 100 miles an hour through tunnels, let me assure him that they will be ticketed.

Now, some have argued that the utilities are merely crying wolf, that an interim facility is not needed because utilities can expand their own site storage. Well, let me stress here today that an interim facility is absolutely critical. The Nation's 107 nuclear plants face storage emergencies today. As we consider this legislation, 10 plants no longer have room in their original facilities. Next year, 27 will run out of space. And by 2010, 80 will lack any capacity to store waste at all.

Moreover, H.R. 1270 postpones construction of an interim storage facility until the year 2002.

□ 1745

This 4-year delay will give the Secretary of Energy an opportunity to submit a viability assessment of the Yucca Mountain repository to the President and this Congress. Since 1982, utilities have paid over $13 billion into a nuclear waste fund. Yet the Federal Government has not lived up to its responsibility to establish a Federal storage facility. We must stop shucking and jiving. Let us not delay any longer our responsibility to store the Nation's nuclear waste. I urge my colleagues to vote aye and stop the procrastination. The time to move is now.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. I thank the gentleman for yielding me this time. Mr. Chairman, I think it would be good for all of us to face up to the fact that today we are dealing with a solution of disposing of one of the wastes of an industrialized society.

In 1971, during the beginning of the Arab oil embargo, the Secretary of Agriculture asked me to be Director of Energy for USDA. Almost every morning at 6:30 a.m., we went over to the White House with Bill Simon and we talked about the problem. At that time we were importing about 50 percent of our energy needs. We came up with what we thought were wise ideas to deal with the problems. We started to subsidize the development of alternative fuels. We decided to start subsidizing such things as mass transportation to increase efficiency of energy in this country. And we started talking about the wisdom of expanding the production of nuclear energy. We also discussed what do we do with the waste generated by the production of energy by nuclear power. We talked about the possibility of burying it in the ocean. We actually talked about the possibility of putting it into outer space and keeping it in orbit.

But instead there seemed to be no good solution, and nothing was accomplished. Over the years nuclear waste has continued to be stored outside the generating facilities where it occurs. None of the ways that we generate energy is benign. They all have serious problems. Most of our energy is generated by coal (56 percent). If the administration has their way at the

Kyoto Conference, what we are going to do is imply that we should expand the generation of nuclear energy in order to decrease coal generated power.

It is interesting to note that after our discussions in 1971 and 1972 of where to go on expanding nuclear energy production to be more self-sufficient in the United States, the following year, in 1973, a request by a utility company to build the last nuclear energy plant to be built was received. I would suggest that this country is never going to again develop another nuclear energy generating plant.

The government promised the people of this country in 1982 that government would take the responsibility to get rid of the existing generated nuclear waste. In return utilities using nuclear power, through their customers would pay additional "taxes" and send it to Washington. Over the years those ratepayers have paid in an additional $13 billion.

Now we are dealing with what the government promised to do. I compliment the gentleman from Michigan [Mr. UPTON] for bringing this legislation to us. We are moving ahead. Eventually we are going to find other sources of energy in this country. But until then we have got to be responsible to make sure Washington keeps their promise. We have got to be responsible to develop the best possible ways to deal with nuclear waste disposal. It is much more logical at this time to put this waste in a centralized location rather than spread it over 38 States.

Delays and cost overruns have created a national nuclear waste policy of stop-gap measures and ad hoc solutions instead of centralized, streamlined results. Today, highly radioactive waste sits scattered at over 80 different locations in 38 states.

FRED UPTON's bill will help establish an interim storage facility while work continues on the permanent solution—that way we can get nuclear waste away from vulnerable areas like the shores of Lake Michigan and the Chesapeake Bay.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Ms. DEGETTE], a valued member of the Committee on Commerce.

Ms. DEGETTE. Mr. Chairman, I would like to be clear. Many of us understand that we need a sensible policy for getting rid of nuclear waste that threatens many of our metropolitan areas. In my City of Denver, we are right downwind of some nuclear waste at Rocky Flats that will need to be disposed of. But we should not send this waste to uncertified sites and we should not send this waste along urban corridors that are going to be destructive for transportation purposes.

The National Waste Technical Review Board, a nonpartisan body created by Congress to evaluate the technical and scientific validity of the Department of Energy's program to manage the permanent disposal of the Nation's civilian spent fuel and high-level radioactive waste issued its report to Congress in March. The Board believes that the viability assessment, which will be completed by September 30, 1998, will not provide adequate information for establishing Yucca Mountain as a repository site.

Mr. Chairman, the gallery is not in order and it is difficult for me to proceed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind the guests in the gallery, you are guests and we ask that you respect the rules of the gallery, and that is to keep silent during the proceedings.

The Chair apologizes to the gentlewoman. The gentlewoman may proceed.

Ms. DEGETTE. Thank you, Mr. Chairman.

Specifically, the board's report states that a decision to locate the Nation's primary centralized storage facility for spent fuel at or near Yucca Mountain should be deferred until the suitability of the site as a repository location has been determined.

The suitability of Yucca Mountain as a permanent site will not even be determined until the year 2001. Why then are we going to send this high-level nuclear waste from the East Coast, from around the country, across 40 States of this country, including places like the Mousetrap, which as Members can see through this map, runs right through the center of downtown Denver, and the location in which 8 years ago a torpedo fell off a truck completely shutting down the city for 8 hours? Why would we send this waste to an uncertified site only to have it be sent somewhere else? And why would we send it through corridors like downtown metropolitan areas where millions of citizens could be at risk?

It makes no sense. I do not understand where we are rushing to transport this nuclear waste until the site is certified. In addition, there is no national standard requiring emergency response training for communities along transportation routes so if there is an accident in the Mousetrap the local law enforcement officers know what to do. There is no requirement that these officials even be notified of the transport.

For all of these reasons, this is a premature bill, it is a bad response to a very real problem that we have in this country. I urge my colleagues to oppose passage of this bill until we find a permanent site for this nuclear waste and until we find a reasonable transportation solution.

Mr. ENSIGN. Mr. Chairman, I include for the RECORD this letter from the President of the United States indicating that he would veto H.R. 1270.

The text of the letter is as follows:

STATEMENT OF ADMINISTRATION POLICY

If H.R. 1270, as reported by the Commerce Committee, were presented in its current form, the President would veto the bill. H.R. 1270 would undermine the credibility of the Nation's nuclear waste disposal program by designating a specified site for an interim storage facility before the viability of that site as a permanent geological repository has been assessed.

The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner. The Federal government's long-standing commitment to permanent, geological disposal should remain the basic goal of high-level radioactive waste management policy. This Administration has instituted planning and management initiatives to accelerate progress on determining the suitability of Yucca Mountain, Nevada, as a permanent geologic disposal site.

H.R. 1270, however, would establish Nevada as the site of an interim nuclear waste storage facility before the viability assessment of Yucca Mountain as a permanent geologic repository is completed. Moreover, even if Yucca Mountain is determined not to be viable for a permanent repository, the bill would provide no plausible opportunity to designate a viable alternative as an interim storage site. Any potential siting decision concerning such a facility ultimately should be based on objective, science-based criteria and guided by the likelihood of the success of the Yucca Mountain site.

In addition, the Administration strongly objects to the bill's weakening of existing environmental standards by preempting all Federal, State, and local laws inconsistent with the environmental requirements of this bill and the Atomic Energy Act. This preemption would effectively replace the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard. In addition, the bill would undermine the purposes of the National Environmental Policy Act by, among other things, creating significant loopholes in the environmental assessment process.

Finally, the completion of a permanent geological repository is essential not only for commercial spent fuel disposal, but also for the cleanup of the Department of Energy's nuclear weapons complex and the disposal of its weapons-grade materials. In addition, these actions are necessary to further U.S. international nuclear nonproliferation objectives. H.R. 1270 would, in the near term, put interim storage activities in competition with actions needed to complete the permanent geologic repository. Consequently, the bill's enactment could delay the appropriate disposition of our surplus weapons-grade materials.

Mr. Chairman, I yield 3 minutes to the gentleman from Nevada [Mr. GIBBONS], who sits on the Committee on Resources, the major environmental committee, who voted this bill out unfavorably.

Mr. GIBBONS. Mr. Chairman, I want to thank the gentleman for yielding me this time, and I do want to address some of the myths that I have heard expressed here today about H.R. 1270. First of all, I want to address the issue of the ostrich policy, of sticking your head in the sand and hoping that nobody else sees the problem.

When I was a child, this reminds me of what my mother told me about 3 monkeys. Hear no evil, see no evil and speak no evil. It is odd that those people who are in support of this bill are exactly those ones who have nuclear waste in their backyard that want to get it out. They are the ones that have benefited from this issue. Now they want to get rid of it and they want to get rid of it by the most expedient method possible, getting it wherever it is into the State of Nevada.

Let me address the issue about the interim storage site versus the permanent storage site. They are not one and the same. They are miles apart. The interim storage site is a nuclear test site. Yes, indeed we did detonate some nuclear weapons there years ago. We regret we did that. We regret that the State of Nevada almost paid the whole price for the nuclear industry. But the permanent site is miles away. It is not even co-located. We are making two sites in Nevada, not one.

Second, we are not talking about some magic cosmic mode of transportation. We are not just picking this stuff up and then setting it down, as I heard someone say earlier. What we are doing is shipping this through communities, 43 States, hundreds of communities, numerous schools with children at play. Let me say when we look at this map here, this is where we are sending it through this country. These are the rail and highway systems through which we are bringing most of it from east of the Mississippi River, west to Nevada, right there.

Transportation is probably the biggest issue we have got here today. The likelihood of an accident is more than just a remote possibility. It is a reality. When we look at this accident, this is a train accident, a recent train accident. I hope people vote against this.

Let me talk about some of the standards that I have heard here today. We have dropped one of these casks from a standard height of 30 feet. Mr. Chairman, it is 450 feet off Hoover Dam to the bottom. That is a little more than 30 feet. This cask would not stand up to the drop of 450 feet into the bottom of the Colorado River at the base of this dam. I guarantee my colleagues that this cask would be in that water more than 8 hours. Fires with metal containing titanium or other metals burn at a temperature of in excess of 3,000 degrees. That is a little more than the fire that they have exposed these casks to. This is a kind of accident that could occur, that will occur if we allow this stuff, this nuclear waste, the most dangerous stuff known to man, to be transported across our community, through our States, next to schools. It is a danger to every American. We ought to oppose this bill. We ought to reject it outright, and we ought to change the policy from burial.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. GORDON], a member of the committee.

Mr. GORDON. Mr. Chairman, I rise today in favor of H.R. 1270. Many Americans have a temporary nuclear storage site close to home. My own State of Tennessee has a legacy of high level nuclear waste that is stored onsite. The nuclear weapons that were built in Oak Ridge helped this entire Nation win World War II and the Cold War. Now we have the opportunity through the Nuclear Waste Policy Act of 1997 to establish a central storage facility in an underpopulated area that would be easier, safer and more economical to monitor.

□ 1800

I understand the concerns of my colleagues who oppose this bill. I know that no one wants a nuclear storage site in their backyard, but there is no magic wand that will make this waste go away. It is here, we have no choice but to deal with it. We need a solution to this growing problem, and the repository at the Yucca Mountain offers the best opportunity.

The Southern Governor's Association took steps in this direction earlier this month by passing a resolution in favor of H.R. 1270. Additionally, we cannot ignore the fact that consumers have paid into the Nuclear Waste Fund to store this waste. TVA alone has expended over $20 million in additional funds because DOE has failed to take this waste.

We must assure the public of the safety of any repository. The nuclear industry has been storing fuel in 34 States for more than three decades. Though the industry is now safely managing used fuel, long-term on-site storage was never intended.

A central storage facility to keep much of this waste is necessary, and the Yucca Mountain fits the requirement for safe storage of spent nuclear fuel.

Mr. Chairman, H.R. 1270 meets the public's need for a safe alternative for temporary used fuel storage at one site until a permanent storage facility is completed. This is a long overdue solution to a difficult issue.

Mr. Chairman, I urge my colleagues to support this legislation.

The CHAIRMAN. The Chair would announce that the order of closing will be the gentleman from Massachusetts, Mr. MARKEY, first; the gentleman from Nevada, Mr. ENSIGN, second; the gentleman from Texas, Mr. HALL, third; and the gentleman from Colorado, Mr. DAN SCHAEFER, fourth.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, we are looking at an issue that certainly covers a lot of folks' interests, and certainly the people who oppose this piece of legislation certainly have a backyard interest of their own.

Mr. Chairman, 15 years ago, that is how long ago Congress originally passed the Nuclear Waste Policy Act. In 1992, Congress envisioned that the Department of Energy would be accepting spent fuel by 1998. That is less than two months away.

Fifteen years ago, Ronald Reagan was two years into his first term, Tip O'Neill was Chairman, typewriters, not computers were the norm, and the Soviet Union was still considered the evil empire.

But perhaps most telling was the fact that 1992 was still a full two years before the Chicago Cubs would make it to post-season play. If you are a Cubs fan, you will know how long that really was.

Mr. Chairman, unfortunately though, after billions of dollars and a decade and a half, we are only a few steps closer to opening a permanent repository than we were in 1982. This bill replaces the sluggish action that has plagued DOE's Nuclear Waste Program with specific achievable deadlines and ensures that another 15 years will not pass before the Federal Government lives up to its responsibility of accepting spent fuel.

Mr. Chairman, we have spent billions of dollars looking into this issue. We have assessed from ratepayers, not taxpayers, but ratepayers. Every time somebody pays their utility bill, we are reaching into their pocket and we have taken billions of their dollars. What has the Federal Government been able to deliver for that billions of dollars? Absolutely nothing.

The ratepayers, our constituents, Mr. Chairman, know that it is time for this Congress to take the bull by the horns and deliver the promise that it made in 1982.

Mr. Chairman, we need to pass this bill. We need to fulfill the promise to the American people that this country will have a safe and sound nuclear waste policy. We cannot allow another 15 years to go by. Regardless of what we hear on the floor today, we need to find an environmentally sound and permanent solution to the management of spent nuclear waste.

Mr. Chairman, I include the following for the RECORD.

H.R. 1270 (passed E+P subcmte. 21–3)	S. 104 (passed Senate 65–34)
TRANSPORTATION	
—No rail access directly to Yucca Mtn. But contemplates the possibility of future rail access —Use heavy-haul from main rail line at Caliente, NV to Yucca Mtn —Construction and operation of railroad requires NEPA review —Advanced state notification requirement —State has preferred routes for transporting nuke waste —Follows current HazMat regulations on transport of hazardous waste —Heavy-haul must be ready by 1/31/2002 —No provision for transportation training requirements (this is major in the Senate's bill) —Tech. assis. to states in case of emergency	—No immediate rail access to Yucca Mtn. No later than one year after enactment of the bill, DOT will promulgate routing rule for nuclear waste by rail to Yucca. —Heavy haul capability must be ready 18 mos. After NRC issues a license for an Interim Storage Facility (ISF). —Each state has preferred transportation routes. —Gov's must be notified when fuel comes into state. —Nationwide transportation educ. program. —Major training requirements for indivs. involved in transportation. (This provision was important to gain the support of Dem. Members and the labor unions.)
MILL FEE AND ONE-TIME FEES	
—Beginning FY99 & opening of perm. repos. the annual mill fee must avg. to 1 mill. & can't exceed 1.5 mills. After perm. repos. is functional, mill fee capped at 1 mill. —One-Time Fees paid in 2002	—Capped at 1 mill. (See below for pros and cons).
DEFENSE WASTE	
—DOE must accept fuel from defense activities (Crapo)	—DOE must accept fuel from defense activities (Craig).
DEFENSE WASTE FACILITY (ISF)	
—To be located at Yucca Mountain. —Functional 1/31/2002 —Construc. begins when Sec'y applies for NRC license	—To be located at Yucca Mountain. —Functional 6/30/2003.
INTERIM STORAGE CAPACITY	
—Phase I: 10,000 MTU and licensed for 20 years. License must be filed within 12 months of enactment —Phase II: capacity increased to 40K with an initial term of 100 years —No specific date for start of phase II to begin operation	—No phases for the development of the ISE. —The capacity will be determined at the time of license appl. afid based on emplacement schedule and expected date of perm. repository operation —The capacity is expandable. —Licensed for 40 year term.
PERMANENT REPOSITORY	
—Sec'y must apply to NRC for construction authorization no later than 12/31/02 —Perm. Repos. will be functional 1/17/10 —If Sec. determines Yucca is not suitable, he must contact Congress w/in 6 mos. with recommendations for a new site.	—Requires DOE to continue with site characterization at Yucca. —Requires DOE Sec. to apply to NRC for construction auth. no later than 10/31/01. —Functional 2015.
PAYGO FIX	
—The House has a 5 year budget window which must be addressed —The House addresses its PAYGO shortfall by switching to a user fee in FY99 and collecting the outstanding one-time fees in 2002. —The fee is paid into the Treasury, not the Nuclear Waste Fund	—The Senate has a 10 year budget window which must be addressed. —The Senate addressed their PAYGO shortfall by continuing the mandatory receipt of $600 million during FY98. In FY99, it switches to a user fee until FY01 where the government collects only what it will spend on Yucca. In FY02, they collect the payment of one time fees. This scenario will cover the first 5 years. In FY02, they revert back to the mandatory $600 million receipts to pay for the next 5 years. (This user fee is suspended during this period and utilities are forced to pay the full amount to cover the PAYGO problem). In 2007, the user fee is reestablished. The fee is paid to the Treasury, not the Nuclear Waste Fund.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. BERRY].

Mr. BERRY. Mr. Chairman, I rise in support of H.R. 1270. Currently, a part of every electricity consumer's bill goes directly into the Nuclear Waste Fund. This fund was set up by the Congress in 1982 and requires the Department of Energy to set up a nuclear storage facility and begin accepting nuclear waste by 1998.

However, out of the over $12 billion that have already been paid into the fund, only $4.8 billion have been spent on waste storage research and funding for storage facilities.

Since the Department of Energy has not constructed a waste storage facility, the other $7 billion has been diverted into unrelated uses such as deficit reduction. This is the same type of problem we have with the Highway Trust Fund. Citizens constantly pay into this fund, but they see nothing in return.

If the Department of Energy had performed its required actions, we would not be debating this bill. An interim storage facility would already be in place and a permanent facility would be in the near future.

If the Department of Energy had performed its required actions, then this money would have been used for its intended purpose, for managing the efficient disposal of nuclear waste.

Arkansans and other electricity consumers are already paying twice for nuclear waste, one payment into the Nuclear Waste Fund and another payment to maintain on-site storage facilities across the United States. This double payment can and will be halted with the passage of this bill.

Mr. Chairman, on behalf of all electricity consumers, I urge my colleagues to vote for H.R. 1270.

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the legislation.

Mr. Chairman, when Congress enacted the Nuclear Waste Policy Act in 1982, and then amended it in 1987, we made certain agreements among ourselves, the utility companies and the American people.

One, we decided that the federal government would assume the responsibility for permanent disposal of high level nuclear waste.

Two, we would limit our consideration of possible locations for such permanent disposal to Yucca Mountain in Nevada.

Three, the nuclear utilities would pay a fee to the US government to run the program and fund the construction of the permanent facility.

And, four, the utility companies would keep their nuclear waste until we knew with certainty that the Yucca Mountain repository would be built.

The bill before us today, H.R. 1270, fundamentally changes that covenant.

On October 8, the Resources Committee without one public hearing, reported unfavorably this extensive and complicated bill, H.R. 1270.

Today, we are considering a bill that will overturn the decision we made to focus on construction of a safe, permanent facility and instead mandate the immediate construction of a temporary storage site at Yucca Mountain in Nevada.

In so doing, the bill will prejudice the ongoing viability studies, and make it more difficult for us to learn whether Yucca Mountain is the right place to permanently store high level nuclear waste.

Additionally, no one has done any scientific studies to determine whether the site specified in H.R. 1270 is safe for interim storage of high level nuclear waste.

The bill will preempt all federal and state laws that the Secretary of Energy deems to be inconsistent, or that present an obstacle, to implementation of this new law.

During the 1980's, Congress built a strong national policy on nuclear waste. We decided that the federal government would take responsibility for the permanent disposal of high level nuclear waste. We decided to find the appropriate location for that disposal and to build the permanent facility before moving tens of thousands of high level nuclear waste now located at nuclear reactors across the country to the permanent disposal site. High level nuclear waste can be moved safely; but, there is no reason to move it more than is necessary.

Yes, there have been problems with the Department of Energy's implementation of this plan. But, they appear to be on the right track now. The science we need to make an informed and objective decision is nearly complete. H.R. 1270 would prejudice the determination on whether Yucca Mountain can and should contain the permanent repository for the nation's high level nuclear waste by creating a de facto repository at the Nevada Test Site.

H.R. 1270 affirmatively preempts the National Environmental Policy Act. It legislates the selection and construction of an interim storage facility on public lands without any scientific or environmental analysis to support the premise.

Current law prohibits the construction of an interim storage facility in Nevada, and limits the size of any other temporary facility to 10,000 tons of waste. H.R. 1270 mandates that DOE build the interim facility in Nevada and allows up to 40,000 tons of high level nuclear waste to be immediately stored there—with no environmental compliance.

President Clinton will veto this bill if it reaches his desk. Senator HARRY REID and his Nevada colleagues are unanimously opposed to this bill. I urge my colleagues to oppose H.R. 1270.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. MARKEY].

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] is recognized for four minutes.

Mr. MARKEY. Mr. Chairman, I will include for the record letters from Erskine Bowles, the Chief of Staff to the President; Franklin Raines, the Director of OMB; and a formal statement of administration policy expressing opposition to the bill and the recommendation of the President's advisors that the bill be vetoed.

Mr. Chairman, we are at a very bad point right now. There was at least at the beginning of the discussion of the disposal of all nuclear wastes in the United States some integrity in the process back in 1982. We set out to find the site, east of the Mississippi, west of the Mississippi, wherever it may be.

But in 1987, we came back here to Congress, and many people were very upset about what was going on. They might have been pro nuclear, but they did not want the waste in their district. So we passed another bill in 1987. What did we say?

Well, the Chairman of the House then came from Texas. He said, "I don't want it in Texas." That was one of the sites. The second site was in Washington State. The majority leader came from Washington State. He said, "I don't want it in Washington State." It was out. The third State was the salt domes in Louisiana. The Chairman of the Committee on Energy came from Louisiana. He said, "I don't want it in Louisiana," and it was out. The fourth site was in North Carolina. The ranking Republican on the Committee on Commerce came from North Carolina. North Carolina was out. The fifth site was the solid granite of New Hampshire, and Ronald Reagan and George Bush said, "That is out in 1988. We are not burying all the nuclear waste in America in New Hampshire."

So we kept searching, playing this game of thermonuclear hearts, trying to stick the queen of spades with somebody. So we looked around, and what did we find? We found the State of Nevada, two Congressmen, two Senators. "You get all the nuclear waste. We are picking you."

Even that had some integrity. At least they were going to have to determine whether or not the site was suitable for all the nuclear waste.

But, today, we come back again. We are not happy with that. There are still five years until the year 2002, from deciding whether or not, in fact, Yucca Mountain is the right place for all the nuclear waste, but we cannot wait.

So what are we doing here today? We are going to decide to take all of the nuclear waste in America, put it on trucks, put it in railroad cars, and ship it to Nevada, and put it in an aboveground mausoleum that is going to be finished in 2002, just in time to have the site characterization process by scientists and geologists tell us that Yucca Mountain is not the right place for a permanent repository.

As a result, we will have to begin the process all over again to find the right site, and eventually we will have to pack all the nuclear waste up again, put it back in vans and trucks and railroad cars, and send it to another place in America.

Why are we doing this? We are doing this not because there is some emergency at any nuclear facility in America. In fact, we are told that it is 100 percent safe at every facility right now. We are doing this because the nuclear industry does not want a permanent repository. They do not want to have to pay for it.

They promised the American people that nuclear power was going to be too cheap to meter, and that they were going to be able to bury the waste permanently. We now know it is the most expensive way of generating electricity. Wall Street killed nuclear power it wasn't some ponytailed, granola-chomping protest force outside a nuclear power plant.

Secondly, they do not know where to bury the nuclear waste and they do not have any intention of paying for it, and they want us to pretend here today that we are going to do something about it and stick the queen of spades with the State of Nevada.

Well, Mr. Chairman, this is a completely irresponsible position to take. It is intergenerationally irresponsible for this generation to stick the next generation with the job and the cost of burying all this waste.

This is a bad bill. It is bad environmental policy. It is bad fiscal policy, and it is bad policy intergenerationally. I urge a no vote on this bill as strongly as I can of any bill that has ever come out on this House floor.

Mr. Chairman, I include the letters referred to earlier for the RECORD.

THE WHITE HOUSE,
Washington, October 28, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: It is my understanding that the House of Representatives soon will consider H.R. 1270. I am writing to reiterate the Administration's objection to this legislation. If the bill were presented to him in its current form, the President would veto it.

As I have stated previously, the Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's longstanding commitment to permanent, geologic disposal—reflected in the Nuclear Waste Policy Act of 1982—should remain the basic goal of high-level radioactive waste management policy.

Any decision on the siting of an interim storage facility should be based on objective, science-based criteria, and be fully protective of public health and safety and the environment. This bill is unacceptable to the Administration because it falls far short of those goals. Additionally, H.R. 1270 does not contain provisions to offset potential deficit increases in its early years; consequently, if the bill were enacted, any deficit effects could contribute to a sequester of mandatory spending in each of FY 1999 through 2001.

Secretary Pena and the entire Administration remain committed to working cooperatively with the Congress and with all involved stakeholders on nuclear waste disposal issues within the confines of the President's policy. The Department is on an aggressive schedule to resolve the key unresolved scientific and technical questions about Yucca Mountain.

Sincerely,

ERSKINE B. BOWLES,
Chief of Staff to the President.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 18, 1997.

Hon. THOMAS J. BLILEY, JR.
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to advise you of the Administration's views on H.R. 1270, the proposed Nuclear Waste Policy Act of 1997. The Administration shares your commitment to resolving the complex and important issue of nuclear waste management in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's longstanding commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

Congress established a process to ensure that sound technical judgment plays the primary role in determining whether a particular site can host a permanent nuclear waste repository. Designating the Nevada Test Site as the interim waste storage site at this point undermines the ongoing evaluation of Yucca Mountain as a permanent disposal site as required by the Nuclear Waste Policy Act Amendments of 1987. In addition, the bill runs the risk of reducing resources needed for this effort. More importantly, it could undermine the credibility of the Nation's nuclear waste disposal program by prejudicing the Yucca Mountain permanent repository decision.

The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain. Therefore, the President has stated that he would veto any legislation that would designate an interim storage facility at a specific site before the viability of a permanent geologic repository at Yucca Mountain has been determined.

In addition, the bill presents a number of environmental problems, including the removal of the Environmental Protection Agency from its responsibility for developing a radiation exposure standard and preempting the National Environmental Policy Act and other applicable Federal, State and local laws.

The Administration understands the concerns of the utility industry, public utility commissions, and others about the inability of the Department of Energy to accept spent nuclear fuel by January 31, 1998. Secretary Peña has made every effort since his confirmation to work cooperatively with the affected parties to find satisfactory ways of mitigating the impacts of this delay and will continue to do so.

Thank you for your consideration of these views.

Sincerely,

FRANKLIN D. RAINES,
Director.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 24, 1997.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1270—NUCLEAR WASTE POLICY ACT OF 1997

If H.R. 1270, as reported by the Commerce Committee, were presented in its current form, the President would veto the bill. H.R. 1270 would undermine the credibility of the Nation's nuclear waste disposal program by designating a specified site for an interim storage facility before the viability of that site as a permanent geological repository has been assessed.

The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner. The Federal government's long-standing commitment to permanent, geological disposal should remain the basic goal of high-level radioactive waste management policy. This Administration has instituted planning and management initiatives to accelerate progress on determining the suitability of Yucca Mountain, Nevada, as a permanent geologic disposal site.

H.R. 1270, however, would establish Nevada as the site of an interim nuclear waste storage facility before the viability assessment of Yucca Mountain as a permanent geologic repository is completed. Moreover, even if Yucca Mountain is determined not to be viable for a permanent repository, the bill would provide no plausible opportunity to designate a viable alternative as an interim storage site. Any potential siting decision concerning such a facility ultimately should be based on objective, science-based criteria and guided by the likelihood of the success of the Yucca Mountain site.

In addition, the Administration strongly objects to the bill's weakening of existing environmental standards by preempting all Federal, State, and local laws inconsistent with the environmental requirements of this bill and the Atomic Energy Act. This preemption would effectively replace the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard. In addition, the bill would undermine the purposes of the National Environmental Policy Act by, among other things, creating significant loopholes in the environmental assessment process.

Finally, the completion of a permanent geological repository is essential not only for commercial spent fuel disposal, but also for the cleanup of the Department of Energy's nuclear weapons complex and the disposal of its weapons-grade materials. In addition, these actions are necessary to further U.S. international nuclear nonproliferation objectives. H.R. 1270 would, in the near-term, put interim storage activities in competition with actions needed to complete the permanent geologic repository. Consequently, the bill's enactment could delay the appropriate disposition of our surplus weapons-grade materials.

PAY-AS-YOU-GO SCORING

H.R. 1270 would affect outlays; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. Preliminary estimates indicate that H.R. 1270 would reduce offsetting receipts by $630 million in each of FYs 1999 through 2001, a total of $1,890 million, and increase such receipts by $2,070 million FY 2002. H.R. 1270 does not contain provisions to offset potential deficit increases in its early years; consequently, if the bill were enacted, any deficit could contribute to a sequester of mandatory spending in each of FYs 1999 through 2001.

The CHAIRMAN. The Chair would advise Members that the order of closing is the gentleman from Nevada, Mr. ENSIGN, the gentleman from Texas, Mr. HALL, and the gentleman from Colorado, Mr. DAN SCHAEFER.

The gentleman from Nevada, Mr. ENSIGN, has 5½ minutes remaining, the gentleman from Texas, Mr. HALL, has 3½ minutes remaining, and the gentleman from Colorado, Mr. DAN SCHAEFER, has 4 minutes remaining.

Mr. ENSIGN. Mr. Chairman, before yielding to the gentleman from Nevada, I would like to just ask jokingly for unanimous consent to build a statue for the gentleman from Massachusetts [Mr. MARKEY] in the State of Nevada, as he has fought so hard for our State.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do appreciate having the gentleman from Massachusetts [Mr. MARKEY] being a straight man for this whole event today.

Let me say that with regard to those people who believe that the ratepayers have paid into the fund enough money, let me say that this stuff is going to be around for thousands and thousands of years. I hope they are ready to keep paying, and paying, and paying, because they are going to have to pick up the responsibility if the taxpayers do not for the continued storage of this material at Yucca Mountain.

Let me talk about the suitability of Yucca Mountain, if I may, real briefly. First of all, I am a geologist and I truly understand some of the problems we have got with suitability. If we keep lowering the standards, sure, we can make it suitable for storage. The problem is that we are taking away the safety standards of this site.

Earthquakes, 33 known earthquake faults lie directly through this site in the Yucca Mountain area, and over the last several years, there have been over 600 earthquakes in the surrounding 5½ miles that have impacted this.

Earthquakes that raise the water table, that would surround and, in fact, could flood the repository, putting the canisters in harm of polluting the water table.

This groundwater contamination has been proven already. We have already got a study by the National Science Foundation that shows that plutonium has migrated almost 1 mile, 1 mile, into the ground through the rocks and is now approaching the water table, dangerously close to the supply of water for Southern California, Southern Nevada, et cetera.

□ 1815

There is volcanic activity simply 20 kilometers away from the site. There are dormant volcanoes that could erupt at any time. From a geologic standpoint, they are active, not dormant. They are merely sitting there waiting for their opportunity to explode and damage the Yucca Mountain site. Let me say also, there is concern there by scientists about the spontaneous atomic explosion that might occur. Some scientists have expressed that.

Let me say that this bill is the wrong approach and Yucca Mountain is the wrong site.

Mr. ENSIGN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Nevada [Mr. ENSIGN] is recognized for 3½ minutes.

Mr. ENSIGN. Mr. Chairman, nearly 14 years ago a Senator from Louisiana, who was the chief proponent in the Senate, said, "Mr. President, this bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem," does this sound familiar, "urgent problem. Mr. President, for this Nation it is urgent, first because we are running out of reactor space and reactors for the storage of fuel, and if we do not build what we call away-from-reactor storage space and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983."

That was 14 years ago. Not a single nuclear reactor in America has been closed or been forced to close because of the issue of running out of space. Some have closed because of overriding safety concerns about operation and maintenance, but none because they have run out of space to store nuclear waste.

Mr. Chairman, Congress has decided this issue, not the scientists. This would be similar, what Congress is doing in this bill, is saying with Yucca Mountain and with the temporary storage site at the Nevada test site, "I do not care what any of the scientists say, it is going to be the site, and it is going to be suitable, and we are going to lower the standards until it is suitable."

This would be like Congress saying to the medical community, "There is a disease out there that we want you to find a cure for. By the way, here is what the cure is going to be. Regardless of what the science shows, here is what the cure is going to be. I do not care what any of the rest of the science says, if there are other alternatives to treat this disease."

I know we are all experts here, we are all scientists, and that is why we are making these decisions. We are taking away that decision on nuclear waste, just as we would be taking it away from the medical community, say on breast cancer, by telling them it is going to be the answer out there, and not letting the scientists and the experts in the medical community make this decision.

The other myth is that we are taking this from all these other States and going to put it in one site. The fact is that nuclear waste is going to remain in these other States, in these 41 States. Because even as we are shipping nuclear waste, and there will be nuclear waste going to Nevada, Members will still end up with nuclear waste at all of these other reactors around the country.

It has even been said to me that this is a national security interest, that nuclear waste at these facilities is dangerous to a terrorist. If that is the case, we should never have built the nuclear power plants in the first place. The other thing is that Yucca Mountain and the temporary storage facility is not going to solve a national security interest problem, because there is still going to be nuclear waste at these facilities.

The other thing is that the Nuclear Regulatory Commission has said that dry cask storage is good for 100 years. When they were designing the casks to transport this waste they designed a perfect solution. It is the cheapest solution. It only costs about $300 million to actually store this waste on-site in dry casks for up to 100 years. To transport this waste it costs about $2.3 billion. For all of us budget hawks around here, we should be thinking about how much does it cost to transport versus store.

I would urge a strong "no" vote. Do not vote with the nuclear power interests.

Mr. HALL of Texas. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to compliment the gentlemen from Nevada, Mr. ENSIGN and Mr. GIBBONS. And of course there is not a better guy in the world than HARRY REID, who has worked hard on this; the gentleman from Nevada, Mr. ENSIGN, only in his third year, and the other gentleman from Nevada, Mr. GIBBONS, in the first year. The die was cast long before they got here. They have done an heroic and admirable job with what they had. I respect them for that.

The Committee on Commerce, the committee of jurisdiction, voted 43 to 3 to carry out the intent of Congress.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Florida [Mrs. THURMAN].

The CHAIRMAN. The gentlewoman from Florida [Mrs. THURMAN] is recognized for 3¼ minutes.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, despite some of the statements to the contrary, the bill before us today is about protecting our environment. It is about safeguarding our natural resources, for now and for years to come.

Moreover, it is about dealing with the realities of our society. We depend on nuclear energy and we must address the potential dangers associated with it. This bill would do just that.

There is no question about the importance nuclear power plays in our lives. Nuclear power is a source of energy in our country, producing 20 percent of the Nation's electricity. Although nuclear energy produces a small amount of used fuel, it produces no air pollution. Unfortunately, most of the spent fuel is stored in aboveground pools at the plant sites, where it still remains dangerously radioactive for thousands of years. The reality of the situation is that 75 nuclear power plants currently store used fuel. By next year, 27 of them will exhaust existing space to store this waste. I believe it is in our best interests to ensure that one safe storage facility is developed to meet these very real and pending needs.

Let us safely and efficiently manage this spent fuel. Let us pass H.R. 1270, and require the Nuclear Regulatory Commission and the Department of Energy to prepare environmental impact statements. Let us ensure radiation standards for the public, and let us make certain that the NRC maintains its strict enforcement of container design essential to the safe transportation of spent nuclear waste across State lines.

The bill is also about our commitment to nuclear waste disposal. Fifteen years ago Federal officials pledged to protect all of us from nuclear waste. Instead, Congress tapped the nuclear waste fund for other projects. We have already invested over $13 billion to the nuclear waste fund. My constituents alone have paid over $650 million. It is time that fees dedicated to this fund were spent for their intended purposes.

Almost all of us already have a de facto nuclear storage site closer to home than we care to think. We have the opportunity today to establish a storage facility that would be easier to monitor, more economical, and located at a remote location, far away from our homes and schools.

Members should do what they know is right. Support passage of the Nuclear Waste Policy Act of 1997.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to reflect on what the gentleman from Texas [Mr. HALL] had to say about the two Members from Nevada. They have been great on this issue. We know it is not an easy one to try and go forth on, and I just want to say that they have been very much gentlemen in this, and have been ferocious fighters. I have to say that we respect them tremendously.

Mr. Chairman, I yield the balance of my time to close to the gentleman from Michigan [Mr. UPTON], the author of the bill.

The CHAIRMAN. The gentleman from Michigan [Mr. UPTON] is recognized for 3½ minutes.

Mr. UPTON. Mr. Chairman, I rise to thank a number of people here tonight. I thank the chairman of our committee, the gentleman from Virginia, [Mr. BLILEY], and the gentleman from Colorado [Mr. DAN SCHAEFER]. Without their leadership, we would not see this bill to the floor this evening.

I also want to thank, on the other side of the aisle, the gentleman from Michigan [Mr. DINGELL], the ranking member, and the gentleman from Texas [Mr. HALL], who have been terrific. I, too, share in thanking the two gentlemen from Nevada, who have been very good debaters, they have been very persistent, they have made us do our homework for sure, and they have been very tough. I appreciate that, as well.

I also thank the gentleman from New York [Mr. TOWNS], my coauthor, the gentleman from Illinois [Mr. HASTERT], the gentleman from Idaho [Mr. CRAPO], and the 165 Members of the House that have cosponsored the bill. We have heard tonight that it passed our committee 43 to 3. We passed it by about the same margin in the last Congress, as well.

Nuclear power, the decision for nuclear power, was made many decades ago. Part of that strategy was always that the Federal Government would be responsible for the permanent storage of the high-level nuclear waste. That was part of the equation. That is what this bill does. It in essence moves it to one safe place.

Today we have about 100 different nuclear reactor sites around the country. Every single one of them is in a sensitive environmental area, whether it be on the Great Lakes, whether it be on the Chesapeake Bay. Whether it be rivers, streams, or oceans, they are all very sensitive. Our ratepayers have put in some $12 billion into the Nuclear Waste Trust Fund, of which about $6 billion has been spent in Yucca Mountain.

Yes, we have detractors, certainly our two colleagues from Nevada, and the opponents of nuclear power as well. But that nuclear decision was made before I was in high school. About 20 percent of our power today comes from nuclear energy, and if we turned off that power tonight, we would still have to deal with the issue of what to do with the high-level nuclear waste. That is what this bill does.

Today in this country we have 10 sites that have run out of room. They have reracked their rods, they have built these lead-lined cement cannisters that are literally stacked in the dunes of Lake Michigan and other places around the country, because they have run out of room. They did not have anyplace to put it. Next year we are going to have 27 more reactors run out of room. It is time for this Congress to act, to send it to one safe place.

Yucca Mountain, Mr. Chairman, I have been there. It is adjacent to where we have conducted underground, uncontained nuclear testing for almost 50 years. When this bill gets enacted, and it will, nuclear waste will be in a contained spot. It will be monitored. It is going to be in a place that will be deemed safe by the scientists.

The record shows we have had some 2,400 shipments across the country to the existing nuclear facilities today, and 1,300 tons of nuclear material in fact was shipped without a single release, not a single release of nuclear material in all of those shipments. They did not mine that nuclear stuff in the dunes of Lake Michigan, they had to ship it there. When they shipped it there, the record was perfect.

This is a bipartisan bill. It has been that from the beginning. I thank the Republicans and Democrats, and ask them to vote in favor of this bill.

Mr. Chairman, I rise today in support of H.R. 1270, the Nuclear Waste Policy Act of 1997. I introduced H.R. 1270 earlier this year with Representatives TOWNS, HASTERT, CRAPO and 55 other original cosponsors. It is designed to address our national problem with high-level nuclear waste by providing workable solutions for managing spent nuclear fuel. The total number of cosponsors has already reached 165 Members of the House. Similar legislation passed the Senate in April by a vote of 65–34.

As a by-product of nuclear power, high-level nuclear waste currently rests in spent fuel pools and canisters at locations across the country. They are not, however, at a secure, central location like our Government agreed to build.

Behind chainlink fences along the Chesapeake, on cement pads a stone's throw from the Great Lakes, near our neighborhoods and our schools, nuclear waste is now a problem forced upon States, counties, and townships due to the Federal Government's blatant shirking of their responsibility—a failure that has cost taxpayers over $12 billion.

In my district in southwest Michigan, nuclear waste currently sits in a dry cask on a cement pad 100 yards from Lake Michigan. The site is less than 5 miles from an elementary school with 800 students. Now, I will say right away that the site is safe and secure—But it was not meant for long-term storage. I would rather have nuclear waste permanently stored at an isolated and remote location than at over 80 sites around the country.

I have a message to those Members who are concerned about the transportation of spent nuclear fuel; it's been transported for 30 years and according the Nuclear Regulatory Commission,

> The safety record for spent nuclear fuel shipments in the U.S. and in other industrialized nations is enviable. Of the thousands of shipments completed over the last 30 years, none has resulted in an identifiable injury through release of radioactive materials.

NRC statistics show that over 1,300 tons of spent fuel was shipped in the United States from 1979 through 1995. This was accomplished through a mix of shipments on highways and rail.

For a little background, in 1982 Congress passed and the President signed the Nuclear Waste Policy Act. It was later amended in 1987 but its goal remained simple and steamlined—the Federal Government agreed to accept responsibility for the proper management and disposal of defense and civilian nuclear waste. From funds collected through a tax on our electricity bills, the Government was going to build a high level repository and begin accepting waste from utility companies by January 31, 1998.

A lot has happened since the 1980's. But by the same token a lot hasn't happened—namely progress toward completing this project. The Department of Energy has spent time in court, time at the research lab, and time boring a massive hole in the side of Yucca Mountain in Nevada—the site selected to potentially house a permanent repository. Our most recent estimates, however, show this facility won't be ready to receive waste until well into the next century.

Today and tomorrow, Congress will debate a bill that provides a short term solution to this long term problem. The legislation directs the Department of Energy to continue working on the permanent site while also temporarily stacking the waste outside what is expected to be the final resting place. Our Government should pursue a policy that puts nuclear waste behind one fence, in one location, where we can concentrate all of our resources on making sure it is safe.

Nuclear waste transcends political ideologies. As a nation, we must work together to develop a single national strategy. As a Congress, we must work together to get this solution in place.

With each passing year and each passing month, the price of nuclear waste continues to mount. Ratepayers keep paying taxes on their electricity bills to support the bottomless Nuclear Waste Fund. Without a solution in place, the burden of disposal falls back on the local utility companies, and, in turn, back squarely on the shoulders of the American consumer as they are double taxed.

Earlier this year, the Department of Energy was again assailed in the courts. 46 State agencies and 33 power companies from 36 States filed suit to force the administration to stick to the original deadline which is less than 3 months away. Obviously, we won't meet the deadline but H.R. 1270 offers some solutions because rightly so, everyone is growing tired of these costly delays. In light of these developments, I would urge the Department and the administration to work with us as this legislation moves through the congressional process, rather than throw up roadblocks.

Critics claim that Yucca Mountain is not an appropriate location for nuclear waste. Yucca is located within the Nevada Test Site, an area the size of Connecticut that since the Truman administration has been home to atmospheric nuclear test blasts and countless active and abandoned nuclear labs. Its remote, arid location is, in fact, ideally suited to store nuclear waste.

The real danger exists only in allowing our Government to break its word and expect us to look the other way. But it is difficult to look the other way on this issue when at seemingly every other turn, another community is being forced to deal with nuclear waste close to home. My colleagues and I were sent to Congress to fix the Nation's problems. Through lessons we've learned from events like the savings and loan debacle, we know that inaction only makes the situation worse.

Simply put, nuclear waste is one of the single greatest environmental issues that exist today. In turn, one would assume that it should be the single greatest concern of an administration which has campaigned on its support and defense of the environment.

We can deal effectively with this by placing nuclear waste in a suitable location in the interim. That threat can be greatly reduced still by putting in place a permanent facility. The Department of Energy must be held accountable to the U.S. Congress, and more importantly, to the U.S. taxpayers.

Key groups have come out in support of H.R. 1270 such as the National Association of Counties, Citizens Against Government Waste. Many Governors have written as well to express the need for action on this issue.

I would hope that in the same spirit and bipartisanship that we showed in reaching a balanced budget agreement, we can also move forward in passing nuclear waste legislation this year.

Mr. PACKARD. Mr. Chairman, over 15 years ago, Congress recognized the need to build a permanent repository to handle our nation's spent nuclear fuel and passed laws directing the Department of Energy to take the lead in this effort. Despite collecting billions of dollars from ratepayers across the nation, the Department of Energy has yet to open even a temporary site where spent nuclear fuel can be safely stored until a permanent facility is built.

Mr. Chairman, it is time for Congress to protect America from harmful nuclear waste by storing it safely. I urge my colleagues to support the Nuclear Waste Policy Act. Passing this important legislation will move us one step closer to eliminating the threat of nuclear contamination in communities across the nation.

Mr. Chairman, some would have us believe that the nuclear waste should remain where it is. But right now, there are over 30,000 tons of radioactive waste stored outside nuclear reactors at over 80 facilities in 41 states. Some sites are dangerously close to fault lines, volcanoes and other areas prone to natural disaster. And almost every one of these sites is within a few miles, sometimes a few yards of somebody's backyard.

Our government has a responsibility to protect its citizens. Until now, the Department of Energy has not fulfilled its obligation. Mr. Chairman, the Nuclear Waste Policy Act will protect America from harmful nuclear waste by moving it to a safe site. I urge my colleagues on both sides of the aisle to support it.

Mr. SHUSTER. Mr. Chairman, I want to clarify the intent of certain provisions of H.R. 1270, the Nuclear Waste Policy Act of 1997, that are within the jurisdiction of the Committee on Transportation and Infrastructure.

A savings clause, section 207, has been included in the manager's amendment which clarifies that H.R. 1270 does not affect the application of existing laws governing transportation of hazardous materials, rail and motor carrier safety and federal-aid highway construction. Under the savings clause, the provisions in Chapter 51 of Title 49, U.S. Code (governing transportation of hazardous materials), Part A of Subtitle V of Title 49, U.S. Code (governing rail safety), Part B of Subtitle VI of Title 49, U.S. Code (governing motor carrier safety) and Title 23, U.S. Code (governing the Federal-Aid Highway program) remain in effect. This savings clause is necessary for a number of reasons. First, the bill funds technical assistance and training on the transportation of nuclear waste to the site and requires the Secretary of Transportation to promulgate new regulations governing transportation of nuclear waste, if he finds that existing regulations are not adequate. Because the existing law and regulations governing transportation of hazardous materials apply to the transportation of nuclear waste, section 207 clarifies that H.R. 1270 does not supplant existing law or regulations. Rather, H.R. 1270 will allow the Secretary of Transportation to exercise his discretion to promulgate regulations only to the extent existing regulations are not adequate.

Second, while the bill makes the employee protection provisions in the rail and motor carrier safety laws applicable to individuals engaged in the interstate transportation of nuclear waste, it does not specify the applicability of other rail or motor carrier safety provisions. Section 207 is, therefore, necessary to clarify that all of the rail and motor carrier safety provisions and not simply the employee protection provisions are applicable. Third, the bill authorizes the Secretary of Energy to fund road improvements leading to the Yucca Mountain nuclear waste site. Because Title 23 governs construction of Federal-aid highways, section 207 clarifies that Title 23 requirements are applicable to federal-aid roads constructed with funds provided under H.R. 1270.

A provision also was added to the manager's amendment which provides that the Secretary is not required to promulgate new training standards for the transportation of hazardous materials if there already are existing federal regulations that establish adequate training standards. This provision clarifies an ambiguity in section 203(g) of the bill as reported regarding whether the Secretary of Transportation could decide not to promulgate additional regulations in response to this legislation based on a finding that existing Department of Transportation regulations are adequate.

A provision also was added to the manager's amendment which provides that the Secretary of Transportation may specify an appropriate level of knowledge, skills, and prior training for individuals required to be trained in the transportation of hazardous materials instead of a required minimum number of hours of training. The bill as reported required Department of Transportation regulations to specify a minimum number of hours of training for employees and management personnel.

Finally, a provision was added on the selection of rail routes for the transportation of nuclear waste. I am concerned that this provision is less clear than it should be as to the need to consult with the affected rail carriers. I believe that such consultation is a practical necessity anyway, and so I am not objecting to the amendment. It is my hope that this point will be clarified during the conference on the bill.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 1270, the Nuclear Waste Policy Act of 1997. This legislation is needed for one simple reason, Congress must ensure that the Federal government follows through with its commitment to store nuclear fuel at a central location in the United States.

Without a functioning, centrally located site, this spent nuclear fuel is piling up at sites all around the nation. While spent fuel can be stored permanently in this fashion, utilities are simply running out of room and will soon need more space. And furthermore, having multiple sites raises the safety question.

American ratepayers thought they had a firm contract with the Federal government under the Nuclear Waste Policy Act Amendments of 1987 to start accepting waste in 1998. However, the Department of Energy is nowhere close to keeping its end of the agreement and is at best a decade behind schedule. Forty-six state agencies and thirty-three power companies from thirty-six states have shown their frustration with DOE by filing suit to force DOE to adher to the original deadline.

This bill moves the stalled process along. It provides for an interim storage facility which will be used until the permanent site at Yucca Mountain is properly tested and ready to accept waste. The sense of Congress is that our government should pursue a policy that puts nuclear waste safely behind one fence, in one location, in one state.

As a member of the Energy and Water Appropriations Subcommittee on Appropriations which has oversight over the Nuclear Waste Fund, I visited the Yucca Mountain site in March 1997. As I looked out across the vast Nevada desert where the military once exploded atomic bombs, I felt that one central location for storage was the best solution for addressing our high level waste storage problem.

With each passing year and each passing month, the price of storing nuclear waste continues to mount. Ratepayers keep paying taxes on their electricity bills to support the bottomless Nuclear Waste Fund. Without a solution in place, the burden of disposal falls back on the shoulders of the American consumer. Moreover, inaction may create perhaps the largest environmental threat that exists today with more than one hundred sites around the nation instead of one central facility.

We can minimize that threat by placing nuclear waste in a suitable location in the interim, and then moving it to an underground permanent repository in Nevada. This bill provides the leadership we need to accomplish these goals.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 1270, the Nuclear Waste Policy Act. Quite simply, the issue of nuclear waste disposal has been delayed far too long. It must be addressed in a responsible manner.

As one of only six Members representing a district with multiple nuclear power plants, this Member certainly recognizes the importance of developing a safe, comprehensive, and long-term approach to the storage of spent nuclear fuel. Maintaining the status quo, with its reliance on on-site storage, is clearly not an acceptable long-term solution. In general, this Member believes that H.R. 1270, as approved by the Commerce Committee, represents a responsible approach.

The bill being considered directs the Department of Energy to begin storing high-level nuclear waste at the Yucca Mountain site in Nevada until a permanent disposal site is developed. H.R. 1270 also makes improvements in safety and transportation issues related to the disposal of nuclear waste/

This legislation is necessary because the Department of Energy has not made acceptable progress on developing a permanent repository for spent nuclear fuel. It is estimated that by 2010, 80 nuclear reactors—including both in Nebraska—will have reached on-site storage capacity.

As a result, if no changes are made, it is likely that consumers would be required to continue contributing to the Nuclear Waste Fund while also paying to develop additional on-site storage space. This would clearly not be reasonable or equitable. This issue is critically important to Nebraska and its nuclear energy consumers, who have already paid more than $150 million into the Nuclear Waste Fund.

This Member urges his colleagues to support H.R. 1270.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my profound disapproval at the proposed agreement reached by Representative LAMAR SMITH and Representative LINCOLN DIAZ-BALART. This agreement unfairly distinguishes between Central Americans who entered the United States before December 1995 and Guantanamo Haitians who entered the United States during 1991 and 1992.

My disagreement with this proposed legislation is based on the exclusion of the Guantanamo Haitians from the proposed amnesty. It is very shocking to find that this proposed law grants relief to Central Americans, without regard to the plight of those 11,000 Haitians who were admitted to the United States after being processed in Guantanamo in 1991.

One of the arguments used to favor the Central Americans is that they are in the United States for political reasons. I believe this is a similar situation with Guantanamo Haitians who fled Haiti by boat to escape a violent military dictatorship, headed by General Cedras and Michel Francois. Many of them were reportedly killed by this military regime. Those who escaped were intercepted at sea, and were brought to Guantanamo for screening. They were determined to have credible claims for political asylum. Thus, they were permitted to enter the United States based on their credible claims.

Besides the Guantanamo Haitians, many other Haitians escaped to the United States in search of peace and freedom. However, they were sent back to Haiti because they were considered "economic refugees". Today, even the Guantanamo Haitians, those who were determined to be political refugees, may be deported.

Mr. Speaker, there is no legitimate reason to discriminate between the Haitian asylum seekers from the Central American asylum seekers. In my district, which includes a large Haitian constituency, great concern has been expressed that Congress will enact legislation to grandfather Central Americans under the old suspension of deportation provisions to the exclusion of Haitians who are similarly situated.

This proposed legislation is flawed and has a double standard favoring Latinos. I believe that equity require that the law treat similarly situated persons alike. Thus, I would be opposed to any legislation which denies any group equal protection under the law.

Extending to Haitians the same benefits that we extend to Central Americans is the only just thing to do. Therefore, I cannot support this proposed agreement.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Commerce printed in the bill shall be considered as an original bill for the purposes of amendment under the 5-minute rule, and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF NUCLEAR WASTE POLICY ACT OF 1982.

The Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1997'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.
"Sec. 3. Findings and purposes.

"TITLE I—OBLIGATIONS

"Sec. 101. Obligations of the Secretary of Energy.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"Sec. 201. Intermodal transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Interim storage.
"Sec. 205. Permanent disposal.
"Sec. 206. Land withdrawal.
"Sec. 207. Private storage facilities.

"TITLE III—LOCAL RELATIONS

"Sec. 301. On-site representative.
"Sec. 302. Benefits agreements.
"Sec. 303. Content of agreements.
"Sec. 304. Acceptance of benefits.
"Sec. 305. Restriction on use of funds.
"Sec. 306. Initial land conveyances.
"Sec. 307. Payments equal to taxes.

"TITLE IV—FUNDING AND ORGANIZATION

"Sec. 401. Program funding.
"Sec. 402. Office of Civilian Radioactive Waste Management.
"Sec. 403. Defense contribution.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"Sec. 501. Compliance with other laws.
"Sec. 502. Water rights.
"Sec. 503. Judicial review of agency actions.
"Sec. 504. Licensing of facility expansions and transshipments.
"Sec. 505. Siting a second repository.
"Sec. 506. Financial arrangements for low-level radioactive waste site closure.
"Sec. 507. Nuclear Regulatory Commission training authorization.
"Sec. 508. Acceptance schedule.
"Sec. 509. Subseabed or ocean water disposal.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"Sec. 601. Definitions.
"Sec. 602. Nuclear Waste Technical Review Board.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

"Sec. 701. Management reform initiatives.
"Sec. 702. Reporting.

"SEC. 2. DEFINITIONS.

"For purposes of this Act:

"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) ACCEPTANCE SCHEDULE.—The term 'acceptance schedule' means the schedule established in section 508 for acceptance of spent nuclear fuel and high-level radioactive waste.

"(3) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

"(A) within whose reservation boundaries the interim storage facility or a repository for spent nuclear fuel or high-level radioactive waste, or both, is proposed to be located; or

"(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

"(4) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(5) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

"(A) Naval reactors development.

"(B) Weapons activities including defense inertial confinement fusion.

"(C) Verification and control technology.

"(D) Defense nuclear materials production.

"(E) Defense nuclear waste and materials byproducts management.

"(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(6) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(7) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(8) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(9) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(10) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(11) ENGINEERED BARRIERS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man made components of a disposal system. Such terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

"(12) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

"(B) the highly radioactive material resulting from atomic energy defense activities; and

"(C) any other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

"(13) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(14) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(15) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal

of spent nuclear fuel and high-level radioactive waste.

"(16) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(17) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(18) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

"(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

"(19) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' mean the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

"(20) NUCLEAR WASTE FUND.—The term 'Nuclear Waste Fund' means the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

"(21) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

"(22) PACKAGE.—The term 'package' means the primary container that holds, and is in direct contact with, solidified high-level radioactive waste, spent nuclear fuel, or other radioactive materials and any overpack that are emplaced at a repository.

"(23) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

"(24) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the permanent geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

"(25) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(26) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

"(27) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"(28) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

"(29) WITHDRAWAL.—The term 'withdrawal' has the same definition as that set forth in the Federal Land Policy and Management Act (43 U.S.C. 1702 et seq.).

"(30) YUCCA MOUNTAIN SITE.—The term 'Yucca Mountain site' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

"SEC. 3. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) while spent nuclear fuel can be safely stored at reactor sites, the expeditious movement to and storage of such spent nuclear fuel at a centralized Federal facility will enhance the nation's environmental protection;

"(2) while the Federal Government has the responsibility to provide for the centralized interim storage and permanent disposal of spent nuclear fuel and high-level radioactive waste to protect the public health and safety and the environment, the costs of such storage and disposal should be the responsibility of the generators and owners of such waste and fuel, including the Federal Government;

"(3) in the interests of protecting the public health and safety, enhancing the nation's environmental protection, promoting the nation's energy security, and ensuring the Secretary's ability to commence acceptance of spent nuclear fuel and high-level radioactive waste no later than January 31, 2002, it is necessary for Congress to authorize the interim storage facility;

"(4) deficit-control measures designed to limit appropriation of general revenues have limited the availability of the Nuclear Waste Fund for its intended purposes; and

"(5) the Federal Government has the responsibility to provide for the permanent disposal of waste generated from United States atomic energy defense activities.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to direct the Secretary to develop an integrated management system in accordance with this Act so that the Department can accept spent nuclear fuel or high-level radioactive waste for interim storage commencing no later than January 31, 2002, and for permanent disposal at a repository commencing no later than January 17, 2010;

"(2) to provide for the siting, construction, and operation of a repository for permanent geologic disposal of spent nuclear fuel and high-level radioactive waste in order to adequately protect the public and the environment;

"(3) to take those actions necessary to ensure that the consumers of nuclear energy, who are funding the Secretary's activities under this Act, receive the services to which they are entitled and realize the benefits of enhanced protection of public health and safety, and the environment, that will ensue from the Secretary's compliance with the obligations imposed by this Act; and

"(4) to provide a schedule and process for the expeditious and safe development and commencement of operation of an integrated management system and any necessary modifications to the transportation infrastructure to ensure that the Secretary can commence acceptance of spent nuclear fuel and high-level radioactive waste no later than January 31, 2002.

"TITLE I—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

"(a) DISPOSAL.—The Secretary shall develop and operate a repository for the permanent geologic disposal of spent nuclear fuel and high-level radioactive waste.

"(b) ACCEPTANCE.—The Secretary shall accept spent nuclear fuel and high-level radioactive waste for storage at the interim storage facility pursuant to section 204 in accordance with the acceptance schedule, beginning not later than January 31, 2002.

"(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary.

"(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"SEC. 201. INTERMODAL TRANSFER.

"(a) TRANSPORTATION.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site. If direct rail access becomes available to the interim storage facility site, the Secretary may use rail transportation to meet the requirements of this title.

"(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than January 31, 2002.

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

"(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and rights-of-way as required to facilitate replacement of land and city wastewater disposal activities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than January 31, 2002.

"(e) NOTICE AND MAP.—Within 6 months of the date of enactment of this Act, the Secretary shall—

"(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this section; and

"(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in legal descriptions and make minor adjustments in the boundaries.

"(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

"(g) HEAVY-HAUL TRANSPORTATION ROUTE.—

"(1) DESIGNATION OF ROUTE.—The route for the heavy-haul truck transport of spent nuclear fuel and high-level radioactive waste shall be as designated in the map dated July 21, 1997 (referred to as 'Heavy-Haul Route') and on file with the Secretary.

"(2) TRUCK TRANSPORTATION.—The Secretary, in consultation with the State of Nevada and appropriate counties and local jurisdictions, shall establish reasonable terms and conditions pursuant to which the Secretary may utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from Caliente, Nevada, to the interim storage facility site.

"(3) IMPROVEMENTS AND MAINTENANCE.—Notwithstanding any other law—

"(A) the Secretary shall be responsible for any incremental costs related to improving or upgrading Federal, State, and local roads within the heavy-haul transportation route utilized, and performing any maintenance activities on such roads, as necessary, to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste; and

"(B) any such improvement, upgrading, or maintenance activity shall be funded solely by appropriations made pursuant to sections 401 and 403 of this Act.

"(h) Local Government Involvement.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

"SEC. 202. TRANSPORTATION PLANNING.

"(a) Transportation Readiness.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to accept and transport spent nuclear fuel and high-level radioactive waste beginning not later than January 31, 2002. As soon as is practicable following the enactment of this Act, the Secretary shall analyze each specific reactor facility in the order of priority established in the acceptance schedule, and develop a logistical plan to assure the Secretary's ability to transport spent nuclear fuel and high-level radioactive waste.

"(b) Transportation Planning.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than January 31, 2002. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 203, and transportation tracking programs.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) Package Certification.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) State Notification.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) Technical Assistance.—

"(1) In general.—The Secretary shall provide technical assistance and funds to States, affected units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations. The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

"(2) Employee organizations.—

"(A) In general.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

"(B) Training.—Training under this paragraph—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation; and

"(iii) shall include—

"(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(3) Grants.—To implement this subsection, grants shall be made under section 401(c).

"(4) Minimizing duplication of effort and expenses.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

"(d) Use of Private Carriers.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall by contract use private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

"(e) Transfer of Title.—Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

"(f) Employee Protection.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers), and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

"(g) Training Standard.—

"(1) Regulation.—No later than 12 months after the date of enactment of this Act, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) Secretary of Transportation.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall use their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) Training standards content.—The training standards required to be promulgated under paragraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

"(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(4) Authorization.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. INTERIM STORAGE.

"(a) Authorization.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations and shall commence operation in phases by January 31, 2002. The interim storage facility shall store spent nuclear fuel and high-level radioactive waste until the Secretary is able to transfer such fuel and waste to the repository.

"(b) Design.—The design of the interim storage facility shall provide for the use of storage technologies licensed or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

"(c) Licensing.—

"(1) Phases.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than January 31, 2002.

"(2) FIRST PHASE.—No later than 12 months after the date of enactment of this Act, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 10,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 36 months from the date of the submittal of the application for such license.

"(3) SECOND PHASE.—The Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

"(d) ADDITIONAL AUTHORITY.—

"(1) CONSTRUCTION.—For the purpose of complying with subsection (a), the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of this Act and shall commence construction of the first phase of the interim storage facility subsequent to submittal of the license application except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of this Act and within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

"(e) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

"(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's activities under this section, including the selection of a site for the interim storage facility, the preparation and submittal of any license application, and the construction and operation of any facility shall be considered preliminary decisionmaking activities for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). No such activity shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or require any environmental review under subparagraph (E) or (F) of such Act.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—

"(A) FINAL DECISION.—A final decision of the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

"(i) shall assume that 40,000 MTU will be stored at the facility; and

"(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

"(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

"(i) the need for the interim storage facility, including any individual component thereof;

"(ii) the time of the initial availability of the interim storage facility;

"(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

"(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

"(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

"(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

"(f) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

"(g) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(h) SAVINGS CLAUSE.—Nothing in this Act shall affect the Commission's procedures for the licensing of any technology for the dry storage of spent nuclear fuel at the site of any civilian nuclear power reactor as adopted by the Commission under section 218 of the Nuclear Waste Policy Act of 1982, as in effect prior to the date of the enactment of this Act. The establishment of such procedures shall not preclude the licensing, under any applicable procedures or rules of the Commission in effect prior to such establishment, of any technology for the storage of civilian spent nuclear fuel at the site of any civilian nuclear power reactor.

"SEC. 205. PERMANENT DISPOSAL.

"(a) SITE CHARACTERIZATION.—

"(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

"(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization if the Secretary modifies or eliminates those site characterization activities designed to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

"(3) DATE.—No later than December 31, 2002, the Secretary shall apply to the Commission for authorization to construct a repository that will commence operations no later than January 17, 2010. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

"(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository.

"(b) LICENSING.—Within one year of the date of enactment of this Act, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

"(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) with adequate protection of the health and safety of the public; and

"(C) consistent with the common defense and security.

"(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) with adequate protection of the health and safety of the public; and

"(C) consistent with the common defense and security.

"(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

"(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

"(B) with adequate protection of the health and safety of the public; and

"(C) consistent with the common defense and security.

"(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

"(A) breaching the repository's engineered or geologic barriers: or

"(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

"(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations *shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of only that quantity of spent nuclear fuel or high-level radioactive waste that is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.*

"(d) LICENSING STANDARDS.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not promulgate, by rule or otherwise, standards for protection of the public from releases of radioactive materials or radioactivity from the repository and any such standards existing on the date of enactment of this Act shall not be incorporated in the Commission's licensing regulations. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1)(A) and applied in accordance with the provisions of paragraph (1)(B). The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

"(1) RELEASE STANDARD.—

"(A) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission, in consultation with the Administrator of the Environmental Protection Agency, determines by rule that such standard would not provide for adequate protection of the health and safety of the public and establishes by rule another standard which will provide for adequate protection of the health and safety of the public. Such standard shall constitute an overall system performance standard.

"(B) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that—

"(i) for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a deterministic or probabilistic evaluation of the overall performance of the disposal system; and

"(ii) for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository, there is likely to be compliance with the overall system performance standard based on regulatory insight gained through the use of a probabilistic integrated performance model that uses best estimate assumptions, data, and methods.

"(2) HUMAN INTRUSION.—The Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(3), shall be sufficient to—

"(A) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

"(B) prevent any increase in the exposure of individual members of the public to radiation beyond allowable limits as specified in paragraph (1).

"(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

"(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the application for construction authorization.

"(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, alternative sites for the repository, the time of the initial availability of the repository, or any alternatives to the isolation of spent nuclear fuel and high-level radioactive waste in a repository.

"(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). In any such statement prepared with respect to the repository, the Commission shall not consider the need for a repository, the time of initial availability of the repository, alternate sites to the Yucca Mountain site, or nongeologic alternatives to such site.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

"(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

"(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTION.—

"(1) BOUNDARIES.—The boundaries depicted on the map entitled 'Interim Storage Facility Site Withdrawal Map,' dated July 28, 1995, and on file with the Secretary, are established as the boundaries of the interim storage facility site.

"(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 28, 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(3) NOTICE AND MAPS.—Within 6 months of the date of enactment of this Act, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"SEC. 207. PRIVATE STORAGE FACILITIES.

"(a) COMMISSION ACTION.—Upon application by one or more private entities for a license for an independent spent fuel storage installation not located at the site of a civilian nuclear power reactor, the Commission shall review such license application and issue a license for one or more such facilities at the earliest practicable date, to the extent permitted by the applicable provisions of law and regulation.

"(b) SECRETARY'S ACTIONS.—The Secretary shall encourage efforts to develop private facilities for the storage of spent nuclear fuel by providing any requested information and assistance, as appropriate, to the developers of such facilities and to State and local governments and Indian tribes within whose jurisdictions such facilities may be located, and shall cooperate with the developers of such facilities to facilitate compatibility between such facilities and the integrated management system.

"(c) OBLIGATION.—The Secretary shall satisfy the Secretary's obligations under this Act notwithstanding the development of private facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"TITLE III—LOCAL RELATIONS

"SEC. 301. ON-SITE REPRESENTATIVE.

"The Secretary shall offer to Nye County, Nevada, an opportunity to designate a representative to conduct on-site oversight activities at the Yucca Mountain site. Reasonable expenses of such representatives shall be paid by the Secretary.

"SEC. 302. BENEFITS AGREEMENTS.

"(a) IN GENERAL.—

"(1) SEPARATE AGREEMENTS.—The Secretary shall offer to enter into separate agreements with Nye County, Nevada, and Lincoln County, Nevada, concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Nye County, Nevada, and Lincoln County, Nevada.

"(b) AMENDMENT.—An agreement entered into under subsection (a) may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with subsection (c).

"(c) TERMINATION.—The Secretary shall terminate an agreement under subsection (a) if any element of the integrated management system may not be completed.

"(d) LIMITATION.—Only 1 agreement each for Nye County, Nevada, and Lincoln County, Nevada, may be in effect at any one time.

"(e) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"SEC. 303. CONTENT OF AGREEMENTS.

"(a) IN GENERAL.—

"(1) SCHEDULE.—The Secretary, subject to appropriations, shall make payments to the party of a benefits agreement under section 302(a) in accordance with the following schedule:

"BENEFITS SCHEDULE

[Amounts in millions]

Event	*County*
(A) Annual payments prior to first receipt of fuel	*$2.5*
(B) Upon first spent fuel receipt	*$5*
(C) Annual payments after first spent fuel receipt until closure of facility	*$5*

"(2) DEFINITIONS.—For purposes of this section, the term—

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under line (A) of the benefit schedule shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under line (C) of the benefit schedule shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under line (B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under line (A) of the benefit schedule, such first spent fuel payment under line (B) of the benefit schedule shall be reduced by an amount equal to 1/12 of such annual payment under line (A) of the benefit schedule for each full month less than 6 that has not elapsed since the last annual payment under line (A) of the benefit schedule.

"(b) CONTENTS.—A benefits agreement under section 302 shall provide that—

"(1) the parties to the agreement shall share with one another information relevant to the licensing process for the interim storage facility or repository, as it becomes available; and

"(2) the affected unit of local government that is party to such agreement may comment on the development of the integrated management system and on documents required under law or regulations governing the effects of the system on the public health and safety.

"(c) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under section 302 shall constitute a commitment by the United States to make payments in accordance with such agreement.

"SEC. 304. ACCEPTANCE OF BENEFITS.

"(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express, or denied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

"SEC. 305. RESTRICTION ON USE OF FUNDS.

"None of the funding provided under section 303 may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 306. INITIAL LAND CONVEYANCES.

"(a) CONVEYANCE OF PUBLIC LANDS.—Within 120 days after October 1, 1998, the Secretary of the Interior, or other agency with jurisdiction over the public lands described in subsection (b), shall convey the public lands described in subsection (b) to the appropriate county, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye, County of Lincoln, or the City of Caliente under this subsection that are subject to a Federal grazing permit or a similar federally granted privilege shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the privilege would be able to legally terminate such privilege under the statutes and regulations existing on October 1, 1998, unless the Federal agency, county or city, and the affected holder of the privilege negotiate an agreement that allows for an earlier conveyance, but in no case to occur earlier than October 1, 1998.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

"Map 1: Proposed Pahrump Industrial Park Site

"Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

"Map 3: Pahrump Landfill Sites

"Map 4: Amargosa Valley Regional Landfill Site

"Map 5: Amargosa Valley Municipal Landfill Site

"Map 6: Beatty Landfill/Transfer station Site

"Map 7: Round Mountain Landfill Site

"Map 8: Tonopah Landfill Site

"Map 9: Gabbs Landfill Site.

"(2) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

"Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

"Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

"Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

"Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

"Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(3) To the City of Caliente, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

"Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

"Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(c) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The activities of the Secretary and the head of any other Federal agency in connection with subsections (a) and (b) shall be considered preliminary decision making activities. No such activity shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act.

"SEC. 307. PAYMENTS EQUAL TO TAXES.

"(a) TAXABLE AMOUNTS.—In addition to financial assistance provided under this title, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(b) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

"(c) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

"(1) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under subsection (a) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

"(2) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) CONTRACTS.—

"(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such spent fuel or waste upon the payment of fees in accordance with paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended.

"(2) ANNUAL FEES.—

"(A) ELECTRICITY.—

"(i) IN GENERAL.—Under a contract entered into under paragraph (1) there shall be a fee for electricity generated by civilian nuclear power reactors and sold on or after the date of enactment of this Act. The aggregate amount of such fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on the integrated management system for that fiscal year, minus—

"(I) any unobligated balance of fees collected during the previous fiscal year; and

"(II) such appropriations required to be funded by the Federal Government pursuant to section 403.

"(ii) Fee level.—The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that for the period commencing with fiscal year 1999 and continuing through the fiscal year in which disposal at the repository commences—

"(I) the average annual fee collected under this subparagraph shall not exceed 1.0 mill per-kilowatt hour generated and sold; and

"(II) the fee in any fiscal year in such period shall not exceed 1.5 mill per kilowatt hour generated and sold.

Thereafter, the annual fee collected under this subparagraph shall not exceed 1.0 mill per-kilowatt hour generated and sold. Fees assessed pursuant to this subparagraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended.

"(B) Expenditures if shortfall.—If, during any fiscal year, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year, and

"(ii) such appropriations required to be funded by the Federal Government pursuant to section 403,

the Secretary may make expenditures from the Nuclear Waste Fund up to the level of appropriations.

"(C) Rules.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(3) One-time fees.—The one-time fees collected under contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 before the date of enactment of this Act on spent nuclear fuel, or high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor before April 7, 1983, shall be paid to the Nuclear Waste Fund. The Secretary shall collect all such fees before the expiration of fiscal year 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. In paying such a fee, the person delivering such spent nuclear fuel or high-level radioactive wastes, to the Secretary shall have no further financial obligation under this paragraph to the Federal Government for the long-term storage and permanent disposal of such spent nuclear fuel or high-level radioactive waste.

"(b) Advance Contracting Requirement.—

"(1) In general.—

"(A) License issuance and renewal.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

"(i) such person has entered into a contract under subsection (a) with the Secretary; or

"(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under subsection (a).

"(B) Precondition.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

"(2) Disposal in repository.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

"(3) Assignment.—The rights and duties of a party to a contract entered into under this section may be assignable with transfer of title to the spent nuclear fuel or high-level radioactive waste involved.

"(4) Disposal condition.—No spent nuclear fuel or high-level radioactive waste generated or owned by any department of the United States referred to in section 101 or 102 of title 5, United States Code, may be stored or disposed of by the Secretary at the interim storage facility or repository in the integrated management system developed under this Act unless, in each fiscal year, such department funds its appropriate portion of the costs of such storage and disposal as specified in section 403.

"(c) Nuclear Waste Fund.—

"(1) In general.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

"(A) all receipts, proceeds, and recoveries realized by the Secretary before the date of enactment of this Act;

"(B) any appropriations made by the Congress before the date of enactment of this Act to the Nuclear Waste Fund;

"(C) all interest paid on amounts invested by the Secretary of the Treasury under paragraph (3)(B); and

"(D) the one-time fees collected pursuant to subsection (a)(3).

"(2) Use.—The Nuclear Waste Fund shall be used only for purposes of the integrated management system.

"(3) Administration of nuclear waste fund.—

"(A) In general.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) Amounts in excess of current needs.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

"(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

"(C) Exemption.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(d) Use of Appropriated Funds.—During each fiscal year, the Secretary may make expenditures of funds collected after the date of enactment of this Act under this section and section 403, up to the level of appropriations for that fiscal year pursuant to subsection (f) only for purposes of the integrated management system.

"(e) Prohibition on Use of Appropriations and Nuclear Waste Fund.—The Secretary shall not make expenditures of funds collected pursuant to this section or section 403 to design or construct packages for the transportation, storage, or disposal of spent nuclear fuel from civilian nuclear power reactors.

"(f) Appropriations.—

"(1) Budget.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

"(2) Appropriations.—Appropriations shall be subject to triennial authorization. During each fiscal year, the Secretary may make expenditures, up to the level of appropriations, out of the funds collected pursuant to this section and section 403, if the Secretary transmits the amounts appropriated for implementation of this Act to the Commission and the Nuclear Waste Technical Review Board in appropriate proportion to the collection of such funds.

"(g) Effective Date.—This section shall take effect October 1, 1998, and section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall continue in effect until October 1, 1998.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

"(a) Continuation of Office of Civilian Radioactive Waste Management.—The Office of Civilian Radioactive Waste Management established under section 304(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of this Act, shall continue in effect subsequent to the date of enactment of this Act.

"(b) Functions of Director.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

‘‘(c) AUDITS.—

‘‘(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

‘‘(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the date of enactment of this Act.

‘‘(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

‘‘(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

‘‘(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

“SEC. 403. DEFENSE CONTRIBUTION.

‘‘(a) ALLOCATION.—No later than one year from the date of enactment of this Act, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel, high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel, high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors shall include—

‘‘(1) an appropriate portion of the costs associated with research and development activities with respect to development of the interim storage facility and repository; and

‘‘(2) interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

‘‘(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of materials described in subsection (a).

‘‘(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors requiring management in the integrated management system.

‘‘(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities as established under subsection (a).

“TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

“SEC. 501. COMPLIANCE WITH OTHER LAWS.

‘‘If the requirements of any law are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

‘‘(1) complying with such requirement and a requirement of this Act is impossible; or

‘‘(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act.

“SEC. 502. WATER RIGHTS.

‘‘(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

‘‘(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights.

‘‘(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

“SEC. 503. JUDICIAL REVIEW OF AGENCY ACTIONS.

‘‘(a) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—

‘‘(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

‘‘(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

‘‘(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

‘‘(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

‘‘(D) for review of any environmental impact statement prepared or environmental assessment made pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

‘‘(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

‘‘(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that the party did not know of the decision or action complained of or of the failure to act, and that a reasonable person acting under the circumstances would not have known of such decision, action, or failure to act, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

‘‘(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

“SEC. 504. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

‘‘(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedure’s as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

‘‘(b) ADJUDICATORY HEARING.—

‘‘(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

‘‘(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

‘‘(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

‘‘(2) DETERMINATION.—In making a determination under this subsection, the Commission—

‘‘(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless—

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

"(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 505. SITING A SECOND REPOSITORY.

"(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

"(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 506. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

"(a) FINANCIAL ARRANGEMENTS.—

"(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

"(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

"(b) TITLE AND CUSTODY.—

"(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

"(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

"(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

"(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

"(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 507. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

"The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs.

"SEC. 508. ACCEPTANCE SCHEDULE.

"The acceptance schedule shall be implemented in accordance with the following:

"(1) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's 'Acceptance Priority Ranking' report.

"(2) ACCEPTANCE RATE.—Except as provided in paragraph (5), the Secretary's acceptance rate for spent nuclear fuel shall be no less than the following: 1,200 MTU in 2002 and 1,200 MTU in 2003, 2,000 MTU in 2004 and 2,000 MTU in 2005, 2,700 MTU in 2006, and 3,000 MTU thereafter.

"(3) OTHER ACCEPTANCES.—In each year, once the Secretary has achieved the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed under the Nuclear Waste Policy Act of 1982 (as set forth in the Secretary's annual capacity report dated March 1995 (DOE/RW–0457)), the Secretary—

"(A) shall accept from spent nuclear fuel from foreign research reactors and spent nuclear fuel from naval reactors and high-level radioactive waste from atomic energy defense activities,an amount of spent nuclear fuel and high-level radioactive waste which is—

"(i) at least 25 percent of the difference between such annual acceptance rate and the annual rate specified in paragraph (2), or

"(ii) 5 percent of the total amount of spent nuclear fuel and high-level radioactive waste actually accepted,

whichever is higher. If such amount is less than the rate prescribed in the preceding sentence, the Secretary shall accept spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors which have permanently ceased operation; and

"(B) may, additionally, accept any other spent nuclear fuel or high-level radioactive waste.

"(4) EXCEPTION.—If the annual rate under the acceptance schedule is not achieved, the acceptance rate of the Secretary of the materials described in paragraph (3)(A) shall be the greater of the acceptance rate prescribed by paragraph (3) and calculated on the basis of the amount of spent nuclear fuel and high-level radioactive waste actually received or 5 percent of the total amount of spent nuclear fuel and high-level radioactive waste actually accepted.

"(5) ADJUSTMENT.—If the Secretary is unable to begin acceptance by January 31, 2002 at the rate specified in paragraph (2) or if the cumulative amount accepted in any year thereafter is less than that which would have been accepted under the rate specified in paragraph (2), the acceptance schedule shall, to the extent practicable, be adjusted upward such that within 5 years of the start of acceptance by the Secretary—

"(A) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had begun acceptance in 2002; and

"(B) thereafter the acceptance rate is equivalent to the rate that would be in place pursuant to paragraph (2) if the Secretary had commenced acceptance in 2002.

"(6) EFFECT ON SCHEDULE.—The acceptance schedule shall not be affected or modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

"SEC. 509. SUBSEABED OR OCEAN WATER DISPOSAL.

"Notwithstanding any other provision of law—

"(1) the subseabed or ocean water disposal of spent nuclear fuel or high-level radioactive waste is prohibited; and

"(2) no funds shall be obligated for any activity relating to the subseabed or ocean water disposal of spent nuclear fuel or high-level radioactive waste.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

"For purposes of this title—

"(1) Chairman.—The term 'Chairman' means the Chairman of the Nuclear Waste Technical Review Board.

"(2) Board.—The term 'Board' means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

"(a) Continuation of Nuclear Waste Technical Review Board.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of this Act, shall continue in effect subsequent to the date of enactment of this Act.

"(b) Members.—

"(1) Number.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

"(2) Chair.—The President shall designate a member of the Board to serve as Chairman.

"(3) National academy of sciences.—

"(A) Nominations.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

"(B) Vacancies.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

"(C) Nominees.—

"(i) Each person nominated for appointment to the Board shall be—

"(I) eminent in a field of science or engineering, including environmental sciences; and

"(II) selected solely on the basis of established records of distinguished service.

"(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

"(iii) No person shall be nominated for appointment to the Board who is an employee of—

"(I) the Department of Energy;

"(II) a national laboratory under contract with the Department of Energy; or

"(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

"(4) Vacancies.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

"(5) Terms.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

"The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

"(1) site characterization activities; and

"(2) activities relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

"SEC. 604. INVESTIGATORY POWERS.

"(a) Hearings.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(b) Production of Documents.—

"(1) Response to inquiries.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

"(2) Extent.—Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) In General.—Each member of the Board shall, subject to appropriations, be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) Travel Expenses.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

"(a) Clerical Staff.—

"(1) Authority of chairman.—Subject to paragraph (2), the Chairman may, subject to appropriations, appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) Provisions of title 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

"(b) Professional Staff.—

"(1) Authority of chairman.—Subject to paragraphs (2) and (3), the Chairman may, subject to appropriations, appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) Number.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) Title 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 607. SUPPORT SERVICES.

"(a) General Services.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

"(b) Accounting, Research, and Technology Assessment Services.—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) Additional Support.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) Mails.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) Experts and Consultants.—Subject to such rules as may be prescribed by the Board, the Chairman may, subject to appropriations, procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 608. REPORT.

"The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

"SEC. 610. TERMINATION OF THE BOARD.

"The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

"TITLE VII—MANAGEMENT REFORM

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) In General.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

"(b) Site Characterization.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

"SEC. 702. REPORTING.

"(a) Initial Report.—Within 180 days of the date of enactment of this Act, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than January 31, 2002, and in accordance with the acceptance schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1996 through 2001.

"(b) Annual Reports.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of—

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.".

SEC. 2. CONTINUATION OF CONTRACTS.

Subsequent to the date of enactment of this Act, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act in accordance with their terms except to the extent that the contracts have been modified by the parties to the contract.

SECTION 1. AMENDMENT OF NUCLEAR WASTE POLICY ACT OF 1982.

The Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) Short Title.—This Act may be cited as the 'Nuclear Waste Policy Act of 1997'.

"(b) Table of Contents.—

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.
"Sec. 3. Findings and purposes.

"TITLE I—OBLIGATIONS

"Sec. 101. Obligations of the Secretary of Energy.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"Sec. 201. Intermodal transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Interim storage.
"Sec. 205. Permanent disposal.
"Sec. 206. Land withdrawal.

"TITLE III—LOCAL RELATIONS

"Sec. 301. On-site representative.
"Sec. 302. Benefits agreements.
"Sec. 303. Content of agreements.
"Sec. 304. Acceptance of benefits.
"Sec. 305. Restriction on use of funds.
"Sec. 306. Initial land conveyances.

"TITLE IV—FUNDING AND ORGANIZATION

"Sec. 401. Program funding.
"Sec. 402. Office of Civilian Radioactive Waste Management.
"Sec. 403. Defense contribution.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"Sec. 501. Compliance with other laws.
"Sec. 502. Water rights.
"Sec. 503. Judicial review of agency actions.
"Sec. 504. Licensing of facility expansions and transshipments.
"Sec. 505. Siting a second repository.
"Sec. 506. Financial arrangements for low-level radioactive waste site closure.
"Sec. 507. Nuclear Regulatory Commission training authorization.
"Sec. 508. Acceptance schedule.
"Sec. 509. Subseabed or ocean water disposal.
"Sec. 510. Compensation.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"Sec. 601. Definitions.
"Sec. 602. Nuclear Waste Technical Review Board.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

"Sec. 701. Management reform initiatives.
"Sec. 702. Reporting.

"SEC. 2. DEFINITIONS.

"For purposes of this Act:

"(1) Accept, acceptance.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) Acceptance schedule.—The term 'acceptance schedule' means the schedule established by the Secretary under section 508 for acceptance of spent nuclear fuel and high-level radioactive waste.

"(3) Affected Indian tribe.—The term 'affected Indian tribe' means an Indian tribe—

"(A) whose reservation is surrounded by or borders on an affected unit of local government, or

"(B) whose federally-defined possessory or usage rights to other lands outside of the border of the Indian tribe's reservation arising out of Congressionally-ratified treaties,

may be affected by the locating of an interim storage facility or repository, if the Secretary finds, upon petition of the appropriate government officials of the Indian tribe, that such affects are both substantial and adverse to the Indian tribe.

"(4) Affected unit of local government.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(5) Atomic energy defense activity.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

"(A) Naval reactors development.

"(B) Weapons activities including defense inertial confinement fusion.

"(C) Verification and control technology.

"(D) Defense nuclear materials production.

"(E) Defense nuclear waste and materials byproducts management.

"(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(6) Civilian nuclear power reactor.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(7) Commission.—The term 'Commission' means the Nuclear Regulatory Commission.

"(8) Department.—The term 'Department' means the Department of Energy.

"(9) Disposal.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(10) Disposal system.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(11) Engineered barriers.—The term 'engineered barriers' and 'engineered systems and components,' means man made components of a disposal system. Such term includes the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste, and other materials placed over and around such packages.

"(12) High-level radioactive waste.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

"(B) the highly radioactive material resulting from atomic energy defense activities; and

"(C) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

"(13) Federal agency.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(14) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(15) Integrated management system.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste.

"(16) Interim storage facility.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(17) Interim storage facility site.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(18) Low-level radioactive waste.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

“(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

“(19) METRIC TONS URANIUM.—The terms ‘metric tons uranium’ and ‘MTU’ means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

“(20) NUCLEAR WASTE FUND.—The terms ‘Nuclear Waste Fund’ and ‘waste fund’ mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

“(21) OFFICE.—The term ‘Office’ means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

“(22) PROGRAM APPROACH.—The term ‘program approach’ means the Civilian Radioactive Waste Management Program Plan, dated May 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

“(23) REPOSITORY.—The term ‘repository’ means a system designed and constructed under title II of this Act for the permanent geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

“(24) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(25) SITE CHARACTERIZATION.—The term ‘site characterization’ means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

“(26) SPENT NUCLEAR FUEL.—The term ‘spent nuclear fuel’ means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

“(27) STORAGE.—The term ‘storage’ means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

“(28) WITHDRAWAL.—The term ‘withdrawal’ has the same definition as that set forth in the Federal Land Policy and Management Act (43 U.S.C. 1702 and following).

“(29) YUCCA MOUNTAIN SITE.—The term ‘Yucca Mountain site’ means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

“SEC. 3. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress finds that—

“(1) while spent nuclear fuel can be safely stored at reactor sites, the expeditious movement to and storage of such spent nuclear fuel at a centralized Federal facility will enhance the nation's environmental protection;

“(2) while the Federal Government has the responsibility to provide for the centralized interim storage and permanent disposal of spent nuclear fuel and high-level radioactive waste to protect the public health and safety and the environment, the costs of such storage and disposal should be the responsibility of the generators and owners of such waste and fuel, including the Federal Government;

“(3) in the interests of protecting the public health and safety, enhancing the nation's environmental protection, promoting the nation's energy security, and ensuring the Secretary's ability to commence acceptance of spent nuclear fuel and high-level radioactive waste no later than January 31, 2000, it is necessary for Congress to authorize the interim storage facility;

“(4) deficit-control measures designed to limit appropriation of general revenues have limited the availability of the Nuclear Waste Fund for its intended purposes; and

“(5) the Federal Government has the responsibility to provide for the permanent disposal of waste generated from United States atomic energy defense activities.

“(b) PURPOSES.—The purposes of this Act are—

“(1) to direct the Secretary to develop an integrated management system in accordance with this Act so that the Department can accept spent nuclear fuel or high-level radioactive waste for interim storage commencing no later than January 31, 2000, and for permanent disposal at a repository commencing no later than January 17, 2010;

“(2) to provide for the siting, construction, and operation of a repository for permanent geologic disposal of spent nuclear fuel and high-level radioactive waste in order to adequately protect the public and the environment;

“(3) to take those actions necessary to ensure that the consumers of nuclear energy, who are funding the Secretary's activities under this Act, receive the services to which they are entitled and realize the benefits of enhanced protection of public health and safety, and the environment, that will ensue from the Secretary's compliance with the obligations imposed by this Act; and

“(4) to provide a schedule and process for the expeditious and safe development and commencement of operation of an integrated management system and any necessary modifications to the transportation infrastructure to ensure that the Secretary can commence acceptance of spent nuclear fuel and high-level radioactive waste no later than January 31, 2000.

“TITLE I—OBLIGATIONS

“SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

“(a) DISPOSAL.—The Secretary shall develop and operate a repository for the permanent geologic disposal of spent nuclear fuel and high-level radioactive waste.

“(b) ACCEPTANCE.—The Secretary shall accept spent nuclear fuel and high-level radioactive waste for storage at the interim storage facility pursuant to section 204 in accordance with the acceptance schedule established under section 508, beginning not later than January 31, 2000.

“(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary.

“(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices in accordance with title VII of this Act.

“TITLE II—INTEGRATED MANAGEMENT SYSTEM

“SEC. 201. INTERMODAL TRANSFER.

“(a) BEFORE RAIL ACCESS.—Until such time as direct rail access is available to the interim storage facility site, the Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

“(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than January 31, 2000.

“(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

“(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and rights-of-way as required to facilitate replacement of land and city wastewater disposal activities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than January 31, 2000.

“(e) NOTICE AND MAP.—Within 6 months of the date of enactment of this Act, the Secretary shall—

“(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this section; and

“(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

“(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

“(g) HEAVY-HAUL TRANSPORTATION ROUTE.—

“(1) DESIGNATION OF ROUTE.—The route for the heavy-haul truck transport of spent nuclear fuel and high-level radioactive waste shall be as designated in the map (entitled ‘Heavy-Haul Route’ and on file with the Secretary).

“(2) TRUCK TRANSPORTATION.—The Secretary, in consultation with the State of Nevada and appropriate counties and local jurisdictions, shall establish reasonable terms and conditions pursuant to which the Secretary may utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from Caliente, Nevada, to the interim storage facility site.

“(3) IMPROVEMENTS AND MAINTENANCE.—Notwithstanding any other law—

“(A) the Secretary shall be responsible for any incremental costs related to improving or upgrading Federal, State, and local roads within the heavy-haul transportation route utilized, and performing any maintenance activities on such roads, as necessary, to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste; and

"(B) any such improvement, upgrading, or maintenance activity shall be funded solely by appropriations made pursuant to sections 401 and 403 of this Act.

"(h) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation.

"(i) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The Secretary's activities in connection with the development of intermodal transfer capability, and upgrading and improvements to, and maintenance of, the roads within the heavy-haul transportation route shall be considered preliminary decisionmaking activities. Such activities shall not require the preparation of an environmental impact statement under section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act.

"(j) REGULATION.—Notwithstanding any other law, the Secretary's movement of spent nuclear fuel and high-level radioactive waste by heavy-haul transport route pursuant to this subsection shall be subject to exclusive regulation by the Secretary of Transportation and the Commission in accordance with regulatory authority under the provisions of this Act, chapter 51 of title 49, United States Code (relating to the transportation of hazardous materials), and the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"SEC. 202. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to accept spent nuclear fuel and high-level radioactive waste beginning not later than January 31, 2000, and transport such fuel or waste to mainline transportation facilities. As soon as is practicable following the enactment of this Act, the Secretary shall analyze each specific reactor facility in the order of priority established in the acceptance schedule under section 508, and develop a logistical plan to assure the Secretary's ability to transport spent nuclear fuel and high-level radioactive waste.

"(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than January 31, 2000. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 203, and transportation tracking programs.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide technical assistance and funds to States, affected units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations. The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

"(2) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, Chairman of the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

"(d) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high level radioactive waste under this Act, shall by contract use private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

"(e) TRANSFER OF TITLE.—Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

"SEC. 204. INTERIM STORAGE.

"(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations and shall commence operation in phases by January 31, 2000.

"(b) DESIGN.—The design of the interim storage facility shall provide for the use of storage technologies licensed or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

"(c) LICENSING.—

"(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than January 31, 2000.

"(2) FIRST PHASE.—No later than 12 months after the date of enactment of this Act, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 10,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

"(3) SECOND PHASE.—Upon the issuance of the license for the first phase of the interim storage facility under paragraph (2), the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

"(d) ADDITIONAL AUTHORITY.—

"(1) CONSTRUCTION.—For the purpose of complying with subsection (a), the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of this Act and shall commence construction of the first phase of the interim storage facility subsequent to submittal of the license application except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of this Act and within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

"(3) ACCEPTANCE OF FUEL AND WASTE.—

"(A) GENERAL RULE.—In each year, once the Secretary has achieved the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed under the Nuclear Waste Policy Act of 1982 (as set forth in the Secretary's annual capacity report dated March 1995 (DOE/RW-0457)), the Secretary—

"(i) may, additionally, accept spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors which have permanently ceased operation; and

"(ii) except as provided in subparagraph (B), shall accept at least 25 percent of the difference between such annual acceptance rate and the annual rate under the acceptance schedule established under section 508 for spent nuclear fuel from civilian power reactors of—

"(I) spent nuclear fuel from foreign research reactors; and

"(II) spent nuclear fuel from naval reactors and high-level radioactive waste from atomic energy defense activities.

"(B) EXCEPTION.—If the annual rate under the acceptance schedule established under section 508 is not achieved, the acceptance rate of the Secretary of the materials described in subclauses (I) and (II) of subparagraph (A)(ii) shall be the greater of the acceptance rate prescribed by subparagraph (A) and calculated on the basis of the amount of spent nuclear fuel and high-level radioactive waste actually received or 5 percent of the total amount of spent nuclear fuel and high-level radioactive waste actually accepted.

“(e) National Environmental Policy Act of 1969.—

“(1) Preliminary decisionmaking activities.—The Secretary's activities under this section; including the selection of a site for the interim storage facility, the preparation and submittal of any license application, and the construction and operation of any facility shall be considered preliminary decisionmaking activities for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). No such activity shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or require any environmental review under subparagraph (E) or (F) of such Act.

“(2) Environmental impact statement.—

“(A) Final decision.—A final decision of the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

“(i) shall assume that 40,000 MTU will be stored at the facility;

“(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner; and

“(iii) shall consider the results of the study by the National Academy of Sciences on the migration of plutonium at the Nevada test site.

“(B) Considerations.—Such Environmental Impact Statement shall not consider—

“(i) the need for the interim storage facility, including any individual component thereof;

“(ii) the time of the initial availability of the interim storage facility;

“(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

“(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

“(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

“(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

“(f) Judicial Review.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

“(g) Waste Confidence.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

“(h) Savings Clause.—Nothing in this Act shall affect the Commission's procedures for the licensing of any technology for the dry storage of spent nuclear fuel at the site of any civilian nuclear power reactor as adopted by the Commission under section 218 of the Nuclear Waste Policy Act of 1982, as in effect prior to the enactment of the Nuclear Waste Policy Act of 1997. The establishment of such procedures shall not preclude the licensing, under any applicable procedures or rules of the Commission in effect prior to such establishment, of any technology for the storage of civilian spent nuclear fuel at the site of any civilian nuclear power reactor.

“SEC. 205. PERMANENT DISPOSAL.

“(a) Site Characterization.—

“(1) Guidelines.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

“(2) Site characterization activities.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization if the Secretary modifies or eliminates those site characterization activities designed to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

“(3) Date.—No later than December 31, 2002, the Secretary shall apply to the Commission for authorization to construct a repository that will commence operations no later than January 17, 2010. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

“(4) Maximizing capacity.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository.

“(b) Licensing.—Within one year of the date of enactment of this Act, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

“(1) Construction authorization.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

“(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

“(B) without unreasonable risk to the health and safety of the public; and

“(C) consistent with the common defense and security.

“(2) License.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

“(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

“(B) without unreasonable risk to the health and safety of the public; and

“(C) consistent with the common defense and security.

“(3) Closure.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

“(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

“(B) without unreasonable risk to the health and safety of the public; and

“(C) consistent with the common defense and security.

“(4) Post-closure.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

“(A) breaching the repository's engineered or geologic barriers; or

“(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

“(c) Modification of Repository Licensing Procedure.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of only that quantity of spent nuclear fuel or high-level radioactive waste that is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

“(d) Licensing Standards.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not promulgate, by rule or otherwise, standards for protection of the public from releases of radioactive materials or radioactivity from the repository and any such standards existing on the date of enactment of this Act shall not be incorporated in the Commission's licensing regulations. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1)(A) and applied in accordance with the provisions of paragraph (1)(B). The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

"(1) RELEASE STANDARD.—

"(A) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

"(B) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that—

"(i) for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a deterministic or probabilistic evaluation of the overall performance of the disposal system; and

"(ii) for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository, there is likely to be compliance with the overall system performance standard based on regulatory insight gained through the use of a probabilistic integrated performance model that uses best estimate assumptions, data, and methods.

"(2) HUMAN INTRUSION.—The Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(3), shall be sufficient to—

"(A) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

"(B) prevent any increase in the exposure of individual members of the public to radiation beyond allowable limits as specified in paragraph (1).

"(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

"(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the application for construction authorization.

"(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, alternative sites or designs for the repository, the time of the initial availability of the repository, or any alternatives to the isolation of spent nuclear fuel and high-level radioactive waste in a repository.

"(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). In any such statement prepared with respect to the repository, the Commission shall not consider the need for a repository, the time of initial availability of the repository, alternate sites to the Yucca Mountain site, or nongeologic alternatives to such site.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws. Withdrawal under this paragraph shall expire at the beginning of the year 2012 if the interim storage facility site is not used in accordance with section 204(c)(2) and other provisions of this Act. After the expiration of the withdrawal, the sites will return to the Federal agency which had jurisdiction over them before the withdrawal and for the purposes previously used.

"(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

"(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTION.—

"(1) BOUNDARIES.—The boundaries depicted on the map entitled 'Interim Storage Facility Site Withdrawal Map,' dated July 28, 1995, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

"(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 28, 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(3) NOTICE AND MAPS.—Within 6 months of the date of enactment of this Act, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"TITLE III—LOCAL RELATIONS

"SEC. 301. ON-SITE REPRESENTATIVE.

The Secretary shall offer to Nye County, Nevada, an opportunity to designate a representative to conduct on-site oversight activities at such site. Reasonable expenses of such representatives shall be paid by the Secretary.

"SEC. 302. BENEFITS AGREEMENTS.

"(a) IN GENERAL.—

"(1) SEPARATE AGREEMENTS.—The Secretary shall offer to enter into separate agreements with Nye County, Nevada, and Lincoln County, Nevada, concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Nye County, Nevada, and Lincoln County, Nevada.

"(b) AMENDMENT.—An agreement entered into under subsection (a) may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with subsection (c).

"(c) TERMINATION.—The Secretary shall terminate an agreement under subsection (a) if any element of the integrated management system may not be completed.

"(d) LIMITATION.—Only 1 agreement each for Nye County, Nevada, and Lincoln County, Nevada, may be in effect at any one time.

"(e) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"SEC. 303. CONTENT OF AGREEMENTS.

"(a) IN GENERAL.—

"(1) SCHEDULE.—The Secretary shall make payments to the party of a benefits agreement under section 302(a) in accordance with the following schedule:

"BENEFITS SCHEDULE

[Amounts in millions]

Event	County
(A) Annual payments prior to first receipt of fuel	$2.5
(B) Upon first spent fuel receipt	$5
(C) Annual payments after first spent fuel receipt until closure of facility	$5

"(2) DEFINITIONS.—For purposes of this section, the term—

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) Annual Payments.—Annual payments prior to first spent fuel receipt under line (A) of the benefit schedule shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under line (C) of the benefit schedule shall be made on the anniversary date of such first spent fuel receipt.

"(4) Reduction.—If the first spent fuel payment under line (B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under line (A) of the benefit schedule, such first spent fuel payment under line (B) of the benefit schedule shall be reduced by an amount equal to 1/12 of such annual payment under line (A) of the benefit schedule for each full month less than 6 that has not elapsed since the last annual payment under line (A) of the benefit schedule.

"(b) Contents.—A benefits agreement under section 302 shall provide that—

"(1) the parties to the agreement shall share with one another information relevant to the licensing process for the interim storage facility or repository, as it becomes available; and

"(2) the affected unit of local government that is party to such agreement may comment on the development of the integrated management system and on documents required under law or regulations governing the effects of the system on the public health and safety.

"(c) Construction.—The signature of the Secretary on a valid benefits agreement under section 302 shall constitute a commitment by the United States to make payments in accordance with such agreement.

"SEC. 304. ACCEPTANCE OF BENEFITS.

"(a) Consent.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express, or denied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) Arguments.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) Liability.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

"SEC. 305. RESTRICTION ON USE OF FUNDS.

"None of the funding provided under section 303 may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 306. INITIAL LAND CONVEYANCES.

"(a) Conveyance of Public Lands.—Within 120 days of the date of enactment of this Act, the Secretary of the Interior, or other agency with jurisdiction over the public lands described in subsection (b), shall convey the public lands described in subsection (b) to the appropriate county, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye, County of Lincoln, or the City of Caliente under this subsection that are subject to a Federal grazing permit or a similar federally granted privilege shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the privilege would be able to legally terminate such privilege under the statutes and regulations existing at the date of enactment of this Act, unless the Federal agency, county or city, and the affected holder of the privilege negotiate an agreement that allows for an earlier conveyance.

"(b) Special Conveyances.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(3) To the City of Caliente, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(c) National Environmental Policy Act of 1969.—The activities of the Secretary and the head of any other Federal agency in connection with subsections (a) and (b) shall be considered preliminary decision making activities. No such activity shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) Contracts.—

"(1) Authority of Secretary.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such spent fuel or waste upon the payment of fees in accordance with paragraphs (2) and (3). Fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended.

"(2) Annual Fees.—

"(A) Electricity.—Under a contract entered into under paragraph (1) there shall be a fee for electricity generated by civilian nuclear power reactors and sold on or after the date of enactment of this Act. The aggregate amount of such fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on the possession, transportation, interim storage, and disposal of such spent fuel or waste consistent with subsection (d) for that fiscal year, minus—

"(i) any unobligated balance of fees collected during the previous fiscal year;

"(ii) such appropriations required to be funded by the Federal Government pursuant to section 403; and

"(iii) the amount of one-time fees received pursuant to paragraph (3).

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee shall not exceed 1.0 mill per kilowatt-hour generated and sold. Fees assessed pursuant to this subparagraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended.

"(B) Expenditures if Shortfall.—If, during any fiscal year, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year;

"(ii) such appropriations required to be funded by the Federal Government pursuant to section 403; and

"(iii) the amount of one-time fees received pursuant to paragraph (3).

the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

"(C) Budget Priorities if Shortfall.—If, during any fiscal year, the provisions of subparagraph (B) come into effect—

"(i) the Secretary, for purposes of preparing annual requests for appropriations and allocating appropriated funds among competing requirements under the Nuclear Waste Policy Act of 1997, shall accord—

"(I) the activities leading to an operating repository the highest priority; and

"(II) the activities leading to an operating interim storage facility under section 204 the next highest priority; and

"(ii) the Commission, for purposes of preparing annual requests for appropriations and allocating appropriated funds among competing requirements under the Nuclear Waste Policy Act of 1997, shall accord—

"(I) the activities leading to an operating repository the highest priority; and

"(II) the activities leading to an operating interim storage facility under section 204 the next highest priority.

"(D) Rules.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(3) One-time fee.—The one-time fee collected under contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 before the date of enactment of this Act on spent nuclear fuel, or high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor before April 7, 1983, shall be paid to the Treasury. The Secretary shall collect all such fees before the expiration of fiscal year 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. In paying such a fee, the person delivering such spent nuclear fuel or high-level radioactive wastes, to the Secretary shall have no further financial obligation under this paragraph to the Federal Government for the long-term storage and permanent disposal of such spent nuclear fuel or high-level radioactive waste.

"(b) Advance Contracting Requirement.—

"(1) In general.—

"(A) License issuance and renewal.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

"(i) such person has entered into a contract under subsection (a) with the Secretary; or

"(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under subsection (a).

"(B) Precondition.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

"(2) Disposal in repository.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

"(3) Assignment.—The rights and duties of a party to a contract entered into under this section may be assignable with transfer of title to the spent nuclear fuel or high-level radioactive waste involved.

"(4) Disposal condition.—No spent nuclear fuel or high-level radioactive waste generated or owned by any department of the United States referred to in section 101 or 102 of title 5, United States Code, may be stored or disposed of by the Secretary at the interim storage facility or repository in the integrated management system developed under this Act unless, in each fiscal year, such department funds its appropriate portion of the costs of such storage and disposal as specified in section 403.

"(c) Nuclear Waste Fund.—

"(1) In general.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

"(A) all receipts, proceeds, and recoveries realized by the Secretary before the date of enactment of this Act;

"(B) any appropriations made by the Congress before the date of enactment of the Nuclear Waste Policy Act of 1997 to the Nuclear Waste Fund; and

"(C) all interest paid on amounts invested by the Secretary of the Treasury under paragraph (3)(B).

"(2) Use.—The Nuclear Waste Fund shall be used only for purposes of the integrated management system.

"(3) Administration of nuclear waste fund.—

"(A) In general.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) Amounts in excess of current needs.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

"(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

"(C) Exemption.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(d) Use of Appropriated Funds.—During each fiscal year, the Secretary may make expenditures of funds collected after the date of enactment of this Act under this section and section 403, up to the level of appropriations for that fiscal year pursuant to subsection (f) only for purposes of the integrated management system.

"(e) Prohibition on Use of Appropriations and Nuclear Waste Fund.—The Secretary shall not make expenditures of funds collected pursuant to this section or section 403 to design or construct systems and components for the transportation, storage, or disposal of spent nuclear fuel from civilian nuclear power reactors.

"(f) Appropriations.—

"(1) Budget.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

"(2) Appropriations.—Appropriations shall be subject to triennial authorization. During each fiscal year, the Secretary may make expenditures, up to the level of appropriations, out of the funds collected pursuant to this section and section 403, if the Secretary transmits the amounts appropriated for implementation of this Act to the Commission and the Nuclear Waste Technical Review Board in appropriate proportion to the collection of such funds.

"(g) Effective Date.—This section shall take effect October 1, 1998.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

"(a) Continuation of Office of Civilian Radioactive Waste Management.—The Office of Civilian Radioactive Waste Management established under section 304(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of this Act, shall continue in effect subsequent to the date of enactment of this Act.

"(b) Functions of Director.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

"(c) Audits.—

"(1) Standard.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

"(2) Time.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the date of enactment of this Act.

"(3) Comptroller general.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

"(4) Time.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

"(5) Public documents.—All audit reports shall be public documents and available to any individual upon request.

"SEC. 403. DEFENSE CONTRIBUTION.

"(a) Allocation.—No later than one year from the date of enactment of this Act, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel, high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel, high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors shall include—

"(1) an appropriate portion of the costs associated with research and development activities with respect to development of the interim storage facility and repository; and

"(2) interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

"(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities as established under subsection (a).

"(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities requiring management in the integrated management system.

"(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities as established under subsection (a).

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

"If the requirements of any law (other than the Federal Lands Policy Management Act of 1976, the Endangered Species Act of 1973, the Migratory Bird Treaty Act of 1918, and the Federal Water Pollution Control Act as such Acts pertain to fish and wildlife and wetlands) are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act of 1954 (42 U.S.C. 2011 et seq.), the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

"(1) complying with such requirement and a requirement of this Act is impossible; or

"(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act.

"SEC. 502. WATER RIGHTS.

"(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

"(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

"(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

"SEC. 503. JUDICIAL REVIEW OF AGENCY ACTIONS.

"(a) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—

"(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

"(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

"(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

"(D) for review of any environmental impact statement prepared or environmental assessment made pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

"(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

"(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that the party did not know of the decision or action complained of or of the failure to act, and that a reasonable person acting under the circumstances would not have known of such decision, action, or failure to act, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

"(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 504. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

"(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

"(b) ADJUDICATORY HEARING.—

"(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) DETERMINATION.—In making a determination under this subsection, the Commission—

"(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless—

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

“(c) Judicial Review.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

“(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

“(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

“SEC. 505. SITING A SECOND REPOSITORY.

“(a) Congressional Action Required.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

“(b) Report.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

“SEC. 506. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

“(a) Financial Arrangements.—

“(1) Standards and instructions.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

“(2) Bonding, surety, or other financial arrangements.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

“(b) Title and Custody.—

“(1) Authority of secretary.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

“(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

“(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

“(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

“(2) Protection.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

“(c) Special Sites.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

“SEC. 507. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

“The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs.

“SEC. 508. ACCEPTANCE SCHEDULE.

“The acceptance schedule shall be implemented in accordance with the following:

“(1) Acceptance priority ranking shall be determined by the Department's annual ‘Acceptance Priority Ranking’ report.

“(2) The Secretary's spent fuel acceptance rate shall be no less than the following: 1,200 MTU in 2000 and 1,200 MTU in 2001, 2,000 MTU in 2002 and 2,000 MTU in 2003, 2,700 MTU in 2004, and 3,000 MTU thereafter.

“(3) If the Secretary is unable to begin acceptance by January 31, 2000 at the rates specified in paragraph (2), or if the cumulative amount accepted in any year thereafter is less than that which would have been accepted under the acceptance rate specified in paragraph (2), the acceptance schedule shall be adjusted upward such that within 5 years of the start of acceptance by the Secretary—

“(A) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had began acceptance in 1998, and

“(B) thereafter the acceptance rate is equivalent to the rate that would be in place pursuant to paragraph (2) above if the Secretary had commenced acceptance in 1998.

“(4) The acceptance schedule shall not be affected or modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

“SEC. 509. SUBSEABED OR OCEAN WATER DISPOSAL.

“Notwithstanding any other provision of law—

“(1) the subseabed or ocean water disposal of spent nuclear fuel or high-level radioactive waste is prohibited; and

“(2) no funds shall be obligated for any activity relating to the subseabed or ocean water disposal of spent nuclear fuel or high-level radioactive waste.

“SEC. 510. COMPENSATION.

“The Secretary shall compensate the owners of any land the value of which is diminished by actions taken under this Act as follows:

“(1) If the value of the land, as set by a professional appraiser, is diminished by at least 20 percent, the Secretary shall provide compensation to the owner of the land so that when the compensation is added to the value of the land the value of the land will not be considered as diminished; and

“(2) If the value of the land is diminished by at least 50 percent, the Secretary shall offer to purchase the land at its value before action was taken under this Act.

“TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

“SEC. 601. DEFINITIONS.

“For purposes of this title—

“(1) Chairman.—The term ‘Chairman’ means the Chairman of the Nuclear Waste Technical Review Board.

“(2) Board.—The term ‘Board’ means the Nuclear Waste Technical Review Board continued under section 602.

“SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

“(a) Continuation of Nuclear Waste Technical Review Board.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of this Act, shall continue in effect subsequent to the date of enactment of this Act.

“(b) Members.—

“(1) Number.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

“(2) Chair.—The President shall designate a member of the Board to serve as Chairman.

“(3) National academy of sciences.—

“(A) Nominations.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

“(B) Vacancies.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

“(C) Nominees.—

(i) Each person nominated for appointment to the Board shall be—

“(I) eminent in a field of science or engineering, including environmental sciences; and

“(II) selected solely on the basis of established records of distinguished service.

“(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

“(iii) No person shall be nominated for appointment to the Board who is an employee of—

“(I) the Department of Energy;

“(II) a national laboratory under contract with the Department of Energy; or

“(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

“(4) Vacancies.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

“(5) Terms.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment.

“SEC. 603. FUNCTIONS.

“The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

“(1) site characterization activities; and

“(2) activities relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

“SEC. 604. INVESTIGATORY POWERS.

“(a) Hearings.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

“(b) Production of Documents.—

“(1) Response to inquiries.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

“(2) Extent.—Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

“SEC. 605. COMPENSATION OF MEMBERS.

“(a) In General.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

“(b) Travel Expenses.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

“SEC. 606. STAFF.

“(a) Clerical Staff.—

“(1) Authority of chairman.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

“(2) Provisions of title 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

“(b) Professional Staff.—

“(1) Authority of chairman.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

“(2) Number.—Not more than 10 professional staff members may be appointed under this subsection.

“(3) Title 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

“SEC. 607. SUPPORT SERVICES.

“(a) General Services.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

“(b) Accounting, Research, and Technology Assessment Services.—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

“(c) Additional Support.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

“(d) Mails.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(e) Experts and Consultants.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

“SEC. 608. REPORT.

“The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

“SEC. 610. TERMINATION OF THE BOARD.

“The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

“TITLE VII—MANAGEMENT REFORM

“SEC. 701. MANAGEMENT REFORM INITIATIVES.

“(a) In General.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

“(b) Site Characterization.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

“SEC. 702. REPORTING.

“(a) Initial Report.—Within 180 days of the date of enactment of this Act, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

“(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than January 31, 2000, and in accordance with the acceptance schedule;

“(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

“(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

“(4) an analysis by the Secretary of its funding needs for fiscal years 1996 through 2001.

“(b) Annual Reports.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of—

“(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

“(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

“(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.”.

SEC. 2. CONTINUATION OF CONTRACTS.

Subsequent to the date of enactment of this Act, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act in accordance with their terms except to the extent that the contracts have been modified by the parties to the contract.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–354. Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

After a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the majority leader or his designee.

After a motion to strike out the enacting clause of the bill has been rejected, the Chairman may not entertain another such motion during further consideration of the bill.

It is now in order to consider amendment No. 1, printed in House Report 105–354, as modified.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. DAN SCHAEFER OF COLORADO

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I offer amendment No. 1, as modified.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment No. 1, as modified, offered by Mr. DAN SCHAEFER of Colorado:

Page 19, line 2, insert before the period the following:

, using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas

Page 19, beginning in line 3, strike "In conjunction with" and insert the following:

"(1) IN GENERAL.—In conjunction with"

and add after line 16 on page 19 the following:

"(2) RAIL ROUTES.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall establish procedures for the selection of preferred rail routes for the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage site and the repository site. Such procedures shall be established in consultation with the designated emergency services planning management official for any State or Indian tribe affected by the rail routes selected.

Page 20, line 20, insert after "organizations" the following: ", voluntary emergency response organizations,".

Page 24, line 16, strike "regulations promulgated by the Commission" and insert "existing Federal regulations".

Page 25, beginning on line 1, strike "The" and all that follows through "paragraph (1)" on line 3 and insert "If training standards are required to be promulgated under paragraph (1), such standards".

Page 25, line 5, strike "include the following provisions—" and insert "provide for—".

Page 25, after line 19, insert the following:

"The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (A) and (B).".

Page 43, strike lines 17 and all that follows through line 13 on page 44, and insert the following:

"SEC. 207. APPLICABILITY.

"Nothing in this Act shall affect the application of chapter 51 of title 49, United States Code; part A of subtitle V of title 49, United States Code; part B of subtitle VI of title 49, United States Code; and title 23, United States Code.".

Page 81, after line 13, insert the following:

"SEC. 510. SEPARABILITY.

"If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.".

In the table of contents—

(1) in the item relating to section 207 amend the heading to read as follows: "Applicability"; and

(2) add at the end of title V the following:

"Sec. 510. Separability.

Page 21, line 6, redesignate subparagraph (B) as subparagraph (C) and insert after line 5 the following:

"(B) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Colorado [Mr. DAN SCHAEFER] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to clarify that this pending amendment is an amendment made in order earlier by a unanimous consent request. The manager's amendment makes a number of noncontroversial changes to H.R. 1270, and reflects the views of the Committee on Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure.

□ 1830

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the esteemed gentleman from Texas [Mr. HALL], ranking member, as well as the gentleman from Colorado [Mr. DAN SCHAEFER], and the gentleman from Michigan [Mr. UPTON], the sponsor of H.R. 1270. They have all been helpful and supportive in working with me to help clarify an issue related to rail transportation that is incorporated in the bill before us.

Mr. Chairman, it is an issue which is critical to the constituents in my district and the citizens of Missouri. While no specific routes for rail shipments have been determined, approximately 1,400 rail shipments of waste projected over the next 30 years, possibly a third of these wastes would be transported through Missouri.

There currently are no Federal regulations related to determining preferred rail routes for transportation of this material. My language in this manager's amendment establishes this process to safeguard rail transportation and ensure that the appropriate State and tribal authorities are involved in the decision-making process.

Mr. Chairman, this type of consultative relationship and route planning is essential to ensuring the highest levels of safety to our communities. There are other important clarifications in the manager's amendment that further advance safety and transportation portions of this bill. I thank the managers and urge support of this amendment.

Mr. Chairman, I would like to thank my esteemed ranking member, Mr. HALL, as well as the gentleman from Colorado, Chairman SCHAEFER, and the gentleman from Michigan [Mr. UPTON], sponsor of H.R. 1270, who have all been very helpful and supportive in working with me on clarifying an important issue related to rail transportation that is incorporated in the manager's amendment before us. This is an issue that is critically important to the constituents in my district of Greater Kansas City, the second largest rail hub in the nation, and the citizens of Missouri, which contains the 3rd largest rail hub in St. Louis.

While no specific routes for rail shipments have been determined, approximately 1,400 rail shipments of waste are projected over thirty years. Existing rail line options are limited for east-west transit and lead us to the realization that a significant percentage of shipments, possibly a third if distributed across all options, would be transported through Missouri.

Current Hazardous Materials [HazMat] law established a process, which this legislation builds upon, for highway routing decisions related to transportation of spent nuclear fuel. There currently are no federal regulations related to determining preferred rail routes for the transportation of this material. My language in the Manager's amendment establishes this process to safeguard rail transportation and ensure that the appropriate state and tribal authorities are involved in the decisionmaking process.

This type of consultative relationship and route planning is essential to ensuring the highest level of safety for our communities. There are other important clarifications in the manager's amendment that further advance the safety and transportation portions of the bill. I thank the managers for their inclusion of this language in the amendment and urge my colleagues to support the adoption of the amendment.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I would say that the gentlewoman from Missouri [Ms. MCCARTHY] has been very gracious in her input.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to congratulate and give accolades to the gentlewoman from Missouri [Ms. MCCARTHY], who has established a system of selecting preferred rail routes, and currently there is no system for that. I thank her and I thank the gentleman from Ohio [Mr. SAWYER], and I thank those of the Nation's firefighters who have helped work this out.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Colorado [Mr. DAN SCHAEFER].

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–354.

AMENDMENT NO. 2 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KILDEE:

Page 4, strike line 11 and all that follows through page 5 line 11, and insert the following:

"(3) AFFECTED INDIAN TRIBE.—The term affected Indian tribe' means an Indian tribe whose reservation is surrounded by or borders on an affected unit of local government, or whose federally-defined possessory or usage rights to other lands outside of the border of the Indian tribe's reservation arising out of Congressionally-ratified treaties may be affected by the locating of an interim storage facility or repository, if the Secretary finds, upon petition of the appropriate government officials of the Indian tribe, that such affects are both substantial and adverse to the Indian tribe.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Michigan [Mr. KILDEE] and a Member in opposition each will control 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Colorado.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, we have looked over this amendment. We have no opposition to it and we will accept it.

Mr. KILDEE. Mr. Chairman, with that then I will enter my remarks into the RECORD.

Mr. Chairman, the amendment I am offering today will make sure that Indian tribes are not inadvertently left out of the consultation or assistance process. My amendment simply incorporates the Senate definition of "Affected Indian tribe". This amendment is supported by the Nevada tribes as well as the National Congress of American Indians.

Under the current House definition of "affected Indian tribe", no Indian tribes in Nevada, including the shoshone and Paiute tribes who have lived on this land for more than 10,000 years, will qualify for treatment as an "affected Indian tribe". This strikes me and many others as patently unfair.

These tribes are governments and ought to be treated on the same footing as other local governments. That is to say, they ought to be given the same opportunity and the same level of financial and technical assistance as we are giving other Nevada communities to enable them to carefully review program activities and evaluate the impacts of nuclear storage on their lands.

The Senate definition of an "affected Indian tribe" includes tribes whose reservation boundaries are contiguous with other affected units of local government. This simply means that Indian tribes who are close to the storage site will have an opportunity to receive aid and assistance to the same extent that any other local government has.

I believe that this is a reasonable proposal and, given the fact that the tribes in Nevada have lived on this particular land for thousands of years, only fair.

I urge my Committee colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KILDEE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HASTERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the House Resolution 283, further proceedings on the amendment offered by the gentleman from Michigan [Mr. KILDEE] will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 105–354.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment, and I ask unanimous consent that that amendment be modified by the modification that has been placed at desk.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

Page 7, line 14, strike "reprocessing" and insert "reprocessing in the United States", beginning in line 20 strike "activities" and insert "activities in the United States", and in line 21, strike "material" and insert "material in the United States".

Page 11, line 14, strike "reactor" and insert "reactor in the United States".

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The Clerk read as follows:

Amendment No. 3 printed in House Report 105–354, as modified by Mr. TRAFICANT:

Page 6, insert after line 7 the following:

"(II) Nuclear nonproliferation."

Page 7, line 14, strike "reprocessing" and insert "reprocessing in the United States".

Page 11, line 13 insert after "fuel" the following: ", other than foreign spent nuclear fuel as defined in section 131f(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2160(f)(4),".

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Ohio [Mr. TRAFICANT]?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, the amendment is very simple. It says that we will not become the dumping ground for any foreign waste unless it was covered by an international agreement or military procurement understandings.

Mr. Chairman, I yield to the gentleman from Colorado [Mr. DAN SCHAEFER], chairman of the committee.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, the Traficant amendment certainly prohibits the disposal of spent nuclear fuel from other plants in foreign countries, and I think the gentleman is right on. We worked out, I think, all the problems on this and we appreciate the fact that we have found a resolution to this. We have no problems on this side, and we will accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman's concerns and advice, and I yield to the gentleman from Texas [Mr. HALL], the ranking member.

Mr. HALL of Texas. Mr. Chairman, we certainly appreciate the modification and think it is a good amendment.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UPTON. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT] will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 283, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 offered by the gentleman from Michigan [Mr. KILDEE]; the amendment No. 3, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. KILDEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. KILDEE], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 10, not voting 14, as follows:

[Roll No. 543]

AYES—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer

Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—10

Barr
Barton
Coble
Ewing
Hastert
Hefley
Hostettler
Sanford
Solomon
Stump

NOT VOTING—14

Berman
Cubin
Dingell
Gonzalez
Kelly
Lewis (CA)
McIntosh
Moran (VA)
Morella
Schiff
Stokes
Tauzin
Weldon (FL)
Yates

☐ 1855

Messrs. COBLE, EWING, and HEFLEY changed their vote from "aye" to "no."

Mr. SHADEGG changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 283, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the second amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 11, not voting 14, as follows:

[Roll No. 544]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)

Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—11

Cannon
Clyburn
Frank (MA)
Furse
Johnson, E. B.
Kanjorski
Klink
Lofgren
Martinez
Waxman
Woolsey

NOT VOTING—14

Berman
Campbell
Cubin
Gilman
Gonzalez
Kelly
Manzullo
McIntosh
Morella
Schiff
Smith (TX)
Stokes
Weldon (FL)
Yates

☐ 1906

Mr. BERRY and Mr. MILLER of California changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 4 printed in House Report 105-354.

AMENDMENT NO. 4 OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 4 offered by Mr. ENSIGN:
>
> Page 15, insert after line 8 the following:
>
> "(e) RISK ASSESSMENT AND COST BENEFIT.—The Secretary shall not take any action under this Act unless the Secretary has with respect to such action conducted a risk assessment which is scientifically objective, unbased, and inclusive of all relevant data and relies, to the extent available and practicable, on scientific findings and which is grounded in cost-benefit principles.

The CHAIRMAN pro tempore. Pursuant to House Resolution 283, the gentleman from Nevada [Mr. ENSIGN] and a Member opposed each will control 10 minutes.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Colorado [Mr. DAN SCHAEFER] will control the 10 minutes in opposition.

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment that I have offered today is consistent with the language in the Contract With America that Republicans brought to this floor a little over 2 years ago. It is based on a concept that before the Government does something, we should do studies that say what are the risks, what are the costs versus the benefits? Very simple.

What this, H.R. 1270, does is, H.R. 1270 presumes that this Congress knows everything that there is to know about nuclear waste. It presumes that this Congress has all the experts that it needs right here, that all of the studies have already been done.

And the nuclear energy industry actually says that all of the studies say that the Yucca Mountain is suitable and all these things, when even the Government's own scientists have said the Yucca Mountain has not been deemed suitable or acceptable. That is why the President has threatened to veto this bill. What we are saying with this amendment is simply that the Secretary of Energy shall conduct these studies prior to moving the bill forward.

The GAO has estimated the Yucca Mountain project to cost nearly $33 billion. Before dumping endless amounts of taxpayer dollars into the project, let us take a step back and make sure that this is the best use of the American people's money. If this project is as good as my colleagues say, obvious cost-benefit analysis will show that it is.

Mr. Chairman, we are asking that the Republicans especially who support this bill, that they be consistent in their arguments. They have argued in the past for cost benefit analysis. And why is that? They have argued in the past because it is a good thing to do. Before the Government goes and does something, we should prove that there are benefits. What are the risks? What are the benefits?

Let us just stick to the principle in the Contract With America that we all came and we all signed in 1994 on the steps of the Capitol.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. ENSIGN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

You know, this is one item in the Contract With America that passed the House of Representatives overwhelmingly. Almost everyone agreed that there should be some risk assessment when the Federal Government is getting into these major Federal projects. We were guaranteed that there would not be any danger, because there was not going to be any delay, because that was not the objective, and now we get the perfect example of where it should apply. I urge adoption of the amendment.

Mr. ENSIGN. Mr. Chairman, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. UPTON], the author of the bill.

Mr. UPTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MARKEY] for a simple, quick answer. How did the gentleman vote on that provision of the Contract With America? I was looking for a "yes" or "no," not a card game.

Mr. MARKEY. Mr. Chairman, if the gentleman will yield, even a blind squirrel finds an acorn once in a while. I now realize the correctness of the provision.

Mr. UPTON. Mr. Chairman, reclaiming my time, this Ensign amendment would require that the Department of Energy undertake a risk assessment before it takes any action under the act. The amendment would stop the nuclear waste program in its tracks and would prevent the Department of Energy from taking any action for years. It would guarantee that all nuclear waste in this country stays right where it is, spread out all over the country, rather than going to one safe site.

I would say, too, that the risk assessments required by the Ensign amendment are in addition to the requirements that the Department of Energy prepare EIS, environmental impact statements, before major actions.

☐ 1915

Under this amendment the DOE would have to perform a risk assessment and prepare an environmental impact statement. There is no need for the risk assessment required by this amendment. The Department of Energy nuclear waste program is probably the most closely scrutinized Federal program created. There is layer after layer of oversight. The State of Nevada oversees the program, as does the Nuclear Waste Technical Review Board and the Nuclear Regulatory Commission. All of this oversight is funded by consumers, and this would be viewed as a killer amendment. I would urge my colleagues to vote "no."

Mr. ENSIGN. Mr. Chairman, I yield myself 30 seconds to say that, first of all, new science is being discovered all the time in Nevada. Plutonium just recently was discovered by the National Academy of Sciences to have migrated almost one mile. The significance of that discovery is that they did not expect that. Because all of the proponents of the bill have been saying, first of all, Yucca Mountain is safe, there is no water to worry about, do not worry about the groundwater table or any of that. But science is constantly finding new things. That is why we need this cost-benefit and risk analysis.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS], who sits on the Committee on Resources, who rejected this bill, by the way.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me this time.

First, I find it odd that people would object to a cost-benefit analysis. It is a tool that is commonly used in private businesses throughout America. It is widely accepted in academia as a tool by which we make sound judgment for sound policy about what we are doing in this Nation.

If Members want to talk about risk, let us look at the environmental hazards that are posed by transportation of nuclear waste around America. Let us look at the idea that this bill tells us that we can ignore all those environmental laws that we have talked about earlier. Let us look at the fact that we have got a train wreck right here. This is a risk, Mr. Chairman. This is a risk for America. We need to look at these risks, and we need to analyze what is going to be the benefit or what is going to be the cost.

Once again, take a look at where all of these risks are going to take place. That is 43 States in this country. Forty-three States ought to have an opportunity to evaluate the risks of this bill and to analyze the costs that are going to be involved to these States with the transportation of this material through those States, through those communities, next to those schools with kids playing out there if an accident occurs.

This is a critically important amendment for this bill. It is an amendment which is going to allow States or require the Secretary of Energy to perform those analyses, to evaluate those risks, and to take appropriate actions with that information.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I of course believe that tools are good if they are used properly and if they are not used for obstruction, and that is really what this amendment is. This amendment would just simply prohibit the Secretary from taking any action. I think it creates an absolute obligation for the Secretary to conduct the proposed analysis subject to anything that comes under H.R. 1270, any type action. It makes no allowance for the Secretary to conduct a risk assessment during other steps of the process.

This proposal lacks even an adequate definition of risk assessment. It provides no direction as to the consequences of the assessment. We say that the EIS already requires this and it is going to be done, it will be done, it is directed that it be done.

It throws up a number of procedural hurdles that really renders impossible the storage as this act calls for. It is a little like back in the 1960's, the States of New Mexico and Arizona when they were mining copper, when the enviros, well meaning though they were, set up a rule of law that you had to replace the terrain as it was in its natural state. Of course, no court upheld that, but it gave rise to an injunction that put off and put off and put off and prevented and that caused escalation of the price.

This is a bad amendment. It is just meant to cripple. I urge that Members vote it down.

Mr. ENSIGN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, every major environmental group in this country opposes H.R. 1270: The Sierra Club, the National Resource Defense Council, Friends of the Earth, U.S. PIRG, Public Citizen, Citizen Alert, League of Conservation Voters, Greenpeace, Nuclear Information and Resources Service, Military Production Network.

By the way, those are the people that live around these facilities that we are talking about that have the nuclear waste, and those people are standing up and saying that it is our moral responsibility to come up with solutions, and the solution is not an interim storage facility out in Nevada. The reason, and one of the reasons that these environmental groups oppose this bill is because we have not determined what the risks are. We have not determined what the costs are going to be. As the GAO does new studies and finds out that, first of all, Yucca Mountain is much more expensive than anybody ever thought before, and it seems like every year they come out with new studies that say Yucca Mountain is much more expensive, the same thing with interim storage. If you actually do the cost-benefit analysis and risk assessment, when you start taking into account, there was a case in New Mexico where radioactive waste was transported by a person's property, that person was awarded by the court and upheld by the State Supreme Court of New Mexico that that was considered a takings and that person had to be compensated for the loss because of the perceived loss of valuation of that person's land.

As we are transporting nuclear waste, the most deadly substance known to mankind, across 43 States, across all kinds of people's property, let us say that you have a very nice, beautiful piece of property that is a resort. Now you have got nuclear waste being transported by it. It could very well be argued, especially viewing what happened in Germany where they had 30,000 police officers being required to transport nuclear waste, just 6 casks, by the way, of nuclear waste, just 6,300 miles to the north, 173 people were injured.

People are trying to say that private property is not going to be devalued by nuclear waste being transported by it? And especially this bill says that you have to give local notice. We know that as you give local notice, that people are going to come out in this country and protest the shipment of this waste. Land is going to be devalued. So we do not even know how much this is actually going to cost because of that.

By the way, the taxpayer ends up holding the bill on this. It is under our Constitution, if the Federal Government based on the Fifth Amendment does devalue somebody's land, it is going to be the taxpayer that ends up holding the bill on this.

Mr. Chairman, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I appreciate the opportunity to speak in opposition to the amendment. A lot has been said about this being an amendment to add risk assessment into the legislation, but properly understood, it really should be called the additional regulatory bureaucracy and delay amendment. It is very clear from the debate we have had here already that the action required by this amendment would be to force the Department of Energy to undertake a risk assessment before it takes any action under this act. And since the amendment does not define which DOE actions require a risk assessment, each action would probably end up requiring such a risk assessment.

We have heard discussion about whether there is unreasonable risk involved in this entire process. I think that the proponents of the amendment and the opponents of the bill would have Members believe that we are simply transporting nuclear fuel around the country without any evaluation of risk standards or that we are evaluating the sites without consideration of environmental harm or risk or other considerations. The fact of the matter is just the opposite.

As I said in my earlier debate, the regulatory regime for radioactive material transport has been very heavily evaluated. It focuses on risk extremely aggressively and has an absolutely perfect safety record. I went through that information previously but over the last 30 years, we have had 2500 shipments of spent nuclear fuel in the United States; since 1957, 667 shipments of Navy fuel, over a million miles of travel, and in the last 22 years the Department of Energy under these programs has transported nuclear weapons and special nuclear materials nearly 100 million miles. All of this has occurred without a radioactive release. Those who would have Members believe that risk is not carefully evaluated, monitored and regulated in our current nuclear regime in the United States are misstating the reality. The fact is that we will have adequate protections both environmentally and in terms of the risk, and there is no reason why we should not proceed with the legislation that is now before us to solve this critical issue to this country.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. Hastert].

Mr. HASTERT. Mr. Chairman, the issue here is what is expedient, how do we get the job done, and how do we make sure it is done safely? Before we ever start to cross the threshold on this whole issue, there has to be an environmental impact study. That is in place. It is being done. What this amendment asks us to do is to every time that there is any action at all dealing with this, there has to be an impact study done, that there has to be a financial research study done.

If we want to give $2500 to the Mayville, Ohio fire department to beef up their education, there has to be a financial impact study done. If we want to help railroad employees do safety inspections and we decide to do that, that is an action. And so whenever one of these actions happens, you stop the whole process until the financial impact statement has been done, which might be a whole period of time, and you take instead of the whole gestalt, the whole issue, you divide it into millions of little pieces and you stop that action every time you turn around.

I understand that the proponents of this amendment would like to slow the action down. They would like to stop this from happening. They would like us to stop solving the problem of safe storage for nuclear waste in this country. But this amendment that brings this thing down to a death of a thousand cuts just will not work.

We need to pass this legislation, we need to do it safely, we need to do the environmental impact statements, we need to do the overall financial statements, but we cannot stop the process a million and 10 times that this amendment asks for. We need to reject this amendment and move forward.

The CHAIRMAN pro tempore (Mr. LaHood). The Chair would advise that the gentleman from Colorado [Mr. Dan Schaefer] has 2 minutes remaining and the gentleman from Nevada [Mr. Ensign] has 1½ minutes remaining.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, may I inquire, who has the right to close on this amendment?

The CHAIRMAN pro tempore. The gentleman from Colorado has the right to close.

Mr. ENSIGN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. Kucinich].

Mr. KUCINICH. Mr. Chairman, I support the amendment to have a cost-benefit analysis. We are embarking on one of the most dramatic changes in nuclear policy that has ever been conducted in the history of the world. There are going to be 15,000 shipments by rail and highway of radioactive waste through 43 States and the District of Columbia. Hundreds of cities are involved across America's heartland. If nuclear waste is privatized as some are proposing, far more of the waste traffic would go by truck. It is estimated there would be 79,300 truck shipments, 12,600 rail shipments. We ought to evaluate this, we ought to look at the cost-benefit as it affects every community in this country.

Mr. ENSIGN. Mr. Chairman, I yield myself such time as I may consume. The government's own scientists at the Nuclear Waste Technical Review Board said that there is no hurry, that we do not need to do this now. There is time to do a cost-benefit analysis.

□ 1930

We are not running out of space, there is plenty of space. All you have to do is build cement pads at the nuclear facilities with dry cast storage. The NRC has said that is good for 100 years.

It has been mentioned we have not had an accident yet. Mr. Chairman, I am from Las Vegas. We go on odds in Las Vegas. With 100 miles or whatever they said that have been traveled so far with no accidents, the odds are, one is coming. All you have to do is see how many train wrecks we have had in the last several years. Imagine what one of those train wrecks would do if the people that have done some of the early studies were wrong on these canisters.

We are not talking about a small risk here; we are talking about major environmental safety hazards. I think a reasonable cost-benefit risk assessment is very justified. I would urge a yes vote on this amendment.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman. I yield two minutes to the gentleman from Michigan [Mr. Upton], the author of the bill.

Mr. UPTON. Mr. Chairman, I just want to remind my colleagues what this bill does is it gets it out of these temporary storage places that are along the Great Lakes and the Chesapeake Bay and rivers and streams and into one safe place. We have had a perfect record of transporting this stuff. It was not mined in the dunes of Lake Michigan. It had to get there somehow. It got there in a perfect way, without a single incident of exposure or release of radioactive material. We think that that can continue as we get it out of the dunes and off of the shores of these environmentally sensitive areas to one safe place.

I just want to close on this amendment and urge my colleagues to vote no. The result of this amendment is pointless delay. I want to give one example.

The amendment would require the Department of Energy to perform a risk assessment before it provided funds to emergency response teams for public safety training. It is redundant. We do not need a risk assessment for items like that, and this amendment, if it was adopted, would require that every action would require a risk assessment.

It is too much. We do not need it. The bill is designed to be safe in the transportation of this material. It will be so.

The CHAIRMAN pro tempore (Mr. LaHood). The question is on the amendment offered by the gentleman from Nevada [Mr. Ensign].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

It is now in order to consider an Amendment No. 5 printed in House Report 105–354.

AMENDMENT NO. 5 OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. Gibbons: Page 19, insert after line 16 the following:
>
> "(e) Emergency Response Team.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste through any State unless the Governor of such State can certify that an adequate emergency response team exists in such State to appropriately manage any nuclear accident that may occur in such transportation.

The CHAIRMAN pro tempore. Pursuant to House Resolution 283, the gentleman from Nevada [Mr. Gibbons] and a Member opposed will each control 10 minutes.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Colorado, Mr. DAN SCHAEFER, will be recognized for 10 minutes in opposition to the amendment offered by the gentleman from Nevada, Mr. GIBBONS.

The Chair recognizes the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment simply states that the Governor of each State with nuclear waste routes shall certify that emergency response teams exist and can properly manage any nuclear accident before transportation plans can be implemented by the Secretary.

Governors of States faced with the mandate of accepting highly dangerous irradiated nuclear waste in their State should be given the legal authority to ensure that an emergency response team is adequately prepared to protect the health and safety of those citizens.

A Department of Energy report estimated that a radioactive accident could take up to 460 days and cost up to $19.4 billion to clean up. No State can afford the economic consequences of a disaster of this magnitude. Realizing that, these costs cannot include the intangible loss of life that could also occur.

Without the passage of my amendment, Mr. Chairman, Governors' voices will be stifled in the oversight of transportation of nuclear waste.

Many people feel as I do, that this is an infringement on States' rights. Every State should have the legal authority to make sure their citizenry is safe, and it is the job of that Governor to ensure that all possible remedies are used to ensure that.

If a nuclear accident did occur, those first to respond to the disaster must be adequately trained. Local firefighters and police officers will be the first to respond to nuclear truck or train accidents.

The International Association of Fire Fighters stated in a letter that the International Association of Fire Fighters represents more than 225,000 emergency responders, who are the Nation's first line of defense during any hazardous material incident, including the transportation of highly radioactive material. Without adequate training, it is easy to see why they are opposing this bill.

It is the responsibility of the Governor of these States to uphold their States' constitution and protect the health and safety of its citizenry. How can any Governor expect to protect their States, their constituents, as well as the firefighters and the policemen, without the legal authority granted under this amendment?

H.R. 1270, the Nuclear Waste Policy Act of 1997, would mandate that nuclear waste be shipped through 43 States, regardless if consent is granted by these States or not.

It is a simple issue of States' rights and public safety. If this body wishes to pass H.R. 1270, then I feel it is our obligation, an obligation that most of us, if not all on this side of the aisle, have stated for a long time, an obligation to return power to the States and allow them every opportunity to protect themselves from the deadly mandate under H.R. 1270 and this Congress.

Every State should be prepared to handle a nuclear accident before it happens, not after the deadly contents spill upon the ground. I would ask Members to trust their Governors, their State, and especially their constituency, to support State rights and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON], the author of the bill.

Mr. UPTON. Mr. Chairman, I would note that this Gibbons amendment would bar the Department of Energy from planning for the transportation of spent nuclear fuel or high level radioactive waste through any State unless the Governor of the State certified that an adequate emergency response team existed in the State.

This, in a sense, would give every Governor a veto over nuclear waste transportation through their State. All that the Governor would have to do is to refuse to certify that their State has adequate emergency response teams, and that is it. That is it. A killer amendment.

The temptation would be irresistible to perhaps the Governor of Nevada, because no matter how adequately trained their emergency response team might be, the Governor would just say, no.

I would ask my colleagues to vote no on this amendment. I would note that in the deliberations in the markup before our full committee, the gentlewoman from Missouri, KAREN MCCARTHY, a respected Member, wanted to offer an amendment. We worked with her, it was included, in fact, in the manager's amendment, and it directed that the Secretary of Transportation would, in fact, establish procedures for the selection of preferred railroad routes for transportation of nuclear waste to an interim storage facility and repository, and DOT would be directed to consult with State emergency response officials in the development of these preferred routes.

That means that there is local input. The Governors and the States are going to be involved. Thanks to the input of the gentlewoman from Missouri [Ms. MCCARTHY], that amendment has been adopted as part of this bill, and, therefore, there is no need for the Gibbons amendment.

Mr. GIBBONS. Mr. Chairman, I yield myself 30 seconds to respond to this.

Mr. Chairman, first of all, let me State we are not just simply picking this stuff up and placing it down here without any transportation occurring throughout the course of 43 different States. It is not irresponsible for Governors to want to work and present and protect the safety of their citizens. I think it is irresponsible of a Governor who does not do that.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is clearly about States' rights and the tenth amendment. This is not a national security issue, as some people have said it was. We have had nuclear waste at these facilities for decades. If it was a national security issue now, it would certainly have been a national security issue then, and it will be in the future then, because we are not taking all the nuclear waste from these facilities.

It will continue to exist in the district of the gentleman from Michigan [Mr. UPTON], in the district of the gentleman from Illinois [Mr. HASTERT], and on and on. Nuclear waste will still be in their districts. They will not have as much of it, but they will have it.

What the amendment of the gentleman from Nevada [Mr. GIBBONS] does is says that the Governor, who is the closest representative to a State and is aware of what is happening in their State and knows best, would say that these emergency response teams have to exist and be properly trained before nuclear waste can come through their State.

What representative here in Congress would not want their Governor to have to say, yes, the emergency response teams are in place? Now you can bring the waste through our State. But until that Governor says that these emergency response teams are in place and are trained properly, no nuclear waste can come through my State if I was a Governor. I would certainly want that right if I was a Governor, and I know virtually every Governor across this country would want that right as well.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this amendment would prevent the Secretary from taking any, any, significant action to prepare for the transportation of this nuclear fuel through the State, if the Governor, any Governor of the State, refused to certify that "an adequate emergency response team exists."

In the first place, the amendment is not necessary for safe transportation, because the Hazardous Materials Transportation Act, as the gentleman from Ohio pointed out, and the Nuclear

Regulatory Commission regulations, apply to all shipments of spent fuel and high level radioactive waste. That, and the consulting provisions of H.R. 1270, provide the Governor of each State with an opportunity to designate.

A Governor can designate the alternate transportation routes, but they do not give the Governor the authority to prohibit the interstate transportation of materials through a State as this amendment would do. This amendment would kill that.

Now, in reality, the amendment would bring the entire nuclear program to a halt by giving any Governor the right to veto transportation through their State. I think their Governor, I think it is Governor Miller, has indicated he would do almost anything to prevent this from happening. I do not blame him. I would take the same position he has taken. But this gives him the same position as any Governor. He is a Governor, and any Governor can do it. This gives them a veto.

First, I would point out that nuclear energy has been around a long, long time. The first plant came on in Shippingport, Pennsylvania, back in 1961. From that day to this date shipping is obvious. You have to ship it. It has to go somewhere. It has to be transported.

Then if that happens, we have to look and see what the safety record has been to date. During the last 30 years, commercial nuclear energy has built an impeccable safety record of more than 2,900 shipments of used fuel across the U.S. highways and railroads, and in that time, no injuries, no fatalities, no environmental damage has occurred, because of the radioactivity of the cargo. In fact, there has been no release of radioactivity during these shipments; 2,900 shipments, shipments of commercial used nuclear fuel and research reactor fuel, have traveled more than 1.6 million miles across the country's highways and rail lines since 1964, according to the data from the NRC, the State of Nevada, and from the industry.

This is not needed, and I certainly urge that it be defeated.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to my colleague and friend, the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, I rise in support of the Gibbons amendment. The commerce clause of the Constitution of the United States is not a vehicle to endanger the rights of States, but to facilitate the rights of the Union respecting the States.

There is no respect for the States when we decide to ship millions of tons of nuclear waste through 43 States without giving the States a strong voice in the process.

The Governors are ultimately responsible for the safety of populations within the State. Just today the Subcommittee on Government Operations urged that the protection of gulf war veterans, the responsibility for that protection, be taken away from two major Federal departments because those departments were lax in protecting the gulf war veterans who experienced the gulf war syndrome.

□ 1945

States ought to take pause when the safety and protection of their population rests solely on one Federal department which must be responsive first to the nuclear industries, and then perhaps to the civilian population.

Mr. Chairman, I urge a vote for the Gibbons amendment.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, one of the things that when we look at amendments we have to say, what is the reason this amendment exists? Why do people want to put it in?

It is very simple. If one wanted to stop nuclear waste and high-level military waste from moving across this country, as it has for scores of millions of miles, for decades across this country, safely, then one would say we would give the ability for an individual in a State, in this case the Governor, just to veto this and say "You cannot move this through my State anymore."

Especially if one wanted to stop nuclear waste from going to a permanent repository or a temporary repository, one would give the Governor the ability, the Governor of that State or of other States, to say, "I am going to veto this," regardless of the Secretary of the Department of Transportation, the plans they have for safe transportation, and the Department of Energy, despite the plans they have for safe storage of high-level nuclear waste, regardless of what those plans are.

But one of the things that I think the author of this amendment forgot to look at is the constitutionality. One of the things that we have guaranteed in the Constitution of the United States is the ability for interstate trade, and the movement and transportation of trade across the borders of States not to be inhibited by any one State or any one person in a State.

This amendment, to my view, is clearly unconstitutional. What it really does is give the veto power to States and individuals in States to stop interstate commerce, something that is guaranteed in the Constitution.

But beyond that, it also is a way just to stop the process, not to stop the process just for the storage of nuclear waste that this bill tries to move us to, a safe storage of nuclear waste, but of all the movement of military waste, of domestic waste that we have in this country today.

That means we cannot move it anywhere, we cannot move it off the ships, we cannot move it off of any repositories we have, we cannot move it to safer places. So the only alternative left is to have this nuclear waste stack up in the open, out in the elements, near some of our most important natural resources, the Great Lakes, for instance, in Michigan and other places, and to be exposed to the elements. That is not the best and highest purpose that we have to move forward on to store high-level nuclear waste. It was never the intent.

We have to remember that the Federal Government had made a contract with the American people in 1982 that they would take this nuclear waste and store it in a safe way, and when we say store it, we also have to assume it is transportation in a safe manner. We need to move forward and reject this amendment.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am a very strong believer in Thomas Jefferson's belief in States' rights, the rights of States to assert their legitimate authority over that which takes place in their domain.

I hate it when I see Members of Congress out trampling on an individual State's ability to act, on a Governor's right to protect a State's own citizens, especially when we are told that we do not even have to make the truck drivers liable because it is so safe. They cannot even have an accident if they tried. It is in containers that cannot break, so we are told. Well, as a result, we are going to suspend the Governor's right to be able to ask a few questions, but it is over a subject that they are telling us is absolutely harmless.

Again, I think if Thomas Jefferson were here, he would be very suspicious of a central government telling the State to trust us, we are sending through cannisters of highly dangerous materials, but they do not have to worry because the central government has taken care of them. That is where I think Alexander Hamilton was always questioned by Thomas Jefferson. I hate to see it when Members are out usurping the legitimate right of Governors on this kind of a matter.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the Members for allowing me to present my argument on this matter.

Mr. Chairman, I notice my colleague, the gentleman from Illinois, talks about the Commerce Clause. The Commerce Clause regulates commerce among the several States, but it is the

10th Amendment which reserves those powers not expressly delegated to the Federal Government to the States themselves and to the people.

It is the health and safety of the people of those States through which this transport of hazardous nuclear waste material is going to take place. Those Governors have the right, notwithstanding any other arguments that I have heard here before, to regulate and ask that the safety of their constituents be protected.

Let me also say something my mother said to me, that "If you fail to prepare, you are preparing to fail." Governors across this Nation should prepare their response teams for the inevitable accident of nuclear waste.

Mr. Chairman, I ask that my colleagues support this, support this in the name of safety, support this in the name of States' rights.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this can turn into a political issue very, very rapidly when a Governor of a particular State has to make the decision on whether or not they are going to allow the transport of this across State lines.

I guess the one concern that I have on this is that every one of these Governors politically are going to say, hey, no way, and we will end up leaving the waste in the 35 States or 38 States that it is in today. So I would just say I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Nevada [Mr. GIBBONS] will be postponed.

It is now in order to consider amendment No. 6 printed in the House report 105-354.

AMENDMENT NO. 6 OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 6 offered by Mr. ENSIGN:
>
> Page 19, insert after line 16 the following:
>
> "(c) EMERGENCY RESPONSE.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste in a fiscal year for which funds appropriated under section 203(c) are insufficient (as determined by the Federal Emergency Management Agency) to ensure adequate and trained emergency response teams along all the transportation routes to be used in such fiscal year.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Nevada [Mr. ENSIGN] and a Member opposed each will control 10 minutes.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise to claim opposition to the amendment.

The CHAIRMAN. The gentleman from Colorado, Mr. DAN SCHAEFER, will control 10 minutes in opposition to the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, before I go on to talk about this amendment, which deals with safety, I want to talk about the comment that the subcommittee chairman made on the last amendment when he said that, well, of course, if the Governors had their choice, every one of them would oppose nuclear waste being transported across their State and they would stop it. He said every Governor. He may want to retract that statement, but he said every Governor. Does it not make sense that we would oppose a bill if every Governor in every State does not want nuclear waste being transported across their State?

Mr. Chairman, I have an amendment, and this amendment would simply require certification by FEMA, and by the way, this is an independent agency, that adequate appropriations, in other words, monies be appropriated to exist for the emergency response teams that are going to be necessary across those 43 States if an accident did occur.

Local fire and police departments will be the first ones on the scene of a nuclear waste accident, and it is vitally important that these forces are mobilized and trained in responding to possible radiation leaks. H.R. 1270 authorizes funding for these purposes, but makes that funding contingent upon actions of the Committee on Appropriations.

This year, for an example, the energy and water appropriations bill provided $2.6 billion less than the administration's request for programs that are ongoing. The money simply is not there. But we need to ensure that if that money is not provided, that we do not undertake activities when we have not adequately prepared to deal with the consequences of those activities.

Mr. Chairman, I think it is absolutely outrageous that we would not simply make sure that the money is there, that adequate money is there; not to be appropriated, but actually there, mandated that we spend to make sure that the transport of the deadliest substance known to mankind, if an accident occurs, that those response teams have the adequate funding that they can prepare to meet the type of accident that could ensue.

Mr. Chairman, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, this amendment bars the Department of Energy from planning for nuclear waste transportation in any fiscal year in which funds are deemed to be insufficient by the Federal Energy Management Agency to ensure adequate and trained emergency response teams along all the transportation routes to be used in each such fiscal year.

On its face this sounds like a good idea, but when we look at it, it is another amendment designed to prevent transportation of nuclear waste. It is going to create a circumstance in which, instead of addressing this issue once and for all, we create now yet again another regulatory mechanism, where every year we have to fight in this Congress over whether we are going to have in place the necessary structure to move ahead with transporting the spent nuclear fuel of this country to permanent storage.

This amendment would prevent the Department of Energy from beginning to accept nuclear waste in the year 2002. Last year a Federal court said that the United States has a legal obligation to begin acceptance of nuclear waste in the year 1998. H.R. 1270 provides for that acceptance at least by the year 2002.

This amendment would delay the beginning of that acceptance for years. In addition, once FEMA was able to make determinations as required by this amendment, opponents of the nuclear waste program would seek annually to cut funding for emergency response training or to otherwise argue that the funding simply was not sufficient, and if that was not enough, they would try to work through regulatory routes to get FEMA to simply say they were not ready.

If their efforts were successful, nuclear transportation would be blocked for another entire year, year after year, as the process of debate moved forward. This amendment is designed to create yet one more venue where we debate endlessly the question of how will we deal with spent nuclear fuel in this country. It is not designed to improve training of emergency response teams or promote that safe transportation; it is designed to keep nuclear waste where it now is, spread out across the country in scores of sites in 35 or more States.

We have, as we have discussed repeatedly tonight, a safe transportation system. If we need more safety, we can appropriate the necessary dollars to do so. I do not believe there would be much objection to appropriating for strengthened and increased training in FEMA. But we do not need to fall for the trick of tying that FEMA funding to the ability of the Department of Energy to transport the spent nuclear fuel in this country as is necessary for the security and safety of our Nation.

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Mr. ENSIGN. Mr. Chairman, I think it is important to point out that we are more concerned about people's lives, where they are more concerned about the process that goes on here in the Congress.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, it seems that we have been called a lot of things this evening, especially obstructionists. Well, I think those people who are opposing these amendments are the obstructionists.

What we are talking about here is response team funding, paying money out to save people's lives, human lives. The health of humanity, the environment is at risk here. The safety of the citizens is a responsibility of the Governors in these 43 States through which this material is going to be transported. They need the resources to make sure that we are doing this safely in the event of that actuality of an accident that is bound to happen.

By the way, let me also take a little time here to talk a little bit about "Indiana Michigan Power versus DOE." I want to dispel these myths about the law as it now stands. It does not require the Federal Government to take into possession this nuclear material. It says that in the event of an unavoidable delay, in the event of an unavoidable delay, the parties are to readjust schedules as appropriate to accommodate the delay. It does not mandate that the Federal Government take possession of this in 1998. It does nothing that all of this hyperbole that we hear from the opponents of this amendment say. This case literally does not require the Federal Government to take possession of that.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, inasmuch as the gentleman from Nevada [Mr. ENSIGN] took some of his time to answer the gentleman from Colorado [Mr. SCHAEFER], let me answer something the gentleman from Nevada said a little bit ago.

Mr. Chairman, I do not consider them obstructionists, and we are trying not to be. The gentleman mentioned that they play the odds in Las Vegas. I have been to Las Vegas. The last time I was out there I saw a dejected fellow sitting over there. He lost all of his money and he could not borrow any more money and he could not cash any checks, but the management was kind out there and they offered him some food. And he said, "No, I can't do that. My bus will be here in a few minutes." And they said, "Oh, you have to catch the bus?" And he said, "No, I'm going to get in front of it."

Mr. Chairman, that is what we would do if this amendment passed. Because whereas the other amendment said that any Governor could veto it, this sets out that a bureaucrat can veto it. They are going to let FERC veto it. That is of course outrageous.

H.R. 1270 provides already for technical assistance and funding to the States, to the effected units of local governments, Indian tribes and nonprofit organizations for the training of local public safety officials.

The amendment would give the Director of FEMA complete discretion over whether this act is implemented. I just do not think we want to do that. It would be an illegal delegation of power. It is not a good idea. We do not want to leave it up to the bureaucrats.

Mr. ENSIGN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, if it is so very safe to ship these materials under the legal regime which has been established under this bill, then the sponsors should not have any problems with this amendment. All we really do here is say if FEMA determines that there is insufficient funds that have been appropriated for emergency response teams, then we have to basically deal with that issue.

But we have reached a point here now where we are saying we have got an unfunded mandate where we are not going to help out the State or the local municipality in dealing with this issue. We are telling the Governors they do not have any authority here to deal with it. And now we are turning to the FEMA and we are saying that this very safe material is stuff that we do not even want FEMA to have to certify that they have enough money to be able to handle it.

Mr. Chairman, I think that the proponents of this bill do protesteth too much about how safe it is while at the same time telling Governors, mayors, FEMA to butt out in terms of questioning, in fact, the real protections given to the public.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I would just remind my colleagues that this is a duplicative amendment. Under the existing law and this bill, H.R. 1270, DOE provides funding from the income under this program to provide emergency response training for State and local entities in the unlikely event of an accident with radioactive materials.

Under the funding, the DOE already provides assistance for training of State and local officials and tribal emergency rescue workers. The commercial nuclear safe record during 2,900 shipments speak to the effectiveness of the training.

I remind my colleagues that this radioactive material did not just show up at these 80 different facilities around the country. It had to get there. And some 1,300 tons of the radioactive rods were shipped without accident, without spillage, without a single release of nuclear material, all under the safe guidance of the Department of Energy.

Mr. Chairman, to change that record and give it to somebody else and let them start all over and do their regulations is just further delay. I would urge my colleagues: "If it ain't broke, don't fix it." The system works now under the guidance of the Department of Energy, and I have a feeling of confidence that it will continue without this amendment.

Mr. ENSIGN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, I urge a "yes" vote on the amendment. There are a number of assumptions that are being made here in this debate. I recall the remarks of the gentleman from Texas [Mr. HALL] about betting in Las Vegas. We are betting that radioactive waste cannot spill. We are betting that trucks carrying the radioactive waste will not have accidents. We are betting that trains which carry the radioactive waste will not derail. We are betting that the casks which contain the radioactive waste transported will not break, will not come open or leak.

But that has a familiar ring. It sounds like the Titanic will not sink. The Hindenburg will not fall out of the sky. Or if my colleagues want a modern reference, that Three Mile Island will never have an accident.

Mr. Chairman, I would say, again referring to the remarks of the gentleman from Texas, that we might have better odds of getting out in front of that bus than we may have of there not being any accident.

So safety is an issue. Let us keep focused on this safety issue which is implicit in this amendment. The bill would send an estimated 100,000 shipments of high-level radioactive waste through 43 States, passing 50 million people in their communities. At the very least, we need to ensure there are safeguards in place and that means money to train emergency response teams along the transportation routes. And if there is not enough money, appropriate it to ensure that adequate response teams are in place along the waste transportation route.

Mr. Chairman, the Department of Energy ought not be prohibited from planning for the transportation of this radioactive waste.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I remember when I was a kid the old western movies were out there. My mother never told me much about nuclear waste, but we used to watch the western movies. And if they had to stop the train that had the stuff in it from getting to the good guys, first of all they sent the Indians after it. We have to confer with the Indians. We passed that amendment tonight. Then they switched it off on the spur so it cannot go down the track. Well, we can do that. But really the question is here how many bureaucracies do we have to have to stop nuclear waste from getting to a place of safe storage?

Well, Mr. Chairman, we have the Department of Defense, first of all, that has some of this nuclear waste. They are involved in this thing. We have DOE, Department of Energy, who prescribes the safe way to transport this, to bundle it, to package it, to store it. And then we also have the Department of Transportation.

Now, I understand that the sponsors of this amendment certainly would like to stop nuclear waste from going to a safe destination where we can have a final resting place for this stuff that is stored in scores of States and scores of places, in people's backyards, backyards in our communities next to natural resources. We need to find a safe place to do it.

But if they are going to stop that from happening, what they really do here is say, well, let us let FEMA do this now. Mr. Chairman, FEMA has never had any experience in nuclear waste. They are not an agency that deals with transportation of nuclear waste, but we are going to say that FEMA now has the ability to do this and has to put together rules and has to put together a whole process and, by the way, that is going to be a couple of years so we cannot even begin to plan to move nuclear waste in this country until we have another bureaucracy involved.

Mr. Chairman, we might as well bring in the Indians and try to switch this thing off onto the dead track. We need to defeat this amendment and move on.

Mr. ENSIGN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, what we are talking about here is really just a safety issue, just to make sure that there is a comfort level for the people in America.

The authors of the bill have even said this is unnecessary because this bill authorizes the monies for these emergency response teams. All we are saying is, and I have only been here almost 3 years, and even in that very short period of time I have seen bills that are authorized for certain amount of money. Does the Highway Trust Fund sound familiar to anybody? Authorized for a certain amount of money and then that money not being spent. The trust fund that we are talking about here, does that sound familiar to my colleagues?

Well, what we are saying is that we want to make sure that the money is not just authorized; that the money actually gets to those emergency response teams so that if there is an accident, that the people are adequately trained and can handle this.

We have been lucky in this country. We have not had the kind of nuclear disaster from an accident that all of us would never want to happen. But if it does happen, would any of us want to face the parents of a child that was killed in one of these accidents? Was exposed to some kind of radiation that ended up at that point leading to cancer or to certain death?

Well, Mr. Chairman, I think that the very least we can do for those people is to make sure that if an accident does occur, that the people in the surrounding areas have the comfort level that their emergency response teams are in place and have been well-trained because the monies from this Congress, and this Congress is the one who is doing all of this. It is not the States out there. This Congress is the one transporting this waste, authorizing the transport of this waste.

So this Congress should take the responsibility to make sure that the money is appropriated, the money is adequately appropriated, not just authorized but adequately appropriated, that these emergency response teams would be in place. To do anything less would be a dereliction of our moral duty to our constituents all across these United States.

Mr. Chairman, I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I have no more speakers, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Nevada [Mr. ENSIGN] will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 105–354.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MARKEY:

Page 36, strike line 18 and all that follows through line 9 on page 39.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Colorado [Mr. DAN SCHAEFER] will each control 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is one thing when they tell us, as proponents of this legislation, that we really do not have to be concerned about it traveling down the highway and we really do not have to give any authority to local mayors or Governors, even the FEMA, to be able to properly protect public safety. But it is another thing, Mr. Chairman, when the Congress determines that a human being can be exposed to 100 millirems of radiation at this site with no health consequences for the individual.

In other countries in the world, they have much different standards than are built into this bill. In Canada, it is one millirem a year. In Finland and Switzerland, it is 10 millirems a year. In France, it is 25 millirems a year. But here the Congress is going to decide that pregnant women, children can be exposed to 100 millirems a year, even though we know that at that level, one in 286 people exposed to that level of radiation will, in fact, contract fatal cancer.

Now, I can understand how we can pretend that the canisters cannot break. I can understand how we can pretend that the driver will never get drunk. But we cannot pretend that science does not exist. We cannot pretend that the National Academy of Sciences does not exist. And we cannot pretend to be experts. A congressional expert is an oxymoron. We are only experts compared to each other. We are not experts compared to real experts, radiation experts, medical people.

Where do we get off picking 100 millirems knowing that one in 286 people exposed will in fact contract fatal cancer? By the way, this 100 millirems is on top of all of the other radiation exposure that a human being is exposed to in the course of a year. It is absolutely unbelievable.

Now, the second part of my amendment deals with the absolutely, I think, preposterous leap that there can be no human intrusion at Yucca Mountain for 1,000 years. That is, by assuming that, we do not have to build in any extra environmental protections. Now, we have no idea if some nuclear Indiana Jones nine centuries from now might be wandering around some desolate location in Nevada not knowing what went on back in the Congress in 1997. And perhaps we have not left behind some nuclear Rosetta stone, because perhaps English is not being spoken in that part of the world at that time, and they come across this site.

Well, this bill assumes that Indiana Jones cannot break in, cannot wander in with their entire tribe and be exposed to this incredible blast of radiation that will hit them as soon as they crack through. All of it, of course, contributing to the ridiculous final picture of what is being sold out here on the floor, is just an attempt to run roughshod over EPA, over the Nuclear Regulatory Commission, over the FEMA, over Governors, over mayors, over selectmen, over individual Americans and over unsuspecting-centuries-from-now individuals that might run across this site.

I ask, Mr. Chairman, for this amendment to be adopted. My amendment restores the EPA as an agency which will have to establish the minimal radiation exposure for human beings at this site. My amendment pulls back the assumption that no human intrusion is possible and, as a result, says we have got to build in protections upon the assumption that it just might happen at some time.

We are burying this for 10,000 years, longer than all recorded history to this moment. And this Congress is sitting around in committees making decisions about how much protection we are going to be giving to people centuries from now. I do not think so. I do not think we have that kind of wisdom, congressional experts that we may be.

So I ask that the Markey amendment be adopted for the protection near term of the women, the children, the men who are going to be exposed to the millirems in the construction of this site and working around this site, and I ask that it be adopted for future generations as they may be exposed unwittingly to this facility.

Mr. Chairman, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, once again we are debating another amendment which clearly is going to stop the purpose of the bill from moving forward.

H.R. 1270 establishes a presumptive radiation protection standard of 100 millirems or 1/3 background levels. This standard was not chosen arbitrarily, as those who support the amendment seem to suggest. Instead it reflects the judgment of the International Council for Radiation Protection and is the standard that has been adopted by the NRC in its regulations for general public protection.

H.R. 1270 further allows NRC to amend the radiation standard if they deem it necessary for the protection of public health and safety. And it is the NRC, not the EPA, that is the agency with expertise on radiation. NRC has concluded that the standard in H.R. 1270, and I quote, will fully protect public health and safety and the environment. And H.R. 1270 requires the NRC to consult with the EPA.

But another point needs to be made. That is, this bill does not set a standard out of just the desire for Congress to move ahead on this. It sets it out of frustration with inaction by the EPA. In 1982, the EPA was directed to promulgate these standards. It failed to do so.

Fifteen years later it has not established such a standard. In 1992, the EPA was directed to establish standards for radiation releases and still after entering into a science study and getting the results of that study in 1995, it has not issued those standards.

Continued inaction by the EPA should not be allowed to block us from moving forward.

The gentleman from Massachusetts [Mr. MARKEY] often states that the radiation standard in H.R. 1270 will cause cancer deaths. The fact is, however, that two years ago the NRC told the gentleman from Massachusetts [Mr. MARKEY] that the radiation standard in H.R. 1270 would protect human health.

On July 13, 1995, the NRC wrote to him and told him that this radiation standard will likely cause zero cancer deaths. In the letter the NRC stated that there would only be cancer deaths if a population of 1,400 people lived on top of the repository for 70 years. And Yucca Mountain, as we know, has been withdrawn into this bill and is very sparsely populated.

The fact is that the average American is exposed to 300 millirems of natural radiation per year. This standard is safe. The agencies involved have declared it to be safe. And if it needs to be adjusted, it can be adjusted.

What about the issue of human intrusion? The gentleman from Massachusetts [Mr. MARKEY] made a good point. He speculated, I think with a little smile on his face, about what extreme circumstances we could hypothesize that could happen in the future. I guess we could hypothesize that the entire earth population would be obliterated by some tragedy, that we would lose all ability to communicate or understand what had happened, and that someone would then go to Yucca Mountain and drill down through the core of the earth into the facility and cause a release.

It is exactly that type of speculation that has caused the National Academy of Sciences to say that reaching a conclusion on these types of assumptions is not possible in terms of predicting human behavior thousands of years into the future, and to say that for that reason it is hardly surprising that Congress would seek a resolution of these issues so that the EPA and that those conducting the studies do not have to go on with endless speculation about these types of activities, can make sensible, common sense analysis and move forward in a common sense way rather than going on with these irrational ideas about speculating about such highly remote possibilities. Those are the issues we are facing in this amendment. It is one more attempt to derail this legislation. Mr. Chairman, we should oppose this amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] has 4½ minutes remaining, and the gentleman from Colorado [Mr. DAN SCHAEFER] has 6 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me the time. I think he hit the nuclear highlight right on the head today with setting the standards. The standards were set not by scientists, not by doctors who understand radioactive materials, but rather the Congressmen and women, sitting on the Committee on Commerce, established a bill with these radioactive standards in it.

Let me tell my colleagues what the standard really talks about here. We are talking about 100 millirems. The standard is clearly far above any other standard established in the law today; that was clearly pointed out by my colleague, the gentleman from Massachusetts [Mr. MARKEY].

Let me tell Members a little more about nuclear radiation and what one of these nuclear irradiated rods means to us.

Now, if you are a person standing one yard away from an unshielded 10-year-old nuclear rod assembly, you would get a lethal dose; that is, a deadly dose of radiation, 500 rems in less than 3 minutes, less than 3 minutes. A 30-second exposure at 100 rems, which is the proposed standard that they have established, a 30-second exposure at the same distance at 100 rems would significantly increase the risk of cancer or genetic damage.

Mr. Chairman, we are talking about significant human risk, human life and the establishment of a new standard that was not set by scientific evaluation. It was set by the people on the Committee on Commerce. That is wrong. Vote for the Markey amendment.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I yield to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I did not want to leave my friend from Massachusetts' comments unresponded to with regard to the thousand years. Here is what it looks like. Looks like the moon.

I would like to propose that we might get a unanimous consent amendment to put a statue of ED MARKEY out in front with some of the speeches that he has delivered. I can guarantee my colleagues that no one will be close to this thing for 2,000 years, let alone 1,000, and we will not need the Park Service to build a $330,000 commode for 950 years from now. I wonder if the gentleman would object to such a unanimous consent amendment?

Mr. MARKEY. Mr. Chairman, if it is facing the Upton statue, I would be more than willing.

Mr. HALL of Texas. Reclaiming my time, Mr. Chairman, I do not know anything about statues, but I do not know anybody that runs roughshod over the gentleman from Massachusetts [Mr. MARKEY]. He stands his ground pretty well. Sometimes I agree with him; usually I do not. But I always respect him and admire him.

This amendment would strike H.R. 1270 provisions that limit the Environmental Protection Agency from setting radiation protection standards. Well, for them to set it, we charged EPA 15 years ago to develop a radiation standard for a Federal repository. They have yet to do so. I do not see any reason to ask them or to even seek their opinion, but it is asked.

EPA is involved in the standard setting practice by advising the Nuclear Regulatory Commission. And if the NRC believes a stricter standard is required to protect health and safety, the bill authorizes the commission to develop a stricter standard. So it gives more standards and more strictness to the bill.

NRC has testified before the Committee on Commerce and let me talk about that. Did we run roughshod over them? Listen to the testimony of Shirley Ann Jackson, NRC Chairman, April 29, 1997 in testimony regarding H.R. 1270 before the House Subcommittee on Energy and Power.

"The Nuclear Regulatory Commission notes the standard in H.R. 1270 of an annual effective dose of 100 millirems to the average member of the general population in the vicinity of Yucca Mountain and views that standard as consistent with the protection of the public health and safety."

Not roughshod. What happened in the Committee on Commerce? We had this identical, I believe it was identical amendment in the Committee on Commerce about a month ago. It was voted down at least 2 to 1. This committee voted on this bill just recently, less than a month ago. They voted 43 to 3 for the standard that is in this bill.

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I think it is obvious that this is an amendment that should be defeated, and I urge the defeat of the amendment.

The CHAIRMAN. The gentleman from Massachusetts, Mr. MARKEY, has 3 minutes remaining. The gentleman from Colorado, Mr. DAN SCHAEFER, has 3 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, Lincoln is often quoted as saying, "A government of the people, by the people, and for the people shall not perish from this earth." Well, neither will radioactive waste.

If an accident should occur that exposes the public to spent nuclear fuel, the results could be deadly. A person standing one yard away from an unshielded 10-year-old fuel assembly could receive a lethal dose of radiation in less than 3 minutes, and exposure of only 30 seconds would significantly increase the risk of cancer or genetic damage. So the public ought to be fully informed of such risks.

The bill sets a standard which allows an annual radiation dose of 100 millirems per average member of the surrounding population, which is 4 times the amount allowed by current regulations for storage facilities. This exposure level is associated with the lifetime risk of one excess cancer death for every 286 exposed individuals.

If the population local to the interim dump site is to be exposed to this increased health risk, then they should be protected in every possible way.

I say support the Markey amendment.

The CHAIRMAN. The gentleman from Massachusetts, Mr. MARKEY, has 2 minutes remaining. The gentleman from Colorado, Mr. DAN SCHAEFER, has 3 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MARKEY] for yielding.

We have heard that the NRC says that 100 millirems is fine. But also, remember, I am from the State of Nevada. Remember what the Federal Government said back in the 1950s. They said above-ground nuclear tests, atmospheric tests, are safe. As a matter of fact, if we go out to the Nevada test site, we will see where the bleachers used to be where people used to put on, basically, these glasses with little slits in them and they used to watch above-ground nuclear, atmospheric nuclear tests. Ask the people in southern Utah if they trust the Federal Government to be setting a standard like this.

We are raising the standard simply because we need to for transportation. The international community, in Sweden the standard is 10 millirems, not 100, like this bill says; France is 25 millirems per year; Finland and Switzerland, 10 millirems per year; and Canada is 1 millirem per year.

Should we in the United States not protect our citizens the same as these countries? I urge a "yes" vote on the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, the people in Nevada and the people of this country were told in the 1940's and the 1950's that they were not going to be exposed to undue amounts of radiation when the nuclear test blasts were going off in that part of America.

Well, it turns out that this summer, after holding this information for the last 40 to 45 years, that the Federal Government now tells us that, in fact, millions of Americans were exposed to unhealthy levels of iodine, unhealthy levels of strontium 90 in locations that had never before been considered, not just in Nevada but all over the United States, wherever the plume of those explosions carried by the winds might have endangered health and safety.

Well, once again we have the Federal Government sitting here picking a start, 100 millirems. We decide. "Do not worry about it. Bring your children. Bring your pregnant wife. Do not worry about it." We have no right, we have no business, especially after what we have learned this past summer about what the Federal Government did in Nevada and surrounding States in the 1950's.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield the final 3 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in opposition to this amendment. I am on the Committee on Commerce. I am also a physician. And in looking at this legislation, I think it is reasonable, I think the standards are reasonable.

We are talking about 100 millirems per year. For the average American, the exposure from the sunlight is about 300 millirems per year, three times that amount. If one lives in a higher place, a higher altitude place like Denver, CO, we are talking about 400 millirems per year. If we are talking about a flight attendant, actually probably almost all our colleagues who have to fly in airplanes, we get higher doses than that. If we are talking about two chest x-rays, we are talking about 100 millirems. If we are talking about a surgeon who works in an operating room where they take x-rays, we are talking about in excess of 100 millirems per year. This is safe.

But I also support the bill, and I think that we need to look at the safety that is built into this bill. The Nuclear Regulatory Commission has looked at these casks that this material is going to be transported in. That cask is literally stronger and more powerful than a locomotive. When a speeding 120-ton locomotive is crashed into a 25-ton nuclear waste cask at 80 miles per hour, the train is demolished but the cask is okay.

Other tests show that the cask is impervious to heat, including a 30-minute exposure to 1475 degrees Fahrenheit that engulfs the entire chamber. We drop that cask nearly 4 feet onto a 6-inch steel rod and it still does not leak.

Furthermore, Mr. Chairman, it is not that we have not seen a lot of transportation of nuclear material in the last 30 years. There have been, on an average, 100 trips per year by specially-trained crews, over 2,300 trips, and there has never been a leak or release of any radioactivity.

When we get right down to it, Mr. Chairman, we have to decide on a very important issue: Do we want this nuclear waste scattered around the country at 50 sites, close to Lake Superior, close to major population centers, or should we put it out in the desert away from the population centers in a safe place?

Mr. Chairman, I will tell my colleagues what the people of Iowa are telling me. They are telling me, put it away from where the people are, put it away from our Great Lakes, get it away from our rivers where, if an accident would happen, we would have a disaster; and put it into one place, put it into one place where it is efficiently and safely watched over.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

It is now in order to consider Amendment No. 8 printed in House Report 105–354.

AMENDMENT NO. 8 OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GIBBONS: Page 55, beginning in line 3 strike ", except that" and all that follows through line 21 and insert a period.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Nevada [Mr. GIBBONS] and a Member opposed each will control 10 minutes.

Mr. HALL of Texas. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The CHAIRMAN. The gentleman from Texas [Mr. HALL] will be allocated 10 minutes in opposition to the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The Chair recognizes the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

The amendment that I am offering today will protect the American taxpayers from being forced to pay out of their own pockets for a highly irradiated nuclear storage facility at Yucca Mountain, Nevada, thousands and thousands of years into the future.

Since 1987, the utility ratepayers have paid, yes, they have, based on electricity generated by nuclear power plants, into the nuclear waste trust fund. These funds were intended to be used for suitability study and construction of a deep geologic storage facility at Yucca Mountain, Nevada, for high-level nuclear waste. The fees were based on 1 mill per kilowatt hour; 1 mill roughly equals one-tenth of one cent.

Unfortunately, despite the presence of this trust fund, the nuclear power lobby is trying to force all American taxpayers to pick up the tab for transporting and storing this waste at Yucca Mountain. Why? Because nuclear waste translates into stranded capital cost for these energy companies.

The current Nuclear Waste Policy Act assumes that a permanent storage facility would be ready by 1998. However, this option is not available. The Nuclear Waste Policy Act states in section 111(a)(5) and 131(a)(1) that the responsibility for interim storage rests directly upon the generators of high-level waste. However, yet again, these poster boys for corporate welfare want American taxpayers to take all legal responsibility and provide the funding for this highly irradiated nuclear waste.

My amendment would delete the cap within the bill and give the Secretary of Energy the authority to assess a fee on the existing reactors to reflect the amount of funding needed in a given year to cover the cost of operating Yucca Mountain, thereby sparing taxpayers who have no stake in nuclear power or nuclear waste.

The problem exists as reactors shut down, Mr. Chairman, which will increase logarithmically into the future. This means that there will no longer be revenue generated nor a revenue stream to fund the development and operation of that repository for thousands and thousands of years following the last reactor shutdown. The likelihood of the utilities being able to cover the cost of permanent repository is very unlikely, and the financial burden will be shifted to the taxpayer.

A GAO study has estimated that the Yucca Mountain project construction cost will be nearly $33 billion. There is only $13 billion in the fund right now. The shortfalls would quickly appear if Congress should pass H.R. 1270 without this amendment.

The Congressional Budget Office states that the impact of carrying out H.R. 1270 would be a net discretionary spending increase of $1.9 billion over the expected waste fund receipts during the 1998 to the 2002 period. While H.R. 1270 would change the financing of the nuclear waste program from a steady 1 mill per kilowatt hour fee to an adjustable fee tied to annual program appropriations, the bill also dictates that the average fee over the next 12 years cannot exceed 1 mill.

Moreover, as electricity deregulation continues and the higher-priced nuclear power is forced to compete with cheaper forms of generated electricity, it is probable that many nuclear reactors will be decommissioned before their licenses expire. One study predicted that 40 percent of operating reactors would shut down early and would therefore cease making contributions to the nuclear waste fund.

Without passage of this amendment, the nuclear waste fund will boil and distill down to Congress either making the taxpayers of this country pay for the storage and transportation of nuclear waste or abandon the project altogether.

The great people of Nevada do not benefit from nuclear energy, nor do States that lack nuclear power plants. Why should they be required to pay for a nuclear storage facility? Why should they be forced to spend their tax dollars to support a nuclear industry bailout?

At a time when Congress is making great strides to balancing the Federal budget, we should continue this laudable goal and allow the Secretary of Energy to increase the mill rate to protect the taxpayers of this country. It is for these reasons, Mr. Chairman, that I ask Members to protect the American taxpayer and make a common sense vote on a very important fiscal issue. I ask for their support and ask them to vote favorably for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me say, this amendment would delete the 1 mill cap and permit the Secretary of Energy to assess a fee on existing nuclear energy plants to reflect the amount of funding needed in a given year to cover the cost of operations. Basically, that is what it does, but let us really analyze it.

First, they suggested to let the governor have veto power. That will flat kill it. Next, they are going to let FERC make some decisions that could cancel it. And now they are going to let the Secretary of Energy assess a fee, not only an illegal delegation of fees and of congressional authority.

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It is not only an illegal delegation of fees and the congressional authority, the facts are hard and clear that sufficient funding exists already under H.R. 1270. The annual contribution of nuclear generated electricity consumers to the Nuclear Waste Fund would be based on the annual amount spent by the government to build storage and disposal facilities for used nuclear fuel. This amendment, so far as I read it, says, "We gotta collect more money because there isn't enough money to finish the program 30 years from now." The key argument against that is that we have collected over $13 billion since 1983. We have spent $6 billion, diverted it elsewhere. I think by 2010 the Nuclear Waste Fund balance is projected to be $20.9 billion. That is enough to support an interim storage facility and begin operating a permanent repository, according to the DOE program cost projections provided to Congress in July of this year. Also there is already a provision in the bill to expand the $1 million cap to $1.5 million to pay for construction of central storage facilities. Mr. Chairman, the amendment is not needed. It is already provided for. We urge the defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Las Vegas, Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I thank the gentleman for yielding me this time. First we had environmental protections. They nixed those. Next safety, public safety, discarded. Next, States rights, 10th amendment, ignored. Also private property rights. They would not even allow us to have an amendment on this floor to debate private property rights. Gotten rid of. Lastly, Mr. Chairman, we have to at least support the taxpayer. Of anybody we have got to be concerned about on here, should we at least not be supportive of the taxpayer?

For crying out loud, what this bill does is says that when these nuclear power plants shut down, and they are going to shut down, and there will not be ratepayers to pay the bills to keep nuclear waste stored and to pay for that nuclear waste and there is not enough money in the trust fund and these ratepayers over the next years will not have enough money in the trust fund, when that happens, guess who ends up holding the buck? The person out there making $30,000 a year, the middle income American that has everything on their shoulders already, that has this huge national debt already. Now we are going to pile more debt on them.

If Members consider themselves fiscal conservatives, and I do not know anybody in this body hardly that considers themselves anything but a fiscal conservative, but if you consider yourself a fiscal conservative, you have to at least vote for this amendment. This bill is bad enough, but at least this amendment would give the taxpayer some sort of protection against the nuclear power industry shifting the burden from themselves to the taxpayer.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

If Members want to stand logic on its head, take the argument from the last gentleman from Nevada and say what we are going to do is not the nuclear companies that are the power companies that have this, it is the ratepayers. Ratepayers are people who flip the switch on and expect the lights to go on and they also happen to be taxpayers. So the people who are getting gouged in this amendment are the taxpayers of this country, the ratepayers. What they really want you to do is say, now when you flick the lights on, not only are you going to have to pay, are you paying this contract that you had with the Federal Government and the Federal Government says you are going to take this waste and store it as of 1998, the Federal Government and these folks here say, you can just forget about that contract, that promise to the American people, and, by the way, we are going to ask for more money. But the real ridiculous issue here is they are going to ask for more money. They want more money from American ratepayers, American taxpayers? Mr. Chairman, we have paid in $13 billion. Six billion of those dollars never went to the nuclear repository. $6 billion went to the big spenders over here in the Federal Government. They have funded the United Nations with it. They have funded welfare programs with it. Now they want to fund more of their big government programs with it. I think we need to have some responsibility for the American taxpayer and the American ratepayer, those people who have to be responsible, that have to go out and earn a living, that carry a lunch box to work. By the way, they hope to have lights go on when they flip the lights on, they hope to have a safe place to live. They expect the Federal Government to carry out its promise, its Federal contract, to say they are going to take this nuclear waste and store it. Now all of a sudden they are saying, "Oh, by the way, we're going to change this bill. We're going to ask you to pay more."

Mr. Chairman, it is not right. We need to keep the contract with the American people. We need to dispose of nuclear waste in a safe way, and we need to move forward with it. I would ask that Members reject this very expensive amendment to the American people and move forward.

Mr. GIBBONS. Mr. Chairman, I would hope that the gentleman who just spoke would yield me the opportunity to offer him to give back all this money if he would keep his nuclear waste.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, utility bills will go up because of this legislation. Taxes will go up because of this bill. Utility profits and stocks will also go up. Is there a connection? It is an outrage that the American people will pay the price with their health, with higher utility rates and with higher tax dollars to dispose of waste which comes from commercial nuclear reactors. The Gibbons amendment seeks to mitigate this unfair condition by ensuring that there will be enough money in the Nuclear Waste Fund to pay for the safe disposal of high-level nuclear waste generated at commercial nuclear reactors. Let the nuclear utilities pay the bill for the nuclear dump, not the American taxpayers.

Mr. Chairman, the utilities exist for us. We do not exist for them. We give them the right to operate in the public interest, and we have the responsibility to protect the American taxpayers. There is a rather notorious nuclear reactor in northeast Ohio called the Perry Nuclear Power Plant. More than 20 years ago I stood on the grounds where Perry was being built to protest this project. It was supposed to have been 2 reactors at a price of $1 billion, and it turned into one reactor at a price of $6 billion. Guess what? The reactor was built on a fault line. Since then the nuclear utility company has gone down into the dumper and the stocks have gone down. It has almost gone bankrupt. But the taxpayers and ratepayers of northeast Ohio have had to suffer the consequences.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I would remind my colleagues that the Nuclear Waste Policy Act of 1982 required that consumers of nuclear-generated electricity pay a fixed fee to the Nuclear Waste Fund for the government to manage for this program. Of the $13 billion that has been committed to the fund since 1983, about $6 or $7 billion in fact has been used for other activities not relating to this one.

In 1982, I worked for President Reagan. I can remember his signing statement in 1982 when Congress passed that bill. Some of us here, not me, but some of the Members here voted for that bill, and President Reagan thought that in a few years this thing would be done. Here it is, 1997, 15 years later, we are debating a bill that, when enacted, still will not see this thing completed for another 10 or 15 years.

We do not need this amendment. The ratepayers are paying already tooth and nail for this program. Not all of the money has been spent for the program as it was originally intended. To lift the cap on this program is not necessary. I would urge my colleagues to vote no.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time.

This is a great amendment. This bill puts a cap on how much money is going to be collected for the permanent and interim storage facility, and then it says that the money for the permanent repository will be expended for the interim facility. Because of wholesale and pretty soon retail competition in the marketplace, we know that there are going to be fewer and fewer nuclear power plants because they cannot compete economically. Connecticut Yankee closed down this year. Maine Yankee is about to close. The only place from which you can generate revenues from this are nuclear power plants. All the other power plants do not have to kick in.

What is going to happen in the year 2002 is we may find that Yucca Mountain is not suitable, we will have run out of money, we will need more, there will not be any, we are going to have to pick a new State for the site. We know it will be a State with fewer than 3 Members of Congress. Maybe it will be a territory, I do not know, but once we do, we are going to have to go through the whole process again. Where will the money come from? Under the proponents' amendment, all of the money will come out of the taxpayers' pockets, even those that never had a single kilowatt of nuclear-generated electricity. That is wrong. The money should come from those that in fact enjoyed the benefit.

The CHAIRMAN. The gentleman from Nevada [Mr. GIBBONS] has 20 seconds remaining, and the gentleman from Texas [Mr. HALL] has 4 minutes remaining. The gentleman from Texas has the right to close.

Mr. GIBBONS. Mr. Chairman, I yield myself the balance of my time.

I urge every Member of this House to support the Gibbons amendment to this bill. Nuclear waste has a half-life of 10,000 years. The opponents of this measure are thinking 5, 10 years down the road. Who is going to pay for the 9,990 years remaining on this bill and on this nuclear waste tab? It is going to be the taxpayers if we do not pass this amendment. The shortsighted opposition certainly has not got the best interests of the taxpayers of America in sight. Vote yes on this amendment.

Mr. HALL of Texas. Mr. Chairman, I yield myself the balance of my time. Let me just address the matter of States rights a little bit, whether or not States rights have been violated. None of us want to violate States rights. We all claim to support States rights. Of course, some of us want to put national standards on them and other things to give them a little direction.

But which States are denied or which rights are violated? I do not think any of them are because all States send a proportional group of selected Congressmen, each of them refigured and recalculated every 10 years when they do the census. This site was selected by that group of Congressmen 10 years ago. The 47 contiguous States, I think, that did not get selected have some rights, also. They have the right to expect safe transportation. The 47 contiguous States have the right to believe that zero transportation reports are true. The 47 contiguous States have the right, I think, to believe that the Nuclear Regulatory Commission and the Transportation Department would require and regulate very strict nuclear fuel shipments and that the commercial nuclear industry has safely transported more than 10,000 used fuel assemblies and 2900 shipments. None have resulted in the release of radioactivity.

All the States, all 50 of the States have the right to believe that the Department of Energy so far has conducted more than 170 public meetings about the transportation of used nuclear fuel across the country and all 50 States, contiguous States included, have the right to accept that H.R. 1270 would continue to permit States to choose alternate highway routes. No other hazardous material in the United States undergoes such rigorous transportation planning, even though only less than 1 percent of the 100 million packages of hazardous material shipped per year in the U.S. are used nuclear fuel.

I object to this amendment. I urge that we defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Nevada [Mr. GIBBONS] will be postponed.

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The CHAIRMAN. It is now in order to consider Amendment No. 9 printed in House Report 105–354.

AMENDMENT NO. 9 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer Amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TRAFICANT:

Page 81, insert after line 13 the following:

"SEC. 510. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

"(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

"(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment says if we do not buy America, we will in fact waste America. It also says if anyone affixes a fraudulent made-in-America label to an import, they will be tortured and planted for 10,000 years at Yucca Mountain.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. I thank the gentleman for yielding me time.

Mr. Chairman, I did not claim any time in opposition, because I think it is a terrific amendment, and we over on this side are certainly willing to accept it.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL], the ranking member.

Mr. HALL of Texas. Mr. Chairman, I certainly agree, and compliment the gentleman on his consistent support of buy America.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan [Mr. UPTON], the author of the legislation.

Mr. UPTON. Mr. Chairman, I would say I do not think I have opposed one of the gentleman's buy America amendments in the years we have been together on the floor, and I look forward to voting for it tomorrow.

Mr. TRAFICANT. Mr. Chairman, with that, I urge an "aye" vote, and I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] will be postponed.

It is now in order to consider Amendment No. 10 printed in House Report 105-354.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLUNT) having assumed the chair, Mr. McINNIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1270), to amend the Nuclear Waste Policy Act of 1982, had come to no resolution thereon.

REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1996, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities in FY 1996 involved 14 contributing departments and agencies of the Federal Government.

A wide variety of aeronautics and space developments took place during FY 1996. The Administration issued an integrated National Space Policy, consolidating a number of previous policy directives into a singular, coherent vision of the future for the civil, commercial, and national security space sectors. The Administration also issued a formal policy on the future management and use of the U.S. Global Positioning System.

During FY 1996, the National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. NASA also launched 7 expendable launch vehicles, while the Department of Defense launched 9 and the commercial sector launched 13. In the reusable launch vehicle program, Vice President Gore announced NASA's selection of a private sector partner to design, fabricate, and flight test the X-33 vehicle.

Scientists made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. Most notably, NASA researchers cooperating with the National Science Foundation found possible evidence of ancient microbial life in a meteorite believed to be from Mars.

In aeronautics, activities included the development of technologies to improve performance, increase safety, reduce engine noise, and assist U.S. industry to be more competitive in the world market. Air traffic control activities focused on various automation systems to increase flight safety and enhance the efficient use of air space.

Close international cooperation with Russia occurred in the Shuttle-Mir docking missions and with Canada, Europe, Japan, and Russia in the International Space Station program. The United States also entered into new cooperative agreements with Japan and new partners in South America and Asia.

In conclusion, FY 1996 was a very active and successful year for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, environmental health, and economic competitiveness.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 29, 1997.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2746, THE HELPING EMPOWER LOW-INCOME PARENTS (HELP) SCHOLARSHIPS AMENDMENTS OF 1997 AND H.R. 2616, CHARTER SCHOOLS AMENDMENTS OF 1997.

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-357) on the resolutions (H. Res. 288) providing for consideration of the bill (H.R. 2746) to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children and for consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, which was referred to the House Calendar and ordered to be printed.

FORAGE IMPROVEMENT ACT OF 1997

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 284 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 284

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Smith of Oregon or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the committee amendment in the nature of a substitute, as amended, shall be considered as the original bill for the purpose of further amendment. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose of clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum, time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with are without instructions.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. McINNIS] is recognized for one hour.

Mr. McINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER] pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a very simple resolution. The proposed rule is a modified open rule providing for one hour of general debate, with 30 minutes equally divided between the chairman and ranking member of the Committee on Resources, and 30 minutes equally divided between the chairman and ranking member of the Committee on Agriculture. After general debate, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 3 hours.

The proposed rule makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for the purpose of amendment. Furthermore, this rule provides that prior to consideration of any other amendment, a manager's amendment offered by the gentleman from Oregon [Mr. SMITH] or his designee shall be made in order and debatable for 10 minutes, equally divided between the proponent and an opponent.

Mr. Speaker, House Resolution 284 also provides that the Chairman of the Committee of the Whole may accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Furthermore, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

At the conclusion of consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as have been adopted.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the underlying legislation, the Forage Improvement Act of 1997, is a balanced, bipartisan bill, that assures some predictability to western ranchers' ability to plan for forage use.

This legislation will require the Forest Service and the Bureau of Land Management to coordinate their administration in the Grazing Management Program. Additionally, the legislation creates new discretionary authority for the government and ranchers to enter into cooperative management plans, where the rancher is meeting rangeland management goals.

These are important and significant reforms. Therefore, I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I would include for the record a letter from the National Cattlemen's Beef Association. The National Cattlemen's Beef Association is an organization that is urging all Members to vote aye on House Resolution 2493, the Forage Improvement Act of 1997. NCBA commends the gentleman from Oregon [Mr. SMITH], the Chairman of the Committee on Agriculture, and the gentleman from Alaska [Mr. YOUNG], the Chairman of the Committee on Resources, for their work on House Resolution 2493, and fully supports the balanced bipartisan bill they have reported out of the respective committees.

It makes several major changes, but assures some predictability to western ranchers' ability to plan for forage use, such as requiring the U.S. Forest Service and the Bureau of Land Management to coordinate their administration of grazing management programs. Two, requires scientific monitoring of grazing conditions and allowing the agencies to coordinate monitoring with ranches and/or qualified ranchland consultants. Three, prohibiting subleasing of grazing allotments by absentee ranchers. Next, creating new discretionary authority for the government and ranchers to enter into cooperative management plans, where the rancher is meeting rangeland management goals. Next, codifying a new grazing fee formulated to ensure a fair return to the government and resulting in a 36 percent increase over the current fee.

Codifying the resource advisory councils, they are called RACS, with enhancements that will improve coordination and communication between the Federal agencies and regional, State and local levels on Federal land and management issues.

House Resolution 2493 does not affect existing multiple use activities like hunting and fishing, nor authorizations nor agreements set under other Federal or State laws. It does not amend the National Environmental Policy Act, it does not amend the Clean Water Act, it does not amend the Endangered Species Act or the Clean Air Act.

And though it does clarify that Federal employees cannot demand access across private property as a condition for obtaining a grazing permit, it does not prevent Federal personnel engaged in grazing administration activities access to do their work, nor does it limit public access to Federal lands in any manner.

When this resolution is brought before the House, I ask my colleagues to support it.

Mr. Speaker, I would like to reflect a statement of the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], and I would, first of all, like to commend the chairman. I think he has done a tremendous job. He has had a lot of different interests that he has had to balance, and I think this is appropriate to reflect his thoughts.

Mr. Speaker, the gentleman from Alaska [Mr. YOUNG] does rise in strong support of House Resolution 2493, the Forage Improvement Act, introduced by his good friend and colleague, the gentleman from Oregon [Mr. SMITH], the chairman of the Committee on Agriculture, who should be applauded for laboring tirelessly and putting together a bill that keeps controversy out and common sense in regarding grazing practices on our public lands.

The gentleman from Oregon [Mr. SMITH] has worked extensively hard to bring together the many sides of the grazing issue and has assembled a bill that helps a rancher whose livelihood depends on public land grazing without doing any harm to the range land resources. In fact, implementing this bill will ultimately improve the rangelands across the West.

Controversy and confrontation on grazing on public lands has been raging for years. It is clear that changes in the current grazing laws and regulations are not only long overdue, but are absolutely necessary in order to resolve many of the grazing issues.

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H.R. 2493 makes these necessary changes. For example, this bill will bring economic stability to those ranchers who use Federal land for grazing, while at the same time generate additional revenue for the Federal Treasury. This will be accomplished by implementing a new grazing formula which is easy to understand, simple to track, and which charges a fair price to the rancher who buys access to forage from the Federal Government.

Furthermore, the changes found in H.R. 2493 will improve ranchland conditions by increasing the focus on science-based monitoring. For far too long and for a variety of excuses, the Federal Government simply has not done its job in assessing ranchland conditions to monitor.

The bill of the gentleman from Oregon [Mr. SMITH] puts the emphasis back to what actually exists on the ground, through a monitoring program that is scientifically based and which follows established protocols. This program will greatly enhance the decision-making process and help establish ranchland goals that are good for land and achievable.

Moreover, H.R. 2493 will establish a program of management flexibility to those ranchers who have demonstrated good land stewardship. This will help to keep the grazing in good and excellent condition.

This is a good bill whose time has come. It does nothing to harm the environment. In fact, it will improve ranchlands across the West. It treats the Western land grazer honestly and fairly, and in return the U.S. Treasury makes more money and gets improved ranchland resources. I urge my colleagues to support and vote for House Resolution 2493.

Mr. Speaker, I think it is interesting to take a look at the impact of multiple use on Federal lands, and where that concept came from. We have to look back in the history of this country. If we look back at the history of this country, there was a point in time where this country urged its citizens to settle the West: Go west, young man, go west.

In doing that, they tried to encourage their citizens to go out to the West and set down their stakes, grubstakes, so to speak. In order to do that, they felt, in order to entice their citizens to go to the West and settle this unknown land, they felt that they needed to give land grants.

A land grant of 160 acres, which was pretty typical in the State of Kansas, was enough for a family in those times to support themselves. But once you got into the mountains, into the rough terrain of the Rockies, 150 acres is what was necessary to feed one cow.

In other words, to sustain a family in the Rocky Mountains, as compared to what is necessary to sustain a family in Kansas or the rich farmlands of Nebraska or Missouri, it took several thousand acres, compared to the few acres it took in those very agricultural land-rich States. So the government felt it did not have the political support, obviously the public support, to go ahead and give land grants of several thousand acres to people who settled in the Rocky Mountains, and thereupon the concept of multiple use was created.

Multiple use is very important. If we take a map of the United States and we take a look at the government ownership, we will find that by far, no comparison, by far the majority of land ownership by the government in this country is in the western half of the United States, not in the eastern half.

So as a result, for the people in the western half of the United States to live, the concept of multiple use, which includes not just grazing, and by the way, multiple use means a lot of different things to a lot of different people. It means the ability to hike on Federal lands. It means the ability to have minimum stream flows in our streams to help us protect our environment.

It means that every power line in my district, and by the way, my district, the Third District of Colorado, the Rocky Mountains of Colorado, is geographically larger than the State of Florida. Every power line, every TV tower, every highway, every drop of water, the water either originates, runs across, or is stored, all of this comes across Federal land. All of it is very dependent on multiple use.

I grew up in the Rocky Mountains. My family came to the Rocky Mountains in 1871. My wife's family came to the Rocky Mountains in 1872. I have a very close friend of mine, Al Stroobants, his family came many, many years, very similarly, generations of families out there in those mountains.

What is very, very important is that the concept of the government was it would be a land of many uses. What we see happening is people who do not understand the concept of multiple use, people who do not understand the concept of private property and the importance of it as a foundation for the freedoms in our country. They try and take away the multiple use on Federal lands and take away that sign that says, "You are now entering the Rocky Mountain National Park, a land of many uses," or those types of signs, and replace them with a sign that says "No Trespassing."

There are fearmongers out there who would make us think that there are cattle grazing every inch of the Rocky Mountains, that there are condominiums going up everywhere, that the water is being wasted and abused. Do not take these people on their word. Look at the proof of the pudding.

The proof of the pudding is in the hearts and souls of the people who are descendants of the generations of the people who were persuaded by this very government in Washington, D.C. to go west. These people deserve the courtesy of having their bill heard.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to the rule and to the legislation that the rule would make in order, the so-called Forage Improvement Act. This rule is open in name only. Last night the Committee on Rules voted to limit the amendment process to 3 hours; not 3 hours of debate time but 3 hours in total. That includes voting time on any amendments and any other parliamentary motion or question which may arise during that time.

Three hours would be totally inadequate, given that the gentlewoman from Idaho [Mrs. CHENOWETH] alone has filed nine amendments, and other Members have filed an additional half-dozen. The ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] offered three amendments to the rule last night in an attempt to allow sufficient time for all amendments to the bill to be fully debated on the floor. However, the majority refused to accept the ranking member's amendments to the rule.

Even if this were a carefully crafted bill, and it is not, that had moved through the committee process, and it did not, with ample legislative hearings, and there were not, in time for Members to consider it, the brief time for floor consideration that the Committee on Rules made in order last night would still be problematic. But the fact of the matter is that the bill was just introduced a month ago, was rushed through the Committee on Agriculture and the Committee on Resources with no legislative hearings whatsoever, and it shows.

I am left with the impression that the majority did not want the members of those committees to look too closely at what they were passing for fear that they might see it for what it is, special interest legislation that is a bad deal for the American taxpayer and a very bad deal for our environment. Rather than seizing this opportunity to enact genuine and positive reform of our grazing laws, this legislation undermines the management of Federal land resources by continuing the subsidized use of public lands for wealthy corporate interests.

The Interior Department Inspector General reports that grazing benefits go to a vast array of large foreign-owned companies and domestic corporate conglomerates, including a brewery, a Japanese land and livestock company, an oil corporation, and a life insurance company. These are not struggling family businesses or mom and pop ranchers, but multinational corporations reaping huge profits, most of whom are engaged primarily in businesses that are wholly unrelated to ranching. Why should they not pay the market rates for the grazing rights on our Federal lands?

Every western State charges a grazing fee that is higher than the Federal Government. Several States charge six times as much. Yet, this bill continues that disparity with a new fee formula that does not even come close to reflecting the fair market value of the use of our public resources.

The Congressional Budget Office estimates that little additional Federal land revenues will be generated from this bill, and in fact, when the legislation's new administrative requirements on land management agencies are taken into account, the grazing program will lose even more money than it currently does.

This bill makes other modifications to the Federal land grazing program above and beyond its changes to the grazing fee formula. For example, it would allow ranchers with grazing permits to sublease their lands to private interests at a significant profit over what they have paid the Federal Government for the use. Yet, incredibly, the Committee on Resources failed to hold a legislative hearing on this bill, denying Members any opportunity to hear testimony on the far-reaching implications of this legislation.

Members should be aware that Secretary Babbitt has given notice that he will recommend a veto should this bill reach the President's desk. But this ill-advised legislation does not deserve to make it that far. Indeed, it should not even reach this floor, given the cursory exposure and debate it received in committee. Because of the truncated amendment process made in order by the Committee on Rules last night, I strongly urge my colleagues to oppose this rule and this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Further proceedings on the resolution will be postponed until tomorrow.

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SPECIAL ORDERS

The SPEAKER pro tempore [Mr. BLUNT]. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INSTABILITY IS THE ENEMY AND IT REQUIRES STRONG MILITARY FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, recently the aircraft carrier Nimitz sailed into the Persian Gulf ahead of its scheduled rotation. The purpose of the deployment was to warn Iran and Iraq against sending aircraft into the no-fly zone that the United Nations has mandated in southern Iraq since the end of the Persian Gulf War.

Two weeks earlier, Iran defied the ban and sent aircraft into Iraq to attack sites that anti-Iranian insurgent groups were using to stage raids. Iraq, in turn, was threatening to put up its own aircraft to defend its sovereignty against any further Iranian attacks. A strong word of U.S. caution, backed up by a show of military strength in the region, was necessary to keep Saddam Hussein in his box and to deter further Iranian adventurism.

Apparently, despite vocal protests from both sides, the mission has been accomplished since there have been no more egregious violations of the no-fly zone.

Mr. Speaker, such a use of U.S. military power to enforce stability in a tense part of the globe is not an isolated case. Just a year and a half ago the United States sent the Nimitz into the Taiwan Straits in response to China's threatening missile tests at the time of the Taiwanese election.

In recent months, the United States has carried on a large peacekeeping operation in Bosnia and a smaller mission in the former Yugoslav Republic of Macedonia; continued to guard against illegal arms shipments into the former Yugoslavia; sent forces to evacuate noncombatants from Zaire and Sierra Leone; supplied airlift for African peacekeeping troops in Liberia; sent forces to demine areas in Namibia; continued to provide humanitarian assistance to Kurdish evacuees from northern Iraq; and engaged in counternarcotics operations in South America.

Except for Bosnia, which appears destined to remain in the headlines for the foreseeable future, most of these operations get no more than an occasional article on the back page of the Washington Post. Many ongoing activities, perhaps equally important in bolstering international stability, do not even get that much attention unless something goes wrong, activities like support for mine clearing in Namibia, which was the mission of personnel who were tragically lost when their aircraft crashed on its return flight a few weeks ago.

Today, the U.S. military is carrying out scores of what have come to be called "engagement missions," joint exercises with foreign military forces, humanitarian operations of various kinds, port visits by U.S. ships, officer exchanges, sharing of intelligence, and many, many other activities.

Collectively, all of these activities come at a high cost both in money and in the demands on the U.S. military personnel around the globe.

The benefits of these missions, however, are far greater than their costs. As my fellow Missourian Harry Truman once said, "We must be prepared to pay the price for peace or surely we will pay the price of war."

Today the price of peace is this: That the United States must continue to play the leading role in building and maintaining international stability. In order to fulfill that responsibility, the Nation must maintain substantial, well-trained, well-equipped military forces capable of engaging in military actions across the entire spectrum of missions from delivering humanitarian supplies, to showing the flag, to peace enforcement operations that may be as intense as a major theater war.

Unfortunately, I do not think that the need for the United States to play this role and to maintain sufficient military strength to do it is fully understood either in this Congress or among the public as a whole. Moreover, I do not think that either the Clinton administration or the Bush administration has done a particularly good job of explaining the missions of U.S. military forces in the post-Cold War world.

Today, I want to address one of the principal reasons for maintaining U.S. military strength, that global instability will present dire threats to American interests unless the United States actively addresses it.

Since the end of the Cold War, many people have questioned the need for the United States to maintain strong military forces and to preserve its military abroad. Now that the Soviet Union is gone, they say, where is the enemy? And why do we need to spend so much money on defense when no single powerful foe or group of foes can easily be identified?

My answer is that there is indeed an enemy and it may be more insidious than ever precisely because it is so difficult to perceive clearly. The enemy is instability and requires as much vigilance as any more conventional foe has ever required.

Mr. Speaker, let me begin by drawing a simple lesson from the recent events in the Persian Gulf and from my last year's stare-down with China. In the Persian Gulf, the rules are clear. Both Iran and Iraq know that a no-fly zone remains in place south of the 33rd parallel and that any military aircraft flying into the area may be shot down without warning.

In Asia, the formula for addressing the status of Taiwan that has been accepted by the United States and others for many years is to say that both the government of Beijing and the government of Taipei regard Taiwan as part of China and that the status of Taiwan will not be resolved by force. The rules with regard to Taiwan, therefore, are also clear. China has undertaken not to use force, and the United States has not supported Taiwan's independence.

Even though the rules are clear in the Persian Gulf, and in Taiwan, however, recent events illustrate a simple point—that in international affairs, the rules are not self-enforcing. On the contrary, without constant, direct U.S. attention and leadership, the forces of disorder—always testing the limits—would eventually prevail. In the Persian Gulf, Iran and Iraq would soon drive the region into chaos and hope to benefit from the disruption of oil supplies to the rest of the world. In Asia, China would prefer to have a free hand to dominate the region, which is not a prescription for peace. Peace and stability are not the natural order of things. On the contrary, instability will always rise, like entropy in the realm of physics, unless energy is constantly applied to preserve order.

This lesson is an obvious one—and the use of the *Nimitz* to support U.S. security objectives is a clear and evident example of the importance of U.S. military power. But U.S. military power is also important in a host of other, less apparent ways.

Consider, for example, the implications of the recent U.S. agreement with Japan on defense cooperation. What is important about the agreement is not in the details—how Japan will provide support for U.S. military operations, whether Japan can opt out of supporting U.S. forces in certain cases, whether more should have been agreed on issues like missiles defense, and so on. What is most important is the fact of the agreement itself. The agreement reaffirms the fact that Japan sees its security relationship with the United States as the bulwark of a secure international order in Asia even after the Cold War has ended.

That the Clinton Administration was able to reach this agreement with Japan is, it seems to me, a triumph for American security of no small order. It came after several years of conflict with Japan over trade issues, during a time when China is beginning to flex muscles and is starting to build up its military capability, and in the face of grave doubts around the world that the United States would maintain its international leadership. Any or all of those factors could have led Japan to conclude that the security treaty with the United States was too weak a pillar on which to continue to rest its security policy. The agreement was the result of several years of effort on the part of senior officials in the Defense Department and in the Department of State, beginning with the so-called "Nye report" of 1995, named after former Assistant Secretary of Defense Joseph Nye, which forcefully reasserted the U.S. security interested in Asia and promised a continued, large and powerful U.S. military presence in the region.

I believe that the new U.S.-Japan security cooperation agreement is a cornerstone of stability in Asia precisely because it binds the United States and Japan together more closely. It means that Japan will not feel itself forced to develop an independent military capacity that would be threatening to others in the region. It means that North Korea will be discouraged from thinking that it can divide South Korea's allies. It means that China will have less reason to believe that it can use military strength to build a position of dominance of the in the Region. It means that for other nations in the region, the United States will remain, for the foreseeable future, the ally of choice in determining whom to support if tensions rise over any number of issues. As a result, a great deal has been accomplished to prevent instability in the region from growing.

All of this, it seems to me, has been achieved only because the United States made its commitment to the region so clear, both in the words of the Nye report and in the substance of the continued U.S. military presence in the region.

Contrast the positive Japanese view of its alliance with the United States with the attitude of France, another key ally. The French for many years have been of the view that the United States will eventually turn away from its active leadership in international security affairs and leave Europe to the Europeans. I believe that judgment is wrong, but it appears nonetheless to guide French foreign policy, and the result has often been troublesome. Most recently, for example, the French have backed away from their commitment to rejoin the NATO military command structure because they object to continued U.S. command of the NATO southern region. More distressing to me is that President Chirac has made recent trips to China and to Russia in which he has said that France's interests and the interests of other nations would be served by the evolution of a multipolar world in which France would maintain close bilateral ties with other coequal powers. This is, of course, a very thinly veiled criticism of a unipolar world presumably dominated by the United States.

Fortunately, other major U.S. allies in Europe understand that the United States is not a domineering, lone, superpower, but rather the bulwark of an international effort in which the realm of peace and prosperity can grow and the realm of conflict and impoverishment can be contained. Most importantly, other allies also believe that the United States will continue to play a leadership role in building and maintaining a new post-Cold War security system throughout Europe and will be active in the rest of the world as well. The key to preventing destabilizing conflicts in Europe and elsewhere is to maintain a system of alliances in which the United States is inextricably involved. And in order to maintain such alliances, the United States must continually show the allies that it is resolved to stay involved and to maintain its military capabilities.

In emphasizing the critically important role that U.S. military strength plays in promoting stability, I am not, of course, suggesting that the United States can or should try to respond to every conflict around the world. As every president in recent years has affirmed, we are not a global policeman. It is important, however, first, that we understand how instability even in remote parts of the world may threaten our security and, second, that we continue to devote sufficient resources to defense to continue our active leadership role.

For much of it history, the United States thought of itself as being insulated from conflicts abroad by our favored geographical position as a rich continental nation protected by wide oceans. The one permanent goal of U.S. policy was to ensure freedom of navigation. The twentieth century, however, has brought our relative isolation to an end. Ever since Pearl Harbor, Americans have understood that our security cannot be separated from the security and stability of key regions overseas.

In recent years, every major development in technology, communications, transportation, and even in culture has served to shrink the globe still further. Today, the security of America is affected, directly or indirectly, by all kinds of developments overseas. We understand, of course, that stability in Europe, East Asia, and the oil producing areas of the Middle East is critical to our security and our economic well-being. Many, many areas of the globe that we once considered of only remote interest, however, are becoming increasingly important as well.

North Africa is a case in point. With the World Trade Center bombing, terrorism fostered by religious extremism in North Africa came directly to the United States. Moreover, we have struggled for years with the threats posed by the Government of Libya and now by the extremists in charge in the Sudan as well. The same Islamic extremists as in Sudan murdered the late Egyptian President Anwar Sadat and continue to threaten President Hosni Mubarak and destabilize Egypt. The combination of poverty, explosive population growth, and ideological warfare that is plaguing the southern rim of the Mediterranean, therefore, is not something we can safely ignore. Instability in that part of the world will inevitably affect the prosperity and the safety of Americans unless its consequences are addressed. A secure and economically advanced North Africa would be a great boon to Europe and to the rest of the world, while a North Africa descending into chaos will threaten us all. What we can do to resolve the horrible civil war in Algeria may be limited. We are working with our allies to help broker peace, and we should continue to do so. Most importantly, we must continue to be engaged with Egypt and other critically important, friendly nations in the area to help bolster their security.

In an even more distant part of the world, Central Asia, U.S. interests are also more and more obviously at stake. Azerbaijan, Turkmenistan, and Kazakhstan have inherited some of the largest as yet unexploited reserves of gas and oil in the world. For these emerging nations, such resources may be a source of wealth that can spur economic growth and bring full integration into the world community. But such resources may also occasion internal conflict and incite external exploitation. Our principal goal is to ensure that the resources of the area are not dominated by a hostile power and that access is free and open. Thus, the United States clearly has an interest in promoting peace in the region, in strengthening the fragile governments of the area, and in building regional security. Much of the work to be done is diplomatic and economic in nature, but a military component is important as well. Military-to-military ties are potentially of immense value. Recently, the United States Central Command carried out a joint exercise with Kazakh armed forces that received a great deal of positive attention in the area. Most importantly, U.S. leadership is critical in building the institutional framework which will bind the emerging nations of the region to the prosperous, secure part of the world. All of these nations have participated in the North Atlantic Cooperation Council, the Partnership for Peace, and the strengthening Organization for Security and Cooperation in Europe. The United States had the vision and the international stature to forge these new institutions, and only continued U.S. military engagement in such organizations can keep them vital.

Finally, U.S. interests are affected by developments in distant parts of the world because of the global nature of challenges ranging from the proliferation of weapons of mass destruction and weapons delivery systems, to terrorism, to information sabotage and warfare, to the narcotics trade and other international criminal activities. There are no simple technological fixes to any of these problems that will allow the United States the luxury of disengagement from potentially messy conflicts throughout the world. The main cause of proliferation lies in regional conflicts which lead both would-be aggressors and threatened victims to seek security by gaining access to advanced weapons. Terrorism is, in large part, an outgrowth of local conflicts and social disintegration. Threats to information security may come from many sources, including systematic efforts to disrupt western economies by rogue states or by small non-state groups. Narco-terrorism has undermined democracy in parts of Latin America. Colombia is close to collapse. If it goes, several nations may follow—for example, Venezuela, which provides the U.S. three million barrels of oil daily. International criminal activity is a threat of free economic activity in large parts of the world, and it may damage U.S. security by undermining economic stability in many newly emerging nations.

While none of these challenges can be decisively defeated by a swift military strike, U.S. economic, political, and military engagement throughout the world is essential to combat the most serious threats. I am concerned, however, that we may, over time, fail to maintain the level of engagement that is necessary. Two potential failures, in particular, worry me.

One is a failure of understanding. Too often the debate about U.S. military spending and about the role of U.S. military forces in the world seems to me to miss the key point. As I said earlier, many of my colleagues too easily dismiss concerns about the state of our armed forces simply by asking "who is the enemy?" Others oversimplify the debate by pointing out that the United States now spends vastly more on the military than various combinations of potential foes. Both of these arguments are entirely beside the point. Today, instability is the enemy, and it is a very dangerous and pernicious enemy. As a result, how much we need to spend on the military is not a function of how much or how little others spend. Our defense requirements are determined by the strategy we need to follow to cope with a world full of uncertainty and danger. We need sufficient forces, fully engaged around the world, to prevent conflict with arising where possible, to deter conflict if it appears about to break out, and to prevail if conflict does arise. If this costs more than North Korea or Libya spends on the military, it should not be surprising.

Another failure of understanding is to argue that the United States should no longer have to play as active a leadership role as it did during the Cold War. Many of my colleagues argue that the allies should be required to bear a larger part of the burden of ensuring international security, especially in responding to regional conflicts that require peacekeeping forces or a constant military presence. Some say that the United States should focus on preparing for large scale regional conflicts and should leave smaller scale operations to others. My view is precisely the opposite—that the United States may have to play a more active leadership role than ever now that threats to international security are more ambiguous. As I explained earlier in this speech, the reasons ought to be apparent—only the United States has the ability to project power sufficient to deter threats to the peace in regions like the Persian Gulf or the Taiwan straits; only the promise of continued, active U.S. military engagement in key regions will gain cooperation from major allies and maintain the U.S. position as the ally of choice when conflicts arise; U.S. security interests are directly threatened by challenges even in distant parts of the globe, and only U.S. leadership can build the institutional framework needed to bring stability; and new global challenges across a wide spectrum threaten the United States in ways that require direct involvement.

Let me make one other point to those who are concerned about burdensharing. I agree that we should expect allies to contribute fully and fairly in maintaining international stability. But I also believe that only American leadership can ensure effective allied cooperation. In Bosnia, for example, the allies were willing to commit forces for several years, but without bringing about a peace settlement. Only when the United States became directly involved was a resolution achieved. Moreover, no other nation could design the architecture of a new regional security order as the United States has done in Europe and is working to do in Asia. In a way, there is a paradox to burdensharing—if we want the allies to do more, then we probably have to do more too.

The final failure with which I am concerned is a failure to provide adequate resources. I began this speech by making note of the role the aircraft carrier Nimitz has played in deterring conflicts. Today, we are running on the very edge of sufficiency in the number of carriers we keep in the force. We no longer maintain a permanent carrier presence in the Mediterranean and the Indian Ocean—instead, we swing carriers periodically from one area to the other, and we surge into a region if circumstances require. At best, this is barely adequate. I am concerned that long-term budget pressures will erode the size of the Navy to a level that will not allow even the current amount of coverage. Even if we do not reduce the number of carriers, we are reducing the number of other ships in the Navy—within five years, we will be down to 300 ships, substantially below the level of about 330 that the Clinton Administration said was needed when it first came into office, and the currently planned pace of shipbuilding will support no more than a 200 ship fleet in the long run. Our military presence in Asia—a presence that gave Japan confidence enough to revitalize the alliance—will be in danger.

Moreover, throughout this statement, I have emphasized, time and again, the value of U.S. military engagement all around the world. But one outcome of the Pentagon's recent Quadrennial Defense Review—the "QDR"—was to acknowledge the strain that the current high pace of military operations is placing on our troops, especially on those based abroad in Europe and elsewhere. As one way to reduce the strain, the QDR called for a limit on the number of "engagement" exercises that the regional military commanders had earlier been free to undertake. I am not arguing that this is the wrong thing to do—on the contrary, I strongly support the Defense Department's efforts to reduce the pressure on military personnel. But the need to limit such exercises points to the simple fact that the size of the force today is, at best, barely adequate to meet peacetime requirements while preparing for major regional conflicts. Defense budget constraints, I fear, will force further cuts in the size of the force in the future, with a devastating effect on our ability to cope with instability around the world.

Mr. Speaker, today the United States has an opportunity to promote a more peaceful, stable world than those of us who lived through the troubling middle years of the 20th Century would ever have thought possible. To do so, however, requires constant vigilance and permanent U.S. engagement abroad. The world will never be entirely at peace. With continued American leadership, however, the threats to peace can be contained, and the realm of peace and prosperity can grow. This requires that the citizens of the United States and the Members of this Congress understand that instability is the enemy and that sufficient resources are needed to combat it.

IMPRISONED CHINESE PASTOR XU JONGZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, once again I rise to call attention to the plight of those persecuted for their religious faith in China, particularly Pastor Xu Yongze. This marks the third occasion on which I have taken to the floor to address Pastor Xu's imprisonment, and I will continue to speak out until Chinese authorities release Pastor Xu.

Tomorrow morning, Mr. Speaker, I will be eating breakfast in my office by myself. As I announced earlier today, I have reluctantly but resolutely decided that I must boycott the congressional leadership breakfast with Chinese President Jiang Zemin. I fear that the Chinese Government's intransigence leaves me no other choice because for months I have engaged in quiet, respectful diplomatic efforts to secure Pastor Xu's freedom. Many of my colleagues have as well.

Mr. Speaker, we have written to the Chinese leadership. We have discussed our concerns in meetings with Chinese officials and we have sent very clear, consistent signals about the importance of Pastor Xu and religious liberty in China.

We are not alone. Many religious human rights and business leaders have also informed the Chinese Government of their concern for Pastor Xu. Pastor Xu is not the only one to be afflicted. I am told that at least 200 other Protestant and Catholic leaders are currently imprisoned in China simply for the peaceful practice of their faith.

Thousands, perhaps even millions of other Christians suffer beatings, detentions, and severe fines if they do not submit their religious activities to government control.

Mr. Speaker, I speak out for Pastor Xu because he is perhaps China's most prominent minister and because his plight symbolizes the suffering of so many other precious believers in China. Pastor Xu and the millions of other believers like him have no political agenda. Indeed, they only regard politics as a distraction from their true calling to preach the gospel and worship their lord.

Now, I am baffled, Mr. Speaker, as why the Chinese Government continues to insist on imprisoning and mistreating Pastor Xu and so many other innocent believers like him. China has demonstrated admirable progress in economic reform and security concerns and several other areas, but when it comes to religious liberty, China has tragically regressed.

I truly desire engagement with China and a positive relationship based on mutual respect. But on this matter, China has shown no respect for our concerns. And so, Mr. Speaker, I am left with no other choice. My principles as an American and my conscience as a human being and my convictions as a Christian will not allow me to meet with President Jiang Zemin in the morning.

Mr. Speaker, let me be very clear. I do not oppose dialog with China. I welcome such opportunities and I hope that my colleagues who do attend that breakfast find that the discussion is substantive and fruitful. But I also hope that I will have opportunities to engage in further dialogue with China's leadership myself, and I urge those who do meet with President Jiang to raise forcefully the plight of the suffering church.

Finally, Mr. Speaker, let me humbly but earnestly suggest to my colleagues and to the American people that we remember Pastor Xu and the believers in China in our prayers. And I pray that as Pastor Xu languishes alone in prison he will know that he is not forgotten. I pray that as Jiang Zemin returns to China, he will know that Pastor Xu will not be forgotten.

SHOWCASING OUR STATE OF SOUTH DAKOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, when I came here to Washington, it was for the purpose of trying to bring some common sense to this institution and to this city. I believe that it is infinitely better for my children and for the children of this country and our grandchildren if we can have a Federal Government that is more efficient, that is more responsive, that is smaller, and if we can restore discussion and debate about values to our culture.

Somehow we have gotten to a point in this country where we can accept the fact that if we are willing to write a check to the IRS, it removes us from the responsibility that we have to be good citizens, to work in our communities and our churches, to be good strong family leaders. That is a trend that I believe we need to change and something that we are making progress on. Significant progress.

Progress on issues like welfare reform; the first balanced budget for some 30 years; the first tax cuts in 16 years, since 1981; Medicare reform; important reforms in the area of education that address values that we share, values like parental choice, like trying to give the taxpayers the best value for their dollar and provide the very highest quality education that we can for our young people.

Mr. Speaker, this weekend I had the opportunity to go back to my home State of South Dakota and to hunt pheasants on a beautiful, crisp, clear day. I should not say it was entirely clear; it was crisp. We were out in the fall of our State and enjoying something that has become a ritual and tradition in South Dakota, and something where government has worked together in a constructive way with landowners, with conservationists, with sportsmen's groups, with our State government, local government, farmers, ranchers to do something that has been very, very important to the economy of our State of South Dakota.

Mr. Speaker, we have seen growth in that industry that has nearly doubled the revenues that are generated in our State; some $70 million a year from the process of pheasant hunting in South Dakota. And $70 million in South Dakota is a lot of money. I think that stands as a model of the way we can work together to address some of these issues on areas where we have common conflicts.

Sometimes we get crosswise between environmental groups and between landowners in certainly our State of South Dakota, but it was a great experience and we had a wonderful time and we had an opportunity to showcase our State.

□ 2145

We have a number of other important challenges ahead of us, if we are going tc complete the task of trying to make government simpler and less complicated for the people of this country.

I had an opportunity to visit with someone in my State who is a small business person whose business was just acquired by another business. I was listening to, as a condition of the sale, I was listening to the discussions that he held that they had to do an environmental analysis. In this environmental analysis they found that the air conditioner that was sitting outside the building was dripping onto the ground and they decided that that was causing distress to vegetation. So what was the solution?

Because it was dripping onto the ground in one spot, they decided to take a 12-inch-by-12-inch concrete slab, 2 inches thick, and to place it on the ground there. And somehow that was the solution that there would be less distressed vegetation with a 12-by-12 concrete slab than there would be with the drip drip that was a pinpoint drip from the air conditioner. I thought to myself, that is a perfect example of a regulation that certainly goes beyond the pail in terms of any rationale or common sense that might be there.

One of the areas that we are going to talk about in the next few weeks and something that I think is long overdue is a discussion of how we can reform the IRS, restructure it and generate a long-term discussion about how we make our Tax Code simpler, less complicated and fairer and hopefully eliminate the enormous amount of time and energy and resources that are spent each year by the people of this country in trying to comply with a Tax Code that clearly has gotten out of control.

Just as an example, we have 480 tax forms in this country. The form EZ, which is the simple form, that has some 31 pages, 7½ million words in our Tax Code. In fact, the estimates have been, the Kemp Commission found that we spent over 5 billion man-hours a year doing nothing but filling out tax returns, some 3 million people in the process of filling out returns which, interestingly enough, is more people than we have in our entire armed services, which means one thing, that is, we spend more time, energy and resources and dollars defending ourselves from our own Tax Code than we do from foreign enemies.

I think that is ironic. I think it speaks volumes for the need for change in this country. I think that one of the reasons we have this complicated Tax Code is that command and control here in Washington, DC; there is so much internal resistance to change in this city.

I was reading recently, as well, that in 1964 there were some 16,000 lobbyists in Washington. Today there are over 64,000. The proliferation of lobbyists, in my view, I believe supports the fact that we have a complicated government and a complex Tax Code and most lobbyists spend their time trying to figure out loopholes and exemptions from our current Tax Code.

So it is high time we engage in this debate. It is happening around the country. It is happening in a way which I think hopefully will give us some solutions that come from the ground up, where the people of this country engage in this issue and say, this is what we want to do. I am proud to be a part of that debate. I look forward to having some discussions of that in my home State of South Dakota.

ON SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I have before you a bill that I introduced today. It is a bill that would put the worst insomniac in the world to sleep. I look here at 160 or 170 pages that by themselves are long and boring pages. And yet what this bill is about is, in essence, I think something that is very exciting. That is, I think that this bill, which is a bill to save Social Security, is a bill about the American dream.

Because if you were to stop and think about it, I think that what we would all agree upon is that a part of the American dream is tied to ending a lifetime of work with something more than just memories. And yet for many Americans, in fact, we pulled the number at home in my State of South Carolina.

Last year, about 38,000 people died and only about 243 filled out Federal estate tax returns, which says to me that something is wrong, because clearly for that small a number, 38,000 people died but 243 filled out Federal estate tax returns, which means in the eyes of the Federal Government they had accumulated enough in the way of assets to hold an estate that ought to be taxed. It says that something is wrong in fulfilling that part of the American dream that ties straight to ending a lifetime of work with more than something other than just memories.

What is interesting about that is that a lot of people are beginning to recognize it. It has been constantly something that comes up in my congressional district back in South Carolina. Folks say to me, both young and old, the young folks say, I do not think I am going to get my Social Security when I grow up or when I finish working or when I retire. Older folks are saying, what I am hearing from my grandson or my granddaughter is that they do not think they are going to get their Social Security. And not only is it being heard in essence from the right, I guess is where I come from, but from the left.

I mean somebody like Sam Beard, a person who I have been working very hard on this idea of saving Social Security. Sam Beard comes from the opposite political philosophy of my own. He was a staffer for Robert Kennedy. He spent his entire lifetime working, trying to do something about the inner cities. He thinks that one of the only ways that you save the inner city is with this idea of personal savings accounts, which is what is talked about in this bill.

Because right now, though April 15 is a big day. April 15 is really an insignificant day when you think about overall tax rates in this country, because for 70 percent of Americans, the largest tax that they will pay is not income tax but payroll tax. And with Social Security 12 percent or, to be exact, 12.4 percent comes right off the top, not on April 15 but on every single working day.

What the trustees have said is with that 12 percent that is going toward one's retirement plan, what they have said is that if we do nothing to save Social Security, it goes bankrupt in about 30 years and it begins running structural deficits in about 15, such that either you have to look at cutting benefits by about 14 percent or raising payroll taxes by about 16 percent.

Both young people and old people that I talked to at home in South Carolina say neither of those are great options. What the trustees have also said is that the overall rate of return for everybody working and paying into Social Security today is 1.9 percent. And that everybody born after 1948 will get a negative rate of return on their Social Security investment. Again, these are not numbers that tie to people being able to live out the American dream in their retirement years.

So either you can wait and do nothing, which might be the conventional political wisdom in Washington, or you can look at cutting benefits, which I do not think is acceptable, or you can look at raising payroll taxes, which I do not think is acceptable, or you can try one other thing. It has been tried around the world.

That is, letting people earn more than this 1.9 percent or more than this negative number on their Social Security investment. That is what this bill does. What it does is simply offers people a choice. Everybody above the age of 65 would simply stay on Social Security as we know it. But people below that age would simply have a choice. That is, if they thought Social Security made more sense for themselves and their families then they could continue to stay on Social Security as we know it. But if they thought it did not, they could, instead of having their payroll tax go to Washington, it could be redirected into their own personal savings account that they owned and controlled and got a monthly statement on.

That is not such a crazy idea because it has been a well-tested idea. It has been an idea that Great Britain has moved toward. It has been an idea that seven countries down in South America have moved toward. It has been an idea with 3.5 million workers in our own country that has been in essence tested. This is the beginning of a conversation about the American dream.

ACCOMPLISHMENT OF THE HEALTH CENTER PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. DAVIS] is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, about 30 years ago, there emerged on the American scene, as a result of the civil rights movement, demonstrations, marches, protests, action on the part of the United States Congress, initiation of the war on poverty, there emerged a new set of health service delivery mechanisms, something that we today know as community health centers. They started out with the name neighborhood health centers as part of the OEO antipoverty program.

Every community that OEO would go into, making an assessment to look at the issue of poverty, there would always emerge the issue of a lack of health care resources, the issue of there not being services available to the people who lived in inner cities and rural communities. As a result of that, these pioneering centers came on the scene.

Today I rise to underscore that they are indeed a vital component of our health care system and one that focuses on providing the access to primary and preventive health care services that coverage alone cannot assure. As we all know too well from our experience over the years with Medicaid, the possession of an insurance card will not necessarily guarantee Americans access to health care. Nowhere is this more true than in our inner city and rural, medically underserved communities.

I had the good fortune of taking a job at the Martin Luther King, Jr. Neighborhood Health Center in the City of Chicago as its director of training, which sharpened my interest in health care, and ultimately continued to work in that area and had the good fortune to see the emergence and development of this group of inner-city, rural migrant health programs throughout the country, got involved and eventually became, after the group had developed, a national association which even to this day still exists, is very vibrant, viable and a valuable part of the American health care delivery system.

Every place that we went we found that underserved communities desperately need the health care system to deliver three things:

One, the presence of a medical home that offers high quality care regardless of a person's health or social status or his or her ability to pay for services and that is accessible in terms of location of hours of service for those who do not have private transportation or cannot take time off from the workday.

Second, adequate numbers of highly trained, culturally competent health professionals to staff these facilities; and, thirdly, the assurance that their medical home will not be driven out of business due to excessive financial risk or inadequate reimbursement simply because they care for those who are the sickest and hardest to reach.

I strongly believe that our health system should be built and should build on what works. Among the programs that have worked best for the underserved are the community migrant and homeless health center programs. Over the past 30 years, these centers have established an unparalleled, uniquely successful record of providing quality, cost-effective primary and preventive care to the hardest-to-reach populations across the Nation, recruiting and retaining health professionals where they are most needed and empowering communities to develop long-range solutions to their health needs.

Health reform should invest in such success by preserving and building upon these programs in preparation for the implementation of reform so that universal coverage will truly guarantee access to quality care for everyone.

One of the things that I liked best about the community health center movement is that they have spurred the development of so many individuals. I am certain without a doubt that I would not be standing here today as a Member of the United States Congress had I not gotten involved with the community health center movement in my community that not only brought services, but also provided opportunities for individuals to be trained, for individuals who had never been in the health business to develop careers.

I remember some of the great training programs that the association developed where individuals could go off to the University of Michigan and acquire a master's degree in public health on the weekends while working in their local centers.

□ 2200

Or they could go out to the University of California for six-week periods at a time and acquire Master's degrees in health administration while retaining the job that they had back in their local communities.

So I am so pleased that one of the real people who have seen these developments is also here to join with me this evening, in the person of the esteemed Representative from the State of South Carolina [Mr. CLYBURN]. We will be delighted to have him join and share with us.

Mr. CLYBURN. Mr. Speaker, I am pleased to be here this evening with my good friend, the gentleman from Illinois [Mr. DAVIS] and to thank him for all of his historical work in the field of community health centers.

I want to say to him tonight that one of the most pleasant things for me to find out was, as I was working my congressional district a few months ago, to find out from so many of my constituents that he is considered a real hero among the people in this field. I am honored that he has asked me to join with him tonight in this special order.

Community health centers have long been the sole means of medical attention for millions of Americans. For that reason alone, we should be very careful to afford them the resources needed to continue their services. Community health centers offer a wide range of services, including dental care, health education, community outreach, transportation, and various support programs. In many communities, health centers work in collaboration with other organizations such as the local schools, Head Start programs, and homeless shelters, just to name a few.

As events of the past few days have proven, many of us are driven by numbers, so let me share some numbers with you concerning community health centers of the last year alone. Nine hundred forty community health centers served almost 10 million people nationwide. In my home State of South Carolina, there are 17 community health centers which are private, not-for-profit businesses owned and run by the local communities.

In 1996 they provided primary and preventive health care services at more than 60 locations. These health clinics served more than 152,000 patients, many of whom would not have otherwise received medical care. More than 50,000 children, 85,000 adults, and 15,000 elderly South Carolinians depended on the health professionals in their community health centers for their medical care and made over a half million visits to them.

In the Sixth Congressional District, which I am proud to represent, there were over 68,000 people in community health centers last year. Many of these people are children, some pregnant women, many uninsured, many minorities, many from rural areas, many from low-income households, and many Medicaid recipients.

In my district, the Franklin C. Fetter Family Health Center in Charleston County had over 100,000 visits last year, the highest in the State. Another center in my district, the Family Health Center, Incorporated, in Orangeburg, served over 34,000 individual patients, another record high in the State.

Now, I share these numbers with my colleagues to illustrate the value my constituents place on these local health centers. Nationwide, over 50,000 people are employed in community health centers. In South Carolina, that translates into more than 900 jobs and over $53 million being pumped into the State's economy. There is tremendous return on our investment in health centers. Every $100 million invested brings an additional $200 million in other resources into our communities. I think that my colleagues will agree with me that that is an investment worth making.

Mr. Speaker, community health centers play a vital role in our Nation, our States and, more importantly, in our local communities. I am pleased to join tonight with my good friend the gentleman from Illinois [Mr. DAVIS] to ask that this Congress continue to work toward the adequate funding of these unique and vital community institutions.

I thank the gentleman for allowing me the time.

Mr. DAVIS of Illinois. Thank you so much. I really appreciate your being here.

You mentioned Franklin C. Fetter. I remember when that center started, and I remember that it had a director who was there for a long period of time, just an outstanding gentleman. I am thinking of people that I knew then in South Carolina, like Georgia Goode and Tom Barnwell, I mean, people who were so committed and so dedicated and gave so much of themselves to make sure that these centers got started and that they continue.

Who was the gentleman I am trying to think of?

Mr. CLYBURN. Mr. Speaker, if the gentleman will yield, he may recall that that movement in South Carolina started with an effort in Beaufort County, the Beaufort-Jasper Comprehensive Health Care Center. That occupied significant amounts of our time trying to pull all of that together, and it finally got put together. Tom Barnwell, as you know, for many, many years directed that effort. It came about because Senator HOLLINGS took it upon himself to go and visit rural Beaufort County and drew the Nation's attention to the health care problems in rural South Carolina.

When that attention was focused, a lot of people were a bit upset, thinking that this was a negative for Beaufort. But when the Congress saw, it responded, and what looked like a negative turned out to be a tremendous positive not just for Beaufort County, but then it moved from there to Franklin Fetter.

I think my colleague may be talking about Dr. Leroy Anderson.

Mr. DAVIS. Dr. Leroy Anderson.

Mr. CLYBURN. He directed that for a long period of time, and of course the Franklin Fetter Center started out working with migrants. It was my opportunity to serve for a number of years as the director of the South Carolina Commission for Farm Workers, and of course part of our work was on James Island and Johns Island and Yonges and Edisto Islands, trying to work with migrants who came into the area following the stream up from Florida, as well as seasonal farm workers. We found tremendous health needs among this rural part of Charleston county.

Of course, Franklin Fetter was born there, and from there it has moved to Charleston's east side to focus on the urban aspects of these problems. The center is still there, enjoying a tremendous work and, of course, working with us now, we are about to establish a similar center in north Charleston. Thanks to the mayor and the council of north Charleston there, they have come forward to provide the building for us to put the center in.

When we see these kind of efforts, it is not just about health care, it is about getting communities to work together, getting people to focus on needs that go beyond health, health being the method by which we get them organized. I think that your work with my friends in South Carolina, and of course I better mention, because also in my district, in fact, I spent last Saturday afternoon with the people in Eastover, where we have a similar center. Mr. Brown, who directs that, they were very pleased with the recent grant they got to help with their work.

So I want to thank my colleague because, as I move throughout the district, I am amazed at the number of people. I am glad he lives in Illinois. Do not move to South Carolina, because I find it a little bit difficult, people think so much of you there for the work that you have done in this field.

I think that health care is so fundamental to everything that we do, so I want to just thank my colleague for all that he has done.

Mr. DAVIS of Illinois. Mr. Speaker, reclaiming my time, the gentleman from South Carolina [Mr. CLYBURN] is just so on target, and again, I want to compliment him. I also want to compliment him because we recently just finished an outstanding legislative weekend of the Congressional Black Caucus, and he was the chairperson of that activity. Every place that I go back in my district in Chicago and out in the suburban areas and throughout the country, there are people who tell me what an outstanding weekend they thought it was, and I always say to them, "Well, one the reasons is the fact that we had an outstanding chairman." So I commend him for that.

Mr. CLYBURN. Thank you.

Mr. DAVIS of Illinois. My colleague jogged my memory, he started talking about Dr. Anderson and I remembered other people, like Dr. Stephen Joseph; Jack Geiger; Count Gibson; Jerry Ashford out of Boston, who became the first director of the association; Dr. Sam Rodgers from Kansas City, where they eventually named a center there for him; Dr. Charles Swett out of Chicago; Clifton Cole out of Los Angeles, who became the first president of our association; Dr. Batcheler from Detroit; a woman named Earline Lindsey out of Chicago; another lady, Delores Lindsey out of Cincinnati; and Pepper Jacques out of Detroit; and Eloise Westbrook from out in San Francisco; and Harvey Holzberg out of New York; and Tom van Koffenen, who now directs the association, who came on and has been there I guess now 25 years or so, continuing to advocate, continuing to develop, to plan, to orchestrate and to provide technical assistance and help these centers to grow.

Because even though we have experienced a tremendous amount of success, there are still 43 million medically underserved people in this country, and these are people who do not have adequate access to health care services and often have poor health status. It is critical that health reform include special measures to meet their needs if our goal of cost containment is to be realized.

The underserved are exactly the ones who end up on emergency room doorsteps. Studies have shown, for example, that up to 80 percent of emergency room visits in underserved visits are non-urgent care. If the underserved do not have their preventive and primary health care needs met in health reform, then our goal of cost containment will be unattainable.

Health centers have shown that we give top quality care and constrained cost for our communities. For example, inpatient hospital admission rates for health center patients have been up to 67 percent lower than for those served by other providers, including hospital outpatient departments or private physicians. I do not know if you can get much better than that.

The length of stay for hospital patients served by health centers has been found to be only one-third as long as that for patients who are seen by outpatient departments and half as long as that of outpatients served by private physicians. Studies have also shown that regular use of a health center has produced a 33-percent savings to Medicaid on both per case and per person yearly basis. This is for total costs for all services.

□ 2215

Health centers are among the few Federal programs that empower communities to craft long-range solutions to their health problems. By law, of course, health centers must be governed by a board of directors, a majority of whom must be patients of the facility. Only through the health center programs are consumers in the driver's seat of their primary care delivery site. And only through health centers are underserved communities assured that their primary care provider will respond to their specific needs. It is for these reasons and others that health centers have attracted such broad bipartisan support.

Virtually all major health reform proposals introduced in the Congress over the past few years have included funding and other provisions for community health centers. That means that a majority of the Members of this House, whether they be Democrats or Republicans or Independents, have stated that they think health centers are the best hope for addressing the needs of the underserved populations. When it comes to access to care, health centers are something we can all support.

Most of these legislative proposals have called for efforts to respond to the needs of underserved Americans in 3 very important ways. First, they have called for an expansion of the community health center program, including flexible authority to make grants to other community based providers and to establish community owned and operated networks and plans consistent of safety net providers.

Secondly, they have included provisions encouraging managed care plans to include health centers in their provider networks and to make sure that these providers are not put at undue risk. This will preserve the existing safety net primary care infrastructure in underserved areas and assure their full participation in the new health system.

Thirdly, they have encouraged the inclusion of health centers in health professions education and training. This will ensure that primary health care professionals are trained and practice in underserved areas where they are most needed. This is a critical point in the history of the health center movement. It demonstrates that to get health care to the people who cannot afford it, the Federal Government must chip in a critical share. It comes in the form of health center operating grants. The best action we can take for those health professionals who want to give something back to their communities is to ensure a broad base of federally assisted community based providers in underserved areas. This will give these professionals a place to train and practice with the quality care environment and all the supports they will need.

The health centers in my home State are all jewels. As a matter of fact, they are indeed worth their weight in gold. They are cost effective, responsive to community needs, and the patients just love them. I cannot think of much more that we could ask of a group of providers. And so I would certainly want to urge this Congress and all of my colleagues to continue to provide the support that has been provided over the years and let us continue with one of the most effective programs that we have ever seen for the provision of quality comprehensive health care to large numbers of poor people in this country.

I really thank the gentleman from South Carolina [Mr. CLYBURN] for sharing. It is also an indication of caring. If the gentleman has got some other comments, please go right ahead.

Mr. CLYBURN. I thank the gentleman so much. I am just pleased to be a part of this because, as we have discussed in passing, this is something I very much have been involved in over the years. I was just so pleased to find that the gentleman had such a rich and hands-on involvement. To have someone like the gentleman as an advocate in this area is something that makes me feel much more comfortable with our efforts. I just want to thank the gentleman for letting me be here tonight to join with him and to call upon our colleagues to continue this great work.

Mr. DAVIS of Illinois. I thank the gentleman. I will just make a little special recognition to a few of the community health centers that operate in my district. I always say that I have the most fascinating district in the United States of America. These people have simply gone above and beyond being just good providers of primary care.

For example, under the tireless leadership of Berniece Mills-Thomas, executive director of the Near North Health Service Corporation which provides primary care to women, infants, school age children and their parents, we have seen that infant mortality has gone down significantly in the area that they service around Cabrini Housing Development. Actually they have reduced infant mortality over the years from 26.6 per 1,000 live births to now 12.8 per 1,000 live births. That is an outstanding indicator of the impact, of the effectiveness.

The Winfield Moody, I can remember traveling around the country with Mrs. Moody as they were getting that community's health center started. And we have the Erie Family Center under the strong leadership of Rupert Evans, who is the executive director. This center has done an outstanding job of providing care to the communities in and around it, Humboldt Park, West Town. Plus the Erie integrated care program is the only bilingual primary care provider serving HIV and HIV/AIDS infected patients in the city of Chicago. They have a great pediatric program.

We also have a number of other centers, such as the Daniel Hale Williams Center, the Mercy Diagnostic, the Sinai Family Centers, which just received a substantial grant of $8 million not very long ago to continue its great work, the Alivio Medical Center, Circle Family Center, the Mill Square Health Center, Komed, New City, the Cook County Network. All of these are centers that provide not only the best of care but also opportunities for people to work, for people to have jobs, for people to plan, for people to serve on the boards of directors, to make decisions, to decide what their neighborhoods and communities will be.

And so in its 30th year, I just thought that this would be an excellent time to stop and pause and pay tribute to this great group of centers that are operating and remember some of the individuals who made it happen, people out of New York like Paul Mejias and Janice Robinson, Curtis Owens from Philadelphia, Dan Cantrell from Chicago, Dave Simmons from Boston, Aaron Shirley from Jackson, Mississippi, Melba McAfee from Jackson, Mississippi, and other people from all over the country. I just hope that some historian who has been involved in the efforts is writing a history so that 100 years from now when we look back and look at where health care has come and look at our health care delivery systems, we will recognize the tremendous role that the community health center movement has played.

Mr. Speaker, I would like to include some additional documents here that I would like to insert:

"The American Health Care Revolution and the Critical Role of Health Centers."

"Health Centers Are Unique in Structure and Mission."

"Why Health Centers Work for the Nation."

"Community, Migrant & Homeless Health Centers."

"And from the Bureau of Primary Health Care, its depiction of what the health center movement has meant to primary care services in the country."

"The material referred to is as follows:

The American Health Care Revolution and the Critical Role of Health Centers

A revolution in the American health care system is well underway and by all accounts will dramatically transform that system over the next few years. More than two-thirds of privately-insured individuals, or 120 million people, are already enrolled in some form of managed care, with continuing substantial annual increases in managed care enrollment.[1] This revolution has been driven by employers' and insurers' demands that costs be held down or even reduced, and that providers share financial risk. Managed care plans have willingly complied with those demands, bargaining for significant reductions in provider charges or rates. Though doubts continue to persist as to the long-term ability of managed care systems in holding down health care costs, data from 1994 and 1995 show medical cost inflation rates in the single digits for the first time in over a decade. Clearly, the era of open-ended, fee-for-service medicine is over.

While public insurance programs have moved more slowly, they too—especially Medicaid—are now outpacing the private sector in their rates of managed care enrollment. In 1990, a little over 2 million Medicaid beneficiaries were enrolled in managed care plans; that number jumped to an estimated 11 million by the end of 1995[2]. Most of that growth has been accomplished through the use of Medicaid waivers, which the current Administration has granted to more than a dozen states under Section 1115 of the Social Security Act, allowing those states to bypass Medicaid law requirements in establishing state managed care initiatives and other reforms. The recently-enacted Balanced Budget Act of 1997 contains far-reaching provisions that give states substantial flexibility to re-structure their Medicaid programs in order to enroll most of their Medicaid populations in managed care plans.[3]

Under the right circumstances, the American health care revolution can significantly improve both the availability and quality of health care for most Americans while containing costs by reducing the provision of unnecessary or inappropriate care. However, the success of both private market and public financing reforms could be significantly undermined if adequate attention is not given to two other key factors:

The recent acceleration in the use of Medicaid managed care raises questions as to whether the managed care industry has the capacity and infrastructure to absorb millions of patients who differ dramatically in socioeconomic and health status, education and health care needs from their traditional enrollees, and experience numerous barriers to access to health care services—making them among the most difficult-to-reach and needy patients in the health care system.[4] Medicaid beneficiaries and other low income Americans have higher rates of illness and disability than other Americans, and thus accumulate significantly higher costs of medical care.[5] By contrast, most managed care organizations have, until recently, principally focused their enrollment and infrastructure in reasonably affluent, healthy, well-educated suburban patient bases. Therefore, in implementing Medicaid managed care programs, states are moving millions of individuals into health care delivery systems which have had little experience in providing care to them. Without an adequate infrastructure, this difficult-to-reach and needy population may be denied access to basic health care.

At the same time, more than 43 million Americans have no health insurance and that number is rising by more than 100,000 each month.[6] A recent report found that the uninsured are almost twice as likely to lack a regular source of care, have fewer ambulatory visits, and have a higher rate of medical emergencies, than those who have insurance. They frequently depend on hospitals and emergency rooms for even basic care often due to severe shortages of appropriate primary health services in their communities[7]. As more privately-insured Americans join managed care plans, and as plans increasingly demand maximum cost-efficiency from their providers, providers will be less able to provide care to individuals who are uninsured or whose insurer pays less than the cost of care that is provided (as is true of both Medicare and Medicaid today).

Clearly, the long-term success of the American health care revolution will depend upon steps to assure the availability, and encourage the use, of cost-effective preventive and primary health care for uninsured low income working families; and the key to the longer-term survival of managed care organizations will be the adequacy of their Medicare and Medicaid enrollees' access to lower-cost primary and preventive care, as well as their expertise in managing enrollee costs. To be successful in these efforts, the new American health care system and its managed care plans will need the resources and know-how of providers that have a history of cost-effective, quality service to Medicaid beneficiaries and other low income populations—providers such as America's Health Centers.

WHY HEALTH CENTERS?

For more than 30 years, Health Centers have served as "managed care" providers for publicly-insured and uninsured families. Nationwide, 2700 local health center service sites currently deliver preventive and primary health care to more than 10 million people—including 3.8 million Medicaid recipients, 1 million Medicare beneficiaries, and 4.2 million people who have no health insurance—in urban and rural underserved communities across the country. The underlying goal of the health center programs has been to help communities and their people to take responsibility for their health; toward that end, the programs have facilitated the

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Footnotes at end of article.

flow of public and private resources, enabling the communities themselves to establish and operate health centers and to develop innovative programs to meet their health needs.

Health Centers have historically operated with very limited budgets and have developed considerable expertise in managing patients with significant health needs in low cost settings, providing access to primary and preventive health services. With literally thousands of communities across the country suffering from acute shortages of cost-effective preventive and primary health care service providers, with the numbers of uninsured Americans rising each month, and with cost controls making it increasingly impossible for other providers to continue offering care to those without coverage, health center programs are today, more than ever, critical to the success of the new American health care system. This is especially true because health centers:

Are, by law, located exclusively in rural and inner city communities that have been designated as "medically underserved," because they have far too few "front-line" providers and poor health status indicators. I these communities, health centers are frequently the only available and accessible primary care provider.

Care for those whom other providers do not serve because of their high costs and complex health needs.

Offer high quality preventive and primary health care under one roof, in a "one-stop caring" system.

Have had a major impact on the health of their communities and provide care in a highly cost-effective fashion.

HEALTH CENTERS ARE A PRIVATE SECTOR ALTERNATIVE

Although health centers have a broad, prevention-focused perspective on many health problems, they are much like private medical practices, staffed by physicians, nurses, and other health professionals. They differ from private medical practices, however, by their broader range of services, such as social service and health education, and by their management structure. Health centers are owned and operated by communities through volunteer governing boards composed of leaders and residents of the communities they serve. They function as non-profit businesses with professional managers; purchase goods and services; provide employment; and make an economic impact within their community.

Because they exist to serve their communities, health centers are committed to seeking out and combining resources from a variety of sources to ensure that access to primary health care services is made available to all community residents, regardless of their financial or insurance status. Patients who can afford to pay are expected to pay. Medicare and Medicaid patients are always welcome. And insurance companies are billed on behalf of patients with coverage. The centers' Board and staff also work to obtain support from other sources, such as local governments and foundations, to ensure that care is available for all patients based on ability to pay.

In order to maximize limited resources, these private, non-profit community practices have developed community linkages with local health departments, hospitals, nursing homes, pharmacists and others to ensure that services are coordinated and to eliminate duplication of effort. Although some services may not be available on-site, the health center does coordinate care and referrals to other providers in a way that assures true "one stop caring" for its patients.

HEALTH CENTERS ARE FOUND WHERE THEY'RE NEEDED MOST

By law, all Health Centers must be located in and serve medically underserved areas and/or populations—and their 2,700 sites are split evenly between rural and urban communities. The residents of these communities suffer from the most profound shortage of accessible primary health care services and, not surprisingly, exhibit some of the most severe health problems and the poorest health status of all American communities.

More than 43 million people, living in these inner-city and rural communities, remain seriously medically underserved because of special needs or circumstances[8]:

They are overwhelmingly members of low income families, and are disproportionately young.

Many are uninsured, but 60 percent of them already have some form of insurance (including Medicare and Medicaid).

Many live and work in areas with too few providers of care, while others face serious non-financial barriers to care (such as language or physical disabilities), or have complex health and social problems.

In simplest terms, the medically underserved are people who can't get care when they need it, and when it is most appropriate—to prevent the onset of a health problem or illness, or to diagnose and treat a condition in its earliest stages—because of who they are, where they live, or because of their health status. Two recent reports found that, even when insured, these Americans continue to face significant barriers to care, especially to primary and preventive health services, and as a result have measurably poorer health outcomes and overall health status.[9]

HEALTH CENTERS SERVE THE MOST VULNERABLE OF ALL

Health center patients are almost universally among the most vulnerable of all underserved people in America today—persons who even if insured, nonetheless remain isolated from traditional forms of medical care because of where they live, who they are, and their frequently far greater levels of complex health care needs:

Fifty percent reside in isolated rural areas; the other half live in economically depressed inner city communities.

Virtually all patients have family incomes below 200 percent of the federal poverty level ($28,700 annually for a family of four in 1994).

Nearly one in two is completely uninsured, either publicly or privately, and more than one-third depend on Medicaid.

44 percent of all patients are children under 18, and thirty percent are women of childbearing age (nearly one in ten is pregnant). Health centers delivered over 400,000 babies last year—10 percent of all births and 1 in 5 low income births[10].

Because of factors such as poverty or homelessness, and other social-environmental threats that permeate low income/underserved communities, health center patients are at higher risk for serious and costly conditions (such as asthma, tuberculosis, or high-risk pregnancies) than the general population, and require unique health services not typically offered by traditional providers, including most managed care entities.

HEALTH CENTERS ARE CLINICALLY EFFECTIVE

Health centers provide more than just care for illness or episodic conditions. They offer a "health care home" for all residents of an underserved area. Like any good family doctor's office, they provide ongoing care and health management for families and individuals through all life stages. Care is provided in the office whenever possible; physicians are on the medical staffs of their local hospitals; and referrals to other providers are made whenever needed.

Health center practices are staffed by a team of board certified or board eligible physicians, physician's assistants, nurses, dentists, social workers and other health professionals. In rural areas, physicians are typically family practitioners, while larger urban centers are usually staffed with interdisciplinary teams of internists, pediatricians, and obstetricians. Almost 98% of the more than 5,000 health center physicians are board-certified or eligible[11], and all are required to have hospital admitting privileges.

The hallmarks of effective primary health care are the entry point it provides into the entire system of care, its comprehensiveness, continuity, and responsiveness to the needs of the patients served. Because primary care must be patient-centered to be effective, it is not the same for everyone—one size cannot fit all. Local centers have developed special intervention programs for significant health care needs in their community, including strong obstetrical practices to fill a gap in their community or a special focus on patients with diabetes, or hypertension or AIDS. Many centers have developed special outreach programs to help overcome the cultural and language barriers faced by people who speak little or no English in obtaining primary health care access[12].

Centers also emphasize services designed to enhance the effectiveness of the medical care provided, such as community outreach, health/nutrition education, and case management. Some 98 percent of health centers offer health education services; over 90 percent offer case management services; more than three-quarters offer preventive dental services and in-house laboratory services. All health centers employ outreach and patient relations workers from the communities they serve[13].

Health centers are required by the U.S. Public Health Service (PHS) to update their quality assurance program and health care plan in response to annual community need assessments, and are required to report to PHS outcome measures, including immunization rates, low birth weight reduction, hospital admission and length of stay[14].

Available literature provides extensive documentation of the quality and effectiveness of care offered by health centers, using factors such as patient health outcomes, satisfaction and health status of the community. These studies provide strong evidence that where there is a health center, the level of health of the community is dramatically improved. For instance:

Infant mortality: Communities served by health centers have been shown to have infant mortality rates from ten to forty percent lower than communities not served by health centers. The provision of health center services also has been linked to improvements in the use of prenatal care and reductions in the incidence of low birthweight[15].

Incidence of disease/hospitalization: Health centers have been shown to reduce rheumatic fever and untreated middle ear infections in children and have significantly increased the proportion of children who are immunized against preventable disease[16].

Use of preventive care: Health centers have increased the use of preventive health services such as Pap smears and physical exams[17].

Effectiveness of care: Health center patients have been shown to have lower hospital admission rates, shorter lengths of stay and make less inappropriate use of emergency room services[18].

Two recent (1994 and 1995) system-wide studies of thousands of Medicaid patient medical records in Maryland found that health centers scored highest among all providers for the proportion of their pediatric patients who had received preventive services, including immunizations; and that health centers consistently scored at or near the highest in 21 separate measures of quality assessment, even though their costs of care were among the lowest of the various provider types reviewed[19].

Health center patients are also overwhelmingly satisfied with their care and treatment. According to a 1993–1994 nationwide study of health center patients conducted by the Picker/Commonwealth Fund: 96% of health center patients were very satisfied or satisfied with the quality of their care; 97% would recommend the health center to friends and family; 95% receive regular health care services, even when they are not sick (preventive and primary care services); 87% have never had a concern or complaint.

HEALTH CENTER COST-EFFECTIVENESS IS SECOND TO NONE

Health centers are subject to ongoing Federal scrutiny of their cost-effectiveness and quality of care. Cost screens applied to health centers by the U.S. Public Health Service and the Health Care Financing Administration, such as administrative costs and costs per patient visit, are virtually unparalleled in the health care industry. The result is that health centers provide quality, comprehensive primary care to some of the hardest-to-reach patients in the health system at a price second to none. Several recent studies have found that Medicaid patients who regularly use health centers cost significantly less than those who use private primary care providers, such as HMO's, hospital outpatient units or private physicians. For instance:

In Washington state in 1992, health center patients were found to be 36% less expensive for all services than patients of other primary care providers and used 31% fewer emergency room services[20];

In California in 1993, health center patients were 33% less expensive overall (controlling for maternity services), and had 27% less total hospital costs[21];

In Maryland in 1993, health center patients had lowest total payments; lowest ambulatory visit cost; lowest incidence of inpatient days and lowest inpatient day cost; health center patients were one-third as likely as hospital outpatient unit patients to be admitted on an inpatient basis and were half as likely to have unstable chronic medical diagnoses as patients of other providers[22];

In New York in 1994, health center patients were 22–30% less expensive overall, and had 41% lower total inpatient costs; diabetics and asthmatics who were regular health center uses had 62% and 44% lower inpatient costs, respectively[23].

These findings are consistent with those from dozens of previous studies on the cost-effectiveness and quality of care provided through the health center model, and in particular addressing the health centers' demonstrated and historic savings to state Medicaid programs. Taken together, these studies have found that:

Use of health centers led to lower utilization of more costly emergency rooms, ranging from 13 percent to 38 percent in the case of pediatric emergency room use.[24]

Health centers have reduced inpatient admission rates for their patients by anywhere from 22 percent to 67 percent, reduced the number of patients admitted per year and the length of stay among those who were admitted.[25]

Health centers have achieved such tremendous success because, like managed care organizations, they are a first point of entry for their patients into the health care delivery system, and they manage their patients' care to keep them healthy and out of costly emergency rooms, hospitals, and specialists' offices. They are also experienced in the management of health care costs, since they must run their programs within a limited annual budget.

Health centers are well tested and highly successful models of community-based health care. They are partnerships of people, governments, and communities working together to meet local health care needs in an culturally competent, effective and efficient way. Health centers develop primary care infrastructure in areas of the nation that need it most with limited Federal assistance. Federal grants to health centers average less than $100 annually per patient. This represents a small investment for what centers accomplish in strengthening community health and fostering prevention and health education.

THE HEALTH OF EACH HEALTH CENTER IS ALWAYS LEADERSHIP AND ACCOUNTABILITY

Health centers are professional health care organizations providing a comprehensive range of high quality services for their community. But their most distinctive feature is that the health centers are developed and run by their communities, and are dedicated to the needs of their people. Health center governing boards are composed of local community leaders and residents who care about the primary health care access needs of their community and are committed to working together to make a difference. Federally funded centers are required to have patients as a majority of their governing board members.

The empowerment and involvement of local citizens in planning and governance has been the essential characteristic that has made in possible for health centers to make a real difference in underserved communities, in terms of both the sense of ownership they help foster and the tangible benefits they yield. In recent years, the role of community governance has achieved increased recognition and respect, especially because it promotes direct involvement by local residents in developing the services they use. Because of their commitment to their local communities, health centers have become an effective solution for primary health care access in thousands of communities across the nation, affirming their vital role in America's future health care system.

THE HEALTH CENTER EXPERIENCE: LIMITED INVESTMENT GENERATES OUTSTANDING SUCCESS

Health center achievements over the past 30 years show how much is known about how to make a difference in the health of the poor and how far even a modest investment will go.

Every Federal dollar invested in health centers leverages another two dollars in other revenues—in addition to the Medicare and Medicaid savings they produce. Health centers understand and respond to their communities' most urgent health care needs. Health centers care for those whom other providers cannot or will not serve. Health centers offer high quality medical care. Health centers have had a major impact on the health of their communities and provide care in a highly cost-effective fashion. There is no better health care bargain anywhere—public or private.

Perhaps the greatest testament to the unique ability of health centers to design services that are accessible to their patients is that, ironically, health centers report that for every 10 patients currently served there are another 3 on local centers' waiting lists who are seeking care there[26]. And those on health center waiting lists do not even begin to take into account the far larger number of persons who need the services of health centers but who do not have a center within reach—particularly in the nearly 1,000 underserved U.S. counties that today have no health center[27].

HEALTH CENTERS CAN DO SO MUCH MORE

As policy makers consider options for improving the reach and effectiveness of America's health care system, they would do well to seriously consider including steps to:

Expand the network of health centers to ultimately reach all medically underserved people and communities. With current funding, health centers are able to reach just 9 million of the 43 million medically underserved Americans who would benefit from their services. This effort could be accomplished incrementally over several years, with each additional $100 million in funding for health centers extending services to an additional 1 million people in some 400 communities.

Assist health centers to fully participate in managed care, by allowing them to form or join Provider Sponsored Networks as fully integrated partners, and by ensuring that any Medicaid or Medicare reforms include supplemental payments to health centers—in addition to other reimbursements from Medicare or Medicaid, or from managed care plans—for the purpose of making sure that health centers receive sufficient funds to adequately care for their Medicaid patients. Without sufficient resources to meet the needs of their patients, centers and clinics would be forced to substantially reduce their services and patient loads (mostly uninsured patients), and many could go out of business.

Involve health centers in the training of the enhanced primary care workforce required for the future, by making teaching health centers eligible for direct payment of their health professions teaching costs. The Council on Graduate Medical Education (COGME), as well as the Institute of Medicine, and the Physician Payment Review Commission, have recommended revision of current GME policies to support expanded primary care and ambulatory training programs; and health centers represent the ideal site for training in comprehensive preventive and primary ambulatory health care, because they have an established history of functioning as interdisciplinary care environments, providing quality, comprehensive primary and preventive care.

Health centers provide comprehensive, continuous care to their patients regardless of insurance status or ability to pay. It is this ability to offer continuous care that makes the health centers unique and particularly valuable. Health centers form a critical base on which to build managed care systems for low-income and medically underserved populations. Already, health centers are managed care providers for over 1.5 million Medicaid patients, and that number is expected to more than double over the next year or two.

The road to long-term managed care plan viability and effectiveness can be made smoother by the inclusion of health centers in managed care networks. As experienced and effective health care providers to the medically underserved, health centers can provide the primary care infrastructure network which managed care systems need to provide cost efficient quality health care. Health centers have much to offer managed care systems and stand ready to collaborate with them.

NOTES

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[11] Data from Bureau of Primary Health Care, 1994.

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[26] Lewin-ICF, 1991 Survey of Health Centers.

[27] Hawkins, Daniel, and Rosenbaum, Sara, op cit.

America's Health Centers are comprised of Community, Migrant and Homeless Health Centers and other federally-qualified community-based providers. In a thirty-year history, they have shown the value and strength of a health system rooted in community partnership and built on the delivery of accessible, quality primary care to Americans in need. Today, this growing nationwide network delivers primary and preventive care to more than 10 million medically underserved people—spanning urban and rural communities in all fifty states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

HEALTH CENTERS ARE UNIQUE IN STRUCTURE AND MISSION

Health centers are public-private partnerships. They are nonprofit, private corporations, which are locally-owned and operated by the communities they serve.

Health Centers serve in medically underserved communities—America's inner cities, migrant farmworker communities, and isolated rural areas. They are defined areas with few or no physicians—suffering high levels of poverty, infant mortality, elderly, and poor health.

Health centers are governed by consumer boards—composed of 51 percent patients who represent the community served. This is a powerful link to the community. Consumer governance gives patients and local citizens a voice in the workings of their center—and ensures that care is patient-centered and responsive to diverse cultures and needs within the community.

Health center revenues are multi-sourced. Federal grants on average represent 36 percent of a health center budget. Reimbursement from Medicaid and Medicare constitutes 38 percent. The remainder is leveraged from state and local governments, insurance, and patient fees.

Health centers provide care to all who seek their service. Patients are charged on a sliding fee scale to ensure that income or lack of insurance is not a barrier to care. Federal grants received by centers subsidize the cost of care provided to the uninsured—and the cost of services not covered by Medicare or Medicaid or private insurance.

WHY HEALTH CENTERS WORK FOR THE NATION

Health centers fill critical gaps in health care. Health centers serve low-income working families, the uninsured as well as high-risk populations such as the homeless, the frail elderly, migrant farmworkers, and poor women and children. They are people who confront barriers to care and whose unmet health needs represent a huge and growing cost to the nation.

Health Center Patient Profile: Virtually all health center patients have family incomes below 200 percent of the federal poverty level. More than two in five are completely uninsured. More than one-third depend on Medicaid. 70 percent of health center patients are children and poor women of childbearing age. 60 percent of health center patients are members of racial and ethnic minorities at high risk. Nearly half a million of our patient population are migrant farmworkers and their families.

Health Centers are built by community initiative. A limited federal grant program provides seed money. The purpose: to empower communities themselves to find partners and resources to develop centers—to hire doctors and needed health professionals—and to build their own points of entry into the nation's health care delivery system.

Health centers focus on wellness and prevention—the keys to cost savings in health care. Through innovative programs in outreach, education, and prevention centers reach out and energize communities to meet critical health needs and promote greater personal responsibility for good health.

Health centers produce savings. Their skills and experience are unsurpassed as providers of quality, cost-effective health care to high-risk and vulnerable populations.

HEALTH CENTERS MAKE A DIFFERENCE

Cost effectiveness: Health centers provide cost-effective high quality care—second to none. Total health care costs for center patients are on average 40 percent lower than for other providers serving the same populations. Centers also achieve significant savings by reducing the need for hospital admissions and costly emergency care.

Improving Access: Health centers bring needed health services and facilities to areas of greatest need—often not served by traditional providers. They train, recruit, and retain highly-skilled health professional in acute shortage areas.

Quality Managed care: Health centers provide comprehensive primary and preventive care. Ninety-eight percent of health center physicians are board certified/eligible. Centers are linked to hospitals, health departments, nursing homes, and other providers as well as social service agencies to ensure that patients have access not only to primary care but a continuum of coordinated care, including special treatment and support services.

Accountability: Health centers meet high uniform standards of accountability and performance. Health centers demonstrate the effective utilization of public and private investment as reflected in positive health outcomes; a 40 percent reduction in infant mortality; improved immunization and prenatal care rates; and increased use of preventive health services.

OTHER KEY FACTORS

Health Centers empower Communities. They provide jobs and generate new investment into devastated and poor communities. Health centers employ over 50,000 community residents. They are the nation's leading trainer and health career path for minority health professionals. Their total operating budget of $2.8 billion leverages over $14 billion in economic development in needy urban and rural areas—which translates into jobs, facilities and contracts.

Health Centers are vital safety net providers for millions of poor Americans. They are frontline providers of care helping communities attack costly and compelling health problems such as AIDS, substance abuse, teenage pregnancy, and crime. But, they are more than just providers. They are catalysts—empowering communities with the resources, jobs/education—and leadership—that can improve health and bring new promise to America's disadvantaged.

Community, Migrant and Homeless Health Centers and other community-based providers comprise America's Health Centers. In a thirty year history, they have shown the value and strength of a health system rooted in community partnership—and built on the delivery of accessible, quality primary care to Americans in need. Today, this growing nationwide network delivers primary and preventive care to more than 9 million medically underserved people—spanning urban and rural communities in all fifty states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

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Health centers produce savings—in Medicare and Medicaid—and preventive care. Their skills and experience are unsurpassed as providers of quality, cost-effective health care to vulnerable populations. A track record of accomplishment demonstrates that prevention and primary care works: It keeps people healthy—It saves tax dollars—It builds stronger communities.

Community Partnership is the dynamic that drives the success of America's Health Centers. Health centers are partnerships of people, governments, businesses, communities working together to expand access and to improve health.

HOW HEALTH CENTERS ARE UNIQUE—IN STRUCTURE AND MISSION

Health centers are public/private partnerships. They are nonprofit, private corporations, which are locally owned and operated by the people and communities they serve.

Health centers are governed by consumer boards—composed of 51 percent patients—who represent the community served. This is a powerful link to the community. It not only gives patients and local citizens a voice in the workings of their center—but ensures that care is patient centered and responsive to diverse cultures and needs within the community.

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Health centers provide care to all people who seek their services. Patients are charged on a sliding fee scale to ensure that income or lack of insurance is not a barrier to care. All patients pay something toward the cost of their care. Medicare and Medicaid as well as private insurance are billed for those with coverage. Federal grants received by centers subsidize the cost of care provided to the uninsured—and the cost of services not covered by public or private insurance.

Health center care is patient centered and community directed. Centers provide additional services of outreach—transportation and translation—education, and case management—to maximize effectiveness in producing long-term, positive health outcomes for high-risk populations. Health centers also deal with costly community health problems such as teenage pregnancy, infant mortality, homelessness, substance abuse, AIDS and others.

Today, a cost-conscious nation is looking to the success of the U.S. health center model, which has produced the markers to an effective alternative in accessible, affordable community based care. This model has shown that it takes more than governments to solve the problems in health care; that people and community partners must be involved to protect health—to realize cost savings—and to make health care delivery work for more Americans.

HOW HEALTH CENTERS MAKE A DIFFERENCE

Cost Effectiveness. Health centers provide cost-effective, high-quality health care—second to none. Total health care costs for center patients are on average 30 percent lower than for other providers serving the same populations. Centers also achieve significant savings by reducing the need for hospital admissions and costly emergency care.

Improving Access. Health centers bring needed health care services and facilities to areas of greatest need—often, not served by traditional providers. They train, recruit, and retain highly skilled health professionals in acute shortage areas.

Quality Managed Care. Health centers provide comprehensive primary and preventive health care. Ninety-eight percent of health center physicians are board certified/eligible. Centers are linked to hospitals, health departments, nursing homes and other providers as well as social service agencies to ensure that patients have access not only to primary care, but a continuum of coordinated care, including specialized treatment and support services. Numerous independent studies document that health centers improve the health of their communities—reducing preventable deaths, costly disability, and communicable disease.

Accountability. Health centers meet high, uniform standards of accountability in terms of cost effectiveness and quality care under the Public Health Service Act. Centers are subject to periodic reviews and federal audits, and are required to submit comprehensive health plans detailing health services in their geographic area, demonstrating need and demand, and showing the impact of their intervention. Health centers demonstrate effective use of resources and public and private funds.

Empowerment. Health centers empower communities to take charge and meet health needs. They engage citizen participation and involvement—facilitate the flow of public and private investment into communities—and generate jobs and new community development.

Opportunity. Health centers contribute to the well being and strength of communities. By providing cost-effective prenatal care—health centers reduce the high costs associated with adverse pregnancy outcomes. By keeping children healthy—centers enable them to stay in school and train for the future as responsible members of the community. By keeping workers healthy—health centers reduce absenteeism and help workers remain productive and contributing citizens.

Investment. Health centers yield a substantial return on public and private investment. They are more than providers. Health centers are community assets that improve health—provide jobs—strengthen schools—stabilize neighborhoods—and enhance community pride.

COMMUNITY, MIGRANT AND HOMELESS HEALTH CENTERS—UNITED STATES

(Presented by: Thomas J. Van Coverden, president and chief executive officer, National Association of Community Health Centers, Inc.)

HISTORICAL BACKGROUND AND DEVELOPMENT

Community and Migrant Health Center programs were established by the federal government in the decade of the sixties. Conceived as part of a war on poverty, the programs were a major social experiment joining the resources of the federal government and local communities to expand quality and accessible health care to Americans in need.

Health centers were the product of two powerful forces. Social unrest was erupting in riots for lack of jobs, opportunities, and health care in inner cities. Reform-minded physicians and nurses were calling for a better way to deliver health care by reaching out into communities in need and attacking the problems underlying poverty.

This step in U.S. health care was historically significant. For the first time, resources were committed by the federal government to assist local communities in development of a community-based primary care infrastructure to serve medically underserved populations. Experimentation with a new model of health care marked recognition of large gaps in America's health delivery system. It confronted the reality that even with expansion of public health insurance to cover broad segments of the poor and elderly, millions of Americans and their families would still lack access to doctors and basic health services because of poverty, cultural, and geographic barriers. Moreover, it conceded that a national war on poverty to help all Americans to education and job opportunities and a better standard of living would never be won without a frontal assault on the problems of inadequate health care.

Federal grants to public and nonprofit entities for the development and operation of neighborhood health centers (later called community health centers) were made available in 1965 under the Office of Economic Opportunity (OEO). The first two neighborhood health centers opened in rural Mississippi and in a public housing project in Boston, Massachusetts. While services were directed to the poor and near poor, centers also provided care to individuals who could pay all or part of the cost of their health care. During the early years, grants were awarded to established medical entities such as hospitals, health departments, and medical schools. Later this orientation was to change to nonprofit community groups, which reinforced independent, local control over health centers; community management; and a focus on tailoring health services to specific community needs.

A similar program of grants for the development of migrant health centers was authorized by the U.S. Congress with enactment of the Migrant Health Act in 1962. Centers were to provide medical and essential support services such as translation, outreach, and social service linkages to the nation's migrant and seasonal farmworkers and their families.

Steadily and with growing local and congressional support, both the migrant and neighborhood health center programs took root. By the mid-1970's and phaseout of the OEO, about 100 neighborhood health centers were in operation, mainly in poverty-stricken inner cities and isolated rural areas.

PHASES OF HEALTH CENTER DEVELOPMENT

1965–1975: a period of demonstration projects, with authority broadly defined, but calling for targeted focus on the needs of the poor, accessible health care services plus outreach and full integration and coordination with community resources, and community participation.

1975–1980: a period of growth with enactment of permanent legislation laying the foundation for community health centers with establishment of standards of clinical practice and administrative efficiencies related to fee schedules, billings and collections, patient care, administrative cost limitations, productivity, and hospital linkages as well as consumer board involvement.

1981–1990: a period of retrenchment and consolidation for health centers fending off reduced funding and conversion of health center grants to state block grants until 1986.

1990–Present: a period of expansion and public recognition with changes in federal reimbursement policy for health centers requiring full cost-reimbursement for services rendered to Medicaid and Medicare patients, and federal malpractice coverage for centers and their clinical staffs.

Health centers have evolved through the years into a dynamic and expanding network of locally-owned, nonprofit community-based health providers. Their mission is a provide comprehensive primary and preventive care to America's poor and underserved. America's health center network, today, is comprised of federally-assisted community and migrant, and homeless health centers as well as other community-based health centers, which are qualified under the Medicare and Medicaid laws.

Nationwide 2200 health center service sites deliver primary and preventive health care to almost 8.8 million people in urban and rural underserved communities. More than 7.5 million people obtain care from health centers that receive funding from the four principal health center grant programs administered by the U.S. Public Health Service: Community Health Centers; Migrant Health; Health Care for the Homeless; and Health Service for Residents of Public Housing. Another 1.3 million persons receive care from other federally qualified centers that do not receive federal grant funds. Health centers are located in all fifty states including the District of Columbia and the American territories of Guam, Puerto Rico, and the Virgin Islands.

In Fiscal Year 1995, Congress appropriated $757 million for the support of America's health center programs. It is a modest sum in public investment given that health centers have been given the challenging task of providing care for some of America's poorest, sickest, and hard-to-reach populations. The typical budget of an urban health center is $3.7 million; a typical rural health center budget is $1.6 million. The average health center operates with a main facility and three to four satellite delivery sites, which are all located in the center's service area. The collective budget of the nation's health centers, inclusive of grants, Medicare and Medicaid reimbursements, and other revenues approximate $2 billion annually, which is less than one-fourth of one percent of total U.S. health care expenditures.

In structure, health centers are public/private partnerships. They nonprofit corporations, locally owned and operated by the people and communities they serve. Their revenue base is multisourced. Federal grants, on average, represent 36 percent of a health center's budget. Reimbursements from Medicaid, the public insurance program which pays for the care of many low-income and poor, on average, accounts for 33 percent of a health center's budget. Medicare, which insures the nation's elderly, is approximately 5 percent of a health center's budget. State and local government contributions as well as foundation and private donations average about 11 percent of a health center budget. Eight percent of a health center budget is derived from private insurance and about 7 percent is from patient fees.

SERVICE CHARACTERISTICS

The health center mission is to promote high quality, comprehensive health care that is accessible, culturally and linguistically competent, and community directed for all medically underserved populations.

Health centers are required to provide a broad range of primary and preventive health services including physician, physician assistant and nurse clinician services; diagnostic laboratory and radiology services; perinatal services, immunizations, preventive dental care, disease screening and control, case management, emergency medical services, and family planning services, and hospital referrals.

The focus of health centers is prevention and health care access. Centers emphasize services that are designed to enhance access and the effectiveness of medical care through outreach, transportation services, heath/nutrition education and case management. Some 98 percent of health centers offer health education services; over 90 percent offer case management service; more than three-quarters offer preventive dental services and in-home laboratory services. All health centers employ outreach and patient relations workers from the communities they serve. Health centers recognize that the risk factors and pervasive needs of patients from low-income underserved communities require health services not typically offered by traditional providers.

Health centers promote community directed responsive, patient-centered care. Special intervention programs are frequently developed by local health centers to address significant community health needs such as teenage pregnancy/infant mortality, AIDS, substance abuse, hypertension, diabetes. Centers also organize the provision of services to ensure that medical care is available at convenient times, and in locations that take into account the special needs of the populations they serve. Many centers offer evening and weekend hours for working families; provide care at multiple sites; use mobile clinics to reach rural and homeless patients, and employ multi-lingual staffs or translators to overcome barriers faced by people who speak little or no English. Bilingual physicians are available at 63% of health centers. All health centers have a 24 hour system for after-hours calls and emergencies.

Health Centers are appropriately linked to hospitals, health departments, nursing homes, and other providers and social service agencies for emergency and specialty referrals as well as counseling and other assistance as may be needed by patients. The goal is to ensure that patients have access not only to primary care, but a continuum of coordinated care, including specialized treatment and support services.

Health centers serve in areas of greatest need. By law health centers are mandated to serve urban and rural communities that have been designated as "medically underserved"—areas suffering acute physician shortages, with high levels of poverty, elderly, infant mortality, and/or poor health status. Health centers are equally distributed between urban and rural areas. Half are located in isolated rural areas, the other half in economically-depressed inner cities. In these locations, they are often the only available and accessible primary care providers for the patients they serve.

America's health centers are able to reach 20 percent of America's 43 million medically underserved. They are America's poor and vulnerable—persons who even if insured, nonetheless remain isolated from traditional forms of medical care because of where they live, who they are, and frequently, their far greater levels of complex health care needs.

Virtually all patients have family incomes below 200 percent of the federal poverty levels ($28,700 annually for a family of four in 1994).

Nearly one in two is completely uninsured, either publicly or privately, and more than one-third depend on Medicaid.

44 percent of all patients are children under 18, and 30 percent are women of child-bearing age (nearly one in ten is pregnant).

Over 60 percent of health center patients are members of racial or ethnic minorities,. compared to 26.3 percent for the nation's population as a whole.

Health Centers improve access to care. Within available resources, health centers must serve all who seek their services. Patients are charged on a sliding fee scale to ensure that income or lack of insurance is not a barrier to care. All patients pay something toward the cost of their care. Medicare and Medicaid as well as private insurance are billed for those with coverage. Federal grants received by health centers subsidize the cost of care furnished to the uninsured, and additional services not covered by public or private insurance.

ORGANIZATION AND ADMINISTRATION

Health centers recruit, train, and retain health professionals. They bring physicians and health professionals and needed services and health facilities to people not served by traditional providers. Health center practices are staffed by a team of board certified or board eligible physicians, nurses, physician's assistants, nurses practitioners, nurse mid-wives, dentists, social workers and other health professionals. In rural areas, physicians are typically family practitioners, while larger urban centers are usually staffed with multi-disciplinary teams of internists, pediatricians and obstetricians.

Health centers employ 5000 physicians. Almost 98 percent are board certified or eligible and all are required to have hospital admitting privileges. The number of other health professions serving the nation's health centers is approximately 6200.

Health center physicians and staff are salaried employees. Salaries are negotiated and paid out of budget by the individual health center entity. In some cases, staff services may be contracted. The National Health Service Corps (NHSC) also provides a source of doctors and other health care professionals who serve in health centers in partial obligation to repay government student loans and/or educational scholarships. Approximately 1900 NHSC primary care providers serve in underserved/shortage areas. Health center employment for Community and Migrant Health Centers alone is more than 35,700 with a total health center payroll of $1.4 billion.

Health centers are governed by volunteer consumer boards, composed of leaders and residents of the communities they serve. A unique and distinguishing feature of health center boards is that a majority of board members (51 percent) must be patients of the center and who, as a group, represent the community of patients served. The remaining members of the board must be individuals who are actively engaged in the community with local government, finance and banking, legal affairs, business and/or cultural and social endeavors. At present, there are a total of 12,500 health center community board members.

Health center boards foster community ownership and local participation. Health center boards meet on a regular basis and are responsible for the approval of the health center budget; financial management practices; the establishment of center policies and priorities; personnel policies, including the hiring and firing of the executive director; evaluation of center activities, including program services and patient satisfaction; and health center compliance with applicable federal, state, and local laws and regulations. Health centers are managed by a team led by an executive director or chief executive officer, including a clinical/medical director responsible or clinical programs and a chief financial officer with responsibility for fiscal affairs.

Health centers meet high national standards of accountability. They are subject to ongoing federal scrutiny of their cost effectiveness and quality of care. Health centers are required to periodically report to the government on services, utilization, quality measures (for perinatal, pediatric, adolescent, adult and geriatric services, low birthweight, and infant mortality, and hospital admissions and length of stay), financial management and status, billings and collections, and patient satisfaction. In addition, they are required to submit comprehensive health plans for their geographic area detailing services, demonstrating need and demand, and showing the impact of their intervention.

Health centers hold an unparalleled 30 year track record of providing quality and cost-effective care. Studies demonstrate that health care costs for health center patients are on average 30 percent lower than for other providers serving the same populations. Health centers also achieve significant cost savings by reducing the need for hospital admissions and costly emergency care. The federal grant cost for each patient cared for by health centers is less than $100 annually; and the total cost of health center services amounts to less than $300 when compared to other providers serving similar populations.

Independent studies further document the success of health centers in achieving positive health outcomes. Communities served by health centers have cut infant mortality rates 10–40 percent as compared to those that are not served by health centers. In addition, centers have increased the proportion of children who are immunized and have increased the use of preventive health services such as Pap smears and physical exams. Patients also have expressed overwhelming satisfaction with the care they receive in health centers.

COMMUNITY PARTNERSHIP

Health Centers Empower the Community. The empowerment and involvement of local citizens in planning and governance has been the basic characteristic that has made it possible for health centers to make a difference in medically underserved communities in terms of the community ownership they foster and the tangible benefits they yield. The community is directly involved in every aspect of center operations—from setting policy to staffing vital services, from providing information on community needs to determining whether the center is properly responding to those needs.

Health center governing boards, composed of community leaders and patients/residents, engage citizen participation and responsiveness to local health needs. In turn, health centers are an integral part of their communities—providing meaningful jobs for local residents, a means to attract investment and other business and forms of community/economic development, a base for community advocacy and action, and a source for developing community leaders and giving them recognition and stature in the community.

Health center board members and staff are vital to building community ties and partnerships. They are actively involved with schools, hospitals, state and local health departments, community groups, businesses, churches and others in developing health/education programs, identifying community health needs, and creating integrated health networks to enhance service capacity. They reach out to the greater community leveraging support, additional resources, and investment in health center programs. Successful collaborative efforts, for example, are currently helping 337 health centers access free prescription drugs for low-income patients. Center ties with universities and medical schools are fostering the training of leaders in community-based health care and promoting health centers as recognized environments for the training of needed primary care physicians.

Health centers are advocates for the patients and the communities they serve. As a nationwide network, they are using their experience, expertise and ideas to help communities and governments leaders find solutions to health care needs. Through education, communication, and interaction, they are telling their remarkable story of success in serving medically underserved populations—making this nation aware that programs in primary care, outreach and prevention work are essential to expanding access and building stronger and healthier communities.

SUMMARY

America's health centers are tested models of community based care. They are partnerships of people, governments, and communities working together to meet health needs. In three decades of growth and development, health centers have become an integral part of America's health delivery system serving as a safety net for the nation's poor and medically underserved.

America's health centers have yielded a substantial return on public and private investment. They have proven that the special needs of high-risk and vulnerable populations can be met with quality, dignity, and cost-effective health care. In their committed work, they have produced compelling evidence showing the dollar value of their programs, the cost savings to communities, and the positive case-by-case outcomes of primary care intervention.

Yet, health centers confront serious challenge as the health care industry rapidly consolidates to contain costs and the federal government moves to reduce public spending and shift greater responsibility for health care and other social programs to the states and private sector. The reality is that health centers are being thrust into a price-driven, competitive health care market. In a new managed care environment, centers are being forced to compete not only for scarce resources, but for paying/insured patients and market base, which are vital to their financial viability and their continued ability to serve the poor and uninsured.

While America's health centers are determined to survive, the problem is that they face large and well-financed providers such as HMOs and other conglomerates, who are now tapping the Medicaid market and competing for lucrative and exclusive managed care contracts with States. In some cases, centers are being forced to contract with purchasers and providers for health care whose bottom line is cost and who have little or no interest in paying for a broad range of social and other support services that have traditionally characterized the health center mission, and which have been the hallmark of their success in achieving quality and containing health care costs.

The looming question is whether, in the process of integrating into a managed care market, health centers will be able to retain their unique identity as health care providers. Will health centers be able to access the capital and sources of investment needed for growth and development; improved organizational frameworks to leverage strength and capacity as providers; management and financial skills and advanced technologies to sustain a competitive position? Will health centers have access to adequate resources to compete for doctors and other health professional staff? Will the federal government continue to support the health center mission to the extent that appropriate funding and safeguards are provided to ensure a level playing field of competition?

Today, health centers are aggressively moving to be part of the evolving health care system. In states and communities across the country, health centers are taking steps to form networks and full managed care plans with other local providers, to negotiate subcontracts with other managed care plans, and to develop the financial, legal, and business acumen necessary to effectively function in the new environment.

Health centers hold many strengths. They are low-cost providers in high-risk markets. Their skills and experience are unsurpassed as providers of patient-centered care to vulnerable populations. They are locally owned businesses and community driven in their approach to meeting health care needs. Health center programs in primary care offer accountability, quality, efficiency and cost savings. In addition, they hold tremendous assets in a nationwide solid infrastructure ready for fast-track development to meet growing health needs.

America's health centers stand prepared to build on their heritage and compete and endure in the future.

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BUREAU OF PRIMARY HEALTH CARE: 43 MILLION PEOPLE LACK ACCESS TO PRIMARY HEALTH CARE

UNMET NEED

Forty-three million persons without access to a primary care provider; 41 million persons are uninsured; minority health status disparities.

PRESSURES FACING THE SAFETY NET

Reduced Medicaid revenue from managed care: reimbursement rates down; reduction in Medicaid eligibles.

Increase in the number of uninsured served; e.g. health center uninsured up 46% from 1990–96 (national up 16%)

Mergers/Privatization decrease capacity: reduced outpatient provider capacity.

HEALTH CENTERS

Private, not-for-profit organizations: true safety net providers, obligated to serve all patients without regard to ability to pay; community-based governing boards, and community supported; located in underserved areas; provide comprehensive care services and enabling services; improve health outcomes and decrease Medicaid costs; 685 center grantees; services provided at 3,032 sites (incl. NHSC); over 10 million uninsured and vulnerable patients served; 33 million encounters in 1996; and 5,500 primary care providers.

HEALTH CENTER PATIENT CHARACTERISTICS

42% children; 32% women of child-bearing age; 65% minority; 41% uninsured; and 85% poor and near poor.

CHCS AS "ECONOMIC ENGINES"—THE ECONOMIC BENEFIT OF CHCS

CHCs as "employers": CHCs are often one of the largest employers within their immediate service area.

CHCs as "purchasers": CHCs are often one of the largest purchasers of goods and services within their service area.

CHCs represent a significant and vital source of economic inertia for local communities which is consistent with the objectives of emerging economic development initiatives.

RESPONSE OF HEALTH CENTERS TO MANAGED CARE

Individual contracts with managed care organizations; Formation of health center-owned health plans and MCOs; and Development of integrated service networks to contract with managed care organizations.

MARKET SHARE—HEALTH CENTER-OWNED MANAGED CARE PLANS IN 12 STATES

Number of States: first in market share: Connecticut; New York; California; Massachusetts; Colorado; and Washington

Second in market share: Rhode Island.

Third in market share: Maryland and Oregon.

Fourth in market share: Ohio; Hawaii; and Missouri.

SOLUTIONS NOT BUSINESS AS USUAL

Increased partnerships; integrated networks/delivery systems; innovative models of care; and document impact.

HEALTH CENTERS

Agents of care.

Agents of change: Integrated delivery system; making system responsive to local needs; and giving communities control.

HEALTH CENTERS AS SOLUTIONS

Serve everyone regardless of ability to pay; guaranteed access through enabling services; empower communities; improve health outcomes and lower Medicaid costs; and economic engines and create jobs.

THE "COMMUNITY" IN HEALTH CARE CENTERS

The most frequently mentioned aspect of consumer involvement in the health center programs is the fact that a majority of each center's policy, or governing board must consist of persons who are patients of the center and who, as a group, represent the community of patients served there. We use many terms to describe this characteristic of the health centers: consumer-controlled, consumer-directed, community-responsive, and so on. Their majority status on the health center policy boards gives patients control in determining how the centers operate: what services are provided, the locations and hours of operation, the sliding scale fee discount system, the annual budget and program plans. But the real value of this patient-majority governance system lies in the fact that, as a result of it, the community is given a true sense of "ownership" over the health centers; and this feeling of ownership makes the centers a course of community empowerment, in which the centers serve as the basis and focal point for a whole host of activities that serve the community and its people. When the community is empowered in this fashion, they will actively involve themselves in being a part of its work (a part of the solution, not the problem). They will care for and nurture "their" system of care, and they will fight like hell to keep it going. This experience plays itself out in any number of ways, such as:

Creating a forum for bringing real and immediate problems to the table for action. This clearly happens as a natural part of the regular policy board meetings; but most health centers also reach out to the whole community as part of their needs assessment process. For Asian Health Services, in Oakland, CA, this has meant community meetings conducted in 6 different languages to involve each of the population subgroups they serve: Korean, Japanese, Chinese, Laotian, Cambodian, and Pacific Islander. Their efforts have been rewarded with high community turnout and solid input from the residents.

Getting feedback on the acceptability and appropriateness of services and the centers' program plans. Here again the policy boards provide a vehicle for evaluating the center's responsiveness to the community's needs. Consumer board members bring the community's needs and concerns and complaints about the health center to the board for consideration. This is perhaps the most important role they can play.

Providing a training ground for community leaders and spokespersons—including board members and center employees—and giving them credibility, recognition, and stature in advancing or advocating community needs or concerns.

Providing a means and forum for involving community residents, and the community itself, in the political process and system—at the local, state, and national levels. The critical value of this point is that several individuals in the health center movement have—for perhaps the first time in their lives—involved themselves actively in our American political system. This has helped the movement itself, which has survived and benefitted from their advocacy. Through NACHC and the State Primary Care Associations, community residents have found an invaluable mechanism for taking on critical health policy issues, and winning for their communities. As a direct result of their experience, many health center representatives have become quite involved in local, state, and national politics—for example, former board member Danny Davis is now a Member of Congress; community representative Lenny Walker is now a Rhode Island state representative; and former center Director Harvey Sloane has served as Mayor of Louisville and almost became Kentucky's junior U.S. Senator.

Serving as a conduit of important information to and from the community. Whether this involves information on how to avoid common childhood injuries or potentially serious agricultural accidents, warnings about unsafe water supply sources or the emerging incidence of an infectious disease, or whether the community provides information that the center needs to better serve its needs, the centers can serve as a vital communications link for the entire community. For example, a Brownsville, TX health center brought considerable national attention to a growing local controversy, reported in the New York Times and on ABC's Prime Time Live, involving the center's report of an abnormally high number of births to babies with severe anencephaly and a possible connection to certain airborne toxins being emitted from nearby chemical plants. Here, obviously, the center is serving both as an information source and as an advocate for its community.

Generating action in response to community needs, even in case where those needs might not appear to be health-related. Whether it is the affordable, low income housing developed by health centers in Boston and Wood River, RI, or the community water supply and sewer systems spawned by centers in Beaufort County, SC, and the lower Rio Grande Valley of Texas, health centers all over the country have played key roles in organizing their communities to address pressing local needs.

Providing jobs and meaningful employment for community residents. In particular, when respected community people are employed and trained by the health center as outreach or community health workers, or as patient advocates, or in any of the dozens of clinical and administrative positions, it can be the start of a long and rewarding health career. Many health center directors today are community residents who have worked their way up the ladder at the health center over the past 15 or 20 years. Employees with the longest tenure at health centers—often dating back to the center's founding—are local community residents. One such person recently stated, "It's been a wonderful experience, working at a great place like a health center, serving the community and helping my neighbors and friends—and being paid a decent salary to boot!"

Serving as a source of information and inspiration—complete with role models—for the community's youth, encouraging them to pursue a health professions career, and showing them how (and where) they could put that professional training to good use by coming back to serve their old neighborhood or town. Dr. Jack Geiger, one of the founding fathers of the health center movement, recently spoke of what he saw as the real successes of one of the country's first centers, in Mound Bayou, MS. In doing so, he noted that the center had either trained or assisted in helping to train the county's first black sanitarian, several of the physicians now working at the health center, and literally dozens of other professionals working there and at other centers across the country.

Serving as an "anchor" in their communities, helping by their presence to attract or retain other local businesses—including other physicians, diagnostic services, pharmacies or other health providers—or to bring in other forms of community or economic development. In a very real sense, many health centers have played pivotal roles in sustaining a sense of "community" in neighborhoods or towns that otherwise might well have completely disintegrated, giving its residents a feeling of pride and a "can-do" attitude, which in turn has led to significant neighborhood or community revitalization.

Thus, the critical, distinguishing factor that separates the health center model of community empowerment from other, less successful models, is that the community has been directly involved in virtually every aspect of the center's operations—from setting policy to staffing vital services, from providing information on community needs to determining whether the center is properly responding to those needs, and, in turn, the health centers have become an integral part of their communities—providing meaningful jobs for local residents, a means to attract other businesses and other forms of community/economic development, information and opportunities for pursuing health professions careers, a base for community advocacy and action, and a source for developing community leaders and giving them recognition and stature in the community. The greater the degree of community involvement in the health center, the greater the center's role and strength as a vital part of the community itself.

Today, we are in the midst of sweeping changes in the way health care is both financed and delivered, all across the country. As the numbers of uninsured have reached levels not seen since before the creation of Medicare and Medicaid, and as health care costs continue to skyrocket, health care has reached the "hot button" level as a public policy issue. The growth in HMOs, PPOs, institutional networks, financing bureaucracies, consolidated services, hospital closings and transitions, self-funded insurance plans—all these thing point to major, fundamental shifts in our health care system. By the end of the decade, there will be no more Marcus Welbys, even in group practice form. Every provider—physician, dentist, midlevel—will work for "the man". For us, the big question is who will "the man" be? Will it be the government, an HMO, an institutional network—or the community.

The health center model is our last, best hope for community-directed, community-responsive health care. Health centers may well be the closest things to Marcus Welby in the 21st century—the last real opportunity for the community to have a voice in how its health care system functions and meets their needs. We in the health center movement—yes, we still see it as a movement—have our plan, our Access 2000 plan, to bring top quality health care to all 43 million medically underserved Americans by the turn of the century. It's a hefty order, to be sure, but we are committed to that vision, that struggle; and yet, we cannot succeed without an equally committed band of health professionals—and we need to find and train them in record numbers, if we are to have any chance at success. As our health center movement expands and grows, we will continue to need the best and brightest clinicians, to provide care and leadership.

Mr. TOWNS. Mr. Speaker, I rise to day to urge my colleagues to support Community, Migrant and Homeless Health Centers and other community-based providers that comprise successful models for health care delivery across this Nation.

Community health centers benefit the residents and the areas where they are located in many ways. First, with the partnerships between business, government and the people, community residents have a greater sense of control over the quality of health care and the means of gaining health care. This is particularly shown in the health centers that are governed by consumer boards. These boards, where more than half of the board members are patients, represent the community served and give local residents a voice regarding the programs and center's services. With community representation on these boards, responsiveness is no longer a concern—who best knows what services communities need than the people who reside in the community?

Second, health centers service communities which are traditionally and chronically underserved. Often, the inner cities, migrant farmworker communities, and isolated rural areas benefit greatly from these health care services. These often forgotten populations also now have access to quality managed care; health centers provide comprehensive primary and preventive health care. All patients, especially women with their particular health care concerns, can look forward to up-to-date yearly medical exams. We know that the key to health care is taking preventative measures. With community health centers, we can do this by low-income seeing patients early and regularly.

Finally, health centers save money. In total, they provide cost-effective, high-quality health care. The total costs for patients are on average 30 percent lower than for other providers serving the same populations.

Mr. Speaker, I urge my colleagues to support community health centers. In my district these centers have played a vital role, as I am sure they have done in other districts, and we should support them as they continue to support our communities.

IN SUPPORT OF OXI DAY

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. PAPPAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAPPAS. Mr. Speaker, today we celebrate Oxi Day which symbolizes the absolute refusal of the Greek people to succumb to Mussolini's Fascist Italy during World War II.

In August 1940, Mussolini accused Greece of supporting Britain and demanded that she renounce the agreement of neutrality with the Allies. In that same month, the Greek Naval Cruiser *Elli* visited the island of Tinos during its highest religious holiday, paying a visit to the famous holy shrine there. In a sneak attack, the Italians torpedoed and sank the ship in the harbor. Mussolini also massed more than 150,000 troops on the Albanian border, and the Greek government was only able to place about half that number of its own ready to oppose them. In that tense condition on October 28, 1940, at the undignified hour of 3 a.m., the Italian Ambassador delivered an ultimatum from Mussolini to the Greek government set to expire at 6 a.m. that very same day. The Greek Prime Minister's response was oxi, which means "no" in Greek. The Italian army was well supplied, fully equipped and supported by state-of-the-art air and naval power. They, the Italians, were expected to overrun the Greeks within a short time. Yet before its expiration and without waiting for an official reply, Italian troops invaded Greece across the Albanian border.

Mussolini had expected an easy victory. His troops had penetrated less than 20 miles into Greek territory against light resistance when the Greeks counterattacked. In spite of the cold and snow in that mountainous region, by the end of 1940 and early 1941, the Greeks had fought their way into Albania and by March, about one-third of Albania was in Greek hands. Hitler did not wait for the outcome. In mid-December 1940, he issued a directive launching Operation Mantra to mass German divisions in pro-Axis Romania and then move across the territory of another partner and into Greece if necessary.

The Greek army now had to face the powerful German war machine which was relentless. By the end of April 1941, Greece fell, and the Greek government fled to the island of Crete.

Crete became the next target for the Germans. While this large Greek island was difficult to assault, its strategic position in the Mediterranean made this action necessary. The two poorly equipped Greek divisions were reinforced by British troops. Germany attacked with an awesome force of 600 aircraft and 20,000 crack parachutists and glider borne troops. By the end of May, the Germans were victorious but had lost 7,000 of their men in their fierce fighting against a loss of about 3,000 British and Greek soldiers. Several thousand Cretan civilians were killed in the fighting and reprisals by the Germans on a determined and courageous population defending their homeland was what could follow.

But the real loss to Germany was time. The Greek invasion had used up nearly 2 precious months during which time Hitler's Operation Barbarossa, the attack on Russia, was delayed. The troops ran into the dreadful Russian winter at the end of the year before they could win their hard-fought campaign, resulting in appalling losses and contributing to the ultimate defeat of Germany.

Greece suffered a great famine in 1941 and 1942, under harsh conditions brought about by the combined German, Italian and Bulgarian occupation. It is estimated that more than 300,000 Greeks died of famine. Resistance by Greek partisans also cost thousands of civilian lives in hostile actions and reprisals.

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The attack by Mussolini's Italy against Greece on October 28, 1940, was the result of the imperialist and expansionist tendencies of Mussolini's fascist regime. The motives were strategic as well as political. Mussolini's ambition was by invading the strategically-located Greece and the Aegean Islands, especially Crete, to balance the German initiative. Until that move, the Italian initiative was almost nonexistent. Mussolini needed a victory desperately in order to share power with Hitler, who seemed to be the sole and uncontested leader of the Axis alliance.

Although Greece could have remained neutral or simply opened the borders and allowed the Axis forces to march in, instead she chose to stand up and fight by defending the ideals of democracy, freedom and dignity.

The Greek Army fought an enemy which was superior in numbers, arms and technology. The Greek Army was superior though in spirit, enthusiasm and determination. With the full support of the Greek people, the Greek Army performed one of the most unexpected miracles of modern military history by beating one of the best-equipped and trained armies of that time, Italy.

The heroism of the Greek people, up against unbelievable odds, was the first glimmer of hope for freedom-loving people for the Allies. Americans of Greek descent, in fact, all Americans, can take pride in the sacrifice made by Greek people 57 years and one day ago. While they were defending their country, in reality they helped save Europe and the rest of the free world.

What I have said is fact, not fable. I believe it is important to speak about this because Greece's actions show the world that Greece is an ally that can be counted on through thick and thin, is an ally that fights for principle, no matter what the odds.

Finally, Mr. Speaker, I find it ironic that we are discussing the importance of Oxi Day to the free world when we have two brutal leaders who reject democracy visiting our country. The Premier of China will get a 21-gun salute and be welcomed with open arms by some, despite the well-documented human rights violations, religious persecution, and economic sabotage of the Chinese Government. Moreover, the leader of the invaded area of Northern Cyprus will be in Washington in a desperate attempt to try to find legitimacy to an illegal government created by illegal occupation.

I hope the lessons of Oxi Day and fighting for what is right and standing up to aggressive dictators will not be lost by the world community as these dictators visit our Nation's Capital.

Mr. Speaker, I see that I am joined by my colleague, the gentleman from New Jersey [Mr. PALLONE], and would like to yield to him.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for yielding. I just want to thank my colleague from New Jersey [Mr. PAPPAS] for organizing this special order tonight. I was not here when the gentleman began, so I do not want to repeat what he has already said. But I did want to say that I am proud to join with the gentleman in paying tribute to this great moment in the history of the 20th century, which receives far too little recognition in many of our history texts about World War II.

Throughout history, the Greek people have been champions of freedom and self-determination, and their heroic actions against the forces of Hitler and Mussolini were instrumental in defeating fascism in the 20th Century. I am sure the gentleman mentioned about how when Greece entered the war on the side of the Allies when the country was invaded by Mussolini's forces, that exactly 57 years ago today on the morning of October 28, 1940, the Italian Minister in Athens presented an ultimatum to Greek Minister Metaxas demanding unconditional surrender. The Prime Minister response to this unacceptable demand was as simple as it was eloquent, "Oxi,", or Greek for "No." The Prime Minister and the King both went on the radio that morning to rally the Nation, and a general mobilization was declared.

Mussolini's forces invaded Greece on that fateful day, but there was a very spirited resistance from the Greek people, and then the Greek Army actually launched a counteroffensive, driving the invaders back into Albania. Of course, Hitler's forces eventually came into the war and subdued Greece, but not without significant resistance. In May of 1941, when the Nazis launched an airborne invasion on the Island of Crete on a scale unprecedented in history, the Germans again had to fight a very significant resistance, probably one of the greatest resistances in the whole history of World War II.

I just wanted to say, if I could, to my colleague and to those who are listening this evening, that the heroism with which the Greek people fought essentially delayed Hitler's planned invasion of Russia by about three months, and essentially made it possible ultimately for the Allies to win the war, and made it more difficult for Germany to expand the areas that it sought to conquer.

The Greek resistance movement also continued for four years during the war, and they suffered horrendously for their resistance. The Germans executed thousands of civilians and randomly decimated entire towns, villages and communities. I know that in my district, in Asbury Park, a few years ago I went to a commemoration, I do not remember the details, but a commemoration of one of the smaller towns in Greece that was just totally annihilated, every man, woman and child was killed.

I think we have to resolve that to ensure that the Greeks who fought this resistance movement did not suffer in vain. It is important for us to bring it to the attention of our colleagues and to the American people that we never forget the role the people of Greece played in defeating fascism, and that is why I am very proud this evening to be joining with my colleague from New Jersey in this special order.

Mr. Speaker, I am proud to join with the gentleman from New Jersey [Mr. PAPPAS] and my other colleagues this evening in paying tribute to a great moment in the history of the 20th century which receives far too little recognition in many of our history texts about World War II. Throughout history, the Greek people have been champions of freedom and self-determination. Their heroic actions against the forces of Hitler and Mussolini were instrumental in defeating fascism in the 20th century.

On October 28, 1940, Greece entered the war on the side of the Allies when the country was invaded by Mussolini's forces, as part of an attempt by the Axis powers to seal off the Balkans from the south in support of Hitler's invasion of Russia. Exactly 57 years ago today, on the morning of October 28, 1940, the Italian Minister in Athens presented an ultimatum to Greek Prime Minister Metaxas demanding unconditional surrender. The prime minister's response to this unacceptable demand was as simple as it was eloquent: "Oxi," Greek for "No." The Prime Minister and the King both went on the radio that morning to rally the nation, and a general mobilization was declared.

Mussolini's forces invaded Greece on that fateful day. Despite their technological superiority, the Fascist invaders faced spirited resistance from the Greeks. On November 14, the Greek Army launched a counter-offensive, driving the invaders back into Albania. In February 1941, the Italian Army launched further attacks, but tough resistance and a harsh winter nullified many of these efforts; a second Italian offensive in March of '41 similarly met with strong Greek opposition. Finally, the Nazi German war machine was mobilized in an effort to rout the Greek opposition, both on the mainland area of Greece and on the island of Crete—in an effort to fulfill Hitler's ominous promise to "make a clean sweep in the Balkans."

It took Hitler's forces some five weeks, until the end of April, to subdue Greece. In May of 1941 the Nazis launched an airborne invasion of Crete on a scale unprecedented in history. With lightning speed, the Germans dropped some 20,000 troops on the island by air; in addition, the Germans and Italians launched a land invasion, sending troops by sea from the occupied Greek mainland. The ensuing battle put up by the people of Crete and other Allied forces against the superior Nazi war machine was one of the most significant of World War II. And though the Germans won the battle and took the island, they did so at the highest possible cost—they would eventually lose the war. Karl Student, the Nazi General in charge of the invasion, called the battle "the fiercest struggle any German formation had ever had to face . . ." The German High Command would never again attempt an operation of that size.

The heroism with which the Greek people fought delayed Hitler's planned invasion of Russia by three months. There were heavy losses on both sides. Strengthened by the knowledge that they were defending a concept—democracy—that had originated from their homeland, Greek civilians, including women, children and the elderly, joined the battle against the Fascists, suffering terrible losses, but also inflicting serious damage on their enemies. The Greek resistance movement for the remaining four years of the war zealously fought the occupying Nazi force. They suffered horrendously for their resistance; the Germans executed thousands of civilians and randomly decimated entire towns, villages and communities. Let us resolve, Mr. Speaker, to ensure that they did not suffer in vein.

We here in Congress should do our best to ensure our citizens never forget the role the people of Greece played in defeating fascism. Indeed, we honor ourselves by honoring not only a Prime Minister, but an entire people who dared to say "Oxi," "No," in the face of a seemingly overwhelming enemy.

Mr. PAPPAS. I thank the gentleman from New Jersey and appreciate his support for these important issues.

Mr. Speaker, we in our country are very fortunate to live in a country that is free, and special orders such as this are certainly significant to what our country was founded upon. I also view this as an educational process for those that may be viewing this around the country, even around the world, that can learn a little bit about the significance of October 28, 1940.

Mr. Speaker, 54 years before Oxi Day, October 28th in 1886, the Statue of Liberty was dedicated. I would just like to quote a saying, a phrase or a series of words that are associated with the Statue of Liberty which I think are appropriate to reiterate here as we commemorate Oxi Day. "Give me your tired, your poor, your huddled masses, yearning to breathe free; the wretched refuse of your teaming shore; send these, the homeless, tempest-tossed to me. I lift up my lamp beside the golden door."

Mr. Speaker, we as citizens of this wonderful country owe a great deal, I believe, to the Greek people. Certainly freedom and democracy around the world owe so much to the Greek people who said "Oxi," who said "No," on October 28, 1940.

Mr. BILIRAKIS. Mr. Speaker, it is an honor to join my friend and colleague from New Jersey, Congressman MIKE PAPPAS, to commemorate "oxi" day. The historical significance of this day and what it meant to the outcome of World War II cannot be overstated.

By October 1940, World War II had begun, and the Nazi war machine was already in high gear. Along with Hitler's ally Mussolini, the German and Italian forces were threatening the whole of Europe. European nations were bowing to tyranny and destruction as the Germans and the Italians marched through Europe.

Great Britain endured Germany's aerial bombardment, forcing Hitler to seek another avenue to subdue the British. Hitler intended to eliminate British operations in the Mediterranean in order to weaken their ability to deter German advances.

To achieve this, Hitler needed the axis powers to strike at British forces from Greece. By conquering Greece, Hitler would gain access to an important connecting link with Italian bases in the Dodecanese (Do-de-ca-nese) Islands. This would give the Italians a strangle hold on British positions in Egypt, where British forces were already facing attack from the Italian Army in North Africa. The British considered the defense of Egypt vital to allied positions in the oil rich Middle East.

On October 28, 1940, the Italian minister in Athens presented an ultimatum to Greek Prime Minister Metaxas (Me-ta-ksas), demanding the unconditional surrender of Greece. Prime Minister Metaxas (Me-ta-ksas) responded with the now historic word "oxi," which means no in Greek. His statement embodied the true spirit of the Greek people. His words of defiance echoed the same devotion and love of country that Greek patriots exhibited during their war of independence against the Ottoman Empire when they shouted the defiant words "Liberty or Death."

Prime Minister Metaxas' (Me-ta-ksas) actions marked the beginning of one of the world's most heroic efforts against tyranny and oppression. After its ultimatum was rejected, it took Italy less than 3 hours to invade Greece.

It is important to note that the population of Greece at the time was only 7 million. On the other hand, Italy's population was 43 million. In addition, the Italian Army had the advantage in military strength and technology.

However, despite their lack of equipment, the Greek army proved to be well-trained and resourceful. Within a week of the invasion, it was clear that Italian forces had suffered a serious set-back, despite having control of the air and fielding superior armored vehicles.

On November 14, the Greek army launched a counter-offensive and quickly drove the Italian forces back into Albania. By December 9, the Greeks had captured the town of Pogradec (Po-gra-des) in eastern Albania. However, a lack of supplies and difficult terrain stalled the Greek march through Albania.

By February 1941, the Italians had launched strong counter-attacks. However, the determination of the Greek army, coupled with the severity of the winter weather, blocked Italy's advances.

In an effort to bring the war to a close before Hitler would intervene, the Italians launched another assault on March 12, 1941. After 6 days of fighting, the Italians had made only insignificant gains, and it became clear that German intervention was necessary.

On April 6, 1941, Hitler ordered the German invasion of Greece. It took the Germans 5 weeks to finally end the conflict.

This delay proved to be critical to the outcome of the war. Italy's inability to capture Greece enabled the British to win major victories against Mussolini's forces in North Africa. This solidified British positions in the region as well as Cyprus. In addition, it contributed to the failure of the German campaign to conquer Russia.

Perhaps most importantly, the Germans never gained the advantage against the British. Although Germany had conquered much of Europe, its inability to decimate British and Russian forces early in the war would eventually prove to be fatal.

Mr. Speaker, "OXI" day is a day that marks defiance against tyranny. As an American of Greek descent and as a lover of freedom, I am proud to honor the memory of those brave patriots who fought for freedom on this important day.

Mr. MANTON. Mr. Speaker, I rise today to commemorate one of the most pivotal events during world War II, Oxi Day. In addition, I thank my colleague, Congressman MICHAEL PAPPAS, for arranging this Special Order to remember this important day.

On October 28, 1940, the Prime Minister of Greece refused to agree with the ultimatum presented to him by the Italian Minister in Athens for the surrender of Greece by stating "OXI", meaning "NO" in Greek. Thereby, resisting and hindering Hitler's plan to invade Russia.

By rejecting this ultimatum, Greece proved its courage, strength, an dedication to preserving democracy. Winston Churchill said it best: "Don't say that Greeks fight like heroes, say that heroes fight like Greeks." The soldiers and statesmen of this great land not only helped Greece and Europe free themselves from the shackles of the swastika, but their actions ensured that the future of democracy and freedom would continue to be strong and grow throughout the world.

Greece is one of only three nations in the world that has allied with the United States in every major international conflict this century. The actions that the Greeks took against the Axis powers, and communist rebels during and after World War II, cost many lives. However, Greece prevailed and emerged as the strong and victorious democracy it is today.

Mr. Speaker, Greeks from around the world are proud of the actions taken by their home country during World War II. I commend those who struggled, fought, sacrificed and lost their lives in the fight to restore and preserve the liberty and democracy Greeks and Greek-Americans enjoy today.

As a member of the Congressional Caucus on Hellenic Issues, I will continue to work to ensure that the people of Greece continue to enjoy the freedoms they have today and will continue to work with my colleagues to bring justice to the people of Cyprus. The human rights abuses taking place on this island go against everything the soldiers and leaders of Greece fought so hard to save and preserve on October 28th, 1940.

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the valiant Greek resistance against the Axis powers during World War II. Greece was the last stronghold in Continental Europe to fall to the Axis.

Today marks the anniversary of the Greek refusal of Mussolini's ultimatum to surrender to Italian forces. On October 28, 1940, the Greek government issued a resounding "OXI," (NO) to the Italian Fascists. A month after the invasion began, the last Italian soldier was driven from Greek soil and the Greek army was fighting Italian Fascist forces in Albania.

The rout of Mussolini's forces in Albania required Hitler to divert valuable troops and arms to invade Greece in April 1941. Nazi forces faced fierce resistance in Crete and Macedonia. The Greek campaign delayed the planned invasion of the Soviet Union by several critical weeks.

The Germans were never able to occupy more than two-thirds of Greece. The Greek national resistance continued fighting in the rugged mountain terrain. Greek civilians and clergy sought to protect Greek Jews from the occupying forces at great personal risk.

Hitler diverted 50 battalions from the Eastern front and North Africa to Greece. In 1943, the Nazis were distracted into believing that the main Allied assault would occur in the Balkans, thereby enabling the Sicilian invasion. Greek Army units in exile also played an important role in the Allied campaign in North Africa.

Mr. Speaker, the resounding "No" Greece sent Mussolini 57 years ago marked the beginning of the valiant Greek resistance to invasion and occupation during World War II. Greece proved itself a faithful ally throughout the war effort with heroism and self sacrifice and at great cost in human lives and suffering.

A VICTORY FOR FAIRNESS AND JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today the House rejected by a convincing margin a motion to instruct the conferees on the Commerce, Justice, State appropriations bill, which would have resulted in thousands of legal immigrants being forced to leave the country. I was proud to join with the majority of Members of the House in opposing this proposal. I rise to express my appreciation for the vote today in this body, which represents a victory for fairness and justice.

The result here in this Chamber today also shows that this body can work together in a bipartisan fashion on sensible and fair legislation to maintain the integrity of our immigration laws, while still keeping the doors of immigration open to those who play by the rules.

Speaking in opposition to the motion offered by the gentleman from California [Mr. ROHRABACHER] was a diverse cross-section of Members from both sides of the aisle, including both the chairman and the ranking Democrat of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations, as well as the chairman of the Committee on International Relations and the Democratic leader. Speaker after speaker, Democrat and Republican alike, cited the indisputable reasons for opposing the motion to instruct and for supporting permanent extension of Section 245(i) of the Immigration and Nationality Act in the Commerce, Justice, State and Judiciary Appropriations legislation.

Mr. Speaker, as we heard during today's debate, Section 245(i) allows certain immigrants who have fallen out of status to have their papers processed here in the United States in order to become permanent residents, rather than forçing them to return to their home country to apply.

Those covered by Section 245(i) must pay a $1,000 fee before obtaining their visa. Last year, these fees generated more than $200 million for the INS, 80 percent of which is earmarked for INS detention purposes.

Mr. Speaker, 245(i) does not change the order in which a person's visa is processed. Contrary to the claims made by some during today's debate, it does not give illegal immigrants the right to live in the United States.

If we had passed the motion to instruct today, we would have torn families apart and deprived many families of their sole source of support. We would have forced the mother of children who are U.S. citizens to be separated from those children. We would have forced children who have grown up in the United States to wait out their applications for permanent residence in countries they barely know, and deprived many businesses, including small businesses of valued employees. We would have lost services of foreign-born doctors, providing much needed care to medically underserved areas, and forced many churches and other houses of worship to lose valued participants, many of whom give their services voluntarily, and we would also have imposed a 30 percent increase in the caseload that our embassies and consulates around the word must deal with.

So I have to say, we have heard strong signals of support for permanent 245(i) from businesses, from churches, from professional organizations, labor unions and community groups. Our State Department has benefited from the $100 million in additional annual revenues, while the reduced caseload in our consular offices overseas has freed up additional resources for providing resources to Americans traveling abroad and to enhanced anti-fraud efforts.

Given the belt tightening we have imposed on the State Department in recent years, it only makes sense to maintain a program that reduces costs and frees up resources. Mr. Speaker, I heard my colleague from New Jersey talk about the Statue of Liberty. We are a Nation of immigrants. The American dream that attracted many of our ancestors still has profound meaning for people from around the world, from Latin America to Africa, from Ireland to the lands of the former Soviet Union, from India to the Far East.

We must guard against illegal immigration and punish those who deliberately violate our immigration laws, but we should not punish those who came here the right way, who played by the rules and who are simply the victims of an innocent mistake or a bureaucratic error.

Permanently extending 245(i) is not only the rational thing to do from an economic standpoint, it was the morally right thing to do. I was proud to vote to defeat the motion to instruct the conferees. This House, Mr. Speaker, can be proud for defeating this motion and for supporting fair and rational immigration law once again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Cubin (at the request of Mr. Armey), from October 21 to the end of the first session of the 105th Congress, on account of medical reasons.

Mrs. Kelly (at the request of Mr. Armey), after 6 p.m. on October 28 and today, on account of medical reasons.

Mr. Yates (at the request of Mr. Gephardt), after 4 p.m. today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Davis of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. Skelton, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Kucinich, for 5 minutes, today.

Mrs. Clayton, for 5 minutes, today.

Mr. Romero-Barceló, for 5 minutes, today.

Mr. McNulty, for 5 minutes, today.

Ms. Pelosi, for 5 minutes, today.

Ms. DeLauro, for 5 minutes, today.

(The following Members (at the request of Mr. Thune) to revise and extend their remarks and include extraneous material:)

Mrs. Morella, for 5 minutes each day, on today and October 30 and 31.

Mr. Saxton, for 5 minutes each day, on today and October 31.

Mrs. Linda Smith of Washington, for 5 minutes each day, on today and October 30 and 31.

Mr. Kingston, for 5 minutes, today.

Mr. English of Pennsylvania, for 5 minutes, on October 30.

Mr. Riggs, for 5 minutes each day, on today and October 30 and 31.

Mr. Smith of Michigan, for 5 minutes each day, on today and October 30 and 31.

Mr. Weldon of Pennsylvania, for 5 minutes, today.

Mrs. Johnson of Connecticut, for 5 minutes, today.

Mr. Thune, for 5 minutes, today.

Mr. Gutknecht, for 5 minutes, today.

Mr. Goss, for 5 minutes, on October 30.

Mr. DeLay, for 5 minutes, today.

Mr. Ewing, for 5 minutes, on October 30.

Mr. Sanford, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. Gingrich and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,055.)

(The following Members (at the request of Mr. Davis of Illinois) and to include extraneous matter:)

Mr. Levin.
Mr. Lipinski.
Mr. Hamilton.
Mr. Barrett of Wisconsin.
Mr. Stark.
Mr. Kind.
Mr. Rothman.
Mr. Ortiz.
Mr. Deutsch.
Mr. Kennedy of Massachusetts.
Mr. Kucinich.
Mr. Lantos.
Mr. Payne.
Mr. Skelton.
Mr. Dellums.
Mr. Pascrell.
Mr. Visclosky.
Mr. Blagojevich.
Mr. Stokes.

(The following Members (at the request of Mr. Thune) and to include extraneous matter:)

Mr. Shaw.
Mr. Solomon.
Mr. Cunningham.
Mr. Thomas.
Mrs. Morella.
Mr. Gallegly.
Mr. Gingrich.
Mr. Sensenbrenner.
Mr. Smith of Michigan.
Mr. Shaw.
Mr. Bliley.
Mr. Bob Schaffer of Colorado.
Mr. Young of Florida.

(The following Members (at the request of Mr. Pappas) and to include extraneous matter:)

Mr. Johnson of Wisconsin.
Mr. Luther.
Mr. Dixon.
Mr. English of Pennsylvania.
Mr. Smith of New Jersey.
Mr. Barcia.
Mr. Riley.
Mr. Portman.
Mr. Baker.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, pursuant to House Resolution 286, I move that the House do now adjourn in memory of the late Honorable Walter H. Capps.

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes p.m.), pursuant to House Resolution 286, the House adjourned until tomorrow, Thursday, October 30, 1997, at 10 a.m. in memory of the late Honorable Walter H. Capps of California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5675. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—APHIS Policy Regarding Importation of Animals and Animal Products [Docket No. 94-106-8] (RIN: 0579-AA71) received October 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5676. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Section 251(a)(7)), as amended by the Budget Enforcement Act of 1997; to the Committee on the Budget.

5677. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 9 of the Communications Act; Assessment and Collection of Regulatory Fees for Fiscal Year 1997 [MD Docket No. 96-186] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5678. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Nutrient Content Claims: Definition for "High Potency" and Definitions of "Antioxidant" for Use in Nutrient Content Claims for Dietary Supplements and Conventional Foods; Correction [Docket Nos. 95N-0245, 95N-0282, and 95N-0347] (RIN: 0910AA59) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5679. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–111–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5680. A letter from the President, Institute of American Indian Arts, transmitting the consolidated report for FY 1997 covering both the annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5681. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Fellowship and Similar Appointments in the Excepted Service (RIN: 3206–AH91) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5682. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting the FY 1997 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5683. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod [Docket No. 961107312–7021–02; I.D. 101697B] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5684. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Business Expenses [Revenue Procedure 97–52] received October 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 2645. A bill to make technical corrections related to the Taxpayer Relief Act of 1997 and certain other tax legislation; with amendments (Rept. 105–356). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 288. Resolution providing for consideration of the bill (H.R. 2746) to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children and for consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools (Rept. 105–357). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself and Mr. Hinchey):

H.R. 2757. A bill to impose a moratorium on increases in the rates charged for cable television service, to require the Federal Communications Commission to conduct an inquiry into the causes of such increases and the impediments to competition, and for other purposes; to the Committee on Commerce.

By Mr. HOEKSTRA (for himself, Mr. Frank of Massachusetts, Mr. Collins, Mrs. Maloney of New York, Mr. Hilleary, Mr. Schumer, Mr. Coble, Mr. Clay, Mr. Bartlett of Maryland, Mr. Hamilton, Mr. Deal of Georgia, Mr. Torres, Mr. Manzullo, Mr. DeFazio, Mr. Stump, Mr. Ehlers, Mr. Oxley, Mr. Hefley, Mr. Taylor of North Carolina, Mr. Ewing, Mr. Upton, Mr. Everett, Mr. English of Pennsylvania, Mr. Chambliss, Mr. Linder, Mr. Nethercutt, Mr. Crane, Mr. Riggs, Mr. Hostettler, Mrs. Emerson, Mr. Bilbray, Mr. Burr of North Carolina, Mr. Knollenberg, and Mr. Ballenger):

H.R. 2758. A bill to amend title 18, United States Code, to minimize the unfair competition for Federal contracting opportunities between Federal Prison Industries and private firms (especially small business concerns), to provide to Federal agencies in their dealings with Federal Prison Industries the contract administration tools generally available to assure quality performance by their other suppliers, and for other purposes; to the Committee on the Judiciary.

By Mr. RUSH:

H.R. 2759. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself, Mr. Tanner, Mr. Young of Alaska, Mr. Chambliss, Mr. Peterson of Minnesota, Mr. Hunter, Mr. Lewis of California, Mr. John, Mr. Metcalf, Mr. Norwood, Mr. Barr of Georgia, Mr. Gibbons, Mrs. Cubin, Mr. Boyd, and Mr. Pombo):

H.R. 2760. A bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities; to the Committee on Resources, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mrs. Lowey, Ms. Norton, Ms. Furse, Ms. Pelosi, Mr. Lantos, Mr. Meehan, Mr. Filner, Mrs. Maloney of New York, Mr. Delahunt, Mr. Nadler, Mr. Olver, Mr. Schumer, Ms. Rivers, Ms. Velazquez, Mr. Kennedy of Rhode Island, and Mr. Wynn):

H.R. 2761. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 2762. A bill to amend the Federal Water Pollution Control Act to improve the protection of the Nation's wetlands and watersheds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOSS:

H.R. 2763. A bill to provide that an annual pay adjustment for Members of Congress may not exceed the cost-of-living adjustment in benefits under title II of the Social Security Act for that year; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself and Mr. Meehan):

H.R. 2764. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax rate on tobacco products and deposit the resulting revenues into a Public Health and Education Resource Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILLIARD:

H.R. 2765. A bill to amend the Internal Revenue Code of 1986 to specify certain circumstances that give rise to affiliation or control of a nonprofit organization by a for-profit organization for purposes of denying eligibility for the low-income housing tax credit; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. Portman, Mr. Hall of Ohio, Mr. Gillmor, Mr. Strickland, Mr. Boehner, Mr. Kucinich, Mr. Stokes, Mr. Brown of Ohio, Ms. Pryce of Ohio, Mr. Traficant, Mr. Ney, Mr. Oxley, Mr. Kasich, Mr. Sawyer, Mr. Regula, Ms. Kaptur, Mr. Hobson, and Mr. Chabot):

H.R. 2766. A bill to designate the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building"; to the Committee on Government Reform and Oversight.

By Mrs. MORELLA (for herself, Mr. Davis of Virginia, and Mr. Moran of Virginia):

H.R. 2767. A bill to provide additional compensation for members of the Metropolitan Police Department and Fire Department of the District of Columbia, the United States Secret Service Uniformed Division, and the United States Park Police who carry out certain technical or hazardous duties, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SANFORD:

H.R. 2768. A bill to provide for the retirement of all Americans; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Rules, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself, Mr. Meehan, Mr. Nadler, Mr. McDermott, Ms. Lofgren, Mr. Menendez, Mrs. Morella, Mr. Berman, Ms. Kilpatrick, Mr. Gutierrez, Mr. Barrett of Wisconsin, Ms. Furse, and Mr. Blagojevich):

H.R. 2769. A bill to ensure that background checks are conducted before the transfer of a handgun by a firearms dealer; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 2770. A bill to amend the Tariff Act of 1930 to provide for a deferral of the duty on large yachts imported for sale at boat shows in the United States; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 2771. A bill to amend the Harmonized Tariff Schedule of the United States relating to the definition of raw value for purposes of raw sugar import tariff rate quota; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 2772. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Commerce, and in addition to the Committees on International Relations, Banking and Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINDA SMITH of Washington (for herself, Mr. Wolf, Ms. Pelosi, Mr. Smith of New Jersey, Mr. Gejdenson, Mr. Weldon of Florida, Mr. Solomon, Mr. Gilman, Mr. Hyde, Mr. Cox of California, and Mr. Tiahrt):

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Bilirakis, Mrs. Maloney of New York, Mr. Porter, Mr. Engel, Mr. Menendez, Mr. Sherman, Mr. Rush, and Mr. Pappas):

H. Con. Res. 181. Concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on International Relations.

By Mr. FAZIO of California:

H. Res. 286. A resolution expressing the condolences of the House on the death of the Honorable Walter H. Capps, a Representative from the State of California; considered and agreed to.

By Mr. GALLEGLY (for himself and Mr. Ackerman):

H. Res. 289. A resolution expressing the sense of the Congress that a renewed effort be made to end the violent guerrilla war in Colombia, which poses a serious threat to democracy in regions of Colombia as evidenced by the results of the recent October 26, 1997, elections; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of October 28, 1997]

H.R. 2009: Ms. Rivers and Mr. Engel.

[Submitted October 29, 1997]

H.R. 12: Mr. Ford and Mr. Towns.

H.R. 367: Mr. Bilbray and Mr. Pombo.

H.R. 372: Mr. Towns, Mr. Peterson of Minnesota, Mr. Filner, Mr. DeFazio, and Mr. Martinez.

H.R. 453: Mr. Fox of Pennsylvania, Mr. Dicks, Ms. Eshoo, Mr. Sabo, and Mr. Frelinghuysen.

H.R. 475: Mrs. Northup.

H.R. 693: Mr. Goss and Mr. Goode.

H.R. 696: Mrs. Lowey.

H.R. 768: Mr. Tiahrt.

H.R. 815: Mr. Roemer and Mr. Hall of Texas.

H.R. 820: Ms. DeLauro.

H.R. 875: Mr. Bilirakis.

H.R. 979: Mr. Borski and Mr. Spence.

H.R. 991: Mr. Pallone.

H.R. 1023: Mr. Nussle and Mr. Kennedy of Rhode Island.

H.R. 1146: Mr. Aderholt.

H.R. 1147: Mr. Goode.

H.R. 1200: Ms. Rivers.

H.R. 1232: Mr. Stokes, Mr. English of Pennsylvania, Ms. Norton, Mr. Souder, and Ms. Kilpatrick.

H.R. 1289: Mrs. Northup, Mr. Filner, Ms. Dunn of Washington, Ms. Harman, Mr. Scott, Mr. LaTourette, and Mr. Strickland.

H.R. 1329: Mr. Kildee and Mr. McGovern.

H.R. 1376: Mr. Kennedy of Rhode Island.

H.R. 1390: Mr. Bentsen.

H.R. 1404: Mr. Watt of North Carolina, Ms. Stabenow, Mr. Gejdenson, and Ms. Hooley of Oregon.

H.R. 1415: Mr. Hinojosa, Mr. Blagojevich, Mr. Cannon, and Mr. Petri.

H.R. 1481: Mr. Gillmor.

H.R. 1521: Mr. Bilbray, Mr. Bono, and Ms. Furse.

H.R. 1524: Mrs. Kelly and Mr. Paxon.

H.R. 1531: Mr. Schumer.

H.R. 1541: Mr. Stickland.

H.R. 1608: Mr. Pallone, Mr. Pitts, Mr. Norwood, Mr. Stupak, and Mr. McGovern.

H.R. 1628: Mr. Scott.

H.R. 1727: Ms. DeLauro.

H.R. 1753: Ms. Waters.

H.R. 1754: Mr. Delahunt.

H.R. 1813: Mr. Evans, Mr. Clyburn, Mr. Poshard, Mr. Abercrombie, and Mr. Allen.

H.R. 1836: Mr. Allen.

H.R. 1883: Ms. Millender-McDonald.

H.R. 2072: Mr. Largent.

H.R. 2095: Mr. Christensen.

H.R. 2103: Mr. Moran of Kansas.

H.R. 2121: Mr. Shays.

H.R. 2130: Mr. Sandlin, Mr. Martinez, Mrs. Thurman, and Mr. Jackson.

H.R. 2174: Mr. Burr of North Carolina, Mr. Sherman, Mr. Abercrombie, Mr. Sandlin, and Mr. DeFazio.

H.R. 2183: Mr. Traficant.

H.R. 2185: Mr. Vento.

H.R. 2224: Ms. Slaughter.

H.R. 2257: Mr. Vento.

H.R. 2263: Mr. Diaz-Balart, Mr. Cooksey, and Mr. Dingell.

H.R. 2292: Mr. Forbes.

H.R. 2321: Mr. Ney and Mr. Pickett.

H.R. 2349: Ms. Waters.

H.R. 2380: Mr. Frelinghuysen.

H.R. 2382: Mr. McGovern and Ms. Christian-Green.

H.R. 2428: Mr. Bonior, Mr. Faleomavaega, Mr. Evans, Ms. Woolsey, Mr. Manton, Mr. Poshard, Mr. Minge, and Mr. Torres.

H.R. 2456: Mr. Rahall and Ms. Stabenow.

H.R. 2474: Mr. Metcalf, Ms. Granger, and Mr. Boswell.

H.R. 2489: Ms. Furse, Mr. Whitfield, Mr. Baesler, Ms. Hooley of Oregon, and Mrs. Chenoweth.

H.R. 2524: Mr. Torres, Mrs. Thurman, and Ms. Danner.

H.R. 2560: Mr. Salmon, Mr. Torres, Mr. Jefferson, Mrs. Linda Smith of Washington, Mr. Davis of Virginia, Mrs. Thurman, Mr. Watt of North Carolina, Mr. Faleomavaega, Mr. Ortiz, Mr. Davis of Illinois, Ms. Jackson-Lee, Mr. Clement, Mr. Ford, and Mr. Rangel.

H.R. 2609: Mr. Hastings of Washington, Mr. Nethercutt, and Mr. Hostettler.

H.R. 2611: Mr. Istook.

H.R. 2625: Mr. Hutchinson, Mr. Upton, Mr. Ehrlich, Mr. Hastings of Washington, and Mr. Bonilla.

H.R. 2626: Mr. Costello.

H.R. 2668: Mr. Neumann, Mr. Cooksey, Mr. Cunningham, and Mr. Barton of Texas.

H.R. 2670: Mr. Pappas.

H.R. 2671: Mr. Nethercutt.

H.R. 2693: Mrs. Meek of Florida, Mr. Rothman, Ms. Millender-McDonald, Mr. Martinez, and Mr. Lampson.

H.R. 2695: Mr. Filner, Ms. Kilpatrick, and Mr. Frost.

H.R. 2709: Ms. Harman, Mr. Shays, Mr. Lewis of California, Mr. Burr of North Carolina, Mr. Lazio of New York, Mr. Smith of New Jersey, Mr. Hoyer, Mr. Peterson of Minnesota, Mr. Young of Alaska, Mr. Kucinich, Mr. Meehan, Mr. Nadler, Mr. Cardin, Mr. Thomas, Mr. Blagojevich, Mr. Bentsen, Mr. Knollenberg, Mr. Bilirakis, Mr. Ford, Mr. Hostettler, Mr. Kasich, Mr. LaTourette, Mr. Farr of California, Mr. Porter, Mr. Cooksey, Mr. Costello, Mr. Wynn, Ms. Woolsey, Mr. Doolittle, Mr. Sanford, Mr. Shadegg, Mrs. Morella, Mr. Rodriguez, Mr. Stupak, and Mr. Berman.

H.R. 2717: Mr. Farttah and Mr. Davis of Virginia.

H.R. 2739: Mr. DeLay.

H.R. 2741: Mr. Packard, Mr. Pombo, and Ms. Sanchez.

H. Con. Res. 107: Mr. Davis of Virginia.

H. Con. Res. 127: Mr. Cramer, Mr. Luther, and Mr. Bachus.

H. Con. Res. 152: Mr. Lipinski, Mr. Lazio of New York, and Mr. Pappas.

H. Con. Res. 156: Mr. Brown of Ohio, Ms. Woolsey, and Mr. Faleomavaega.

H. Con. Res. 172: Mr. Bereuter and Mr. Faleomavaega.

H. Res. 211: Mr. Hobson, Mr. Kim, Mr. Moran of Kansas, Mr. Petri, Mr. Stupak, Mr. Taylor of North Carolina, and Mr. Wicker.

H. Res. 231: Mr. Faleomavaega.

H. Res. 247: Mr. Luther.

H. Res. 267: Mr. Snowbarger, Mr. Brady, Mr. Coble, Ms. Pryce of Ohio, Mr. Hastings of Florida, Mr. Diaz-Balart, Mr. Gillmor, Mr. Crapo, Mr. Dreier, Mr. Oxley, Mr. Wicker, Mr. Hastings of Washington, Mr. Shays, Mr. Packard, Mr. Graham, Mr. Aderholt, Mr. English of Pennsylvania, and Mrs. McCarthy of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2527: Ms. DeLauro.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2493

OFFERED BY: MR. MILLER of California

[Substitute Amendment to the Smith (OR) Amendment]

[Page & line nos. refer to Union Calendar Print of H.R. 2493, the amendment in the nature of a substitute recommended by the Committee on Resources].

AMENDMENT NO. 12: In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) FEE FOR FOREIGN-OWNED OR CONTROLLED GRAZING PERMITS OR LEASES.—In the case of a grazing permit or lease held or otherwise controlled in whole or in part by a foreign corporation or a foreign individual, the fee shall be equal to the higher of the following:

(A) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the land covered by the grazing permit or lease are located:

(B) The average grazing fee (weighted by animal unit months) charged for grazing on private lands in the State in which the lands covered by the grazing permit or lease are located.

H R. 2493

OFFERED BY: MR. MILLER of California

[Page & line nos. refer to Union Calendar Print of H.R. 2493, the amendment in the nature of a substitute recommended by the Committee on Resources].

AMENDMENT NO. 13: In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) FEE FOR FOREIGN-OWNED OR CONTROLLED GRAZING PERMITS OR LEASES.—In the case of a grazing permit or lease held or otherwise controlled in whole or in part by a foreign corporation or a foreign individual, the fee shall be equal to the higher of the following:

(A) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located:

(B) The average grazing fee (weighted by animal unit months) charged for grazing on private lands in the State in which the lands covered by the grazing permit or lease are located.

H.R. 2616

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 2: Beginning on page 7, strike line 1 and all that follows through page 8, line 21.

H.R. 2616

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 3: Beginning on page 8, line 5, strike "State law regarding charter schools" and insert "enabling State statute".

Beginning on page 8, line 9, strike "State law regarding charter schools" and insert "enabling State statute".

Beginning on page 8, line 14, strike "State law regarding charter schools" and insert "enabling State statute".

Page 8, line 17, strike "to determine" and all that follows through "charter" on line 21.

Page 14, strike line 5, and insert "enabling State statute;".

Page 21, line 3, strike "specific" and insert "enabling".

Page 21, line 4, strike "charter school".

EXTENSIONS OF REMARKS

FIGHTING THE SCOURGE OF DRUGS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following speech by Mayor Rudolph Giuliani. Mayor Giuliani's statement is an excellent example of how our country's leaders need to be bold and aggressive in fighting the scourge of drugs. We have lost too many battles due to the apathy of leaders loaded with excuses. It is time to engage the enemy. It is time to win the war:

REMOVING DRUGS FROM OUR NEIGHBORHOODS AND SCHOOLS

(By Mayor Rudolph W. Giuliani)

As we move toward the new millennium, we as New Yorkers can take pride in the fact that our great City has regained its true stature as the Capital of the World. Our crime rate is at levels not witnessed since the 1960s, tourism in the City is at historic levels and our streets and parks are the cleanest in recent memory.

Four years ago, few would have dreamed, much less believed that these strides were possible. In fact, New York City, like other American cities, was essentially written off as a symbol of urban decay. Yet we have proven the cynics wrong and shown what is possible. We did it by refusing to accept the notion that had pervaded City government for far too long—one of resignation and acceptance of the social and political problems that faced them. We saw these same problems as a challenge to our creativity, our courage and our intelligence—challenges to do better and improve the situation for all New Yorkers.

We recognized that the role of government is to allow its citizens to live productive, accountable lives so that they can realize the promise of independence and the satisfaction of living in a democratic society. Just a few days ago I spoke at the John F. Kennedy School of Government and explained how the use of principles of accountability have made it possible for us to reduce crime, reform welfare, restore jobs and improve schools.

We must now use that same philosophy, creativity and commitment to confront our biggest problem today, namely, drug abuse.

Removing drugs from our neighborhoods and our schools may sound like an unreachable and perhaps unrealistic goal—but many said the same thing about the goals we set for ourselves four years ago in the areas of crime, welfare, jobs and education to name a few—and we proved them wrong.

The fact is that we cannot turn our back on this ever growing problem and we must resolve to challenge ourselves to address it. Without such a resolve we will only continue to bear the burdens of drugs, their attendant violence, their enormous cost to society and the lost and wasted lives.

FACTS OF SUBSTANCE ABUSE

Substance abuse affects literally every aspect of our lives—it detracts from our quality of life, our economy, our children's education, our very well being.

70% to 80% of those arrested in New York City each year test positive for drug use.

60% of the cocaine and heroin consumed by the entire nation each year is consumed by individuals arrested in that same year.

Substance abuse and addiction costs New York City more than $20 billion every year, with $21 out of every $100 in taxes paid to New York City subsidizing the consequences of substance abuse and addiction problems.

Over 70% of our nation's prison population are substance abusers.

60% to 70% of substance abusing parolees who do not receive treatment while on parole return to drugs and criminal conduct within three months of their release.

At least 30,000 or 71% of children in foster care in our City alone have at least one parent who was a substance abuser.

FIVE POINT NATIONAL DRUG PROGRAM

Our drug problem requires the commitment of every level of government and needs to be approached with the recognition it is a global matter. Some of our drug program originates abroad. Production of cocaine and heroin occurs beyond our borders, but the international criminal industry which organizes and markets it thrives, as with any business, on the simple economic principles of supply and demand.

For nearly twenty years, I have advocated for a five point national program aimed at our drug problem—five points which now serve as the essential elements of the 1997 National Drug Control Strategy.

First, the drug problem must be an integral part of our nation's foreign policy. In dealing with countries which are the origin for heroin and cocaine—primarily Peru, Columbia and Bolivia—we must use our persuasive abilities, power and foreign aid to convince those governments to cooperate with us fully in stopping these disastrous crops and trade.

Second, we must exercise more control over our nation's borders. The Drug Enforcement Administration estimates that 70% of the illegal drugs reaching the United States travel through Mexico with the majority of the remainder passing through the Caribbean. In recent years, significant reinforcements have been committed to the southwest border and significant efforts have been undertaken to disrupt the flow of drugs from the Caribbean. And I am heartened by the significant resource commitment in the Federal Fiscal Year 1998 Appropriations Bill to continue and augment these efforts.

Third, domestically the general rule must be established and it must be quickly learned in the streets that if you sell drugs and are convicted you will go to prison. We must make those who traffic in the destruction of human life realize that in exchange for big profits, they are taking a big risk.

Fourth, we must put emphasis on enhancing present drug treatment programs and improving those programs. Even if the success rate is no better than 30 or 40%, that is better than no success at all.

Fifth, and most importantly, we must educate our young people and our society about the dangers of drug abuse. In my view, we educated our present generation of drug abusers. We did it in the schools and on television, we did it in our music and our movies, we did it in the role models we presented to our young people, five, ten, fifteen and twenty years ago, we did it by allowing families, community groups and neighborhoods to deteriorate. If we in fact educated the present generation of drug abusers, we can re-educate them and educate the future generations to the realistic and powerful dangers of drug use.

NEW YORK CITY INITIATIVE: "ACCOUNTABILITY"

Understanding that the drug problem is one of international dimensions, we in New York City are going to do what we can to address our local problem with the expectation that by removing drugs from our neighborhoods and our schools, we will become a model for other cities, states and the entire nation. Only then will we have fair claim to ask foreign countries who supply drugs to the United States to limit production of these disastrous crops.

The underpinning of any comprehensive drug strategy is one of accountability for government at all levels and for all individuals. Law enforcement, treatment and prevention/education efforts are primarily the responsibility of local government and it must be held accountable for major improvements in these areas with State and Federal governments assuring the provision of resources to support these efforts. In addition, the Federal government must be held accountable for its anti-drug efforts in the areas of foreign policy and border interdiction.

As government becomes more accountable in these areas, it can demand that individuals become more accountable. Those who choose to take drugs and burden their friends, families and society with their addiction must be held responsible to seek available treatment services. And those who choose to live off the misery of others by selling drugs must be punished.

With this underlying philosophy, our drug strategy has at its core three essential elements: Law Enforcement/Criminal Justice; Treatment; and Prevention/Education.

1. Law Enforcement/Criminal Justice

Over the last several years, the New York City Police Department has made dramatic strides in fighting drug activity in all of our City's neighborhoods. Particular emphasis has been placed on the two areas in our City which are responsible for much of the City's drug related crime; namely Brooklyn North and Northern Manhattan. In April 1996, over 500 uniformed personnel were assigned to the Strategic and Tactical Command (SATCOM) in Brooklyn North and one year later we undertook a similar initiative in three precincts in Northern Manhattan with the assignment of over 350 uniformed officers to that area.

In addition to murders being reduced by 60% in the first six months of this year compared to the same period in 1993 and shootings and shootings incidents down by over

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

60% in that same period, the Police Department's combined drug strategies have had a tremendous impact on drug activity. Reversing the previous Administration's policy of deterring uniformed police officers from making drug arrests, the Police Department in 1996 made an all-time high number of drug arrests [101,051 arrests]—exceeding the previous record year of 1989, the height of the Department's TNT program [94,887].

In addition, the Police Department recorded a 51% increase in drug seizures in 1996 when compared to 1993 [17,377 lbs vs. 11,475 lbs] and a 116% increase in drug currency seizures in that same period [$68,927,762 vs. $31,970,963].

Building on these successes, our enhanced anti-drug law enforcement efforts will focus on drug activity in our neighborhoods and in and around our schools.

Neighborhoods

Anti-drug initiatives in the South Bronx and Southeast Queens.—The first law enforcement component will be the implementation of two additional drug enforcement initiatives modeled after the two already in operation. The new initiatives will target neighborhoods in the South Bronx and include 40th Precinct [Mott Haven], the 41st Precinct [Hunts Point] and the 43rd Precinct [Soundview]; and neighborhoods in Southeast Queens and include the 103rd Precinct [Jamaica] and the 113th and 105th Precincts [South Jamaica]. These initiatives will involve the assignment of over 1,000 uniformed personnel and, following training of half the assigned personnel, will begin phased-in operation in the first week of November. Full operation of both initiatives is scheduled for the last week in December.

As with its two current drug initiatives, the Department anticipates that targeted drug enforcement in theses areas will not only reduce crime in these precincts over the reductions experienced to date, but also have a similar impact throughout the City since these precincts are hubs of drug activity for other areas in the City and the adjacent suburbs.

Accelerate hiring of 1,000 of the 1,600 police recruits scheduled for the July 1998 class to December 1997.—In order for these new drug initiatives to be fully staffed without draining our current precinct resources, I have directed that 1,000 of the 1,600 police recruits currently scheduled for the July 1998 class be hired and commence Police Academy training in December 1997 following the graduation later this Fall of over 1,300 recruits currently in the Academy. These new officers and recruits will ensure that the Police Department has the resources needed to maintain the historic declines in crime we have enjoyed over the last three and a half years.

Implement Drug Free Zone in Washington Square Park by targeting drug sellers on probation for dealing drugs in the Park.—As part of this strategy, we will immediately make Washington Square Park a drug free zone. Washington Square Park should not be a symbol of freedom from accountability. The Park has been plagued with repeat misdemeanor drug sellers—one of these offenders had been arrested no less than 75 times for misdemeanor drug selling in the park. Because of lax State laws in dealing with repeat misdemeanor drug sellers—laws I have sought to strengthen—these repeat offenders face short jail terms and/or probationary sentences. The Department of Probation and the District Attorney's Office will urge judges who sentence these offenders to probation to also place conditions on the offender's probation requiring him or her to stay out of the Park. If found in the park, the offender's probation will be revoked and he or she will immediately be placed in jail.

Implement Operation Night Light with NYPD and Department of Probation targeting Substance Abusing Adult Probationers.—A new initiative called Operation Night Light will also be implemented by the Police and Probation Departments. This initiative, modeled after a successful program in Boston targeting juvenile probationers, involves the assignment of 21 probation officers to teams in police precincts which target adult probationers with court imposed curfews to ensure compliance, as well as probationers who have violated conditions of their probation and/or have outstanding warrants against them.

Activate 1–888–374–DRUG hotline.—And, City residents will be encouraged to help in our anti-drug efforts by reporting drug activity in their neighborhoods to the Department's new 24 hours, seven day a week hotline, 1–888–374–DRUG.

Schools

Critical to our anti-drug efforts is the need to focus on our schools to ensure that our children are educated in a drug-free environment so that they can learn, develop and participate in all that New York City has to offer. To do this, we must make our government, our schools and our parents accountable for keeping our children off drugs. We have already made significant strides in reducing drug activity in our neighborhoods and our schools and we now are in a position to expand our successful initiatives to arrest and prosecute those who sell drugs to our children.

Substantial Increase in Drug Free School Zones and Safe Corridor Program.—Understanding the need to reinforce the message that those who sell drugs to our City's youth will be severely punished, the Department will increase by two and a half times its current drug free schools zone program from 40 to 100 schools. Anyone caught selling drugs within 1,000 feet of school grounds will be faced with enhanced felony penalties.

The Department will also double its Safe Corridor program to involve 240 schools to provide youth with extra police protection upon their arrival and release from school as they walk from and to nearby bus and subway stops.

Establish a curfew program for 1,000 drug offending juvenile probationers using beeper and voice tracking technology.—The Department of Probation will similarly begin a program designed to target 1,000 juvenile probationers with court-imposed curfews as a result of a drug offense. Using state-of-the-art tracking and beeper technology, probation officers will monitor the juveniles' activities and curfew compliance on a 24 hour basis.

Place Board of Education drug specialists in each Family Court.—The Board of Education will also be given resources to assign substance abuse specialists in each of the City's Family Courts. These specialists will act as a liaison between the juvenile justice system and the school system to ensure that drug offending juveniles are appropriately placed in services within the school-based program and/or referred to appropriate community based services.

2. Treatment

Given the fact that overwhelming numbers of persons arrested and imprisoned each year have some form of substance abuse problems and that those same individuals consumed over 60% of the nation's cocaine and heroin, it makes all the sense in the world that we provide appropriate treatment services in the criminal justice system. In fact, treatment models already in place in the criminal justice system here in New York City and in other jurisdictions have shown promising results in reducing both drug dependency and recidivism.

50% increase in DOC substance abuse treatment beds and implement pilot project to create linkages to community-based programs for substance abusing inmates released from Rikers Island.—To this end, the Department of Correction will be given resources to increase by 50% the number of drug treatment beds available in the Department's Substance Abuse Intervention Division—from 1058 to 1558 beds. And, the Department will implement a pilot program to contract with community based residential treatment services to provide services for substance abusing inmates released from Rikers Island after successfully completing treatment in jail. Studies have documented that post-release services to substance abusing inmates are critical to avoiding recidivist behavior.

Expand Probation residential and out-patient drug treatment programs for substance abusing probationers.—The Department of Probation will double its current residential drug treatment capacity to serve 360 probationers annually—up from 180. And its outpatient drug treatment capacity will be increased from 890 to 965. These programs have impressive success rates with participating probationers successfully completing the terms of their probation sentence at a 35% higher rate than probationers who did not take part in drug treatment programs.

Implement Manhattan Drug Court for 300 drug abusing defendants.—Later this Fall, the City, working in cooperation with the court system and the Special Narcotics Prosecutor, will be opening a Drug Court in Manhattan to complement the Drug Court currently operating in Brooklyn. Participating defendants agree to take part in an intensive 18 month drug treatment program in exchange for reduced criminal charges, and are monitored daily by case management court staff who provide regular reports to the judge. The court is expected to target 300 non-violent drug abusing defendants annually. An independent study of the Dade County Drug Court reported that only 3% of the participating defendants were re-arrested within one year of their completion of the program—an impressive record when one considers that over 30% of similarly situated defendants were re-arrested in that same period.

The City will pursue additional Federal funds to allow for Drug Courts to be opened in the Bronx, Queens and Staten Island. And, I applaud Chief Judge Judith Kaye's commitment to open a Drug Court in Manhattan Family Court next month and encourage the opening of similarly programs in the City's other four Family Courts.

Establish Drug Treatment Coordinator Unit—a citywide database on treatment programs and an 800 number for information on available services.—The prevailing wisdom among the drug policy experts in that less than 25% of substance abusers ever seek treatment—in fact, contrary to popular opinion the State and City funded drug treatment slots in the City do not have waiting lists of persons seeking treatment. As a January 1997 snapshot of these residential and outpatient programs drug treatment programs in the City demonstrated, less than 95% of the available treatment resources were being utilized. Substance abusers must and will be held accountable for seeking treatment or face the consequences of their actions. Unless abusers seek treatment, they will run the risk of being arrested. Regardless of who you are, where you live, and there you work, if you're a substance abuser, seek treatment now or run the risk of going to jail. The choice is yours.

In order to ensure that those seeking treatment have the information regarding available programs in or near their communities. I am creating a Drug Treatment Coordinator unit within the Mayor's office with the responsibility of developing an on-line database of all available drug treatment services in the City. The system will be designed to track on a daily basis the capacity of the programs and allow the unit to make referrals to appropriate programs. A 1–800 number will also be established to this unit so that substance abusers can access this information at any time.

Implement a Joint Program with ACS and HHC to provide Drug Treatment Services for Mothers with Children in Foster Care.—Recognizing that 71% of the children in foster care have at least one biological parent who is a substance abuser, the Administration for Children Services (ACS) will team up with the Health and Hospitals Corporation (HHC) to implement a program designed to offer substance abuse treatment services to mothers whose children have been placed in foster care. ACS expects to motivate them to participate in treatment services which will be provided by HHC. The progress which these mothers make in treatment will be made known to the Family Court on a regular basis.

Report of Recommendations for Expansion of Existing and/or Creation of new Treatment Programs.—I have also directed my Special Health Advisor, Dr. Rosa Gil, and my Commissioner of the Department of Mental Health, Mental Retardation and Alcoholism Services, Dr. Neil Cohen, to undertake an extensive review of the various drug treatment programs throughout the City, whether funded with City, State or private dollars, and to report back to me within 45 days with recommendations for expansion of exiting programs and the development of new and creative approaches to substance abuse. I am particularly interested in treatment models which have proven results in ending drug and substance dependency. Viable treatment programs should instill in its participants the principle of personal accountability and give them the skills and tools they need to become productive and self-reliant individuals, rather than continuing them on a dependency.

3. Prevention/Education

The most important aspect of a successful anti-drug strategy is prevention and education efforts aimed primarily at our youth.

A recent study indicated that if a young person is successful in avoiding drug use by the time they reach the age of sixteen, he or she will more than likely avoid the dangers of substance abuse in the rest of his or her life. We must seize upon this promising data and resolve to continually reinforce for our children, in school, at home, in society as a whole that drug use is dangerous and deadly.

DARE Program.—Last year, the New York City Policy Department and the Board of Education launched the nationally acclaimed DARE program in our city's public school system. Over 100 specially trained police officers teach kindergarten through 6th graders about the dangers of drugs use as well as build the students' self esteem so they are capable of resisting peer pressure to engage in drug use. We will be providing extra resources to the DARE program to augment the program activities.

Expand DARE and GREAT program to after-school hours.—The Department will also be given the resources necessary to expand the DARE program to after-school hours and couple it with the Gang Resistance Education Assistance Treatment or GREAT Program. Both these programs foster greater understanding among youth as to the dangers of drugs and gang activity while at the same time providing structured activities between young and police officers.

Expand BEACON schools by 24% from 41 to 51 schools and provide funding to expand mentoring programs.—I have also directed that the number of BEACON schools operating throughout the City to provide after-school and evening activities for youth and community residents be expanded by 10 from 41 to 51 schools—a 24% increase. Statistics demonstrate that youth who participate in BEACON school programs have higher reading and math scores than their peers.

And funds will be allocated to expand successful mentoring programs for our City's youth so as to expose them to positive role models and encourage their development in successful careers. Mentoring programs, such as Big Brothers/Big Sisters, have positive results—one study reporting that mentored youth are 46% less likely to become involved in drug use than other youth.

Implement Drug Prevention Youth Initiative in Public Housing and Establish an Anti-Drug Parent Network Program.—Modeled after its new Partner in Reading program, the Housing Authority, working with my office, will implement an after-school drug prevention program aimed at youth in our City's public housing developments. The program will work in conjunction with the Authority's current youth mentoring programs and will be designed to engage the youth in structured activities and events on bi-weekly basis to make them aware of the dangers of drugs and how to avoid drug use.

Working with the Board of Education and the Parent Associations in each of the public schools, we will also undertake an effort to implement an Anti-Drug Parent Network Program. The program will be designed to make parents aware of the dangers of drugs, available drug counseling services in their neighborhoods and the tell-tale signs of drug use in their children. The program will facilitate the distribution of drug information pamphlets to parents of school aged children, sponsor anti-drug forums and fairs, and improve the coordination of drug counseling and treatment services available through the public schools.

Sponsor a Citywide Clergy Anti-Drug Forum in the next three months.—Within the next three months, my office will sponsor a Clergy Anti-Drug Abuse Forum. The forum will bring together leading members of our City's diverse religious communities to focus on and discuss the City's drug problem. A strategic action plan will be developed of initiatives which the City's clergy can implement to enhance and expand on the City's anti-drug agenda.

Pro Bono Multi-Media Anti-Drug Campaign.—I am proud to announce that McCann Erickson, one of our major advertising agencies, has agreed to provide pro bono services to develop and implement a multi-level anti-drug media campaign with the goal of deterring drug use.

Engage businesses in anti-drug program.—I challenge all of the City's small, medium, and large businesses to similarly pledge their resources to this effort and, to this end, we will reach out to our business community to encourage it to develop programs and provide resources to encourage our City's youth to avoid drugs—whether it be in the form of free movie passes to youth who participate in after drug prevention school programs, or the sponsoring of little league baseball, basketball or soccer leagues—all intended to engage our City's youth in productive and safe activities.

Develop Standards for Measuring the Drug Program's Impact.—These are a few of the many initiatives which I am committed to implement in the coming months, with the full understanding that as with our crime-fighting strategies it will require continuous monitoring and relentless follow-up so that we can be sure that what we are doing is working and to determine what more needs to be done. We need to apply the same management strategy in place in the Police Department for assessing, tracking and monitoring our City's crime rate, to our drug program. To this end, a monitoring/research unit will be created in my office and charged with the responsibility of developing appropriate measurements for how best to measure our success and to apply those measurements against our progress.

State Anti-Drug Agenda

Pursue State legislation to increase punishment for repeat drug misdemeanors; to toughen driving requirements for young adults; to create a rebutable presumption of neglect when infants are born with a "positive tox"; and to provide for civil commitment of repeat violent substance abusers.—On the State level, I will continue to pursue tougher laws dealing with repeat misdemeanor drug offenders—requiring those who engage in their third or more misdemeanor drug sale to automatically face felony charges. And I will continue to support legislation to prevent teenagers who are found to have operated a motor vehicle while under the influence of alcohol or drugs from obtaining a driver's license until the age of 18—as well as long needed legislation for a rebutable presumption of parental neglect in cases in which babies are born with a "positive tox"; and authorization for long term civil commitment of persons with known substance abuse problems that result in violent behavior.

Expand drug treatment in State prisons and for parolees and provide increased resources for drug treatment programs in New York City.—I have also consulted with Governor Pataki and expect to work with him to expand drug treatment services in the State prison system and those provided to parolees—an investment in drug treatment is a wise one. I will also seek additional State funding for drug treatment programs in our City understanding that our increased law enforcement efforts will undoubtedly increase the call on existing resources.

Federal Anti-Drug Agenda

Amend Crime Bill to allow monies for jail drug treatment and to assistance for NYPD anti-drug initiatives.—On the Federal level, I will continue to call for a foreign policy which provides priority focus on our nation's drug problem and for enhanced resources for border interdiction efforts. In addition, I will seek Federal assistance for our successful anti-drug law enforcement initiatives as was provided in the Department's Northern Manhattan initiative, and I will seek changes in the Federal Crime Bill to allow local jail systems, not just State prison systems, to directly receive funds to expand substance abuse services to inmates and as well as pursue increased resources for Drug Courts.

Similarly, increased resources will be sought from the Federal government to fund additional treatment services for substance abusers in New York City. And, finally, I will continue my efforts in urging Congress to appropriate Crime Bill funds for prevention programs authorized under the Crime Bill, including after-school sports activities, community anti-drug programs and youth mentoring programs.

CONCLUSION

Drug use is one of the nation's most difficult and complex problems, but I refuse to accept the notion that somehow it is beyond our reach and we must resign ourselves to it. We must also refrain from the notion that unless we win unconditionally, we have failed. This is not a problem that developed overnight and we will not solve it overnight, but we can begin to put in place a strategy such as the one I outlined today with realistic steps to reduce its toll on our neighborhoods and our schools. First steps always lead the way to major breakthroughts. By applying the principles of accountability, as we did in our successful strategies to reduce crime, reform welfare, restore jobs and improve schools, I am confident that we will succeed.

EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. LUTHER. Mr. Speaker, I support H.R. 2535 because I am very concerned that our higher education graduates are in need of greater assistance as they consolidate their student loan debts after graduation and begin the process of repayment.

Currently there is a backlog of between 80,000 to 86,000 student loan consolidation applications at the U.S. Department of Education. Graduates need this tool to effectively manage school debt, while at the same time embarking on their careers and often starting families. The consolidation program was enacted originally in 1993 as an initiative of the Clinton administration. The concept was good then, and it's good now, and with H.R. 2535, borrowers will be able to consolidate their loans with guarantee agencies and private lenders.

I want to thank subcommittee Chairman MCKEON and ranking member KILDEE for bringing this legislation to the floor in a timely fashion. I'm also pleased with the bipartisan approach to this issue. Helping people attain a higher education, and providing support for the repayment of the debt accumulated in the pursuit of that education, is a shared goal. Again, thanks to all involved in this effort, and I urge my colleagues to support this important legislation.

DEMOCRACY IN COLOMBIA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. GALLEGLY. Mr. Speaker, on October 26, 1997, Colombia attempted to conduct nationwide municipal elections despite the deadly impact of guerrilla scare tactics on voter turnout and candidate participation. The municipal elections in Columbia were marred by a brutal campaign of violence, kidnaping, and extortion carried out by the guerrilla movements of the Revolutionary Armed Forces of Colombia [FARC] and the National Liberation Army [ELN]. While the electoral process may have succeeded in the urban areas, the lack of participation in the rural sectors reflects the serious threat to the democratic process posed by the guerrilla war.

Through the deadly efforts of the FARC and ELN, 40 political candidates were murdered; over 1,900 candidates were forced to abandon their campaigns; nearly 120 municipalities had candidates reluctantly running; and 11 municipalities had no candidates at all. The situation continued to deteriorate during the week before the elections when FARC and ELN terrorist activities escalated into a national crisis with the kidnaping of international election observers from the OAS and a declaration of an armed strike in order to impede public transportation during the crucial time of the elections.

Largely responsible for the escalation of FARC and the ELN activities over the last couple of years is the increase in funding from narcotics trafficking. This has enabled both guerrilla elements to effectively quadruple their power base over the past 7 years so that it is now estimated that they control up to 40 percent of the territory of Colombia.

It is clear that the leaders of the FARC and ELN have resisted all overtures by the Government of Colombia to end the violence and establish peace. With nearly 70,000 people dead as a direct result of the guerrilla war in the last decade, it is past time to find a solution to this crisis. As reflected in the recent municipal elections, the campaign of the FARC and ELN now present a direct threat to the very democracy of Colombia and stability to the region.

In response to the critical situation in Colombia, I am introducing legislation that would:

First, recognize the importance of the threat of the guerrilla movement to Colombia's democracy and that the acts of violence to disrupt the electoral process in the municipal elections could spill over to the congressional and presidential elections to be held in 1998;

Second, urge the guerrilla leaders of the FARC and ELN to end the violence and sever their relationship with narcotics traffickers; negotiate a peace accord with the Government of Colombia and to take their agenda into the political arena for debate;

Third, call upon the international community, particularly the Organization of American States, to continue to play a more pro-active role in resolving the conflict; and

Fourth, urge the administration to reevaluate United States policies toward Colombia taking into account the threat of the guerrilla movement to Colombia's democracy, and to encourage a peaceful resolution of the conflict.

Mr. Speaker, Colombia's democracy is one of the oldest and most important democracies in the hemisphere. It is critical for the stability of the hemisphere that this guerrilla movement, like all the others in the region, come to an end. Peace, political stability, and economic prosperity must be given the highest priority for all nations.

HONORING THE CENTER FOR INDEPENDENT LIVING

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. DELLUMS. Mr. Speaker, I rise today to celebrate the Center for Independent Living's 25th anniversary. It is appropriate at this time to highlight its many achievements and to underscore the positive impact that it has made in the local community.

The Center for Independent Living, the first of it's kind, was established in 1972 for the purpose of allowing people with disabilities to live independently, to attain their productive potential, and to participate fully in all aspects of society. Throughout it's history, the Center for Independent Living has played a pioneering role in advocating architectural changes to make the community more physically accessible, instructing in techniques of independent living, and offering a core of essential services. This comprehensive package of services to help people with disabilities is offered in the belief that it is the most effective way to serve clients who have complex and interconnected needs.

Currently there are 30 Centers for Independent Living throughout California, and over 300 throughout the country, which are modeled after the Center for Independent Living in Berkeley. The services that it offers include advocacy, attendant referral, blind services, deaf services, employment services, peer support services, youth services, services for people with mental disabilities, independent living skills information and referral, a client enhancement and empowerment project, and housing. Berkeley's Center for Independent Living has increased the quality of life for thousands of people with disabilities, independent living has increased the quality of life for thousands of people with disabilities locally, nationally, and internationally, and was involved in the passage of the 504 Act of 1973, State title XXIV, and the Americans With Disabilities Act of 1990.

The Center for Independent Living has brought national and international attention to the state of California and the Nation as a leader in assuring access to people with disabilities, I commend the Center for Independent Living for all its hard work, dedication, and commitment to our community as well as to the Nation.

INTRODUCTION OF A BILL TO ENCOURAGE THE SALE OF LARGE PLEASURE BOATS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SHAW. Mr. Speaker, today I am introducing a bill that would greatly enhance the international yachting industry in the United States.

Most people are unaware how the sale or even the mere presence of large foreign-owned pleasure boats docked at a domestic port contributes to the local economy. A single large luxury boat can literally pump tens of thousands of dollars into the local economy a month. For example, the cost of supporting a crew, docking fees, boat repairs, supplies, and other related expenditures while the boat is moored at a domestic marina all help the economy and create jobs. Attracting these types of vessels to our shores is therefore beneficial to the economy. In fact, in my congressional district, a significant segment of the local economy is based on the recreational boating trade and its attendant services.

Unfortunately, current law and customs regulations as applied to large yachts have the unintended consequence of discouraging the sale of these vessels domestically. This is primarily for two reasons. First, when the yacht is imported into the United States for sale, the duty must be paid immediately, whether the yacht is eventually sold or not. This requirement is onerous for the yacht seller, because if the yacht is not sold, he or she cannot get a timely or full refund of the duty. This is due to the lengthy procedure—9 months to a year—that the Customs Service administrative process takes. If the value of the yacht exceeds $1 million, the loss of funds to the seller can be quite substantial.

Second, there is an old maxim among boaters that "every boat is for sale." Consider this scenario: a foreign boatowner enters U.S. waters, without intending to sell his or her boat. An interested buyer propositions the foreign owner, and informal negotiations ensue. Once the owner of the foreign boat offers the vessel for sale—and this sometimes can be a gray area—if a duty has not been paid on the boat, it can be immediately seized by the Customs Service. While such actions by the Customs Service are rare, this policy has a chilling effect on potential foreign boat sellers interested in entering the country because they are fearful their boats will be seized and impounded even if they casually talk to someone interested in purchasing their boat. To avoid this risk, some of these sellers conclude the sale of the boat offshore, where no duty is paid and no economic benefits are realized for the local economy.

My bill would remedy this problem by deferring payment of the duty on large pleasure boats until after the sale has been consummated. In order to ensure that the duty is paid when the boat is sold, the foreign seller would be mandated to post a bond, the value of which would be twice the amount of the duty. Because the value of the bond would be twice the duty on the boat the Federal Government would be virtually guaranteed of receiving its duty. Moreover, I have narrowly tailored this legislation so it applies only to large pleasure boats that are intended to be sold at domestic boat shows. I am hopeful this provision has the effect of not only promoting America's boat shows—which are among the largest and best in the world—but also ensuring the sale of these boats occur in an orderly setting.

Mr. Speaker, south Florida is the boating capital of the world. My bill helps make our ports and boat shows more attractive to international yacht sellers. Because this type of economic activity is highly beneficial to the economy, I urge my colleagues to join me in supporting this legislation.

TRIBUTE TO DR. S. TIMOTHY ROSE

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, it is with great pride that I rise today to pay tribute to a gentleman from Appleton, WI, Dr. S. Timothy Rose.

When the 139th annual session of the American Dental Association ended yesterday in San Francisco, CA, Dr. Rose became the organization's new president.

Dr. Rose has served 27 years in the American Dental Association, and has given his leadership to a host of other member organizations, such as the Wisconsin Dental Association, the Outagamie County Dental Association, the Midwest Society of Periodontics, and the Wisconsin Society of Periodontics. He has also served his Nation as a Major in the U.S. Army Dental Corps.

But Dr. Rose's commitments do not simply begin and end with dentistry. He has given his time to the Board of Directors of the Fox Alley Arts Alliance, the Friends of Hearthstone, the Tri Park Development Corp. and the American Cancer Society. In addition, Dr. Rose is an elder in his church, Memorial Presbyterian Church of Appleton.

I know my colleagues will join me today in wishing Dr. Rose, his wife, Ginny, and his children, Cathy, Tom, and Jim our warmest wishes as he takes on this new and challenging responsibility.

THE DISABLED SPORTSMEN'S ACCESS ACT

HON. RANDY 'DUKE' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Disabled Sportsmen's Access Act. This legislation will expand opportunities for sportsmen with disabilities to hunt and fish on Department of Defense facilities. In addition, this legislation allows the Department to work with private organizations to construct facilities and operate programs for sportsmen with disabilities.

This legislation is based on a program run at nearby Marine Corps Base Quantico, VA. This program, run by Lt. Col. Lewis Deal, is one of the Nation's most successful disabled hunting programs. With the help of volunteers and donated materials, Col. Deal has built eight permanent disabled accessible blinds for deer hunting. All eight of these are in use during both gun and bow seasons. These structures are mini decks built on high ground looking down a slope where game walks below. For these decks to be successful, it is important that they are constructed large enough for a wheel chair to turn around on and camouflaged from game. Once cleared pathways from the main access roads make them accessible, these stands make hunting much easier for many sportsmen with disabilities.

In addition, Quantico is in the process of constructing a fishing pier accessible for people with disabilities. This pier, designed by the Paralyzed Veterans of America, will be a model for everyone in America to use. They will construct their pier with lowered railings, providing access for individuals to reach over, and stops on the side of the pier to prevent individuals from falling off the sides.

The Disabled Sportsmen's Access Act builds upon this program by encouraging the Department of Defense in managing its 30 million acres of wildlands to provide improved access for disabled individuals, when appropriate and within the military mission. This bill protects the primary purpose of our Nation's military, the defense of our Nation.

Our military installations offer numerous outdoor recreational programs and opportunities for both civilian and military personnel. However, there has never been a concentrated effort at Department of Defense facilities to provide access and opportunity for persons with disabilities.

While encouraging the Department of Defense to give access to individuals with disabilities, this legislation allows the Department of Defense to accept donations of money, material, and volunteers for the construction of facilities accessible to sportsmen with disabilities. Under this bill, the Department of Defense can use volunteers and organizations that serve people with disabilities to construct facilities and operate programs—at no cost to the Federal Government.

The bipartisan Congressional Sportsmen's Caucus has endorsed this legislation and many of my colleagues have joined me as cosponsors. It is also endorsed by the Paralyzed Veterans of America, Disabled American Veterans, Wheeling Sportsmen of America, Safari Club International, Wildlife Management Institute, the Congressional Sportsmen's Foundation, and the International Association of Fish and Wildlife Agencies.

Mr. Speaker, I encourage all of my colleagues to support this legislation.

TRIBUTE TO ADEA JUNIOUS AND JESSICA FISHER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. GINGRICH. Mr. Speaker, today I would like to commend two young ladies from Smyrna, GA, who recently displayed an enormous amount of personal character.

Adea Junious, 13, and Jessica Fisher, 14, found more than $17,000 in a bag at a local Kmart. With both girls coming from financially struggling families, there was a natural temptation to keep the money for college tuition, a new car, or even a shopping spree.

Adea and Jessica, however, resisted that temptation and did the right thing. They turned the money in to the store's manager, who then called the police.

"We thought someone had lost their life savings," Adea said. "We didn't think anyone would take that much money out of the bank and go shopping at Kmart."

"Maybe they were going to use the money to buy a house or for college," Jessica added.

The police were able to track down the owners of the money, a Hispanic couple who had intended to use that money to meet payroll of their local business.

Each girl was rewarded with a CD boombox, a $50 gift certificate, and a certificate of appreciation for her good deed by the management of the Kmart on South Cobb Drive where the money was found.

Additionally, the Friends of Smyrna Library has dedicated to each girl a book focusing on African-American characters. Each girl's book is inscribed with her name.

Personal strength, as exhibited by these young ladies, is based on integrity, and it is one of the key pillars upon which American civilization was founded. I am honored to represent such fine upstanding citizens as Adea and Jessica. I hope that they will serve as role models for their peers.

TRIBUTE TO STEPHAN SAEED NOURMAND

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. DIXON. Mr. Speaker, I am pleased to rise today to recognize the accomplishments of Mr. Stephan Saeed Nourmand, president of the Beverly Hills/Greater Los Angeles Association of Realtors [BH/GLAAR]. For the past year, Saeed, as he is more affectionately known by his friends and colleagues, has provided exemplary leadership to BH/GLAAR, an organization representing a membership of approximately 3,300 realtors throughout the cities of Los Angeles, Beverly Hills, Culver City, Santa Monica, and West Hollywood. Saeed will be honored for his valuable contributions to BH/GLAAR on December 5, 1997. As his presidency comes to an end, I believe that this is the perfect time to commend him for his outstanding service and contributions to the greater Los Angeles real estate community.

Prior to entering the real estate industry, Saeed received undergraduate and graduate degrees from the State University of New York. For a period of time, he was manager and a shareholder of Construction Concepts, Inc., a company which designed parking structures. He holds a patent as the inventor of a security system with Door Deadbolt Interlock.

Saeed Nourmand has been in the real estate profession for more than two decades. He is the founder and sole shareholder of Nourmand & Associates, one of the premier real estate firms in Beverly Hills, CA. Also very active in other aspects of the industry, he currently serves as a director and president-elect of the Beverly Hills Board of Realtors, director of the California Association of Realtors, and as a member of the National Association of Realtors. He is an active member of the Beverly Hills Chamber of Commerce and the Beverly Hills Economic Council. During his presidency of BH/GLAAR, he instituted and advocated for several legislative provisions to protect the rights of property owners in the Beverly Hills/Los Angeles area.

Saeed is married to fellow outstanding realtor—Myra Nourmand. The couple are the proud parents of one daughter and two sons. In addition to his business and family responsibilities, Saeed is an avid aquatic enthusiast, pursuing his love of swimming, scuba diving, surfing, windsurfing, and jet skiing.

Mr. Speaker, Stephan Saeed Nourmand has made innumerable and valuable contributions to the real estate industry. He is highly respected by his peers in the industry, all of whom I know join me in saluting him. As he prepares to step down from the presidency of the BH/GLAAR, I am proud to join my fellow Angelenos in congratulating him on his exceptional service to the citizens of Los Angeles. You've done an outstanding job, Saeed. Good luck to you and your family in all of your future endeavors.

AMERICAN TEACHERS IN BOSNIA AND HERZEGOVINA HELP DEVELOP SUPPORT FOR A DEMOCRACY AND FREE ELECTIONS

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. LUTHER. Mr. Speaker, I am proud to recognize Joan Beaver, a resident of the Sixth District of Minnesota. Ms. Beaver has participated in CIVITAS at Bosnia and Herzegovina, an intensive program held from August 1 through August 17, 1997 designed to train teachers from throughout Bosnia and Herzegovina to educate students about living in a democracy. Ms. Beaver was able to take part as one of 20 American educators assigned to locations throughout the two war-torn nations.

The CIVITAS volunteers are using adaptations of congressionally supported texts such as, We the People * * * the Citizen and the Constitution, Foundations of Democracy. Using these resources, the democratic process taught in the United States is being spread abroad to facilitate a strong and educated democratic public.

Mr. Speaker, I wish to commend Joan Beaver for her dedication and commitment during the CIVITAS at Bosnia and Herzegovina summer training program. Her work is helping to achieve the overall objective of building democracy in Bosnia and Herzegovina.

JIANG ZEMIN CONQUERS AMERICA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SOLOMON. Mr. Speaker, as President Clinton and Jiang Zemin engage in their fulsome lovefest this week, we would do well to remember just who Jiang Zemin is and just what he represents. Bluntly, Jiang is a criminal tyrant who presides over one of the most inhuman regimes in the world, which just happens to be engaged in a massive, anti-American arms buildup. The editorial board of the Weekly Standard has brilliantly outlined this inconvenient fact, and I would like to submit their editorial for the RECORD.

JIANG ZEMIN CONQUERS AMERICA

Smooth, Western-style media skills do not come naturally to Chinese Communists. At a press briefing here in Washington last Wednesday, a reporter asked Chinese embassy propagandist Yu Shuning to summarize the intended theme of Jiang Zemin's big U.S. tour. China's maximum leader has an impressive series of photo-ops on his schedule: the U.S.S. *Arizona* Memorial in Honolulu, Colonial Williamsburg, the White House and the Capitol, Independence Hall in Philadelphia, the trading floor of the New York Stock Exchange, and so on. What's it all about, Yu was asked, "What image does President Jiang want to create for himself at sites like Pearl Harbor and the Liberty Bell?"

Yu was flummoxed by the Liberty Bell. Pearl Harbor and *what*, he wondered? Then Yu needed help with the question itself: "What kind of *image*?" Right, the reporter persisted: "What kind of image would he like to create for himself?" Pause, "I have already said," Yu finally responded, "President Jiang will bring images to the United States."

Indeed, he will. There is, for example, the image of Wei Jingsheng in confinement at a Hebei-province concentration camp called the Nanpu New Life Salt Works. Though he was recently passed over for the 1997 Nobel peace prize in favor of some hippie from Vermont, Wei remains the world's leading prisoner of conscience, locked up all but six months of the past 18 years for "illegal" activism in behalf of democracy. Reliable details of his current condition—he is said to be gravely ill—are impossible to obtain. But we may fairly guess at the daily ordeal he and countless thousands like him suffer.

The dissident Liu Qing was subjected to a lengthy prison term in the 1980s for the "crime" of publishing a transcript of Wei Jingsheng's 1979 show trial. At the end of a brief hunger strike, Liu has since written, he was tied to a "special metal chair." Other prisoners "lifted my legs in the air while kneading and pressing down on my stomach." One of them "squeezed my throat tight and pinched my nose shut." A prison official "stuck a metal brace in my mouth, twisting it open so wide that the skin on the corners of my mouth ripped open." The official then "clamped a pair of metal pliers onto my tongue, pulling it way out of my mouth before sliding a length of tubing into my esophagus." Liu next had his stomach pumped full of salt broth, after which "the floor was covered with pools of blood" and "my mouth was a numb and swollen mound of raw flesh."

There you have it in a nutshell: the central problem confronting Sino-U.S. relations generally and this week's Jiang-Clinton summit in particular. China is a hideous, aggressive, unapologetic despotism, and Jiang Zemin is China's unapologetic despot-in-chief. Shall the United States notice these facts and conduct its China diplomacy accordingly? Or shall the United States largely ignore these facts—since any commensurate response might threaten American corporate profits in the Chinese market—and celebrate Jiang Zemin and his dictatorship as worthy and valued players on the international stage?

Needless to say, we know the answer already—it has been official U.S. policy since 1994. During his pre-summit address last Friday, Bill Clinton touched oh-so-delicately on the essential character of Jiang's regime, explaining it away as the product of China's search for order in a time of profound change. America itself is not "blameless in our social fabric," the president reminded his listeners. And though we may disagree with the Chinese about important matters, he advised, we must nevertheless cooperate with them.

You can't wrest much serious political cooperation from people who "disagree" about something so basic as freedom, of course, and administration spokesmen have for weeks been careful to minimize practical expectations for the summit. The Chinese may sign a few of those minor agreements they habitually violate as soon as the ink is dry, and that's about it. But in the narcotic inertia of Sino-U.S. "engagement" diplomacy, substance is not really the point. Mere manners are the message. And the message, this week as always, is "nice."

They will be nice to Jiang Zemin at the White House on Wednesday. He will get a 21-gun salute and a state dinner and a concert by the National Symphony Orchestra. He will get all this "first-class" ceremony, explains someone from the National Security Council's Asia office, because he is "the leader of a great nation who deserves to be treated with respect and dignity."

They will be nice to Jiang Zemin at the Capitol on Thursday, where a breakfast banquet will be thrown for him behind the safety of closed doors. No China-related legislation will reach the House or Senate floor this week, the Republican leadership has promised. Candid debate about China policy, Newt Gingrich's press secretary says, might "appear an insult" to their visitor. Can't have that.

The National Park Service and Drexel University will be nice to Jiang in Philadelphia. Former president George Bush and the CEOs of AT&T, Kodak, and IBM will be nice to Jiang in New York. Harvard University will be nice to Jiang in Cambridge; school officials tell the Los Angeles Times that the audience for his scheduled speech there "has been carefully 'groomed and sifted' to avoid embarrassing confrontations." The Boeing and Hughes corporations will be nice to Jiang in Long Beach and El Segundo.

This is what the Chinese want, more than anything else. They want to be dealt with politely, as equals, people just like us, people you would be proud to take home to Mother. They are working hard to achieve this goal, in their ham-fisted way. "We try to make some PR job," one Chinese "expert on the United States" tells the Washington Post.

And how depressing it is, nauseating even, to see elite America eagerly collaborate in the construction of this spin—which is, at bottom, after all, a lie of gigantic proportions, Jiang Zemin, Time magazine tells us, loves Benny Goodman, Mozart, and Elvis, too. He knows the Gettysburg Address by heart. He has "favorite American authors," the Los Angeles Times reports: "Mark Twain and"—we're not making this up—"Zbigniew Brzezinski." He's a big, cuddly teddy bear of a man, apparently.

Jiang is also a man, of course, who tells American journalists that "democracy and human rights are relative concepts." And that Wei Jingsheng is a common criminal, not a "so-called" political dissident. And that China's rape of Tibet was in fact a successful effort to rescue that country from slavery, like our own Civil War, and that "the American people should be happy" about it. Jiang issues these spectacular insults, all of them in the last few weeks, but draws no official and direct American rebuke or demurral. Rebuking him wouldn't be nice, you see.

The master of the Nanpu New Life Salt Works has no business invoking Abraham Lincoln, or appearing next to the Liberty Bell, or drinking champagne at the White House. It diminishes American principle that he has been invited to do such things. It diminishes American principle further that he will be applauded for it by our elected leaders, by our college presidents and Kissingers, by our business chieftains, by our "sophisticated" opinion leaders.

The task of rescuing American honor this week will fall to those allegedly unsophisticated protesters who will dog Jiang Zemin wherever he goes, exercising their rights under what Yu Shuning calls "the First Amendment of the Constitution, et cetera." We hope the protests are as large and loud and obnoxious as possible. It won't be "nice." But it will be right.

A particularly astonishing feature of this week's sham summit will be President Clinton's laughable attempt to implement the 1985 Nuclear Cooperation Agreement. Presumably with a straight face, President Clinton will actually send a piece of paper to Congress shortly which will "certify" that China is a responsible steward of nuclear technology. Of course, this is a lie. For proof, the Washington Times has provided us with a succinct box score that sums up China's criminal record of nuclear and other weapons proliferation. The list is long and frightening, and the President's policy is a dangerous disgrace. No one has written on this more eloquently than Abe Rosenthal in the October 28 New York Times, and I insert both his article and the Washington Times proliferation list for the RECORD.

CHINA'S PROLIFERATION RECORD

China in recent months has sold an array of nuclear-, chemical- and biological-weapons technology and missile technology to nations seeking weapons of mass destruction. Here are some of the known transfers:

Telemetry equipment was provided to Iran for missile tests on the medium-range Shahab–3 and Shahab–4 missile program in violation of the Missile Technology Control Regime.

Rocket motors and test equipment were shipped to Iran for a new short-range missile known as the NP–110, which was tested in May.

Equipment to develop deadly biological weapons was sent to Iran. A Chinese-supplied factory that produces glass-lined equipment was opened earlier this year.

400 metric tons of chemicals used in producing nerve agents and riot-control agents were shipped to Iran last year. In May, sanctions were imposed on seven Chinese companies that sold chemical weapons goods and equipment to Iran.

Accelerometers and gyroscopes for missiles were supplied to Iran in 1996.

Furnace and diagnostic equipment with nuclear weapons applications were sold to Pakistan in late 1996—after a May 1996 pledge by Beijing not to sell nuclear technology.

Five French-made Super Puma helicopters with Chinese air-launched missiles were promised to Iran under a 1996 deal that also involved Indonesia.

5,000 ring magnets were sold to Khan Research Laboratories in Pakistan in 1996. The magnets were assessed by U.S. intelligence to be a major boost to Islamabad's production of nuclear-weapons fuel.

M–11 missiles were sold to Pakistan in 1995 and 1996. U.S. intelligence believes the missiles are operational, but the administration ignored the finding to avoid applying sanctions.

Missile-patrol boats equipped with scores of advanced C–802 anti-ship cruise missiles were sold to Iran in 1996. They provide a new capability to attack U.S. or allied ships in the Persian Gulf.

Missile technology was sold last year to Syria.

A complete factory for producing M–11 missiles or systems of similar ranges was sold to Pakistan in 1996.

CLINTON'S NUCLEAR DECEPTION—ON MY MIND

(By A.M. Rosenthal)

Craftily, ever so craftily, President Clinton is deceiving the American public about a critical danger to world security: China's international sales of the materiel and technology of nuclear warfare.

The motive is to allow China to buy American nuclear materiel and information, including advanced U.S. nuclear reactor technology—as U.S. nuclear manufacturers are urging.

No previous President, and not even Mr. Clinton himself until now, would take the step required to permit Chinese nuclear shopping in America—certifying that China was not illicitly peddling its own nuclear goods abroad.

The U.S. knew that was not true.

The U.S. knew that despite Beijing's denials and pledges, for more than a decade China has made important nuclear sales to countries intent on achieving capability to make nuclear bombs.

Under a 1985 U.S. law, nations illegally proliferating nuclear materiel and technology are subject to American sanctions. They are also forbidden to buy U.S. nuclear products and technology.

Now Mr. Clinton is ready to permit American nuclear sales to China. So last Friday, in his speech setting the stage for the state visit of President Jiang Zemin, he made this statement:

"China has lived up to its pledge not to assist unsafeguarded nuclear facilities in third countries, and it is developing a system of export controls to prevent the transfer or sale of technology for weapons of mass destruction."

Neither part of that sentence is honest.

In 1992, after selling nuclear-war materiel to Iran, Iraq and Algeria among other countries, China signed the worldwide Nonproliferation Treaty against spreading knowledge and nuclear weapons to states that did not possess them.

Three years later, U.S. intelligence discovered that the China National Nuclear Energy Industry Corporation, a Beijing-controlled operation, had sold 5,000 ring magnets to Pakistan, which is trying to match India's nuclear-weapon potential. Experts say that sale could increase Pakistan's weapon capability by jumping its enriched-uranium capacity 100 percent.

The magnets are a product China sold to Saddam Hussein before the gulf war.

The U.S. also found that the magnets went to "unsafeguarded" Pakistani facilities—no international inspection permitted. Teams of U.N. inspectors have spent almost six years trying to find all of Saddam's "unsafeguarded" hidden nuclear capability.

Violating the treaty should have brought sanctions. Washington complained but imposed no penalty.

China denied the sale. Then on May 11, 1996, it promised not to do it again. Mr. Clinton's speech said nothing about China's nuclear deals and treaty-breaking—or what the C.I.A. told Congress in June 1997.

The C.I.A. reported that during the second half of 1996, after the pledge to the U.S., China was still the "primary source of nuclear related equipment and technology" to Pakistan. Also, said the report, China is the world's "most significant supplier of weapons of mass destruction-related goods and technology"—which means nuclear, chemical or bacteriological.

The President did not mention China's breaking its pledge to America after breaking its treaty pledge to the world. Nor did he say that he was planning to reward China by giving it clearance to shop nuclear in America. But he will, unless Congress can block him.

After China's broken pledges, will Americans be fools enough to believe Beijing will keep new promises to become a reformed proliferator or use U.S. nuclear technology for "peaceful purposes"? Just this year, after the usual denials, Beijing admitted that U.S. machinery sold for civilian manufacture was transferred to a military aviation plant.

That Clinton remark about China's developing export controls is cynical acceptance of Beijing's cynical pretense that any illicit nuclear exporting was the fault of sleepy customs officials.

The stuff of nuclear, bacteriological or chemical warfare is not exported from China unless top officials approve. Mr. Jiang is the toppest.

President Clinton is crafty, but not crafty enough. He has turned China's broken pledges into a guilt of his own—deception about a matter of life and death, many lives and perhaps, some hideous day, many deaths.

CONGRATULATIONS TO COL. WILLIAM D. McGILL II

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SKELTON. Mr. Speaker, today I want to congratulate Col. William D. McGill II, who will retire from the U.S. Army on October 30, 1997, after a long and distinguished career of service to our Nation spanning nearly 30 years.

Colonel McGill enlisted in the Army in 1967, shortly after graduating from the North Carolina State University at Raleigh. He successfully completed Officer Candidate School and was commissioned a second lieutenant of armor in the U.S. Army Reserve on October 20, 1968.

Over the course of his career, Colonel McGill served in a variety of exceptionally challenging troop and staff assignments in Vietnam, Korea, Saudi Arabia, Iraq, and the United States. After completing aviation training at Hunter Army Airfield, GA, Dan McGill deployed to the Republic of Vietnam where he served as a Cobra gunship section commander and as the Headquarters Company Executive Officer in the Mekong Delta for 15 months. For his achievements during combat then-Lieutenant McGill was awarded the Distinguished Flying Cross and 37 awards of the Air Medal. After completing his combat tour, Dan then served with the Army's elite 82d Airborne Division for the next 3 years.

After attending the Armor Officer Advance Course, Dan returned to Fort Bragg, where he once again served with the 82d. He had the distinction of commanding two different cavalry troops for a total of 3 years. The length of Dan McGill's command time is a reflection of his extraordinary ability to lead soldiers.

Colonel McGill's potential for increased responsibility was rewarded with selection for and attendance at the Army Command and General Staff College at Fort Leavenworth, KS. Dan continued his service in a series of challenging assignments following his graduation from Fort Leavenworth. First, he spent 2 years in South Korea in a joint assignment as a personnel officer and then he returned to the United States to serve in the Pentagon as a staff officer in the Office of the Chief of Legislative Liaison.

Dan McGill then had the distinction of being selected for battalion command and returned to Fort Bragg to serve as the commander of the 1st Squadron, 17th Cavalry, in the 82d Airborne Division. This cavalry squadron is the eyes and ears of the All-American Division. Through sustained superior performance Colonel McGill once again proved he had an unsurpassed ability to lead the world's finest soldiers. He commanded in magnificent fashion.

After graduation from the Army War College, Colonel McGill served on the III Corps Staff until he once again assumed his natural role of a leader of soldiers. He assumed command of the 1st Cavalry Division's Aviation Brigade at Fort Hood, TX. Dan performed magnificently as a brigade commander and during this time served our Nation in combat for a second time, in the Persian Gulf.

Following the brigade command, Col. McGill returned to Korea to serve as the Chief of Staff of 8th U.S. Army. He culminated his service to the Nation as military deputy to the Army's Chief of Legislative Liaison and as the staff director of the Vietnam Commando's Commission.

Colonel Dan McGill has distinguished himself as a leader during a remarkable career of service to our Nation. He has continuously displayed the professionalism, integrity, and dependability our country has come to expect from its Army officers. He has answered the call of service unwaveringly and our heartfelt appreciation and best wishes for the future go with him as he prepares for his next endeavor.

CONGRATULATIONS TO THE FLORIDA MARLINS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the Florida Marlins for having won the 1997 World Series Championship. Created by Wayne Huizenga, administered by Don Smiley, built by Dave Dombrowski, and managed by Jim Leyland, this young team achieved the top honor, to which 28 teams aspire, in just 5 years. By reaching the World Series in record time, the Florida Marlins is the youngest franchise ever to win the World Series and has thus assured itself a place in history.

Before this season, the Florida Marlins had never been in the playoffs. Throughout the 1997 division series, however, they never trailed in games won. They initiated their quest by overpowering the San Francisco Giants and then went on to win the National League championship series by upsetting the Atlanta Braves. Then, in a dramatic, extra-inning, seventh game, they defeated the Cleveland Indians to become the 1997 World Series Champions. Within 5 years, the Flordia Marlins attained a monumental goal that has historically taken championship teams decades to accomplish.

The players who accomplished this feat are: Kurt Abbott, Moises Alou, Antonio Alfonseca, Alex Arias, Bobby Bonilla, Kevin Brown, John Cangelosi, Jeff Conine, Dennis Cook, Craig Counsell, Darren Daulton, Jim Eisenreich, Alex Fernandez, Cliff Floyd, Felix Heredia, Livan Hernandez, Charles Johnson, Al Leiter, Kurt Miller, Robb Nen, Kirt Ojala, Jay Powell, Edgar Renteria, Tony Saunders, Gary Sheffield, Rob Stanifer, Ed Vosberg, John Wehner, Devon White, and Greg Zaun. Their coaches are: Rich Donnelly, Bruce Kimm, Jerry Manuel, Milt May, Larry Rothschild, and Tommy Sandt.

The Marlins' victory was a victory for all Floridians. In a community as diverse as ours, people from different backgrounds have united in their admiration and pride for our baseball team. I applaud the athletic prowess of these men and commend the dedicated efforts of their coaches and manager. I know that the Florida Marlins will continue to give Floridians a spirit of unity and strength in years to come and look forward to another championship season in 1998.

TRIBUTE TO RICHARD L. SWIG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. LANTOS. Mr. Speaker, I would like to pay tribute to the life of Richard L. Swig, who passed away on September 25, 1997, at the age of 72. Dick was a universally respected San Francisco businessman, a dedicated philanthropist, and a devoted community leader in the bay area.

Mr. Speaker, I have known Dick, Cissie, and the whole Swig family for almost 50 years, and my wife Annette and I have loved and admired them for all that they have meant to our community. We first met Dick's wonderful parents in the summer of 1950. Although they were part of San Francisco's social and business elite, and we were just a young couple in the academic community, they enthusiastically accepted our invitation for dinner at our tiny and modest apartment. Dick's late father, Ben Swig, made one of his very last public appearances at the wedding of our younger daughter, Katrina, in the summer of 1980.

Dick first set foot in San Francisco over half a century ago. After serving in the Navy during World War II, the Massachusetts-born Swig moved to the west coast to begin a career with the Fairmont Hotel, which his family had purchased a few years earlier. Dick spent several years learning about every facet of the business, working in management, publicity, and service-oriented positions. In 1953, at the age of 27, he became the hotel's president.

For over four decades, Dick's leadership made the Fairmont the model of luxurious hospitality and one of the most highly regarded hotels in America. World leaders, famous celebrities, and San Francisco visitors with an eye for excellence would call the Fairmont home during their visits to the bay area. The hotel's unqualified success spawned six similarly elegant hotels across the country, in New York, Boston, Chicago, New Orleans, Dallas, and San Jose. Dick demanded the same levels of superiority and class at these establishments as he did at his San Francisco flagship, and they realized the same degree of achievement.

Said his son Rick: "His legacy both to the Fairmont, a company he dearly loved, and as a hotelier in general, is inestimable. . . . His management style was inspired not only by great care and attention to hotel guests, but also the extraordinary recognition of his hotel staff. In the days of independently owned luxury hotels . . . he set standards for us all." Upon his death, the Fairmont flags flew at half-staff. So did every other flag on ever other San Francisco building, per the order of Mayor Willie Brown. This tribute reflects the scope of Dick's contributions, which extended well beyond the Fairmont to the entire bay area community and humanitarian concerns around the world.

Dick Swig, along with his equally dedicated wife Cissie, devoted a large portion of his life to serving the bay area and to fighting for compassionate causes that he cared so much about. He served as trustee, chairman, or board member of more than 40 charitable, professional, and educational institutions, ranging from the Leukemia Society of America to the San Francisco Symphony Association to the San Francisco Convention and Visitors Bureau, of which he served as president.

Dick assumed a particularly strong leadership role in the Jewish community, both in the bay area and nationally, and he worked tirelessly for humanitarian and charitable groups that fought discrimination, educated the public, and served the interests of the community. These organizations included the Anti-Defamation League of B'nai B'rith, the Jewish Community Federation, the Jewish Museum of San Francisco, and numerous others.

Dick received many distinguished honors for his philanthropic work, including the prestigious Mahatma Gandhi Humanitarian Award, the Golda Meir Award, the U.S. Coast Guard's Distinguished Public Service Award, and the City College of San Francisco President's Award. He was truly a man who cherished the value of public service, and his heartfelt generosity improved the lives of many Americans.

Mr. Speaker, shortly after the passing of Dick Swig, the San Francisco Chronicle reported on a recent event that, in my opinion, is characteristic of this fine man. The September 26, 1997, edition reads:

> A while ago, Cissie Swig was honored at a reception at the Fairmont, and her husband, Richard, wanted to be there but he wasn't feeling well enough (waiting for a heart transplant at the time) to stand in a receiving line. So he managed it in his own great style: sat in a chair in his favorite lobby in the world and greeted everyone—for what turned out to be a last time.

Mr. Speaker, Dick Swig was a man who loved people, who loved San Franciscans, and who devoted his life to making others feel comfortable, whether as guests in his hotels or beneficiaries of his generosity. He will be greatly missed by all of us who knew him and who had the opportunity to enjoy his ebullient and compassionate spirit.

TRIBUTE TO MICHAEL McLAUGHLIN

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. ROTHMAN. Mr. Speaker, I rise today to salute a man who devoted his life to serving his community. Michael W. McLaughlin served as a firefighter for almost 12 years in the towns of Edgewater and Fort Lee before joining the Ridgefield volunteer fire department where he served as the department's chief secretary. He was also a member of the U.S. Disaster Response Team and the East Bergen Mutual Aid. He was recently honored at the 16th annual National Firefighters Memorial Service on October 5, 1997.

Michael McLaughlin zealously embraced the idea of community service by devoting so much of his time to his neighbors and families. He was a member of just about every committee in the fire department and he was always ready to help his fellow firefighters in any way possible.

It was his unique concern and compassion for others that set the life of Michael McLaughlin apart. And it is from the concern and compassion for others where we must look for guidance and direction in our own lives. I urge all of my colleagues to join me in saluting this fallen American hero.

TRIBUTE TO PAUL TSONGAS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to a friend, colleague, and great American. Paul Efthemios Tsongas, a former member of this body, the U.S. Senate, and a Presidential candidate. But Paul Tsongas was more than a man with fancy job titles. He was a great father and a caring husband. He was an energetic activist as well as a local and national leader.

Born on February 14, 1941, Paul Tsongas was the son of Greek immigrants. He grew up in the city of Lowell, a historic textile manufacturing center where his father ran a dry cleaning business. He held a B.A. from Dartmouth College and a law degree from Yale. He spent 3 years working with the Peace Corps, which he often said literally changed his life. For many years he held numerous positions in local and State government, and then in 1974 was elected to the U.S. House of Representatives. He served with great distinction for two terms whereupon he ran and was elected to the U.S. Senate.

I will always remember Senator Tsongas' wry sense of humor. He was fond of telling the story of how, when he was first running for his Senate seat, he was misidentified in a news report as "an obscure first term Congressman." He corrected the story by simply saying that he was "an obscure second term Congressman."

More than a decade ago, Senator Tsongas was advocating for a well-educated population in order to boost our Nation's economy. He said "education is the fuel driving our most important growth sector, the high tech industry. High technology is an industry that runs on brain power. In computer science, bioengineering, fiber optics, robotics, or any other high tech field, the basic input is the skill of the engineers, scientists, and technicians working there."

To honor his memory, his vision, and his commitment to economic growth and opportunity, I have introduced legislation creating a graduate fellowship in his name (H.R. 2749).

The Tsongas Fellowships' principal goal is to encourage individuals with exceptionable achievement and promise, especially members of traditionally underrepresented groups, to pursue careers in science and engineering fields that confront the global energy and environmental challenges of the 21st century.

During the past century, as much as 50 percent of our national economic growth has been created by technological innovation in high tech and other brain-powered industries. In this past century we have literally gone from horse and buggies to space flight. Today, we can imagine finding a vaccine for AIDS, or real-time two way tele-video. Even 10 years ago, these discoveries seemed unthinkable. With a continued commitment to education and research, today's mysteries will become tomorrow's realities.

Engineers have brought a large part of these innovations into our lives. And our need for solutions to today's problems—from toxic waste to new energy sources—is just as great as it was 100 years ago.

I can think of few better ways to honor the man who committed his career to an honest and open dialog about the issues facing our country today. By providing a fellowship in his name we will be bringing his philosophy to bear—that "investment is the future."

THE GLOBAL ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 29, 1997, into the CONGRESSIONAL RECORD.

GLOBALIZATION OF THE ECONOMY

Hoosiers have heard and read a lot about the globalization of the U.S. economy, but their reaction is mixed. While some seem to like the idea, others react with confusion and concern. What exactly is globalization, and what does it mean for the U.S. economy?

WHAT IS GLOBALIZATION?

Globalization is the way the economies of various countries around the world are becoming increasingly linked. Economic interaction among countries is obviously not new, as countries have been trading with each other for centuries. But fundamental changes in recent years have accelerated that interaction and reshaped the world economy. Technological barriers to commerce have fallen as transportation and communications costs have plummeted. Man-made barriers, like tariffs, have been drastically reduced. These changes, together with the rapid industrialization of the developing world, especially in Asia, and the transition of the formerly communist countries to market economies, have dramatically changed the international economic system and made it more "globalized".

Over the past decade, world trade has grown twice as fast as the world economy. Numerous companies around the globe are spending several trillion dollars annually on factories and other facilities in countries other than their own. And financial market reforms combined with new information technologies are enabling traders in various countries to exchange hundreds of billions of dollars worth of stocks, bonds, and currencies every day.

IMPACT ON U.S.

Globalization has affected the U.S. economy in many ways. The U.S. now exports one-eighth of everything it produces and one-third of its agricultural production. Boeing, Caterpillar, and many other large U.S. firms now sell more than half of their output in other countries, and export-related jobs pay on the average 16% more than non-export jobs. Foreign-owned corporations employ more than 12 million Americans—5% of the U.S. workforce. More than half the cars sold by Toyota in the U.S. are assembled here, and nearly all of the cars sold by U.S. automakers include major components made in foreign countries. Through mutual funds and pension funds, the earnings of millions of middle-class Americans have been invested in dozens of foreign stock markets.

DIFFERENT PERSPECTIVES

People disagree on whether globalization is good for the U.S. economy.

Some consider globalization positive for the U.S. They argue that booming exports have helped keep our economic expansion going, reduce our unemployment rate to the lowest level in 20 years, and, through increased competition, hold inflation down. They say we are in the best position to prosper in an increasingly dynamic international economy because we have the world's most open markets, most productive workers, and most talented entrepreneurs.

Others see globalization as a problem. They argue that two key features of globalization—additional imports from lower-wage countries and the increased ease with which U.S. firms can shift production to other countries—are hurting U.S. wages and eliminating U.S. jobs.

A third group says globalization simply hasn't made much of a difference to the lives of most Americans. Despite our increasing links to other countries, trade still accounts for a significantly smaller share of our total economy than in most other industrialized nations. U.S. growth, unemployment, and inflation are still determined mainly by domestic decisions on interest rates, budget deficits, and the like. And, according to most economists, technological change has a bigger impact on wage stagnation and job loss than do trade and foreign investment.

None of these perspectives on globalization is entirely correct, but each has some merit. Globalization clearly offers great opportunities to the U.S. economy. Firms capable of exploiting new foreign markets can bring valuable returns to their employees and investors. By keeping prices down and increasing purchasing options, import competition can benefit consumers and manufacturers. But developments that offer opportunities to some Americans pose challenges to others. Even though technology may be a bigger threat to U.S. wages and jobs, lower-skilled workers, in particular, face tough competition from countries where labor costs are much lower.

U.S. POLICY

The United States cannot stop globalization; the economic forces behind it are simply too strong. Nor could we withdraw from the world economy. The challenge for the U.S. is to position itself to benefit from the major changes now sweeping over the international economic system so that we raise the living standards of U.S. residents overall. We need to seize the opportunities created by globalization while responding to its costs.

That means, first of all, that we need to maintain our leadership on trade and continue to work to improve the international economic system. All nations will benefit from policies of openness and engagement, the kind of international economic system the U.S. has worked hard to establish for half a century. Such policies will create new markets for our products and enhance international stability and cooperation. By renewing fast-track trade negotiating authority, Congress can give the President the critical tool he needs to open foreign markets and prevent other countries from reaching trade agreements that harm our interests.

At the same time, we need to do a better job of helping lower-skilled workers acquire the education and training they need to get the higher-paying, higher-skilled jobs that our economy is creating. We provide too little support to workers who lose their jobs due to trade. Federal and state worker education and training programs are underfunded and uneven in quality. Efforts to reform these programs have stalled several times in recent years. With the federal budget climate improved, it makes sense to try again.

CONCLUSION

Our number one concern in this increasingly globalized economy is jobs—good and secure jobs for Americans. We need to pursue policies that promote economic growth and improve living standards for all Americans. We need to redouble our efforts to better prepare workers for the new jobs our economy is creating.

INTRODUCTION OF THE POLICE AND FIREMAN'S ADDITIONAL COMPENSATION ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Police and Fireman's Additional Compensation Act of 1997. This legislation would provide added pay for members of the Metropolitan Police and Fire Department of the District of Columbia, and to the U.S. Secret Service's Uniformed Division and the Park Police who carry out certain technical or hazardous duties.

This bill also would include the additional compensation paid for service longevity into retirement calculations for police and firefighters, and is a commonsense and budget-conscious way to encourage the retirements of police and firefighters who are at the top of their respective pay scales and seniority levels.

Under this legislation, members of the U.S. Secret Service Uniformed Division who travel to a foreign country in which a state of war or civil unrest exists would receive an extra $100 a day in addition to his/her basic compensation and travel expenses.

The Police and Fireman's Additional Compensation Act of 1997 would save taxpayer dollars by encouraging the retirements of senior police and firefighters who have reached the top of the pay scale. At the same time, the bill provides needed compensation to those who risk their lives to protect and preserve our communities. These brave men and women provide the highest quality of service to our citizens; providing them with added compensation is an appropriate way in which to send a message that we appreciate the difficult work that they do.

LOOK OUT CONSUMERS: PHARMACEUTICAL RIP-OFF BEING PROPOSED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. STARK. Mr. Speaker, following is the testimony of Immunex Corp. from an October 21, 1997 hearing before the Senate Approrpriations Subcommittee on Labor-HHS-Education.

It describes why a proposal by a number of drug manufacturers to extend the patent exclusivity on their drugs is a bad deal for consumers and America. Everyone is for increased research on the cure to illnesses—but charging sick people more for existing medicines while the corporations pocket most of the monopoly windfall for profits is a lousy deal.

The end of a Congress is a dangerous time, when last minute sweetheart deals get added to "must pass" legislation. The last time a pharmaceutical company tried this was an anonymous amendment to the Kennedy-Kassebaum law to provide special patent protection to Lodine. the result was a national outcry and special action to strip the "gift" out of the bill.

Keep your eyes open everyone—we may be facing the same robbery attempt again.

STATEMENT BY SCOTT HALLQUIST, SENIOR VICE PRESIDENT AND GENERAL COUNSEL IMMUNEX CORPORATION, BEFORE THE SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, COMMITTEE ON APPROPRIATIONS, U.S. SENATE

October 21, 1997.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE: On behalf of the employees and stockholders of Immunex Corporation, I am grateful to the Subcommittee for affording me the opportunity to present Immunex's views about the proposed demonstration project to fund biomedical research through extensions of market exclusivity for approved drugs. If implemented, this proposal would deprive our company of the ability to provide an important cancer drug to patients. Using this drug as an example, I will illustrate for the Subcommittee the punitive and anticompetitive impact of the proposed demonstration on private sector research, health care expenditures, the federal Medicare budget, and patient access to affordable drug therapies.

Immunex is a research-based biopharmaceutical company headquartered in Seattle, Washington. We have approximately 900 employees throughout the U.S. Our mission is to develop innovative treatments for patients with serious medical needs. Since the company was founded sixteen years ago, we have spent $483 million on research and development—approximately one-half of the company's revenues over that same period of time. In 1996, our total research investments exceeded $100 million.

Immunex markets seven products in the U.S. All are used in the treatment of cancer or to temper the side effects of cancer therapy. As one example, we received FDA approval to market a chemotherapy drug called Novantrone for the 80,000 men who suffer from advanced hormone refractory prostate cancer. Until Novantrone received clearance, there were few treatment options for these patients. In addition to the development of innovator drugs like Novantrone, Immunex has developed a generic form of paclitaxel, a chemotherapeutic agent used to treat metastatic ovarian and breast cancers that have not responded to first line therapies. We intend to market this drug as soon as the exclusivity period granted to Brisol-Myers Squibb for its brand, Taxol, expires.

Thus, we are able to consider the proposed demonstration project from a unique perspective—that of a company that is fiercely committed to research and development, that develops and markets innovator drugs, and that also has an interest in generics. In our view, the proposed demonstration runs counter to sound public policy and would not achieve its stated objectives.

Proponents of the demonstration offer two principal justifications: 1) five years of market exclusivity is not sufficient to provide adequate incentive for companies to conduct research to develop new drugs; and 2) the demonstration would provide a source of revenue needed to maintain support for NIH research. Unfortunately, the proposal fails on both counts.

Perhaps there should be a reexamination of the purpose and effect of the Waxman-Hatch market exclusivity law. But the appropriations process is not the proper forum for that debate. It requires the same level of scrutiny and consideration that was applied when the law was first adopted. This is particularly true in light of the anti-competitive nature of the demonstration and its likely adverse impact on patient access to lifesaving therapies. Moreover, the proposed demonstration does nothing to incentivize new drug development since it would extend, by up to five additional years, market exclusivity for existing drugs only. It actually would deter research to develop new formulations of drugs that qualify for the additional protections. Simply put, other companies that otherwise might produce new versions with fewer side effects, easier delivery systems, or greater efficacy would be unable to receive approval and would have no incentive to conduct the research necessary to achieve these kinds of breakthroughs. Depriving patients in this way goes well beyond current market exclusivity policy.

The projected revenue stream to NIH is another fallacy. As illustrated in the Taxol example below, the cost to the government of extending exclusivity periods under this demonstration would far exceed the projected $750 million of new revenue for NIH. It also is important to note that the proposed "royalty" would not be absorbed by the pharmaceutical companies but would be passed on to patients, private insurers, and government health care programs in the form of higher prices for drugs that are shielded from competition. A tax on sick and dying patients is an inappropriate and unnecessary way to fund biomedical research.

Conservatively, at least 21 drugs would receive protection under the demonstration. But one drug, Taxol, presents the most egregious case study on why the demonstration would be a horrible investment for taxpayers and a setback for cancer patients.

The active ingredient in Taxol is the anticancer compound paclitaxel. It was discovered, formulated, and introduced into human clinical trials by the National Cancer Institute using federal funding. As a result of a cooperative research and development agreement, or CRADA, Bristol-Myers Squibb was granted exclusive rights to the NCI paclitaxel research, continued the clinical trials of Taxol, and obtained FDA approval in December 1992. In return for its investment, Bristol received five years of marketing exclusivity under the Waxman-Hatch Act. This term of exclusivity is scheduled to expire on December 27, 1997.

Taxol is an expensive drug. A basic treatment costs a cancer patient more than $2,000. Taxol pricing was the subject of a negotiated agreement between NIH and Bristol following a House subcommittee hearing in 1991 at which a senior Bristol executive testified that the drug "is neither patented nor patentable; therefore, we do not have exclusive intellectual property rights to Taxol." Taxol's high price and five years of marketing exclusivity were part of the bargain that Bristol struck with the government.

The bargain paid off for Bristol. Bristol does not separately report U.S. Taxol sales, but the market research firm IMS America estimated U.S. Taxol sales for 1996 alone to total $519 million. Other firms have estimated them to be as high as $590 million. In August of this year, Bristol reported worldwide Taxol sales of $813 million and sales in the first half of 1997 of $444 million. Taxol is well on its way to becoming a billion dollar drug and certainly needs no additional legislative preference to ensure its success.

Four years ago, Immunex began working with paclitaxel. We have a supply arrangement with an innovative Colorado company, Hauser, Inc., that pioneered paclitaxel manufacturing processes when NCI research on paclitaxel first began. Immunex and Hauser each have invested heavily to prepare stockpiles of bulk drug for formulation and sale. Hauser also has developed a manufacturing process based on renewable biomass that can assure continued supplies of paclitaxel. In undertaking this effort, we relied upon the Waxman-Hatch law and have every intention of introducing on the market a competitive paclitaxel product in the U.S. upon the expiration of Bristol's initial exclusivity period for Taxol. Several other companies have expressed the same intent.

The positive impact of generic competition to Taxol is occurring in Canada where Immunex has introduced a competitive paclitaxel injection product. The prices for Taxol in Canada are already declining as the market adjusts to competition. Whereas a breast cancer patient in the U.S. pays $183 for a vial of Taxol, her Canadian counterpart is able to obtain the competitive product for less than $100 (U.S. dollars).

NCI has indicated its expectation that generic competition for Taxol will occur upon the expiration of Bristol's initial term of exclusivity. In a letter to Senator Ben Nighthorse Campbell, dated February 26, 1997, Alan Rabson, Deputy Director of NCI, discussed the Bristol CRADA and stated, ". . . [N]ew anti-cancer indications for paclitaxel that hopefully will arise from research under the extended CRADA may increase market opportunities for generic manufacturers of paclitaxel once they are able to enter the market in January, 1998."

Nevertheless, Bristol continues to pursue efforts to obtain extensions of its Taxol exclusivity. At one point, Bristol was seeking a two-year extension. To better understand the economic impact of such an extension, Immunex commissioned a study by an independent economic research firm, National Economic Research Associates ("NREA"). NERA estimated that a two-year extension would cost the U.S. health care system in excess of $1 billion and would cost the Medicare program alone $288 million.

The proposed demonstration would provide not two, but five years of additional exclusivity to Bristol for Taxol. In exchange, NCI would receive a mere three percent royalty. Based upon the approximately $500 million in U.S. sales now recorded by Bristol, NCI would receive about $15 million in royalties in the first year. Comparing the estimated Medicare cost impact of a two-year extension with two years worth of royalty payments under the demonstration, taxpayers would spend an extra $10 on Medicare for every $1 invested in the demonstration. When one considers the over $1 billion in added costs to all federal health programs and private sector plans, the taxpayer cost balloons to nearly $30 for every one dollar spent with regard to Taxol alone. The numbers are even more astounding when all drugs covered by the demonstration are taken into account.

The sweeping protections granted to certain drugs under the proposal actually would deter other companies from researching and developing new formulations of paclitaxel or new methods of using and administering this anticancer compound, since any drug application relating to this active compound (even new drug applications directed to uses, indications, or formulations that are not researched or developed by Bristol or included in Taxol labeling) would be frozen for five years.

Thus, the proposed demonstration actually would cost the federal government billions of dollars that otherwise could have been dedicated, at least in part, to NIH research. It would discourage important research, deny patients access to lower-cost drugs, impose a hidden tax on the sick, and adversely impact companies that have made significant investments in researching new uses for drugs that are reaching the end of their exclusivity periods.

WORKERS COMPENSATION REFORM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. KUCINICH. Mr. Speaker, there is a national campaign in our country to weaken the social safety net that has protected our citizens for 6 decades. The latest focal point for that campaign is my home State of Ohio.

Last spring, the Ohio State legislature passed, and the Governor signed, a very damaging piece of legislation that seriously undermines the workers compensation system. Under the guise of workers compensation reform, this law would make it very difficult for workers to receive compensation for legitimate workplace injuries such as carpal tunnel syndrome. It makes a number of extreme changes in workers compensation that would block injured workers from receiving medical care and benefits. Working families would suffer so that Ohio employers can save $200 million per year in payments to injured workers.

Mr. Speaker, the citizens of Ohio have said enough is enough. More that 400,000 voters signed petitions to place Issue 2 on the November ballot. Issue 2 would protect the rights and benefits of injured workers by overturning this destruction of Ohio's workers compensation system.

This is truly a battle of titans. On the one side is a $10 million advertising blitz financed by big business. On the other side is a coalition of injured workers, senior citizens, churches, public interest organizations, and unions. The entire Nation is watching this vote. The rights and benefits of injured workers hang in the balance.

TRIBUTE TO CWO3 NELSON CANALES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to CWO Three Nelson Canales, a father, a soldier, and a patriot. Following his family's long and distinguished tradition of serving the Nation through the armed services, Mr. Canales joined and served in distinguished fashion with the U.S. Army for 8 years as an officer, and most recently as an aviation maintenance officer with the Army National Guard, National Guard Bureau, in Washington, DC.

Chief Warrant Officer Three Canales, the son of retired U.S. Army Sergeant 1st Class Adolfo Canales, was born on October 13, 1960, in San Juan, PR. He graduated from the Interamerican University in San Juan, PR, attending as a U.S. Army ROTC scholarship recipient. Serving in the U.S. Army from 1983 to 1991, Chief Warrant Officer Three Canales graduated from flight school in 1985 followed by multiple tours: first serving with the Attack Battalion, next the 1st Infantry Division, followed by the 82d Medical Detachment (Air Ambulance), next the chief protocol-Republic of Honduras (U.S. Embassy/JTF), and his last assignment was with the U.S. Military Intelligence Battalion as a special electronic mission aircraft pilot for the RC–12 reconnaissance aircraft. After completing his service in the U.S. Army, Chief Warrant Officer Three Canales joined the Tennessee Army National Guard in 1992.

When the nation is in need, it is a great relief to know that there are men and women, like Chief Warrant Officer Three Canales and his family, who will respond to the call of duty. On behalf of a grateful nation, let us all join his wife Kimberly and their daughters Leah Beth and Anna Kris, to pay tribute to a man who has served this nation admirably and continues to do so with distinction.

A TRIBUTE TO DAVID B. BURKE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding scout, David B. Burke, in achieving the rank of Eagle Scout.

The Boy Scouts of America, Troop 358, will present David B. Burke with the Eagle Scout Award at St. Christopher's Gym in Midlothian, IL, on Sunday, November 2, 1997, in the presence of his fellow troop members, his parents, family, and friends.

The Eagle Scout Award stands for honor, which is the foundation of all character. It stands for loyalty and without loyalty, all character lacks direction. Finally, the award displays courage, which gives character force and strength.

Mr. Speaker, I congratulate David and his parents for the many years of participating in the Scouting Program that has proven to develop a solid foundation for many of our youths, all over this fine country of the United States.

EPA AIR REGULATIONS: BAD SCIENCE COMBINED WITH BAD TIMING

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. THOMAS. Mr. Speaker, I rise to oppose the new EPA particulate matter standards issued this summer, and I call on my colleagues to support H.R. 1984, which will delay these standards until data can be collected to support a balanced and rationale decision.

Particulate matter or PM is very fine particles of dust or smoke which are created from various sources such as engines, crop burnings, dirt, or simple household dust. Farming can generate PM simply when tractors cross dry soil or by burning crops after harvest. One business in my district must routinely sweep the roads in its plant at the demand of regulators in order to minimize PM from being thrown up when vehicles pass, despite the fact that the plant is situated in the middle or arid, dusty land where the wind blows dirt around everyday. I often hear from my constituents that they would not mind the effort and cost if government requirements made sense and solve a problem. Often, as here, they do not.

EPA frequently relies upon inadequate research to support its decisions as is the case of its new PM standards. In this instance EPA bases its decision on a very limited number of studies disregarding the ones that disagree with its decision. EPA makes sweeping statements that PM causes premature deaths, but none of the studies actually monitored the affected people for a link to PM. Factors like smoking history, physical fitness, and alternative causes of death were not taken into account by any study relied upon by EPA. Many current scientific studies say poverty and cockroach allergens, not manmade pollutants, have been the major cause of asthma. EPA's data is simply inadequate.

Moreover, EPA poorly estimates the cost of these new standards. The EPA originally said $3 billion per year. Now that the regulations are promulgated, it claims $37 billion is more accurate—$37 billion every year. A George Mason University study says $80 billion is more likely for full compliance with PM. The EPA freely admits that no technology today exists to accomplish the mandate of the new standards, but it blithely believes that setting unrealistic goals is the way to force businesses to come up with new antipollution technology. On behalf of farmers in my district, however, I want to ask EPA what technology it expects farmers to use to stop the wind from blowing dirt around. We already limit agricultural burns and plowing/harvesting practices.

Imposing onerous and flawed EPA standards on an already burdened public is wrong. I support clean air and the need for air regulations, even when it raises the price of goods and services in our economy. Clean air is a good that Americans want and are ready to pay for, but they want value for their dollar. I urge this Congress to reject these new EPA PM 2.5 regulations until more scientific data is available, data that is not rushed along by lawsuits, but is collected and analyzed in a careful, professional manner.

NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS OF 1997

SPEECH OF

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I am opposed to H.R. 2610, the National Narcotics Leadership Act, in its current form. This bill would reauthorize the Office of National Drug Control Policy [ONDCP]. It was considered by the Government Reform and Oversight Committee on October 7, 1996. No hearings were held on this legislation and there was no subcommittee consideration of the bill. A number of amendments were offered by Democratic members. The bill was considered under suspension of the rules on Tuesday, October 21, 1997, over the objections of myself and Representative HENRY A. WAXMAN, ranking minority member of the Government Reform and Oversight Committee.

The cornerstone of H.R. 2610 is a series of targets for reducing drug use. We support the concept of setting targets for reductions in drug use by adults and children. These targets should be aggressive, but they should also be realistic and based on the best available evidence and expert opinion.

Unfortunately, the targets in H.R. 2610 do not appear to meet these tests. Rather, they appear to lack a substantive basis and to be politically designed for failure. According to the President's Office of National Drug Control Policy [ONDCP], "the unrealistic targets set forth in H.R. 2610 could hurt our efforts against drug use when the public, seeing the inevitable failure to meet these goals, becomes convinced the effort is lost." Since our Committee held no hearings on H.R. 2610, there is no record to support the targets established in the legislation.

The target for teenage drug use in H.R. 2610 illustrates the problems in the legislation. Teenage drug use is an extraordinarily serious problem. Drug use by teenagers has increased by 50 percent since 1992. Clearly, we need a focused national effort to reduce teen drug use dramatically. H.R. 2610, however, requires the executive branch to reduce teenage drug use by 90 percent by 2001. To achieve these reductions, ONDCP would have to reduce drug use by teenagers to just 3 percent of the teenage population in just four years—a level that is 67 percent below the lowest level of teen drug use achieved at any time since 1976, when records were first kept. There is simply no evidence that these reductions are achievable in just 4 years.

Another serious problem is that H.R. 2610 ignores the two substances most commonly abused by children—tobacco and alcohol. An effective drug control strategy has to include tobacco and alcohol because these are "gateway" substances to drug use. Statistics show that children who drink and smoke are 30 times more likely to use cocaine or heroin than children who don't. Unfortunately, the Republican members of the committee unanimously voted against establishing targets for reducing teenage use of tobacco and alcohol. This vote was especially ironic given that the Speaker criticizes the President's initiatives to reduce teen tobacco use on the grounds that these initiatives are too narrowly focused and don't prevent substance abuse on a broader basis.

There are a number of other problems with H.R. 2610. The bill authorizes ONDCP for only 2 years, making it impossible for the agency to plan to meet the 4-year targets in the legislation. General McCaffrey has requested a twelve-year reauthorization. A 2-year reauthorization is especially troubling since the targets established by the bill are for 2001. It makes little sense to sunset ONDCP when it is only halfway to reaching the goals contained in the bill. It will only cause confusion and hamper ONDCP's effectiveness. A 2-year reauthorization will also set up ONDCP for yet another reauthorization fight on the eve of a Presidential election, further politicizing the issue.

H.R. 2610 also prohibits the use of High Intensity Drug Trafficking Area [HIDTA] funds for drug treatment programs. Under the HIDTA program, the Director of ONDCP has the authority to designate High Intensity Drug Trafficking Areas, and to reassign Federal personnel to work together with local, State, and Federal drug control agencies. HIDTA's have a law enforcement focus, but a few have successfully used HIDTA funding to coordinate treatment activities as part of an overall counter-drug effort. This is entirely appropriate, as the local authorities have determined that without coordinating drug treatment and law enforcement activities, we will continue to recycle drug offenders in unacceptable numbers.

I would like to include with my statement the President's Statement of Administration Policy on H.R. 2610, and a letter from General Barry McCaffrey, Director of the Office of National Drug Control Policy, to the minority leader, Rep. GEPHARDT, further elaborating on his opposition to this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, October 21, 1997.

Hon. RICHARD A. GEPHARDT,
Democratic Leader, U.S. House of Representatives, Washington, DC.

DEAR MR. LEADER: Thank you for your consideration of H.R. 2610 to reauthorize ONDCP. While the Administration strongly supports reauthorization of ONDCP, we have grave reservations about H.R. 2610 in its present form. The attached Statement of Administration Policy provides full details; the purpose of this letter is to highlight those of greatest importance.

First and foremost, we must construct a realistic roadmap to victory. ONDCP and the federal drug-control agencies have been working diligently to develop a performance measurement system that will lay out targets and measures designed to take the U.S. to historical low levels of drug use (as measured by official government data) within the next ten years. This performance measurement system already reflects thousands of hours of analysis. We are developing a final plan which will establish numerical targets that are both ambitious and achievable. The final plan will take into account known obstacles, such as the two- to three-year lag between noticeable changes in attitudes towards drugs and noticeable changes in behavior, and the time needed to hire and train law-enforcement, drug-treatment, and drug-prevention personnel. We believe the unrealistic targets set forth in H.R. 2610 could hurt our efforts against drug use when the public, seeing the inevitable failure to meet these goals, becomes convinced the effort is lost.

Second, the two-year reauthorization is an inadequate commitment to the national drug control strategy. A two year period does not provide adequate time to implement the ten-year plan supported by five-year budgets outlined in the *1997 National Drug Control Strategy*. Nor is it of sufficient duration to allow ONDCP to compile data and evaluate the effectiveness of drug control programs through the performance measurement system we are developing. Finally, our ability to coordinate the efforts of federal agencies responsible for implementing the *Strategy* depends, in part, on ONDCP's long-term viability.

We appreciate your consideration and look forward to working with you to achieve a reauthorization bill that all of us can embrace.

Respectfully,

BARRY R. MCCAFFREY,
Director.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 21, 1997.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2610—NATIONAL NARCOTICS LEADERSHIP ACT OF 1997

The Administration strongly supports reauthorization legislation for the Office of National Drug Control Policy (ONDCP), and has proposed legislation (H.R. 2407) for this purpose. Although H.R. 2610 contains several features of the Administration's proposal, the Administration opposes the bill as reported because it:

Establishes numerical statutory targets for reducing drug use by the year 2001 that are unrealistic and unattainable in such a short time period. The proposed goals do not take into consideration budget constraints, the two- to three-year lag between noticeable changes in attitudes toward drugs and noticeable changes in behavior, and the time needed to hire and train law enforcement, drug treatment, and drug prevention personnel. The Administration's bill, in contrast, would codify a process for establishing meaningful performance measures without enacting inflexible specific numerical targets into law. That bill, H.R. 2407, would require ONDCP to develop a Performance Measurement System that includes a comprehensive set of objectives, measures, and targets, and that works in conjunction with agency performance plans required by the Government Performance and Results Act of 1993. The specifics of this system will be submitted to the Congress by early 1998.

Reauthorizes ONDCP for only two years. The Administration's proposal included a 12-year authorization, which is critical to implementation of the 10-year strategy, supported by five-year budgets, announced in the 1997 National Drug Control Strategy. Reauthorization must be of sufficient duration to allow

ONDCP to compile data and evaluate the effectiveness of the drug control program through the Performance Measurement System it is developing. A two-year reauthorization is also inconsistent with the four-year goals established in H.R. 2610.

Raises Constitutional questions. The bill would authorize the Director of ONDCP to transfer funds among National Drug Control Program (NDCP) agencies with the advance approval of specified congressional committees. The committee approval mechanism is a violation of the Constitution's bicameral, and presentment requirements under the Supreme Court's *INS* v. *Chadha* decision. Other provisions that raise Constitutional questions include: the requirement that NDCP agency budget requests be provided to the Congress prior to review by the Office of Management and Budget, the statutory designation of the Director of ONDCP as a member of the President's cabinet; and the designation of the Director of ONDCP as the "primary spokesperson of the President on drug issues."

The Administration will seek amendments to address the objections cited above and in the attachment.

ATTACHMENT

ADDITIONAL OBJECTIONS TO H.R. 2610

Other Administration objections to H.R. 2610 include the bill's:

Excessively burdensome reporting requirements. For example, the bill would require each National Drug Control Program (NDCP) agency to submit semi-annual reports to ONDCP on the agency's progress with respect to the numerical goals established for reducing drug use. ONDCP would be required to submit a semi-annual summary of these reports to Congress. The requirement for semi-annual reporting will provide little additional useful information since most of the relevant data are available for annually or even less frequently. The reporting requirement would only divert attention and resources away from efforts to reduce drug use and its consequences.

Prohibition of or creation of substantial obstacles to Federal funding for legitimate scientific research into potential uses of controlled substances. H.R. 2610 would require the Director of ONDCP to ensure that no Federal funds are used for research relating to the legalization of a Schedule I substance for any purpose, including medicinal use. This provision could impair legitimate scientific research. Previous research that H.R. 2610 might have prohibited includes work on marinol, a synthetic THC compound that has been found to stimulate the appetite of AIDS patients, and on ibogaine, which is currently being studies for use in treating cocaine- and heroin-dependent addictions.

Conflicts between the proposed responsibilities of the Director of ONDCP and those of other agencies. H.R. 2610 creates a new Deputy Director for Intelligence but neither delineates the responsibilities of this new position nor distinguishes them from those of the Director of Central Intelligence, thus creating the potential for confusion and duplication of effort. The bill also authorizes the Director of ONDCP to consult with "appropriate representatives of foreign governments" without recognizing the role of the State Department, the agency principally responsible for the conduct of foreign policy, or other agencies with authority for conducting or coordinating activities overseas. Finally, the requirement that ONDCP establish performance measures for drug control programs could conflict with the performance measures already developed or under development by NDCP agencies as required by the Government Performance Review Act (GPRA).

Involvement of the Director of ONDCP in the internal management of other agencies. H.R. 2610 requires the heads of NDCP agencies to provide the Director of ONDCP with unspecified "information" about any position (before an individual is nominated for such position) in National Drug Control Program offices or to any position at or above the level of Deputy Assistant Secretary. Although the bill does not specify a formal review or approval responsibility, it suggests a role for the Director that undercuts the authority of other Presidential appointees to manage their agencies.

Prohibition on the use of High Intensity Drug Trafficking Areas (HIDTA) funds from being used to expand treatment programs. Although the primary goal of HIDTA funding is to improve the coordination of law enforcement activities, it is critical to maintain and improve linkages between the criminal justice system and effective treatment programs.

Failure to address the under-age use of tobacco and alcohol. The 1991 Drug Strategy issued by ONDCP during the Bush Administration, and every Strategy issued since that time, has included the reduction of under-age use of alcohol and tobacco because these substances are recognized as gateways to illicit drug use. It is critical to codify reducing the under-age use of these substances within the scope of national drug control activities.

Duplication of Clearinghouse Activities. H.R. 2610 would require ONDCP to develop in interagency clearinghouse to distribute demand-related drug information, thereby duplicating the efforts of existing clearinghouses. This would be a poor use of limited drug control resources.

TRIBUTE TO RUDY DEMAREST

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. Rudy Demarest as he is honored by the Old Timers Athletic Association of Greater Paterson. He is the recipient of the 1997 Lou Costello Athletic Memorial Award. This prestigious award is presented annually to individuals who have made a lifelong contribution to the sporting community of the Greater Paterson area. Rudy Demarest has earned this honor by serving as a baseball coach for over 60 years and providing a positive role model for the children of Paterson.

Rudy was born and raised in Paterson. He attended Central High School and demonstrated a gift for coaching at a very young age. As a freshman in 1933, Rudy coached the School 10 baseball team to the city championship. An athlete in his own right, Rudy was invited to train with a professional team in Florida in 1946. However, he was unwilling to leave his wife, who was pregnant with his first child, and remained in Paterson. Foregoing his own dreams of professional athletics, Rudy channeled his energies into coaching, serving the Paterson area in various capacities for 64 years. Those who have been taught the fundamentals of baseball by Rudy remember him fondly. He is well known as a coach that focused on the individual needs of each athlete, often treating them like members of his own family. Not surprisingly, Rudy often shocks former pupils by calling them by their first name, sometimes 20 or 30 years after he coached them.

Rudy's distinguished career has been an unqualified success. For 14 years, he volunteered his time as an assistant baseball coach at John F. Kennedy High School in Paterson. Still an active member of the Passaic County American Legion Baseball Committee, he coached the team for Raymond Pellington American Legion Post 260 for many years. Rudy's accomplishments have not gone unnoticed. In 1985, he was named Paterson's Youth Guidance Man of the Year. In 1987, Rudy was named the vice president of the Metropolitan Semi-Pro Baseball League. In 1993, he was named commissioner of that organization. In 1994, he was honored by the Passaic County Coaches Association, an organization of which he has been a lifelong member.

In addition to his successes in coaching, Rudy is the proud father of four. Two of his progeny, son, Al, and granddaughter, Annette, have also been honored with awards from the Old Timers Athletic Association. The former driver for the Paterson News, Rudy also serves as president of the Senior Group of Our Lady of Pompei Roman Catholic Church.

Mr. Speaker, I ask that you join me, our colleagues, Rudy's family and friends, the city of Paterson, and the hundreds of Paterson youth that have benefited from Rudy's guidance in recognizing the wisdom of the Old Timers Athletic Association's choice of Rudy Demarest as the 1997 winner of the Lou Costello Athletic Memorial Award.

SALUTING THE 18TH ANNUAL TESTIMONIAL DINNER OF MASJID BILAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. STOKES. Mr. Speaker, I rise today to recognize the 18th annual testimonial dinner of the Masid Bilal. This event will take place on November 1, 1997, in my congressional district. The Masjid Bilal is under the direction of Imam Clyde Rahman. I take special pride in recognizing the Masjid Bilal as it marks this important juncture.

The theme for the 18th testimonial dinner is "The Lamp of Education; the Light of Religion." In selecting this theme, we will be able to focus on the importance of educating our youth as they prepare to become the leaders of tomorrow. We will also direct our attention to the role that religion plays in guiding individuals and families to assume greater responsibility within the community at large.

Mr. Speaker, one of the highlights of the testimonial dinner will be a tribute to three individuals within the Greater Cleveland community. The honorees are: Dr. Jerry Sue Thornton, president of Cuyahoga Community College; Terry Butler, principal of East Technical High School; and Imam Ahmed Abbas, a high school teacher and religious leader. Each of the individuals being honored have demonstrated an untiring commitment to youth throughout the Greater Cleveland area. I am pleased that their efforts are being acknowledged, and I extend my personal congratulations to each of them.

Over the years, I have enjoyed a close association with Imam Clyde Rahman and members of Masjid Bilal. I note with pride the fact that his is the first Masjid to be built on American soil, with financing for the project coming from the African-American community. Imam Rahman is also a leader who has reached across racial and religious lines to promote universal understanding and peace.

On the occasion of the 18th annual testimonial dinner, I join many others in applauding Imam Rahman for his continued leadership to the Greater Cleveland community. I salute him and wish Masjid Bilal continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 30, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 31

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings on the Treasury Department's Office of Inspector General.
SD-342

10:00 a.m.
Foreign Relations
To hold hearings on pending nominations.
SD-419

NOVEMBER 3

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume oversight hearings on the Treasury Department's Office of Inspector General.
SD-342

10:00 a.m.
Indian Affairs
Business meeting, to mark up H.R. 976, to provide for the disposition of certain funds appropriated to pay judgement in favor of the Mississippi Sioux Indians; to be followed by a hearing on provisions of H.R. 1604, to provide for the division, use, and distribution of judgement funds of the Ottawa and Chippewa Indians of Michigan.
SR-485

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on oversight of the administrative procudures and examination of anti-slamming laws.
SD-226

2:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to review the annual report of the Postmaster General.
SD-342

NOVEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Judiciary
To hold hearings to examine competition, innovation, and public policy in the digital age.
SD-226

2:00 p.m.
Budget
To hold hearings to examine options for funding social security benefits in the 21st century.
SD-608

Judiciary
To hold hearings on the nomination of Seth Waxman, of the District of Columbia, to be Solicitor General of the United States, Department of Justice.
SD-226

NOVEMBER 5

10:00 a.m.
Finance
To hold hearings on proposals to restructure the Internal Revenue Service.
SD-215

Judiciary
Youth Violence Subcommittee
To hold hearings to examine Federal efforts to prevent juvenile crime.
SD-226

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee Closed briefing on the 1997 "eligible receiver".
SH-217

3:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the report of the President's Commission on Critical Infrastructure Protection.
SD-226

NOVEMBER 6

12:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the social impact of music violence.
SD-342

2:00 p.m.
Judiciary
To hold hearings on the nominations of Robert S. Warshaw, of New York, to be Associate Director, and Thomas J. Umberg, of California, to be Deputy Director for Supply Reduction, both of the Office of National Drug Control Policy.
SD-226

CANCELLATIONS

NOVEMBER 5

9:30 a.m.
Indian Affairs
To hold oversight hearings on proposals to extend compacting to agencies of the Department of Health and Human Services.
SR-485

SENATE—*Thursday, October 30, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Dr. Charles Lever, Lake Magdalene United Methodist Church, Tampa, FL. He was born in South Carolina, but he moved to Florida.

We are glad to have you with us.

PRAYER

The guest Chaplain, Dr. Charles Lever, Lake Magdalene United Methodist Church, Tampa, FL, offered the following prayer:

Almighty God, You know the desires of our hearts, the burdens we bear, and the temptations we confront. Awaken us anew to Your way, that our hearts may be made pure, our burdens lightened, and our will made steadfast in confrontation with temptation.

We pray for our Nation, for we realize the wisdom of the Psalmist who wrote, "Lest the Lord build the house, they labor in vain who build it." We pray for the world, for we know that You are the creator of all peoples. As we celebrate our commonality as Your people in this global community, we also recognize the great diversity that exists between and among us. As the destiny of our Nation is tangled with the destinies of other nations, let us seek a world in which we can live and work together, always seeking the betterment of people everywhere, and never yielding to those who oppress the human spirit.

Bless these men and women of the U.S. Senate who seek to lead this Nation through the challenges of each new day. Grant them Your wisdom as they bear the tremendous responsibility for so many, that the decisions they render might bring healing and hope to those under their care. Empower them to find Your way in the midst of the crossroads of life that Your vision and Your kingdom may be first in their minds and hearts.

For Your presence with us in a world which all too often teeters between faith and doubt, hope and despair, we give You thanks for Your healing and renewal in both our public and private lives. Enable us in all our ways to follow after You in the paths of righteousness. We ask this, O Lord, in Your name, which is above every name. Amen.

DR. CHARLES LEVER, GUEST CHAPLAIN

Mr. MACK. Mr. President, the Senate is honored today to have Dr. Charles Lever with us. Dr. Lever is the senior minister at the Lake Magdalene United Methodist Church in Tampa in my home State of Florida. We are also happy to have his wife, Xiommy, who works as a hematopoeitic product specialist at Ortho Biotech and is also active in the church as a certified lay speaker and is involved in Disciple Bible Study and the Walk to Emmaus. They have two sons—Chaz who is in the seventh grade, and Chapman, who is in the first grade.

Dr. Lever was called to the ordained ministry as a young man. He began his education at Wofford College in South Carolina, where he earned a bachelor of arts degree. He earned a master of divinity from the Candler School of Theology at Emory University in Atlanta, and a doctor of ministry from Vanderbilt University in Nashville. He has also done continuing education work at the Jerusalem Center for Church Studies in Israel, and the Robert Schuller Institute in Garden Grove, CA.

Among his many educational and leadership awards and honors are the American Legion Award, induction into Phi Beta Kappa, Blue Key, and numerous other honorary fraternities and societies.

Mr. President, with some 3,200 members, Lake Magdalene Methodist is one of the largest churches in Florida. But Dr. Lever's accomplishments have always extended far beyond the santuary of his church. He is a leader in numerous organizations serving the people in his local community. Among these are the 90-unit apartment complex for the elderly, 125-unit child care center for low-income families, and the Life Center for older adults that he served as minister at the Riverside Park United Methodist Church of Jacksonville, FL.

He is active in both district and conference affairs of the United Methodist Church in Florida. He has served on the board of the Christian Enrichment School, the district committee on finance, and the Conference Council on Ministries.

The list of Dr. Lever's church and community leadership achievements is impressive and quite extensive. I ask unanimous consent that his biography be printed in the RECORD in its entirety at the end of my statement.

Let me say again, Mr. President, the Senate is honored and very pleased to have Dr. Lever with us today, and we appreciate his opening prayer this morning. I'm sure all my colleagues wish him and his family all the best in his ministry to the members of Lake Magdalene United Methodist Church of Tampa, FL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DR. CHARLES C. LEVER, SR.

Dr. Charles C. Lever, Sr. is the Senior Minister at the 3,200 member Lake Magdalene United States Methodist Church (UMC) in Tampa, Florida. His wife, Xiommy is a Hematopoietic Product Specialist with Ortho Biotech, one of the Johnson and Johnson family of companies. They have two sons, Chaz, who is in the 7th grade and Chapman, who is in the 1st grade.

Dr. Lever received his Bachelor of Arts degree from Wofford College is Spartanburg, SC; his Master of Divinity degree from Candler School of Theology at Emory University in Atlanta; and has Doctor of Ministry degree from Vanderbilt University in Nashville, TN. Dr. Lever's continuing education credits include work at the Jerusalem Center for Church Studies in Israel; the Robert Schuller Institute in Garden Crove, CA; and others.

Dr. Lever is the recipient of the American Legion Award for "Courage, Honor, Leadership, Patriotism, Scholarship and Service." He has been inducted into the International Honorary Chapter of the Sigma Nu Fraternity, the Phi Beta Kappa "National Scholastic Society," and Pi Gramma Mu "National Social Science Honor Society," the International Society of Theta Phi for "Scholars and Leaders in Religion," the Blue Key National Honor Fraternity which recognizes "Academic and Extracurricular Leadership," and has been listed in various volumes of "Who's Who, Outstanding Young Men in America," and "The Dean's List."

Dr. Lever has a varied background in Christian Ministry. In college he served as Youth Counselor at the Look-Up Lodge and Camp in Traveler's Rest, SC; as a Youth Director at Duncan Memorial UMC in Spartanburg, SC; and as a Summer Youth Director at Southside UMC in Jacksonville, FL. In seminary he served as Minister of Martin's Chapel UMC in Lawrenceville, GA; as Chaplain to the terminal care unit at Wesley Woods Health Center in Atlanta, GA; and as Chaplain to the oncology unit at Crawford Long Memorial Hospital in Atlanta, GA. Dr. Lever's first appointment in the Florida Annual Conference was to the Ortega UMC in Jacksonville, FL. He then served Swaim Memorial UMC also in Jacksonville. While at Swaim UMC, Frank and Helen Sherman gave seven million dollars to begin the Sherman Scholarship program for students entering the ministry from the Florida Conference and one thousand dollars to begin a preschool program during the weekday at the church. After Swaim UMC, Dr. Lever then served Riverside Park UMC in Jacksonville until his appointment to Lake Magdalene UMC in June, 1995. Riverside Park is recognized for its numerous outreach ministries including a ninety-unit apartment complex for the elderly, a 125-unit child care center for low income families, and The Life Center (a community outreach ministry for older adults which draws individuals from around the city).

Dr. Lever is active in both District and Conference affairs. In the Jacksonville District he served on the Board of the Christian

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Enrichment School, the District Committee on Finance and the District Committee on Superintendency. He also served as Chairman of the District Committee on Ordained Ministry. On the Conference level, he has served on the Conference Council on Ministries, the Conference Work Area on Education and he currently serves on the Conference Board of Ordained Ministry (CBOM). On the CBOM he serves on the Executive Committee, the Guidance Committee, the Policy Committee and as the CBOM Secretary.

Dr. Lever has served on numerous boards and agencies. Among these are the boards of the St. Marks Ark Lutheran Church Child Care; the Riverside Park Apartments; The Riverside Park Child Care Center; and The Life Center. He has also served as Vice-Chair of the Wesley Manor Retirement Community and as Vice Chair of the Wesley Villas which is currently completing a 6 million dollar, 640-unit villa retirement complex.

Dr. Lever received his calling into the Ordained Ministry as a youth and received his License to Preach in 1975. He met his wife, Xiommy, on a double-date in high school (they were both dating other individuals as the time) and ended up dating their senior year in high school. Their common love for the church and of one another made them an ideal match for each other. Today, Xiommy is active in Disciple Bible Study and the Walk of Emmaus. She also serves as a Certified Lay Speaker in the United Methodist Church.

Dr. Lever is excited to be sharing in the ministry of Lake Magdalene UMC. He believes that the bedrock to our faith is to be found in coming to know Christ and in making Him known to others through word and deed. It is to this end that Dr. Lever has committed his life to God's Kingdom.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator GREGG, is recognized.

Mr. GREGG. Thank you, Mr. President.

SCHEDULE

Mr. GREGG. Mr. President, this morning the Senate will immediately proceed to executive session for consideration of Calendar No. 324, the nomination of Charles Siragusa of New York to be a U.S. district judge. Under the order, the time between now and 10:30 a.m. will be equally divided between the chairman and the ranking member. At the expiration or yielding back of time, the Senate will proceed to a vote on the Siragusa nomination. Therefore, Senators should be alerted that there will be a rollcall vote this morning at 10:30 a.m.

Following the vote, there will be a period of morning business until 12 noon. At 12 noon the Senate will begin consideration of S. 1292, a bill disapproving the cancellations transmitted by the President on October 6. While that measure has a 10-hour statutory time limitation, it is the hope of the majority leader that much of that time may be yielded back.

The Senate may also consider and complete action on any or all of the following items during today's session: The D.C. appropriations bill, the FDA reform conference report, the Amtrak strike resolution, the intelligence authorization conference report, and any additional legislative or executive items that can be cleared.

I also remind all Senators that under rule XXII, they have until 1 p.m. today in order to file timely amendments to H.R. 2646, the A-plus educational savings account bill. Needless to say, all Senators should expect rollcall votes throughout today's session of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF CHARLES J. SIRAGUSA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Charles J. Siragusa, of New York, which the clerk will report.

The legislative clerk read the nomination of Charles J. Siragusa, of New York, to be U.S. district judge for the Western District of New York.

The PRESIDING OFFICER. The time until 10:30 a.m. shall be equally divided between the Senator from Utah [Mr. HATCH] and the Senator from Vermont [Mr. LEAHY].

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, on behalf of the leader, I ask unanimous consent that the vote scheduled for 10:30 a.m. today be postponed until 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that a period for morning business now commence until 12 noon and that the previous order with respect to S. 1292 then follow the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOD AUTHORIZATION BILL CONFERENCE REPORT

Mr. GRAMS. Mr. President, I rise in opposition to the conference report to the DOD authorization bill. One of the issues which held up the resolution of the conference was the high performance computer issue. This matter certainly was not resolved to my satisfaction, and I understand that this is one of three issues that may cause the veto of this legislation.

On July 10 the Grams-Boxer amendment passed in the Senate by a vote of 72–27. It created a GAO study on the national security concerns related to computer sales between 2,000–7,000 MTOPS to tier 3 countries. Those countries include China, Russia, and Israel. The amendment was a second degree amendment to an amendment which sought to license exports of these mid-level computers, after they had been decontrolled 2 years ago. Rather than creating an unwise barrier to US-made exports, 72 of my colleagues believed we needed more study of this issue before passing this new regulation on the Senate floor circumventing the usual committee debate and consideration.

Mr. President, as Chairman of the Subcommittee on International Finance, of the Banking Committee, which has jurisdiction over export control matters, I strongly opposed this attempt to circumvent the normal committee process. Chairman D'AMATO joined me in vigorously opposing the underlying amendment, paving the way for a strong Senate vote on the issue.

After the vote, Chairman D'AMATO and the Subcommittee Ranking Member CAROL MOSELEY-BRAUN joined me in sending a letter to the Conferees requesting we be consulted prior to any attempts to modify the Senate provision in conference. I regret that at no time in the months-long process did any consultation occur, even though the issue was clearly one of Banking Committee jurisdiction.

I was informed by the conferees that they had accommodated my request for a GAO study. What I determined from other sources was that language accompanying my study essentially accomplished the same thing as the underlying amendment my second-degree amendment defeated. And I was supposed to be satisfied because my study remained in the bill.

I applaud my colleagues who worked hard in the conference committee to complete the report. There were many difficult issues effectively handled. In total, the bill is a good one. However, because this bill may be vetoed, I would like to make a strong case for further resolution of this issue once it is returned to conference.

My specific concerns with the provisions of the conference report are the following:

First, rather than a mandate to obtain export licenses for computers between 2,000 and 7,000 MTOPS to tier 3 countries, the conference report would require a 10 day notice to Commerce of a proposed sale. If no government entity opposes, the shipment can be made. This not only creates a bureaucratic nightmare taking scarce resources away from review of truly sensitive export license applications, but the reality would be that there would be an objection to each one of them—if for no other reason that the Government needs more time to look at them. So the 10-day notice requirement essentially implements the intent of the original amendment the Senate defeated. This is not acceptable. The reason we decontrolled in the first place, requiring licenses between 2,000 and 7,000 MTOPS only to questionable end users in tier 3 countries, was to free up needed resources to analyze exports of higher performance computers, including those computers between 20,000 and well over 1 million MTOPS—which are the real supercomputers. Opponents of my amendment insisted on defining computers between 2,000 and 7,000 MTOPS as being supercomputers, but supercomputer technology has long ago passed this level of computers. They are now the kind of computer systems we have in our offices. They are not supercomputers used to design nuclear weapons.

There is a 180-day layover for future decontrol of computer level changes and a 120-day layover for any changes in which countries remain on the tier 3 list. I believe the President should have flexibility to continue to exercise current authority to make these changes. These layovers will give opponents plenty of time to prevent these changes—and will ensure that no changes will be made in the future even though rapid technology advancements challenge us to maintain a system for decontrols in the future.

Mr. President, there is also a requirement for end-user verification that could be unenforceable and also create a strain on limited resources. This language should be worked out with the Administration. Certainly post shipment checks should not be required over 2,000 MTOPS regardless of whether decontrol is made in the future. Even by next year that level of computer will be found in the local computer store, so it is unlikely that all of these verifications could be made. Also, there should be some discretion regarding whether verification in every case is even necessary if the exporter maintains service on the computer.

Mr. President, I am just as concerned about selling sensitive high-technology equipment to military end users, but I don't think this is the right way to stop the few diversions that brought about the original amendment. There is adequate enforcement authority now to address diversions. Those that have occurred are being addressed.

Mr. President, my floor amendment also asks Commerce to work more closely with companies to identify questionable end users than they are doing now. The GAO study will help us study national security interests involving sales of computers at this midlevel. There simply is no need for the provisions added in conference that will compromise our efforts to remain competitive with other nations which do not have these type of requirements. Anyone who will tell you that an export license takes only a short time is wrong. It takes months. And sales have been lost because of our lengthy, burdensome licensing process.

Mr. President, I urge my colleagues to oppose this conference report. I also ask unanimous consent that a copy of my statement at the time my second-degree amendment was offered be printed in the RECORD. That statement relates all of my reasons for opposing the underlying amendment reimposing export licenses of these midlevel computers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, July 10, 1997]

Mr. GRAMS. Mr. President, I understand that there is a lot of concern in this body about United States computer sales being diverted for military use to either China or Russia. None of us wants that to occur. But we have to consider whether the Cochran amendment solves the problem. I believe that it does not.

The Cochran amendment would require export licenses for all midlevel computers. Now, these are not supercomputers, these are not high-end computers. You are going to hear that term, but they are not supercomputers. These are midlevel computers, and they are shipped to China, Russia, Israel, and 47 other countries. We talk about the Third Tier countries. They involve 51 nations, like Russia, China, India, Pakistan, Saudi Arabia, Israel, Romania, and the Baltic States. Some of our future NATO Allies could also be involved. Mr. President, export licenses do not solve end-user problems. These are diversions that would not have been caught during the export license procedure. Export licenses do require end-user certification, but if the end user chooses to ignore the agreement, or if the computer is stolen, that possibility will not be evident in the licensing process. In my judgment, the current system works.

Just yesterday, Secretary of Defense Bill Cohen sent us a letter opposing the Cochran amendment. He said the current law and system can deal with unauthorized exports and diversions. This is from the department that has been very conservative on all export decontrol matters. Secretary Cohen further states that we should focus our controls on technology that can make a national security difference, not that which is widely available around the world and is obsolete.

Yes, Mr. President, there have been three diversions, but that was out of 1,400 sales. But, no, this is not the right way to address those problems. The right way is to force the administration to publish as many military end users as possible and then to work with the industry to identify all military end users. We have been able to identify diversions through our capable intelligence sources. Mr. President, there is no evidence that there are dozens of computers out there used by military end users. It is just not there.

Further, I don't believe that the industry irresponsibly ignores available information about military end users. They have too much at stake. A company which violates export control laws takes a very big risk. The penalties are prohibition of all exports for 20 years or more, 10 years in prison, and up to a $5,000 fine for each violation. This doesn't include the blemish that would remain on the company's reputation or the great difficulty that company would have in the future seeking an export license. No company, Mr. President, can afford that risk.

What we would be doing here this morning is handing this midlevel computer business over to the Japanese and other allies. Now, again, I want to emphasize that these are midlevel computers, they are not supercomputers. Next year, they will be the kind of systems that we will be able to have in our offices here in the Senate, or what you could find in a small company or in a doctor's office. These are not the computers that are sought after for nuclear weapons production or design. Again, we are looking at midlevel computers, between 2,000 and 7,000 MTOPS, which are widely available around the world.

Supercomputers, which are sought after for weapons design, start at the 20,000 MTOPS level and go all the way up to 650,000 this year, and they will go beyond the 1 million MTOPS level next year. By the way, China already produces a computer at 13,000 MTOPS. No other country considers these computers to be anything but generally available and will step in to take over the business that the Cochran amendment will hand to them. The question is, is that what we want?

Also, anyone can purchase upgrades, by the way, to raise a PC, a current PC, above the 2,000 MTOPS level. We can't control the box. We can't control the chips around the world that can be put in it. We can't control the upgrades. There is no way to control these low-level PC's under the 2,000 MTOPS threshold, again, since they are available in nearly every country in the world.

Further, the chips that make up these computers are also available and produced around the world. They were decontrolled during the Bush administration. Our chip producers have markets throughout the world, and they need to maintain them to remain competitive. Chip producers cannot control who receives their end product.

Also, how do you prohibit a foreign national from using a computer even above the 7,000 level here in the United States and taking the results back, or faxing it back?

Our friend Jack Kemp has written to us also this week stating that the Cochran amendment would "establish a policy that is destined to fail and would hurt American computer manufacturers without protecting our national security. The American high-technology sector is critical to the future of this country and must be protected from overly intrusive Government restrictions."

I wish there was something we could do to effectively control some of these exports, but it is just not possible at these lower levels. We cannot convince our allies to reverse 2 years of their own decontrol. In fact, Europe has tabled a decontrol proposal at 10,000 MTOPS, which proves that they have no intention of even respecting our 7,000 level. We cannot pull all the PC's and upgrades off the retail shelves, and we cannot close our borders to prevent all foreign nationals from entering this country and using our computers.

We must concentrate our resources on keeping computers above the 7,000 level from reaching military end users; that's for sure. But I fear that an increased license burden in the administration would steer resources away from efforts to locate diversions and investigate them.

Now, Mr. President, in an earlier statement, I also countered a claim that an export license requirement would not slow down these computer sales. I have heard that someone made the comment that an export license would take 10 days. Well, anyone who knows how the licensing process works knows that it can take many, many months to obtain one. This will only earn our industry a reputation as an unreliable supplier, and it will cost us sales and it will cost us many, many U.S. jobs. The administration admits that a computer license application averages 107 days to reach a decision. I have seen it take far longer. Even 107 days, by the way, is enough to convince the end user to go out and seek a buyer in another country.

Since so many of the Tier 3 countries are emerging markets, we need to be in there early to maintain a foothold for future sales. When we hear about the 6.3 percent of sales to Tier 3 countries, that is misleading. It is in an area where the market is expanding rapidly. If we leave our companies out of those markets, they will not be there to compete in the future. They will not be there to provide sales and jobs for the United States.

Another argument I have heard is that there is no foreign availability over 3,500 MTOPS. Well, last year, NEC of Japan tried to sell a supercomputer to the United States Government at a level between 30,000 and 50,000 MTOPS. They match our speeds all the way to the top.

Mr. President, I believe that all of us are proud of our computer industry, that our industry remains the state of the art in so many areas, particularly in the levels above 7,000. We have made progress to facilitate exports without compromising our national security, progress which began back in the Reagan and Bush administrations, but here is an effort today to reverse all of that progress.

Our industry has to survive on exports, and it has to pursue commercial business with these 50 countries to remain competitive. All computer sales over the 7,000 MTOPS level do require license now. We have not sold any computers above that level. And, again, the 7,000 MTOPS are not supercomputers—they are not—they are midlevel computers. We have not sold any computers above that level to Tier 3 countries; nor do our allies, to my knowledge. However, we should not restrict the sales of these midlevel and, again, generally available computers to commercial end users. We should simply maintain the current licensing requirement for the questionable end users. I firmly believe that there will be improved cooperation between the Government and industry on end-user information, particularly those for Russia and China.

Now, I also commend the Commerce Department for starting to publish information on end users and to examine all sales that are made to the Tier 3 countries within these computer speeds.

The Grams-Boxer amendment requests the GAO to determine whether these sales affect our national security. That is very important. It will look into the issue of foreign availability. It will also require the publication of a military end-user list, and it requires Commerce to improve its assistance to the industry on identifying those military end users.

There will be some that vote today solely to express their dissatisfaction with China's alleged military sales to our adversaries. Let me remind you once again that there is no evidence that U.S. computers were involved in any of those cases. I also urge you to look at the merits of this issue. Pure and simple, the Cochran amendment would hand the sales of midlevel computers over to the Japanese and the Europeans at the expense of an industry that we have sought to protect and to promote and an industry that we are proud of.

As chairman of the International Finance Subcommittee of Banking, the committee that has jurisdiction over this issue, I strongly, this morning, urge my colleagues to vote for my substitute and let us continue this debate in the normal manner, through committee consideration. At the same time, the administration should step up its efforts to express to the Chinese and the Russians our grave concerns regarding efforts to divert commercial sales to military end users without knowledge of the United States seller.

Mr. President, I appreciate the efforts of my colleague from Mississippi to address these diversions. I want to work with him in my role as chairman of the subcommittee of jurisdiction to ensure that the current system does work or on how we can improve it once we have better information regarding the extent of the problem.

I urge the support of my colleagues for the Grams-Boxer substitute as a compromise to this very, very controversial issue. Thank you very much.

AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

Mr. GRAMS. Mr. President, I rise today in support of the fiscal year 1998 Agriculture appropriations conference agreement that was passed last night. There is much to be proud of in the conference agreement and I feel it is another step forward in implementing the 1996 farm bill.

I am particularly pleased with the inclusion of the Grams-Feingold amendment directing the Office of Management and Budget to conduct a study of the economic impacts of the Northeast Interstate Dairy Compact.

I will not reiterate my long-standing opposition to implementation of the compact or the history surrounding its inclusion in the 1996 farm bill. But along with my colleagues in the House and Senate who have an interest in equitable and lasting dairy reform, I remain committed to bringing fairness to Minnesota's dairy farmers.

There has been some disagreement as to what should be included in such a study. I know the senior Senator from Vermont has addressed us on more than one occasion in defense of the compact. More recently he outlined his concerns regarding what he felt should be included in the OMB study.

However, I must stress that these are the remarks of one Senator and should not be misconstrued by OMB or anyone else as the official position of the U.S. Senate.

The conference agreement clearly calls for a comprehensive economic evaluation of the direct and indirect effects of the compact. I welcome the results of a study I expect to be free of outside influences. I am confident this compact will be exposed as a misguided, ill-fated attempt at market manipulation.

Mr. President, the OMB study in this conference agreement will help us assess the compact's effects on the poor, needy senior citizens and children, as well as the Nation's dairy producers.

It is to be completed by December 31, 1997, and I will closely observe its progress in order to ensure that the study is conducted in a fair and equitable manner and is not manipulated by outside interests. I expect the administration to allow an independent study that is not influenced by any USDA or White House political agenda.

Another provision I am pleased was included will prohibit Agriculture Market Transition Act [AMTA] payments to a producer who plants wild rice on contract acreage, unless the payment is reduced proportionally.

As it currently stands, producers of other commodities who choose to plant wild rice on land designated for other crops can receive both their AMTA payment and the proceeds for sale of their wild rice. This has placed wild rice farmers at a disadvantage. It violates the intent of the law and it also results in unfair competition.

I am pleased the House and Senate conferees agreed with my amendment and chose to include it in this agreement. The provision clarifies congressional intent and restores fairness to our farm payment system.

I also want to make special note of the research funding contained in this bill for fusarium head blight, commonly known as scab, and vomitoxin.

During a recent trip through Minnesota's Red River Valley, wheat and barley producers stressed time and time again the economic impact these diseases have had on their crops. Minnesota is again experiencing an epidemic of scab which marks the fifth straight year the disease has been seen to some degree in the Northern Plains.

When added to contributions producers and the State of Minnesota have made to scab and vomitoxin research, I believe that the provisions contained in the research titles of this agreement are an appropriate approach to the Federal commitment regarding long-term basic research.

Mr. President, as I have stated many times both here and in Minnesota, we must give our farmers the tools to manage their business and not hamstring their creativity and productivity from Washington.

Although there is much work to be done regarding dairy and regulatory reform and risk-management, this conference agreement is a step in the right direction. I look forward to its immediate passage.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, may I inquire as to the state of the business of the Senate?

The PRESIDING OFFICER. The Senate is in morning business, with Senators permitted to speak up to 5 minutes each.

Mr. ASHCROFT. May I inquire when that expires?

The PRESIDING OFFICER. Twelve o'clock.

Mr. ASHCROFT. I ask unanimous consent that, joined by my colleague from Arkansas, Senator TIM HUTCHINSON, we be allowed to speak in morning business for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-CHINA RELATIONS AND AMERICA'S POSITION AS A WORLD LEADER

Mr. ASHCROFT. Mr. President, I am pleased to come to the Senate floor today, joined by my friend from our neighboring State of Arkansas, Senator TIM HUTCHINSON.

As the 21st century approaches, Senator HUTCHINSON and I both share a desire to see the United States maintain its position as a world leader—a world leader that emphasizes opportunity and freedom. A strong America abroad preserves the safety of our citizens at home and helps advance the ideals of liberty around the world.

The United States is involved internationally in very substantial ways, and in some of those settings it is my fear that, instead of exhibiting strong leadership, we have demonstrated that we are incapable of demanding integrity and of requesting that others deal with us honestly.

We are in the waning moments of a summit meeting between the President of China, Jiang Zemin, and President Clinton. Summit meetings can be very important times. They can provide opportunities for the United States to demonstrate leadership, to demonstrate a commitment to freedom and integrity in international relationships. Or they can do the converse and they can demonstrate that America will not demand integrity, will not demand a commitment to freedom and fair play. Summits can indicate that America does not have the kind of care for the rights of individuals generally around the globe that we would be known for historically in this country.

When we have summit meetings, we need to advance America's security and economic interests. Summit meetings should be times of structural advance for the United States, when we put in place the kind of framework that will result in our country being stronger—the kind of framework that will preserve our security and advance freedom around the world.

If statesmanship is not present, summits can become transactional rather than address the critical structural issues in a bilateral relationship. We have seen that during the United States-China summit this week, where the President of the United States has been eager for certain businesses to sell their goods to China, and has, in this particular summit, made it possible for the Chinese to gain access to some of the most important and sensitive nuclear technology in the United States. But the real issues in United States-China relations, however, have been deferred. Critical national security challenges, a staggering trade deficit, and an appalling human rights record in China all took a backseat to business contracts.

Summits can turn into shallow media events when the critical bilateral issues are ignored. The United States-China summit was worse than just a shallow event. Unfortunately, it was an event which demonstrated that we were willing—in order to acquire certain business contracts—to look past what ought to be clear, structural issues that ought to galvanize our attention. China did not come to the summit to make real concessions on any front, and we responded with accommodation and appeasement. We agreed to have the summit anyway, in spite of the fact that China didn't come to provide genuine progress for the people of China or for the people of the United States.

Whenever we don't achieve structural change, such as progress in our trading relationships, which would be a reduction in tariffs or nontariff barriers from China; whenever we don't see an improvement in the human rights situation in China so that personal freedom is advanced; whenever we don't have a clear record which demonstrates that China will cease proliferating nuclear and chemical weapons and mass destruction technology—we have lost the ability to advance our nation's fundamental interests and we have traded principle for a few commercial contracts.

The real opportunity of summitry is the opportunity for structural change—not of transactions alone. It is an opportunity for statesmanship—not just salesmanship.

I don't think it is wrong for the President of the United States to want to sell our goods abroad. But when we sell our goods and our principles along with them—the kind of commitment we have to freedom, the kind of commitment we have to integrity, the kind of commitment we have to stopping the proliferation of nuclear and chemical weapons around the world—I think the price is too high.

I think we will have to ask ourselves when we look at the record of this summit, "Has this been an exercise in statesmanship, or has this been an exercise in salesmanship?" If it has just been an exercise in salesmanship, what have we sold? Have we bartered away our credibility, our commitment to freedom and liberty, and our demand for fair and balanced trade? Have we compromised our position when it comes to combating the proliferation of chemical and nuclear weapons? In my judgment, I think we have to ask those questions very, very soberly.

Did the summit advance America's economic and security interests? Did it put United States-China relations on a firmer footing by addressing the critical issues in our bilateral relationship, or was it centered around accommodation and big-ticket commercial deals? Have we, instead of engaging in statesmanship, just found ourselves engaged in salesmanship and perhaps selling some of the things which we hold most dear in the process?

My distinguished friend from Arkansas has shared many of these same concerns about our policy towards China. Senator HUTCHINSON has looked at this situation. He has grasped, I think, what is happening pretty well.

Senator HUTCHINSON, is there any indication that the administration's China policy is defending American security, economic, and human rights interest? Or has this been something that simply ended up as being a transactional experience where we sold some goods and apparently were sold a bill of goods in return?

Mr. HUTCHINSON. First, may I say I am glad that I am able to join my distinguished colleague from Missouri.

When he speaks of "statesmanship" on the issue of foreign policy, I think he exemplifies that term.

To answer the Senator's question, I think it is unfortunate that after the summit the whole issue of human rights has really taken a back seat to commercial interests and that the attention that has been given to human rights is primarily attributable to those who have been willing to protest the presence of Jiang Zemin in our country, coming to the United States with the kind of attention at a state dinner, with a 21-gun salute, and with the red carpet treatment he has been accorded.

So I am glad for those who have pushed the issue of human rights.

The President was praised yesterday for chiding Jiang for the human rights record in China. But I think the chiding at whatever level it may have occurred and to what extent it may have occurred is greatly undermined when it is accompanied by 21-gun salutes, red carpet treatment, and state dinners, that, in fact, the ultimate end result of this summit will be to give greater acceptance of the Chinese Communist Government and greater willingness to accept and condone the oppressive practices that have become characteristic of this regime.

So instructive engagement has degenerated, I am afraid, into an exercise of appeasement. I think "appeasement" is a very strong word to use. But when we look at the last 4 years, I think it is not too strong a term to use to describe what the administration's policy has been.

The logic behind constructive engagement, as my colleague well knows, has been that expanded trade would lead to political liberalization and that economic freedom frequently leads to political freedom.

I have had meetings with a number of dissidents this week from China, the most famous of whom in this country is probably Harry Wu. When I raised this issue with Harry Wu, I said, "Harry, when they talk about economic liberalization leading to political liberalization and that trade ultimately always leads to political liberty if we will just give it time, that greater trade opportunities, the higher standard of living, and what they experience with economic prosperity has to ultimately lead to political liberalization and greater freedom," his response was if the administration were sincere in that, if they were genuine in that conviction, why not use that in North Korea, why not use that in Cuba? If, in fact, trade ended totalitarianism, we would be practicing that in other places.

I would be delighted to yield to my colleague.

Mr. ASHCROFT. Mr. Wu is a person who speaks with some experience as it relates to the human rights situation in China because he spent some considerable time in Chinese jails as a result of speaking openly, didn't he?

Mr. HUTCHINSON. That is correct. I believe Mr. Wu spent a total of 19 years in Chinese prisons.

Mr. ASHCROFT. Is this because he attempted to rob a bank, or launched an assault on the Government?

Mr. HUTCHINSON. His incarceration was because he was drawing attention to something that China is sensitive to, which is the slave labor camp system that exists within China, and most recently, of course, his drawing attention to the Chinese Government's policy of selling organs from those who have been executed within those prisons.

Mr. ASHCROFT. So for telling the truth in China, he spent 19 years in Chinese prisons.

Mr. HUTCHINSON. Simply for being willing to express a dissenting opinion.

Mr. ASHCROFT. During the time when he was in prison, was there expanding trade or contracting trade with the United States?

Mr. HUTCHINSON. As the Senator knows, trade has consistently expanded. I might also add that our deficit in trade with China has expanded as well, so that this year it is anticipated we will have a $44 billion trade deficit.

But I think at the time Harry Wu was first incarcerated, it was down in the single digits.

Mr. ASHCROFT. The expanded trade didn't expand his rights very effectively. He is free, and has to be outside of China to be confident of his ability to continue to speak freely.

Mr. HUTCHINSON. I believe what underscores that even more is during the 8 years since Tiananmen Square and during the 4 years since we have adopted this so-called policy of instructive engagement, by every measure, human rights conditions in China have deteriorated, which seems to me to greatly undermine this approach that economic trade will lead to greater political liberty.

Mr. ASHCROFT. I thank the Senator.

Mr. HUTCHINSON. So the administration's decision not even to consider human rights abuses when dealing with China has proven, I think, disastrous for the people of China and they have been removed from the threat of any repercussions; that is, the Chinese Communist government in their trade relationship with the United States and the Chinese Communist leaders have succeeded in jailing every last dissident in a country of over 1 billion people. So rather than seeing expanded liberties, we have seen those contracted by the jailing of every last dissident as our country has turned a blind eye to the atrocities that have escalated, and the oppressive government in China has strengthened its hold on fully what is one-fourth of the world's population.

Since the United States formally delinked American trade with China from its human rights performance of abuse, much has changed, but nothing has changed for the better.

I had in my office yesterday—I share this with the Senator from Missouri—a number of Chinese political dissidents, democracy dissidents, those who had raised their voices on the side of freedom. One was a former editor with the People's Daily, a Communist Chinese newspaper. He resigned that position because they would not allow him to speak the truth.

But the one I remember the most and that made such an impression upon me was the young man who said that on the very day that President Clinton announced his policy of delinking in which he said no longer will we tie human rights abuses and violations to our attitude toward trade with Communist China, it was on that very day that they came and rounded him up and his incarceration and his prison term began.

So the policy of constructive engagement has simply failed. It has produced more persecutions of Christians, more forced abortions, more sterilizations to the mentally handicapped, more incarcerations of political dissidents, and the near extinction of the expression of any opinions contrary to that of the Communist regime.

I participated yesterday, I believe it was yesterday, in the "Adopt a Prisoner of Conscience" Program that began on the House side in which Members of the House and Senate were invited to adopt a particular individual who today is languishing in a Chinese Communist prison for no other reason—not because they robbed a bank or because they mugged somebody, or they robbed—for no other reason than they had expressed their own conscience contrary to that of the Communist government.

The "prisoner of conscious" whom I adopted, and whose name I do not seek to say, was charged with this crime: Helping Christians. That was the charge. That is why he is incarcerated. The date of release is unknown. How long he will stay in prison we don't know. But his crime was simply helping Christians.

So I suggest, as I yield to the Senator from Missouri, that this policy of constructive engagement has failed, and at some point, if time allows, I would like to talk about how this foreign policy contrasts so poorly with the very firm foreign policy that we had under Ronald Reagan.

Mr. ASHCROFT. I thank the Senator.

I have to say in response to the Senator that the contrast between the rights of man in America and the kind of lip service given to freedom by the Chinese leadership could not be more striking.

When asked about the nature of liberty, Chinese President Jiang said that liberty, in and of itself, is not an absolute, that it is a relative thing. He analogized it to Einstein's theory of relativity. For President Jiang, liberty is something that can grow or shrink depending on the need, or the circumstance of the moment. Freedom might be something to be cherished; it might not.

In contrast, the United States of America was founded on the concept in our Declaration of Independence that we are endowed by our Creator with inalienable rights. And this means a couple of things. One, that these rights are not relative, they are not adjustable; they are immutable, they are unchangeable—that these are given to us by God. It also suggests to us that they are given to everybody because it is the Creator that gives the right. It is not even governments which give rights. Rights are something that we are given by virtue of being created, and these rights are for the benefit of people all across the globe.

We have on the one hand a Chinese leader that would have total latitude to adjust rights based on a theory of relativity. That is precisely what is happening in China. Someone being an accessory to Christianity, helping a Christian, finds himself in jail for an indeterminant length of time; someone who not only is not engaged in domestic unrest or criminal activity, but is just assisting other people in their own ability to recognize the existence of a Creator in accordance with their beliefs. In China, accessories to Christianity are criminals.

That is the extent to which liberty can be withheld or granted in China, and that makes it very difficult to deal with such a goverment. The administration invites the Chinese delegation to the United States and we talk to them about human rights issues. While those officials are here in this country, it is very easy for them to make commitments to human rights in China. Since rights are relative, promises can be made now, but when the delegation returns to Beijing, the commitments take on new meaning.

The truth of the matter is that I think America has it right about rights, that rights are something granted by the Creator, guarded perhaps by government, sometimes threatened and taken away by government. But rights are something we have because of our creation and our existence. They are not relative. They are not dependent upon whether someone thinks the condition is favorable to the rights of man. These are things which we are born with, we are created with. They are inalienable. They are immutable.

President Jiang often says the right thing on human rights. Even China's constitution provides for fundamental human rights. China signed the U.N. International Covenant on Economic, Social and Cultural Rights this week. Signing documents is painless, but if you really believe that rights are relative, that circumstances determine rights, what does the signature mean? It means that the rights will be granted so long as we want them to be granted.

The 1996 State Department human rights report says, "All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end."

Now, that is a sobering concept, when our own State Department says, "No dissidents were known to be active at year's end." That has a very sobering tone. I believe that we ought to demand and expect a better human rights record from the Chinese Government.

Mr. HUTCHINSON. If the Senator will yield?

Mr. ASHCROFT. I am pleased to yield.

Mr. HUTCHINSON. I was impressed with the Senator's comments as he reminds us of what Jiang has said concerning rights, that they are relative, that they are not absolute. And how do you deal, how do you negotiate, how can you trust a leader that has that concept of liberties, and how that contrasts in fact with our own Founding Fathers—the attitude that they seem to have that rights are like aspirins to be dispensed as needed by the government and to expand or to contract as the situation may require?

The ideals of the American Revolution were not narrow. They were not culturally limited appeals without relevance beyond our shores. Our Founding Fathers recognized that when God gave rights, when the Creator gave rights, he didn't just give them to Americans; that he gave them to all human beings. And so the efforts of the Chinese leadership to depict Western democracy as being only a Western phenomenon, that it is a Western cultural thing like business suits or like eating with knives and forks is I think contrary to the reality that in fact rights are absolute and that civil liberties, that human rights transcend cultures and they transcend societies and they even transcend various forms of government.

The young students in Beijing 8 years ago who defied the tanks, I say to the Senator, were not there making papier-mache models of Chairman Mao but of Miss Liberty. They didn't quote from Marx. They were quoting from Thomas Jefferson. And we may not be able to save the lives of every young, brave student in the world, but we should always make it clear that our prayers and our policies are on the side against the tanks of terror and that we should never sell out his cause of freedom for trade opportunities.

I recall, as does the Senator, when the copyright issue came up with China and that China was violating American copyright laws. It was at that point that the administration threatened sanctions against China. When I was talking with Harry Wu, he replied as only Harry Wu could, that copyright equals sanctions, human rights equal no sanctions. And I think it really puts in perspective the attitude of the administration that profits seem to be more important and will bring greater repercussions and consequences with the Chinese Government than will the violation of human rights.

I thank the Senator.

Mr. ASHCROFT. I thank the Senator. I see that our time is fast fleeting. I thank the Senator for making the case against China's human rights record.

There are other points to be made about the inequities in the relationship between the United States and China. Not the least of those is trade. The average tariff that China has on our goods is about 23 percent. The average United States tariff on Chinese goods is about 4 percent. That it is basically a 6-to-1 ratio. And as a result there is a staggering trade deficit with China. The Chinese citizens do not buy nearly as much from us as other countries do.

The average Chinese buys 10 dollars worth of United States goods every year compared to $1,000 for the Taiwanese, $550 for every South Korean. Our trade deficit with Japan is troubling, but it only grew by 10 percent between 1991 and 1996. The United States trade deficit with China grew by more than 200 percent during that same period.

But as important as trade and human rights are, there is another important issue: the national security of the United States. China has been the worst proliferator of weapons of mass destruction technology, according to a CIA report. Today's Washington Times headline reads, "Clinton Jiang Reach Nuclear Accord." This is an accord which is designed to give China the very best of the nuclear information we have in this country, much of it sponsored with taxpayers' dollars as a result of governmentally assisted research. And not far from the "Clinton Jiang Reach Nuclear Accord" headline is, "China Aided Iran in Chemical Arms." This second article talks about a report from our Government that indicates that China has helped Iran develop a chemical weapons capacity—weapons of mass destruction for the kind of Third World rogue regime that we find in Iran.

To see these things juxtaposed on the front page of a newspaper sends a chill, and it should, through my spine. To think that we are signing high-level nuclear accords with governments that are helping terrorist states like Iran acquire weapons of mass destruction technology is incomprehensible.

To have that article right there, the nuclear accord, right beneath the story on China aiding Iran in the development of chemical weapons, is a dramatic illustration of this administration's failing China policy. The CIA report released this past summer said that China was the worst proliferator of weapons of mass destruction technologies in the latter half of 1996. A greater degree of caution is needed in dealing with such governments.

U.S. credibility was at stake in the nuclear cooperation debate. What kind of leadership are we providing to the rest of the world? Other countries will not take their responsibility to restrain proliferation seriously if the United States enters into nuclear cooperation with the world's worst proliferator of nuclear and chemical weapons technologies.

I thank the Senator for coming to the floor. If there are other questions or comments, I invite them.

Mr. HUTCHINSON. I thank the Senator for taking the leadership on this issue so forcefully. If I could ask unanimous consent for just 2 minutes.

Mr. LEAHY. Mr. President, I will not object but I would ask in the unanimous consent that after the 2 minutes I be recognized for a statement. I have been waiting for that time to do so.

The PRESIDING OFFICER (Mr. BURNS). Is there objection? The Chair hears none, and it is so ordered.

Mr. HUTCHINSON. In closing, may I say it is my understanding that Jiang will be in Philadelphia, PA, today at the Liberty Bell, this great cradle of liberty, this great cradle of democracy in our country. I hope he reads well the words that are inscribed in the Liberty Bell because it is from the Scriptures. I think it is from the Book of Deuteronomy. It says, "Proclaim liberty throughout the land." I hope he takes it to heart, that this is a concept he needs to bring back to China, and there is much he can do, starting with no longer jamming Radio Free Asia. If he believes in liberty, let the message of freedom come into his country.

Among the dissidents I met with this week was an elderly Tibetan lady who had been arrested and spent 28 years in prison. She said that all of those who were arrested when she was arrested are now dead. And she said she has asked repeatedly, why only her? Why did she live? Why did she survive those 28 years in prison? And as we met right over here in the Foreign Relations Committee room, she looked around—there were 10 Senators there, and she looked at those Senators and said, "That's why I survived, so I could tell my story."

I thank Senator ASHCROFT for helping tell her story to the American people.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have different things I want to talk about. One of the things I might talk about is the beauty of the great State of Montana, but I know I would only embarrass the Presiding Officer if I did that. So I will hold that for another occasion.

REVERSING FCC TOWER-SITING RULES

Mr. LEAHY. Mr. President, I have strongly objected to the proposed Federal Communications Commission rules that I believe essentially rob States and communities of the authority to decide where unsightly telecommunications towers should be built, and I want to renew my objection to those proposed rules.

Back when the Telecommunications Act of 1996 passed, there were only five Senators who voted against it. I was one of the five. One of my fears was that the will and voices of States and of local communities would be muzzled.

As a lifelong Vermonter, I didn't want to see that happen to my State. Unfortunately, the fears I had at that time have been confirmed. Under the so-called telecommunications reform bill, Vermont towns and towns in other States have very little say when big and unsightly towers are proposed. Towns can no longer just say, "No, you can't put that awful tower in our community, blocking our scenic vistas." It is unfortunate that 91 Senators said they were willing to see the rights of towns and cities trampled that way.

The bill also prohibits towns and cities from having stricter health and safety standards regarding environmental effects of radio frequency emissions.

Here is what has happened in Vermont. Keep in mind, Mr. President, that our State is one of the most beautiful States in the country. People come to our State because of the magnificent views. And those of us who were born there want to remain there because of this beauty. Now we are being told that no matter how much we have done to promote this beauty, if somebody wants to just slap up telecommunication towers right in the middle of the most magnificent vista there may be little we can do about it.

The State of Vermont, from Gov. Howard Dean to the Vermont Environmental Board and local zoning officials and mayors and citizens, is concerned that it is losing control of the siting and design and construction of telecommunication towers and related facilities.

These people have written to the FCC opposing this rule, and I endorse their comments. They have done an excellent job representing the views of all Vermonters. As a matter of fact, I also submitted a lengthy petition, something I rarely do but I did this as a Vermonter hoping that we will influence the FCC.

I think these tower siting rules should be stopped once and for all. We ought to tear them out by their roots which were planted in the 1996 telecommunications bill.

To make sure that they can be torn out, I am introducing legislation that repeals the authority given to the FCC in 1996 to preempt State and local regulations on the placement of new telecommunication towers. I don't want Vermont turned into a giant pin cushion with 200-foot towers indiscriminately sprouting up on every mountain and in every valley, ruining the view that most of us have spent a lifetime enjoying.

I might note that my distinguished colleague from Vermont, Mr. JEFFORDS, is going to join me as a cosponsor of this legislation

The backbone of Vermont's beauty is its great mountains, surrounded by magnificent views of valleys, rivers, and streams. Vermonters do not want these scenic vistas destroyed by towers, bristling with all manner of antennas and bright lights, strobes, flashes, and everything else that destroy this vista.

I think of my own home, my tree farm in Middlesex, VT. When I step out the front door of my home, I look 35 miles down a valley ringed by mountains. I live on a dirt road, and I literally cannot see another house or another dwelling in any direction. I look at some of the most beautiful scenery of Vermont. Frankly, Mr. President, each time I am back home this renews my soul and my spirit.

I am sure all Vermonters and all those who visit us in Vermont feel the same way I do about the scenic wonders of our State. Because of that, we Vermonters have determined that we want to move with care to avoid the indiscriminate placement of towers that would jeopardize one of our State's most precious assets. We Vermonters want some say in our own life. We Vermonters want some say in protecting what is the best in our beautiful State.

Vermont citizens and communities should be able to participate in the important decisions that affect their families and their future. The location of large transmission towers have significant effects on property values, on health, and enjoyment of one's home, in fact even the ability to sell one's home.

I say the Telecommunications Act went far too far toward preemption of local control and now this proposed FCC implementation goes even further. Vermont has enacted landmark legislation, Act 250, to preserve our environment while permitting growth.

Understand, when I sit in my home in Vermont, I am connected by computer to my office in Washington and my offices in two other locations in Vermont. I can communicate with my children wherever they are by telephone or by computer. I pull up newspapers that are not available to me immediately in Vermont off the Internet. I am for progress. I think that is something Vermont has always supported, but not for ill-considered, so-called progress at the expense of Vermont families and homeowners.

It is important that Vermont not be left out of technological progress, but that is the whole reason Vermont enacted the Act 250 process. Vermont communities and the State of Vermont have to have a role in deciding where these towers are going to go. Vermonters should be able to take into account the protection of our scenic beauty. It is not enough just to have technological advances.

So by requiring the companies to work with Vermont towns, acceptable alternatives can be found. My bill, again, affirms where the burden of proof should be: with the applicant, not the community. I trust Vermonters to do what is right to protect our State's beautiful scenery. All I am saying, Mr. President, is let Vermonters decide what to do with our scenery. The FCC rules should not stand.

The PRESIDING OFFICER. Who seeks time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, under the order, I believe we had 30 minutes reserved.

The PRESIDING OFFICER. That is correct.

Mr. THOMAS. Several of my associates and I want to take that time to talk about the Medicare Beneficiaries Freedom to Contract Act, which we think is very important to Medicare recipients and to the system. We want to talk about that. However, before we begin, and we will then share our time, I yield to the Senator from Kansas for several minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President. I thank my colleague from Wyoming for yielding a couple minutes. I will be very brief about this and pointed.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1334 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Mr. President, I, again, thank my colleague from Wyoming and others for allowing me this opportunity to introduce this bill. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

MEDICARE BENEFICIARIES FREEDOM TO CONTRACT ACT

Mr. THOMAS. Mr. President, we would like to scoot back now on to this focus on Medicare, the idea that Medicare patients certainly have an opportunity to choose, that we are able to strengthen the Medicare Program through this function. I will first yield to the sponsor of the bill and, frankly, the person who has carried the weight and continues to, the Senator from Arizona.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, will you please advise me when I have spoken for 7 minutes?

The PRESIDING OFFICER. We shall grant the Senator 7 minutes.

Mr. KYL. I appreciate that.

Mr. President, I appreciate the Senator from Wyoming taking this time to discuss what we think is one of the most important matters yet to be decided before the end of this legislative session. I know we have some appropriations bills to pass to ensure that the Federal Government is funded for next year, and perhaps a couple of other items, like the fast-track legislation. But in terms of important principles, I can't think of anything more important than ensuring that the American people have the right to go to the doctor of their choice.

You heard me right. I said to ensure that the American people have the right to go to the doctor of their choice. You mean they don't have that right? Well, Mr. President, unless we fix a part of the balanced budget bill that we passed earlier in this session, as of January 1, senior citizens in this country will not be guaranteed the right to go to the physician of their choice. Here is the problem.

The Clinton administration interprets the Medicare law to require that a Medicare patient be treated under Medicare; that that person cannot go to a doctor who may see some Medicare patients but is not taking anymore Medicare patients and, therefore, is unwilling to treat the patient as a Medicare patient. Here is the exact situation, a real-life story that happened to one of my constituents in the small town of Prescott, AZ.

She just turned 65. She is diabetic. She was having complications. She wanted to see a physician who could take care of her, and there weren't very many specialists in that small town. She found one who could take care of her. She went to him and he said, "Now, you are 65."

She said, "Yes."

He said, "Then I don't think I can take care of you."

She said, "Why not?"

He said, "I'm not taking anymore Medicare patients, you're Medicare eligible."

She said, "That is all right, send me the bill, I will pay you. We will save Medicare money."

He checked with HCFA, the entity that runs Medicare, and sure enough, he could be prosecuted for a Federal crime if he entered into what is called a private contract with her.

That is the way the Clinton administration interprets the law and, in fact, Mr. President, that is the way they want the law to read because they don't want any competition for Medicare. Once you turn 65, it is their view that everybody should have Medicare and only Medicare. One of my colleagues said it is Medicare or no care.

That is an unacceptable choice for senior citizens in this country. Why should you become second class when you turn 65 and not be able to contract privately with a physician of your choice?

I am on a Federal health care plan. I happen to like Blue Cross, so I signed up with the Blue Cross plan. But I still go to a doctor that is outside of that plan and pay for it myself. I have that right. Why shouldn't a senior citizen have the same right that I do under my Federal health care plan? Why should someone, merely because they turn 65, be denied the right to privately contract with the physician of their choice? Maybe they have been seeing the same doctor for 40 years and they want to continue seeing that doctor but he is not taking anymore Medicare patients, why shouldn't they be able to go to him and why shouldn't he be able to contract directly with them?

We passed it 64–35 in the Senate. It went into the balanced budget bill, but the administration said, no, they would veto the balanced budget bill unless we took that provision out or unless we changed it. How did they insist it be changed, without my approval by the way? They said, OK, the patient can have the choice but no doctor can serve such a patient unless in advance he opts out of Medicare for 2 years.

Let's be realistic, only 4 percent of the nonpediatricians don't serve any Medicare patients. Most doctors have some Medicare patients. Do we want to literally force those doctors to dump all of their Medicare patients just so they can privately contract? That is not the way to encourage more doctors to see more Medicare patients. Why shouldn't a physician be able to both treat patients under Medicare and not treat patients under Medicare?

There is only one argument, other than the fact this presents some competition to Medicare. In that regard, I don't see how it hurts Medicare, because to the extent that anybody would choose not to take advantage of Medicare, they are saving Medicare money. It doesn't hurt Medicare. It actually helps Medicare, they don't have to pay as much.

There is some concern that some unscrupulous doctor somewhere might take advantage of a Medicare patient. "I'm not going to treat you under Medicare; you have to enter into a private contract with me, and I am going to gouge you." I don't think that is going to happen.

Just to be sure, we built into the bill which I introduced a provision against fraud. It requires a written contract, and the patient can get out of it at any time. HCFA gets information from the doctor which tells them exactly what is going on. So if there is any fraud, that doctor can be prosecuted. So we have taken care of the major problem that has been raised.

I don't think there is any reason why our bill should not pass. I don't think this Congress should go on record as standing for the principle that when you turn 65 in the United States of America, you don't have the choice to go to the doctor of your choice, and that doctor doesn't have the choice to care for you if he wants to do that. It is wrong, it is un-American, it is a violation of fundamental rights, and before this Congress adjourns, Mr. President, we need to fix the law so that senior citizens in this country have a fundamental right to the medical care that they deserve.

Again, I thank the Senator from Wyoming for his sponsorship of this time for us to discuss this issue. I hope we have a chance before this legislative session is over to act upon this bill to get it passed and that the President will sign it. Thank you, Mr. President.

Mr. ALLARD. Mr. President, I understand that the Senator from Wyoming controls the time, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLARD. I request 5 minutes.

Mr. THOMAS. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLARD. Mr. President, it is a pleasure to be here with my colleagues from Arizona and Wyoming, because I share in their concern that this is a fundamental issue of our freedom and that is the right of the seniors to privately contract their own health care.

Quite frankly, I am surprised we are having to debate this issue on the Senate floor. It is amazing to me how far we have strayed from this principle of some fundamental freedoms that the individual should enjoy.

Again, I compliment particularly my colleague from Arizona for his leadership on this particular issue and also my colleague from Wyoming.

The notion that in America we have a group of citizens who would be effectively prohibited by law from paying for their own health care is absurd.

In order to fully understand the issue, I think it is important to review a bit of the history about this particular issue.

The Health Care Financing Administration has interpreted current law to restrict voluntary, private contracts between physicians and Medicare-eligible beneficiaries. HCFA has issued threats of fines and exclusion against doctors who violate this arrangement and enter into private agreements. HCFA has created a situation where doctors must comply with regulations stipulated by Medicare if they accept even one Medicare beneficiary as their patient. Medicare, as we all know, is the only federally funded health care program that prohibits private contracting by the participants.

During the balanced budget debate, Senator KYL offered an amendment that would have allowed for seniors to use their own money for their health costs. Unfortunately, through deliberations in conference, this provision was stricken and a new law that takes effect in January requires physicians who enter into private contracts to forego Medicare reimbursement for a period of 2 years. It has been reported that currently only 9 percent of physicians do not have any Medicare patients. This provision effectively restricts the choice and the quality of health care services provided to senior citizens. This would tend to prohibit doctors from treating elderly patients and would deny seniors the choice of seeking treatment outside of the Medicare system. According to the amended law, any doctor who is found to be treating Medicare patients and privately contracting will be subject to fines and even imprisonment. In all practicality, the language makes private contracting impossible.

It is imperative that Congress revisit this issue and resolve this shortsighted legislation. I am proud to support Senator KYL's bill, the Medicare Beneficiaries Freedom to Contract Act, which would allow seniors the ability to use their own discretion and money for their health care needs. This legislation is crucial for the elderly individuals who rely on our Medicare system. By allowing senior citizens the ability to retain the doctors of their choice, they are able to receive the care that they want and require. This legislation is essential to senior citizens' rights to use their own discretion for their health care needs.

Although it is true that the deficit in January has declined, the portion of these revenues claimed by entitlement spending continues to rise as entitlement spending rises. I agree with my colleague from Arizona when he says this is also something that will help us balance the budget. Why wouldn't Medicare accept the idea that a private individual can pay for his own health care services out there? It means they don't have to pay for it. It means less expenditures on entitlement spending. It means we can do more to reduce deficit spending. Particularly at a time when Medicare is in dire need of reform, how can Congress simply deny seniors the right and ability to use their own money for health services?

This is not a "Washington one-size-fits-all" situation. We are talking about the health care of our Nation's elderly. Medicare beneficiaries should be given the right to pay out of pocket and to choose their own health care provider. It is their freedom we are infringing upon, and it is imperative we act now to rectify this wrong.

Congress must create a more efficient and effective health coverage program for seniors. Senator KYL's bill is one essential step to complete that goal. More choice and competition must be implemented in the Medicare Program, thereby facilitating proper health care coverage that fits different individuals' needs and desires. Congress must act now to rectify this problem.

I yield the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, we have been joined by our associate from Minnesota. Let me first say that this Medicare issue, of course, is one of the most important issues that we deal with. I think it is one of the most important issues to America. Certainly it is the most important issue to seniors. The idea is to keep it available over time so people who are now paying into part A and will pay into part A will have the benefits of it when they are eligible, to keep choice in it so that seniors will have some choice as they enter into this kind of health care; to keep it financially strong, which is the difficulty, of course—their costs have gone up in Medicare; they have finally narrowed down some, largely through the involvement of managed care, and there will be a committee or a commission appointed in December to take a look at the future of it—and to make it available in all parts of the country. My friend from Colorado just talked about that. We have small towns, we have towns in which there are only one or two physicians. So this choice thing is so important, that it be there.

Let me now yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in expressing my support for Senator KYL's Medicare Beneficiary Freedom to Contract Act, of which I am a cosponsor. As I explained on the floor in a statement last Monday, the thought that we have to debate in the U.S. Senate whether or not we are going to allow seniors the very basic right to use their money as they see fit is really just testimony to how far this administration is willing to go in trying to impose its will and its vision of socialized medicine on the American people. Socialized medicine, what Americans rejected in 1993, the administration is trying to, in incremental steps, reimpose on the American public.

Over the past few weeks I have received many letters, many phone calls and e-mails on this very subject. I would like to share one of these letters with my colleagues today. This comment came from a constituent of mine in Saint Paul, MN. The constituent wrote:

> By what right do you arrogate to yourself the right to determine the length of my life? Medicare could easily fall short of the necessary medical steps to preserve health and life. Remember, this will apply to you, too.

My fellow Minnesotan could not be more correct in the assessment of this provision which was tucked into the Balanced Budget act. It was tucked in there in the dark of the night, without debate and with little regard for the consequences and with the demand by the administration that it be included no matter what. It is unconscionable that the United States, the world's model of freedom and liberty, has now decided that senior citizens are somehow second-class citizens, that they are incapable of making their own choices when it comes to health care.

Opponents of the Freedom to Contract Act claim that this bill now will make it easier for doctors to force seniors to give up their Medicare rights and be charged "the sky's the limit." They say that without this protection, seniors will be overpaying for their medical care.

I give our Nation's physicians and our Nation's seniors a lot more credit than that. This bill does absolutely nothing to force seniors to opt out of the Medicare Program, nor does it implicitly encourage them to do so. It simply will give our seniors an additional choice in how they receive their health care services—an additional choice on how they receive their services. In fact, I believe increasing choices for seniors in the Medicare Program was probably one of the best things that came out of this year's Balanced Budget Act. The Medicare Beneficiary Freedom to Contract Act is just a logical extension of the Medicare Plus Choice Program that was created in the Balanced Budget Act.

I urge my colleagues to set aside the demagoguery and restore the rights of our senior citizens. They deserve our respect and they deserve the right to make their own choices. If we don't act on this bill before this session of this Congress ends, it will go into effect and then it will be very hard to restore this right to our seniors. So I am asking my colleagues, urging them, to join with us to make sure that we preserve the rights of our senior citizens to have an additional choice in how they decide on their health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I appreciate very much the time. I appreciate being joined by my friends in support of this Medicare Beneficiaries Freedom to Contract Act. Let me just review how we got where we are.

During the consideration of the balanced budget, Senator KYL put in a very simple amendment which simply said that you could have this choice that did allow for physicians to treat under a private contract in addition to Medicare. Unfortunately, the administration became adamant about it. I think they followed, as the Senator from Minnesota said, the idea of turning this back into a one-size-fits-all kind of federally controlled program. The President threatened to veto the entire budget package because of this, if this 2-year prohibition was not included. So, today I am still disappointed with the administration, with HCFA, with the President's opposition to this proposition.

We are going to continue to push for consideration of this issue before this Congress adjourns so we can eliminate this bottleneck, this thing which takes away the choice of senior citizens in their health care.

MEDICARE BENEFICIARY FREEDOM TO CONTRACT ACT

Mr. KEMPTHORNE. Mr. President, I am pleased to rise this morning in support of S. 1194, the Medicare Beneficiary Freedom to Contract Act. This legislation is another step in our continuing effort to give the Nation's senior citizens something they have lacked for far too long—real choice in health care.

I believe we are fortunate that a provision added to this year's Balanced Budget Act has served to focus our attention on a very important and basic freedom. I'm talking about the freedom of individuals, regardless of age, to choose how they are going to spend their health care dollars. When the Senate first debated this issue, I wholeheartedly supported the idea of "private contracting" for two reasons. First, I heard from numerous Idahoans who feel they are losing their choice of doctors because of Medicare's overly bureaucratic method of operation. As more and more health care providers refuse to accept Medicare, senior citizens are finding they no longer have access to the providers they wish to see. Allowing private contracting will provide seniors the chance to maintain the patient-provider relationships which are so important to them.

Second, I support S. 1194 for an even more fundamental reason. I do not believe a nation, for which so many have sacrificed so much in the name of freedom, should tell senior citizens that they do not have the freedom to provide for themselves, even if they are perfectly able to do so. Many of our senior citizens are people who worked, and fought, during some of this century's most difficult times, yet current Medicare rules tell them we don't think they are capable of determining, for themselves, how to best meet their own health care needs. Mr. President, this implies that government bureaucrats don't feel those who survived the Great Depression and World War II, and helped make this Nation what it is today, are capable of understanding and meeting their own needs. What a ridiculous concept.

Would we tell food stamp recipients that they could not use their own money to buy food, even if they worked hard to gather the financial resources needed to feed themselves? Would we tell someone in subsidized housing that they may not use their own resources to move into a home which they could call their own? The answer to both these question is, of course, no. In fact, I would be willing to guess that anyone suggesting such an idea would be laughed right out of this Chamber. Yet, there are those who don't believe senior citizens should be allowed to provide, voluntarily, for their own health care needs.

Mr. President, the bill we are discussing this morning simply says that if you have the ability to take care of your own health care needs, and you wish to do so, you should be legally allowed to do so. Supporting it should simply be a matter of common sense.

I have heard from numerous Idahoans who tell me they want the freedom to decide whether or not to use Medicare to pay for health care services. I have heard from numerous health care providers in my State who sincerely want their patients to have that choice. I trust the senior citizens of Idaho. I believe they are more than capable of making a decision about how to pay for health care services, and should be given the option to make that choice for themselves.

The American people are intelligent. If you give them choices, they are certainly able to decide which option is in their best interest. During my tenure in the Senate, I have consistently worked to give Americans more choice, while reducing government intrusion in their lives. The Medicare Beneficiary Freedom to Contract Act accomplishes both of these goals, and I urge all of my colleagues to support it.

Mr. CAMPBELL. Mr. President, today I join my colleagues in supporting the Kyl-Archer "Medicare Beneficiaries Freedom To Contract Act."

When I first discovered that the version of this summer's Balanced Budget Act that was signed into law included such a drastic deviation from Congress' intent, which was to allow Medicare beneficiaries the choice to go outside the Medicare system for care, I was outraged. We agreed to ensure this freedom, not strangle it by kicking doctors out of the Medicare system for seeing Medicare patients on a private contract basis. By excluding physicians from Medicare for 2 years as a punishment for entering into a private contract, the law offers seniors a choice in one breath and takes it away in the next.

If beneficiaries choose to pay for care out of their own pocket, that is their right. In no way does that constitute a criminal act. It is not an appropriate role for the Federal Government to be telling people how they can spend the money in their wallet—we already do enough of that with their tax dollars.

The claims made for instituting such a restrictive law are unfounded. The assertion that seniors of significant means will be siphoned out of the system, creating an increased burden on the Medicare trust fund, makes several false assumptions. First, income and population statistics produced by the Social Security Administration indicate that nearly two-thirds of this country's over-65 population live at or near the poverty level, with less than 20 percent seniors earning more than $75,000 a year. Given that, it is doubtful that we'll see a wave of seniors rushing to contract privately and disrupting the Medicare system. Those same statistics also deflate the argument that droves of doctors will begin denying care unless patients agree to privately contract at a higher rate. The patients aren't there, leaving physicians strongly dependent—as they are now—on Medicare clients. Therefore, there is no threat of a two-tiered system of care, with only the wealthy having access to the best care. It is just not economically sound or feasible for a significant number of doctors to establish a "new tier" of medicine.

The concerns about rampant fraud and abuse resulting from private contracting seem to disregard some very compelling facts. For example, over the last 2 years, Congress has implemented strict penalties for Medicare fraud and abuse, including thousands of dollars in fines and jail time. We have seen people go to jail for committing Medicare fraud. I have medical professionals contacting me regularly because they are so fearful of inadvertently misbilling Medicare and winding up in jail or out of business. More importantly, however, Medicare beneficiaries are copied on all bills that Medicare pays for services they've received. If a doctor double-bills Medicare for services that a beneficiary has already paid for out of their pocket, that senior would be dialing Medicare's 1-800 fraud number faster than you or I could blink.

Finally, Senator KYL's bill would allow patients to terminate contracts at virtually anytime, which will force physicians who are interested in private contracting to offer services at reasonable and competitive rates. Consumers would finally be playing a role in the Medicare market.

Choice and competition have emerged as the most viable and fair solutions for saving the Medicare Program and ensuring quality, affordable healthcare for generations of Medicare beneficiaries to come. This bill embodies those very concepts.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

THE A-PLUS SAVINGS ACCOUNTS

Mr. TORRICELLI. Mr. President, within the next few days this Senate will vote upon a proposal that I have offered with Senator COVERDELL, S. 1113—A-plus savings accounts. It is a proposal I know that many Members of the Senate are considering for the first time. I take the floor today to ask them to look carefully at its many provisions.

Like many Members of my party, I have great reservation about the movement to vouchers in the various States and by the Federal Government. It has always been my concern that vouchers not only invite constitutional challenge, but inevitably results in a movement of resources from the public schools, where they are already too scarce, to private schools.

The issue in my mind is not to move resources from public to private schools, but to increase resources for all schools. That is why, although I differ with Senator COVERDELL and other Members of the Senate on vouchers, we have come together as Democrats and Republicans, provoucher and antivoucher Senators, on the issue of the A-plus savings accounts.

Let us look at the facts about these savings accounts.

First, there is not the use of public money. This is money that an individual or their employer or their labor union can put in a savings account for the education of a child in grade school or high school, therefore, there is not a constitutional issue and there is not a diversion issue of public educational resources to private schools.

Second, where does this money go? And who does it help? The Joint Committee on Taxation estimates that almost 75 percent of the money that will be placed in these accounts actually would go to public school students because although we are allowing the accounts to be used to support tuition at parochial schools or other private schools, it also would be available for ancillary activities of public school students.

Since 90 percent of American students go to public schools, these funds—available for computers, tutoring, after-school transportation—would, to a significant, indeed overwhelming extent, actually go to public school students.

This is the right program at the right time, bringing the right resources to the students most in need.

In many of our urban centers today, including in my own State of New Jersey—from Camden to Newark to Jersey City—if we lose our private schools, our parochial schools, we do not have the capacity in the public schools for those students. And many working-class, working-poor parents want this option. I do not know why we would deny it to them.

Critics have said, "Well, this is only available to the rich." But in fact for a single taxpayer, we have put a ceiling of $95,000. It is estimated that 70 percent of all of these resources would go to families that earn under $70,000 a year.

An uncle can put $10 in an account every month for a favorite nephew or niece. A grandparent, at a birthday or Christmas, can put $100 or $200 in an account. A parent, from the time of birth, can put a few dollars away every month to ensure that their child is getting the high school or grade school education they want them to have.

What can be wrong with that, getting the entire family involved in saving for a child's education? But if the option is public school—which it is overwhelmingly in the United States; and understandably so—then these funds are available to give a quality public school education.

Sixty percent of all students in public schools in America today do not have a computer at home. Eighty-five percent of all minority students in the public schools do not have a computer at home.

An overwhelming majority of public school students cannot afford a tutor, even if they are having trouble with math or science. These accounts are available for that tutoring and for that equipment. It gives a new advantage to parents who want to get engaged in their child's education in the public schools.

For all of those reasons, I am asking, particularly members of my own party, to look once again at the Coverdell-Torricelli proposal for A-plus savings accounts. This escapes the central conflict over vouchers and strengthens both public and private education.

No Member of this body today, no matter how they feel about vouchers, can possibly argue—when the United States is now being ranked 15th out of 18 nations in the quality of math performance by our students; near last in science education—no one can defend the status quo. No Member can honestly believe that a chance to bring new resources, private resources, to middle-income families who want to get engaged in their own child's education is a bad idea.

We will, Mr. President, have a chance to obviously debate this at length when the bill is brought before the Senate. But here today, in anticipation of that debate, I wanted to ask Members of the Senate to use the time between this discussion and that debate to familiarize themselves with this proposal and the hope that we can genuinely have a good and bipartisan level of support in sending this bill, which has already passed the House, on to the President.

Mr. President, I yield the floor.

THE INTELLECTUAL ROOTS OF NATIVISM

Mr. BROWNBACK. Mr. President, I would like to highlight an article from the October 2 issue of the Wall Street Journal written by Tucker Carlson.

It is important to recognize the valuable contributions that immigrants make to this country. Groups that refuse to recognize that legal immigration makes a positive contribution to the productivity and vitality of our country ignore the history of our Nation and exploit irrational fears. Mr. Carlson has done an exemplary job of exploring the initiatives and history of such anti-immigration organizations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 2, 1997]

THE INTELLECTUAL ROOTS OF NATIVISM

(By Tucker Carlson)

When the U.S. Commission on Immigration Reform issued its final report on Tuesday, Dan Stein, executive director of the Federation for American Immigration Reform, stood ready to comment. Responding to a recommendation that the U.S. citizenship oath be modified to strike antiquated words like "potentate," Mr. Stein told the Los Angeles Times, "If the oath of [allegiance] is too hard for the immigrants to understand . . . we're admitting the wrong immigrants."

In the debate over immigration policy, no single group has received more attention than FAIR, a Washington-based nonprofit that claims a membership of 70,000. For close to 20 years, in books, monographs, op-eds and thousands of newspaper stories, FAIR has made the case for tighter national borders. And while the group's goal seems clear enough—to curtail immigration into the U.S.—its ideology is harder to pin down. FAIR's supporters include both the conservative magazine National Review and former Colorado Gov. Richard Lamm, a Democrat; Pat Buchanan as well as Eugene McCarthy. Where does FAIR stand politically? It's hard to say, says Mr. Stein: "Immigration's weird. It has weird politics."

IN FAVOR OF INFANTICIDE

Certainly FAIR does. Consider the group's connection to Garrett Hardin, a University of California biologist who became moderately famous in the 1960s for his essay "The Tragedy of the Commons," a polemic against population growth and Americans' "freedom to breed." Mr. Hardin, now in his 80s, was for many years one of the more active members of FAIR's board of directors, writing and speaking extensively under the group's auspices. He is now a board member emeritus, and his ideas are still influential at FAIR; just this spring, Mr. Stein quoted "noted immigration scholar and thinker Garrett Hardin" in testimony before the Senate.

What are Garrett Hardin's ideas? "Sending food to Ethiopia does more harm than good," he explained in a 1992 interview with Omni magazine. Giving starving Africans enough to eat, Mr. Hardin argued, will only "encourage population growth." His views got less savory from there. In the same interview, the "noted immigration scholar" went on to criticize China's notoriously coercive population control programs on the grounds they are not strict enough. He also argued against reducing infant mortality in undeveloped nations and came out foursquare in favor of infanticide ("in the historical context," as the Omni reporter put it), which he declared "an effective population control."

"In all societies practicing infanticide," Mr. Hardin explained to the reporter, who happened to be five months pregnant at the time, "the child is killed within minutes after birth, before bonding can occur." Not surprisingly, Mr. Hardin wasn't shy about his enthusiastically pro-choice views: "A fetus is of so little value, there's no point in worrying about it."

What does eliminating children have to do with immigration? According to Mr. Hardin, just about everything. "Because widespread disease and famine no longer exist, we have to find another means to stop population increases," he explained. "The quickest, easiest and most effective form of population control in the U.S., that I support wholeheartedly, is to end immigration."

At FAIR, Mr. Hardin's views are considered well within the pale. Founded in 1979 by a Michigan ophthalmologist named John Tanton, FAIR has from its inception been heavily influenced by the now-discredited theories of Thomas Malthus, an 18th-century English clergyman who predicted that the world's food supply would soon fail to keep pace with its rising population. During the 1970s, Dr. Tanton, now FAIR's chairman, did his part to reduce world population by founding a local Planned parenthood chapter and running the group Zero Population Growth. With the birthrate of native-born Americans declining, however, Dr. Tanton says he soon realized that the key to population control was reducing immigration. Unless America's borders are sealed, Dr. Tanton explained to the Detroit Free Press this March, the country will be overrun with people "defecating and creating garbage and looking for jobs." To this day, FAIR's "guiding principles" state that "the United States should make greater efforts to encourage population control." Several months ago, the group organized a "bicentennial event" to commemorate Malthus's "Essay on the Principle of Population."

Mr. Stein, the organization's current executive director, doesn't deny that Malthusian fears of overpopulation are "central" to FAIR's mission. Nor does he flinch when confronted with Mr. Hardin's views of killing newborns. Instead, Mr. Stein defends Mr. Hardin by pointing out that his colleague has never supported "involuntary, coercive infanticide." (As opposed to the voluntary kind?) As for the Chinese government's well-documented campaign of forced abortions and sterilization, Mr. Stein describes it as an "international family-planning program."

Perhaps most telling, Mr. Stein appears to embrace Mr. Hardin's long-standing support of eugenics. In his interview with Omni, Mr. Hardin expressed alarm about "the next generation of breeders" now reproducing uncontrollably "in Third world countries." The problem, according to Mr. Hardin, is not simply that there are too many people in the world, but that there are too many of the wrong kind of people. As he put it: "It would be better to encourage the breeding of more intelligent people rather than the less intelligent." Asked to comment on Mr. Hardin's statement, Mr. Stein doesn't even pause. "Yeah, so what?" he replies. "What is your problem with that? Should we be subsidizing people with low IQs to have as many children as possible, and not subsidizing those with high ones?"

Several years ago FAIR was forced to defend itself against charges of racism when it was revealed that the organization had received more than $600,000 from the Pioneer Fund, a foundation established in 1937 to support "research in heredity and eugenics." Mr. Stein did his best at the time to downplay Pioneer's nasty reputation. "My job is to get every dime of Pioneer's money," he told a reporter in 1993. But an unpleasant odor remained.

FAIR also has repeatedly been accused of hostility toward Hispanics and the Catholic Church. Mr. Stein claims the charges are nothing more than "orchestrated attacks from some of these fervent, out-of-control zealots on the so-called religious right." (And, he warned me, I had better not imply otherwise: "I will call you at home and I'll give your wife my opinion of the article if I don't like it," he said heatedly.) But Mr. Stein does little to disprove his critics. In one widely quoted outburst, he suggested—that certain immigrant groups are engaged in "competitive breeding." He told me: "Certainly we would encourage people in other countries to have small families. Otherwise they'll all be coming here, because there's no room at the Vatican."

There are reasonable critics of immigration, but Dan Stein is not one of them. Which makes it all the more puzzling that a number of otherwise sober-minded conservatives seem to be making common cause with Mr. Stein and FAIR. According to National Review editor John O'Sullivan, FAIR, "until very recently, never saw the political right as sympathetic to the cause. That was an obvious error." An error Mr. O'Sullivan has done his best to correct: Over the past several years, National Review has touted FAIR's positions in its editorials and published several articles by FAIR employees.

'THESE CENTRAL AMERICANS'

FAIR itself has made a conscious play for the support of social conservatives, running ads that blame immigration for "multiculturalism," "multilingualism," "increasing ethnic tension" and "middle-class flight." Mr. Stein claims that many immigrants are left-wing ideologues, making conservatives FAIR's logical allies. "Immigrants don't come all church-loving, freedom-loving, God-fearing," he says. "Some of them firmly believe in socialist or redistributionist ideas. Many of them hate America, hate everything the United States stands for. Talk to some of these Central Americans."

Two years ago Insight, a magazine published by the conservative Washington

Times, referred to "the conservative Federation for American Immigration Reform." And last year Republican strategist Paul Weyrich allowed FAIR to co-produce more than 50 hour-long programs dealing with immigration for National Empowerment Television, his conservative network. Clearly, FAIR's overtures to the right are paying off. But do conservatives who embrace FAIR know all they should about the object of their affections?

EXECUTIVE SESSION

NOMINATION OF CHARLES J. SIRAGUSA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the clerk will report the Executive Order No. 324.

The legislative clerk read the nomination of Charles J. Siragusa, of New York, to be U.S. district judge for the Western District of New York.

The Senate continued with the consideration of the nomination.

Mr. LEAHY. Mr. President, I note that we are soon going to vote on the nomination of Charles J. Siragusa to be a judge of the U.S. district court for the Western District of New York.

The judge has the highest rating possible from the ABA. He was unanimously reported by the Judiciary Committee. He was a prosecutor. I commend him and the others.

This morning the majority leader has decided to call up the nomination of Charles Siragusa to the U.S. District Court for the Western District of New York. I expect this rollcall vote to be much like the last seven in which a unanimous Senate approves a well-qualified judicial nomination.

As I stated, Judge Siragusa received the highest rating possible from the ABA. He was unanimously reported by the Judiciary Committee along with others who remain on the Senate calendar awaiting action. He is supported by Senators MOYNIHAN and D'AMATO.

Judge Siragusa served as an assistant district attorney for the Monroe County district attorney's office in Rochester, NY, for 15 years from 1977 to 1992 and is currently a judge on the New York State Supreme Court. He has been the recipient of numerous legal awards, including the 1996 Recognition Award from the Monroe County Magistrates Association. He has served as a volunteer member of the Families and Friends of Murdered Children and Victims of Violence advisory board since 1995.

I congratulate Judge Siragusa, his wife and family on this day and look forward to his service on the U.S. district court.

But I would also note, we had time set aside for debate on this. And we continue to have judges who are held up silently, and then we cannot vote on them.

Margaret Morrow of California is an example of this. We have spent far more time on quorum calls this year than we have on any debate of Margaret Morrow, except that we find Senators who have press conferences saying that she should not be confirmed or could not be confirmed or will not be confirmed—but nobody wants to bring her nomination to a vote.

She, like the judge we will soon confirm, is an extraordinarily well-qualified nominee. She does have one difference. She is a woman. And I do not know why this woman, who has been the president of the California Bar Association, one of the most prestigious positions any lawyer has ever received, as well as the L.A. bar, why this woman is continuously blocked.

Frankly, I could find no other reason than her gender. And I think it is shocking. I think it is a shame.

While I am encouraged that the Senate is today proceeding with the confirmation of a judicial nominee, there remains no excuse for the Senate's delay with respect the more than 50 other judicial nominations sent by the President. The Senate should me moving more promptly to fill the vacancies plaguing the federal courts. Twenty-three confirmations in a year in which we have witnessed 115 vacancies is not fulfilling the Senate's constitutional responsibility.

At the end of Senator HATCH's first year chairing the Committee, 1995, the Senate adjourned having confirmed 58 judicial nominations and leaving only 49 vacancies. This year the Senate has confirmed less than half of the number confirmed in 1995 but will adjourn leaving almost twice as many judgeships vacant.

At the snail's pace that the Senate is proceeding with judicial nominations this year, we are not even keeping up with attrition. When Congress adjourned last year, there were 64 vacancies on the Federal bench. In the last 10 months, another 50 vacancies have occurred. Thus, after the confirmation of 23 judges in 10 months, there has been a net increase of 28 vacancies, an increase of almost 50 percent in the number of current Federal judicial vacancies.

Judicial vacancies have been increasing, not decreasing, over the course of this year and therein lies the vacancy crisis. The Chief Justice of the United States Supreme Court has called the rising number of vacancies "the most immediate problem we face in the Federal judiciary."

I have commended Senator HATCH for scheduling 2 days of confirmation hearings for judicial nominees this week. Unfortunately, that brought to only eight the total number of confirmation hearings for judicial nominees held all year, not even one a month.

The Judiciary Committee still has pending before it over 30 nominees in need of a hearing from among the 73 nominations sent to the Senate by the President during this Congress. From the first day of this session of Congress, this committee has never had pending before it fewer than 20 judicial nominees for hearings. The committee's backlog had doubled to more than 40.

There is no excuse for the Judiciary Committee's delay in considering the nominations of such outstanding individuals as Professor William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, Ms. M. Margaret McKeown, and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez had a hearing last year but has been passed over so far this year. Professor Fletcher, Judge Paez and Ms. McKeown are all nominees for judicial emergency vacancies on the Ninth Circuit, as well.

The committee still has pending before it 10 nominees who were first nominated during the last Congress, including five who have been pending since 1995. Thus, while I am delighted that we are moving more promptly with respect to certain nominees, I remain concerned about all vacancies and all nominees.

Since no regular executive business meeting of the Judiciary Committee was held this week and none has yet been noticed for next week, which may be our last before adjournment, the committee may not have an opportunity to report any of the 13 fine judicial nominees who participated in hearings this week or the nominations of Clarence Sundram or Judge Sonia Sotomayor or, for that matter, the nomination of Bill Lee to be Assistant Attorney General for the Civil Rights Division.

I have urged those who have been stalling the consideration of these fine women and men to reconsider and to work with us to have the committee and the Senate fulfill its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day.

A good example of the continuing stall is the long-pending nomination of Margaret Morrow. The extremist attacks on Margaret Morrow are puzzling—not only to those of us in the Senate who know her record but to those who know her best in California, including many Republicans. They cannot fathom why a few Senators have decided to target someone as well-qualified and as moderate as she is.

Anthony Lewis asked the question in a column in The New York Times earlier this week: "Why [are some] trying to frighten conservatives with talk of nonexistent liberal activist Clinton judges?" Those who start a witch hunt, want to find a witch—even if they have to contort the facts and destroy a good person in the process. That seems to be what is going on with this nomination as opponents of this administration are seeking to construct a straw woman in the place of the real Margaret Morrow. She does not subscribe to an activist judicial philosophy and I am confident that as a district court judge would apply the law consistent with precedents established by the U.S. Supreme Court, the court of appeals and judicial precedent.

With respect to the issue of judicial activism, we have the nominee's views. She told the committee: "The specific role of a trial judge is to apply the law as enacted by Congress and interpreted by the Supreme Court and courts of appeals. His or her role is not to 'make law.'" She also noted:

> Given the restrictions of the case and controversy requirement, and the limited nature of legal remedies available, the courts are ill equipped to resolve the broad problems facing our society, and should not undertake to do so. That is the job of the legislative and executive branches in our constitutional structure.

Margaret Morrow was the first woman president of the California Bar Association and also a past president of the Los Angeles County Bar Association. She is an exceptionally well-qualified nominee who is currently a partner at Arnold & Porter and has practiced for 23 years. She is supported by Los Angeles' Republican Mayor Richard Riordan and by Robert Bonner, the former head of DEA under a Republican administration. Representative JAMES ROGAN attended her second confirmation hearing to endorse her.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to making lawyers more responsive and responsible. Her good works should not be punished. Her public service ought not be grounds for delay. She does not deserve this treatment. This type of treatment will drive good people away from Government service.

The president of the Woman Lawyers Association of Los Angeles, the president of the Women's Legal Defense Fund, the president of the Los Angeles County Bar Association, the president of the National Conference of Women's Bar Association and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They write that: "Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties." She "is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country." I could not agree more.

This nomination has been pending since May 9, 1996. No one can blame President Clinton for the delay in filling this important judgeship. Within 4 months of Judge Gadbois' disability, the President had sent Margaret Morrow's name to the Senate. She had a confirmation hearing and was unanimously reported to the Senate by the Judiciary Committee in June 1996. This was one of a number of nominations caught in the election year shutdown and was not called up for Senate consideration during the rest of that year.

She was renominated on January 7, 1997, the first day of this session of Congress. She had her second confirmation hearing in March. She was then held off the judiciary agenda while she underwent rounds of written questions. When she was finally considered on June 12, she was again favorably reported with the support of Chairman HATCH. She has been left pending on the Senate Executive Calendar for more than 4 months and been passed over, again and again.

Senator HATCH noted in a Senate floor statement on September 29 that he continues to support the nomination of Margaret Morrow and that he will vote for her. He said:

> I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserved to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf.

Yesterday Senators ASHCROFT and SESSIONS held a press conference in which they noted their opposition to this nomination. I am glad that the secret holds that had prevented the consideration of this nomination are now over and urge the majority leader to proceed to call up this nomination for a debate and vote without further delay. This is the U.S. Senate, once the greatest deliberative body in the world and the conscience of the Nation. We should proceed to debate this nomination and vote.

Every Senator is free to vote for or against a nominee. What I have not appreciated is the mysterious hold over nominations for months at a time. Now that the sources of the hold have come forward, the Senate should proceed to debate and vote.

I do not oppose a recorded vote on Margaret Morrow any more than I opposed a recorded vote on Frank J. Siragusa, or Algenon Marbley, or Katherine Sweeney Hayden, or Janet C. Hall, or Christopher Droney, or Joseph F. Bataillon, or Frank M. Hull, or Henry Harold Kennedy, Jr., or Merrick B. Garland. In fact, on the last seven roll call votes on judicial nominees preceded that this morning, there has been a cumulative total of one negative vote by a single Senator on one of those seven nominees. Six judges were confirmed by unanimous roll call votes and one was confirmed 98 to one.

Meanwhile, while the Senate fiddles, the people served by the District Court for the Central District of California continue to suffer the effects of this persistent vacancy, one of the dozens of judicial emergency vacancies being perpetuated around the country. This nomination has been held up so long that the vacancy has now extended to more than 18 months and is designated a judicial emergency vacancy by the Administrative Office of the United States Courts.

This is a district court with over 300 cases that have been pending for longer than three years and in which the time for disposing of criminal felony cases and the number of cases filed increased over the last year. Judges in this district handle approximately 400 cases a year, including somewhere between 40 and 50 criminal felony cases. Still this judicial vacancy is being perpetuated by the refusal to vote on this well-qualified nominee.

I fear that the nomination of Margaret Morrow has become a fund raising ploy for the extreme right wing. This past weekend we learned that a $1.4 million fund raising and lobbying effort is underway to try to perpetuate the judicial vacancy crisis and continue the partisan and ideological stall on Senate consideration of much-needed judges.

I understand that big donors are solicited with promises of intimate dinners with leading conservative elected and public figures closely involved with the judicial confirmation process and that Senators appear on a videotape being used as an integral part of this opposition effort.

Those pressing this effort complain about what they see as the failure of the U.S. Senate to block the appointment of judges to the Federal bench. The American people, litigants, prosecutors, and judges have just the opposite complaint—that the perpetuation of judicial vacancies is affecting the administration of justice and rendering our laws empty promises.

It is sad that this effort is premised on the slanted portrayal of decisions, many of which were decided by judges appointed by Republican Presidents. I have spoken before about the dangers of characterizing isolated decisions to stir up anger against the judiciary. Short-term monetary or political gain is not worth the price.

This fund raising campaign seems to extend back over the course of the year but has only become public with reports in the Los Angeles Times and New York Times over last weekend.

Those who delight in taking credit for having killed, judicial nominees last year continue their misguided efforts to the detriment of effective law enforcement and civil justice. This extreme right-wing fund raising campaign to kill qualified judicial nominations is wrong.

Targeting such a well-qualified nominee as Margaret Morrow is an example of just how wrong this scheme is. I believe all would agree that it is time for the full Senate to debate this nomination and vote on it. I understand that Senator ASHCROFT welcomed such a debate at his press conference yesterday. I have looked forward to that debate for some time. I ask again, as I have done repeatedly over the last several months, why not now, why not today, why not this week?

I yield the floor.

Mr. MOYNIHAN. Mr. President, in a few moments the Senate will vote to confirm a most able candidate for U.S. District Judge for the Western District of New York. Charles Joseph Siragusa was western New York's most experienced prosecutor who became its most admired supreme court judge. We now have the opportunity to bring his considerable talents to the Federal bench.

I had the honor of recommending Judge Siragusa to President Clinton on May 14, 1997. He enjoys the full support of my friend and colleague, Senator D'AMATO, and the unanimous approval of the Committee on the Judiciary.

Might I note that my judicial screening panel interviewed more than 20 applicants to fill the vacancy that resulted when Judge Michael A. Telesca took senior status. There were, as one might have expected, many splendid candidates. However, Judge Charles J. Siragusa stood out.

Judge Siragusa has served with great distinction in the Seventh Judicial District. He was elected to the State supreme court in 1992, following 15 years as a prosecutor with the Monroe County district attorney's office. In that capacity he tried over 100 felonies and was involved in a number of significant criminal cases including the prosecution of Arthur J. Shawcross, a serial killer responsible for the deaths of 11 women. He received widespread recognition and praise for his work on that case.

A native of Rochester, Judge Siragusa was graduated from LeMoyne College in DeWitt, NY, in 1969. He received his law degree from Albany Law School in 1976 and has been a member of the New York State Bar since 1977.

Judge Charles J. Siragusa is a man of great intelligence and unwavering principle. I am confident that, upon confirmation, he will serve with honor and distinction.

Mr. HATCH. Mr. President, it is with great pleasure that I endorse the nomination of Charles Siragusa who has been nominated by President Clinton for the position of U.S. District Judge for the Western District of New York.

Judge Siragusa comes before the Senate with an already distinguished record having served on the New York supreme court since 1993. In that position, he has presided over both civil cases and criminal cases. He is currently assigned full time to the criminal division.

Judge Siragusa is not only a seasoned jurist, but he is also an experienced trial lawyer. He has extensive litigation experience having first been an assistant district attorney and then later serving as a first assistant district attorney in the Monroe County district attorney office from 1977 to 1992. I am sure my colleagues will agree that he is well qualified for a position on the Federal bench for many reasons not the least of which because he is someone who has had the practical experience of having tried approximately 100 cases as lead trial counsel. I might add that 95 percent of those cases were jury trials and many of them involved homicides.

Judge Siragusa also brings the experience of having been a teacher of sixth graders and junior high school from 1969 to 1973, in Rochester, NY. I am sure that job taught him great patience—a skill that might come in handy someday on the Federal bench.

He is also active in his community. Judge Siragusa is a member of numerous organizations including the Jewish Community Center; the New York District Attorney Association; the Monroe County Bar; the Rochester Inn of Court; Jury Advisory Commission; and the Association Justices Supreme Court in New York.

Judge Siragusa graduated cum laude from LeMoyne College in 1969 having earned a bachelor of arts sociology, and his juris doctorate from Albany Law School in 1976.

He has two published writings, in addition to his other than judicial opinions—one entitled "Prosecution of a Serial Killer;" and the other being, "View from the Bench" that appeared in Rochesterian Magazine.

I would also like to add that Judge Siragusa's nomination might have been before the Senate sooner, but for the fact that when the Judiciary Committee first tried to schedule a hearing on his nomination my staff had a bit of trouble locating him. We later learned that he was in Aruba on his honeymoon. Congratulations, Judge Siragusa.

I am confident that Judge Siragusa will be a worthy addition to the bench of the Federal District Court in the Western District of New York. I am very pleased that the Senate has scheduled a vote on his nomination, which I am happy to support. He is also supported by Senator MOYNIHAN and Senator D'AMATO. I urge my colleagues to do the same.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, on the matter of the pending nomination, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Charles J. Siragusa, of New York, to be U.S. District Judge for the Western District of New York? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 286 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Coats
Harkin

The nomination was confirmed.

DISAPPROVAL ACT

The PRESIDING OFFICER. Under the previous order, the Senate now will proceed to the consideration of S. 1292, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1292) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.

The Senate proceeded to consider the bill, which had been reported from the

Committee on Appropriations, with an amendment on page 2, line 3, to strike "97-15, 97-16."

Mr. STEVENS. Mr. President, there are 10 hours, as I understand it, on this bill. I do not have any knowledge yet as to how much time we will take. I will give myself such time as I need in the beginning of this statement.

On October 6, the President impounded funds for 38 projects contained in the fiscal year 1998 military construction bill, which totaled $287 million. Let me first take a moment to review the merits of this bill.

Mr. President, in June, President Clinton reached a budget agreement with the bipartisan leadership of the Congress. That agreement provided for an increase of $2.6 billion for national defense over the amount the President had requested for the budget in the fiscal year 1998. The President's action on the military construction bill, in my judgment, reneges on the budget agreement that he reached with the Congress. Congress was given spending caps. We then allocated that within the appropriations process, and the Appropriations Committee presented the Senate with 13 appropriations bills consistent with the spirit, terms, and limits of the revised budget.

Mr. President, I state to the Senate, without any chance of being corrected, that the Senator from West Virginia and I have done our utmost to live within the terms of the budget agreement, although we didn't agree with it and we weren't present at the time it was made. Now, we have upheld the congressional commitment to the President. Simply stated, the President did not when he used the line-item veto on this bill.

After consultation with Senator BYRD, the committee held a hearing 3 weeks ago to evaluate the President's use of the line-item authority and review the status of these projects for military construction. We asked military witnesses from three services to testify. They told us there were valid requirements for each of these projects, Mr. President. They were mission-essential to the U.S. military. They also informed the Appropriations Committee that each of these projects was, in fact, executable during the coming fiscal year.

Now, these projects clearly did not meet the criteria intended by Congress to eliminate wasteful or unnecessary spending. Those were the tests under the line-item veto law. Instead, the President chose to cancel a project because of three criteria that were announced after the action taken by the President. First, he would veto a bill if it was not in the President's 1998 budget request and no design work had been initiated and it did not substantially contribute to the well-being and quality of life of the men and women in the armed services.

Senator BYRD is going to speak at length on this. He is an expert in this area, and I don't want to go into the area he will cover. It is very clear that that was not within the terms of the bill passed, the law that the President signed, which set forth the process for using the line-item veto. At our Appropriations Committee hearing, it was apparent that, in fact, some design work had been initiated on most of these projects—not all of them, but most of them.

The generals that were before us confirmed what many of us already knew. The White House decision conflicted with the military needs of the Armed Forces. In every instance these projects were needed and desired by the military services. Since that time the administration has stated—and even today, the President has a message out today—that mistakes were made. The administration has indicated that it will support many of these projects. But so far it has not told the committee which ones, Mr. President. We have a criticism of this bill from the administration, but the administration vetoed 38 projects, and it says it made some mistakes. But it has not publicly said which ones.

It is my belief that we will be successful in our effort to overturn these line-item vetoes in this instance because the projects the President has attempted to eliminate are meritorious. They are sought by the Department of Defense and by the services involved in each instance, and they are within the budget agreement.

I want to go back and emphasize that, Mr. President. We had a budget presented to us by the President that was lower than many of us thought was necessary to meet our national needs. The President, in the budget agreement, agreed to that, and he agreed to an increase in defense spending. Our committee received no specification on what he thought that increase should be spent for. So we did what the Constitution gives us the right to do. We determined where the money would be allocated. None of these projects have been listed as being either wasteful or excessive spending. Again, almost all of them are in the 5-year plan, and those that were not in the 5-year plan were indicated to be necessary and ones that were needed by the military.

I believe that our military people, soldiers, sailors, marines, airmen, and Coast Guardsmen are the ones that are being shortchanged by the President's veto—not the officials in the Pentagon or the White House.

Let me tell you why I believe the President is reneging. If this line-item veto application, the application of that law to these projects, is sustained, we lose part of the increase that was in the budget agreement. This $287 million is no longer available for expenditure to meet military needs. It is a way for the administration to renege and not meet the goals that we sought for military spending. The President indicated some protected areas in the budget—areas that he wanted protected because of his priorities. Our committee has met every single one of those. We have not stood here and used a pen and taken them out. We have not used what would be a congressional line-item veto and said, no, we don't agree with you on this or that. We have not done that.

But in this instance, the use of the line-item veto reduces the amount that is available for defense spending for fiscal year 1998 by the amount of the application of the line-item veto.

I am differing with my good friend from West Virginia. Although for many years I opposed the line-item veto, I came to the conclusion that because we needed additional impetus behind our efforts to bring about a balanced budget, I indicated I would support the line-item veto—and, as a matter of fact, due to circumstances that developed, I was the chairman of the committee and the chairman of the Senate side of the conference on the Line-Item Veto Act. I supported it because I believed it should be used for the stated purpose to eliminate wasteful and excessive spending, and only to eliminate wasteful and unnecessary spending—not to be used as the display of Presidential executive or political power.

I urge the Senate to support this bill that is before us. We have conferred with all of those involved in the projects. I state that all of the projects except 2 that were in the President's 38 are in this bill. There are two not in there at the request of the Senators involved. Those two, however, are in the House bill.

COMMITTEE AMENDMENT WITHDRAWN

Mr. STEVENS. Just one last word about this procedure. This bill is not subject to amendment in the sense of adding anything to it. I state now that we will not offer the Senate's Appropriations Committee amendment to this bill, and I ask it be withdrawn at this time.

The PRESIDING OFFICER (Mr. HUTCHINSON). If there is no objection, the committee amendment is withdrawn.

The committee amendment was withdrawn.

Mr. STEVENS. Mr. President, that means that there are two projects that are not in this bill that are in the House bill. If the Senate passes this bill—and I seriously urge that it do so—we will go to conference, and the only matters that can be considered in the conference are those two projects. If the House passes the bill—and I presume it will—which has all of the 38 projects, and we pass this one which has 36 projects, the only 2 things that can be discussed in that conference are the 2 projects. And we will bring the conference report back before the Congress very quickly, I believe.

But, Mr. President, this bill goes beyond the question of what should normally happen under the Line-Item Veto Act concerning actions of a President. This bill pertains to projects that were eliminated at a time when there was an agreement entered into by the leadership of the conference and the Presidency on the level of spending in several discrete categories. From the point of view of this Senator, the most important one was the agreement on the level of spending for the Department of Defense. If this bill does not become law, $287 million of the amount we thought would be available to meet our needs of the Department of Defense will not be there. That $287 million is part of the most vital part of our spending. It is spending for facilities for our people to live in and to work in. I can't think of anything that is more essential right now than to try to maintain our efforts to modernize our bases, modernize our facilities, and to assure that we maintain the quality of life for the military by doing so.

Mr. President, I urge the Senate to stand together with the House to assure that the President—and really the Presidency—lives up to the bargain that was made with the Congress. I do not speak of the President in a personal vein. I think he relied on the advice that was given him. I do object to the use of the concept of the criteria that was announced by the White House. I think Senator MCCAIN will speak about that.

Senator MCCAIN and I are in agreement in terms of what the White House should have done when the law was passed. It should have announced then the criteria the President and the administration would use to review individual bills and then match every bill up against that type of criteria. That was not done, Mr. President.

I believe this bill should become law.

I thank the Chair.

I yield to my good friend from West Virginia.

I believe the Senator from West Virginia controls 5 hours; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may require.

Mr. President, I am looking at the memorandum that is being distributed by the Executive Office of the President, the Office of Management and Budget, dated October 30, 1997.

It carries the heading "Statement of Administration Policy."

I will read it.

> This statement of administration policy provides the administration's views on S. 1292, a bill disapproving the cancellations transmitted by the President on October 6, 1997.
>
> S. 1292 would disapprove 34 of the 38 projects that the President canceled from the fiscal year 1998 Military Construction Appropriations Act. The administration strongly opposes this disapproval bill. If it originally was presented to the President in its current form, the President would veto the bill.
>
> The President carefully reviewed the 145 projects that Congress funded that were not included in the fiscal year 1998 budget. The President used his authority responsibly to cancel projects that were not requested in the budget that would not substantially improve the quality of life of the military service members and their families and that would not begin construction in 1998 because the Defense Department reported that no architectural and engineering design work had been done. The President's action saves $287 million in budget authority in 1998.
>
> While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of the data provided by the Department of Defense that was out of date.

I have read the statement of administration policy in its entirety.

Let me take a further look at this sentence which appears in the memorandum. "The President used his authority responsibly to cancel projects that were not requested in the budget."

Mr. President, I don't know of any authority anywhere engraved in stone or bronze or in granite that gives the President the authority to cancel projects that were not requested in his budget. Of course, he did it. There is no question about that. But I don't understand this statement; namely, "The President used his authority responsibly to cancel projects that were not requested in the budget."

Mr. President, we don't live under a king in this country. And I don't propose ever to live under a king. I have been in this Congress now—I suppose I am the dean of the entire Congress, unless Mr. YATES in the other body is, who served before I came to the House of Representatives. But he voluntarily terminated his service over there for a while. He ran for the U.S. Senate. He ran against Senator Dirksen, I believe, and lost.

But, in any event, for the benefit of those who may or may not be interested, I have been in Congress quite a while. So I am the dean of both Houses. I will say it that way.

Also, I am 29,200 days old today, October 30. This is not my birthday. It is just that I was born 29,200 days ago.

I have taken an oath to uphold—to "support and defend." Those are the words, "support and defend" the Constitution. I have taken an oath many times to support and defend the Constitution of the United States—many times, beginning with my service in the State Legislature of West Virginia 51 years ago. And I have never yet found, and I can't find the authority to which this memorandum from the Executive Office of the President, Office of Management and Budget refers, I can't find the authority by which the President can cancel projects solely because they were not requested in the budget. I don't find that in the Constitution. I don't find that in the rules of the Senate. I don't find it in even in the Line-Item Veto Act. I don't find that criterion in there. And all who may doubt, let them take a look at the Line-Item Veto Act, against which I voted. But it is not in there.

So much for that. It is just as I expected when I stood on this floor on several occasions and talked ad nauseam with respect to my opposition to the line-item veto.

I yet cannot understand whatever got into the heads of the educated, intelligent men and women which would cause them to voluntarily cede to any President—not just this one. I don't have anything against this President in that particular. He wanted the line-item veto. But so did his predecessor, and so did his predecessor, and so did his predecessor, and so did his, going all the way back to President Taft. Taft didn't want it. George Washington didn't think much of it.

But anyhow, here it is, the line-item veto. And I said, and so did a lot of my colleagues, the White House, not necessarily the President but the people who work under him, will expand this authority.

I don't know who recommended to the President that he veto these items. One of the items happens to be for West Virginia. But let me hasten to say I would not negotiate with this President or any other President to keep him from vetoing that item for West Virginia. I am not going to negotiate with him to keep something for West Virginia. That is important to me, but more important to me than that is the constitutional system of separation of powers and checks and balances, and that is what we endangered in passing this illegitimate end run around the Constitution of the United States.

We handed it to the President just as the Roman Senate handed to Caesar and handed to Sulla the control over the purse. The Roman Senate ceded voluntarily, handed to the dictators, Sulla, Caesar—they made Caesar dictator for 10 years and then turned right around and made him dictator for life. But they said, "Here it is, the power of the purse." The Roman Senate had complete power over the public purse. But when the Roman Senate ceded to the dictators and later to the emperors the power over the purse, they gave away the Senate's check on the executive power. They gave away the Senate's check on executive tyranny. And that is what we have done.

Let me make clear to all Senators that in voting on this resolution today they are not voting for or against the line-item veto. I am against the line item veto. We all know that. Everybody knows that. If they don't, they ought to have their head examined. But this vote today is not a vote for or against the line-item veto. I hope all Senators will understand that. I hope all Senators' offices will understand that. I hope all Senators' aides will understand that. And I hope that the press will understand that.

This is not a vote for or against the line-item veto. This is a vote for or against the disapproval resolution. A Senator can be very much for the line-item veto, yet feel that the President exercised the line-item veto in this case in an arbitrary and unfair manner.

That is what we are voting on today, whether or not we feel that the line-item veto was exercised in an arbitrary manner or whether it had a genuine basis, whether it ought to be upheld in this instance; whether or not these items that are in the resolution should go back to the President, hopefully for his signature this time.

In this case, Senators are only voting whether or not you want to send these particular items that were line-item vetoed back to the President a second time. That is all. I happen to think that the line-item veto was used in this instance in a very arbitrary manner.

I think the administration took this action without ample forethought, without a very careful analysis of the items and whether or not they, indeed, did fit into the criteria. I think the administration acted in an arbitrary manner, and they have said that they acted on incorrect data from the Defense Department.

I hope all Senators will understand that they can vote for this resolution today and still be for the line-item veto. It doesn't make any difference as to what their position is on the line-item veto. The fact that they may vote for the disapproval resolution does not mean they are for the line-item veto. It doesn't mean that at all. It should not be taken as an indication that Senators are for or against the line-item veto.

I hope all Senators will vote for the disapproval resolution. Senator STEVENS, as chairman of the Appropriations Committee, conducted a hearing. It was well attended by Senators. And it thoroughly exposed the vulnerability of the administration's position. The Department of Defense witnesses did not uphold the administration in the information that it sent abroad in the land to the effect that this item or that item or some other item was not on the Defense Department's 5-year plan.

Now, I hope that the Senate and House will send this resolution to the President. I hope it will be supported overwhelmingly. And, of course, the President will veto it. He has said he would. But let him veto it. That is an old scarecrow. That is a scare word. It doesn't scare everybody, but it may scare some people. He will veto it. So what. Go ahead. Veto it. Maybe the Senate and House will override the veto. They may not. But in that instance things will be operating according to the Constitution.

Now, here it says in the final paragraph, "While we"—I do not know who "we" is. That is the editorial pronoun "we" "While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of the data provided by the Department of Defense that was out of date."

What is the matter with the administration? Why don't they make sure of what they are doing? They should have acted cautiously. They should have acted carefully because they are vulnerable on this. They have been exposed to have acted, I won't say with malice aforethought but certainly without careful aforethought. It is not to their credit. I don't happen to believe that the Sun rises in the west, Mr. President. It has never risen in the west a single day of the 29,200 days I have been on this Earth. It rises in the east.

So I am not going to bow down to the west—to the western end of Constitution Avenue. I bow down to the Constitution. I took an oath to support and defend that Constitution. I am not above amending the Constitution. The forefathers saw a possible need to amend it and they made provision for that. But I am never going to join in dismantling the structure, the constitutional system of separation of powers and checks and balances. Count me out.

Mr. President, it is with the dispassionate eye of a history student, it is with that kind of dispassionate eye that I have tried to view this subject matter. Everything I have said about this subject matter has come true. It comes with sadness, when we find that in the OMB's explanation of the President's veto it resorts to a statement to the effect that the President has authority responsibly to cancel projects that were not requested in the budget.

But to me that statement demonstrates a superabundance of inflated arrogance. It demonstrates a superabundance of inflated arrogance for a President of the United States, any President—I am not just talking about this one—to feel that he has a right, and the power and the authority—apparently he does have the raw power now that Congress unwittingly gave him the line- item veto—to take the position that if it isn't in his budget, he will veto it.

That is a supremely inflated arrogance, to assume that if it isn't in the budget, the President of the United States shall strike it out. "Upon what meat doth this our Caesar feed . . ."? When an administration arrogates to itself the sole determination that items that are in the President's budget are sacrosanct but those that may be added by the directly elected representatives of the American people are negotiable, and they are vetoable—this is plain, bloated arrogance.

So, as a history student I have studied the practices and the customs and the traditions of the U.S. Senate during its over two centuries of existence, and I believe I can say with some authority that today is a landmark day in the Senate's history. For over 200 years the Senate has exercised its constitutional authority to write and pass the laws of the land. But today that tradition will be momentarily set aside as we consider legislation that asks—yes, asks the President to rethink his decision to erase provisions from a bill passed by Congress and signed into law by that same President. Today the Senate completes the abdication of legislative power that it began last spring when it adopted the conference report on the Line-Item Veto Act. The Senate acted upon the conference report on March 27, 1996. The Senate had originally passed the Line-Item Veto Act a year and 4 days previous to that, on March 23rd, 1995. Those are the two dark days in the constitutional history of this country.

I would like to take a few moments to impress upon my colleagues the significance of today's vote and to implore them to reconsider the misguided course that they embarked upon a year-and-a-half ago. But in so doing, let me say again, your vote today is not a vote for or against the line-item veto. But I do think it's good for us to look back. Lot's wife looked back and she was turned into a pillar of salt, but Senators will not be turned into a pillar of salt. I think it's good for us to look back and have an opportunity to see where we have erred. We all need to look back once in a while and see where we made a mistake, where we left the straight path. And maybe we can find a way to mend ourselves in the future.

So I begin my discussion, as always, with the Constitution of the United States of America. Any discussion of the line-item veto, indeed any discussion of the Federal Government, properly begins with the Constitution of the United States of America. And for those who may be watching the Senate, here it is—right out of my shirt pocket. Here it is: The Constitution of the United States of America. It cost me 15 cents when I first purchased it from the GPO. I think it's about $1.75 today, but it is worth every penny of it.

I begin my discussion with that Constitution, as any consideration of the Federal Government should begin. For the Constitution is not some musty document expressing abstract concepts, a quaint if antiquated relic which only a few high school civics instructors deign to read.

The Constitution is the users' manual of the Federal Government. It specifies how the branches of Government function, how they interact, how their powers overlap, and yet those powers are separated. It explains how the framers heeded the warnings set out in the Federalist Papers that "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny."

The solution that the framers hit upon was to divide powers between and among three equal and distinct branches of government. It is a marvelous, marvelous document. One, in my opinion, cannot truly understand the Constitution of the United States without also understanding the history of the ancient Romans, without understanding the history of England, and without understanding the American colonial experience, and without reading the Federalist Papers, in other words, without having a thorough grasp of the roots of the Constitution that lead back into the misty centuries.

The solution that the framers hit upon was to divide powers between and among three equal and distinct branches of government. The Constitution sets forth a clear separation of powers between and among these three branches. Article I specifies that all—all—let's give what I say here 100 percent authenticity. I won't risk my memory.

Abiyataka was the nickname of Artaxerxes II, of Persia. His memory was so fabulous and outstanding that he was given the nickname Abiyataka. So I won't depend on memory. I'll read it from the Constitution, so it has to be authentic.

> Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article II, by contrast—Article II, by contrast—let's be sure that it's authentic also, states in Section 1:

> The executive Power shall be vested in a President of the United States of America.

There it is. And one of the key functions of the President is to, "take Care that the Laws be faithfully executed." It's a matter of some bemusement to me, to think that the Constitution mandates that the President is to take care that the laws be faithfully executed and yet Congress passed the Line-Item Veto Act that allows the President to sign an appropriation bill into law and to not faithfully execute that law which he has just signed, but, instead, to turn right around and unilaterally repeal it, amend it, cancel or rescind this item or that item. Is that a faithful execution of the laws? The framers could not have made their intentions any plainer. Congress has the job of passing laws. The President has the job of executing them.

What are the legislative powers "herein granted" that the Constitution assigns to Congress? Article I lists a number of these powers: they run the gamut from the power to "lay and collect taxes" to the power to "fix the standard of Weights and Measures." Article I also takes great care to spell out in clear and precise language the process by which Congress is to make laws. The most important language is contained in the so-called "Presentment Clause" of the Constitution—Article I, section 7, clause 2—which I will accordingly quote at length. "Every bill," not just some bills, not just a few bills:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, [not maybe, not may—shall; not might—shall] before it become a Law, be presented to the President of the United States; If he approve he shall sign it. . .

It doesn't say he may sign it. He shall sign it if he approve.

> . . . but, if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law.

* * * * *

> If any Bill shall not be returned by the President within 10 Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

That is from the Constitution of the United States.

The Presentment Clause, then, offers the President three mutually exclusive alternatives in considering a bill passed by both houses of Congress: He may "sign it," he may "return it with his Objections" to Congress, which may then pass the measure into law by a two-thirds vote of both Houses; or he may choose not to return the bill, whereupon "the Same shall be Law," unless Congress has adjourned before the bill's 10-day return limit has expired. So, whatever path the President chooses, he is compelled to consider it. And, by "it," the Constitution means the entire bill as passed by Congress in its entirety; not just parts of it.

But, in defiance of the Presentment Clause, the Line-Item Veto Act creates a fourth option for the President. Under the Act, the President may take any bill "that has been signed into law" within the past 5 days and he may cancel—I am reading now, quoting from the Line-Item Veto Act, ". . . cancel in whole (1) any dollar amount of discretionary budget authority; (2) any item of new direct spending; or (3) any limited tax benefit. . . ."

The 5-day provision is a figleaf designed to conceal the measure's brazen violation of the presentment clause. The drafters of the Line-Item Veto Act knew that they could not explicitly authorize the President to alter a bill passed by Congress before signing it, because to do so would violate the presentment clause's mandate that he send or return each bill in its entirety.

Thus, the act inserts a gratuitous pause of up to 5 days between the President's signing a bill and then canceling certain items in the bill that he just signed. There can be 100 items in that bill, and he can strike out 99 of them. He has 5 days in which to do it. He can strike out 100 the first day, the second day strike out another 100, the third day strike out another 100, the next day strike out 100, the next day strike out 99. He already signed it into law. It is his little plaything then to do whatever he wants.

Although the conference report justifies the 5-day allowance as giving the administration sufficient time to provide Congress with "all supporting material" justifying any cancellation, the report makes clear its intention "that the President's cancellations be made as soon as possible."

Nor should it be forgotten that while the President may take up to 5 days to cancel an item, he need not wait that long. He is free, free, free to cancel items the next second after he signs the bill into law, and he remains free to cancel items the next second after he signs the bill into law, and then he remains free to continue to do so for the next 119 hours and 59 minutes. He has 120 hours.

I hope the High Court will say the presentment clause is not so easily evaded. The Supreme Court acknowledged the importance of strict adherence to the Constitution's procedural mandates when it declared that "the prescription for legislative action in article I, sections 1 and 7, represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure . . . With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found"—this is the Supreme Court of the United States speaking—"we have not yet found a better way to preserve freedom than by making the exercise of power subject to carefully crafted restraints spelled out"—where?—"in the Constitution."

That is what this line-item veto is all about. It is not about money, really. It is not about reducing the deficits. Fie upon such reasoning. It is just window dressing. It is not about reducing the budgets. It is not about balancing the budget. It is all about power. Where will the power over the purse lie? When it lies here, the power of the people is protected, and as long as that power over the purse is vested in the Congress, the people's freedoms are secure.

Let's see what this Court says, again. This bears repeating. I am quoting from the Court's position itself:

> The prescription for legislative action in article I, sections 1 and 7, represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure . . . With all of the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Accordingly, it is not enough that the President may wait up to 5 days after signing a bill before he retroactively violates the presentment clause. The violation is just as egregious as if the President had crossed out the items he disliked before signing the bill into law.

Supporters of the line-item veto argue that the veto complies fully with the presentment clause. Since the veto applies to bills that have already been enacted into law in compliance with the presentment clause, the supporters of the line-item veto say, and since the requirements of the presentment clause are fulfilled when the President signs the measure into law, the Constitution cannot have been violated.

Well, even, Mr. President, if we accept this syllogism, it follows that the act, by empowering the President to rewrite certain laws, to repeal certain laws, to amend certain laws— grants the President the most basic of Congress' legislative powers; namely, the power to make laws.

The act defines the President's cancellation authority as, alternately "with respect to any dollar amount of discretionary budget authority, to rescind"—to rescind—or, with respect to any item of new direct spending or any limited tax benefit, to prevent "from having legal force or effect." As this definition indicates, "cancellation" is but another word for "repeal." A rose by any other name smells just as sweet.

So cancellation is but another word for repeal and, functionally, what the President is doing when he cancels certain parts of the law is repealing—unilaterally repealing—those same acts, those same parts for, if as veto advocates argue, only bills that have been previously, albeit recently, passed into law are subject to the line-item veto, then those same bills, like all other laws, may only be repealed by legislative action pursuant, again, to the presentment clause. After all, as the Supreme Court has recognized, "[a]mendment and repeal of statutes, no less than enactment, must conform with Article I."

I repeat, as the Supreme Court has recognized:

> [A]mendment and repeal of statutes, no less than enactment, must conform with Article I.

The line-item veto advocates cannot have it both ways. Either the Line-Item Veto Act, as its very title indicates, gives the President the authority to alter a bill passed by Congress by effectively signing only certain parts of the bill into law, or the act allows the President to unilaterally repeal portions of an existing law. In either event, the act permits the President to encroach upon the legislative powers assigned to Congress and to Congress alone, by bypassing the procedures set forth in the presentment clause.

Mr. President, I hope that I have impressed upon my colleagues, those who are listening, that the line-item veto offends the most clear and incontrovertible requirements of the Constitution. But if that isn't enough to sway my colleagues, let me point out that granting the President line-item veto power is not just unconstitutional, it is also bad policy. If anyone doubts what I am saying, and lest I be accused of forgetting the pretext for my speech today, let us consider the disapproval resolution before us.

The disapproval bill is but a small attempt to repair the damage wrought by the President's misguided cancellations of 38 projects in the fiscal year 1998 military construction appropriations bill. A number of my colleagues have criticized those same cancellations: "arbitrary," "capricious," "a raw abuse of political power." These are the words of those who voted for the line-item veto. Those who voted for the line-item veto now say that the President's exercise of the political tool which they handed to him, now they accuse him of being "arbitrary," "capricious," "it was raw abuse of political power."

Such criticisms are, of course, absolutely correct. There seems to be little logic underlying the President's cancellations. What logic can be found is so flawed as to scarcely warrant a response. I repeat, for example, the White House stated that it only vetoed projects that were not "executable," meaning that construction could not begin in fiscal year 1998, but in truth, every one of the 38 vetoed projects was eligible for construction in fiscal year 1998.

With regard to the West Virginia project, the design contract with ZMM, Inc., of Charleston, West Virginia was signed on August 29, 1997. Completion of the design contract is due in April 1998, and a construction contract could be let in the May–June timeframe.

An amount of $965,214.39 has been obligated and an amount of $44,967.61 has been expended against the design contract. So clearly, the design work is underway and the project is executable in the current fiscal year.

The White House also said that it only considered items that were not included in the President's fiscal year 1998 budget request. How arrogant! How arrogant! "Upon what meat doth this our Caesar feed . . ."? Never mind that the Senate was careful to include projects that were already in the Department of Defense's 5-year plan.

Never mind that the Senate moved up projects that were considered urgent or particularly meritorious, or that were necessary to remedy oversights in the Presidential budget that would have deprived our Armed Forces of needed quality-of-life improvements or denied funding to important Guard and Reserve projects.

Never mind the many previous occasions on which Congress has safeguarded the preparedness and well-being of the Armed Forces by funding projects that various Presidents overlooked or shortchanged.

Now, the rules have changed, and congressionally backed projects are targets for the Presidential blunderbuss that is the line-item veto. They are targets for his blunderbuss of the line-item veto if they are not in his budget.

It is difficult for me to overstate my anger at the rank arrogance of the White House in relegating congressionally backed projects to such harsh scrutiny. Need I remind the administration that it was Congress that in 1921 assigned the Executive the task of submitting annual budget proposals? It was Congress that in 1921 assigned the Executive the task of submitting annual budget proposals. Need I also point out that those proposals are, by law, not binding and that Congress remains free to exercise its "power of the purse" however it sees fit? And so "lay on, Macduff." It is the Congress that retains the freedom to exercise its power of the purse however it sees fit.

My anger is not directed at William Jefferson Clinton. He is merely exercising the power that we—we—in our weak moments gave him. The ultimate blame lies here and across the corridor to the other end of the Capitol. The ultimate blame lies here, here in this Chamber, which gave away a portion of its most important power, with no strings attached.

And I quoted upon the occasion when the Senate passed this ill-formed, deformed monstrosity, I quoted upon that occasion the words of Aaron Burr, who in 1805 said that if the Constitution be destined ever to be destroyed, "its expiring agonies will be witnessed on this floor." And I said at the time that Burr's prophecy was being fulfilled.

So the ultimate blame lies here, which gave away a portion of its most important power, with no strings attached. Here it is, Mr. President. We witnessed the expiring agonies of the Constitution on the floor, as Burr said we would, when we passed the Line-Item Veto Act.

We had an opportunity to retrieve our honor and our commitment to our forefathers and our promises to our children at the time the conference report came here. But the Senate again stabbed itself in its back, and the expiring agonies of the Constitution were witnessed on this floor.

"Didn't we tell the President how the line-item veto should be used?" some may protest. Yes, we did. But the restrictions we placed on the line-item veto were so vague and feeble as to give the President virtually unlimited cancellation authority.

The Line-Item Veto Act states tautologically that any veto must "reduce the Federal budget deficit"—a requirement that any cancellation of a spending measure or tax benefit would presumably meet. The act also insists that any cancellation must "not impair essential Government functions" or "harm the national interest."

Well, what are "essential Government functions"? How should "the national interest" be protected? Those answers must rest with the President, for the act provides little guidance—the act provides little guidance.

Moreover, even if the President determines that all three criteria have been met, he is still free to decide not to effect a cancellation. The act says only that "the President may" cancel certain items meeting those criteria.

Mr. President, my colleagues protest that the President's cancellations are arbitrary and capricious. To this I respond: Of course they are, because we gave the President the authority to be arbitrary and capricious.

And so let us not now, at this late moment—those of us who voted for the Line-Item Veto Act—let us not heap obloquy and scorn and condemnation and criticisms and castigations and imprecations upon the President because he is being "arbitrary" and "capricious."

We have given the President the power to strike any item he pleases and for any reason he pleases. He can say it was not in his budget. If he does not have any other reason, he can say, "Well, it wasn't in my budget." Not according to the act, but he can do it. He has done it.

And who is to blame? We have only ourselves to blame. By passing the line-item veto, we have deprived Congress of an effective say in which projects will be funded, we have denied ourselves the ability, which we exercised so often and so successfully in past budget cycles, to correct flaws or oversights in the President's budget proposal.

In past years, Congress repeatedly ensured that essential defense projects were funded at the appropriate levels. It was Congress that insisted on adequate funding for the stealth fighter. It was Congress that insisted on the funding for the Osprey helicopter. It was Congress that insisted on adequate funding for the C-130 aircraft, and countless other valuable projects that the administration at the time opposed.

It is no exaggeration to say that this country's defense capabilities would be significantly weakened today if not for Congress' vigilance and dedication in the fulfillment of its appropriations duties.

Now, however, congressional vigilance is subject to indiscriminate line-item vetoes. No longer can Congress ensure proper investments in this country's defense and infrastructure, thus, safeguarding the present and future well-being of all Americans.

The line-item veto has created a new order in which Members of Congress must resort to "disapproval measures" to restore funding that they already approved and that the President already signed into law, which under the Constitution would indicate that he had already approved the items. The Constitution says, if he approves, he shall sign it. And he signed it.

Today is a black day for this institution whose Members must prostrate themselves on bended knee before the President and ask him—ask him—to do what the Constitution requires: To respect and enforce and execute, faithfully execute, the laws passed by Congress.

But this is also a black day for the Nation which now finds that its single most representative institution no longer possesses unqualified authority to make the law. That is the legislative branch.

As Members of Congress, we represent the people of this great country. By abdicating a portion of our responsibility to pass laws—that is exactly what we did—we have denied ourselves the ability to represent those people effectively.

I apologize if my words today have seemed angry or vituperative. I apologize if my vehemence has offended any of my colleagues. I do not mean to provoke partisan dispute or internal dissent. I only wish to ask my colleagues to consider, as they ponder their vote on the disapproval bill before us—and go ahead vote as they wish on the disapproval bill; that is not an indication of whether they favor of disfavor the line-item veto—but they should ponder whether the Nation ought to continue down the shadowy trail that it embarked upon when we passed the Line-Item Veto Act.

I pray that before we blunder too far down this misguided path, we will retrace our steps and return to the route laid out by the framers, the path that was lighted by the clear light of the Constitution.

The President says, "We'll say to any Member, we'll be happy to negotiate with you about your item."

"We might be able to work it out so the President won't veto it."

Senators, do not do it. Do not act to legitimize this legislation. Do not act to legitimize this process by which we have, in part, emasculated the Constitution, the constitutional system with its checks and balances and separation of powers.

Do not negotiate for a moment, because when you do, you are negotiating with respect to the Constitution, you are saying, "Well, I'll negotiate with you. You can go ahead and line item the item out, but maybe we can work out something." I say that when one negotiates under those circumstances, he is negotiating something that the Constitution is pretty clear about, and that is the checks and balances and separation of powers.

The Constitution is not to be negotiated. And I, for one, will not negotiate to save any item for West Virginia. I will not negotiate. I will negotiate with other Members until we are able to work out language, compromise language, in a bill, dealing with a matter, but when it comes to negotiating in order to keep the President from wielding his dreadful line-item veto pen, that's not for me.

When we took it upon ourselves to correct some of the framers' mistakes by ignoring the clear language of the Constitution, we did not just display a breathtaking contempt for the rule of law and the principle of separation of powers; we also cast aside our own responsibility as Members of Congress to act as a check upon the executive branch, and we there and then deprived ourselves and deprived the people that we represent of the ability to ensure that the power of the purse is exercised in the best interests of the Nation.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors: Senator SHELBY, Senator HAGEL, Senator MIKULSKI, and Senator LAUTENBERG.

I further ask unanimous consent that the following Senators be recognized in this order in consideration of this measure:

Senator BURNS, Senator MURRAY, Senator COVERDELL, Senator CLELAND, Senator McCAIN, and Senator GRAHAM.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BURNS. Mr. President, not to take away from the seriousness of the moment or the debate that we heard about the line-item veto and the debate we are hearing today, I will say about my chairman and ranking member of the full committee, since this circumstance has happened, it has sure picked up the most colorful debate in committees. That had been absent for quite a while.

I want to congratulate my friend from West Virginia on laying out the situation as it really is. But we are here and we have to deal with the moment as it is, and given the President's desire to improve the quality of life for the men and women in uniform, and given the President's dedication to a balanced budget as reflected in the real world, and the real world is appropriations—that is where we actually spend the money. We can debate on the budget all we want to but accounting time is when we start appropriating dollars for the real world.

The ranking member on military construction appropriations, Senator MURRAY, has worked hard with our colleagues in the House and also with the administration before we finally passed a conference report and sent it to the White House for the President's signature. We worked very hard to take out those items that would have been objectionable, and it reflected the intent of Congress, both through the budget statement and through the appropriations statement and the charge that was given us when appropriating the money. I believe we did a responsible job in working with everyone.

Of course, of all the projects that are in this, we had to single out 38. Now we are offering some back. We have to remember that we are charged with covering the most basic defense requirements. After hearing from the military services, the Congress did add back $800 million to the President's budget, with the agreement from the President to fund those meritorious requirements that, as articulated to us, are essential to the services' operations.

I guess since I've been working in this committee, we have tried to shift the focus in military construction to quality of life. We have a professional military now. It is not like it used to be. We have made those shifts primarily into the quality of life—the building of health care centers, the building of child care centers, new barracks for enlisted people—because everywhere that I have traveled, looked at our men and women in uniform, and especially with the rollbacks and the downsizing in the force structure, I am concerned, now more than ever, about the morale of our fighting men and women.

I have visited the installations around the country. I have seen soldiers, marines, airmen and sailors sleeping on floors, airmen working in substandard facilities, and families forced to go on—would you believe it—on food stamps. They actually qualified for food stamps.

Even though we have a professional military, we still ask them to defend our country on a moment's notice. I, for one, think they deserve better. That is why I question the veto of this President. I guess I'm even more familiar with the facilities in Montana. I had one of those lines that was vetoed, a dining facility at Malmstrom Air Force Base in Great Falls, MT. I just wish the President had accepted my invitation to have lunch there. It didn't look much like the north side of the White House last night, I can tell you. He would see a facility that is in bad need of repair and renovation. I'm not real sure if the food preparation areas or where they serve the food would pass health inspection in the civilian sector. There is lack of ventilation and food storage space. It was an old commissary. The facility would sure flunk the most basic of all inspections.

It is my strong view that the President used the line-item on this bill not as the Congress intended, or even his own stated intent. I would not feel so bad, I really wouldn't, had we gone over the budget agreement or had we gone over what we spent a year ago or even 2 years ago. The ranking member knows that we are almost $2 billion out of an $11 billion appropriation lower than we were 2 years ago in providing necessary items of need in the military construction for these projects. If we had gone over and had we just thrown money hand over fist and wasted it, I wouldn't feel bad about this line-item veto, but we did not do that. We did not approach this bill in that manner. We knew the line-item veto was out there. We knew that everything in this bill, No. 1, had to be authorized by the authorizers, and we knew the amount of money that we were expected to save in order to comply with the balanced budget and still get the job done for our military people.

Every project on this list was carefully screened. It was authorized by the Armed Services Committee. It was included in the final Defense authorization conference for fiscal year 1998. Had we not gone through that process, had we not taken each item individually, had we not been sensitive to the need of our lifestyle and the quality of life, had we not done any of that—yet in consultation with the President and with the representatives of each one of the military services—had we not done that, I wouldn't feel so bad today. But we did that. We did it in the most conscientious way that we know, and that is human contact, actually talking to people through the whole process, keeping them informed about what was in there and what was not in there.

Everybody was not happy with it, but it was a pretty big vote, 97–3. I think that is pretty overwhelming. It tells the story of the work that we did on this legislation.

So I appreciate my ranking member and both sides of the aisle. I appreciate all the folks that worked on this piece of legislation. And, yes, I appreciate the people who represented the military services and the people who represented the White House as we were working on it. I appreciate them, too. But maybe some things I don't appreciate: Once you agree on something, then you walk away from it some 6 weeks later. That is not the way we do business in Montana, and I don't think that is the way we do business in Washington, Arizona, Georgia, or Kansas.

I ask for your support on this. We will probably have more to say with regard to this piece of legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today to strongly support the legislation before the Senate, along with the chairman, Senator BURNS, who has done an outstanding job of putting this legislation together. I hope the Senate does disapprove the cancellation of projects which the President made under his line-item veto authority. I do not think it was appropriate to exercise that authority in the case of our bill. The subcommittee worked very hard and successfully to review the many requests that came before us for projects that were not included in the President's budget. We worked very hard to include only those which met very stringent criteria. In all cases, that included the criteria that the project be executable in fiscal year 1998. That is, that contracts could be awarded for construction.

It is puzzling to me why the administration concluded that some 38 projects were not executable. That conclusion is wrong. The Pentagon's own paperwork, provided to the subcommittee for each of the proposed projects, plainly states virtually every project we included was capable of execution in fiscal year 1998.

The subcommittee added substantial sums for new health facilities, quality of life improvements such as the housing area, and for the National Guard and the Reserves. Despite these additions, the final product was frugal, and represented a 6-percent reduction below last year's milcon spending level.

Mr. President, the chairman and ranking member of the Appropriations Committee, Senators STEVENS and BYRD, have rejected the vetoed items as an inappropriate overreaching of authority on the part of the administration. I am gratified that the committee is standing up for the subcommittee's work. It is a substantially better product than the budget submitted by the President, and that is our job. The administration has no exclusive corner on wisdom in making its selection of projects.

In fact, the administration has admitted making serious errors in the handling of this matter. I would have thought that the administration would have been far more careful and selective in exercising its new line-item authority, but the reverse was the case. The exercise of power here was sloppy, and rushed—and resulted, as OMB Director Raines wrote to the committee on October 23, in inaccuracies. The administration has taken to writing to individual Senators to indicate it would help restore those projects wrongly vetoed, and put them back in the budget at the earliest opportunity. That tactic makes the situation, if anything, even more confused, since it appears the administration is revising its evaluation of the mix of projects based on new information or criteria and there has certainly been no meeting of the minds on such new acceptable criteria with the committee.

Mr. President, I would suggest that Senators look at this disapproval resolution in the narrow framework in which it is written. Senators need not address this position on the constitutionality or wisdom of the line-item veto legislation itself to vote for this resolution. A vote for this resolution is a vote against back-of-the-hand capriciousness, apparently in a hurried manner, after the subcommittee, full committee, and both Houses labored over a period of several months to scrub the budget and add only those projects which are deemed worthy.

I hope this measure will receive the strong support of the full Senate, as it did when the conference report was first presented, and that it will be presented to the President before we conclude the first session of this Congress.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, before my friend from Arizona speaks, we had a unanimous consent on the order.

I ask unanimous consent that we go back and forth, which would mean that the next Senator allowed time would be Senator McCAIN from Arizona and, after that, Senator CLELAND from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I yield to my friend from Arizona.

Mr. McCAIN. Mr. President, I intend to be brief. This issue has been well discussed and well debated, and will be again because this is the first step in a process that we will see for the first time in the Senate, and that is a motion of disapproval of a veto by the President and an attempt to override the President's veto. So we will have plenty of time. I mainly asked to speak, one, to congratulate Senator STEVENS not only for his stewardship of the entire Appropriations Committee, but his staunch advocacy for a strong national defense and his sincere efforts to do what he feels is right.

Senator BURNS has done an outstanding job as the chairman of the Military Construction Subcommittee. I believe that his recent depiction of the situation at Malmstrom Air Force Base is an ample indication of his concern for the living standards of the men and women in the military and his deep and abiding concern for their welfare.

Having said that, Mr. President, I, as a supporter of the line-item veto, intend to vote against this resolution. I believe that we have to set up criteria that need to be met, because there is not an unlimited amount of Defense dollars or taxpayer dollars for that matter. Not only did these projects—or at least the overwhelming majority of them—not meet the criteria I have been using now for 10 years, but there were 129 low-priority items added to the Milcon appropriations bills that should have been—at least under the criteria I have been using for the last 10 years—vetoed.

Mr. President, there is a process that we go through. It is authorization, it is hearings, it is budget requests, it is the kind of orderly process that gives a priority that is sufficiently compelling for the taxpayers' dollars to be used on that project, whether it be in military construction or defense appropriations, or any other appropriations bill. In order to understand that, in my view, in order to make a reasonable and fair and objective decision, you have to set up objective criteria. That is where the administration has failed in this exercise.

The people in this body—the Senator from Washington, who just spoke about what happened in her State, the Senator from Montana, the Senator from Georgia, and all the other cosponsors of this bill—deserve the right to know under what criteria the President of the United States would act in vetoing these various projects; in this case, they are military construction projects. They have a right to know that, as do the people and the military installations in their districts. We have a future years defense plan that the Pentagon sets up, which lists the projects that are going to be funded, and which they plan to, after a careful screening process, request funding for from the Congress and the American people. There is a system that goes before the authorizing committees. We have a military construction authorization bill, and then it goes before the Appropriations Committee. That process should be adhered to.

Why am I against so many of these projects? Simply, Mr. President, because there are 12,000 American military families that are on food stamps. I understand they don't have a decent facility to eat in at Malmstrom, but I also know they are kept away from home because of a lack of equipment. And we are having a hemorrhage of Air Force and Navy pilots because we are not paying them enough and we are keeping them away from their families, keeping them at sea, or in places like Iraq or Turkey, because we are not funding them adequately.

Mr. President, I happen to know that we are not modernizing the force sufficiently in order to meet the challenge in the future. We are buying things such as the B-2 bombers, which we find out can't even fly in the rain. Then we have the *Seawolf* submarines, and there is no tangible challenge to American security that warrant paying for that. Frankly, we are funding projects not on the basis of merit, but for other reasons.

I believe that the men and women in the military, especially those enlisted men and women, deserve more than they are getting. They are not getting it because we are funding projects and programs many times which are unnecessary. Also, in the Defense appropriations bills we are funding projects that have nothing to do with national defense. I am not sure what electric car research has to do with national defense. I am not sure what supercomputers to study the aurora borealis have to do with defense. They may be worthwhile projects, and I do not disagree that some of the projects that were vetoed by the President here were worthwhile; it is a matter of priority.

I hope that the President of the United States and the Director of the Office of Management and Budget, who obviously is making many of these recommendations to the President, will understand that we have to set up criteria for when the line-item veto is used or not used. Otherwise, you give the appearance of politicization of the process, which understandably angers and upsets Members of Congress who feel that they or their projects are being singled out, where other projects under the same criteria were not line item-vetoed.

So I believe that if we want to avoid going through this exercise on a fairly frequent basis, the Members of Congress and the American people deserve the President of the United States to say: This is the criteria I will use—whether it is authorized or not, whether it is added in conference or not, whether it was earmarked or not, whether it was requested, or whatever. I am not saying the President should use my criteria, but I am saying he should use an objective criteria that is credible; so that when the Senator from Montana, Senator BURNS, who has devoted so many hundreds of hours to this effort and takes his duties as chairman of the Military Construction Subcommittee so seriously, decides whether or not to add or not add a project to his legislation, he will know whether it meets his criteria. He will have a certainty as to whether the President will veto it or not.

I congratulate the Senator from Montana and his staff for their hard work. I hope we can provide a framework in which he can work so there would be certainty and objectivity, and not a taint or appearance of politicization of this process, which is the case today.

I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent that Regina Jackson, a legislative fellow on my staff, be granted floor privileges for the debate on S. 1292.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I join my distinguished colleagues today in search of any rhyme or reason behind the veto of the $6.8 million project that the President vetoed at Moody Air Force Base in Georgia. It is known as the HH–60 OPS/pararescue project. It is a critical project that supports combat search and rescue training and pararescue training operations. This project should have been included in the budget. It benefits the quality of life for our service members, and has been operating at Moody since April, 1997. There is no apparent rationale for this veto action. I believe that the Moody project was vetoed because it failed to meet all the criteria for approval set by the administration. Thus, the claim was made that: first, the Moody project was not requested in the President's 1998 budget; second, the project would not improve the quality of life of military service members and their families; three, the project almost certainly would not begin construction in 1998.

Responsible consideration of veto targets would have taken into account and weighed all the facts. The facts are these. My information is based on the fact that, in 1996, the Pentagon announced its plans to move two squadrons, the 41st and 71st, from Patrick Air Force Base, FL, to Moody Air Force Base, GA. In connection with the move, the Air Force began quartering a small number of people at Moody as early as October 1996 and subsequently moved the squadrons there in April 1997. The relocation is now complete and the unit is operating out of a temporary trailer.

Having made a formal announcement, the Pentagon certainly had a genuine interest in the success of this project. The Air Force, having begun the transition in October 1996, obviously intended to implement the plan. Unfortunately, the decisions came too late for the Pentagon to include this project in the President's fiscal year 1998 budget, though, again, I believe there can be no doubt that our defense leadership fully supports the new mission for Moody.

My distinguished colleagues, let us not forget that this Congress is duly responsible for ensuring that our legislation considers appropriate measures where the administration's submission may actually be lacking. It is not unusual, Mr. President, but in fact very common, that in the course of congressional review, we make additions or deletions that are in the best interest of national defense.

In my opinion, this is one of the most critical projects that I have come across. I sit on the Armed Services Committee. I think it is my job, not only as a Senator from Georgia but as a U.S. Senator to bring up other concerns that the administration does not raise. I would like to say that the Moody squadron does employ the Blackhawk helicopter to implement its mission, and the project supports essential combat search and rescue training and pararescue training operations. What could be more important to the quality of life of military service members and their families than facilities that can operate to preserve those lives?

Apparently, the administration erred in assuming that the squadrons had not yet located to Moody. Actually, the move began in 1996 and is now complete. I think if this veto is not overridden, the mission capability of the squadron will be seriously impacted. A combined function facility is required to provide both an adequate squadron operations space and pararescue space. No facility currently exists at Moody to support the HH–60 pararescue squadron. Without this facility, new mission functions will be almost impossible to perform and may not be able to operate as designed. Whether the veto was arbitrary or ill-advised, the bottom line is that the Moody veto makes no sense.

Mr. President, I ask unanimous consent that a letter sent by myself and Senator COVERDELL be printed in the RECORD that expresses our point of view on this important matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 7, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our profound disappointment with your decision to veto a military construction project vitally important to Air Force rescue squadrons based at Moody Air Force Base. Yesterday you vetoed a $6.8 million project to build a squadron operations support facility to support the 41st HH–60 Pararescue Squadron which has been relocated to Moody AFB from Patrick AFB. We are unable to understand the rationale used in canceling this project. Without this facility, the new mission functions associated with this relocation will be almost impossible to perform and the mission capability of this squadron will be severely impacted. This was an essential project with high military value, and your decision is even more troubling given revelations that Defense Department officials were not consulted.

We are particularly disturbed by the discrepancy in the facts you cited in vetoing this project. Your veto message indicated that 1) "the mission has not yet relocated from Patrick AFB" and 2) "it is unlikely that these funds can be used for construction during FY 1998." Both of these assertions are false. The relocation of these units began in April 1997 and is now complete. Furthermore, the Air Force informs us that the proposed construction can be executed in FY 1998. We are disappointed that your staff has ill-served you in presenting to you the facts regarding this project.

It should be made clear that we both support the line-item veto as a means to reduce spending on wasteful programs when the facts merit a veto. The facts here do not support a veto. We are concerned that the perceived arbitrary nature of this and other such vetoes will undermine support for this useful mechanism.

In closing, we regret that your decision was based on erroneous information regarding the urgency of this project and the ability of the Air Force to execute it. We hope to be able to work with you in the future to support the needs of the men and women who serve at Moody AFB and in the entire Department of Defense.

Most sincerely,
PAUL COVERDELL,
U.S. Senator.
MAX CLELAND,
U.S. Senator.

Mr. CLELAND. Senator COVERDELL and I are both supporters of the line-item veto to reduce wasteful spending. But the basis for the veto, as the Senator from Arizona indicated, must be prescribed and must rely on the facts, not on false assumptions. Clearly, in the case of the Moody facility, the facts did not justify the decision, and the project did not warrant a veto.

Mr. President, this project has been and remains a top priority for Moody Air Force Base and for both Georgia Senators. The mission has been and remains in place at this time. I look to this bill to make right the wrong of the veto. In so doing, I hope to be able to support the needs of the additional 680 military personnel and approximately 1,500 spouses and dependent children that the mission has brought with it to Moody.

I yield to my colleague, the senior Senator from Georgia, for his remarks. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I rise today to apprise my colleagues of a terrible mistake made by the President and the administration in its issuing a veto on the $6.8 million HH–60 Operations Pararescue Unit project at Moody Air Force Base in Valdosta, GA.

I am aware of the interest of my colleague, Senator CLELAND, in this matter, and I understand that he has joined me in questioning the rationale behind the abuse of power by the President. We just heard an excellent statement from my colleague, Senator CLELAND, of Georgia, on this very matter.

In looking at this project at Moody, it is important to understand, first, that this pararescue unit is critical to our combat search and rescue training operations which allow this group to function in a proper capacity.

As you may know, Mr. President, pararescue units are imperative to instilling in our fighting forces the battlefield and training confidence necessary for just the type of confidence that we have earned in this century.

The administration claimed that the Moody project was not needed for several reasons—such as budget requests, quality of life, and construction capability. We now know that these assertions are not accurate. The Air Force has distinct plans to fund the Moody project which was included in the Air Force's 1999 budget request. Officials at Moody inform me that they could have, indeed, begun construction on the project this year.

Finally, the Pentagon in 1996 announced its plans to move two squadrons, the 41st and the 71st, from Patrick Air Force Base, FL, to Moody Air Force Base in Georgia.

A small number of personnel began quartering at Moody as early as October of 1996, and subsequently moved the squadron there in its entirety in April of 1997. Make no mistake. The move is now complete, and the personnel are operating out of temporary trailers at Moody as we speak here today.

What greater quality of life issue exists for the nearly 2,200 military personnel and their families that this mission has brought to Moody?

We need to move expeditiously on this legislation to correct this error. The administration did not know, Mr. President, that the squadrons were already in Georgia. They believed they were still in Florida when they exercised this veto.

On this note, I commend my colleague from Alaska, Senator STEVENS, for bringing this bill before the Senate. I ask for my colleagues' support.

Mr. President, if I might make an inquiry of my colleague from Georgia, did he still prefer to participate if the colloquy here this afternoon, or did you want to just enter that into the RECORD?

Mr. CLELAND. Mr. President, I thank the distinguished senior Senator from Georgia who spoke eloquently on this matter. It is clear that the people are already there, and the need exists for this operation facility. There was a misunderstanding, a miscommunication, about this matter at the Executive level, and that we were not properly consulted. Otherwise, we would have been able to share vital information with them at the time, and it might have changed the outcome.

But I hope, along with my distinguished colleague, Senator COVERDELL from Georgia, that the Senate will override the President on this matter and make sure that this vital operational facility is present at Moody Air Force Base in Georgia to accommodate some 2,000 personnel that are already in place, as the Senator has so accurately indicated.

Mr. COVERDELL. I appreciate the remarks again of my good colleague from Georgia, Senator CLELAND. His remarks have documented the travesty that has occurred here. And, of course, when something like this happens, you have over 2,000 families in Georgia who are living in temporary facilities, and it is imperative that this error, this mistake, be overturned, which, of course, would be among the many, many issues that are in Senator STEVENS' bill.

So my colleague from Georgia and I are both rising in support of that to get this error corrected.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, I would like to thank the chairman of the full committee, Senator STEVENS, and the ranking member, Senator BYRD, for their strong leadership on this important issue.

Additionally, Senator BURNS and Senator MURRAY, the chairman and ranking member of the Military Construction Subcommittee, have done an outstanding job all year of putting together an appropriations bill which addresses the vital needs of our military installations.

Mr. President, we are here debating the merits of President Clinton's decision to strike funding for over 30 military construction projects. Let me state clearly that I strongly object to the President's reckless use of this new authority.

While I support the line-item authority, in this instance the President not only misused it, he endangered soldiers lives.

Let's look at the President's argument. Among his statements, the President claimed that he was canceling only projects "that would not have been built in fiscal year 1998 in any event; projects where the Department of Defense has not yet even done design work."

Wrong. The President's statement is absolutely inaccurate.

In fact, of the projects contained in this measure, each of them could begin construction in fiscal year 1998, a direct contradiction to the President's claim.

As for the two projects in Kentucky which were deemed wasteful by the President, one had 10 percent of the design work completed, and the other had completed 90 percent of the design work. Ninety percent, Mr. President, that is hardly insignificant.

President Clinton also claimed his effort was "another step on the long journey to bring fiscal discipline to Washington." In fact, he went on to claim he was ensuring "that our tax dollars are well spent," and was standing "up for the national interests over narrow interests."

Wrong again.

The projects eliminated by the President totaled $287 million. Our Federal budget is over $1.6 trillion. Therefore, the President's efforts have saved the nation a whopping seventeen thousandths of 1 percent of the Federal budget. So the simple truth is no real money will be saved as a result of President Clinton's veto.

The fact is every single project contained in this measure is in the President's own future year plan for military construction. Therefore, these facilities will be built, if not this year some time in the next 5 years. And, Mr. President, I don't have to explain to you the reality that delaying the inevitable construction will only increase the cost of these projects.

Mr. President, anyone who believes that the projects will be built for only $287 million, their cost in fiscal year 1998, is sadly mistaken. Each of these projects will increase in cost, and the American taxpayers will be left holding the bag once again.

Finally, Mr. President, allow me to discuss one of the Kentucky projects which was vetoed in order to provide an example of how the process was mishandled by the Clinton administration. And, let me begin by reminding the Senate that the administration did not even use accurate information in evaluating this and other projects.

Fort Campbell, KY, is home to the 101st Airborne, Air Assault, the "Screaming Eagles." This unit is one of the most important assets in the U.S. Army, and is often the first to deploy in a crisis situation.

As a result, the soldiers at Fort Campbell must maintain the highest level of readiness in order to deploy at a moment's notice. Yet, because President Clinton decided this was a pork-barrel project, over 200 soldiers a day are forced to work in facilities that are more than 50 years old, but were meant to last no more than 15 years when they were constructed.

Let me say that another way. Over 200 of America's finest soldiers are working, everyday, in facilities that should have been replaced or torn down over 40 years ago. These structures are literally falling down on top of the men and women working in these facilities.

Instead, Mr. President, the soldiers of the 101st are working in dilapidated, dysfunctional structures with little or no heat, faulty electrical wiring, no fire control systems and are riddled with asbestos.

An OSHA inspection of these facilities would do what no army in the world could—shut down one of our premier combat units and prevent it from meeting its mission requirments.

Conditions are so poor that work is often performed outside on gravel parking areas and not at all when temperatures reach severe levels.

The $9.9 million appropriated for this project would have provided much needed facilities to the 86th Combat Support Hospital—a rapid deployable unit equipped with the Army's most modern medical systems, and whose mission it is to support soldiers on the front lines of combat.

To meet its mission requirement, Mr. President, the 86th must maintain more than 1,200 pieces of equipment in top, deployable condition around the clock. And, as you can imagine, much of this medical equipment requires conditions which cannot be met by these inadequate facilities.

Mr. President, the examples are numerous, but the most telling example is truly shocking. In 1991, one of the structures slated to be replaced burned to the ground in a matter of minutes. Fortunately, no one was hurt in this incident, this time.

If this is not a readiness and quality of life issue, I do not know what is.

Clearly, the condition of these facilities is incompatible with maintaining a premier fighting force and with retaining the quality men and women who work there.

Let me conclude, Mr. President, by saying the line-item veto was intended to be an instrument of precision and not the weapon of blunt force trauma. It was meant to deter wasteful spending—not endanger the lives of American service men and women.

But, the President's action was not, as he claimed, "another step on the long journey to bring fiscal discipline to Washington" rather it was a reckless abuse of authority that must be rejected. It is time we stop paying lip service and truly commit ourselves to meeting the needs and quality of life issues of these dedicated soldiers. I ask my colleagues to join me in voting to restore the funding President Clinton eliminated.

Mr. FRIST. Mr. President, I rise today to defend two projects the President of the United States chose to veto in the military construction appropriations bill. The President claimed that three criteria had to be met for an item to be cut. First, the item was not requested in the President's fiscal year 1998 budget; second, it would not substantially improve the quality of life of military service members and their families; and third, architectural and engineering design of the project has not started, making it unlikely funds can be used for construction in fiscal year 1998. Only the first criterion was, in fact met in the two cases I rise to support.

The first project the President struck was a tactical equipment shop at Ft. Campbell. The $9.9 million project would provide a vehicle maintenance shop, storage for a forward support battalion, and a combat support hospital. The project replaces a 55-year-old building that was constructed in 1942 as a temporary structure to last until the end of World War II. This project was, please note, fully designed, and therefore did not meet the President's third criterion.

This facility is Ft. Campbell's No. 1 priority mission support project. The structure is literally falling down around its occupants and is ridiculously expensive to maintain. The Army wastes tens of thousands of dollars on Band-Aid repair jobs every year just to keep the structure barely functional.

The old structures have significant environmental problems: No oil/water separators, no sumps for battery acid, and the buildings contain asbestos and lead-based paint. In addition to the environmental issues, the structures have old faulty wiring that caused a fire in October 1991. Also, there is no eye wash area or vehicle exhaust system.

The new structure would support the 101st Airborne, whose operational deployment requirements have increased 300 to 400 percent to support Operations Other Than WAr. In 1995 alone, the Clinton Pentagon spent $6.6 billion in Operations Other Than War in places like Bosnia, Haiti, and Somalia. Combined, the cost of both of the Tennessee projects vetoed by the President are about the same as one day's spending at that rate.

Ironically, according to the President's formula for cuts, if this facility were an arts and crafts center, it would have been classified as a "quality of life" project sale from cuts. Of course, the building's current state of disrepair is a "quality of life" issue to the young Army troop who is spending 8 to 12 hours a day working in the facility.

The other Tennessee project canceled by the President was an atmospheric air dryer facility at Arnold Air Force Base. This $9.9 million project would construct an air dryer facility to replace the antiquated facility currently used. The new facility would support the mission of the propulsion wind tunnel facility used to test several new weapon systems, including the F–22 and joint strike fighter.

Mr. President, both of these projects are vital to military readiness and national security. It is my hope that my colleagues will take a close look at the projects in this legislation and cast a vote for this critical legislation. We must not allow our forces to decline further into a hollow state reminiscent of the late 1970's.

Mr. KOHL. Mr. President, I want to make a few remarks about the legislation before us. I am a strong supporter of the line-item veto. I believe we must use whatever tools we have at our disposal to restrain Federal spending.

That said, I agree with my colleagues that we have a right to expect the President to exercise his line-item veto authority in a manner that is fair. If he says he is going to use a set of criteria, then he should. Unfortunately, some but not all of the project vetoed met the President's own criteria.

For example, the President used his line-item veto authority to eliminate funding for an aerial port training facility at the General Mitchell Air Reserve Station in Milwaukee based on erroneous information. The administration has admitted as much. There is no question that this project is 35 percent designed with a site selected and is ready to be constructed in fiscal year 1998. In addition, this project was authorized in the fiscal year 1998 defense authorization bill conference report and is included in the Pentagon's 5-year plan.

I should also add that this project makes a significant contribution to the military readiness of a unit which plays an important role in our Nation's defense. The merging of the 34th Aerial Port Squadron, 154 persons, and the 95th Aerial Port Squadron, 102 personnel, has overburdened the current training facility. The 34th Squadron must train its reserve airlift specialists to load and unload military cargo aircraft using one bay of the base warehouse and a leased modular facility. Even with the temporary facility, overcrowding is so severe that the unit cannot train together. Some reservists must train on weekends that are not normal unit training assembly weekends, depriving them of working with the rest of the unit personnel. Using the warehouse bay has also created a shortage in onbase storage. Members of the 34th Aerial Port Squadron have been deployed to support our mission in Bosnia, and they will continue to be called upon to support other active duty and reserve units.

Funding for the aerial port training facility is not included in the legislation before us today. It is my hope that the Department of Defense will recognize the importance of this project and will move it up 1 year to include it in the fiscal year 1999 budget, and I am working to that end.

Mr. President, it is our job to make difficult choices. I am not willing to support a bill that restores all of the projects which were line-item vetoed. Some of these projects were not 35 percent designed. Some of these projects did not meet the President's criteria. Some of these projects did not need to be built this year.

If this legislation included just the project which met the President's criteria that would be a different story, but that is not the bill before us today. Thus, Mr. President, I cannot support this legislation and I urge my colleagues to uphold the President's line-item veto.

Mr. FORD. Mr. President, just a few weeks ago President Clinton vetoed 38 projects in the military construction appropriations bill. Two of those projects were in Kentucky, one at Fort Knox and one at Fort Campbell. These projects were included despite the fact that neither one fell within the administration's criteria for a veto.

That criteria included projects not requested in the budget, that would not substantially improve the quality of life of military service members and their families, and that would not begin construction in 1998 because the Department of Defense reported that no architectural and engineering design work had been done.

Both the qualification range at Fort Knox and the tactical equipment shop at Fort Campbell were requested in the Army's 5-year plan, both have well over the necessary amount of design work completed, and both could begin construction in 1998.

Over 50 percent of the design work is completed at Fort Knox and with funding, construction would begin in 1998. This project replaces 10 1940 vintage multipurpose small arms training ranges which generate high costs for maintenance and use—into one modern multipurpose range. This project was the number two construction priority for Fort Knox.

The Fort Campbell tactical equipment shop project is in the second phase of an effort to replace World War II era buildings. With 90 percent of the design work completed, construction can also begin as soon as the money is made available.

Mr. President, the projects at Fort Campbell and Fort Knox were included in the appropriations bill because the Army considered them priorities. And while I am for getting rid of government waste as much as anyone else, these two projects clearly do not meet that criterion.

Mr. REED. Mr. President, I rise in support of S. 1292, the Military Construction Appropriations Line Item Veto Disapproval bill.

I have long questioned the line-item veto in general terms. I am not convinced of its merit and I am particularly concerned with the manner in which it was applied to the Military Construction Appropriations bill for fiscal year 1998.

Like my colleagues I believe that wasteful spending must be cut. However, since the line item veto was exercised for the first time on the Military Construction Appropriations bill for fiscal year 1998, we have learned that even the White House now recognizes that its own data and process for identifying "wasteful" items to be subjected to the line item veto were seriously flawed. Indeed, OMB Director Franklin Raines wrote in the official Statement of Administration Policy, ". . . we are committed to working with Congress to restore funding for those projects that were canceled as a result of the data provided by the Department of Defense that was out of date." Indeed, it is my understanding that the Administration is seeking ways to right these wrongs through other avenues. Moreover, I am perplexed by the theory that only the Administration knows what deserves to be in the budget. Instead, I believe there is plenty of wisdom here in Congress as well as the White House to establish budget priorities based on rational compromise and debate. Lastly, I would suggest to supporters of the line item veto that the real task of balancing the budget requires votes like the one I cast in 1993 for deficit reduction, not line item vetoes.

There are also some who believe the line item veto is an innocuous device that could never be used for purely political purposes. However, the people of Rhode Island know full well what giving the President the authority to pick and choose specific budget items means. Rhode Island has already experienced a Presidential effort to eliminate an essential program. In 1992, President Bush tried to rescind funding for the Seawolf submarine program which is vital to our nation's defense and the livelihood of thousands of working Rhode Islanders. Fortunately, Democrats were able to beat back the attempt to rescind funding for the Seawolf, but this experience led me to believe that a line item veto would make future battles even more of a lopsided battle than a fair fight. In addition, a President, of any political party, could use the line item veto to eliminate other programs that are important to Rhode Island without fear because a small state like mine only has four votes in Congress.

Mr. President, The line item veto is of untested constitutionality. Without a Constitutional amendment, the line item veto act transferred significant power from the Legislative Branch to the Executive. I would hope that the Supreme Court rules on the constitutionality of the line item veto in the near future so the Congress can act accordingly. In the interim, I believe the two principle tests on the use of the line item veto should be: One, is a particular line item veto politically motivated? Two, is a particular line item veto the outcome of a rational and coherent analysis based on sound policy?

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, after a great deal of communication and discussion working back and forth, I think we have come up with a fair agreement on how to handle the campaign finance reform issue that would allow us to go forward with other bills this year, and have a time certain in which to proceed next year, and one that would allow for a full discussion and votes.

So I ask unanimous consent that the majority leader, after notification of the Democratic leader, shall turn to the consideration of a bill regarding campaign finance reform to be offered by Senator LOTT, or his designee, on or before the close of business on Friday, March 6, 1998.

I further ask that Senator McCAIN be recognized to offer the first amendment, in the nature of a substitute, that inserts the text of S. 25, the McCain-Feingold bill, as modified by Senator McCain on September 29, 1997. No further amendments would be in order to the McCain amendment prior to a motion to table.

I further ask that if the amendment is not tabled the amendment and the underlying bill will be open to further amendments, debates, and motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished majority leader for his efforts and for the leadership he has shown in keeping everybody at the table as long as he has in order for this to be accomplished.

Let me also thank Senators McCAIN and FEINGOLD for their diligence in working as long as they have to get us to this point.

Finally, let me thank Senator McCONNELL for his involvement and his participation in allowing us to reach this agreement.

As Democratic leader I can say with great enthusiasm that we are pleased that we have now reached this point. I also feel the need to express my public gratitude to Senators in the Democratic caucus for their willingness to be united in demonstrating the importance of this issue.

This is not better necessarily for Democrats or Republicans. But in our view, this is a very big victory for the country. This will give us an opportunity to have a good debate as we have discussed, and I look forward to that opportunity sometime prior to the first week in March.

Let me say, Mr. President, as a result of this agreement, I personally will oppose any other effort to bring this issue up prior to the time agreed to, because I believe we have necessary work to be done, and I believe that it is in the interest in keeping with this agreement that we now turn to those other matters.

I expect a full-fledged debate with plenty of opportunity to offer amendments. Given this agreement, now I have every assurance and confidence that will happen.

So, again, Mr. President, let me reiterate my public gratitude to all those involved for the successful agreement that we have announced this afternoon.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to thank the majority leader especially in all of this. I consider myself a close and dear friend of the majority leader. The majority leader has seen a lot more of me than he wants to ever see me with such frequency ever again. I want to assure the majority leader that I am deeply appreciative of the time he has spent with me, and the time he has spent with the entire Republican conference.

I don't think there has been a more difficult issue that the majority leader has had to handle, nor do I believe that he will face one as difficult as this in the future.

I thank Senator DASCHLE, the Democrat leader, who I think has approached this issue in a fair fashion.

I think it is also only a entirely appropriate that I thank Senator MCCONNELL. The Senator has strongly held honest views on this issue. He has again shown a willingness to debate and discuss this issue. Our differences have been passionate but they have not been personal, and I know that he and I intend to maintain that relationship. I can assure my colleagues that Senator MCCONNELL will make strong arguments for his position. And I certainly respect and in some ways admire his willingness to stand forth on an issue which is somewhat difficult to address.

Mr. President, I also believe the following: That we can and should and will sit down together on both sides of the aisle, proponents and opponents, with the recognition that this system needs to be fixed. On how it needs to be fixed there are strong differences of opinion, but I think almost every American now understands that we need to fix this system because we need to restore the confidence of the American people in the way that we select our elected officials.

I am convinced that the real answer, the real solution, will probably not come in the form of debate or any cloture motions and all of that on the floor of the Senate. I believe it is going to come when we all sit down as dedicated Americans and come up with a bipartisan solution to this problem. I still believe that is possible. I will do everything in my power working with both Senator DASCHLE and Senator LOTT, Senator MCCONNELL, and my dear friend, Senator FEINGOLD, who has done a wonderful job here, as I have said many times, so that we can get this agreement.

So I believe this is not an end. There isn't a midpoint. This is just a beginning of a dialog that has to begin in all seriousness, and discussion and compromise which may be called for on both sides of this issue so we can do the will of the American people. I believe the will of the American people has been expressed convincingly that we need to fix the system.

I want to reiterate my openness to any suggestion or idea or proposal that would lead us to that.

Again, thanks to the majority leader.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

I am, of course, very pleased that this agreement has been reached.

I want to join in the gratitude toward the majority leader. Any majority leader has a hard job on almost any issue. But this is about as tough as it gets. And I know this has been a very, very difficult period of negotiation.

I thank my leader, Senator DASCHLE. Without his persistence and willingness to take on a tough job in our conference I don't think this would have been possible either.

I want to join with Senator MCCAIN in expressing my admiration for the Senator from Kentucky as well, an extremely worthy adversary. I can honestly say it is enjoyable to debate this issue with him. It will be especially enjoyable to be debating specific amendments as we get into this next year.

But overall, what this represents is what Senator MCCAIN of Arizona and I have said from the beginning—that this can't possibly be done in the end on a partisan basis. The answers have to be bipartisan. This agreement reflects that realization.

I want to join with Senator MCCAIN in his statement about the desire to negotiate, the desire to put together something that the American people feel would make a real difference in this area.

My last comment, Mr. President, it certainly would have been my preference to have a bill pass this year. I said, many times it is very difficult to get this done in an election year, and that would be the conventional wisdom if we are in the middle of campaigns to try to legislate on that. But I think maybe this next year might be an exception. With this system continuing to display itself, perhaps next March will be the ideal time to take a look at this system as it is unfolding in another election and ask ourselves if this is really the best we could do in this country in terms of electing our officials.

So, again I thank all of the Senators involved in these difficult negotiations. This appears to be a fair outcome, and we will have a continuation of this important debate next year.

Mr. President, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, my special thanks to Senator MCCAIN and Senator FEINGOLD, and Senator DASCHLE for allowing this debate to go forward in an orderly fashion.

As we all know here in the Senate, any Senator at any moment can kick off a debate on any subject. That, of course, gives each Senator a good deal of power in determining what we debate. But what we have essentially agreed to here today is an orderly process by which the Senate can go on and engage in other business and have another debate on another day on this very important issue which we have debated almost yearly for the last decade. Let me say that I think this is a very sensible way to do it.

Finally, I want to commend the distinguished majority leader. He has stood fast on principle over a difficult several-week period. The principle was that the majority leader should set the agenda for the Senate. I want to just say to my friend, the majority leader, that I have never seen a better example of leadership than he has exhibited over the last few weeks.

Senator MCCAIN said the majority leader saw a lot of Senator MCCAIN. He saw an equal amount of Senator MCCONNELL over this period. And I think he is probably ready to see less of both of us for a few weeks.

But in any event, in his position as leader, Senator LOTT obviously would like to see things go forward. On the other hand, there are from time to time matters of great principle where it is important to stand up and take a position. I say to my friend, Senator LOTT, that I can't think of a better example in the 13 years I have been here of standing steadfast for principle when it counted than the performance of the distinguished majority leader over the last 3 weeks.

I thank him on behalf of all the members of our conference, the vast majority of whom agree with the Senator from Kentucky and the Senator from Mississippi.

I yield the floor.

Mr. LOTT. Mr. President, I believe we are ready to return to the debate that was underway, so I will yield the floor at this time.

DISAPPROVAL ACT

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, we still have two more Senators who have indicated to us they wished to make statements on this particular issue, and we will give them a chance to get here. I warn Senators they should come to the floor and make their statements now because we want to get to a vote on this issue. We have other business pending in the Senate that we would like to get to. But if those Senators can get to the floor and make those statements, we will wait a few minutes on them. If not, then I would choose, with the permission of the leadership, to move to third reading on this bill.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. I rise today in support of S. 1292, a bill to disapproved of President's Clinton decision to veto over 30 military construction projects.

I will add, Mr. President, I am a proponent of the line-item veto. I believe the line-item veto can be an effective tool to eliminate wasteful spending but I believe the fact that the White House now admits it used faulty data when it decided to veto a number of military construction projects demonstrates that this important authority must be used wisely and carefully.

I would like to speak for a moment about the two military construction projects the President vetoed in the State of Idaho. Both projects were intended to support the combat requirements of the 366th Composite Wing based at Mountain Home Air Force Base.

A recent letter to me from Secretary of Defense Cohen described the critical role played by the 366th Composite Wing: "As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts."

In an ironic twist of fate, the 366th was doing its mission on deployment in the Persian Gulf when the President took inaccurate information, provided by the Air Force, and vetoed two projects intended to support the combat effectiveness of this unit.

President Clinton used his line-item veto pen to delete $9.2 million for an avionics facility for the B–1 bombers and $3.7 million for a squadron operations facility for an F–15 squadron.

In his veto statement, the President claimed the vetoed construction projects could not be started in fiscal year 1998 because there was no design work on the proposed projects. This assertion has now been proven false by a letter from the Deputy Secretary of Defense, John Hamre, which now acknowledges that the DOD provided inaccurate data about the status of design work.

With respect to the two projects at Mountain Home Air Force Base, the outdated Air Force data provided to the White House listed both projects at zero percent design when in fact, as now verified by Air Force, both projects are in fact over 35 percent designed. Moreover, before any of these projects could be included in the fiscal year 1998 Defense authorization bill, the services were required to certify that each of the projects could be initiated in fiscal year 1998 and that is what they did, without exception.

As my colleagues know, the Department of Defense puts together a future years defense plan which projects the DOD budget 6 years into the future. Regarding the two projects at Mountain Home, I note that the avionics facility is contained in the Air Force's 1999 budget and the F–15 squadron operations facility is contained in the service's 2000 budget.

As the President ponders the use of the line-item veto, I think there needs to be dialog with the legislative branch. If there had been dialog, we might have been able to point out the faulty data being used by the White House that was provided by the U.S. Air Force.

Early this year Congress and the President reached an historic agreement to balance the budget and increase defense spending above the President's request. Congress went through its normal deliberative process and we used the additional defense dollars to move forward funding for projects on the service's unfunded requirements lists. Indeed, the B–1 avionics facility was one of the top 10 unfunded military construction projects identified by the Air Force. In addition, the funds were within the budget caps agreed to by the Congress and the President.

Let me read a document, prepared by the 366th Wing, which explains why we need the B–1 avionics facility. This was written by the civil engineer at the base avionics facility:

> Current facility is inefficient, aging, wooden building misconfigured for avionics functions. Numerous false alarms in the fire suppression systems cause excessive avionics support equipment down-time and often cause damage to test equipment. This facility supports over $1 billion of avionics equipment for the wing's fighter aircraft with $115 million in testing equipment. Current avionics facility is approximately one-half the size required for all the wing's aircraft and has severe operational problems supporting fighter aircraft of this wing. About 33,000 sq. ft. of the existing 54,000 sq. ft. facility is condemned for personnel usage. B–1 avionics is currently being maintained at Ellsworth AFB, South Dakota due to inadequate facilities at this base. Engineering estimates by the Army Corps of Engineers found the current facility is uneconomical to renovate. Construction of a new facility collocating avionics for the B–1 and fighter aircraft is the most economical solution and finalizes the B–1 beddown program.

The Office of Management and Budget and the Deputy Secretary of Defense acknowledge the President used outdated and inaccurate data to make his decisions. The Senate should give the President another opportunity to do the right thing and pass the pending disapproval legislation.

Let me thank the chairman of the Senate Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD for their quick and decisive action to bring this important legislation to the Senate floor. I urge my colleagues to support the pending legislation.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I think the Senator from Idaho has brought up a good point making the case for his facility because I think we found this throughout this whole message from the administration, that, again, they don't give us the criteria before we finally pass the conference report and send it down there. All at once, then the criteria change. I guess that should not surprise me. We ought to get used to dealing with folks who have goalposts on wheels; they sort of change every now and again.

I hope we could make it through this thing and the Members realize that every project has been through the screens, two or three of them. The ranking member on this subcommittee, the chairman, and the ranking member of the full committee have set their satchel down, set certain standards, and we tried to meet those standards.

I thank the Senator from Idaho for his comments.

Mr. KEMPTHORNE. Mr. President, will the Senator yield?

Mr. BURNS. I will yield.

Mr. KEMPTHORNE. It is just for a question.

Would the Senator from Montana agree with me that as we are provided the data, although the idea was that these projects were not necessary, were not needed, yet we find they are in the President's own budget for the very next year or the year following that? And, since we have all of this data and we have established, through written information from the Air Force, the inaccuracy of the data that they provided the White House, the President and the White House should not find themselves in a situation where they feel they have drawn a line in the sand and there is no way they can back away from this; that it is best for the Nation and our national defense for the White House to acknowledge that, based on inaccurate data, we all should review this and come to a different conclusion, and that is to allow these projects to go forward?

Mr. BURNS. One advantage of the line-item veto right now is it demands of us a dialog with the people who have to administer the programs. That is good. So I agree with the Senator's statement wholeheartedly, and I thank the Senator from Idaho.

I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, are we on a time limitation?

The PRESIDING OFFICER. The time is controlled.

Mr. DOMENICI. I did not hear the Chair.

The PRESIDING OFFICER. The time is controlled.

Mr. DOMENICI. How much time does the Senator have?

The PRESIDING OFFICER. The Senator has 4 hours remaining.

Mr. DOMENICI. I didn't want to cut some other Senator short, but clearly——

Mr. BURNS. How much of that 4 hours would you like, Senator?

Mr. DOMENICI. I am not going to impinge on anybody with my remarks. I have been in another hearing and for that reason I have been trying to get recognition as soon as I can, and I will be as brief as I can.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I rise today in support of the resolution of disapproval of the fiscal year 1998 military construction appropriations bill. In his special veto message, the President offered the following three criteria for each of the canceled items: "The project is being canceled for because:

"First, it was not requested in the President's fiscal year 1998 budget; second, it would not substantially improve the quality of life of military service members and their families; and third, architectural engineering and design of this project has not started, making it unlikely that these funds can be used for construction during fiscal year 1998."

Mr. President, the Congress gave the President line-item veto authority to eliminate unnecessary and wasteful spending. The Congress examined all of these projects very carefully and found them to be merit worthy and mission essential. In fact, the Appropriations Committee used stringent criteria including:

First, whether the project was mission essential; second, whether the project will enhance readiness, safety, or working conditions for service personnel; third, whether a site has been identified for the project; fourth, whether any money has been spent on the design or the project; fifth, whether the Department can begin to execute the project during fiscal year 1998; and, sixth, whether the project was included in the Department's future year defense plan.

Mr. President, these projects substantially meet the criteria established by the Appropriations Committee. Moreover, the Appropriations Committee worked closely with the military services in crafting its bill. In contrast, it is widely known that the President neglected to consult the military services in deciding which projects should be vetoed on this bill.

First, I want to make clear that if the President thinks that the only good project is one that he recommends, then he will continue to meet strong opposition in the Congress. I remind the President that article I, section 8, of the Constitution gives the Congress the right to raise and support armies. That means that if the Congress believes that a particular project will support the needs and requirements of the military that is not only their right, but their responsibility, to do so.

I am heartened by the fact that the President has used his line-item veto pen more sparingly on the various appropriations bills that have been sent to him since this military construction bill. However, Mr. President, let's be clear about his action on this particular bill. I believe it was an abuse of his authority for three reasons. First, vetoing these projects will not eliminate unnecessary or wasteful spending. Second, it is clear that none of the spending in this bill violates the budget agreement. Finally, using the President's own criteria, it is clear that the President made several errors.

On October 6, 1997, the chairman of the Appropriations Committee conducted a hearing to review the status of the 38 vetoed projects. Throughout the hearing, Senators asked the witnesses whether particular vetoed projects met the criteria as set out by the President. Most questions centered on the issue of whether each project could be executed in fiscal year 1998 and if that project were mission essential. In every case, Mr. President, the answers were affirmative.

Among the items the President vetoed were two New Mexico projects. The first project was $14 million for the construction of a new building for the theater air command control and simulation facility [TACCSF] at Kirtland Air Force Base [KAFB]. This project is in the Department's fiscal year 2002 budget. It is mission essential; 35 percent of the design has been completed with $1.4 million the Congress appropriated last year for this purpose. A site has been chosen for the project, and it is executable this year. Clearly, Mr. President, the President made a serious error in vetoing this project.

The TACCSF is the only facility where fighter crews, command control personnel, and air defense teams operate together in a realistic virtual war fighting environment. TACCSF allows Air Force war fighters to train with Army and Marine personnel under one roof, often their only opportunity to rehearse shoot-don't shoot procedures in a complex friend or foe environment.

Expanding TACCSF's simulation capabilities will support cost-effective development of Air Force systems. TACCSF has flexible simulation architecture that allows new concepts, components, or procedures to be tested in a virtual environment, giving hands-on experience years prior to first prototype—user feedback during early design results in enormous development cost savings.

TACCSF's present building does not allow for any expansion. A new facility is needed to meet growth needs. It is impossible to expand the current facility sufficiently to accommodate the simulators, supporting infrastructure and personnel growth needed to maintain TACCSF's preeminent capabilities. Failure to provide the requested new facility seriously jeopardizes TACCSF's ability to support DOD and the Air Force's vision for modeling and simulation in support of the war fighter.

The second project the President vetoed was $6.9 million for the launch complex revitalization program at White Sands missile range. Once again, using the President's own criteria, he made a serious error. This project will substantially improve the quality of life of military service members, 10 percent of the design has been completed, and the project is executable in fiscal year 1998. The project is mission essential and there is no question that it will enhance safety.

Four launch complexes at WSMR are suffering from deterioration in crumbling structures, failing facility components and below-par sanitary and sewage systems. Many of the complex facilities do not meet current safety laws and regulations. Adequate fire detection and suppression systems do not exist in the buildings and explosive handling areas. WSMR spokesmen have stated, "This totally involves a safety issue. There's quite a bit of activity that is conducted at these launch complexes. It is a potential breeding ground for hantavirus if infrastructure improvements to these areas is not made." Moreover, Mr. President, the commanding general of WSMR stated in a letter to the delegation members that he was very concerned about the safety of his people who worked in these facilities.

Mr. President, the President made serious errors on both these projects. All of them are mission essential and can be executed in fiscal year 1998. The Presidents' arbitrary and unfair exercise of his power demands the Congress' action. I applaud the chairman and ranking member for acting timely on this matter. I strongly support it, and hope my colleagues will do the same.

Mr. President, I have a letter dated April 18, 1997, from General Laws, Brigadier General, U.S. Army, Commanding General at White Sands missile range, to House of Representatives Member from New Mexico, the Hon. JOE SKEEN. I ask unanimous consent that be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
August 18, 1997.

Hon. JOE R. SKEEN,
House of Representatives,
Washington, DC.

DEAR MR. SKEEN: This information is provided in response to your question on the health and safety matters at launch facilities at White Sands Missile Range. As you are aware from your recent visit to White Sands Missile Range (WSMR), extensive parts of our infrastructure, particularly the vital launch complexes, are in disrepair or an unserviceable. Many of these conditions entail critical safety and environmental problems that earnestly must be addressed as soon as possible.

Recently, we were required to disconnect the water supply that feeds a fire suppression system at a major missile assembly building due to uncontrollable and excessive plumbing leaks. We have many buildings at these launch complexes with inoperable heating and cooling systems. We also have septic systems that have or are failing, and will have to be deactivated due to environmental reasons. The resource reductions of the last several years have exacerbated the already significant backlog of maintenance and repair to the aging infrastructure of WSMR.

Aside from the increasing difficulties for our personnel to accomplish the critical test and evaluation mission for major programs of all the services in DOD, I am very concerned for their safety and health from working in such conditions. I deeply appreciate your consideration of these issues.

Sincerely,

TERRY L. LAWS,
Brigadier General,
U.S. Army, Commanding General.

Mr. DOMENICI. Mr. President, now I would like to talk to my fellow Senators. In particular I would like to talk to the Republicans on this side of the aisle. I say that because I hear some of them asking questions about why were we for line-item veto and how can we justify voting to override the President. If it fits some Senators' concerns on the other side, fine.

Let me just say, fellow Republicans, we took the lead, once we got control of the House and Senate, to pass this new law called line-item veto. I want to make sure everybody understands that we could not have intended to say that we would never override a President's line-item veto. Obviously, when we passed that, inherent in our passage of that measure was the fact that Congress still had to have some significant say about the propriety, the validity, the appropriateness of line-item vetoes. If it means, if we supported the original line-item veto legislation, whatever the President chooses to do under line-item veto, since we voted for that law we have to concede the President's authority, then I don't think any on this side of the aisle would raise their hands and say that is what they voted for line-item veto to mean. I can assure you I did not.

As a matter of fact, I would submit that it is quite right for the Senate of the United States to stand on its two feet and say to the President: You have line-item veto authority but it does not mean you can exercise it any old way you want. The sooner we send that signal to this President—either a Republican President or this one—the sooner you send the signal that there are certain circumstances under which, by virtue of our authority, that we would say "no" to a President, the better the President will respect the propriety of the notion that we are equal under the Constitution and that the President didn't gain superiority over appropriations when we passed the line-item veto legislation.

So it is almost as if we have a gift of the right situation to send that signal to the President, because in this case there is no doubt of the following set of circumstances.

No. 1, it is now acknowledged by the White House that many of the line-item vetoes, if not all, were issued and done by the President in error. Nobody will come to this floor and deny that. The problem is, they won't tell us how many are in error. We have concluded that almost every one that is on this list, in this bill of override, is in error, if we believed the statements by the White House as to why the line-item veto was used in the first place. We went through each one. We put the financial management officers for the three armed services in front of the Appropriations Committee and asked them the questions that related, not to something we dreamt up, but something the White House told us were the criteria.

Mr. President, they were simple criteria: Is project in the 1998 budget request, or did we just dream it up? Question No. 1. Second, has the engineering and design has started? And tied into that one is that the project contracts could be issued in 1998, the year of this appropriation. And the third one, that it was something that would improve the quality of life of military men and women and their families?

Frankly, we asked the questions of the military financial officers. In almost every one of these 38 projects, they said they were in the Defense Department 5-year plan, or they did do substantial improvement to quality of life, to family life, or third, design had been started and the project could commence during the appropriation year of 1998.

When the White House then says, well, it may be that we in the White House made mistakes; that 18 of these vetoed projects don't fit our own criteria; it may be that 16 didn't fit our criteria—in any event, we are not going to tell you exactly which ones. I say to the Senators who are wondering whether they should vote for this, that is enough to vote for the override. If you ever want to change the power structure, then let a President get by with that. He line-item vetoes and then he says, "I made a mistake, but I am sticking with them and I am not going to tell you which ones I made a mistake on." If you can't discern that, then it seems to me you have to send it back to him with a great big vote in the Senate and the House saying, "Since you won't tell us, we are giving them all back to you. And if you send them back, we are going to adopt them in law and override your veto, because you haven't squared with us."

I can think of some other reasons. Each Senator who voted for the line-item veto and who is worried about whether he can now vote to override, I ask just a simple question. Did you really mean you would never override? Of course you would say no. If you meant you might override sometimes, what is a more perfect case than this? You have two reasons: The projects are bona fide projects that meet any reasonable criteria; and the President will not tell us which ones are incorrectly vetoes, although he says there are some, that don't fit the criteria.

I know there are some former Governors in the Senate who are going to speak to line-item veto. I don't know which way they are coming down on this. But I take it from many Governors that they never had such a large argument over line-item veto in many years of being Governors; that all of a sudden you get 38 projects out of one bill, $287 million, and they don't know why it was done or why others were left in.

So, from our standpoint, this is the appropriate time to send a signal that line-item veto is not a one-way street; that Congress has a role. If it is not used reasonably and rationally as a policy instrument, then it will be overridden, and I hope we do that. I hope it is a very big bipartisan vote, because I think it is apt to be the same in the U.S. House of Representatives. We will start this process off on the right track.

Mr. President, I ask unanimous consent that that a table from the Congressional Budget Office comparing the pending bill to the President's original line-item veto message be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EFFECT OF S. 1292, DISAPPROVING CANCELLATIONS MADE BY THE PRESIDENT ON OCTOBER 6, 1997, REGARDING P.L. 105–45

[By fiscal year, in millions of dollars]

	Budget Authority	Outlays				
		1998	1999	2000	2001	2002
Total CBO estimate of cancellations made by the President to P.L. 105–45	287	28	102	79	46	16

EFFECT OF S. 1292, DISAPPROVING CANCELLATIONS MADE BY THE PRESIDENT ON OCTOBER 6, 1997, REGARDING P.L. 105–45—Continued

[By fiscal year, in millions of dollars]

	Budget Authority	Outlays				
		1998	1999	2000	2001	2002
Projects not disapproved in S. 1292, as reported in the Senate						
Military Construction, Navy						
Chemical-Biological Warfare Detection Center, Crane Naval Surface Warfare Center, IN (97–15)	4	8	2	1	1	(1)
Military Construction, Air Force Reserve						
Base Civil Engineer Complex, Grissom Air Reserve Base, IN (97–16)	9	1	4	2	1	1
Aerial Port Training Facility, Mitchell Air Reserve Station, WI (97–41)	4	1	2	1	1	(1)
Total, Military Construction, Air Force Reserve	13	2	6	3	2	1
Military Construction, Army National Guard						
Aviation Support Facility, Rapid City, SD (97–31)	5	(1)	1	2	1	(1)
Total projects not disapproved in S. 1292, as reported in the Senate	22	10	9	6	4	1
Difference between S. 1292 and the President's cancellations	264	18	93	72	42	15

Source: Congressional Budget Office. Note: Details may not add to totals due to rounding. [1]=Less than $500 thousand

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. GRAHAM. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I am here to speak on two of the specific projects that are covered by this veto and now the proposal to override that veto, and then, second, I will make some remarks based on my own personal experience as to how the relationships between the legislative and the executive branches should function when the Executive has the line-item veto.

First, let me turn to two projects with which I have extensive familiarity.

First, a pier improvement project at the Mayport Naval Station near Jacksonville, FL. Mayport has been designated by the Navy to be the second Atlantic coast major naval facility, the first being Norfolk. In order to carry out this role, it has been determined by the Navy that it is necessary to make certain improvements to the piers that serve Mayport Naval Station. The improvements were included in the 5-year Navy plan.

The Navy made another decision, and that was to utilize a design-build process as the means for constructing these pier improvements. In contrast to a traditional procedure in which a project is fully designed and then contractors bid on those completed designs, design-build merges the creative and the execution stages which one firm is responsible for submitting a bid to both design a project that will meet the needs of the client, in this case the Navy, and then to construct that project. It also has the benefits that the project can be segmented, so that if there are portions of the project that can proceed ahead on a more rapid pace because they are less complex or have less design requirements, they can be doing so.

The result of this design-build process for the Navy has been both a significant savings in time and cost.

A recent study by the Design-Build Institute of America states that over the last 4 years, naval facilities utilizing this design-build process have led to a timesaving of 15 percent over the conventional method of first design, then bid, then build, and a cost savings of 12 percent. That design-build process was determined to be appropriate to this pier improvements at Mayport.

The significance of that, Mr. President, is that it runs in conflict with one of the criteria that the President used in determining which projects to veto, because one of those criteria was, was this project one which had been designed and, therefore, construction could commence in this fiscal year? In the case of a design-build project, you don't have a separate sequence of design. The design and the construction project are issued as one.

In the case of Mayport, the Navy expectation is that they will issue their design-build contract in March of 1998. At this point, some of the real benefits of design-build begin to take effect. As an example, the toe wall of these particular piers will use a similar design to the toe wall of piers that are immediately adjacent, and, therefore, the expectation is that they will use the same designs which have already been done, therefore allowing the construction work on the toe wall to commence in June of 1998.

Another important component of this pier improvement is to add a new electrical circuit so that the ships which have higher electrical demand today, because of all of their computerization and other electronics, will be adequately served. This electrical work represents a fifth circuit to the already existing four circuits. And so, again, no significant new design work will be required. It is expected that the electrical construction work will also commence in June of 1998.

So the facts of this case are that, if the purpose of that standard, which was, is the design complete so construction can start? has been met, the only difference is because this is a design-build contract as opposed to a traditional contract, you can't answer the question, is there a completed set of designs here ready to be bid upon? It is ironic that the design-build process was specifically recognized and applauded in the reinvention-of-Government study that was done in 1993 as the wave of the future as to how the Federal Government should go about much of its construction activity.

So, Mr. President, with that background on Mayport, I believe this clearly is one of those projects where the facts do not substantiate the reasoning that was given as the basis of the veto. We have an important project meeting a clear national defense need which the Navy has stated should be completed within the 5-year plan. The Navy has selected a design-build process which will result in construction commencing on important elements of this pier improvement in June of 1998.

The second item which is of concern to me relates to Whiting Field, a major Navy aviation training center in Santa Rosa County, FL. Whiting Field is the centerpiece of actually a series of fields of runways and other training facilities that are located throughout northwest Florida and south Alabama.

The Air Force and the Navy have decided on an eminently reasonable new joint project, and that is, that rather than having the basic training of naval aviators being done exclusively by the Navy and Air Force aviators being done exclusively by the Air Force, that they will develop joint training at the primary and advanced levels. Whiting Field has been designated as the field upon which approximately half of the primary training for both Air Force and Navy pilots will occur.

A new aircraft has been selected, called JPATS, which will serve the needs of both the Navy and the Air Force. This new aircraft has some different requirements than the aircraft which the Navy has used for many years at Whiting Field. One of those is a slightly longer runway for safety purposes. It is a somewhat higher performance aircraft.

In this legislation was $1.2 million to add to the length of one of the outlying fields which serves Whiting, which happens to be located in Brewton, AL. Also, as part of this $1.2 million, will be a safety zone built around one of these runways in order to enhance the safety for aviators with this new higher performance JPATS aircraft. Again, this is in the Navy's 5-year plan. The JPATS aircraft are going to be delivered in the year 2000.

The work to be done is not high-tech, it is the extension of an existing runway, and, therefore, the development of complicated designs is not relevant to the project to be performed. Therefore, again, the rationale for the veto, which was that unless design had been conducted, assumedly construction could not start in the fiscal year and, therefore, the project became a candidate and, in fact, a victim of the President's veto.

Just as the project at Mayport, this meets all the tests. In this case, the Navy and the Air Force have agreed that this is a needed project to secure an important new joint relationship between our two principal aviation services which will result in significant savings to the Nation and, hopefully, enhancements in the quality of training and the jointness of training of the Air Force and the Navy.

I had the opportunity to visit Whiting Field in August of this year, and I can state from personal experience and discussions with the leadership of this important naval facility that there is great commitment to seeing that this joint training is a success and a contribution to the Nation's security. All this is going to have a key date of the year 2000 when the new aircraft begin to be delivered.

So, Mr. President, I urge that these and the other projects that are contained in the legislation to override the President's veto be supported, because I believe they are the kind of projects which the Nation will need for its long-term national security. I commend the leadership of the Appropriations Committee and the Military Construction Subcommittee for their careful attention to these two projects.

If I can take a brief period to comment about the line-item veto process. I was Governor of the State of Florida for 8 years with the line-item veto authority, and I utilized that authority where I thought appropriate. I believe that the most significant use of the line-item veto is in its deterrence effect. The fact that legislators who might be inclined to submit and seek passage of a project that did not have the positive qualities of Mayport and Whiting Field would be inclined to do so but for the fact that they knew the Executive could identify them as being inappropriate and, therefore, subject that sponsoring legislator to the public scrutiny of having advanced such a proposal.

But I believe for that deterrence to be effective, there are some requirements on the side of the executive branch which were not met in this first test of the line-item veto at the Federal level.

Two of those requirements are, first, no surprises. Neither of these projects are new to the Navy, to the Air Force, to the Office of Management and Budget, to the White House. These projects represent the completion of important previously determined military priorities: Mayport as the second naval port on the Atlantic coast; joint training of Air Force and naval aviators.

Therefore, as these two projects moved through the appropriations process, there were plenty of opportunities, if it was felt that they were going to be subject to veto, to have sent up such a signal. No such signal was sent.

The assumption was, since they had the support of the Department of Defense, and they were within the 5-year plan, that they were projects that had a time urgency, that they were appropriate.

In the future, I would urge whoever is the Executive authority to be engaged in this process at a much earlier stage to indicate if there are some problems and what the nature of those concerns will be. As the chairman has indicated, apparently even he did not know what the criteria were to be for these projects until after the Congress had passed the final bill and sent it to the White House for its consideration.

And the second is that after the bill has gone to the White House, and they are looking at these items, if they see an item that they believe is a candidate for veto, they owe it to themselves, they owe it to the sponsoring individuals and agencies, and they owe it to the national objectives which are sought to be achieved to have a frank discussion with the parties who are most knowledgeable so that they can get the facts.

I made an effort on both of these projects to educate who I thought were the appropriate people. Obviously, my attempt at education was not successful. But I am confident that had there been a full opportunity to review the facts that I have briefly submitted here this afternoon, that the White House would have made a different decision relative to these two projects.

So I think, second, that the White House needs to have the practice to bring into the process before the final decision those who are most knowledgeable so that never again will it have to issue statements that: "I'm sorry I did this. And I did it out of ignorance." Ignorance declared is a sign of a person who is ready to enter into confession and redemption, but this process is too important to have very many confessions and redemptions. We ought to try to be operating based on facts and knowledge and the importance to the national security of these significant defense items.

So, Mr. President, with those comments on these two specific projects, and a little unsolicited advice to the White House, I urge a strong Senate vote in favor of this proposal.

I hope that our colleagues in the House will follow suit and the President will see the wisdom of the line-item veto process in its full extension of a dynamic relationship between two equal branches of the U.S. Government. Thank you.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we have one other scheduled speaker after Senator GRAHAM, and then Senator BYRD has requested some time. But I ask unanimous consent that the vote on S. 1292 take place at 4:30 this afternoon, and reserving 10 minutes for the ranking member of the full committee and recognizing Senator BUMPERS as the next speaker.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Who controls the time on this side?

Mr. BYRD. Mr. President, how much time does the Senator need?

Mr. BUMPERS. Ten minutes.

Mr. BYRD. I believe I am in control of time, am I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield to the Senator 10 minutes.

Mr. BUMPERS. Thank you very much.

Mr. President, we are here today debating this issue which was a political creation in the beginning. It was a terrible idea and in my opinion, plainly unconstitutional. Ronald Reagan was President. He had promised the American people he would balance the budget by 1984 after he was sworn in in 1981. And in 1984 we did not have a balanced budget. On the contrary, deficits were soaring wildly out of control.

And then we begin to hear and read where the President said, "Well, you can't blame me because, you know, I can't spend a penny that Congress doesn't appropriate." And I am not going to belabor that argument, but the next thing we heard was, "If only the President could pick out all those pork projects and veto them, these deficits wouldn't be soaring out of control."

First of all, if the President had full line-item veto authority at the time, according to most calculations, the amount of dollar savings as a result of those vetoes would have been infinitesimal in comparison to that staggering deficit. All that line item veto talk was nothing but a sheer diversionary tactic in the face of a promise that had not been kept.

And I do not mean to denigrate President Reagan. But that rhetoric was the genesis of a very bad idea and in my opinion a patently unconstitutional idea.

I am almost bitter, Mr. President, at the passage of this line item veto. The worst thing that can happen to a politician is to allow himself to become cynical or bitter, so I will say that I am elated. I am elated that this day has come.

A lot of the people in this body stood and made magnificent speeches about how wonderful the line-item veto would be. They declared that 80 percent of the American people favored the line-item veto. I understand that; I took a lot of political heat, along with a lot of people on this side of the aisle who stood up against the line item veto. Senator Hatfield, who is no longer in the Senate, stood up against it, along with a few people on that side of the aisle. We all took unbelievable political heat back home because it was wildly popular. The people had been led to believe, and they did in fact believe that the real problem with the spending habits of Congress was that the President did not have the line-item veto. So I don't know how many times the line item veto proposal was presented in this body, but I promise you I voted no, no, no every time.

So I am elated today because a lot of the people who got a lot of political benefit out of their support for the line item veto are now complaining. They are not saying that it was a mistake to pass it in the first place. No, they say that the trouble is that the President has abused the authority. Regardless of whether the President has properly vetoed these items before us today, I am not surprised at their protests. This is precisely what we told them they could expect if they passed the line-item veto. It is a bad idea, and plainly unconstitutional in the way it transfers the power of the purse to the President.

I heard Senator GRAHAM from Florida about his use of the line-item veto when he was Governor of Florida. I had the line-item veto when I was Governor of Arkansas—and I used it. You know how I used it? I would call a legislator down to my office and say, "You just voted against that administration bill, and you have a $250,000 appropriation coming for a big project in your district. And I can tell you, that sucker's toast unless you get down there and change your vote." That is what I did.

One of the arguments we made here was that the President could cow virtually any Member of the U.S. Senate with a line-item veto. I do not think President Clinton intended to insult Members of this body when he vetoed these 34 items, but it was a terrible political mistake.

Any time you veto bills that affect more than 25 States, you are in trouble. I do not think the President was really thinking about that. Incidentally, he followed me as Governor of Arkansas. And he used the line-item veto pretty extensively when he was Governor. But one of the main reasons I object to it is that it gives the President unbelievable power over the Members of this body. And I can tell you, the Framers of the Constitution never intended for a President to have that kind of power. That is the reason they said: The Congress will pass the laws, and present them to the President, not item by item, but bill by bill.

So, Mr. President, in conclusion, let me say I hope some of my colleagues will take this to heart and not trivialize the Constitution. It is almost contemptuous the way we treat our Constitution sometimes. I have voted for one constitutional amendment since I came to the U.S. Senate. That was the Equal Rights Amendment. I am sorry I voted for that, because it is not necessary. I have voted "no" 37 times on constitutional amendments, and "yes" once, and I regret that one. That is not to say I will never vote for a constitutional amendment, obviously. I reserve judgment on that.

But the thing that chagrins me more than anything else is that every time somebody comes up with a cute political idea, they want to put it in the Constitution. And I have taken heat on prayer in school and the balanced budget amendment and flag burning and term limits, and court-stripping proposals. I have taken my share of heat on all those things, almost every one of which undeniably was political.

So, as I say, if some of my colleagues—if as many as one colleague today is thinking, "I regret having voted for this thing. I regret having voted for something that in my heart I knew was unconstitutional," I hope those members will think hard about this vote. Let me close, Mr. President, by saying that I am going to vote to uphold the President's veto. That may sound a little bit perverse, I suppose, based on what I have been saying. I do not know all the merits of these 34 items. That probably does not speak well for me, but I can tell you one thing, if one of them affected Arkansas, I would be voting to override it. And this entire package of line item vetoes is going to be overwhelmingly overridden by this body. There may not be five votes to uphold the President.

But I will vote to uphold the veto and I will tell you precisely why. I want to make it so painful to support the line item veto that when we come to our senses and the legislation comes up to repeal the line-item veto, that it will be passed 100 to nothing. So the more pain we inflict, the more likely that is to occur.

Ultimately, I think the line item veto will be repealed. I think that if Senator BYRD could bring up his line-item veto repeal today, I would like to believe it would pass almost 100 to zip. It was a terrible idea. And the time has come when the Senate should think better of it.

I look forward to getting a piece of legislation up here even before the Supreme Court strikes it down. I personally believe the Supreme Court has very little alternative but to declare this thing unconstitutional when it is presented to them by somebody with standing.

So, Mr. President, this is really a happy day for me, now that the Senate is addressing this item.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield the distinguished Senator from Virginia [Mr. ROBB] 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. ROBB. Thank you, Mr. President.

And I thank the distinguished senior Senator from West Virginia for yielding me time because he knows, as I have already alerted him to the fact, that I am going to speak against the position that he has taken for so long and with such eloquence.

And as the distinguished senior Senator from Arkansas departs, let me say, I agree with almost everything he said, save one small part of the speech that he just made. And I have joined him in voting against most of those other amendments.

But I rise today to oppose S. 1292 because I believe the credibility of the Senate is on the line.

Just last year, 69 U.S. Senators voted to give the President line-item veto authority. As a former chief executive who had the line-item veto authority, as indeed most Governors have that authority, I supported that decision. I did not use it in the way the senior Senator from Arkansas used it, but I had the authority. And I support it because I believe that only the President has the singular ability to reconcile the competing spending interests of all 535 Members of Congress and make decisions that will be based on our national interests.

Today, unfortunately, we stand ready to emasculate completely the line-item veto authority.

I realize that many distinguished Members of this body, some of whom have been heard today, many of whom have been heard from on previous occasions, oppose the line-item veto, and have consistently opposed the line-item veto, and indeed believe it is unconstitutional.

I would concede that it is quite possible that the Supreme Court will declare it unconstitutional when they consider it on the merits in a suit brought by plaintiffs who have standing to do so. But let's not pass a bill disapproving the President's veto of nearly every single project he lined out in the military construction appropriations bill.

What credibility can supporters of the line-item veto have if, in the first appropriations bill out of the gate, we vote to disapprove the President's action simply because one of our projects is on the list?

Mr. President, I don't diminish the political difficulty this legislation poses for Members who have projects on this list. I have three projects on the cancellation list that are in my home State of Virginia. Since I believe these projects have merit, I will work to fund them in future bills. While I do believe strongly that we need to develop some objective criteria for the President to follow when making veto decisions, I never thought that the implementation of the line-item veto would be popular with either the President or Congress.

What I find objectionable about this legislation is that we didn't even try to determine the merits of the President's cancellations except for individual Members within their individual States. Instead, to maximize political support, we gave, in effect, every Senator line-item veto authority in reverse—allowing each Member to decide whether appropriations for his or her own projects would be restored. The result is that funding for 34 of the 38 projects vetoed by the President are included in this bill.

Is that what line-item veto supporters had in mind last year? It is certainly not what I had in mind, Mr. President.

Mr. President, quite simply, this legislation is a test of our resolve to stick by our decision to impose a measure of fiscal discipline on the appropriations process. We gave the President the authority. We expected him to use it. Even those who opposed the legislation expected him to use it. And he did. I am simply not prepared to say that all of the President's actions were totally without justification.

Mr. President, I urge my colleagues to vote against this disapproval bill. Passage of this bill will increase the deficit and set a dangerous precedent that I believe will lead to the emasculation of the line-item veto. But most importantly, Mr. President, passage of this bill would illustrate once again our own failure to make the tough choices, our own failure to be fiscally responsible.

Mr. President, I am under no illusions about what is going to happen in this particular case. But I hope before Senators cast their votes, they will think about what it was they thought they were doing when they voted for the line-item veto last year and vote in accordance with the convictions they had last year when they vote on this bill this year.

With that, Mr. President, I yield the floor, with particular thanks to the distinguished senior Senator from West Virginia, who knew I was going to speak against the legislation, which I know he has so eloquently opposed for so very long.

Mr. STEVENS. I understand the position of the Senator from Virginia, but I would like him to consider this: We had $800 million allocated to the military construction budget out of the budget agreement that was entered into with the President. That still left us $700 million below the 1997 level. The action of the President in vetoing 38 projects here has removed $287 million from that.

If this bill does not pass, that money is gone. But not only is it gone, the President has announced the 18 he made a mistake on he will fund by reprogramming over other money. So the net result of the President's veto is an excess of $450 million that is lost from the defense budget this year.

Now, it was a mistake. This was not a line-item veto that made sense. It was a sheer mistake. They will not tell us which projects, by the way, he made a mistake on. I wonder if the Senator from Virginia knows that?

The net result of not passing this bill will be that almost half a billion of the money that we got through the negotiations with the President to increase the defense budget will be gone forever, including quality-of-life projects, barracks, mess halls, housing. I ask the Senator, how can you justify voting for this if you are in favor of the line-item veto?

I was the chairman of the Senate conference on the line-item veto. I know the requirements of the line-item veto law. The President did not follow it. He did not establish criteria. He announced the criteria after—after—after the decision was made.

In the case of Virginia, as the Senator pointed out, the criteria didn't fit the Virginia projects. That was true on 36 of the 38 projects. Those 36 are in this bill.

Now, I say to my friend from Virginia, bad facts make bad law. If this bill doesn't pass, I guarantee the Senator from Virginia, this case will be taken to the courts, and if it is taken to the courts, this will be the vehicle that will lead to the destruction of the line-item veto.

We are coming at it from different directions, the Senator from Virginia and I. I still believe in the line-item veto, but if the President's veto is not overridden, I will join the Senator from West Virginia in seeking to repeal the line-item veto, because this is wrong. This is arrogance, an abuse of power, and it is an overwhelming mistake on the part of the executive branch.

I thank the Senator for listening to me. If the Senator from Virginia wishes to have time to respond, I yield from our time.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. I would like to respond very briefly to my friend and colleague and the distinguished senior Senator from Alaska, for whom I have enormous respect.

I suggest two things: No. 1, that I share the concern about the imperfect process that was followed in this particular instance. I have shared my concerns directly with the White House, and I hope we will not have a repeat of the lack of prior consultation, et cetera. So I am not in disagreement with that particular aspect.

But the matter of how many dollars are actually involved is not the issue, as far as I'm concerned. It is the principle. If we believe that the President ought to have this particular authority because we believe only a President can reconcile all of the disparate interests of 535 Members of Congress who may have an interest in a project that may not have true national interest, then we have given him the authority to veto that particular item, and given us an opportunity to override it.

If this particular legislation were designed to collect only those about which there was agreement or only those individual projects which we could consider on their merit, I might well support the distinguished Senator's bill.

My objection with this legislation is that we have, in effect, taken every single request by any Senator who asked to have one of the items that was vetoed included in this bill and said, "We are going to, in one single bill, notwithstanding whatever merit or lack of merit may be evident in these particular items, we are going to tell the President he can't do that." I simply disagree.

Second, I disagree with the principle that if you are for the line-item veto in principle but can't stand the heat when it applies to a project in your particular district, then, indeed, you ought not to be for the line-item veto.

I would not argue with the basic premise of the Senator's remarks that if the distinguished senior Senator from West Virginia's legislation to repeal the line-item veto were offered again today, that it might well garner overwhelming support, although I am in a position to suggest that it might not be unanimous.

Mr. STEVENS. There is no Alaska project that was eliminated by the President.

Second, the difficulty that I really have with what the Senator has said is the line-item veto was intended to eliminate waste or projects that would lead to a deficit. We asked for the list. Can the Senator now tell me what 18 or 19 projects the President made a mistake on? Can he give us a list? We never got a list. We have 36 to 38 projects in this bill—because we never got a list from the White House as to what projects the President admitted were erroneously line-item vetoed.

Mr. ROBB. If the Senator will yield to respond on that particular matter, Mr. President, I remind the distinguished Senator from Alaska that I could not agree with him more. I think it is wrong.

I agree with the Senator from Arizona, with whom I discussed the problem earlier, that we ought to establish clear criteria, and those criteria ought to be made known to those who would be affected by them, as well as all the rest of the Members of this body.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. While the distinguished Senator from Virginia is on the floor, I disagree with the Senator in suggesting that we all ought to enter into some kind of an agreement with the White House as to what the criteria ought to be in applying the line-item veto. I think if we do that, we are further legitimizing what is an illegitimate end run around the Constitution. I'm not for entering into such agreements concerning criteria.

While I have the floor, I am not supporting this measure because it has an item in it that was wrongfully vetoed by the President and because that item is now included in this resolution. I'm supporting it because I think the administration was arbitrary and capricious in exercising the line-item veto in the way it used it. That is why I have said that Senators can vote for this resolution even though they support the line-item veto. A vote for this resolution doesn't mean they support the line-item veto, nor does it mean they are against the line-item veto.

It says that Senators believe that the administration, in applying the line-item veto, acted capriciously, acted arbitrarily, acted without justification, acted without a credible basis. That is what Senators are voting on. That is why I hope they will all vote for the resolution.

May I say to the distinguished Senator from Virginia, don't count me in when it comes to helping the administration to establish criteria by which it will apply this infernal, nefarious line-item veto.

Mr. ROBB. Mr. President, I simply acknowledge that no one has been more eloquent or consistent in their position that this is not appropriate legislation. From the very time that I entered this body I have known that the distinguished Senator, who was then chairman of the Appropriations Committee, felt that this was not a proper allocation of power under the Constitution, that it should be reserved for the legislative body. It was not appropriate to give this to the executive branch.

We have a disagreement on that matter in terms of the distribution of power, but as to the interpretation of the Constitution, I suspect that the Court will probably ultimately verify or validate the distinguished Senator's views and this debate may be moot.

My concern today, and I accept the Senator's view that nothing in West Virginia is included, but I am concerned if there were 69 of us, if that indeed is the count, who were willing to vote for the line-item veto and now come back simply because there is an item in our States and say we are against it because it happened to gore the ox in our pasture, then we are not maintaining the kind of principle that most Members of this legislative branch believe in in all the other dealings they take part in.

Mr. BYRD. Mr. President, I am not willing to assume that the President has a monopoly on wisdom. I have represented the people of West Virginia now for 51 years in one office or another. I think I have a pretty good idea of what they need, what they want, and so on.

But in this particular instance, the item that was vetoed for West Virginia was on the Department of Defense's 5-year plan.

He vetoed the item that would have been in West Virginia, and I say, let's give it right back to him by his own criteria. He made a mistake in vetoing it. I say let's put it right back on the President's desk, let him exercise his constitutional veto, and then let the Congress exercise its constitutional option of either overriding that veto or sustaining it.

I have sat right here and listened to three former Governors talk about the line-item veto. What is beyond my comprehension is how Senators can confuse the so-called line-item veto at the State level with the line-item veto at the Federal level. They are two different spheres of action. The distinguished Senator from Florida, the distinguished Senator from Virginia, and the distinguished Senator from Arkansas, all three of whom are former Governors, came from States that have the line-item veto. Well, so what? As Governors, they were acting under the constitutions of the State of Virginia, the State of Florida, and the State of Arkansas. But now they are operating under the aegis of the United States Constitution. They are two different things. I don't find the constitution of the State of Virginia written into the U.S. Constitution. I don't find the constitution of the State of Florida written into the U.S. Constitution. The U.S. Constitution refers to legislative powers "vested in a Congress of the United States."

Mr. ROBB. Will the Senator yield on that point?

Mr. BYRD. Yes.

Mr. ROBB. With all due respect to the distinguished senior Senator from West Virginia, that is the reason that we are proposing, proposed, and have effected the line-item veto, and propose it as a constitutional amendment, recognizing that the Constitution of the United States did not grant this power to the President that it grants to 40-some Governors and their respective States.

Mr. BYRD. We are talking about two different powers. We are talking about the powers that the 47 Governors have, dealing with the so-called line-item veto. Those are powers under their State constitutions. But the Senator from Virginia is no longer a Governor; he is a Senator. The Senator from Florida is not a Governor any longer, and he is not to be governed in his actions here by the constitution of the State of Florida; he is to be governed here by the oath he took to support and defend the U.S. Constitution—not the constitution of the State of West Virginia, not the constitution of the State of Virginia, but the United States Constitution. That is the Constitution by which we are governed here.

The line of demarcation, the line of separation of powers, the line of checks and balances is more strictly delineated at the Federal level. It is more strictly drawn, more finely drawn at the Federal level than it is at the State level.

Mr. ROBB. Will the Senator yield further? .

Mr. BYRD. Yes.

Mr. ROBB. Mr. President, without the power to amend, this Senator will observe that we would not have had the Bill of Rights, much less the other amendments to the Constitution. So there is a procedure that is set forth for subsequent generations to reconsider the wisdom of the Founding Fathers, and it appears that the Founding Fathers accepted the fact that there might have to be some changes even in their seminal document, the Constitution.

I don't intend to continue the debate, Mr. President, with the distinguished senior Senator from West Virginia. I understand his point of view. I respect him and I respect him for it. I expect that this particular bill will probably achieve something in excess of 95 votes. So I am not sure that we need to protract the debate on this particular issue.

Mr. BYRD. Mr. President, I don't intend to protract the debate. But I agree that if this is going to be done, if we are going to have the line-item veto, let it be done the way the framers provided that it be done; namely, through an amendment to the U.S. Constitution, not by statute. I don't think we can do it by law. I do hope that the High Court of the United States will uphold the contention that I am making and will strike this infernal and nefarious law dead, dead, dead!

I thank the distinguished Senator. How much time does the Senator from New Mexico need?

Mr. BINGAMAN. I will ask for 5 minutes.

Mr. BYRD. I yield the Senator 5 minutes. I believe the Senator from New

York wants 5 minutes also, and I will yield him that time when he comes in.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me talk separately about two issues. One is this Senate resolution disapproving the cancellations that were transmitted by the President resulting in this S. 1292.

Let me first indicate the reasons that I support the resolution, and then I will say a few things about the line-item veto issue, the larger issue that the Senator and others have been discussing here. First, I do support the legislation, S. 1292, for the simple reason that I believe the administration acted to cancel worthy projects on the basis of erroneous information and that it is our duty in the Congress to override that decision if we have the votes to do that. The administration has admitted as much to us in a statement that we received today, and the President continues to insist that he will not allow the passage of this resolution to be signed into law.

At a minimum, I believe that if this override effort proves unsuccessful, the administration owes it to the military personnel in the country and to their families and to those of us in Congress to ensure that there is funding provided for the projects that were incorrectly included in the President's line-item veto package. The Senate received a statement from the administration today indicating that some military construction projects that the President vetoed were canceled on the basis of erroneous information. Mr. President, that is exactly what happened on the two projects that I am most familiar with, the two in New Mexico. The project at Kirtland Air Force Base and White Sands Range.

In both of those cases, we had information from the Department of Defense indicating that those projects had been substantially designed, and they were ready to be executed in this fiscal year, and as such, they did not meet this criteria that the President has indicated he used and the Office of Management and Budget used in deciding which items to line-item veto.

In fact, I had a conversation with Franklin Raines, head of the Office of Management and Budget, on the day that the decision was announced by the President, and I discussed with him the information we have received from the Department of Defense and how it conflicted with the information that he had which he was urging the President to use in making the decision.

So I am persuaded that the decision as to those two projects was based on erroneous information. I believe, based on what the President has indicated in his letter to us, that the decisions on many other projects were also based on erroneous information. So I believe it is in our best interest and it is our duty, in fact, to go ahead and pass this legislation. I intend to vote for it.

Let me say a couple words about the line-item veto itself. I am not one who supported the line-item veto legislation. I opposed it for many of the reasons that the Senator from West Virginia has articulated so well here on the Senate floor. First of all, I don't believe it is good policy. I think the Founding Fathers had it right when they determined that this was not a power that should be granted to the President, and so I support the basic structure that was put into our Constitution.

Second, if we were going to try to enact some type of line-item veto and grant that authority to the President, it cannot be done by statute; we would have to amend the Constitution. We would have to go through the very elaborate procedure set up in the Constitution to amend the Constitution. Clearly, that was not done in this legislation.

Let me also say that all the debate over the last several years in the Congress about the line-item veto has been an effort to describe it as something which was needed in order to impose fiscal responsibility on the Government. My experience here in the Congress has led me to conclude that fiscal irresponsibility is just as much a result of action in the executive branch as it is a result of action here in the Congress. There are many instances where those of us in Congress are fiscally irresponsible. I have witnessed that on many occasions. But I have also witnessed many examples where the executive branch and the President in the budget sent to the Congress were also fiscally irresponsible. So I don't think the case has been made that fiscal irresponsibility is just a province of the Congress.

I do believe we should pass this resolution. I believe that the Supreme Court, when it gets the opportunity, will declare the legislation that enacts the line-item veto to be unconstitutional. I believe the issue will be back before us at that time to see whether we want to do a constitutional amendment. I will urge my colleagues not to do a constitutional amendment at that time.

I yield the floor, Mr. President. I appreciate the time.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The majority has 12 minutes 37 seconds, plus 10 minutes to close, which has been allocated separately. The minority has used up all their time, but they still have 10 minutes to close.

Mr. STEVENS. I yield such time to the Senator from Texas, from my 12 minutes, as she wishes to use.

Mrs. HUTCHISON. Mr. President, I ask that I be notified if I go over 5 minutes, which I don't expect to do.

Mr. President, I appreciate Senator STEVENS' putting this bill forward, along with Senator BURNS, because I think this is exactly the way the process should work. I am, frankly, puzzled by some of my colleagues who are arguing that they aren't going to vote for this bill because they voted for the line-item veto. I voted for the line-item veto. This is exactly the way the process should work. The President vetoes, and the Congress does not take away its right to disagree with the President. The Congress has not taken away its right to override. In fact, that is part of the process. That is the way it is supposed to work.

I don't accuse the President of partisanship. I think he has vetoed projects that he probably considers were not worthy in States and districts represented by Republicans and Democrats. But I do think the President is wrong. I think the President did not have the facts straight, and I think he has vetoed essential projects that the military has asked for, and I think we need to override this veto. In fact, the President vetoed these measures that are operational. Let me just read you a couple of examples: A repair of the launch facilities for missile systems in White Sands, NM; to expand ammunition supply facilities at Fort Bliss; consolidation of B-1B squadron operations facilities.

These are projects the military has said are essential. They are in the military 5-year plan. The reason they weren't in the President's budget is because the President always comes in below Congress in the military budget. Congress believes the military has certain needs for our readiness, and Congress has increased the President's budget every year since I have been here. So it is not unusual that the President would not have in his budget some of the needs that Congress believes are essential. In fact, the President left in many military construction projects at NATO facilities that are exactly the same type of facilities that he vetoed on American bases.

So I think this is exactly the kind of override that the process calls for. The President did not have his facts. The Department of Defense admits that their data was not up to date. The military asked for these projects. They are very important for readiness. And I think it is time for us to exercise our rights as Congress to override the President's veto, not because we think he was sinister in what he was trying to do but because we think he was wrong.

It is Congress' prerogative to do this. I think it is important that we stand by the needs for the military that we have studied and that we believe are necessary, and that we stand by what we did and override the President's veto.

Thank you, Mr. President.

I yield the floor.

Mr. STEVENS. Mr. President, I will yield to the Senator from New York when he comes. I know he wants to make a statement.

But the Senator from Texas has just made the point that I have been trying to make. This is the process of the Line-Item Veto Act. It is the first time we have attempted to use it. This is the override mechanism that is provided by that act, and it was provided by Congress because mistakes could be made. In this instance we now know that mistakes were made.

The statement came to us today from the Office of Management and Budget that admits there was erroneous material given to the President on which they matched against the criteria that they had used under the Line-Item Veto Act to determine whether any projects should be eliminated. We asked for the list of those projects.

My staff tells me we still have not received the ones that mistakes were made on. We have no alternative under the circumstances than to include them all. There are two here that are not included because of the specific requests of the States involved not to have their projects involved. But the administration has now clearly said on the record that there were mistakes made.

The veto message, as I said, violates the spirit and intent of the balanced budget amendment.

That again is why the override mechanism is in the act. This action taken by the administration does not comply with the act. We have a way of saying to the Presidency we intended that money be spent, and we want it spent for these projects.

Let's look at this criteria again that the administration used.

It set forth three criteria, one of which was that the project had to be in the President's budget by definition. In this instance, that was an erroneous criteria because the Presidency had agreed to increase the amount of money that was in the President's budget for defense by $2.6 billion. In the budget agreement that was worked out with leadership. Of that $2.6 billion, $800 million of that was allocated to military construction. Nothing came forward from the administration that indicated that it had any desire to decide where that money went.

So our committee allocated the money. In allocating it, we gave money to these 38 projects. Our criteria was they had to be projects that the military supported. We had a hearing after the line-item veto took place. At that hearing the military witnesses stated that every project on the list was supported by the Department of Defense military people. They were essential to the program. And I believe all but five were in the long-range program. The other five were covered by changes in circumstances since the long-range 5-year program was devised. But they were specifically supported by the military witnesses.

The criteria that the Presidency used to determine whether to apply the line-item veto does not stand up to the scrutiny of this Congress.

I am corrected about one thing. One of the criteria was that no design work had been done. The impact of that is that again there were projects where the information was erroneous that was received by the White House. These projects were in fact underway and could be completed in the next fiscal year.

I thank you for telling me about that.

But the problem of the criteria is they were not designed to find projects that were wasteful, or would increase the deficit.

In this instance, I failed to point out that since we obtained the increase in money allocated to our committee for defense we looked into the long-range program, and we brought up into the 1998 year years that are in the long-range program but were specified to commence at a later time. We did that because some money had already been allocated to those projects by the Department of Defense, and those projects could be more efficiently completed if money was available this year.

My point is these are not wasteful projects. No one can claim that there any one of these projects that meets the criteria of the Line-Item Veto Act will increase the deficit. By definition they are within this budget. They are within the amount that the administration agreed could be spent this year for defense. And, second, they are not by definition wasteful.

Those are the two criteria of the Line-Item Veto Act. The President can use the Line-Item Veto Act to eliminate wasteful projects, or projects that would increase the deficit. Neither apply to any one of the 38 projects.

Under the circumstances, Mr. President, having allocated $800 million to military construction, what we find now, as I said just a little while ago, is a line-item veto eliminates $287 million from the $800 million which was part of the $2.6 billion overall increase for defense. The line-item veto eliminated 35 percent of the money we put into projects to use the increased amount which was available for military construction. That means right now that if the administration goes forward with what is stated in this announcement today from OMB that Senator BYRD has read, they will reprogram money from other projects that have already been approved by the Presidency and move it over to the 18 in which the mistakes were made.

What does that do to the rest of the budget? It means that we are paying twice. We have lost the $287 million, if this bill does not pass. And, in addition to that, they are going to take somewhere in the vicinity of $175 million. We believe it will be $450 million not spent for needed projects, if this bill is not passed.

Mr. President, this is the mechanism. That is why I say I will support and, as a matter of fact, introduce a bill to repeal the act, if this mechanism doesn't work. If there is any example where it should work, it is this one. It is admitted that there are 18 projects on which they made mistakes. They refused to tell us which ones.

I don't know how to handle this when people say you can't do this because this violates the spirit of the Line-Item Veto Act. This is the spirit of the Line-Item Veto Act. And I urge Senators who supported the line-item veto to consider that. If this mechanism is ever to work, this is the point where it should work. If it won't work in this one there is no reason to support this act anymore, in my opinion, because this is really the worst example I could think of a situation where information provided to the President leads the President to line-item veto items that were eliminated by mistake.

Another avenue, of course, is for this to go to court. If it goes to court, and the court finds in the final analysis that the line-item veto is unconstitutional, which is what my good friend from West Virginia says, then the money will be restored thereto.

But let's see if the mechanism works. There are already some court challenges. I don't see any reason to have another court challenge to the Line-Item Veto Act. The Senate and the House ought to do its duty on this and the duty is to try to remedy the mistake that was made when the line-item veto was wrongfully exercised in connection with these 38 projects.

Mr. President, I don't see anyone else seeking time.

I ask how much time remains?

The PRESIDING OFFICER. There are 10 minutes for the majority, and there are 10 minutes remaining for the minority prior to the vote.

Mr. STEVENS. I yield the floor.

Mr. BYRD. Mr. President, Senator SARBANES, the distinguished senior Senator from Maryland, is coming to the floor and he wants 5 minutes. I wish to have the Chair alert me when I have remaining 5 minutes. In the meantime, may I address a question to the distinguished Senator from Alaska?

In the statement of administration policy, we are told, and I quote, "The administration strongly opposes this disapproval bill."

Well, if I understand it, the administration is willing to work with the Congress in restoring half of these items; half of the items. I cannot understand how it can disapprove the bill when it is willing to restore half of the items that are in the disapproval bill.

Also, the statement of administration policy that comes from the Office of Management and Budget says, "The President's action saves $287 million in budget authority in 1998."

In the very next sentence, it says, "* * * we are committed to working with Congress to restore funding for those projects that were canceled as a result of the data provided by the Department of Defense that was out of date."

How much is the President's action really saving? He claims to save $287 million by virtue of the exercise of the line-item veto. But he follows in the next sentence, and says, "* * * we are committed to working with Congress to restore funding * * *"

How much really can the administration claim to have saved?

Mr. STEVENS. It would be very hard, Mr. President, to figure out the net amount. The actual savings would be determined by how much of the projects fall into this year by reprogramming and then how much more money has to be requested next year to pay for the money that is spent for the projects that had been delayed because of the transfer of the money to these projects. I believe that the net will be that there will be $450 million less this year. But I do believe it will increase the cost of defense in later years because of the fact that these projects have been deferred and other projects will be deferred in order to pay for the 18 according to that document.

Mr. BYRD. I thank the distinguished Senator.

I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum, and I ask that it be charged equally to both sides; charge the first 2 minutes to mine, and then bring it down.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have time remaining. I yield to the Senator from New York such time as he wishes, and I reserve the remainder of the time to be equally divided between the Senator from West Virginia and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would very much like to thank the senior Senator from Alaska, the Chairman, for the graciousness with which he has yielded to me. I will not take long.

I want to acknowledge that I am a cosponsor of this legislation. And in the interest of full disclosure, I will say there are two small projects in New York State that would be affected. But the proposition to be addressed once again, as the senior Senator from West Virginia has said, is that the Line Item Veto Act is unconstitutional, and we are already beginning to see the constitutional consequences, the extraordinary increase in the power of the Presidency as against the legislature that is implicit in the newly enhanced bargaining position of the President.

If you want to change this power, which is very carefully set forth in article I of the Constitution, then amend the Constitution. But, Senators, listen to Senator BYRD. Listen, if I might just presume to say, to Justice John Paul Stevens. In the course of our challenge, which reached the Supreme Court last June, the Justices simply said, well, they don't have standing. However, in a powerful dissent, Justice Stevens, who was the only Justice to comment directly on the merits of the case, said they surely do have standing. He wrote of the Act:

> If the procedure were valid, it would deny every Senator and every Representative any opportunity to vote for or against the truncated measure that survives the exercise of the President's cancellation authority. Because the opportunity to cast such votes is a right guaranteed by the text of the Constitution, I think it clear that the persons who are deprived of that right by the Act have standing to challenge its constitutionality. Moreover, because the impairment of that constitutional right has an immediate impact on their official powers, in my judgment they need not wait until after the President has exercised his cancellation authority to bring suit. Finally, the same reason that the respondents have standing provides a sufficient basis for concluding that the statute is unconstitutional.

Again, Justice Stevens said, not only do they have standing but the measure is unconstitutional. Two Federal judges have spoken to this issue: Judge Thomas Penfield Jackson of the U.S. District Court for the District of Columbia—who took just 3 weeks from having heard the case to declare it unconstitutional—and then Justice Stevens.

I can report that three new constitutional challenges have recently been filed and now consolidated, I believe is the term, in the District Court, and we will hear from the Supreme Court before this term is out, I should think.

But in the first instance remember that the large issue here is that of the Constitution. We take an oath to uphold and defend the Constitution of the United States against all enemies, foreign and domestic. I had never thought, Mr. President, when I first took that oath that there were any "domestic" enemies to the Constitution, but now as I look about us, I recall that celebrated immortal line from Pogo: "We have met the enemy and he is us."

Now, there will be time to overcome that. For the moment I simply wish to thank the Senator from Alaska, the distinguished chairman, for an opportunity to express my view on this subject.

I yield the floor.

The PRESIDING OFFICER. Each manager has 4½ minutes remaining.

Mr. BYRD. Each side has 4½ minutes.

Mr. SARBANES. Could I get 3 minutes?

Mr. BYRD. Mr. President, I yield 5 minutes. That will leave how much time?

Mr. STEVENS. Two minutes to each side.

Mr. BYRD. Two minutes to each side.

The PRESIDING OFFICER. The Senator is correct. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the pending measure overriding the line-item vetoes of the military construction appropriations bill.

During last year's debate on the line-item veto legislation, I spoke at length—and I do not intend to do that again today—on how giving that authority to the President would strike a major blow against the intricate, carefully conceived system of checks and balances that the Framers of the Constitution crafted over 200 years ago and that has stood the Nation in such good stead ever since.

With the line-item veto authority, the President needs only one-third plus one of either House of Congress, not even both Houses of Congress but either House, to negate legislation that the Congress has passed and the President has signed—I repeat, legislation that the Congress has passed and the President has signed. Then, after that process, the President can go back in and pull out those items he wants to cancel.

In my view, giving such authority to the President cannot be done by statute, and I believe that the measure we passed last year is constitutionally deficient. I trust when it is finally determined by the courts they will agree. In the meantime, of course, we have to deal with the legislation.

Furthermore, I simply want to point out that as a matter of policy, the line-item veto gives the Executive extraordinary power to determine the priorities of the Nation and to use that power, if he chooses to do so, to pressure Members of Congress on a whole range of other legislative issues. In other words, the Member is told, well, here is this item in this bill that is very important to your State, but on other matters on which I need your support—nominations, treaties, you name it.

A Member of Congress is then under tremendous pressure to support the President's priorities. That is clearly not the arrangement the Founding Fathers envisioned when they established a system based on a sharing of policymaking authority between the legislative and the executive branches of Government.

The Congress of the United States is distinguished amongst legislative branches in the world because it has some real measure of power and authority. This line-item veto approach is, in my judgment, well on its way to eroding that status.

Some asserted during last year's debate that the line-item veto was necessary as a deficit-reduction mechanism. The response from many of us was that to reduce the deficit the Congress need only make the right budget decisions, which in fact we have done as demonstrated by the dramatic decline in the budget deficit.

I am sure that many of my colleagues who voted for the line-item veto last year are having second thoughts after having seen it in action. In fact, the President's use of the line-item veto here does not even track the criteria which the executive branch itself said it was going to use in applying it.

I welcome this opportunity to join in the effort to undo the President's use of that authority. However, my colleagues should realize that as long as this legislation remains on the books, we will be back here time and time again waging an uphill battle against the Chief Executive seeking to impose his set of priorities on the Congress and the Nation.

Mr. President, I yield the floor. I yield back whatever time remains to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes equally divided.

Mr. BYRD. I thank the Chair, and I thank all Senators who have spoken on this important matter. I thank those who take the position contrary to the position I have taken. I appreciate the opportunity to close the debate on this matter along with my dear friend, the Senator from Alaska [Mr. STEVENS].

Mr. President, Cato, the Elder, lived between the years 234 B.C. and 149 B.C. He was a great Roman statesman, and he once went to Carthage and viewed the operations of the Carthaginians and saw the progress they were making in building a prosperous regime and one that had considerable warmaking power. Cato brought back to the Roman Senate some figs that had grown in Carthage just to demonstrate the fact that Carthage was "not very far away, gentlemen. This is a country you had better keep your eye on. You had better watch these people. They are growing stronger every day and they don't live very far away, as evidenced by these fresh figs from Carthage."

And, indeed, that great statesman, Cato, the Elder, henceforth closed every speech, every communication, every letter, with the words, "Carthage must be destroyed!" I shall close this speech now and perhaps some future ones with the words, "The line-item veto must be repealed!"

I yield the floor.

Mr. STEVENS. Mr. President, it is always a pleasure to be in the Chamber with the Senator from West Virginia. But mine is a more mundane task right now, and that is to try to get the Senate to understand that this is the process provided by the Line-Item Veto Act. If it is not followed, the defense budget per se and the military construction budget in general will be lowered. If we pass this act and it becomes law, the President still has control over these projects. He has already reprogrammed money for military projects for Bosnia. Next spring we will face another problem of paying for Bosnia. But should we let $450 million go astray here now because of mistakes? I regret that the mistakes were made, but I hope the Senate doesn't make another one. This bill should be overwhelmingly passed to tell the Presidency the line-item veto is a very discrete mechanism and it must be used with care. Above all, its use cannot be based on mistakes.

I ask for the yeas and nays if they have not been ordered.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—69

Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Hagel
Harkin
Hatch
Helms
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kennedy
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Warner

NAYS—30

Abraham
Ashcroft
Breaux
Bryan
Bumpers
Conrad
Daschle
Dodd
Durbin
Feingold
Gramm
Grams
Grassley
Hollings
Hutchinson
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lieberman
McCain
Nickles
Robb
Sessions
Thomas
Thurmond
Wellstone
Wyden

NOT VOTING—1

Coats

The bill (S. 1292) was passed, as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97–4, 97–5, 97–6, 97–7, 97–8, 97–9, 97–10, 97–11, 97–12, 97–13, 97–14, 97–15, 97–16, 97–17, 97–18, 97–19, 97–20, 97–21, 97–22, 97–23, 97–24, 97–25, 97–26, 97–27, 97–28, 97–29, 97–30, 97–32, 97–33, 97–34, 97–35, 97–36, 97–37, 97–38, 97–39, and 97–40, as transmitted by the President in a special message on October 6, 1997, regarding Public Law 105–45.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, we will not have any further votes tonight. That was the last vote of the night. We do have additional business we are going to do tonight, and we will have somewhere between two and five votes tomorrow morning. I will work with Senator DASCHLE on the timing of those votes, and we will try to get them all in before the noon hour, which is what we have always said we will try to do on Fridays. We may have fewer than that number of votes, but I think a minimum of two. We could have more than that as we deal with procedural motions with regard to the Department of Defense authorization conference report.

I thank Senator DASCHLE for his efforts to work with us on a number of issues, a number of bills that we think we may be able to get some agreement on or get an understanding of how we will proceed. I particularly thank him for his efforts and for the efforts of Senator HARKIN with regard to the Federal Reserve nominees. Therefore, I have a unanimous consent request to make now.

EXECUTIVE SESSION

NOMINATIONS OF EDWARD M. GRAMLICH, OF VIRGINIA, AND ROGER WALTON FERGUSON, OF MASSACHUSETTS, TO BE MEMBERS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar Nos. 305 and 306. I further ask unanimous consent that the time on the nominations be limited as follows:

Senator HARKIN in control of 90 minutes;

Senator D'AMATO in control of 30 minutes.

I further ask unanimous consent that immediately following the expiration or yielding back of time, the Senate proceed to vote on the confirmation of each of these nominations; that following the two votes, the President be immediately notified of the Senate's action; and that the Senate then return to legislative session. I understand there will not be a necessity for rollcall votes on these nominees.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I will do so only to publicly acknowledge the cooperation of a number of Senators, in particular Senator HARKIN. This has been a matter of great import to him. He has been able to work with us to reach this agreement. He is not on the floor at the moment, but he will be soon. I thank Senator HARKIN and a number of other Senators who have expressed concern.

I am very hopeful, as a result of this agreement, we can finish work on these two important nominations as well.

I thank the majority leader. And I have no objection.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. LOTT. Mr. President, while we wait on the Senators to come to the floor, and so that we can discuss other matters, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

The clerk will report the two nominations.

The bill clerk read the nominations of Edward M. Gramlich, of Virginia, to be a member of the Board of Governors of the Federal Reserve System, and Roger Walton Ferguson, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve System.

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the time will be deducted equally.

The absence of a quorum is noted.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I would like to continue the discussion that I began a few days ago about the monetary policy of the Federal Reserve Board as it pertains to the two nominees that are about to be before the Senate for confirmation. Again, as I said before, I do not take this time in any way to try to keep these two nominees from being on the Board. I have met with both of them. They are fine individuals. I just happen to think, as I will state a little more in depth later, that their economic philosophy and their positions on what the Fed ought to be doing are just too much in line with the present thinking at the Fed. And I think that is going to cost us dearly in the years ahead.

Having said that, I don't intend in any way to try to block their final confirmation. But I wanted to take this time of the Senate to talk a little bit more about the monetary policy of the Fed and what it is doing to this country.

In testimony before the Joint Economic Committee yesterday morning, Mr. Greenspan said he would welcome a debate on whether or not the Federal Reserve should make inflation its sole goal, or whether there should be a balance between lowering unemployment and fighting inflation. Well, I welcome that opportunity. I hope my statements from Monday and today will help begin the debate on this important issue. It is an important issue and it affects every American. It especially affects working Americans and their families. Fed policy--basically the decisions they make—tells every American family how much they are going to have to spend on their car payment or home mortgage payment, or whether or not they are going to be able to put away some money for a college education for their kids. It affects every American family. Yet, we seem to just sort of let monetary go by the way, without ever calling into question the assumptions and reasons behind the decisions of the Fed.

There seems to be this sort of attitude that, well, if the Fed says it, it must be true. What can we do about it? Aren't they independent? Don't they operate independently? That is true. They do. But the Federal Reserve is not a creature of the Constitution. It does not have a constitutional framework in which to operate. The Federal Reserve was set up by Congress; it is a creature of Congress. We represent the people of this country. I don't think Congress ought to be in the position of making monetary policy on a day-to-day basis. Far be it from that. I do believe the Fed ought to have that independence, but I also believe that the Congress ought to exercise judicious oversight over the Federal Reserve and carve out, guide, and direct the Federal Reserve in the area in which we believe it ought to go in setting its monetary policy.

I think the question should be asked, "How independent really is the Fed?" Is it not really made up of the major banks of this country and the major lending institutions? How really independent are they? We do have a Board of Governors and, obviously, they are not all bankers. There are economists, people like Mr. Greenspan, and others not in banking. I believe one of the new nominees was an investment banker prior to his coming on the Federal Reserve Board of Governors. You wonder sometimes really how independent they really are. I think the Congress has every right and responsibility to the people of this country to help set the policy and guidance for the Federal Reserve.

Now, much of the Federal Reserve's policies are driven by what I have now come to believe to be a very arcane concept called NAIRU, the nonaccelerating inflationary rate of unemployment. I doubt that one in a million Americans even knows what that means. But it is a guiding principle of the Fed, and it has determined that interest rates will remain high for working Americans. Because of NAIRU and because of the grip that this arcane concept has on the Fed, we have unduly high interest rates today, higher than our historical averages, higher than what is warranted by the rate of inflation out there.

Well, NAIRU says is that if unemployment goes below a certain level, then inflation will take off—not just increase, but it will accelerate at such a rate that only unusually high interest rates could ever stop it. Well, as I said Monday, NAIRU has been proven to be inaccurate. It was once believed that inflation would accelerate if unemployment went below 6 percent. They said if it goes below 6 percent, look out, inflation is going to take off. Well, it went below 6 percent and inflation didn't take off. Well, the believers in this concept said, we were just wrong, it is really 5.5 percent unemployment. Well, then it went down below that. Then they said it is 5 percent. Surely, if we get to 5 percent unemployment, boy, inflation is going to take off. And because of that, we saw the Federal Reserve, under Mr. Greenspan, double the interest rates, the Federal funds rate, from 3 percent to 6 percent in 18 months. I believe it was in 1993 and 1994 when they increased those interest rates—or 1994 and 1995. In an 18-month period of time, it went from 3 percent to 6 percent because they said unemployment was getting so low that we are going to have to raise interest rates to keep inflation in check.

Then unemployment went below 5 percent, and still no signs of accelerating inflation. And the Fed admits there are no sings of accelerating inflation. And, despite no signs of this, the Fed is still willing to raise interest rates through the use of its so-called "preemptive strike." I don't understand the justification for an interest rate hike based on an assumption that sometime in the future accelerating inflation may occur. We don't know when but sometime down that road it may happen. So, therefore, we have to jack up interest rates now.

In fact, Alan Greenspan admitted that "economic understanding is imperfect and measurement is imprecise. . . ." If the Fed's measurements are imperfect and they are not precise, how can we assume that the Fed knows what it is doing when it launches one of its preemptive strikes? We don't know, because, first of all, the Federal Reserve Board meetings are kept secret for 5 years. Why? There is no reason to keep their Board meetings secret for 5 years. I would think that at least after 1 year we ought to at least be able to look at their Board meetings and find out why they decided to do what they did.

So we have a Fed that uses an outdated concept to fight inflation when it might not even know how much inflation is actually in the economy.

Again, what we need to understand is that there is a difference between rapidly accelerating inflation and modest inflation. Mild inflation may redistribute income—causing some pain to those who are unemployed—but it doesn't destroy employment, and in fact may even be beneficial in terms of more employment and rising incomes.

To quote James K. Galbraith, a professor of economics at the University of Texas, "It therefore makes little difference, from the standpoint of inflation dangers that matter most, whether one pursues low unemployment or not. The inflation costs of lower unemployment are small, tolerable, and easily reversible, if necessary—and that is using pessimistic assumptions. The dangers of an external supply shock, though much greater, are not closely related to the rate of unemployment, and cannot be reduced by a slow-growth policy. The lesson to be drawn is that there is no benefit in failing to pursue full employment."

To further quote Galbraith, "Therefore, at a minimum, policy should do nothing to slow economic growth. Let the economy grow. And if growth slows, policymakers should react quickly by lowering interest rates in an effort to keep progress going. There is certainly no benefit from slower growth and rising unemployment while the inflationary costs of a stimulative policy in response to evidence of a slowdown are speculative and small."

However, there may be greater risks posed to the economy should the Fed continue its all-out effort to fulfill the bond market's goal of zero inflation.

And that really is what Mr. Greenspan is after. They want zero inflation. But I believe that may pose a very great risk to our country. Last summer, George Akerlof, William Dickens, and George Perry of the Brookings Institution published a study called "The Macroeconomics of Low Inflation." Their study argues that controlled amounts of modest inflation are beneficial to the economy by preventing very high enduring levels of joblessness. In sum, this paper suggests the economic and social costs of getting to zero inflation, otherwise known as "price stability," are far higher than most economists believe.

To quote the study, "The main implication for policymakers is that targeting zero inflation . . . will lead to a large inefficiency in the allocation of resources, as reflected in sustainable rate of unemployment that is unnecessarily high."

I raise this point because zero inflation—"price stability," as it is otherwise known—is the stated goal of Mr. Greenspan and the two nominees to the Federal Reserve Board, Mr. Gramlich and Mr. Ferguson.

Again, to quote Mr. Greenspan in his 1997 Humphrey-Hawkins testimony, "The view that the Federal Reserve's best contribution to growth is to foster price stability has informed both our tactical decisions on the stance of monetary policy. * * *"

Mr. Gramlich stated, "In the long run, the most fundamental of these objectives is stable prices."

Mr. Ferguson said, "Price stability should be a central goal of monetary policy."

What concerns me is that in their blind pursuit inflation based upon this arcane notion of NAIRU, that we are coming very dangerously close to deinflation. It may even be there right now.

Over the past year the core inflation rate, measured by the Consumer Price Index, has increased by approximately 2.2 percent. But Mr. Greenspan and others say the CPI is overstated by as much as 1.5 percent. That means we might have basically zero inflation in our country.

So what happens when you reach zero inflation? Beyond the question of the Federal Reserve's policies on incomes of average people, which I mentioned on Monday and which I will talk about shortly, my concern is about the real possibility that the Fed may send our economy and the world's economy into a serious period of deinflation.

In the United States, expectation of accelerating inflation is shrinking significantly. We brought down our budget deficit to where it is practically nothing. So we have our fiscal house in order. Inflation is very low. Unemployment is going down. But the Federal Reserve and the nominees before us see zero inflation at the end process. But, in fact, zero inflation is a point on a continuum. You can have inflation. You have zero inflation. Then you have deflation.

I believe right now we are on the precipice of risking a destabilizing situation which may push us into a deflationary period.

So I think deinflation to me right now is more scary than modest inflation. I believe that a serious escalation on that side—deinflation—is more likely over the next 5 years than significantly higher inflation. Yet, the Fed is paying no mind at all to that.

The old "pay any price, bear any burden" to battle inflation has prevented the American economy from reaching its full potential. And what it has done is it has said to the middle class that you get less and less of growth of our economic pie.

Before I yield to the Senator from North Dakota, I want to point out what is happening here with the distribution of the economic pie, as we see it. This chart says it all. If you are in the top 20 percent of the income earners of America, you are getting a larger and larger portion of the income in America. But if you are in the bottom 20 percent—actually, if you are in the bottom 80 percent—you are getting less and less. It is the top 20 percent that is getting more and more of the growth in the economic pie of our country. Again, that is because we have kept the inflation rates artificially high.

That seems to make sense when you think about it. Who likes high interest rates? If you have money you like high interest rates. If you do not have money, you are a low-income American, and you are a working family wanting to buy a new car, or new home, or put away some money for your kids' college education, borrowing money for college education, you are hurt by high interest rates.

Again, this chart also spells it out. "Labor and Capital Shares of National Income, 1993–1996." If you look at the percentage share of national income, what we make as a Nation, labor's share since 1993 has gone down, and is continuing down. But if you look at capital's share, from 1993 to 1996, it keeps going up. That is because of the policies of the Federal Reserve System. More money is going into capital; less and less going to labor.

Again, this chart also shows it. This shows the corporate profit rates and median weekly earnings, 1989–1996. If you look at the corporate profit rate since 1993 it has skyrocketed.

Keep in mind that Alan Greenspan and the Federal Reserve jacked up interest rates—doubled the Federal funds rates—in 1994 and 1995. Look at that tremendous increase in corporate profits. Yet, look at median weekly earnings during the same period of time. Down they have come, especially after 1993.

So, again, more and more of our national income is going to corporate profits, and less and less is going to median weekly earnings of the families of this country.

We have all seen what has been happening on the stock market the last few days. One person from the administration called me the other day and alluded to the fact that my holding up these two nominees sent the wrong signals to the financial markets. I said, "What about the signals we are sending to working families?" What about those people out there working hard with maybe two jobs or maybe three jobs with the husband and wife trying to make ends meet, trying to borrow money for a home or a car? What about signals to them? We are not sending any signals. All we are sending to them is higher and higher interest rates all the time.

The high rates of interest, I believe, are slowing the growth of our economy. And, more than that, it is redistributing the growth that we have in such a way that those at the top—the top 20 percent—are getting more and more of national income. The bottom 80 percent are getting less and less.

Again, just before the Federal Reserve began its series of rate hikes in 1994, the Federal funds rate was nearly zero. This chart shows what happened on real interest rates.

They are higher than people think; higher than historical rates. Here they were in 1994. The real Federal funds rate was about one-half percent. Today it is about 3.3 percent. They have come up, and they have stayed up during this entire period of time. So we have higher real rates than we have had before during a period of time when there was absolutely no signs of accelerating inflation in our economy; none whatsoever. Why are these interest rates still high?

It is because the Fed has a misguided policy called NAIRU.

I would like to discuss this chart entitled "Alan Greenspan and Long-Term Interest Rates." It is interesting that every time interest rates, long-term interest rates, start to come down, Mr. Greenspan gives a speech, and interest rates go back up. Back here—this was last year—Mr. Greenspan gave a speech. He called said the stock market was characterized by "irrational exuberance." What happened? Well, interest rates started going up.

Then interest rates started to come down again. Then Mr. Greenspan gave his Humphrey-Hawkins testimony and hints that the Fed may change its interest rate policy. Interest rates go up again.

Then the market forces start to bring interest rates back down again. And then again just this month Mr. Greenspan testifies before the House Budget Committee, again drops subtle hints that in fact the economy is overheated, things are going too fast or maybe there is the specter of inflation. Interest rates start up again. And yet there is absolutely no sign of any inflation. In fact, I think a case can be made that we are right now near zero inflation in our country.

This is the time when labor's share ought to be a little bit better. This line ought to start going up. This line ought to start going up so our working families get a better share of the income of our country, and yet the policies of the Federal Reserve System will not let that happen.

Mr. DORGAN. Mr. President, will the Senator from Iowa yield for a question?

Mr. HARKIN. I yield to my friend from North Dakota, who has been a leader on the subject of fighting for working families and getting the Fed to follow some good, old common sense. I am delighted to yield to my friend from North Dakota.

Mr. DORGAN. If the Senator will allow a discussion here briefly, I appreciate the Senator taking the floor to talk about the Federal Reserve Board and these nominees. I come not so much to talk about these two nominees but to discuss just a bit about where we are and where we are headed with the Federal Reserve Board policies.

If you go back a century or a century and a half ago in this country, you could go from barber shops to barrooms and hear debates about interest rates. All over this country we debated interest rates. In fact, just go 30 or 40 years back, and you will find that Lyndon Johnson called the head of the Federal Reserve Board down to a barbecue at his ranch in Texas and squeezed him, almost broke his bones, I am told, in his shoulder area because the guy was trying to increase interest rates by one-quarter of 1 percent. That was in the 1960s.

Now the Federal Reserve Board has a big concrete edifice downtown with these money-center bankers who sit inside of it and they decide where the interest rates are going to go, and it doesn't matter what the country thinks.

Whose interests do they serve? Well, when they shut the doors down at the Federal Reserve Board and make decisions about interest rates, they call in on a rotating basis the presidents of the regional Fed banks, and they vote on what interest rates ought to be.

Now, who are the regional Fed bank presidents? And who are they responsible to? Were they ever confirmed by the Senate? No. They were hired by a board of directors in their region. Who are the board of directors? Money center bankers. Whose interest do they represent in setting interest rate policy at the Fed? Bankers. It is bankers getting together, meeting with other bankers, to establish the interest rates.

Is that in the interest of the American people? I think not.

I have from time to time come to the floor of the Senate and suggested that my Uncle Joe should be appointed to the Federal Reserve Board. My Uncle Joe is a good guy. He is kind of semiretired now but a good guy, smart guy. He used to fix generators. He knew how to fix things.

There is nobody at the Federal Reserve Board who knows how to fix anything. They all come from the same area. They all look the same. They all wear the same suits. They all have the same educational background. If you put them in a barrel and shake it up, the same person winds up on top—gray suit, Ivy League background. Normally he would have worked for the Federal Reserve Board in the past. They are an economist, which is psychology pumped up with helium, as I said in the past. And they are like the old Roman augurs who used to read the entrails of cattle or the flights of birds in order to portend the economic future. They sit down there now behind this concrete edifice telling us about interest rates and then vote, and they make them stick.

Here, when we talk about taking money out of people's pockets in the form of taxes, we have these extended debates, but when they take money out of people's pockets in the form of higher than are justified interest rates, it is done behind closed doors in secret at the Federal Reserve Board and there is no debate at all and no accountability for it.

The reason I want to pipe up a bit here on this is the Senator from Iowa makes the point interest rates are higher than they should be, and he is absolutely right. There is no historic justification given where inflation is today for interest rates that exist at the Federal Reserve Board. There is no justification for it at all. It means, in terms of where they set short-term interest rates, that the prime rate is too high and every other interest rate paid by every other American business and consumer is too high. It is a tax that is unjustified and enforced against every family.

Now, no one has ever taken me up on the suggestion my Uncle Joe go to the Fed. The reason I suggested Uncle Joe is that my uncle would sit in there, I assume, and say, "Well what's this mean to the person out there on Main Street? What's this mean to the person who has a little business or who's borrowed some money to start a business? What's it mean to that person?"

That is not discussed. It is just a closed group of people who kind of come from the same background, and they just keep talking and they decide what they are going to do in a closed session.

I know the Senator from Iowa remembers I have brought to the floor of the Senate, just as a public service, a chart from time to time with all the pictures of the Fed Board of Governors, where they came from, what their education background is, how much money they make, along with the regional Fed bank presidents so the American people can see who's voting on interest rates. They need to see that.

Now, I might make one other point. I appreciate so much the indulgence of the Senator from Iowa.

Mr. HARKIN. This is a good discussion.

Mr. DORGAN. This is the last living dinosaur. It truly is. There has been a revolution of sorts in virtually every public institution. We have reformed welfare. We have tackled the budget deficit. We have done a lot of things in town in public policy. But guess what has not changed at all. The Federal Reserve Board. Nothing. No change.

We had the GAO do an investigative analysis of the Federal Reserve Board. What we discovered—and I can put some of this in the RECORD at some point—was that while they were telling everybody that we need more austerity, telling Congress you need to tighten your belts, they were down there overeating, spending more and more each year.

The report, a one-of-a-kind study that took 2 years to assemble, called into question a whole series of practices with respect to the Fed's building accounts, contracts they are involved with. But the interesting part of the report was—it was a large report. The little nub of it, which is the hood ornament on the excesses at the Federal Reserve Board, is that the Federal Reserve Board has squirreled away $4.3 billion, and I will bet most Members of the Senate don't know it's there. When we actually had the report done, it was about $3.7 billion, roughly. But now it has grown to $4.3 billion as of the 15th of this month—$4.3 billion.

Mr. HARKIN. Might I ask the Senator, if he will yield, what is that money used for?

Mr. DORGAN. That is a contingency fund set aside to absorb possible losses or what a family might call a rainy day fund. Now, the Federal Reserve Board has been in existence I guess about 80 years. Roughly 80 years.

Mr. HARKIN. More than that. 1912, I believe—1916.

Mr. DORGAN. For 80 consecutive years the Fed hasn't had a loss and it will and never will have a loss. You can't have a loss if you are the Federal Reserve Board. Your job is to create and make money, and you do it routinely on a guaranteed basis. So the question is this. Why would an institution that will never have a loss in the future, squirrel away $4.3 billion of the taxpayers' money in a rainy day fund?

The GAO, the General Accounting Office, the investigative arm of Congress, asked that question. In fact, they are the ones who discovered it. I did not know it existed.

Mr. HARKIN. I had no idea.

Mr. DORGAN. They asked that question, and the Federal Reserve Board actually gave them three or four different excuses for it. Essentially, when you boil it down, they said we need this for a contingency, for a rainy day fund.

The GAO said simply that money ought to be given back to the American taxpayer; $4.3 billion. I wonder how many Members of the Senate know that sits down there in an account for an agency that will never have a loss. They have squirreled away $4.3 billion.

The GAO says this ought to go back to the taxpayer. What is the Fed's response? No response. It doesn't have to respond to anybody. It is not accountable. It doesn't respond to you, to me, to the Congress, to the GAO. It is its own institution.

It was not supposed to be that way. It was not supposed to be a strong central bank, unaccountable to anyone. It has become the last living American dinosaur: up on a hill, the big fence, locks on the doors. They make decisions behind closed doors. They call in their local bankers and make their decision on interest rates. They serve their constituents, not ours, and that is the public policy.

Mr. HARKIN. I do not know a lot about the Fed's internal operations. The Senator has looked at it a lot closer than I have, and he has given us some information I did not know. But when the Fed Board meets to make its decisions, do they in fact meet behind closed doors?

Mr. DORGAN. Oh, sure.

Mr. HARKIN. Could I go down and sit in on it? I don't know. Can anyone sit in on those meetings?

Mr. DORGAN. Let me suggest the Senator try that. In fact, I might be willing to go with him, and we will find, I assume, a reasonably comfortable chair—since I am told they buy great furniture down there. They will provide us a chair outside the room. Do you think the Chairman of the Federal Reserve Board and his colleagues on the Open Market Committee, the Board of Governors plus five rotating regional Fed bank chairmen who convene to make interest rate policy—do you think they are going to invite you in and say, "Do you want a glass of water or cup of coffee? And, by the way, while you are here, we would like you to sit in this chair because we would really like your advice."

Do you think that is going to happen? The answer is of course it is not going to happen because this is the last American dinosaur. It operates in secret, makes decisions without public debate because there isn't debate inside the Fed except inside a closed room among bankers.

I know there are some of us who very strongly believe we should have some Fed reforms. I won't go on much longer because I know the Senator has other things to do.

Mr. HARKIN. Would the Senator yield? I just asked my staff—I was unaware of this—I am advised there are no small businessmen or businesswomen on the Federal Reserve Board. I understand they are all bankers or economists. I will further look into this, but that is what I was told. I do not think a such an important decision-making body should be comprised of persons representing two select groups of our society. This is also a nation of small businesses and farms. Small businesses are the ones that employ people. They are the backbone of our economy. If that is true, that there is not even one small businessman or woman on the Federal Reserve Board, it is shocking.

Mr. DORGAN. That's why I want my Uncle Joe there. You are right. I pointed out the Federal Reserve Board—I know they won't like to hear me say this—but the Federal Reserve Board has largely been comprised of people you can just cut out with a cookie cutter.

Incidentally, you and I come from the same part of the country. We have had the sum total of three, three people from our part of the country as a member of the Federal Reserve Board of Governors since the beginning of the Federal Reserve Board, over 80 years ago—three.

Mr. HARKIN. They probably don't want to make that mistake again, do they? If people from the Midwest are appointed to the Board, they might question some of the Fed's policies.

Mr. DORGAN. There are some people out in the middle of the country, between the two coasts, who think we are more than just time and space, that we are part of the country and we are producers and we have a significant interest in what the interest rates are, how much economic growth this country enjoys and so on. That is why I really feel, when we talk about who should join the Federal Reserve Board, who we should confirm, I hope in the future we can finally get to some people who are outside the mold, who can say in those meetings, as they sit in those meetings, "Gee, what impact does this have? What are we justified in doing here in monetary policy, not just for the interest of banks but for the interest of businesses on Main Street, for the interest of manufacturing plants, and for the interests of mom and pop who are at home, borrowing money trying to send kids to school, maybe trying to start a business?'' Those are the questions that I think are not asked because you have a single objective at the Fed at this point and that is they have decided to pursue, as you correctly pointed out, a zero inflation rate.

Mr. HARKIN. Yes.

Mr. DORGAN. We have had twin economic goals in America, generally speaking: Stable prices and full employment. But we don't have twin goals at the Federal Reserve Board.

Mr. HARKIN. It is funny how oftentimes I will talk with people from my State of Iowa about the place of the Federal Reserve Board on monetary policy there seems to be a perception among a lot of people in this country that we have the Federal Reserve Board to not only prevent inflation, but to keep us from going into a depression. I find a lot of times when I tell people that, look, the Federal Reserve Board was in existence for over 20 years prior to the Great Depression of the 1930's, the Federal Reserve Board was in existence, yet they didn't prevent the Great Depression and they did nothing to help us get out of it—that is kind of startling to people, to hear that actually happened. The Federal Reserve Board was in existence when we have had a lot of slowdowns and recessions in our country, yet nothing happened. People are amazed at that.

I think one of the reasons for the Fed's existence is to make sure we don't have those kinds of recessions and deflations in our country about which I have just spoken and which I think we are very dangerously close to right now. So I think a lot of people in this country have a mistaken idea. I think it is because we don't have a good debate on monetary policy.

I just say to the Senator from North Dakota, talking about his cookie-cutter images of people on the Fed, I met with both of the nominees, Mr. Gramlich and Mr. Ferguson. They are nice, nice individuals. They are very pleasant, obviously very smart, very learned individuals. They are successful in their respective careers. But from what they told me and from their statements before the committee, they are just going to sing out of the same hymn book; the same song, second verse, same thing that they hear down at the Fed.

I said I would like to hear some people down at the Fed who would say, "Wait a minute, let's have a different view on this." One of the things I like about the Senate, or the House of Representatives where we, the Senator and I, both served before, is not everyone here believes the same thing. You get good discussions and good debate on almost every issue. Out of that I think you get policies that are better for our country. But if everyone thinks the same, you are not going to get good policies that really benefit our country. That is what I am afraid of. At the Fed you just have one line of thinking and whoever gets nominated by the President and gets put on that Board, they think the same.

Mr. DORGAN. There is an old saying, when everyone in the room is thinking the same thing, no one is thinking very much.

Mr. HARKIN. Yes.

Mr. DORGAN. We had a recent example at the Federal Reserve Board. We sent someone down there who I think had pretty good promise, kind of a different-thinking person. He didn't last too long. At least some of the discussion in the papers about why this fellow left the Federal Reserve Board—I am told it is because he was not accommodated very well. You know, he didn't think the same, so he was sent over to a corner there and wasn't involved in policy very much. The result was that it was not a place he wanted to stay, because it wasn't a place for dissenters or people with opposing views.

I will finish by simply saying—

Mr. HARKIN. I yield further to the Senator.

Mr. DORGAN. By simply saying the Senator from Iowa does an important service, it seems to me, in a Senate that is empty, pretty much, on an issue of monetary policy and Federal Reserve Board issues, when very few people are willing to discuss or debate or advance these issues. The Senator from Iowa is willing to do that. For that, I am enormously appreciative.

I know neither of us is going to be given an award, Man of the Year Award, by the Federal Reserve Board or any of the regional banks, and I accept that. But I do think it would serve this country's better interest to have a significant debate about what kind of monetary policy is good for all of our country, good for working families, good for businesses, good for Main Street and Wall Street—good for banks, yes, because we want banks to do well as well as the rest of the American economy. But we have such a lack of thoughtful debate about monetary policy. The two policies of monetary and fiscal policy are the policies that determine whether we have an economy that is doing well.

The Senator made a very important point. We had recessions and depressions before we had the Federal Reserve Board and we have had recessions and depressions since. Has the Federal Reserve Board done some good things? Yes, I think so. I think in times of difficulty they have made some tough decisions. I think in times of fiscal policy excess they have put the brakes on, in monetary policy. I think there are a number of things that I can point to about the Fed and say, "Good job, we are glad you were there." But there are other circumstances in which I think it is important to say to the Fed, "You have a responsibility in public policy to do more than just represent bankers' interests, more than just represent your single-minded goal that ignores the needs of a whole lot of the American people." I don't stand here saying that I think we ought to do things that advance more inflation in our economy.

Less inflation is better for our economy, and the global economy is what has largely produced a lower rate of inflation. But it is also very important, having the aggressive debates we have in fiscal policy, in monetary policy for us to foster the opportunity for those same debates about what kind of policies benefit whom and how and why. That is what the Senator from Iowa does. I think it is a significant service for him to be here and do that. I am pleased to come out from time to time and be involved in the discussion with him.

Mr. HARKIN. I appreciate what the Senator said, and I appreciate his longtime involvement in this issue. I hope that we will take time in the Senate and the House to really have some more discussions on monetary policy and on the Federal Reserve System.

I hope that sometime soon we might even entertain some legislation to change the operation and the functioning of the Federal Reserve System. As the Senator from North Dakota said, it is a dinosaur; it hasn't changed. We try to change the way we operate around here. The Federal Government is undergoing reorganization. But the Federal Reserve just keeps on the same way it has been doing things year after year, and it never changes.

I think perhaps we would be well advised to think of legislation to perhaps change some of the operations of the Fed and have a good healthy debate on how the Fed is structured, what its responsibilities are, how nominees are selected, how they are approved and whether or not we might want some different voices and different kinds of people periodically on the Fed to take a look at what they are doing.

Should their meetings be secret? Should they be secret for 5 years? I don't know. I tend to think they shouldn't be secret for 5 years. I have said that one year might be an appropriate period of time. Some said why even a year? I had to think, why even a year?

I believe we must have some sort of time limit because you don't want markets to fluctuate drastically due to speculation on the Fed's decisions. But, Mr. President, isn't it true that markets always operate the best when there is transparency? I have served on the Agriculture Committee for many years. I have looked at the commodities markets, and we have always said that when you have transparency, that is when markets function most efficiently. It is when things are hidden and no one knows what is going on and you have a few people making one decision behind closed doors that affects thousands of others, that is what skews the market.

The market works best when there is transparency, and if you have a Federal Reserve System operating behind closed doors, with secret meetings and their minutes are kept secret for 5 years, I believe that more than anything skews the financial markets. Secrecy does not provide for a more orderly functioning market system.

Mr. President, in all of this debate, we can talk about monetary policy and what it all means. It gets kind of arcane and people's eyes get a little bit heavy. Sometimes we have to bring it home, who and what are we talking about. We are talking about Ken Bishop, a senior records clerk for AT&T in Morristown, NJ. This is an older story but still very appropriate. Mr. Bishop has endured two rounds of layoffs, commutes 110 miles a day, works two jobs, yet his family income remains stuck at $40,000 a year, right where it was 10 years ago. But 10 years ago, he owned his own home; now he rents. His wife works two jobs at times, and he still owes money.

So when AT&T said it would lay off another 40,000 workers, the 48-year-old Bishop said, "You stop and look at this and say, "When is it all going to end?'"

Or it is about Cynthia Pollard. Two years ago, she was making $40,000 a year selling computers. She wore suits and heels to work, lived in a tony Atlanta neighborhood and ate out often. Then the company closed its Government division and Pollard was laid off.

Between jobs without health insurance, she totaled her car and suffered a pinched nerve. Now she is a waitress earning half her former salary, taking the bus to work, too exhausted from 14-hour days to even think about going out.

These are the people we are talking about. We are talking about labor's share, working people's share of the national income.

Since 1993, it has been on a downward track. Capital share of growth in this country keeps going up and up. What that means is a further widening of income and wealth in our Nation. The middle class is being shoved further and further down, and this chart shows it. This chart represents a change in the share of income received by each quintile, each 20 percent of our income earners in America. The top 20 percent of income earners are getting an increasing share—this is a percentage—an increasing share of our national economy at the expense of the other 80 percent.

The lowest 20 percent, that is low income. Obviously, they are getting squeezed the hardest. Up here you have middle-income people and their share of our national income is going down as well.

I believe that spells a great danger for our country, more dangerous than this specter or this fear or this ghost of inflation that the Federal Reserve System keeps saying they want to fight at any price. Well, this is the price we are paying right here, a tearing apart, I believe, of our American middle class.

Why? Why is it that unemployment can come down and inflation won't go up? Why is it that NAIRU is outdated and arcane? It is because we live in a new world where prices can decline because of fierce international competition?

For example, over the past few months, we have heard announcements from most of the major automakers. They are either going to hold their 1998 model prices at the 1997 level or even lower because they are facing competition both domestically and internationally. Companies are more aggressive as they cut costs. There is a spreading anti-inflationary mentality among individual and corporate consumers.

For example, Larson Manufacturing, a storm door manufacturer with operations in my home State of Iowa, raised workers' wages by 4 percent over the past year despite pressures to keep his prices flat. Mr. Jack Welch, the CEO of General Electric, said: "There is absolutely no inflation. There's no pricing power at all."

> All of this means we can have fuller employment, higher incomes, a better share of our national income for labor, for working people without having any inflation.

Again, I will quote an article by Greg Jaffe in the July 31 Wall Street Journal:

> Many economists are increasingly concluding that with fundamental changes in the world of work—for now at least—the unemployment rate does not mean exactly what they thought it meant: There are far more people than ever before who don't think of themselves as unemployed but will take jobs they find appealing. Far more people are available for employers than the unemployment rate suggests."

How many times do we pick up the paper and see that some company has opened a new division and they put out the hiring notice, and if the wages that they are paying are even modestly over minimum wage, they can advertise for 200 positions and 1,000, 2,000, 3,000 people will show up for jobs that pay just a little bit more than minimum wage? This shows Americans are desperate for higher paying jobs. But to get higher paying jobs, we need a healthy, vigorous, growing economy.

We also have to recognize that more people are entering the work force, that combined with increasing productivity will allow our economy to grow at a faster rate. We have a welfare-to-work program. We have a lot of people on welfare that are now going to be coming into the work force. And, quite frankly, we have a lot of women who have not entered the work force before who may float in and out of the work force.

I will repeat again from the article by Mr. Peter Huber in the Forbes magazine of September 8, 1997. He said:

> Officially speaking, America hasn't yet discovered microwave ovens or women's lib. Bone-weary though she may be, the stay-at-home mother doesn't labor at all in the eyes of employment statisticians. But she could, easily enough. With one new mom working at a day care center, three other moms can enter the official work force when they choose. So long as many women remain ambivalent about where to work, in the home or out, the supply of labor will remain far more elastic than the statistics suggest. Memo to Alan Greenspan: Wire roses to Gloria Steinem.

The article goes on to say that:

> If the officially audited supply of labor keeps falling and the price doesn't rise—

Which is what has been happening—

> then we must either give up on economics completely or conclude that there's more to the supply side of labor markets than meets the official eye. Perhaps it's simply that American women, Mexican men and Intel's progeny have all become good substitutes for what the official statisticians call U.S. labor.

Anyway, Mr. President, I ask unanimous consent that Mr. Huber's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Forbes, Sept. 8, 1997]

WAGE INFLATION? WHERE? (LABOR STATISTICS LOSE PREDICTIVE VALUE)

(By Peter Huber)

HERE'S WHY STOCK PRICES are really supposed to fall. Employment rates rise above some critical flash point. So wages rise sharply. So prices of goods rise—just as rising wages are boosting demand. Inflation soars. So interest rates go up. Stock prices crash.

This is a perfectly sound theory, but it requires some facts. Where's the critical flash point? Do the employment statistics mean what they used to mean? Do they mean anything at all?

Officially speaking, America hasn't yet discovered microwave ovens or women's lib. Bone-weary though she may be, the stay-at-home mother doesn't labor at all in the eyes of employment statisticians. But she could, easily enough. With one new mom working at a day care center, three other moms can enter the official work force when they choose. So long as many women remain ambivalent about where to work, in the home or out, the supply of labor will remain far more elastic than the statistics suggest. Memo to Alan Greenspan: Wire roses to Gloria Steinem.

Labor markets have stretched into the home; they have also spilled out of the country. A U.S. multinational doesn't raise wages in Maine if it can shift production to a more elastic labor market in Mexico. Even the all-American producer in Kansas can't raise wages or prices much if it competes against imports from a wage-stable Korea. Labor statistics, in short, don't mean much unless they track where goods are produced and

> consumed. The more transnational economies become, the worse the tracking gets.
>
> Then there's silicon. It takes a mix of capital and labor to manufacture a mousetrap, and economists have always allowed that the mix can change. In the past, however, the substitution effects were slow. You could hire and fire workers a lot faster than you could acquire or retire machines and buildings. So ready supplies of capital didn't discipline the price of labor in the short run.
>
> Is that still true? Computers are getting easier to deploy, smarter and—because of rapid innovation and falling costs—shorter-lived. Many a manager can now expand production as easily by investing an extra dollar in chips or software as he can by hiring new workers. Technology can have a powerful wage moderating effect long before silicon becomes a complete substitute for sapiens. All it takes is enough substitution at the margin.
>
> The substitution is happening. Productivity, it now appears, has been rising a good bit faster in recent years than government statisticians recognized. Three new working moms with computers produce as much as four old working dads without. Add newly minted Pentiums to the ranks of those in search of useful work, and unemployment statistics look very different.
>
> None of this will tell you whether to go long or short on General Motors next week. It's just that the next release of official labor statistics probably won't, either. Like a drunk searching for his keys under the lamppost rather than in the shadows where he lost them, the government statistician counts where the counting is easy. But the three great economic stories of our times—women in the work force, global trade and information technology—offer no easy counting at all. The counters are good with things that sit still. Women, foreigners and chips keep moving.
>
> This much we do know for sure. If the officially audited supply of labor keeps falling and the price doesn't rise, then we must either give up on economics completely or conclude that there's more to the supply side of labor markets than meets the official eye. Perhaps it's simply that American women, Mexican men and Intel's progeny have all become good substitutes for what the official statisticians call United States labor. Maybe welfare reform is effectively expanding labor pools, too. In any event, running out of old bread creates neither famine nor inflation when there's a glut of new cake.
>
> According to official statistics and economic models, a supply-side crisis in labor markets should have reignited inflation some time ago. Investors may indeed be crazy to ignore this indubitable, though theoretical, truth. But if so, wage earners are crazier still—so crazy they don't raise the price of their labor when they can. Then again, maybe they can't.

Mr. HARKIN. As I pointed out earlier, average economic growth over the past 25 years has been a full percentage point lower than what its average in the previous 100 years. Slow economic growth is a zero sum game. There are going to be winners and there are going to be losers. Unfortunately, more Americans are finding themselves to be on the losing end.

Over the past 2 and a half decades the losers have been hard-working American families. And the winners—the winners have been the top 20 percent income earners in America.

The September 1, 1997, Business Week had an excellent article. It described the plight of workers that I previously read about. There is the story of Ted Oliver, a 27-year veteran of Con-Agra. I know that company well out in the Midwest. He works at the shipping dock of Con-Agra's Batesville, AR plant.

> Last March, the employees of the plant got a 17 percent raise over the next five years. While that may sound like a lot, it is not.

I am quoting the article from Business Week.

> Even though the 5 percent hike that took effect this year pushed Mr. Oliver's hourly salary up to $8.96 an hour—

And mind you, he is a 27-year veteran of this company. He is now up to making $8.96 an hour—he and his coworkers earn less in real terms than they did in 1988. In fact, he will still be behind his 1988 earnings levels when the entire raise kicks in. Despite his working 9 to 10 hour days, 6 days a week, and his wife working two jobs, Mr. Oliver said, "We've been strapped, and we're not even back to where we were."

Think about that. Think what that does to you as a family. You worked all these years, you think you get a decent raise, and yet you are not even where you were in 1988 in terms of your real income.

It is little wonder why the amount of personal debt keeps going up all the time.

Of course we have a movement afoot to change the bankruptcy laws so people can't declare bankruptcy like they used to. I would suggest, Mr. President, before we go down that road we begin to find out why more and more Americans are going into debt and why they are piling up the debts and why they are declaring bankruptcy to get out from underneath it—rather than us just rushing to pass legislation to make it harder for people to pay off their debts.

I just also point out that Mr. Oliver's grand wages of $8.96 an hour, assuming a base 2,000-hour a year job, is less than $20,000 a year for him and his family.

So the median family household income has not yet returned to its pre-1989 level. That was the last year in which we had a recession. In theory, periods of economic growth are supposed to allow wages and incomes to surpass the levels enjoyed in prior years of economic growth. In a capitalist society, we have periods of growth, and then we have a slowdown, and we have a growth again. In theory, each period of economic growth should lead to an increase in incomes for all Americans. But in this economic expansion incomes for most Americans have not even caught up to the level we had for 1989.

Well, the bill for Alan Greenspan's slow-growth economic policies and high interest rates is coming due. As a recent editorial in the Washington Post said:

> The United States is six years into an economic expansion, with low inflation, low unemployment and a famously soaring stock market. Yet the benefits of economic growth are not filtering down as much as might be expected. Median household income remains lower than in 1989, before the last recession.
>
> The number of poor people in the United States did not diminish in 1996 from the previous year, the poverty rate is still higher than in 1989 and the number of those considered very poor—[that is] earning less than one half of the poverty threshold—actually increased in the last year. Wages for men working full-time declined in 1996 by 0.9 percent from the previous year.

Imagine that. Huge stock market boom. This top 20 percent getting more and more money; members of Congress increasing their salaries. And yet wages for people working full-time declined last year by nine-tenths of a percent from the previous year.

The editorial goes on to say:

> Beneath these disappointing statistics is a trend of increasing inequality . . . it seems to us that most Americans aren't likely to be comfortable with an economy that leaves one sector further and further behind. It's not a recipe for future steady growth, nor for a healthy society.

We have heard a lot of talk about how the recent records in the stock market are benefiting millions of Americans. But that is not true. Over 80 percent of the American people do not even own stock.

As a U.S. News & World Report article pointed out:

> Middle Income Americans have most of their assets in their home and [in] their savings, while the rich keep a higher percentage of their wealth in financial instruments such as stocks and bonds. Housing prices haven't kept pace with the torrid stock market, and the middle class has virtually stopped accumulating savings. While the wealthy have been running up huge gains in the stock market, middle-income Americans have been running up credit card debt to compensate for stagnating wages.

That is what is happening. The solution to reversing these dangerous trends is strong, sustained economic growth. The Federal Reserve has been on a course to try to limit economic growth to around 2.2 percent. Again, we have exceeded that. No thanks to the Fed, but we have exceeded that. Yet the Fed is determined at all costs to keep that growth from increasing, and also at all costs to keep interest rates high.

The Federal Reserve doesn't seem willing to let American workers enjoy even modest gains in wages.

Lower unemployment and rising wages all tie back into this NAIRU concept that I raised earlier in my statement. Again, NAIRU says that when unemployment drops below a certain level, employers will be forced to raise wages. Because of this, we will have inflation accelerate at an uncontrollable pace. That is a view supported at the Fed, and I am sorry to say, including the two nominees before us, Mr. Gramlich and Mr. Ferguson.

Again, Mr. President, even Mr. Greenspan said in his March 5 Humphrey-Hawkins testimony that job insecurity is something to be welcomed, "If heightened job insecurity is the most significant explanation of the break with the past in recent years, then it is important to recognize that * * * suppressed wage cost growth as a consequence of job insecurity can only be carried so far. At some point the tradeoff of subdued wage growth for job security has to come to an end."

Well, I support the opinion of James Galbraith of the University of Texas, who said, "Mr. Greenspan is concerned about the possibility that the American worker might start to demand and receive a slightly bigger share of the economic growth that has occurred over the last several years. Repressing wages is the essential thing, and the way to do that is to slow economic growth, raise unemployment, and make sure that job insecurity that Mr. Greenspan explicitly credits for suppressing wage growth does not diminish nor disappear."

Again, this is what we are confronting. That is why I tried to take this time to talk about monetary policy. We don't talk about it much in the Senate and don't pay much attention to it, but the monetary policy of the Federal Reserve Board is having a devastating impact on American society. What it means is that real interest rates continue at an unnecessarily high level. It means that more and more moderate-income Americans are paying unduly high interest rates for their homes and cars and their kids' college education. The high interest rates mean that more and more income will go into corporate profits and less and less will go into weekly earnings of hard-working Americans. High interest rates mean working Americans will rack up more and more debt, and it means a hidden tax on the American family.

A 1 percent increase in rates raises the average home mortgage by almost $1,000 a year. A mortgage on a $115,000 house goes up $80 per month. A 1 percent increase in rates raises the payments for an average farmer by $1,400 per year. A 1 percent increase in rates raised the payments for the average small business by $1,000 per year. These interest payments amount to nothing more than a hidden tax on hard-working Americans. And unlike a tax, which you can reasonably argue that at least it goes into the Government that is used to build better roads, better bridges, schools, health care and things like that, that doesn't go there. The benefits of higher interest rates go to the top 20 percent of Americans, who increasingly get more and more of the share of our national income. Again, I believe our free-enterprise system and our capitalist system and our capitalist economy will be far better off if, instead of keeping wages low and keeping the bottom 80 percent of our income earners falling lower, if we had a more balanced monetary policy in our nation. I believe our free enterprise system and our economy will be better off if the incomes and wealth of the top 20 percent grow at a proportion equal to the rest of society. If we do that, then I believe we will have a vibrant, growing economy that will be shared by all.

It is not going to happen unless we have a different mindset at the Federal Reserve System. I will continue to talk about this and will continue to fight for these policies as long as I am at least here in the U.S. Senate. I hope we will get people on the Federal Reserve Board who will bring a different view and a different opinion and who will not be afraid to go out and state those opinions and engender a more healthy, public debate.

I have to say, Mr. President, it would do my heart and my mind good, and I think the hearts and minds of the American people a lot of good, if we had a member of the Federal Reserve Board go out and start debating and talking about a different method, a different way of approaching the monetary policies now in place at the Federal Reserve Board.

I think the last time we had that happen some of the powers that be at the Federal Reserve Board came down on that person pretty hard. But I think that debate has to happen, and I am hopeful it will happen there, and it should happen here in the U.S. Senate. But we don't seem to be having that debate. We should have that debate because it means a lot to working Americans.

I sum up my comments by saying I didn't really want to unnecessarily hold up the appointments of Mr. Gramlich and Mr. Ferguson. I know they will go through by voice vote. That is fine with this Senator. But I think more often than we have, we have to debate monetary policy here on the floor of the U.S. Senate and what it means to the American people. Just as war is too important to be left to the generals, so is monetary policy too important just to be left to the bankers. We must also include our small business people, our farmers, our consumers in this debate and in the setting of the policy. That can only be done if we have a good, healthy debate.

Again, to sum up, Mr. President, what we need at the Fed is a policy of lower interest rates that will help our wages go up for our working Americans who have fallen too far behind so that they should get a fair share of our growth. Those lower interest rates will also mean our economy will grow at a faster rate, which I believe it can. I believe the Federal Reserve is saying that the best economic growth we can hope for is the equivalent to a C average. I believe the working people of this country can do a lot better than that. I think our productivity is such and our work force is such that we can do a B+ or an A. Why shouldn't we try for a higher rate of growth?

I also believe that a change in the monetary policy of the Federal Reserve Board will mean that a lot of working Americans will have a little bit better lifestyle. Perhaps they can buy a better home with lower interest rates. Perhaps they can have a more decent car. Perhaps they can take their wife or kids out to a local restaurant to eat once in a while. Nothing wrong with that. Perhaps they can take a nice vacation once a year. Nothing wrong with that, either. Perhaps they can borrow a little bit more money at a better interest rate to put their kids through college. Nothing wrong with that, either.

In sum, the Federal Reserve policies, if they are changed to reduce our interest rates, I believe can mean a better life for working Americans all over our country. On the other hand, if the Fed continues its blind adherence to this arcane concept of NAIRU, if they continue their blind adherence to raising interest rates at merely the ghost of inflation, then I predict, Mr. President, that we are on the precipice of falling into a deflationary period in America. If that deflationary period happens, working Americans are going to be hit a lot harder than they ever would be by a small or modest increase in inflation.

Mr. LEVIN. Mr. President, today I expect that the Senate will give its approval to President Clinton's nomination of Dr. Edward Gramlich. This will bring the career of this distinguished University of Michigan professor full circle. Thirty-two years ago, Dr. Gramlich had his first professional experience with a research job at the Federal Reserve. Shortly, he will be returning to the place where he got his start in 1965, although this time he will not be a researcher but a Member of the Board.

Dr. Gramlich received his BA from Williams College and his MA and Ph.D. from Yale University. Since then he has held positions in a variety of government and academic areas. His academic positions include over 20 years at the University of Michigan as Dean of the School of Public Policy, Chairman of the Economics Department, Director of the Institute of Public Policy Studies and always Professor of Economics and Public Policy. He also held temporary positions at various other universities including Monash, George Washington, Cornell and Stockholm Universities.

Dr. Gramlich's government and research experience covers a wide range of subject areas. In 1970, he was the Director of the Public Research Division at the Office of Economic Opportunity where he studied economically efficient ways of dealing with poverty. In his capacity as Deputy and later Acting Director of the Congressional Budget Office, he worked to reduce the burgeoning deficits of the mid-1980s. While working on the Quadrennial Advisory Council on Social Security, he proposed a plan to preserve the social protections now built into Social Security while providing for enough total saving so that future retirement benefits can be preserved. In addition, Dr. Gramlich has written dozens of journal articles and reports on issues ranging from Social Security and school finances to Major League Baseball and deficit reduction.

In Dr. Gramlich's testimony before the Banking Committee hearing on his nomination, he said, "I strongly feel that both economic and social goals are important. . . . A good economist should know how to balance both objectives, which is what I have tried to do throughout my career." This philosophy culled from his substantial experience has served his well in many capacities. The Banking Committee showed its full confidence in him in voting to approve the nomination, and I fully expect him to fulfill the expectations that the President and the Senate have placed in him.

Mr. HARKIN. Mr. President, I yield back all the time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON THE NOMINATION OF EDWARD M. GRAMLICH

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Edward M. Gramlich, of Virginia, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1994?

The nomination was confirmed.

VOTE ON THE NOMINATION OF ROGER WALTON FERGUSON

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Roger Walton Ferguson, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1986?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Without objection, there will now be a period for morning business until the hour of 7 p.m., with Senators permitted to speak therein for up to 5 minutes each.

MAJ. GEN. ANSEL M. STROUD, JR.—AMERICAN HERO

Ms. LANDRIEU. Mr. President, I rise today to pay tribute to one of Louisiana's own true American heroes, Major General Ansel M. Stroud, Jr., Adjutant General for the State of Louisiana.

A native of Shreveport, Louisiana, General Stroud began his distinguished career in April of 1944, when he enlisted in the United States Army and was commissioned a second lieutenant following completion of Officer Candidate School in 1946. After serving active duty, he joined the Louisiana National Guard in June of 1947. During his service with the National Guard, he has served as a reconnaissance officer, company commander, regimental supply officer, aide to the commanding general of the 39th Infantry Division, and battalion commander. In 1968, he was assigned as Chief of Staff for the State Emergency Operations Center, and became commander of the 356th Support Center (RAO) in 1971. He was appointed to the position of Assistant Adjutant General on May 9, 1972, and in August 1978 accepted a dual assignment as the commander of the 256th Infantry Brigade (Mechanized). In October 1980, General Stroud accepted his current position of Adjutant General for Louisiana.

When reminiscing about General Stroud's career, one could easily point to his many military decoration and awards: most notably included are the Distinguished Service Medal, the Legion of Merit with two Oak Leaf Clusters, the Meritorious Service Medal with one Oak Leaf Cluster, the Army Commendation Medal, the World War II Victory Medal, the Louisiana Distinguished Service Medal, the Louisiana Cross of Merit and the Louisiana Emergency Service Medal with 19 Fleurs-de-lis just to name a few of the honors bestowed upon him. One can also see the direct impact his time in the Armed Services has made with such works as the "Stroud Study." When General Stroud was selected to conduct a Department of Army study on full-time training and administration for the Guard and Reserve, his Study was accepted as a guideline for requirements of the National Guard and Army Reserve for full-time manning programs and was the basis for launching the AGR program.

In addition to his duties as Adjutant General, there are many other areas of service in which he has fulfilled with great distinction: the Boy Scouts of America in which he earned the Silver Beaver Award and the Distinguished Eagle Scout Award; past-president of the Adjutants General Association of the United States; past-president of the National Guard Association of the United States; and service as a member of the Federal Emergency Management Agency's Advisory Board representing the National Guard Association of the United States.

Mr. President, I would, however, be remiss if I did not mention what I feel has been one of the most important aspects of the General's service to Louisiana: serving as the Director of the Louisiana Office of Emergency Preparedness (LOEP). Throughout the years, Louisianas have become all too familiar with life-threatening dangers presented by mother nature at her worst. General Stroud has certainly taken the motto "be prepared" to heart by ensuring that Louisiana is capable of handling the impact of natural disasters with order and efficiency. Under his supervision, operations at LOEP have undergone state-of-the art advances which have allowed personnel to provide immediate assistance to citizens affected by nature's fury.

Mr. President, many individuals have a calling to serve the public in a variety of ways. They make sacrifices to contribute their talents to the safety, security and well-being of others. These are the individuals whose commitment to excellence and selfless dedication are evident through their leadership and the challenges they choose to accept. On November 8, 1997, General Ansel Stroud will relinquish his present position as Adjutant General, a position he has dutifully held for over seventeen years of his fifty-three years of service to our country. Although he is leaving the realm of public service, the contributions he has made to the greater good of the State of Louisiana will continue to have affect for years to come. It is my most sincere wish that General Stroud and Jane, his wife, will reap all the best which life has to offer, May God bless and God speed.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 29, 1997, the Federal debt stood at $5,429,377,880,990.06 (Five trillion, four hundred twenty-nine billion, three hundred seventy-seven million, eight hundred eighty thousand, nine hundred ninety dollars and six cents).

One year ago, October 29, 1996, the Federal debt stood at $5,236,574,000,000 (Five trillion, two hundred thirty-six billion, five hundred seventy-four million).

Five years ago, October 29, 1992, the Federal debt stood at $4,067,523,000,000 (Four trillion, sixty-seven billion, five hundred twenty-three million).

Ten years ago, October 29, 1987, the Federal debt stood at $2,385,077,000,000 (Two trillion, three hundred eighty-five billion, seventy-seven million).

Fifteen years ago, October 29, 1982, the Federal debt stood at

$1,142,825,000,000 (One trillion, one hundred forty-two billion, eight hundred twenty-five million) which reflects a debt increase of more than $4 trillion—$4,286,552,880,990.06 (Four trillion, two hundred eighty-six billion, five hundred fifty-two million, eight hundred eighty thousand, nine hundred ninety dollars and six cents) during the past 15 years.

MRS. LISA D'AMATO MURPHY, COMMUNITY LEADER OF THE YEAR

Mr. LOTT. Mr. President, today I was informed that Mrs. Lisa D'Amato Murphy, daughter of Senator D'AMATO, was chosen as "Community Leader of the Year" by the Island Park Kiwanis Club. Her significant volunteer participation in both civic and church activities is the basis for this distinguished award. It is important to mention that Lisa is the wife of Judge Jerry Murphy of the Island Park Village Court and the mother of five children. Yet, so strong is her commitment to others that she somehow finds the time to serve her community. While so many people bemoan the lack of hours in a day, Lisa clearly demonstrates that time for community service can be found—if it is a priority.

On behalf of the entire Senate family, I extend our sincere congratulations to Mrs. Lisa D'Amato Murphy, Island Park, New York's "Community Leader of the Year."

NOMINATION OF BILL LANN LEE

Mr. LEAHY. Mr. President, this has been an extraordinary week in Washington with the first State visit by the Chinese leadership since 1989. While President Jiang Zemin's visit has resulted in important agreements on economic, environmental and security issues between our two nations, it has not resulted in the hoped for progress on human rights issues in China.

Yesterday, I spoke about Ngawang Choephel, a Tibetan scholar and documentary filmmaker who was a Fulbright scholar at Middlebury College in Vermont. In 1995 he had gone to Tibet to document traditional Tibetan music and dance when he was detained by Chinese authorities and then sentenced to 18 years in prison for allegedly spying on behalf of the Dalai Lama. No evidence to support these claims has ever been produced, despite my persistent inquiries. Nor have the Chinese authorities provided any information about Mr. Choephel's whereabouts or health status over the past two years. I have raised these concerns with President Jiang directly, emphasizing to him that Mr. Choephel's release from prison would be a meaningful step in the right direction on human rights issues. Yesterday and today in meetings with the Chinese President, I raised this human rights issue, again.

The gulf between our two countries can most clearly be seen on the issue of human rights. This week demonstrates the distance between our two countries in another way as the Senate considers President Clinton's nomination of Bill Lann Lee to be the Assistant Attorney General in charge of the Civil Rights Division at the U.S. Department of Justice. When confirmed, Bill Lee will be the principal law enforcement officer of the Federal Government to ensure the civil rights and equal treatment of all Americans. He will also be the first Asian-American to hold this post and exercise such authority.

A meaningful step the Senate should take without delay is to confirm Bill Lee, a Chinese-American whose life story and life's work are quintessentially American. At the same time we are urging the Chinese Government to improve their human rights' record, we should demonstrate through action and not just words our own commitment to human rights and civil rights by proceeding without further delay on this important nomination.

Mr. Lee was born in Harlem to Chinese immigrant parents. His parents ran a laundry in New York. He went on to graduate from Yale College magna cum laude and then Columbia Law School. He testified last week that his childhood experiences, which included hearing racial slurs directed at his parents and his father's inability to rent an apartment after returning from volunteering for military service in World War II, greatly influenced his decision to dedicate his life to civil rights work. Mr. Lee's efforts over the years have ensured Americans of all races and creeds opportunities to advance in their careers, remain in their homes and raise healthy children.

Since July, Senator KENNEDY and I repeatedly urged the committee to hold a hearing on Mr. Lee's nomination before the Columbus Day recess in order to give this important nomination an opportunity to be considered by the Senate this year. Unfortunately that hearing only took place last week. Chairman HATCH has consistently indicated his commitment to getting this nomination considered before adjournment.

At the hearing, Mr. Lee answered hours of questions. The Republican members of the committee and the majority leader also submitted pages of written questions to him, which have also been answered. All members of the committee have met or had the opportunity to meet with the nominee personally. Unfortunately there was no business meeting of the Judiciary Committee this week. I have asked the chairman to report this nomination to the Senate without delay and hope that he will do so.

Bill Lee is a nominee who has impressed everyone with whom he has met. He is a man of integrity who has practiced mainstream civil rights law for 23 years. He is a practical problem solver, as attested to in tributes from opposing counsel and people from both political parties.

Chairman HATCH has clearly indicated that he views Bill Lee as imminently qualified for the Assistant Attorney General position at Department of Justice. At Mr. Lee's nomination hearing last Wednesday, Senator HATCH referred to Bill Lee's "long and distinguished career" and noted his "commitment to improving the lives of many Americans who have felt the sting of invidious discrimination." These comments are encouraging.

Senator HATCH has been stalwart in moving a number of top Justice Department nominees through the committee promptly. As examples, I point to the nomination of Eric Holder to be the Deputy Attorney General, Ray Fisher to be the Associate Attorney General, and Joel Klein to be the Assistant Attorney General for the Antitrust Division.

In connection with the confirmation of Assistant Attorney General Klein, Senator HATCH said:

"I believe it is neither fair nor wise to hold a nominee hostage because of such concerns, especially one as competent and decent as Joel Klein. In my view, sound public policy is best served by bringing this nominee up for a vote, permitting the Justice Department to proceed with a confirmed chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies."

"There are times when I disagree with the President, but I have to say when he does a good job and when he does nominate good people . . . then I will support the President.

"I will do what I can to show support for him and to encourage him to continue to pick the highest quality people for these positions."

Adhering to that policy should lead us to a prompt and favorable vote on Mr. Lee.

At the recent nomination hearing of Ray Fisher, Senator HATCH assured the administration that "nominees for the Department of Justice will continue to receive thorough and prompt consideration by the committee." I am hopeful that Senator HATCH will apply this same standard to Mr. Lee's nomination.

I look forward to the vote on Bill Lee, a stellar nominee to head the Office of Civil Rights at Department of Justice. Mr. Lee's recent decision to recuse himself from any involvement in the Proposition 209 case further reflects his integrity and forthrightness on these sorts of matters.

Bill Lee's story is a true American saga. Raised by immigrants, in one generation he has risen to the top of his profession and is now being considered to head the Nation's civil rights division. Let us make sure the story ends the way it should—with the confirmation of Mr. Lee as Assistant Attorney General before we adjourn this session.

SUPPORTING NANCY-ANN MIN DEPARLE'S NOMINATION

Mr. KENNEDY. In June, the President nominated Nancy-Ann Min DeParle to be Administrator of the Health Care Financing Administration [HCFA]. When confirmed as the head of HCFA, Ms. DeParle will be responsible for running Medicare, Medicaid, and the new children's health program, and provide valuable direction for other important health insurance initiatives. More than 70 million Americans—senior citizens, children, persons with disabilities and others—depend on these programs for lifesaving health care. Leaving this critically important agency without a leader during this challenging time is irresponsible and indefensible, and I urge the Senate to move quickly to confirm her nomination.

It is especially offensive that a Senator is holding this nomination hostage in order to extract a concession from the President on an HCFA-related issue. We all want things from HCFA, and those issues should be resolved as part of the legislative process, not by denying this important Federal agency the leadership it needs.

At this moment, a large number of Medicaid waivers are pending from States that want flexibility to go beyond the current rules. Hundreds, perhaps thousands, of decisions must be made regarding implementation of the Medicare provisions in the Balanced Budget Act—including the establishment of important new preventive benefits. This historic legislation also included the largest health insurance expansion since the creation of Medicare and Medicaid. It provides health insurance to uninsured children in working families who earn too much to qualify for Medicaid but not enough to purchase private health insurance. We all worked hard for this program. All 50 States will be submitting their plans for this coverage in the coming months and HCFA needs to take action.

Ms. DeParle is extremely well-qualified to lead HCFA. She served from 1993 to 1997 as the Associate Director for Health and Personnel at the Office of Management and Budget. In this capacity, she guided the development and implementation of budget and policy matters for all Federal health programs, including Medicare and Medicaid. In addition to other accomplishments, she has extensive experience running a state-level cabinet agency. From 1987 to 1989, she administered a 6,000-employee agency as commissioner of human services in Tennessee.

No significant objection to her nomination was raised at the Finance Committee hearing in September. She was approved unanimously by the committee on September 11, and she has been waiting since that day for the full Senate to act. It is long past time for the Senate to act.

THE CENTER FOR ADVANCED SIMULATION AND TECHNOLOGY

Mr. D'AMATO. Mr. President, I rise to engage the distinguished Chairman of the Senate Transportation Appropriations Subcommittee, Senator SHELBY, in a colloquy.

Mr. SHELBY. I would be pleased to accommodate the Senator from New York.

Mr. D'AMATO. I thank the Senator. I first would like to commend my friend and colleague from Alabama for the fine leadership he has shown in crafting the fiscal year 1998 Transportation Appropriations bill. He has done a wonderful job in allocating scarce federal resources equitably for New York and the entire nation for highway, transit, rail and other infrastructure needs.

I ask my colleague if he is familiar with an intermodal transportation simulation and technology project on Long Island called the Center for Advanced Simulation and Technology (CAST)?

Mr. SHELBY. I am familiar with it. This project is being developed at the National Aviation and Transportation Center on Long Island and is anticipated to provide an intermodal transportation simulation training, education and planning asset for the entire nation. A total of $19.5 million in federal funding over the next five years has been determined by officials at the National Aviation and Transportation Center as needed to help carry out this project. According to these same officials, this level of federal funding is expected to trigger at least $5 million in private sector contributions and up to $7.5 million in funding from New York State.

Mr. D'AMATO. As my friend knows, no specific appropriation was provided in the fiscal year 1998 conference agreement to allow CAST to go forward in this fiscal year. Therefore, I would like to work with the Chairman, the Long Island Congressional delegation and the Department of Transportation in an effort to find a source of funding to continue work on CAST in this fiscal year.

Mr. SHELBY. Mr. President, the Senator from New York has my assurance that I will work with him to try and identify a source of funding that will allow the CAST effort to commence in fiscal year 1998.

Mr. D'AMATO. I thank my friend and colleague.

FTC "MADE IN USA" RULES

Mr. ABRAHAM. Mr. President, as my colleagues no doubt are aware, I joined with Senator HOLLINGS, to submit a concurrent resolution (S. Con. Res. 52) to reaffirm the Senate's support for the traditional, simple, and honest use of the "Made in U.S.A." label. That use was in accordance with the long-standing rule that articles so labelled be made "all or virtually all" in the United States. Over two hundred members have cosponsored a measure similar to the Hollings-Abraham resolution in the House of Representatives, introduced by Representatives BOB FRANKS of New Jersey and JOHN DINGELL of Michigan.

Senator HOLLINGS, Congressman FRANKS and Congressman DINGELL joined me in sending a letter to the Federal Trade Commission urging that agency to maintain the current standard. As we said in that letter, "Any definition or enforcement standard of 'all or virtually all' that would allow more than a de minimis level of foreign content is unacceptable to us and, we strongly believe, would be unacceptable to the Congress."

Mr. President, I ask unanimous consent that the full text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 20, 1997.

Hon. ROBERT PITOFSKY,
Chairman, Federal Trade Commission,
Washington, DC.

DEAR CHAIRMAN PITOFSKY: We are writing this bicameral and bipartisan letter to reiterate our strong opposition to any weakening of the standard for the use of the "Made in USA" label. In light of recent press reports of possible Commission consideration of a new proposal to lower the "Made in USA" label standard to 89 percent U.S. domestic content, we felt compelled to reiterate what growing numbers of our colleagues in the Congress on both sides of the aisle are saying: neither we nor the American people will tolerate any lowering of the standard for the "Made in USA" label.

In its proposed guidelines issued last May, the Commission itself described the current standard as follows:

"Cases brought by the Commission beginning over 50 years ago established the principle that it was deceptive for a marketer to promote a product with an unqualified 'Made in USA' claim unless that product was wholly of domestic origin. Recently, this standard had been rearticulated to require that a product advertised as 'Made in USA' be 'all or virtually all' made in the United States, i.e., that all or virtually all of the parts are in the U.S. and all or virtually all of the labor is performed in the U.S. In both cases, however, the import has been the same: unqualified claims of domestic origin were deemed to imply to consumers that the product for which the claims were made was in all but de minimis amounts made in the U.S.A."[1]

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[1] Federal Trade Commission Request for Public Comment on Proposed Guides for the Use of U.S. Origin Claims, Federal Register, Vol. 62, No. 88, May 7, 1997, p. 25050.

Clearly, an 89 percent U.S. Content standard would allow much more than a de minimis amount of foreign content and therefore would lower the standard for the use of the "Made in USA" label.

We the undersigned introduced legislation in both the House and Senate (H. Con. Res. 80 and S. Con. Res. 52, respectively) to specifically condemn any lowering of the standard for the use of the "Made in USA" label. H. Con. Res. 80 has now been cosponsored by 219 Representatives, a majority of the U.S. House (see enclosed cosponsor list). We note that these Members do not just represent votes against any weakening of the label. But are Members who felt strongly enough about this issue to join with us as cosponsors of this legislation. S. Con. Res. 52, while introduced only recently is receiving the same favorable reception as its companion in the House.

The language of these Resolutions is clear and to the point: "Resolved by the House of Representatives (the Senate concurring), That the Congress (1) maintains that the standard for the "Made in USA" label should continue to be that a product was all or virtually all made in the United States; (2) urges the Federal Trade Commission to refrain from lowering this standard at the expense of consumers and jobs in the United States."

Any definition or enforcement standard of "all or virtually all" that would allow more than a de minimis level of foreign content is unacceptable to us and, we strongly believe, would be unacceptable to the Congress.

We urge you to reject any recommendation to lower the current standard for the use of the "Made in USA" label and to enforce vigorously the current standard.

Thank you very much.

Sincerely,

JOHN DINGELL,
Member of Congress.
ERNEST HOLLINGS,
United States Senate.
BOB FRANKS,
Member of Congress.
SPENCER ABRAHAM,
United States Senate.

Mr. ABRAHAM. I have been informed that the FTC will soon make an announcement regarding the "Made in USA" label, probably next week. I am hopeful that the FTC will maintain the current standard, and urge my colleagues to contact the FTC to add their voices to the chorus calling for that decision.

I believe it is crucial for American workers and the American economy that we maintain the integrity of the "Made in USA" label. For over 50 years, consumer goods have worn this label when, and only when, they were made "all or virtually all" in the United States.

But recently the (FTC) announced plans to soften that rule, allowing companies to use the label any product on which they spent 75% of their total manufacturing costs, provided the product was last "substantially transformed" here in the United States. A product also could be labeled "Made in USA" if that product, and all its significant parts and other inputs, were last substantially transformed in the United States.

In practice, this means that products containing no materials or parts of U.S. origin could nonetheless be labeled "Made in USA."

I believe that would be wrong, These new rules would be a slap in the face to American workers. They also would in effect condone false advertising. Many Americans look specifically for the "Made in USA" label because they want to support American workers. These loyal Americans do not believe that they are purchasing products "mostly" made in the USA, let alone products for which "most manufacturing costs" were incurred in the USA, or which were "substantially transformed" in the USA. Quite rightly, consumers who look for the "Made in USA" label believe that when they purchase a product with that label they are getting something made all or virtually all in the United States.

Perhaps worst of all, Mr. President, these new rules will hurt American workers. Many companies have invested a great deal in plant and equipment, as well as hiring and training, in the United States. These companies have a right to expect that the "Made in USA" label, which they have worked so hard to earn and maintain, will continue to apply only to products made all, or virtually all, in the United States. If they lose that advantage, these companies may well decide to move some or all of their production—and American jobs—overseas.

To dilute the requirement for use of the "Made in USA" label would be to lower the value of that label. It would allow companies operating substantially overseas to deceive American consumers who are attempting to support truly American made products and workers. It would discourage companies from investing in this country by telling them, in effect, that they will no longer receive any benefit for keeping jobs at home. The result would be a loss of American jobs and morale, as well as a critical blow to consumer confidence in the veracity of product labels.

The American people have a right to expect that the "Made in USA" label will mean what it says. For over 50 years they have depended on that label to assure them that they are purchasing products made "all or virtually all" in the United States. I again call on the FTC to maintain the traditional standard for labelling products "Made in USA," and urge my colleagues to do the same.

I yield the floor.

MESSAGE FROM THE PRESIDENT

REPORT CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Brazil has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Brazil under appropriate conditions and controls reflecting a strong common commitment to nuclear nonproliferation goals.

The proposed new agreement will replace an existing United States-Brazil agreement for peaceful nuclear cooperation that entered into force on September 20, 1972, and by its terms would expire on September 20, 2002. The United States suspended cooperation with Brazil under the 1972 agreement in the late 1970s because Brazil did not satisfy a provision of section 128 of the Atomic Energy Act (added by the Nuclear Non-Proliferation Act of 1978) that required full-scope International Atomic Energy Agency (IAEA) safeguards in nonnuclear weapon states such as Brazil as a condition for continued significant U.S. nuclear exports.

On December 13, 1991, Brazil, together with Argentina, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABAAC) and the IAEA signed a quadrilateral agreement calling for the application of full-scope IAEA safeguards in Brazil and Argentina. This safeguards agreement was brought into force on March 4, 1994. Resumption of cooperation would be possible under the 1972 United

States-Brazil agreement for cooperation. However, both the United States and Brazil believe it is preferable to launch a new era of cooperation with a new agreement that reflects, among other things:

—An updating of terms and conditions to take account of intervening changes in the respective domestic legal and regulatory frameworks of the Parties in the area of peaceful nuclear cooperation;

—Reciprocity in the application of the terms and conditions of cooperation between the Parties; and

—Additional international nonproliferation commitments entered into by the Parties since 1972.

Over the past several years Brazil has made a definitive break with earlier ambivalent nuclear policies and has embraced wholeheartedly a series of important steps demonstrating its firm commitment to the exclusively peaceful uses of nuclear energy. In addition to its full-scope safeguards agreement with the IAEA, Brazil has taken the following important nonproliferation steps:

—It has formally renounced nuclear weapons development in the Foz do Iguazsu declaration with Argentina in 1990;

—It has renounced "peaceful nuclear explosives" in the 1991 Treaty of Guadalajara with Argentina;

—It has brought the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) into force for itself on May 30, 1994;

—It has instituted more stringent domestic controls on nuclear exports and become a member of the Nuclear Suppliers Group; and

—It has announced its intention, on June 20, 1997, to accede to the Nuclear Non-Proliferation Treaty (NPT).

The proposed new agreement with Brazil permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination key conditions and controls continue with respect to material and equipment subject to the agreement.

From the U.S. perspective, the proposed new agreement improves on the 1972 agreement by the addition of a number of important provisions. These include the provisions for full-scope safeguards; perpetuity of safeguards; a ban on "peaceful" nuclear explosives using items subject to the agreement; a right to require the return of items subject to the agreement in all circumstances for which U.S. law requires such a right; a guarantee of adequate physical security; and rights to approve enrichment of uranium subject to the agreement and alteration in form or consent of sensitive nuclear material subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 30, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

H.R. 2013. An act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Campagne Post Office Building".

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

REPORTS OF COMMITTEES

The following report of a committee was submitted on October 29, 1997:

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 987: A bill to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans and to revise and improve certain veterans compensation, pension, and memorial affairs programs; and for other purposes (Rept. No. 105–120).

The following reports of committees were submitted on October 30, 1997:

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 714. A bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs (Rept. No. 105–123).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1231. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes (Rept. No. 105–124).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 799: A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property (Rept. No. 105–125).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 814. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest (Rept. No. 105–126).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1324. A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104–30 Taxation Agreement With Turkey (Exec. Rept. 105–6)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Turkey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related Protocol, signed at Washington on March 28, 1996 (Treaty Doc. 104–30) subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of

ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–31 Taxation Convention With Austria (Exec. Rept. 105–7).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Republic of Austria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Vienna on May 31, 1996 (Treaty Doc. 104–31), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) OECD COMMENTARY.—Provisions of the Convention that correspond to provisions of the Organization for Economic Cooperation and Development (OECD) Model Tax Convention on Income and on Capital generally shall be expected to have the same meaning as expressed in the OECD Commentary thereon. The United States understands, however, that the foregoing will not apply with respect to any reservations or observations it enters to the OECD Model or its Commentary and that it may enter such a reservation or observation at any time.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REAL ESTATE INVESTMENT TRUSTS.—The United States shall use its best efforts to negotiate with the Republic of Austria a protocol amending the Convention to provide for the application of subparagraph (b) of paragraph 2 of Article 10 of the Convention to dividends paid by a Real Estate Investment Trust in cases where (i) the beneficial owner of the dividends beneficially holds an interest of 5 percent or less in each class of the stock of the Real Estate Investment Trust and the dividends are paid with respect to a class of stock of the Real Estate Investment Trust that is publicly traded or (ii) the beneficial owner of the dividends beneficially holds an interest of 10 percent or less in the Real Estate Investment Trust and the Real Estate Investment Trust is diversified.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–33 Taxation Convention With Luxembourg (Exec. Rept. 105–8)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Luxembourg on April 3, 1996 (Treaty Doc. 104–33), subject to the reservation of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) RESERVATION.—The Senate's advice and consent is subject to the following reservation, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (a)(ii) of paragraph 2 of Article 10 of the Convention shall apply to dividends paid by a Real Estate Investment Trust in cases where (i) the beneficial owner of the dividends beneficially holds an interest of 5 percent or less in each class of the stock of the Real Estate Investment Trust and the dividends are paid with respect to a class of stock of the Real Estate Investment Trust that is publicly traded, (ii) the beneficial owner of the dividends beneficially holds an interest of 10 percent or less in the Real Estate Investment Trust and the Real Estate Investment Trust is diversified, or (iii) the beneficial owner of the dividends beneficially held an interest in the Real Estate Investment Trust as of June 30, 1997, the dividends are paid with respect to such interest, and the Real Estate Investment Trust is diversified (provided that such provision shall not apply to dividends paid after December 31, 1999 unless the Real Estate Investment Trust is publicly traded on December 31, 1999 and thereafter).

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) SIMULTANEOUS EXCHANGE.—The United States shall not exchange the instruments of ratification of this Convention with the Government of the Grand Duchy of Luxembourg until such time as it exchanges the instruments of ratification with respect to the Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, signed at Washington on March 13, 1997 (Treaty Doc. 105–11).

(2) TREATY INTERPRETATION.—The Senate affirms the applicability of all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–2 Taxation Convention With Thailand (Exec. Rept. 105–9)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Kingdom of Thailand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Bangkok, November 26, 1996 (Treaty Doc. 105–2), subject to the declaration of subsection (a); and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–8 Tax Convention With Switzerland (Exec. Rept. 105–10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington, October 2, 1996, together with a Protocol to the Convention (Treaty Doc. 105–8), subject to the declarations of subsection (a), and the proviso of subsection (b).

(a) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REAL ESTATE INVESTMENT TRUSTS.—The United States shall use its best efforts to negotiate with the Swiss Confederation a protocol amending the Convention to provide for the application of subparagraph (b) of paragraph 2 of Article 10 of the Convention to dividends paid by a Real Estate Investment Trust in cases where (i) the beneficial owner of the dividends beneficially holds an interest of 5 percent or less in each class of the stock of the Real Estate Investment Trust and the dividends are paid with respect to a class of stock of the Real Estate Investment Trust that is publicly traded or (ii) the beneficial owner of the dividends beneficially holds an interest of 10 percent or less in the

Real Estate Investment Trust and the Real Estate Investment Trust is diversified.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–9 Tax Convention With South Africa (Exec. Rept. 105–11)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains, signed at Cape Town February 17, 1997 (Treaty Doc. 105–9), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President.

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–29 Protocol Amending Tax Convention With Canada (Exec. Rept. 105–12)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital Signed at Washington on September 26, 1980 as Amended by the Protocols Signed on June 14, 1983, March 28, 1984 and March 17, 1995, signed at Ottawa on July 29, 1997 (Treaty Doc. 105–29) subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President.

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–31 Tax Convention With Ireland (Exec. Rept. 105–13).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital gains, signed at Dublin on July 28, 1997, together with a Protocol and exchange of notes done on the same date (Treaty Doc. 105–31), subject to the understanding of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) EXCHANGE OF INFORMATION.—The United States competent authority follows a practice of comity with respect to exchanges of information under all tax conventions.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REAL ESTATE INVESTMENT TRUSTS.—The United States shall use its best efforts to negotiate with the Government of Ireland a protocol amending the Convention to provide for the application of subparagraph (b) of paragraph 2 of Article 10 of the Convention to dividends paid by a Real Estate Investment Trust in cases where (i) the beneficial owner of the dividends beneficially holds an interest of 5 percent or less in each class of the stock of the Real Estate Investment Trust and the dividends are paid with respect to a class of stock of the Real Estate Investment Trust that is publicly traded or (ii) the beneficial owner of the dividends beneficially holds an interest of 10 percent or less in the Real Estate Investment Trust and the Real Estate Investment Trust is diversified.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. SMITH of Oregon, Mr. LUGAR, Mr. HAGEL, Mr. MCCAIN, Mr. HELMS, and Mr. BYRD):

S. 1344. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia; to the Committee on Foreign Relations.

By Mr. ROCKEFELLER (for himself and Ms. COLLINS):

S. 1345. A bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1346. A bill to amend title 18, United States Code, to increase the penalties for certain offenses in which the victim is a child; to the Committee on the Judiciary.

By Mr. GLENN:

S. 1347. A bill to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Mr. DASCHLE, Mr. MOYNIHAN, and Mr. KERREY):

S. 1348. A bill to provide for innovative strategies for achieving superior environmental performance, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1349. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 1350. A bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 1351. A bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMS (for himself and Mr. SMITH of Oregon):

S. Con. Res. 58. A concurrent resolution expressing the sense of Congress over Russia's newly passed religion law; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Mr. SMITH of Oregon, Mr. LUGAR, Mr. HAGEL, Mr. MCCAIN, Mr. HELMS, and Mr. BYRD):

S. 1344. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia; to the Committee on Foreign Relations.

THE SILK ROAD STRATEGY ACT OF 1997

Mr. BROWNBACK. Mr. President, I am introducing the Silk Road Strategy Act of 1977. This is an overarching policy between the countries of the South Caucasus and Central Asia, which includes the countries of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Those are not common names to most Americans, but the area of the world that they are around, the Caspian Sea, I think, is going to become far more common knowledge to many Americans, as there is 4 trillion dollars worth of known oil and gas in the region.

The region is reaching out to us. They are seeking to put off the Russian imperialism that has been in the region for years and seeking to get away from Iranian influence in the area.

Thus, we are putting forward this Silk Road strategy as an active and positive role in reviving the economies of this region of the world and to building them as major forces.

I think the United States has a vital political, social and economic interest in the region, and we need to act now rather than later. I don't think our window of opportunity in working with these countries as they seek freedom and yearn to be free and build opportunity for their people is long. Probably within the next 3 years, they are going to be making courses and decisions that will decide the long-term fate of the people of this region.

They seek to be united with the United States. I ask, overall, that my colleagues look at this potential opportunity, at this bill and support the Silk Road Strategy Act of 1997. It is a key interest area for us and our future.

This bill is aimed at focusing the attention of U.S. policy on the need to play an active and positive role in reviving the economies of these parts of the ancient Silk Road which was once the economic lifeline of Central Asia and the South Caucasus and the main transportation corridor to Europe and the West.

The United States has vital political, social, and economic interests there and they need to be acted on now, before it is too late. These countries are at an historic crossroad: They are independent for the first time in almost a century, located at the juncture of many of today's major world forces and they are all rich in natural resources. They are emerging from almost a century of plunder by a Communist regime which, while it actively drained their resources, put little back. They now find themselves free to govern themselves, and they are looking west.

The very fact that they have little experience of independence and that their economies are essentially starting from scratch, leaves them in a precarious situation, which is all the more precarious because of their geographic location: consider this: They are placed between the Empire from which they recently declared independence and an extremist Islamic regime to the south—both of which have a strong interest in exerting economic and political pressure upon them.

These countries are very important to us:

They are a major force in containing the spread northward of anti-western Iranian extremism. Though Iranian activity in the region has been less blatant than elsewhere in the world, they are working very hard to bring the region into their sphere of influence and economic control.

The Caspian Sea basin contains proven oil and gas reserves which, potentially, could rank third in the world after the Middle East and Russia and exceed $4 trillion in value. Investment in this region could ultimately reduce United States dependence on oil imports from the volatile Persian Gulf and could provide regional supplies as an alternative to Iranian sources.

Strong market economies near Russia and China can only help to positively influence these two countries on their rocky path toward freedom.

Finally, this region offers us a historic opportunity to spread freedom and democratic ideals. After years of fighting communism in this region, the doors are open to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance.

The single best way to consolidate our goals in the region is to promote regional cooperation and policies which will strengthen the sovereignty of each nation. Each of these countries has its own individual needs; however, many of the problems in the region overlap and are shared, and a number of common solutions and approaches can apply. This bill encourages this goal.

All of the Silk Road countries are currently seeking U.S. investment and encouragement, and they are looking to us to assist them in working out regional political, economic and strategic cooperation. This bill authorizes assistance in all these areas.

Given the correct infrastructure development, this region is and will continue to become, a key transit point that will ultimately link Central Asia with the West—as it did in the time when caravans traveled along these same routes in the Middle Ages.

Opportunities to assist this infrastructure development abound—taking advantage of these opportunities could not only cement political ties, but commercial and economic ones as well.

The United States should do everything possible to promote this sovereignty and independence, as well as encourage solid diplomatic and economic cooperation between these nations.

In order to do this we need to take a number of positive steps: We should be strong and active in helping to resolve local conflicts; we should be providing economic assistance to provide positive incentives for international private investments and increased trade; we should be assisting in the development of infrastructure necessary for communities, transportation, and energy and trade on an East-West axis; we should be providing security assistance to help fight the scourge of narcotics trafficking, the spread of weapons of mass destruction and the spread or organized crime; and—perhaps the most important of all—we should be supplying all the assistance possible to strengthen democracy, tolerance and the development of civil society. These are the best ways to insure these countries remain independent and strong and that they move toward open and free government.

Mr. President, the time to focus and act in this region is now. We have the opportunity to help these countries rebuild from the ground up and to encourage them to continue their strong independent stances, especially in relation to Iran and the spread of extremist, anti-Western fundamentalism, which is one of the most clear and present dangers facing the United States today. I hope my colleagues will join me and support his bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silk Road Strategy Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States in the countries of the South Caucasus and Central Asia—

(1) to promote and strengthen independence, sovereignty, and democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of the infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

SEC. 4. UNITED STATES EFFORTS TO RESOLVE CONFLICTS IN GEORGIA, AZERBAIJAN, AND TAJIKISTAN.

It is the sense of Congress that the President should use all diplomatic means practicable, including the engagement of senior United States Government officials, to press for an equitable, fair, and permanent resolution to the conflicts in Georgia and Azerbaijan and the civil war in Tajikistan.

SEC. 5. AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.

Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"Chapter 12—Support for the Economic and Political Independence of the Countries of the South Caucasus and Central Asia

"SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

"(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section are—

"(1) to create the basis for reconciliation between belligerents;

"(2) to promote economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

"(3) to encourage broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

"(b) AUTHORIZATION FOR ASSISTANCE.—

"(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance under this Act, and assistance under the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.), to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term 'humanitarian assistance' means assistance to meet urgent humanitarian needs, in particular meeting needs for food, medicine, medical supplies and equipment, and clothing.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to—

"(1) providing for the essential needs of victims of the conflicts;

"(2) facilitating the return of refugees and internally displaced persons to their homes; and

"(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

"(d) POLICY.—It is the sense of Congress that the United States should, where appropriate, support the establishment of neutral, multinational peacekeeping forces to implement peace agreements reached between belligerents in the countries of the South Caucasus and Central Asia.

"SEC. 499A. ECONOMIC ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster the conditions necessary for regional economic cooperation in the South Caucasus and Central Asia.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide technical assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to the development of the structures and means necessary for the growth of private sector economies based upon market principles.

"(d) POLICY.—It is the sense of Congress that the United States should—

"(1) assist the countries of the South Caucasus and Central Asia to develop laws and regulations that would facilitate the ability of those countries to join the World Trade Organization;

"(2) provide permanent nondiscriminatory trade treatment (MFN status) to the countries of the South Caucasus and Central Asia; and

"(3) consider the establishment of zero-to-zero tariffs between the United States and the countries of the South Caucasus and Central Asia.

"SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

"(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section are—

"(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

"(2) to encourage closer economic relations between those countries and the United States and other developed nations.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the following types of assistance to the countries of the South Caucasus and Central Asia are authorized to support the activities described in subsection (c):

"(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

"(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

"(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

"(d) POLICY.—It is the sense of Congress that the United States representatives at the International Bank for Reconstruction and Development, the International Finance Corporation, and the European Bank for Reconstruction and Development should encourage lending to the countries of the South Caucasus and Central Asia to assist the development of the physical infrastructure necessary for regional economic cooperation.

"SEC. 499C. SECURITY ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to assist countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c):

"(1) Assistance under chapter 5 of part II of this Act (relating to international military education and training).

"(2) Assistance under chapter 8 of this part of this Act (relating to international narcotics control assistance).

"(3) The transfer of excess defense articles under section 516 of this Act (22 U.S.C. 2321j).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

"(d) POLICY.—It is the sense of Congress that the United States should encourage and assist the development of regional military cooperation among the countries of the South Caucasus and Central Asia through programs such as the Central Asian Battalion and the Partnership for Peace of the North Atlantic Treaty Organization.

"SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia.

"(1) Technical assistance for democracy building.

"(2) Technical assistance for the development of nongovernmental organizations.

"(3) Technical assistance for development of independent media.

"(4) Technical assistance for the development of the rule of law.

"(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to activities that directly and specifically are designed to advance progress toward the development of democracy.

"(d) POLICY.—It is the sense of Congress that the Voice of America and RFE/RL, Incorporated, should maintain high quality broadcasting for the maximum duration possible in the native languages of the countries of the South Caucasus and Central Asia.

"SEC. 499E. INELIGIBILITY FOR ASSISTANCE.

"(a) IN GENERAL.—Except as provided in subsection (b), assistance may not be provided under this chapter for a country of the South Caucasus or Central Asia if the President determines and certifies to the appropriate congressional committees that the country—

"(1) is engaged in a consistent pattern of gross violations of internationally recognized human rights;

"(2) has, on or after the date of enactment of this chapter, knowingly transferred to another country—

"(A) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime (as defined in section 11B(c) of the Export Administration Act of 1979 950 U.S.C. App. 2410b(c); or

"(B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapons;

"(3) has supported acts of international terrorism;

"(4) is prohibited from receiving such assistance by chapter 10 of the Arms Export Control Act or section 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5604(a)(1), 5605); or

"(5) has initiated an act of aggression against another state in the region after the date of enactment of the Silk Road Strategy Act of 1997.

"(b) EXCEPTION TO INELIGIBILITY.—Notwithstanding subsection (a), assistance may be provided under this chapter if the President determines and certifies in advance to the appropriate congressional committees that the provision of such assistance is important to the national interest of the United States.

"SEC. 499F. ADMINISTRATIVE AUTHORITIES.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

"(d) SUPERSEDING EXISTING LAW.—The authority to provide assistance under this chapter supersedes any other provision of law, except for—

"(1) this chapter;

"(2) section 634A of this Act and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act; and

"(3) section 1341 of title 31, United States Code (commonly referred to as the "Anti-Deficiency Act"), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

"SEC. 499G. DEFINITIONS.

"In this chapter:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

"(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term 'countries of the South Caucasus and Central Asia' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.".

SEC. 6. ANNUAL REPORT.

Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit a report to the appropriate congressional committees—

(1) identifying the progress of United States foreign policy to accomplish the policy identified in section 3;

(2) evaluating the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961, as added by section 5 of this Act, was able to accomplish the purposes identified in those sections; and

(3) recommending any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

By Mr. ROCKEFELLER (for himself and Ms. COLLINS):

S. 1345. A bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

THE ADVANCE PLANNING AND COMPASSIONATE CARE ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am extremely pleased to be introducing the Advance Planning and Compassionate Care Act of 1997 with my colleague from Maine, Senator COLLINS. I have already had the great pleasure of working with Senator COLLINS on legislation earlier this year to improve the portability of Medigap insurance policies. We were successful in getting a good portion of that legislation enacted this year, so I am very pleased to have another opportunity to work with Senator COLLINS on another set of issues that are so important to millions of Medicare beneficiaries and the rest of America.

We introduce this legislation to ask Congress to take action that responds directly and humanely to the needs of elderly and others during some of their most difficult and often traumatic time of their lives. The United States deserves to be extremely proud of the medical advances and efforts that have extended our people's life expectancy and our ability to overcome disease and medical setbacks. But we need to take some additional, tangible steps to also make progress in the practices and care that affect our citizens when they ultimately face death or the real possibility of death. Our bill provides some of those steps.

While this is a difficult area to discuss, it is a very real area for Americans year in and year out. This is legislation designed to respond to pressing needs of patients, their family members, and their health care providers, and I hope that Congress will adopt these steps in the next year.

In view of the debate this year on physician assisted suicide and from my own personal experiences, I have spent considerable time delving into the concerns and dilemmas that face patients, their family members, and their physicians when confronted with death or the possibility of dying. In almost all such difficult situations, people are not thinking about physician-assisted suicide. The needs and dilemmas that confront them have much more to do with the kind of care and information that they need, often desperately.

The legislation we are introducing today builds on bipartisan legislation enacted in 1990, called the Patient Self-Determination Act. That legislation was championed by my former colleague from Missouri, Senator Danforth. I held a subcommittee hearing on Senator Danforth's legislation and it became very clear that the lack of a national policy on advance directives was not acceptable. As a result of that bill, hospitals, skilled nursing facilities, home health agencies, hospice programs, and HMO's participating in the Medicaid and Medicare programs must provide every adult receiving medical care with written information concerning patient involvement in their own treatment decisions. The health care institutions must also document in the medical record whether the patient has an advance directive. In addition, States were required to write description of their State laws concerning advance directives.

Mr. President, at the time of that bill's enactment, we realized that it was only the first step toward increasing public awareness and addressing some very difficult issues related to end-of-life care. As a result of that legislation, a growing number of Americans do have advance directives. But recent studies have found that the majority of Americans have not discussed end-of-life issues with their families or their physicians and have not relayed their treatment preferences either verbally or in writing.

There is also an increasing awareness that physicians and many other health care providers are uncomfortable addressing end-of-life issues and are even apparently unwilling to respect their patient's preferences in some cases. Another complicating factor is the great variation that exists among State laws, and the lack of a legal requirement that an advance directive written in one State be respected in another State.

Mr. President, the legislation we are introducing today focuses on the need to improve end-of-life care for Medicare beneficiaries. It addresses the need to develop models of compassionate care and quality measures for end-of-life care in the Medicare Program, and it will encourage individuals to have more open communication with family members and health care providers concerning their preferences for end-of-life care.

The first section of the Advance Planning and Compassionate Care Act strengthens the previously enacted Patient Self Determination Act in the following ways.

First, it requires that every Medicare beneficiary have the opportunity to discuss health care decisionmaking issues with an appropriately trained professional, when he or she makes a request. This measure would help make sure that patients and their families have the ability to discuss and address concerns and issues relating to their care, including end-of-life care, with a trained professional. Many health care institutions already have teams of providers to address difficult health care decisions and some even mediate among patients, families, and providers. In smaller institutions, social workers, chaplains, nurses, or other trained professional could be made available for consultation.

Second, our bill requires that a person's advance directive be placed in a prominent part of the medical record. Often advance directives can not even be found in the medical record, making it more difficult for providers to respect patients' wishes. It is essential that an individual's advance directive be readily available and visible to anyone involved in their health care.

Third, it will assure that an advance directive valid in one State will be valid in another State. At present, portability of advance directives from State to State is not assured. Such portability can only be guaranteed through Federal legislation.

The second part of our bill directs the Secretary of Health and Human Services to advise Congress on an approach to adopting the provisions of the Uniform Health Care Decisions Act for Medicare beneficiaries. The Uniform Health Care Decisions Act was developed by the Uniform Law Commissioners, a group with representation from all States that has been in existence for over 100 years. The Uniform Health Care Decisions Act includes all the important components of model advance directive legislation. A great deal of legal effort went into its development, with input by all the States and approval by the American Bar Association. Medicare beneficiaries deserve a uniform approach to advance directives, especially since many move from one State to another while in the Medicare Program. The tremendous variation in State laws that currently exists only adds to the confusion of health care professionals and their patients.

Just this month, a study done by Dr. Jack Wennberg at Dartmouth University documented the tremendous variation that exists in the medical care that Medicare beneficiaries receive in the last few months of their lives. This sort of analysis highlights that patient preferences have little to do with the sort of care patients receive in their final months of life. Where you live determines the sort of medical care you will receive more so than what you might prefer.

The third part of this legislation would encourage the development of models for end-of-life care for Medicare beneficiaries who do not qualify for the Medicare hospice benefit but still have chronic, debilitating and ultimately fatal illnesses. The tremendous advances in medicine and medical technology over the past 30 to 50 years have resulted in a greatly lengthened life expectancy for Americans, as well as vastly improved functioning and quality of life for the elderly and those with chronic disease. Many of these advances have been made possible by federally financed health care programs, such as the Medicare Program that assures access to high quality health care for all elderly Americans. Medicare has also funded much of the development of technology and a highly skilled physician workforce through support of medical education and academic medical centers. These advances have also created major dilemmas in addressing terminal or potentially terminal disease, as well as a sense of loss of control by many with terminal illness.

I believe it is time for Medicare to help seniors have access to compassionate, supportive, and pain free care during prolonged illnesses and at the end of life. As we begin to discuss restructuring the Medicare Program for the long term, this will be one of my primary goals. Our legislation instructs the Department of Health and Human Services to develop appropriate quality measures and models of care for persons with chronic, debilitating disease, including the very frail elderly who will comprise an increasing number of Medicare beneficiaries. Our bill also sets up a consumer hotline that can provide the American public with information on the legal, medical, and ethical issues related to advance directives and medical decisionmaking.

Mr. President, I am learning more and more about the importance of educating health care providers and the public that chronic, debilitating, terminal disease need not be associated with pain, major discomfort, and loss of control. We can control pain and treat depression, as well as the other causes of suffering during the dying process. We must now apply this knowledge to assure all Americans appropriate end-of-life care. And to make sure that Medicare beneficiaries are able to receive the most effective medicine to control their pain, Medicare's coverage rules would be expanded under our bill to include coverage for self-administered pain medications.

Under current law, Medicare generally does not pay for any outpatient prescription drugs. The only pain medication paid for by the Medicare Program are those drugs that are administered by a portable pump. The pump is covered by Medicare as durable medical equipment and the drugs used with that pump are also covered. Our bill would expand coverage to include self-administered pain medications, for example oral drugs or transdermal patches. These alternatives are as effective in pain relief and, most obviously, a much more comfortable way for patients to receive their pain medication.

Mr. President, much also needs to be done to assure that all health care providers have the appropriate training to use what is already known about supportive care. The public must be educated and empowered to discuss these issues with family members as well as their own physicians so that each individual's wishes can be respected. More research is needed to develop appropriate measures of quality end-of-life care and incorporate these measures into medical practice in all health care settings. And finally, appropriate financial incentives must be present within Medicare, especially, to allow the elderly and disabled their choice of appropriate care at the end of life. Medicare's coverage policy should not be the sole determinate of the route that pain medication is administered.

To conclude, I am proud to offer this legislation with Senator COLLINS. We hope consideration of this bill will be an opportunity to take notice of the many constructive steps that can be taken to address the needs of patients and family members grappling with great pain and medical difficulties. During this time when physician assisted suicide obtains so many headlines, we are eager to call on Congress to turn to the alternative ways of providing help and relief to seniors and other Americans who only are interested in such alternatives.

I ask unanimous consent that a summary and a copy of the bill be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advance Planning and Compassionate Care Act of 1997".

SEC. 2. EXPANSION OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) (as amended by section 4641 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 487)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting "and if presented by the individual, to include the content of such advance directive in a prominent part of such record" before the semicolon;

(B) in subparagraph (D), by striking "and" at the end;

(C) in subparagraph (E), by striking the period and inserting "; and"; and

(D) by inserting after subparagraph (E) the following:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional."; and

(2) by adding at the end the following:

"(4)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider of services or a prepaid or eligible organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

"(B) Nothing in this paragraph shall be construed to authorize the administration, withholding, or withdrawal of health care unless it is consistent with the laws of the State in which an advance directive is presented.

"(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "in the individual's medical record" and inserting "in a prominent part of the individual's current medical record"; and

(ii) by inserting "and if presented by the individual, to include the content of such advance directive in a prominent part of such record" before the semicolon;

(B) in subparagraph (D), by striking "and" at the end;

(C) in subparagraph (E), by striking the period and inserting "; and"; and

(D) by inserting after subparagraph (E) the following:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional."; and

(2) by adding at the end the following:

"(5)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider or organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

"(B) Nothing in this paragraph shall be construed to authorize the administration, withholding, or withdrawal of health care otherwise prohibited by the laws of the State in which an advance directive is presented.

"(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a) and (b) shall apply to provider agreements entered into, renewed, or extended under title XVIII of the Social Security Act, and to State plans under title XIX of such Act, on or after such date (not later than 1 year after the date of the enactment of this Act) as the Secretary of Health and Human Services specifies.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 3. STUDY AND RECOMMENDATIONS TO CONGRESS ON ISSUES RELATING TO ADVANCE DIRECTIVE EXPANSION.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a thorough study regarding the implementation of the amendments made by section 2 of this Act.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed statement of the findings and conclusions of the Secretary regarding the study conducted pursuant to subsection (a), together with the Secretary's recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 4. STUDY AND LEGISLATIVE PROPOSAL TO CONGRESS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a thorough study of all matters relating to the creation of a national, uniform policy on advance directives for individuals receiving items and services under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) MATTERS STUDIED.—The matters studied by the Secretary of Health and Human Services shall include issues concerning—

(A) the election or refusal of life-sustaining treatment;

(B) the provision of adequate palliative care including pain management;

(C) the portability of advance directives, including the cases involving the transfer of an individual from one health care setting to another;

(D) immunity for health care providers that follow the instructions in an individual's advance directive;

(E) exemptions for health care providers from following the instructions in an individual's advance directive;

(F) conditions under which an advance directive is operative;

(G) revocation of an advance directive by an individual;

(H) the criteria for determining that an individual is in terminal status; and

(I) surrogate decision making regarding end of life care.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed description of the results of the study conducted pursuant to subsection (a).

(c) CONSULTATION.—In conducting the study and developing the report under this section, the Secretary of Health and Human Services shall consult with physicians and other health care provider groups, consumer groups, the Uniform Law Commissioners, and other interested parties.

SEC. 5. DEVELOPMENT OF STANDARDS TO ASSESS END-OF-LIFE CARE.

The Secretary of Health and Human Services, through the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, and the Administrator of the Agency for Health Care Policy and Research, shall develop outcome standards and measures to evaluate the performance of health care programs and projects that provide end-of-life care to individuals and the quality of such care.

SEC. 6. NATIONAL INFORMATION HOTLINE FOR END-OF-LIFE DECISIONMAKING.

The Secretary of Health and Human Services, through the Administrator of the

Health Care Financing Administration, shall establish and operate directly, or by grant, contract, or interagency agreement, out of funds otherwise appropriated to the Secretary, a clearinghouse and 24-hour toll-free telephone hotline, to provide consumer information about advance directives, as defined in section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)), and end-of-life decisionmaking.

SEC. 7. EVALUATION OF AND DEMONSTRATION PROJECTS FOR INNOVATIVE AND NEW APPROACHES TO END-OF-LIFE CARE FOR MEDICARE BENEFICIARIES.

(a) Definitions.—In this section:

(1) Medicare beneficiaries.—The term "medicare beneficiaries" means individuals who are entitled to benefits under part A or eligible for benefits under part B of the medicare program.

(2) Medicare program.—The term "medicare program" means the health care program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(b) Evaluation of Existing Programs.—

(1) In general.—The Secretary, through the Administrator of the Health Care Financing Administration, shall conduct ongoing evaluations of innovative health care programs that provide end-of-life care to medicare beneficiaries who are seriously ill or who suffer from a medical condition that is likely to be fatal.

(2) Requirements.—Evaluations conducted under this subsection shall include the following:

(A) Evidence that the evaluated program implements practices or procedures that result in improved patient outcomes, resource utilization, or both.

(B) A definition of the population served by the program and a determination as to how accurately that population reflects the total medicare beneficiaries in the area who are in need of services offered by the program.

(C) A description of the eligibility requirements and enrollment procedures for the program.

(D) A detailed description of the services provided to medicare beneficiaries served by the program and the utilization rates for such services.

(E) A description of the structure for the provision of specific services.

(F) A detailed accounting of the costs of providing specific services under the program.

(G) A description of any procedures for offering medicare beneficiaries a choice of services and how the program responds to the preferences of the medicare beneficiaries served by the program.

(H) An assessment of the quality of care and of the outcomes for medicare beneficiaries and the families of such beneficiaries served by the program.

(I) An assessment of any ethical, cultural, or legal concerns regarding the evaluated program and with the replication of such program in other settings.

(J) Identification of any changes to regulations, or of any additional funding, that would result in more efficient procedures or improved outcomes, for the program.

(3) External evaluators.—The Secretary shall contract with 1 or more external evaluators to coordinate and conduct the evaluations required under this subsection and under subsection (c)(4).

(4) Use of outcome measures and standards.—An evaluation conducted under this subsection and subsection (c)(4) shall use the outcome standards and measures required to be developed under section 5 as soon as those standards and measures are available.

(c) Demonstration Projects.—

(1) Authority.—The Secretary, through the Administrator of the Health Care Financing Administration, shall conduct demonstration projects to develop new and innovative approaches to providing end-of-life care to medicare beneficiaries who are seriously ill or who suffer from a medical condition that is likely to be fatal.

(2) Application.—Any entity seeking to conduct a demonstration project under this subsection shall submit to the Secretary an application in such form and manner as the Secretary may require.

(3) Selection criteria.—

(A) In general.—In selecting entities to conduct demonstration projects under this subsection, the Secretary shall select entities that will allow for demonstration projects to be conducted in a variety of States, in an array of care settings, and that reflect—

(i) a balance between urban and rural settings;

(ii) cultural diversity; and

(iii) various modes of medical care and insurance, such as fee-for-service, preferred provider organizations, health maintenance organizations, hospice care, home care services, long-term care, and integrated delivery systems.

(B) Preferences.—The Secretary shall give preference to applications for demonstration projects that—

(i) will serve medicare beneficiaries who are dying of illnesses that are most prevalent under the medicare program, including cancer, heart failure, chronic obstructive respiratory disease, dementia, stroke, and progressive multifactorial frailty associated with advanced age; and

(ii) appear capable of sustained service and broad replication at a reasonable cost within commonly available organizational structures.

(4) Evaluations.—Each demonstration project conducted under this subsection shall be evaluated at such regular intervals as the Secretary determines are appropriate. An evaluation of a project conducted under this subsection shall include the items described in subsection (b)(2) and the following:

(A) A comparison of the quality of care and of the outcomes for medicare beneficiaries and the families of such beneficiaries served by the demonstration project to the quality of care and outcomes for such individuals that would have resulted if care had been provided under existing delivery systems.

(B) An analysis of how ongoing measures of quality and accountability for improvement and excellence could be incorporated into the demonstration project.

(C) A comparison of the costs of the care provided to medicare beneficiaries under the demonstration project to the costs of that care if it had been provided under the medicare program.

(5) Waiver authority.—The Secretary may waive compliance with any requirement of titles XI, XVIII, and XIX of the Social Security Act (42 U.S.C. 1301 et seq., 1395 et seq., 1396 et seq.) which, if applied, would prevent a demonstration project carried out under this subsection from effectively achieving the purpose of such a project.

(d) Annual Reports to Congress.—

(1) In general.—Beginning 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the quality of end-of-life care under the medicare program, together with any suggestions for legislation to improve the quality of such care under that program.

(2) Summary of recent studies.—A report submitted under this subsection shall include a summary of any recent studies and advice from experts in the health care field regarding the ethical, cultural, and legal issues that may arise when attempting to improve the health care system to meet the needs of individuals with serious and eventually fatal illnesses.

(3) Continuation or replication of demonstration projects.—Beginning 3 years after the date of enactment of this Act, the report required under this subsection shall include recommendations regarding whether the demonstration projects conducted under subsection (c) should be continued and whether broad replication of any of those projects should be initiated.

(e) Funding.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) of such sums as are necessary for the costs of conducting evaluations under subsection (b), conducting demonstration projects under subsection (c), and preparing and submitting the annual reports required under subsection (d). Amounts may be transferred under the preceding sentence without regard to amounts appropriated in advance in appropriations Acts.

SEC. 8. MEDICARE COVERAGE OF SELF-ADMINISTERED MEDICATION FOR CERTAIN PATIENTS WITH CHRONIC PAIN.

(a) In General.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) (as amended by section 4557 of the Balanced Budget Act (Public Law 105–33; 111 Stat. 463)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) in subparagraph (T), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (T) the following:

"(U) self-administered drugs which may be dispensed only upon prescription and which are prescribed for the relief of chronic pain in patients with a life-threatening disease or condition;".

(b) Effective Date.—The amendments made by subsection (a) shall apply to items and services furnished on or after June 1, 1998.

ADVANCE PLANNING AND COMPASSIONATE CARE ACT OF 1997—SUMMARY

More than 70 percent of the 2 million Americans expected to die this year will be over the age of 65. The Medicare and Medicaid programs pay for the majority of care at the end of life. Dr. Jack Wennberg, health researcher at Dartmouth University, recently documented the tremendous geographic variation that exists in end of life care provided to Medicare beneficiaries. The type of medical care a patient received in their last month of life was driven more by where a person lived than by personal preferences.

(1) BETTER INFORMATION AND COUNSELING

Current law: This bill builds on federal legislation (Patient Self-Determination Act) enacted in 1990 that requires health care facilities to distribute information on advance directives to their patients. Since passage of that legislation, there has been an increase in the number of individuals who have an advance directive but a recent Robert Wood

Johnson study found that while 20 percent of hospitalized patients had an advance directive less than half had ever talked with any of their doctors about having a directive and only about one-third had their wishes documented in their medical record. Many people do not understand the importance of discussing their advance directives with family members and their health care provider. In addition, a 1994 survey found that only 5 out of 126 medical schools offered a separate, required course in end of life care. Other surveys of doctors and medical residents found little or no experience in discussing care for dying patients.

Proposal: Improves the type and amount of information available to consumers by making sure that when a person enters a hospital, nursing home, or other health care facility, there is a knowledgeable person available to discuss end of life care planning if requested, so that good decisions—decisions based on the patient's own needs and values—can be made. Requires that if a person has an advance directive it must be placed in a prominent part of the medical record where all the doctors and nurses can clearly see it. Establishes a 24-hour hotline and information clearinghouse to provide consumers with information on end of life decision making.

(2) PORTABILITY OF ADVANCE DIRECTIVES

Current law: The specifics of advance directive legislation vary greatly from state to state. Portability from state to state can only be assured through federal legislation.

Proposal: Ensures that an advance directive valid in one state will be honored in another state, as long as the contents of the advance directive do not conflict with the laws of the state. In addition, requires the Secretary of Health and Human Services to gather information and consult with experts on the possibility of an uniform advance directive for all Medicare beneficiaries, regardless of where they live. An uniform advance directive would enable people to document the kind of care they wish to get at the end of their lives in a way that is easily recognizable and understood by everyone.

(3) MEASURES TO IMPROVE THE QUALITY OF END OF LIFE CARE

Current Law: There are few quality measures or standards available to assess the quality of care provided to Medicare beneficiaries at the end of their life. The tremendous geographic variation in medical care that currently exists on end of life care reinforces the notion that most people do not receive care driven by quality concerns but rather by the availability of medical resources in the community and other factors not related to quality care.

Proposal: Requires the Secretary of Health and Human Services, in conjunction with the Health Care Financing Administration, National Institutes of Health, and the Agency for Health Care Policy and Research, to develop outcome standards and other measures to evaluate the quality care provided to dying patients.

(4) PILOT PROJECT FUNDING TO IMPROVE END OF LIFE CARE SERVICES

Current Law: The only Medicare benefit aimed at improving end of life care for Medicare beneficiaries is hospice care which only serves a small minority of beneficiaries. In 1994, the Medicare hospice benefit was provided to 340,000 dying patients for the last few weeks of their lives. The hospice benefit is limited to beneficiaries who have a terminal illness with a life expectancy of 6 months or less. Cancer and AIDS are virtually the only diseases that follow a predictable course of decline near death. Cancer patients are usually referred to hospice care when the individual's functioning declines, usually 3-6 weeks before death. Medicare beneficiaries with other diseases generally do not have access to hospice care because the 6 month life expectancy requirement is often difficult to determine.

A review of studies done by an Institute of Medicine study panel found that 40 to 80 percent of patients with a terminal illness were inadequately treated for pain "despite the availability of effective pharmacological and other options for relieving pain."

Proposal: Provides funding for demonstration projects to develop new and innovative approaches to improving end of life care provided to Medicare beneficiaries, in particular those individuals who do not qualify for, or select, hospice care. Also, includes funding to evaluate existing pilot programs that are providing innovative approaches to end of life care.

(5) IMPROVED COVERAGE OF PAIN MEDICATIONS

Current Law: With a few exceptions, Medicare does not generally pay the cost of self-administered drugs prescribed for outpatient use. The only outpatient pain medications currently covered by Medicare are those that are administered by a portable pump. The pump is covered by Medicare as durable medical equipment, and the drugs associated with that pump are also covered. It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drug and transdermal patches, offer alternatives that are equally effective at controlling pain, more comfortable for the patient, and much less costly than the pump.

Proposal: Requires Medicare coverage for self-administered pain medications prescribed for outpatient use for patients with life-threatening disease and chronic pain.

Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from West Virginia, Senator ROCKEFELLER, in introducing the Advance Planning and Compassionate Care Act which is intended to improve the way we care for people at the end of their lives.

Noted health economist Uwe Reinhardt once observed that "Americans are the only people on earth who believe that death is negotiable." Advancements in medicine, public health, and technology have enabled more and more of us to live longer and healthier lives. However, when medical treatment can no longer promise a continuation of life, patients and their families should not have to fear that the process of dying will be marked by preventable pain, avoidable distress, or care that is inconsistent with their values or wishes.

The fact is, dying is a universal experience, and it is time to reexamine how we approach death and dying and how we care for people at the end of their lives. Clearly there is more that we can do to relieve suffering, respect personal choice and dignity, and provide opportunities for people to find meaning and comfort at life's conclusion.

Unfortunately, most Medicare patients and their physicians do not currently discuss death or routinely make advance plans for end-of-life care. As a result, about one-fourth of Medicare funds are now spent on care at the end of life that is geared toward expensive, high-technology interventions and rescue care. While four out of five Americans say they would prefer to die at home, studies show that almost 80 percent die in institutions where they may be in pain, and where they are subjected to high-technology treatments that merely prolong suffering.

Moreover, according to a Dartmouth study released earlier this month, where a patient lives has a direct impact on how that patient dies. The study found that the amount of medical treatment Americans receive in their final months varies tremendously in the different parts of the country, and it concluded that the determination of whether or not an older patient dies in the hospital probably has more to do with the supply of hospital beds than the patient's needs or preference.

The Advance Planning and Compassionate Care Act is intended to help us improve the way our health care system serves patients at the end of their lives. Among other provisions, the bill makes a number of changes to the Patient Self-Determination Act of 1990 to facilitate appropriate discussions and individual autonomy in making difficult discussions about end-of-life care. For instance, the legislation requires that every Medicare beneficiary receiving care in a hospital or nursing facility, be given the opportunity to discuss end-of-life care and the preparation of an advanced directive with an appropriately trained professional within the institution. The legislation also requires that if a patient has an advanced directive, it must be displayed in a prominent place in the medical record so that all the doctors and nurses can clearly see it.

The legislation will expand access to effective and appropriate pain medications for Medicare beneficiaries at the end of their lives. Severe pain, including breakthrough pain that defies usual methods of pain control, is one of the most debilitating aspects of terminal illness. However, the only pain medication currently covered by Medicare in an outpatient setting is that which is administered by a portable pump.

It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, offer alternatives that are equally effective in controlling pain, more comfortable for the patient, and much less costly than the pump. Therefore, the Advance Planning and Compassionate Care Act would expand Medicare to cover self-administered pain medications prescribed for the relief of chronic pain in life-threatening diseases or conditions.

In addition, the legislation authorizes the Department of Health and Human Services to study end-of-life issues for Medicare and Medicaid patients and also to develop demonstration projects to develop models for end-of-life care for Medicare beneficiaries who do not qualify for the hospice benefit, but who still have chronic debilitating and ultimately fatal illnesses. Currently, in order for a Medicare beneficiary to qualify for the hospice benefit, a physician must document that the person has a life expectancy of 6 months or less. With some conditions—like congestive heart failure—it is difficult to project life expectancy with any certainty. However, these patients still need hospice-like services, including advance planning, support services, symptom management, and other services that are not currently available.

Finally, the legislation establishes a telephone hotline to provide consumer information and advice concerning advance directives, end-of-life issues and medical decisionmaking and directs the Agency for Health Care Policy and Research to develop a research agenda for the development of quality measures for end-of-life care.

The legislation we are introducing today is particularly important in light of the current debate on physician-assisted suicide. As the Bangor Daily News pointed out in an editorial published earlier this year, the desire for assisted suicide is generally driven by concerns about the quality of care for the terminally ill; by the fear of prolonged pain, loss of dignity, and emotional strain on family members. Such worries would recede and support for assisted suicide would evaporate if better palliative care and more effective pain management were widely available, and I ask unanimous consent that this editorial be included in the RECORD.

Mr. President, patients and their families should be able to trust that the care they receive at the end of their lives is not only of high quality, but also that it respects their desires for peace, autonomy, and dignity. The Advanced Planning and Compassionate Care Act that Senator ROCKEFELLER and I are introducing today will give us some of the tools that we need to improve care of the dying in this country, and I urge all of my colleagues to join us as cosponsors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIFE AND DEATH WITH DIGNITY

When Maine legislators consider a bill this session on physician-assisted suicide, they will face a question that the nation's medical community has been unable to settle after long debate. Legislators should respect the enormity of what they are being asked to consider, recognizing that there are many steps between the current state of caring for the terminally ill and hastening their deaths.

Even as the Supreme Court last week was considering constitutional questions surrounding doctor-assisted suicide, a coalition of 40 health care, religious and retiree groups gathered in Washington to find a middle ground to this debate. The coalition—including the American Medical Association, the American Association of Retired Persons, B'nai B'rith and the American Cancer Society—argues that the desire for assisted suicide often is driven by concerns about the quality of care for the terminally ill. Thoughts of doctor-assisted suicide, these groups maintain, are brought about by the fear of prolonged pain, loss of dignity and the emotional strain on family members, among other reasons.

The coalition suggests that the nation's medical system has failed to meet the physical and emotional needs of dying patients. One study from Memorial Sloan-Kettering in New York estimated that 1.6 million terminally ill people a year would be good candidates for hospice care but only about 350,000 receive it. Why not try to solve these problems before codifying doctor-assisted suicide?

The Maine legislation, called the Death With Dignity Act, is narrowly drawn, based on legislative work on a similar bill from last session. It would allow physicians to assist in the suicide of a terminally ill person who makes three oral and one written request to die and has satisfied a counselor that he or she is capable of making the decision. The act goes to some lengths to prevent coercion and to allow the person to back out of the suicide. It is well-crafted and sensitive legislation. But absent advances in the quality of care for the terminally ill, it also may be premature.

And despite the safeguards, doubts about who will be allowed to pursue this process remain. In a friend-of-the-court brief addressed to the cases being considered by the Supreme Court, the America Geriatric Society explains the source of some of these doubts: "The image of an independent, capable person thoughtfully evaluating his or her options, unaffected by biased third parties or other circumstances . . . is so far from the experience of dying as to be fanciful. Dying persons are often very weak, prone to strong emotions and vulnerable to the suggestions, expectations and guidance of others."

The medical community has developed wondrous means for keeping bodies functioning long beyond what could have been expected even a few years ago, perhaps even longer than is desirable. The debate over assisted suicide in state after state demands that physicians go beyond that now in respecting the humanity and mortality that resides within those bodies by providing the terminally ill with the opportunity for less painful, more dignified deaths.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1346. A bill to amend title 18, United States Code, to increase the penalties for certain offenses in which the victim is a child; to the Committee on the Judiciary.

JOAN'S LAW ACT OF 1997

Mr. TORRICELLI. Mr. President, I am introducing this bill today, along with my colleague from New Jersey Senator LAUTENBERG, on behalf of Rosemarie D'Alessandro, the mother of a young girl murdered some 24 years ago in New Jersey.

Mrs. D'Alessandro's 7-year-old daughter Joan was delivering Girl Scout cookies down the street from her Hillsdale home one day when Joseph McGowan, a high school chemistry teacher, destroyed her life and changed the lives of her family members forever. McGowan raped Joan, killed her, and dumped her broken, battered body in a ravine some 15 miles away—she was not found for 3 full days.

For Joan's mom, Rosemarie, that shattering event was only the beginning of what would become a literal lifetime of trauma, pain and distress. Although the man who murdered Joan was put away for life, he has already had two parole hearings and is scheduled for another in 2003.

And Rosemarie D'Alessandro cannot rest while these hearings go on. To make sure this murderer remains behind bars, Rosemarie must fight each and every day against the system that might free him, and must sit through appeal after appeal when he is denied release.

But rather than becoming consumed with the tragedy that stole her daughter from her, Rosemarie D'Alessandro has used her grief and her anger to accomplish an astonishing goal—Joan's Law is now in the books in New Jersey, and now any child molester who murders a child under 14 in my State must receive life in prison without the possibility of parole. Rosemarie D'Alessando stood up and told the world "enough is enough." No other family should have to bear the double tragedy of suffering the loss of a child and then being forced to relive it over and over again through parole hearings and appeals. And no other family in New Jersey will ever have to again.

Well, we do not have parole in the Federal system, but we can make sure that anyone who molests or commits a serious, violent crime against a child 14 or under will serve the rest of his life behind bars if that child dies. My bill states that any person who is convicted of a Federal offense defined as a serious violent felony should be sentenced either to death or imprisonment for life when the victim of the crime is under 14 years of age and dies as a result of the offense.

Mr. President, with this bill, we intend to send the strongest possible message to anyone who would dare molest or attack a vulnerable child—do so at your own risk, because we will find you and we will put you behind bars for the rest of your life if that child dies. I hope my colleagues will quickly join me and Senator LAUTENBERG in passing this legislation, so that the inevitable tragedies that happen to children throughout America every day will no longer be compounded upon the families of those victims.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Joan's Law Act of 1997".

SEC. 2. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR LIFE IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless a sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense—

"(1) is less than 14 years of age at the time of the offense; and

"(2) dies as a result of the offense.".

Mr. LAUTENBERG. Mr. President, when a child is murdered, families are devastated and communities are rocked to their very core. When a murderer is prosecuted, grieving parents and siblings are forced to relive the often brutal details of the most profound tragedy imaginable. And, if a conviction is obtained, in too many instances, the families of a young victim must repeatedly relieve the crime every time the murderer goes before a parole board.

The families of murder victims, especially murdered children, need closure. They need to know that they can put the horror and a tragedy behind them. They need to know that they can begin rebuilding their lives. But most importantly, they need to know that the person responsible for the crime will never bring harm and grief to another family.

This is why, Mr. President, I am today joining my colleague from New Jersey, Senator TORRICELLI, in introducing legislation that will significantly increase the penalties on criminals convicted of a Federal crime where a child under the age of 14 is killed during the commission of that crime. I also want to commend and acknowledge Congressman BOB FRANKS, also from New Jersey, who introduced similar legislation in the House.

Mr. President, this legislation is a Federal companion for an important New Jersey law called Joan's Law. Joan's Law was named after a 7-year-old New Jersey girl, Joan D'Alessandro, who was raped and murdered in 1973. Joan's murderer, a man who lived across State lines and actually had the gall to participate in the family's desperate search for their missing daughter, was located, convicted of the crime, and sentenced to 20 years in State prison. He is now eligible for parole, and has twice sought release since his incarceration.

To their horror, frustration, and understandable anger, Joan's family has repeatedly had to fight parole for this cruel killer. They have been forced to relive this tragedy again and again and to beg that others be protected from the brutal individual who ripped apart their family.

The bill we are introducing today will impose a similar, equally severe and necessary penalty—life imprisonment—on anyone convicted of committing a Federal crime where a child, 14 years of age or younger, dies as a result of that crime.

The bill sends a strong message that our society will not tolerate nor forgive the brutal acts of a criminal who takes a young life. This bill sends the message in no uncertain terms that society will take the steps necessary to protect itself from cold-blooded killers who victimize children. This bill will help to protect all of our families and children from the repeat offenders who, all too often, insinuate themselves into our communities and prey on defenseless children.

Mr. President, I urge all of my colleagues to join with Senator TORRICELLI and I in support of this bill and to work for its fast enactment.

By Mr. GLENN:

S. 1347. A bill to permit the city of Cleveland, OH, to convey certain lands that the United States conveyed to the city; to the Committee on Commerce, Science, and Transportation.

THE CLEVELAND AIRPORT EXPANSION ACT OF 1997

Mr. GLENN. Mr. President, I am pleased to introduce legislation to assist in improving air transportation for the people and businesses of northeast Ohio and the Nation.

The city of Cleveland has a major capacity improvement program underway at Cleveland Hopkins International Airport. For some time, Cleveland and the city of Brook Park had been involved in a dispute regarding property crucial to the development project. To their credit, both communities were able to resolve their differences through a comprehensive settlement agreement that will allow the airport's improvement program to move forward. This important settlement agreement includes changing municipal boundaries and the noncontroversial, jurisdictional transfer of property.

Mr. President, Congress has addressed similar restrictions many times by enacting specific provisions allowing the Secretary of Transportation to act in similar cases. As part of the comprehensive settlement agreement this is clearly in the public interest and will allow Cleveland to meet northeast Ohio's increasing requirements for better air transportation.

Mr. President, since the closing of the settlement agreement is to occur before December 31, 1997, this legislation is needed prior to adjournment. I appreciate the support of the leadership of the Committee on Commerce, Science, and Transportation, and I urge my colleagues to support this legislation.

By Mr. LIEBERMAN (for himself, Mr. DASCHLE, Mr. MOYNIHAN, and Mr. KERREY):

S. 1348. A bill to provide for innovative strategies for achieving superior environmental performance, and for other purposes; to the Committee on Environment and Public Works.

THE INNOVATIVE ENVIRONMENTAL STRATEGIES ACT OF 1997

Mr. LIEBERMAN. Mr. President, I am pleased to introduce today The Innovative Environmental Strategies Act of 1997. I'm honored that Senators DASCHLE, MOYNIHAN, and KERREY have joined me as cosponsors, and that the legislation is being introduced in the House by Congressman DOOLEY and Congresswoman TAUSCHER. I'm also very pleased that the legislation has been endorsed by the Clinton administration and has received positive responses from representatives of industry and environmental groups. I look forward to a process of building further consensus on this bill from all affected interests.

The legislation allows companies to propose alternatives to environmental requirements if those alternative proposals will achieve better environmental performance. The legislation provides EPA with the authority to waive or modify regulatory requirements for this purpose. It is designed to encourage more pollution prevention and to promote better, more cost-effective solutions for environmental protection.

This legislation seeks to build on both the work of President Clinton's Project XL—standing for excellence and leadership—and the Aspen Institute which undertook a 3-year effort to reach consensus among a wide group of divergent interests on an alternative path to achieving a cleaner, cheaper way to protect and enhance the environment. The Aspen Institute's work resulted in an excellent report, "The Alternative Path, A Cleaner, Cheaper Way to Protect and Enhance the Environment."

This bill modifies legislation introduced at the end of last Congress. At that time, I indicated that I welcomed all proposals and suggestions on how to alter and improve the bill. I have received a significant number of comments from industry, governmental and environmental group representatives. The new bill attempts to reflect many of those comments, in addition to a new GAO report examining EPA's reinvention efforts, "Challenges Facing

EPA's Efforts to Reinvent Environmental Regulation," and a recently released report by the National Academy of Public Administration, "Resolving the Paradox of Environmental Protection." The National Academy report recommends statutory authorization for EPA's XL program.

There is clearly a wide consensus in this country that our environmental laws have performed remarkably well. As the writer Gregg Easterbrook has pointed out, environmental protection is probably the single greatest success story of American government in the period since World War II.

In many cases, however, we need to do more to provide the level of protection most Americans expect from government. For example, over one third of our rivers and lakes still do not fully meet water quality standards. Health advisories for eating fish have increased. The number of people suffering from asthma has reached epidemic proportions in some communities, particularly among children.

Pollution prevention—preventing pollution before it occurs—is one approach that can help us do both better both in terms of protecting the environment and actually saving companies money. The greater efficiency resulting from less waste disposal and reduced use of toxic chemicals can significantly bolster the competitiveness of companies.

Recently, I listened to a presentation indicating that perhaps the Nation is not doing as well in pollution prevention as we should be. A 1995 report by the research group INFORM, "Toxics Watch 1995," reviewed thousands of documents submitted by industry to EPA to show whether progress was made to further pollution prevention. While 25 percent of the forms indicated some effort in pollution prevention had been made, the remaining 75 percent gave no such indication. And, according to INFORM, while some leading companies have taken major pollution prevention steps, the broader picture is troublesome: total waste generation is increasing.

While these facts show there is clearly a need to improve protection of our environment and pollution prevention, there is just as clearly a need to review our methods of environmental protection in order to find better, more efficient, more innovative ways to achieve greater progress toward meeting our environmental goals. In some cases, the traditional approaches to regulation have hindered companies from doing a better job at pollution prevention.

There is a growing consensus that innovative environmental strategies can form the basis for a new approach to environmental protection that will achieve superior environmental results, including greater pollution prevention, at less cost for regulated industry. This consensus can be seen, for example, in the work of the President's Council on Sustainable Development which brought together leaders from government, environmental, civil rights, labor and native American organizations in an effort to achieve consensus on national environmental, economic and social goals, as well as in the work of the Aspen Institute.

This bill establishes an innovative environmental strategies program at EPA. The Administrator of EPA is authorized to enter into approximately 50 agreements with regulated entities seeking modifications or waivers from environmental requirements if certain criteria are met. The basic premise of the bill is that better environmental performance can be achieved by allowing environmental managers at companies, in partnership with an active group of community stakeholders, to develop their own means of reaching environmental goals. This approach recognizes that the regulated industry is now in an excellent position to experiment and decide what approaches will yield better environmental results than the company is achieving under existing regulations. Allowing flexibility can substantially reduce compliance costs and make industries more competitive, provide for much greater community involvement in the decisions of their neighboring industrial plants, foster more cooperative partnerships, and encourage greater innovation and pollution prevention.

Another key element of this program is incorporating the lessons learned from the innovative environmental strategies into the overall regulatory structure of the Agency, where appropriate.

While the bill authorizes approximately 50 innovative strategy agreements, these individual strategies should have widespread benefits for other companies as the Agency incorporates the lessons learned into its overall approach to environmental protection.

Let me discuss a few specific provisions of the bill.

First, the bill establishes benchmarks from which to determine whether better environmental results will be achieved under the innovative environmental strategy. For existing facilities, the benchmark generally will be either the level of releases of a pollutant into the air, land or water actually being achieved by the facility or the level of releases allowed under the applicable regulatory requirements and reasonably foreseeable future requirements, whichever is lower. The Administrator is given some flexibility in determining the appropriate measurement for the benchmark. For example, measuring releases per unit of production encourages pollution prevention but may result in releases of concern to the community; the Administrator should take both these factors into account in determining whether a per unit measurement is appropriate. The Administrator shall determine whether an innovative environmental strategy achieves better environmental results based on the magnitude of reduction in the level of releases or improvement in pollution prevention relative to each benchmark. In addition, the Administrator shall evaluate other benefits that would result from the strategy. These include whether the strategy results in environmental performance more protective than the best performance practice of comparable facilities or improvement in environmental conditions that are priorities to stakeholders, even if those conditions are not regulated under EPA statutes.

Different types of innovative environmental strategies are possible under this legislation. For example, in some cases, a facility may demonstrate better environmental results by showing a reduction in releases of pollutants and, in exchange, seek a modification of reporting or other paperwork requirements. In other cases, a facility may demonstrate better environmental results by showing a reduction in releases of pollutants, but seek modification of a rule to allow for flexibility with respect to emission levels at different sources within the facility. There may be some cases where the innovative environmental strategy would result in large decreases in some pollutants while resulting in a small increase in another pollutant. But there are a number of specific requirements that must be met under those circumstances. Among other requirements, the Administrator must determine, based on a well-established analytic methodology acceptable both to the Administrator and the stakeholders, that the strategy will achieve better overall environmental results with an adequate margin of safety and will not result in an increase in the risk of adverse effects or shift the risk of adverse effects to the health of an individual, population, or natural resource affected by the strategy. I recognize that it is difficult to make such determinations because we have inadequate information about many chemicals and we often do not know how properly to evaluate cumulative or synergistic effects. The Administrator should pay close attention to these factors in evaluating projects. These examples are only illustrative of a range of potential projects.

The bill also provides that in appropriate cases, the Administrator may establish a benchmark for measuring better environmental performance based on pollution prevention.

The bill requires that the innovative environmental strategy provide a means and level of accountability, monitoring, enforceability and public access to information for all enforceable provisions at least equivalent to that provided by the rule that is being modified or waived. A related requirement is that adequate information must be made accessible so that any member of the public can verify environmental performance. Other requirements that must be met by the petitioner are set forth in section 7.

Effective stakeholder participation is the second key element of the legislation. Any company submitting a proposal must undertake a stakeholder participation process. One of the criteria for approval of a project by EPA is that the stakeholders have obtained adequate independent technical support for an effective stakeholder process. Under the bill, the stakeholder process is open to anyone, except a business competitor, subject to manageability factors. The stakeholder group should genuinely represent the full range of interests affected by projects and the policies to be shaped by projects. Involving citizens, including workers and members of the local community, in the development of an innovative environmental strategy is absolutely critical. Companies that have formulated successful innovative environmental strategies have told me that without the support of the local community these strategies simply will not work. Empowerment of the local community through stakeholder processes will help build trust and make implementation of the agreement easier. In other words, the innovative environmental strategy should be a partnership between the proponent and the stakeholders.

The bill requires the Administrator to give great weight to the views of the stakeholders. Obtaining broad community support for the strategy, as shown through stakeholder support, is very important. Additionally, the stakeholders and the proponent of the strategy may decide as part of the guidelines setting up the stakeholder process, that the stakeholders as a group or individual stakeholder participants should have a veto right with respect to whether the strategy goes forward. If the proponent still presents a proposal for the strategy even with such objections, the Administrator is required to reject the strategy if the objection has a clear and reasonable foundation and relates to the criteria for approval. The principle here is simple: stakeholders and the facility owner need to come to agreement on the guidelines that will govern the project. This agreement on the guidelines should be reached at the start of the process. It must be followed; if not, the Administrator will not be able to make the finding that the requirements of section 6 of the statute have been met.

The bill also attempts to address the recommendations made in the GAO report of July 1997, "Challenges Facing EPA's Efforts to Reinvent Environmental Regulation", which examined EPA's XL program. First, the GAO concludes that EPA will be limited in its ability to truly reinvent environmental regulation without legislative changes. Second, the GAO recommends that the Agency's reinvention initiatives include an evaluation component measuring the extent to which the initiative has achieved its intended effect. Therefore, the bill requires that, within 18 months after entering into an agreement, the Administrator provide a report evaluating whether the lessons learned from a particular strategy can be incorporated into the overall regulatory or statutory structure of the Agency. The legislation also requires a broader report to Congress within 3 years.

Finally, the GAO proposes that EPA develop a systematic process that would help address problems that come up during reinvention projects in a timely fashion. This process should be set up to identify the kinds of problems that can be resolved at lower levels within the Agency and which should be elevated for management's attention. While the bill does not specifically address this recommendation, I hope that EPA will seriously examine how it can implement this constructive recommendation.

As the GAO report notes, the EPA has undertaken a broad range of reinvention efforts. This legislation in no way affects the ability of EPA to proceed under its appropriate authorities with those efforts, including agreements under XL.

I ask unanimous consent that the full text of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovative Environmental Strategies Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) superior environmental performance can be achieved in some cases by granting regulated entities the flexibility to develop innovative environmental strategies for achieving environmental results in partnership with affected stakeholders;

(2) innovative environmental strategies also have the potential to—

(A) substantially reduce compliance costs;

(B) foster cooperative partnerships among industry, government, public interest groups, and local communities;

(C) encourage regulated entities to meet and exceed environmental obligations through greater innovation and greater pollution prevention; and

(D) increase the involvement of members of the local community and other citizens in decisions relating to the environmental performance goals and priorities of a facility; and

(3) the lessons learned from successful innovative environmental strategies should be incorporated into the broader system of environmental regulation.

SEC. 3. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Agency.—The term "agency" means the Environmental Protection Agency.

(3) Agency rule.—

(A) In general.—The term "agency rule" means a rule (as defined in section 551 of title 5, United States Code) promulgated by the agency.

(B) Exclusions.—The term "agency rule" does not include—

(i) an emissions reduction requirement under title IV of the Clean Air Act (42 U.S.C. 7651 et seq.); or

(ii) a requirement under subtitle B of the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11021 et seq.).

(4) Person.—The term "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, Indian tribe, municipality, commission, political subdivision of a State, interstate body, or department, agency, or instrumentality of the United States.

SEC. 4. INNOVATIVE ENVIRONMENTAL STRATEGY AGREEMENTS.

(a) In General.—

(1) Proposal.—A person that owns or operates a facility that is subject to an agency rule, requirement, policy, or practice may submit to the Administrator a proposal for an innovative environmental strategy for achieving better environmental results.

(2) Agreement.—If the Administrator finds that the requirements of section 7 are met and approves the proposed strategy, the Administrator may enter into an innovative environmental strategy agreement with respect to the facility.

(3) Contents.—An agreement under paragraph (1)—

(A) may—

(i) modify or waive otherwise applicable agency rules, requirements, policies, or practices;

(ii) establish new environmental standards for a facility; or

(iii) establish new requirements not contained in existing agency rules or existing environmental statutes;

(B) may not contravene the specific terms of a statute; and

(C) should further the purposes of applicable environmental statutes.

(b) Cosponsor.—

(1) In general.—The Administrator shall establish procedures under which a person other than the owner or operator of a facility may cosponsor a proposal.

(2) Priority.—The Administrator shall give priority to proposals co-sponsored by a stakeholder group.

SEC. 5. SUBMISSION OF PROPOSAL.

(a) Contents of Proposal.—A proposal for an innovative environmental strategy shall be clearly and concisely written and shall—

(1) identify any agency rule, requirement, policy, or practice for which a modification or waiver is sought and any alternative requirement that is proposed;

(2) describe the proposed innovative environmental strategy and the facility to which the strategy would pertain; and

(3) demonstrate the manner in which the innovative environmental strategy is expected to meet the requirements of section 7.

(b) Preliminary Review.—The Administrator shall review the proposal and determine whether, in the Administrator's sole discretion, the proposed strategy is sufficiently promising that the Administrator is prepared to enter into negotiations toward execution of an innovative environmental strategy agreement.

(c) NOTIFICATION.—The Administrator shall notify the proponent of a determination under subsection (b) not later than 90 days after submission, unless the proponent agrees to a longer review.

SEC. 6. STAKEHOLDER PARTICIPATION PROCESS.

(a) IN GENERAL.—The proponent of a proposal under section 5 shall—

(1) upon approval of the proposal for negotiation toward an agreement, undertake a stakeholder participation process in accordance with this section; and

(2) work to ensure that there is adequate independent technical support for an effective stakeholder process.

(b) DEVELOPMENT OF PROCESS.—

(1) IN GENERAL.—The stakeholder participation process shall be developed by the stakeholders and the proponent, in consultation with the Administrator.

(2) REQUIREMENTS.—The stakeholder participation process shall—

(A) be balanced and representative of interests that may be affected by the proposed strategy;

(B) ensure opportunities for public access to the process and make publicly available in a timely manner the proceedings of the stakeholder participation process, except with respect to confidential business information;

(C) establish procedures for conducting the stakeholder participation process, including open meetings as appropriate;

(D) if necessary, provide for appropriate agreements to protect confidential business information; and

(E) establish guidelines for the role of stakeholders, individually and as a group or subgroup, in the development of the strategy, including whether the stakeholders have an advisory, consultative, decisionmaking or veto role with respect to the strategy.

(c) FACA.—A stakeholder process satisfying the requirements of this section shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(d) PUBLIC NOTICE OF APPLICATION.—After a proposal is approved for negotiation toward an agreement, the proponent shall provide public notice of the proposal in a manner, approved by the Administrator, that is reasonably calculated to reach potentially interested parties including—

(1) community groups;

(2) environmental groups;

(3) potentially affected employees;

(4) persons living near or working in or near the affected facility; and

(5) relevant Federal, State, tribal, and local agencies.

(e) PARTICIPATION.—

(1) IN GENERAL.—A person that, not later than 60 days after the date on which public notice is first given under subsection (c), notifies the proponent of the person's intention to participate in the stakeholder participation process may participate in the process, except that a person that has a business interest in competition with that of the proponent may be excluded.

(2) ADDITIONAL STAKEHOLDERS.—Additional stakeholders may be added by the proponent, the Administrator or the stakeholder group after the stakeholder group is initially constituted in order to ensure full representation of all potentially affected interests throughout the process, including representation with respect to any new issues that may be raised during the process, and to ensure that appropriate expert assistance is available for the stakeholders.

(f) LIMITATION ON NUMBER OF PARTICIPANTS.—

(1) IN GENERAL.—In order to provide for a manageable stakeholder process, the Administrator may limit the number of stakeholder participants if the Administrator determines that the stakeholder participants adequately represent, in a balanced manner, the full range of interests (excluding competitive business interests) that may be affected by the innovative environmental strategy.

(2) NOTICE.—Before approving a limit on the number of stakeholder participants, the Administrator shall ensure that appropriate notice was provided to each of the groups identified in subsection (d).

(3) ADDITIONAL STAKEHOLDERS.—Notwithstanding any limit on the number of stakeholders that may be approved, additional stakeholders may be added to meet the requirements of subsection (e).

(g) NEGOTIATION.—After the stakeholder group has been identified, and procedures for the stakeholder process have been agreed on under subsection (b)(2)(E), the proponent, the stakeholders, and the Administrator shall initiate the process of negotiating toward an innovative environmental strategy agreement.

SEC. 7. REQUIREMENTS FOR APPROVAL.

(a) IN GENERAL.—The Administrator may enter into an innovative environmental strategy agreement if the Administrator determines that—

(1) the strategy is expected to achieve better environmental results (as determined under subsection (c));

(2) the strategy has potential value as a model for future changes in the broader regulatory structure or as a demonstration of new technologies or measures with potential for reducing pollution on a broader scale;

(3) the strategy provides for access to information adequate to enable verification of environmental performance by any interested person;

(4) the strategy provides a means and level of accountability, transparency, monitoring, reporting, and public and agency access to information relating to activities being carried out under an innovative environmental strategy that is at least equivalent to that provided under the agency rule, requirement, policy, or practice that the agreement seeks to modify or waive, including reporting of the benchmarks in the agreement;

(5) no person or populations would be subjected to unjust or disproportionate adverse environmental impacts as a result of implementation of the strategy;

(6) the strategy will ensure worker health and safety protections that are the same or superior to those provided under existing law;

(7) the strategy is not expected to result in adverse transport of a pollutant;

(8) any Federal, State, tribal, or local environmental agencies required to be signatories under section 8(c) are prepared to sign the agreement and the consultation required under section 8(c)(3) has occurred;

(9) the stakeholder participation process met the requirements of section 6, and the stakeholders have obtained adequate independent technical support for an effective process;

(10) there is broad community support for the strategy, as shown by stakeholder support and other relevant factors; and

(11) the strategy is expected to reduce regulatory burdens or provide other social or economic benefits.

(b) OTHER CONSIDERATIONS.—In determining whether to enter into an agreement, or to negotiate toward an agreement, the Administrator shall consider—

(1) whether the facility has a strong record of compliance with environmental and public health regulations and whether the proponent has demonstrated a strong commitment to achieve pollution prevention with respect to the facility;

(2) the extent to which the strategy involves new approaches to environmental protection and multimedia pollution prevention;

(3) the extent to which there is a link between the modification or waiver sought, the better environmental results expected, and other benefits; and

(4) the feasibility of the strategy and the ability of the proponent to carry out the strategy.

(c) BETTER ENVIRONMENTAL RESULTS.—

(1) EVALUATION.—The Administrator shall determine whether a strategy is expected to achieve better environmental results based on the magnitude of reduction in the level of releases or improvement in pollution prevention relative to each benchmark established under paragraphs (4) through (7);

(2) OTHER CONSIDERATIONS.—In addition to making the determination under paragraph (1), the Administrator shall evaluate the extent to which the strategy—

(A) results in environmental performance more protective than the best performance practice of comparable facilities;

(B) relies on pollution prevention;

(C) incorporates continuous improvement toward ambitious quantitative environmental goals;

(D) produces clear reduction of risk, based on a well-accepted analytical method acceptable to the Administrator and the stakeholders;

(E) improves environmental conditions that are priorities to stakeholders, including conditions not regulated under statutes administered by the agency;

(F) reflects historic demonstration of leadership in environmental performance of the facility;

(G) substantially addresses community and public health priorities of concern to stakeholders, including concerns not addressed under statutes administered by the agency;

(H) addresses other factors that the Administrator determines clearly improve environmental performance in the context of a specific strategy; and

(I) includes reductions in releases or improvement in pollution prevention in addition to those considered by the Administrator for purposes of paragraph (1).

(3) FINDINGS.—The Administrator shall provide findings setting forth the basis for the determination that the innovative environmental strategy is expected to achieve better environmental results. If the Administrator determines that the magnitude of reduction in the level of releases or improvement in pollution prevention would be a reduction or improvement, but not a significant reduction or improvement, the Administrator may approve a proposal only if the Administrator determines that the strategy is expected to result in a clear and substantial improvement in environmental protection, considering the other factors in this subsection.

(4) BENCHMARK.—The benchmark for releases of each pollutant into the air, water, or land shall be as follows:

(A) Existing facilities.—For existing facilities, the benchmark shall be the lesser of—

(i) the level of releases of each pollutant into the air, water, or and being achieved before the date of submission of the proposal; or

(ii) the level of releases of each pollutant into the air, water, or land allowed under applicable regulatory requirements and any reasonably anticipated future regulatory requirements;

except that the Administrator may, based on extraordinary site-specific circumstances, modify the level under subparagraph (A)(i) on a case by case basis for a facility that has reduced releases significantly below applicable regulatory requirements before the date of submission of the proposal.

(B) New or modified facilities.—For new or significantly expanded facilities, the benchmark shall be based on the lesser of—

(i) the level of releases of each pollutant into the air, water, or land allowed under applicable regulatory requirements and any reasonably anticipated future regulatory requirements; or

(ii) the level of releases of each pollutant into the air, water, or land based on best industry practices.

(5) Pollution prevention.—

(A) No release of a pollutant.—In appropriate circumstances not involving release of a pollutant, the Administrator may establish a pollution prevention benchmark to evaluate changes in inputs to production of materials or substances of potential environmental or public health concern.

(B) Release of a pollutant.—In circumstances involving a release of a pollutant, the Administrator may establish a pollution prevention benchmark in addition to the benchmark under paragraph (4).

(6) Basis of measurement.—A benchmark may be established on the basis of total emissions, on a per-unit of production basis, or on a comparable basis of measurement, as determined by the Administrator.

(7) Other considerations.—The Administrator may determine that the requirements of this section are met if a benchmark is not met, if—

(A) with respect to other benchmarks, the strategy achieves a significant increment of reduced level of releases below that permitted by the benchmark;

(B) the strategy, based on a well-established analytic methodology acceptable to the Administrator and the stakeholders—

(i) is expected to achieve overall better environmental results with an adequate margin of safety;

(ii) is not expected to result in an increase in the risk of adverse effects, or shift the risk of adverse effects, to the health of an individual, population, or natural resource affected by the strategy; and

(iii) is expected to achieve clear risk reduction; and

(C) the strategy is not expected to result in an exceedance of an ecological, health, or risk-based environmental standard.

(d) Views of Stakeholders.—

(1) In general.—The Administrator shall give great weight to the views of individual stakeholders and to the stakeholders as a group in determining whether to approve or disapprove a strategy.

(2) Stakeholders with decisionmaking role.—The Administrator shall deny a proposal if—

(A) the stakeholder group and the proponent have determined under section 6 that the group, any subgroup, or 1 or more individual stakeholders in the group will have the ability to veto a decision by the proponent to go forward with the strategy;

(B) the group or 1 or more stakeholders objects to the strategy; and

(C) the Administrator determines that the objection relates to the criteria stated in section 7 and that the objection has a clear and reasonable foundation.

SEC. 8. FINAL DETERMINATION ON AGREEMENT.

(a) Proposal.—

(1) In general.—Not later than 180 days after the date on which negotiations are initiated under section 6(g) or such later date as may be agreed to by the proponent and the stakeholders, the Administrator shall—

(A) provide public notice and opportunity to comment on a proposed innovative environmental strategy agreement; or

(B) notify the proponent and the stakeholder group that the Administrator does not intend to enter into an agreement.

(2) Form of notice.—Public notice under paragraph (1) shall be provided by—

(A) publishing a notice in the Federal Register; and

(B) providing public notice to persons potentially interested in the strategy in the manner described in section 6(d).

(3) Comment period.—The public comment period shall be not less than 30 days, and shall be extended by an additional 30 days if an extension is requested by any person not later than 15 days after the beginning of the public comment period.

(b) Final Decision.—

(1) In general.—Not later than 60 days after the end of the public comment period, the Administrator shall determine whether to enter into an agreement, and shall give notice of the determination in the same manner as notice was given of the proposed agreement.

(2) Response.—The Administrator—

(A) shall respond to comments received; and

(B) may modify the agreement in response to the comments.

(c) Signatories.—

(1) In general.—The parties to an innovative environmental strategy agreement—

(A) shall include the Administrator, the proponent, and any Federal, State, or local agency or Indian tribe with jurisdiction over the subject matter of the agreement under this Act; and

(B) may include a stakeholder.

(2) Joint rules requirements and policies.—If an agreement waives or modifies a rule, requirement, or policy issued by the agency jointly with another Federal agency, the other Federal agency shall be a signatory to the agreement.

(3) Consultation.—The Administrator shall consult with and consider the views of any Federal agency with management responsibility or regulatory or enforcement authority over land or natural resources that may be affected by the strategy.

SEC. 9. STATE ROLE.

(a) In General.—If a proposed strategy involves waiving or modifying requirements imposed under State, tribal, or local law, the Administrator shall not approve an agreement unless procedures required under those laws for such waiver or modification are followed in addition to the execution of the innovative environmental strategy agreement.

(b) Part of Federal Program.—If a proposed strategy involves waiving or modifying requirements of State, tribal, or local law that are part of an authorized or delegated Federal program, execution of an innovative environmental strategy agreement by the Administrator and by the State, Indian tribe, or local government shall be deemed to provide authorization or approval of the program as modified by the agreement.

SEC. 10. ENFORCEABILITY.

(a) Specification of Enforceable Provisions.—

(1) Definition of voluntary commitment.—In this section, the term "voluntary commitment" means a commitment that the parties to the agreement consider to be a necessary part of the strategy but is not enforceable under this section.

(2) Inclusion in agreement.—An innovative environmental strategy agreement shall include enforceable requirements and may include voluntary commitments.

(3) Enforceable requirements.—

(A) Identification.—Enforceable requirements shall be clearly identified and distinguished in the agreement from voluntary commitments.

(B) Inclusion of all necessary actions.—In all cases, enforceable requirements shall include, at a minimum, all actions necessary to achieve better environmental results relied upon by the Administrator for purposes of section 7(c)(1), and all accountability, monitoring, reporting, and public and agency access requirements mandated by paragraphs (3) and (4) of section 7(a).

(4) Voluntary commitments.—Failure to implement a voluntary commitment may constitute a ground for termination of the agreement.

(b) Treatment of Agreement as Permit, Condition, or Requirement.—

(1) Definition of otherwise applicable requirement.—In this subsection, the term "otherwise-applicable requirement" means a rule, permit, condition, policy, practice, or other requirement that an innovative environmental strategy agreement modifies, waives, or replaces.

(2) Identification of enforceable requirements.—An innovative environmental strategy agreement shall state in a separate section designated "Enforceable Requirements" all of the enforceable requirements of the agreement.

(3) Identification of modified, otherwise waived or relocated requirements.—An innovative environmental strategy agreement shall identify (including citation to the specific provision of a statute or rule), with respect to each enforceable requirement, each otherwise-applicable requirement that the agreement waives, modifies, or replaces.

(4) Treatment.—Each enforceable requirement shall be deemed, for purposes of enforcement, to be a permit issued under, a condition imposed by, or a requirement of the statute or rule under which the otherwise-applicable requirement that the agreement modifies, waives, or replaces was imposed.

(5) Enforceability.—Each enforceable requirement shall be enforceable in the same manner and to the same extent (by the United States, by a State or Indian tribe, or by any other person) as the otherwise-applicable requirement would have been enforceable but for the agreement.

(6) New enforceable requirement derived from or imposed under current law.—An enforceable requirement that does not modify, waive, or replace a requirement shall be enforceable in the same manner and to the same extent as a permit, condition, or requirement under the statute or rule from or under which the enforceable requirement derives or is imposed.

(7) Enforceable requirement that does not modify, waive, or replace another requirement.—If an enforceable requirement

does not derive from or is not imposed under any statutory or regulatory provision, the agreement shall specify the statute under which the enforceable requirement shall be deemed to be imposed for purposes of enforcement and shall be enforceable (by the United States, a State, Indian tribe, and by other persons) in the same manner and to the same extent as a permit, condition, or requirement under that statute or regulation.

(8) EMERGENCY OR IMMINENT HAZARD AUTHORITY.—Nothing in this Act limits or affects the Administrator's emergency or imminent hazard authorities.

(c) SPECIFICATION OF AFFECTED REQUIREMENTS.—

(1) IN GENERAL.—When the Administrator approves an innovative environmental strategy agreement under subsection (a), the Administrator shall specify in the agreement each rule, requirement, policy, or practice that is modified or waived by the innovative agreement.

(2) NO MODIFICATION OR WAIVER.—Each rule, requirement, policy; or practice not specified pursuant to the preceding sentence is not modified and waived.

(d) TERMINATION OR MODIFICATION OF AGREEMENT.—

(1) IN GENERAL.—The Administrator may terminate or modify an innovative environmental strategy agreement if the Administrator determines that—

(A) the strategy fails or will fail to achieve the better environmental results identified pursuant to section 7;

(B) better environmental results are no longer being achieved by the strategy by reason of the enactment of a new provision of law or promulgation of a new regulation;

(C) there has been noncompliance with the terms of the agreement (including a voluntary commitment);

(D) there has been a change or transfer in ownership or operational control of the facility to which the agreement relates, or a material change, alteration, or addition to the facility; or

(E) any other event specified in the agreement as a ground for termination or modification has occurred.

(2) EFFECT.—On termination of an innovative environmental strategy agreement, the owner or operator of the facility to which the agreement related shall immediately become subject to each otherwise-applicable requirement (as defined in subsection (b)).

(e) TERM OF AGREEMENT.—

(1) IN GENERAL.—The term of an innovative environmental strategy agreement shall not exceed 5 years, unless the Administrator determines, after considering the views of the stakeholders, that—

(A) a longer period of time is required—

(i) to achieve the better environmental results identified under section 7; or

(ii) in a case in which a proponent is making a substantial investment in reliance on the agreement, to ensure a reasonable degree of confidence that the investment will be recovered; and

(B) the requirements of section 7 continue to be met.

(2) EXTENSION OR RENEWAL.—In consultation with the stakeholders and with the concurrence of the signatories to the agreement and after public notice and opportunity for comment consistent with section 8, the Administrator may extend or renew an agreement for an additional term or terms, but the Administrator may not extend or renew an agreement if the extension or renewal would not further the purposes of this Act or the strategy would no longer meet the requirements of section 7.

SEC. 11. JUDICIAL REVIEW.

(a) FAILURE TO PERFORM NONDISCRETIONARY ACT OR DUTY.—

(1) IN GENERAL.—Any person may commence a civil action in the United States District Court for the District of Columbia against the Administrator for failure to perform an act or duty under this Act that is not discretionary with the Administrator.

(2) TIMING.—No action may be commenced under subsection (a) before the date that is 60 days after the date on which the plaintiff gives notice to the Administrator of the act or duty that the Administrator has failed to perform and of the intent of the plaintiff to commence the action.

(b) DECISION TO ENTER INTO AGREEMENT.—

(1) IN GENERAL.—A person other than a signatory to an innovative environmental strategy agreement may seek judicial review of a decision by the Administrator to enter into such an agreement in accordance with chapter 7 of title 5, United States Code.

(2) APPEAL.—A petition on appeal of a judgment in a civil action under this subsection shall be filed in the United States Court of Appeals for the District of Columbia Circuit not later than 90 days after the date on which public notice of the decision to enter into the agreement is published under section 8(b).

(c) NO JUDICIAL REVIEW OF OR RECORD JUSTIFICATION FOR DECISION NOT TO ENTER INTO AGREEMENT.—A decision not to enter into, modify, renew, or enter into negotiations toward an innovative environmental strategy agreement and decisions under section 6 regarding the stakeholder process shall not be subject to judicial review and shall not require record justification by the Administrator.

SEC. 12. LIMITATION ON NUMBER OF AGREEMENTS.

(a) IN GENERAL.—The Administrator shall not enter into more than 50 innovative environmental strategy agreements unless, in the Administrator's sole discretion, and taking into account the full range of the agency's obligations, the Administrator determines that adequate resources exist to enter into a greater number of agreements.

(b) LIMIT.—The Administrator, in the Administrator's sole discretion, may limit the number of agreements to less than 50.

(c) PRIORITY CONSIDERATION DIVERSITY.—The Administrator shall—

(1) give priority consideration to proposals from small businesses; and

(2) seek to ensure that the agreements entered into reflect proposals from a diversity of industrial sectors, particularly from sectors where there is significant potential for environmental improvement.

SEC. 13. SMALL BUSINESS PROPOSALS.

The Administrator shall establish a program to facilitate development of proposals for innovative environmental strategies from small businesses and groups of small businesses and to provide for expedited and tailored review of such proposals.

SEC. 14. SAVINGS CLAUSE.

(a) EFFECT OF DECISIONS BY THE ADMINISTRATOR.—A decision by the Administrator to enter into an agreement under this Act shall not affect the validity or applicability of any rule, requirement, policy, or practice, that is modified or waived in the agreement with respect to any facility other than the facility that is subject to the agreement.

(b) OTHER AGREEMENTS.—Nothing in this Act affects the authority of the Administrator in existence on the date of enactment of this Act to enter into or carry out agreements providing for innovative environmental strategies or affects any other existing authority under which the Administrator may undertake innovative initiatives.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act affects the regulatory or enforcement authority of any other Federal agency under the laws implemented by the Federal agency except to the extent provided in an agreement to which the other Federal agency is a party.

(d) LIMITS ON PURPOSES AND USES OF AGREEMENTS.—An agreement under this Act—

(1) may not be adopted for the purpose of curing or addressing past or ongoing violations or noncompliance at a participating facility;

(2) may not be used as a legal or equitable defense by any party or facility not party to the agreement, or by a party to the agreement as a defense in an action unrelated to any requirement imposed under the agreement;

(3) shall not limit or affect the Administrator's authority to issue new generally applicable regulations or to apply regulations to the facility that is the subject of the agreement;

(4) shall not give rise to any claim for damages or compensation in the event of a change in statutes or regulations applicable to such facility; and

(5) shall not be admissible for any purpose in any judicial proceeding other than a proceeding to challenge, defend, or enforce the agreement.

(e) APPLICABLE LAW.—

(1) CONTRACT LAW.—An innovative environmental strategy agreement—

(A) shall not be interpreted or applied according to contract law principles; and

(B) shall not be subject to contract or other common law defenses.

(2) OSHA.—For purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), the exercise by the Administrator of any authority under this Act shall not be deemed to constitute or exercise of authority to prescribe or enforce a standard or regulation affecting occupational safety or health.

SEC. 15. EVALUATION AND REPORT.

(a) EVALUATION.—The Administrator shall establish an ongoing process with public participation to—

(1) evaluate lessons learned from innovative environmental strategies; and

(2) determine whether the approaches embodied in an innovative environmental strategy should be proposed for incorporation in an agency rule.

(b) REPORTS.—

(1) INDIVIDUAL STRATEGIES.—Not later than 18 months after entering into an innovative environmental strategy agreement, the Administrator shall submit to Congress a report evaluating whether the approaches embodied in an innovative environmental strategy should be proposed for incorporation in a statute or a regulation.

(2) AGGREGATE EFFECT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report on the aggregate effect of the innovative environmental strategy agreements entered into under this Act, including—

(A) the number and characteristics of the agreements;

(B) estimates of the environmental and public health benefits, including any reductions in quantities or types of emissions and wastes generated;

(C) estimates of the effect on compliance costs;

(D) the degree and nature of public participation and accountability;

(E) estimates of nonenvironmental benefits obtained;

(F) conclusions on the functioning of the stakeholder participation process; and

(G) a comparison of effectiveness of the program relative to comparable State programs, using comparable performance measures.

SEC. 16. IMPLEMENTATION AUTHORITY.

The Administrator may issue such regulations as are necessary to carry out the agency's functions under this Act.

SEC. 17. TECHNICAL ASSISTANCE GRANTS.

The Administrator may establish a program to provide grants for technical assistance to stakeholder groups.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the agency to carry out this Act $4,000,000 for each of fiscal years 1999 through 2003 (including such sums as are necessary to provide technical assistance to stakeholder groups).

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1349. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CROSS SOUND FERRY SERVICE ACT OF 1997

Mr. DODD. Mr. President, I rise today to introduce with Senator LIEBERMAN legislation to waive the 1920 Merchant Marine Act, commonly known as the Jones Act, to allow Cross Sound Ferry Services, Inc., to purchase, rebuild, and operate the 1964 Canadian-built vessel *Prince Nova*. Faced with an increased demand for its services and a shortage of suitable U.S.-built ferries, Cross Sound cannot purchase a domestically built vessel.

Cross Sound Ferry Services, a family owned, nonsubsidized operation, provides auto, truck, and high speed passenger service between Orient Point, NY, and New London, CT. According to the proposed waiver, Cross Sound will purchase the *Prince Nova*, and spend more than three times the purchase price, no less than $4.2 million, on the conversion, restoration, repair, rebuilding, or retrofitting of the ferry in a shipyard located in New London.

Cross Sound Ferry Service, a vital link between New England and eastern Long Island, provides an alternative mode of transportation that saves trucks and autos up to 200 miles in each direction, and reduces traffic, congestion, and wear on major roadways. From an environmental standpoint, ferry service reduces fuel consumption and pollution. Currently, the I–95 corridor throughout the Northeast is under a tremendous traffic burden. If the waiver is granted, it is expected that the new and expanded service the *Prince Nova* will provide will save 6 million miles and 360,000 travel hours.

Cross Sound's commitment to service the *Prince Nova* in a United States shipyard will create high-skilled, high-wage jobs. Additionally, this waiver will undoubtably better facilitate commerce and encourage economic development in the region by allowing consumers easier access to goods and services. Furthermore, it will provide businesses with an additional mode to transport their products.

An identical waiver was passed last week in the House of Representatives as part of the Coast Guard Authorization Act of 1997. It is our hope that it will receive the same favorable consideration in the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOCUMENTATION OF THE VESSEL PRINCE NOVA.

(a) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(b) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under subsection (a) shall expire unless—

(1) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(2) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(A) 3 times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(B) $4,200,000; and

(3) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under paragraph (2) is spent.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 1350. A bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELECOMMUNICATIONS FACILITIES ACT OF 1997

Mr. LEAHY. Mr. President, I ask unanimous consent that a copy of my bill to preserve State and local authority to regulate the placement, construction, and modification of telecommunication facilities be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress make the following findings:

(1) The placement of commercial telecommunications, radio, or television towers near homes can greatly reduce the value of such homes, destroy the views from such homes, and reduce substantially the desire to live in such homes.

(2) States and localities should be able to exercise control over the construction and location of such towers through the use of zoning, planned growth, and other controls relating to the protection of the environment and public safety.

(3) There are alternatives to the construction of additional telecommunications towers to meet telecommunications needs, including the co-location of antennae on existing towers and the use of alternative technologies.

(4) On August 19, 1997, the Federal Communications Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of State and local zoning and land use ordinances regarding the placement of telecommunications towers. It is in the interest of the Nation that the Commission not adopt this rule.

(5) It is in the interest of the Nation that the second memorandum opinion and order and notice of proposed rule making of the Commission with respect to application of such ordinances to the placement of such towers, WT Docket No. 97–192, ET Docket No. 93–62, and RM–8577, be modified in order to permit State and local governments to exercise their zoning and land use authorities, and their power to protect public health and safety, to regulate the placement of telecommunications towers and to place the burden of proof in civil actions relating to the placement of such towers on the person or entity that seeks to place, construct, or modify such towers.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To repeal the limitations on the exercise of State and local authorities regarding the placement, construction, and modification of personal wireless service facilities that arise under section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)).

(2) To permit State and local governments to regulate the placement, construction, and modification of such facilities on the basis of the environmental effects of the operation of such facilities.

(3) To prohibit the Federal Communications Commission from adopting rules which would preempt State and local regulation of the placement of such facilities.

SEC. 2. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF CERTAIN TELECOMMUNICATIONS FACILITIES.

(a) REPEAL OF LIMITATIONS.—Section 332(c)(7)(B) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(B)) is amended—

(1) in clause (i), by striking "thereof—" and all that follows through the end and inserting "thereof shall not unreasonably discriminate among providers of functionally equivalent services.";

(2) by striking clause (iv);

(3) by redesignating clause (v) as clause (iv); and

(4) in clause (iv), as so redesignated, by striking the third sentence and inserting the following: "In any such action in which a person seeking to place, construct, or modify a tower facility is a party, such person shall bear the burden of proof.".

(b) PROHIBITION ON ADOPTION OF RULE.—Notwithstanding any other provision of law, the Federal Communications Commission may not adopt as a final rule the proposed rule set forth in "Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities", MM Docket No. 97–182, released August 19, 1997.

Mr. JEFFORDS. Mr. President, I rise today to continue a discussion that my colleague, Senator LEAHY, began earlier, with regard to the Federal Communications Commission proposed rulemaking on regulations for wireless and digital broadcast facilities.

University of Vermont instructor and landscape designer Jean Veissering recently stated "We have a real spiritual connection with hilltops. They tend to be almost sacred ground. Building something jarringly out of character upon them seems almost like a sacrilege." Mr. President, I share Jean's sentiments completely. In addition, it is the beautiful views of the majestic mountain ranges that in many ways defines what Vermont is all about.

Vermonters take great pride in their heritage as a State committed to the ideals of freedom and unity. That heritage goes hand and hand with a unique quality of life and the desire to grow and develop while maintaining Vermont's beauty and character. Ethan Allan and his Green Mountain Boys and countless other independent minded Vermonters helped shape the Nation's 14th State while making outstanding contributions to the independence of this country. Today, that independence still persists in the hills and valleys of Vermont. Vermonters have worked hard over the years to maintain local control over issues that impact them directly.

Throughout my years in Congress, I fought hard to protect the ability of Vermonters to step out of their kitchen doors and see an unobstructed view. Thousands of Americans travel to Vermont each year to take in the splendid nature of the State.

However, Vermont could have looked quite different if it were not for some foresight on behalf of several Vermonters. In the 1960's, the State of Vermont was entering into a period of unchecked development. In response, Governor Dean C. Davis created the Commission on Environmental Control in May of 1969. The commission drafted a set of recommendations to help manage the precious resources of the State.

As the attorney general for the State at that time, I was one of the primary drafters of an environmental land use law which would later become known as Act 250. Act 250 was specifically written to control development, not to stop development, and in turn, this act has led Vermont to economic prosperity through balanced environmental protection.

After reviewing the Commission on Environmental Control's recommendation and the proposed legislation, Governor Davis made one very basic, but important change in the legislation. The proposed legislation had called for a State agency to administer the act. The Governor was adamant in his belief that the control should be as close to the people as possible. It is that control which the FCC's proposed rulemaking is looking to preempt.

Governor Davis' recommendation led to placing the permitting process in the hands of local environmental review boards with appeal rights to the Vermont Environmental Board. Thus, the act is administered by men and women who are directly involved in their communities and thoroughly familiar with local concerns.

When reviewing an application for new development, the local environmental review boards take into account the economic needs of the State along with regional concerns. The review board's underlying goal is to direct the impact of development toward the positive. The positive approach has led to a high priority on preserving the environment, protecting the natural resources, and maintaining the quality of life of all Vermonters.

On October 9, 1997, the State of Vermont Environmental Board filed comments with the Federal Communications Commission that stated: "Far from being an impediment to personal wireless service deployment, Vermont's Act 250 demonstrates that the path to economic prosperity is through balanced environmental protection, not preemption of such protection." I share the board's sentiments and feel that the FCC should take no further steps to preempt Vermont's Act 250 with respect to personal wireless service facilities.

Mr. President, the Green Mountain State has unique topography, dominated by rolling valleys and tall mountains. In turn, the citizens of the State have taken many steps to help preserve the beautiful views and pristine environment. The determination of the location of visible transmission towers should remain within the jurisdiction of local control. I feel that the Telecommunication Act of 1996 recognizes and protects the interest of local and State government in the area of land use regulation.

As the attorney general of the State of Vermont at the time of the enactment of Act 250, I am proud of the role I and many other Vermonters played in the subsequent management of the precious natural resources of the State. I support Act 250 and feel that the placement of communications towers should be left in the hands of the residents of Vermont not by a Federal agency.

I have written to the Chairman of the FCC with regard to my concerns about this proposed rulemaking. In addition, yesterday the Senate confirmed William Kennard to be the next Chairman of the FCC. Upon his confirmation, I wrote a letter to Chairman Kennard personally inviting him to the State of Vermont to see first hand how this proposed rulemaking would impact the State. I hope that he will join me on a tour of the State which will demonstrate to him the importance of local control with respect to the placement of broadcast facilities. Further, I look forward to explaining how Act 250 has allowed for the development of wireless communication in the State while protecting the environment.

Mr. President, in conclusion, I want to commend Mr. LEAHY for introducing this very important legislation for the State of Vermont. I am pleased to be a cosponsor and I look forward to working with him to protect Vermont's interests unique landscape.

By Mr. BURNS:

S. 1351. A bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities; to the Committee on Armed Services.

THE DISABLED SPORTSMEN'S ACCESS ACT

Mr. BURNS. Madam President, I rise today to introduce the Disabled Sportsmen's Access Act. This legislation will provide new opportunities for sportsmen with disabilities to hunt and fish on the numerous Department of Defense facilities across this Nation. This legislation will also allow the Department of Defense to work with private sector groups to build facilities and operate programs for the benefit of sportsmen with disabilities.

The beginnings of this legislation originate from a program developed at the Marine Corps Base at Quantico, VA. The program, run by Lt. Col. Lewis Deal, is a prime example of the work that can be done to provide new opportunities for people with disabilities. Lieutenant Colonel Deal has combined private sector volunteers work with donations from other people to build permanent disabled accessible blinds for deer hunting, which are used during both gun and bow seasons. These blinds provide people living with disabilities many of the same opportunities for outdoor recreation that we all enjoy.

There are plans underway at this time to construct a fishing pier on the Potomac River for access by people with disabilities. This pier is to be built with lower railings, and stops to provide access and security for disabled persons.

This legislation, uses the current program at Quantico, to allow the Department of the Defense to provide access to it's 30 million acres of wildlands by disabled individuals, as long as it does not interfere with the primary mission of the military, that of our Nation's defense. The military installations around the Nation offer a number of recreational and outdoor activities for both military and civilian personnel.

This legislation, will encourage the Department of Defense to give access to individuals with disabilities and allow the Department to accept donations or money and materials as well as use volunteers for the construction of facilities accessible to sportsmen with disabilities. The bill would allow this voluntary work to be done without cost to the Federal Government or the taxpayer.

Madam President, this legislation has the support of numerous organizations, including the bipartisan Congressional Sportsmen's Caucus, the Paralyzed Veterans of America, Disabled American Veterans. Among sportsmen's groups the bill has the endorsement of the Wheeling Sportsmen of America, Safari Club International, Wildlife Management Institute, the International Association of Fish and Wildlife Agencies and the Congressional Sportsmen's Foundation. I join today with my friend Congressman DUKE CUNNINGHAM to bring this important legislation to the attention of my colleagues.

I hope that all my colleagues in Congress would join Congressman CUNNINGHAM and myself in supporting this legislation for disabled sportsmen in our country.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 813

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 813, a bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1096

At the request of Mr. KERREY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the names of the Senator from Nevada [Mr. BRYAN] the Senator from California [Mrs. FEINSTEIN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1194

At the request of Mr. KYL, the names of the Senator from Tennessee [Mr. FRIST] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1228

At the request of Mr. CHAFEE, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1228, a bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1292

At the request of Mr. STEVENS, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Nebraska [Mr. HAGEL], the Senator from Maryland [Ms. MIKULSKI], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1292, a bill disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

S. 1310

At the request of Mr. FORD, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1310, a bill to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities.

S. 1311

At the request of Mr. LOTT, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from Colorado [Mr. ALLARD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. DEWINE], the Senator from Texas [Mr. GRAMM], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1314

At the request of Mrs. HUTCHISON, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from

Pennsylvania [Mr. SANTORUM], the Senator from Nebraska [Mr. HAGEL], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1314, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1327

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1327, a bill to grant normal trade relations status to the People's Republic of China on a permanent basis upon the accession of the People's Republic of China to the World Trade Organization.

SENATE RESOLUTION 93

At the request of Mr. GRASSLEY, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from New Mexico [Mr. DOMENICI], the Senator from Washington [Mr. GORTON], the Senator from Nebraska [Mr. HAGEL], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mrs. FEINSTEIN], the Senator from Kentucky [Mr. FORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. KOHL], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. MOYNIHAN], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Missouri [Mr. ASHCROFT], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Resolution 93, a resolution designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as "National Family Week," and for other purposes.

SENATE RESOLUTION 141

At the request of Mrs. MURRAY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Resolution 141, a resolution expressing the sense of the Senate regarding National Concern About Young People and Gun Violence Day.

SENATE CONCURRENT RESOLUTION 58—EXPRESSING THE CONCERN OF CONGRESS

Mr. GRAMS (for himself and Mr. SMITH of Oregon) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 58

Whereas the Russian legislature approved a bill "On Freedom of Conscience and Religious Association", and Russian President Boris Yeltsin signed it into law on September 26;

Whereas under the new law, the Russian government exercises almost unrestricted control over the activities of both Russian and international religious groups;

Whereas the new law will grant privileged status to some religions while discriminating against others through restrictive reporting and registration requirements;

Whereas the new law jeopardizes religious rights by permitting government officials, in consultation with privileged religious groups, to deny or revoke the registration of minority religions and order their possible disbandment or prohibition, on the basis of such activities as home schooling, nonmedical forms of healing, "hypnotic" sermons, and other vaguely defined offenses;

Whereas the law also restricts foreign missionary work in Russia;

Whereas under the new law, religious organizations or churches that wish to continue their activities in Russia will have to provide confirmation that they have existed at least 15 years, and only those who legally operated 50 years ago may be recognized as national "Russian" religious organizations;

Whereas although Article 14 of the Russian Constitution stipulates that "religious associations are separate from the state and are equal before the law", Article 19 states that restriction of citizens' rights on grounds of religious affiliation are prohibited, and Article 28 stipulates that "each person is guaranteed freedom of conscience and freedom * * * to choose, hold, and disseminate religious and other convictions and to act in accordance with them", the new law clearly violates these provisions of the Russian Constitution;

Whereas the Russian religion law violates accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Final Act and Madrid and Vienna Concluding Documents, and the European Convention on Human Rights;

Whereas governments have a primary responsibility to promote, encourage, and protect respect for the fundamental and internationally recognized right to freedom of religion; and

Whereas the United States Government is committed to the right to freedom of religion and its policies, and should encourage foreign governments to commit to this principle: Now, therefore, be it—

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) condemns the newly passed Russian antireligion law restricting freedom of religion, and violating international norms, international treaties to which the Russian Federation is a signatory, and the Constitution of Russia;

(2) recommends that President Clinton make the United States position clear to President Yeltsin and the Russian legislature that this antireligion law may seriously harm United States-Russian relations;

(3) calls upon President Yeltsin and the Russian legislature to uphold their international commitments on human rights, abide by the Russian Constitution's guarantee of freedom of religion, and reconsider their position by amending the new antireligion law and lifting all restrictions on freedom of religion; and

(4) calls upon all governments and legislatures of the independent states of the former Soviet Union to respect religious human rights in accordance with their international commitments and resist efforts to adopt the Russian discriminatory law.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

KOHL AMENDMENT NO. 1528

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE; FOREIGN TAX CREDIT CARRYOVERS.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified child care expenditures of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(A) to acquire, construct, rehabilitate, or expand property—

"(i) which is to be used as part of a qualified child care facility of the taxpayer,

"(ii) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(iii) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

"(B) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training,

"(C) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer, or

"(D) under a contract to provide child care resource and referral services to employees of the taxpayer.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

"(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1999."

(2) CONFORMING AMENDMENTS.—

(A) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(i) by striking out "plus" at the end of paragraph (11),

(ii) by striking out the period at the end of paragraph (12), and inserting a comma and "plus", and

(iii) by adding at the end the following new paragraph:

"(13) the employer-provided child care credit determined under section 45D."

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Employer-provided child care credit."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1996.

(b) MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.—

(1) IN GENERAL.—Subsection (c) of section 904 of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(A) by striking "in the second preceding taxable year,", and

(B) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to credits arising in taxable years beginning after December 31, 1997.

DURBIN AMENDMENT NO. 1529

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2646, surpa; as follows:

Strike section 2 and insert:

SEC. 2. INCREASE IN DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined under the following table:

"For taxable years beginning in calendar year—	the applicable percentage is—
1998	75
1999	75
2000	75
2001	80
2002	80
2003	80
2004	80
2005	80
2006 and thereafter	100."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

MOYNIHAN AMENDMENT NO. 1530

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 2 and insert:

SEC. 2. EXCLUSION FOR EDUCATIONAL ASSISTANCE TO GRADUATE STUDENTS.

(A) IN GENERAL.—The last sentence of section 127(c)(1) of the Internal Revenue Code of

1986 (defining educational assistance) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(b) Effective Date.—The amendment made by subsection (a) small apply with respect to expenses relating to courses beginning after July 31, 1997.

GRAHAM AMENDMENT NO. 1531

(Ordered to lie on the table.)

Mr GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

On page 3, between lines 9 and 10, insert:

"(C) Dependent care employment-related expenses.—Such term shall include employment-related expenses (as defined in section 21(b)(2)) for the care of a designated beneficiary who is a qualifying individual under section 21(b)(1)(A) with respect to the individual incurring such expenses. No credit shall be allowed under section 21 with respect to employment-related expenses paid out of the account to the extent such payment is not included in gross income by reason of subsection (d)(2)."

MOSELEY-BRAUN AMENDMENTS NOS. 1532–1533

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted two amendments intended to be proposed by her to the bill, H.R. 2646, supra; as follows:

Amendment No. 1532

Beginning on page 2, strike line 3 and all that follows through page 6, line 10, and insert the following:

SECTION 1. PROVISION OF ASSISTANCE FOR CONSTRUCTION AND RENOVATION OF EDUCATIONAL FACILITIES.

(a) Short Title.—This section may be cited as the "Educational Facilities Improvement Act".

(b) Amendment.—Title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8501 et seq.) is amended—

(1) by repealing sections 12002 and 12003;

(2) by redesignating sections 12001 and 12004 through 12013, as sections 12101 and 12102 through 12111, respectively;

(3) by inserting after the title heading the following:

"SEC. 12001. FINDINGS.

"The Congress finds the following:

"(1) The General Accounting Office performed a comprehensive survey of the Nation's public elementary and secondary school facilities, and found severe levels of disrepair in all areas of the United States.

"(2) The General Accounting Office concluded more than 14,000,000 children attend schools in need of extensive repair or replacement. Seven million children attend schools with life safety code violations. Twelve million children attend schools with leaky roofs.

"(3) The General Accounting Office found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

"(4) The condition of school facilities has a direct affect on the safety of students and teachers, and on the ability of students to learn.

"(5) Academic research has proven a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers found students assigned to schools in poor condition can be expected to fall 10.9 percentage points below those in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

"(6) The General Accounting Office found most schools are not prepared to incorporate modern technology into the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

"(7) The Department of Education reported that 'elementary and secondary school enrollment, already at a record high level, will continue to grow during the period between 1996 and 2000, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools over this time period.

"(8) The General Accounting Office found it will cost $112,000,000,000 just to bring schools up to good, overall condition, not including the cost of modernizing schools so the schools can utilize 21st century technology, nor including the cost of expansion to meet record enrollment levels.

"(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

"(10) The Federal Government can support elementary and secondary school facilities, and can leverage additional funds for the improvement of elementary and secondary school facilities.

"SEC. 12002. PURPOSE.

"The purpose of this title is to help State and local authorities improve the quality of education at their public schools through the provision of Federal funds to enable the State and local authorities to meet the cost associated with the improvement of school facilities within their jurisdictions.

"PART A—GENERAL INFRASTRUCTURE IMPROVEMENT GRANT PROGRAM";

and

(4) by adding at the end the following:

"PART B—CONSTRUCTION AND RENOVATION BOND SUBSIDY PROGRAM

"SEC. 12201. DEFINITIONS.

"As used in this part:

"(1) Educational facility.—The term 'educational facility' has the meaning given the term 'school' in section 12110.

"(2) Local area.—The term 'local area' means the geographic area served by a local educational agency.

"(3) Local bond authority.—The term 'local bond authority' means—

"(A) a local educational agency with authority to issue a bond for construction or renovation of educational facilities in a local area; and

"(B) a political subdivision of a State with authority to issue such a bond for an area including a local area.

"(4) Poverty line.—The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(5) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 12202. AUTHORIZATION OF PROGRAM.

"(a) Program Authority.—Of the amount appropriated under section 12210 for a fiscal year and not reserved under subsection (b), the Secretary shall use—

"(1) 33 percent of such amount to award grants to local bond authorities for not more than 125 eligible local areas as provided for under section 12203; and

"(2) 67 percent of such amount to award grants to States as provided for under section 12204.

"(b) Special Rule.—The Secretary may reserve—

"(1) not more than 1.5 percent of the amount appropriated under section 12210 to provide assistance to Indian schools in accordance with the purpose of this title;

"(2) not more than 0.5 percent of the amount appropriated under section 12210 to provide assistance to Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to carry out the purpose of this title; and

"(3) not more than 0.1 percent of the amount appropriated under section 12210 to carry out section 12209.

"SEC. 12203. DIRECT GRANTS TO LOCAL BOND AUTHORITIES.

"(a) In General.—The Secretary shall award a grant under section 12202(a)(1) to eligible local bond authorities to provide assistance for construction or renovation of educational facilities in a local area.

"(b) Use of Funds.—The local bond authority shall use amounts received through a grant made under section 12202(a)(1) to pay a portion of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area.

"(c) Eligibility and Determination.—

"(1) Eligibility.—To be eligible to receive a grant under section 12202(a)(1) for a local area, a local bond authority shall demonstrate the capacity to issue a bond for an area that includes 1 of the 125 local areas for which the Secretary has made a determination under paragraph (2).

"(2) Determination.—

"(A) Mandatory.—The Secretary shall make a determination of the 100 local areas that have the highest numbers of children who are—

"(i) aged 5 to 17, inclusive; and

"(ii) members of families with incomes that do not exceed 100 percent of the poverty line.

"(B) Discretionary.—The Secretary may make a determination of 25 local areas, for which the Secretary has not made a determination under subparagraph (A), that have extraordinary needs for construction or renovation of educational facilities that the local bond authority serving the local area is unable to meet.

"(d) Application.—To be eligible to receive a grant under section 12202(a)(1), a local bond authority shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) an assurance that the application was developed in consultation with parents and classroom teachers;

"(2) information sufficient to enable the Secretary to make a determination under subsection (c)(2) with respect to such local authority;

"(3) a description of the architectural, civil, structural, mechanical, or electrical construction or renovation to be supported with the assistance provided under this part;

"(4) a cost estimate of the proposed construction or renovation;

"(5) an identification of other resources, such as unused bonding capacity, that are available to carry out the activities for which assistance is requested under this part;

"(6) a description of how activities supported with funds provided under this part will promote energy conservation; and

"(7) such other information and assurances as the Secretary may require.

"(e) AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under section 12202(a)(1), the Secretary shall give preference to a local bond authority based on—

"(A) the extent to which the local educational agency serving the local area involved or the educational facility for which the authority seeks a grant (as appropriate) meets the criteria described in section 12103(a);

"(B) the extent to which the educational facility is overcrowded; and

"(C) the extent to which assistance provided through the grant will be used to fund construction or renovation that, but for receipt of the grant, would not otherwise be possible to undertake.

"(2) AMOUNT OF ASSISTANCE.—

"(A) IN GENERAL.—In determining the amount of assistance for which local bond authorities are eligible under section 12202(a)(1), the Secretary shall—

"(i) give preference to a local bond authority based on the criteria specified in paragraph (1); and

"(ii) consider—

"(I) the amount of the cost estimate contained in the application of the local bond authority under subsection (d)(4);

"(II) the relative size of the local area several by the local bond authority; and

"(III) any other factors determined to be appropriate by the Secretary.

"(B) MAXIMUM AMOUNT OF ASSISTANCE.—A local bond authority shall be eligible for assistance under section 12202(a)(1) in an amount that does not exceed the appropriate percentage under section 12204(f)(3) of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area involved.

"SEC. 12204. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall award a grant under section 12202(a)(2) to each eligible State to provide assistance to the State, or local bond authorities in the State, for construction and renovation of educational facilities in local areas.

"(b) USE OF FUNDS.—The State shall use amounts received through a grant made under section 12202(a)(2)—

"(1) to pay a portion of the interest costs applicable to any State bond issued to finance an activity described in section 12205 with respect to the local areas; or

"(2) to provide assistance to local bond authorities in the State to pay a portion of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local areas.

"(c) AMOUNT OF GRANT TO STATE.—

"(1) IN GENERAL.—From the amount available for grants under section 12202(a)(2), the Secretary shall award a grant to each eligible State that is equal to the total of—

"(A) a sum that bears the same relationship to 50 percent of such amount as the total amount of funds made available for all eligible local educational agencies in the State under part A of title I for such year bears to the total amount of funds made available for all eligible local educational agencies in all States under such part for such year; and

"(B) a sum that bears the same relationship to 50 percent of such amount as the total amount of funds made available for all eligible local educational agencies in the State under title VI for such year bears to the total amount of funds made available for all eligible local educational agencies in all States under such title for such year.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—For the purpose of paragraph (1) the term 'eligible local educational agency' means a local educational agency that does not serve a local area for which an eligible local bond authority received a grant under section 12203.

"(d) STATE APPLICATIONS REQUIRED.—To be eligible to receive a grant under section 12202(a)(2), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall contain—

"(1) a description of the process the State will use to determine which local bond authorities will receive assistance under subsection (b)(2).

"(2) an assurance that grant funds under this section will be used to increase the amount of school construction or renovation in the State for a fiscal year compared to such amount in the State for the preceding fiscal years.

"(e) ADMINISTERING AGENCY.—

"(1) IN GENERAL.—The State agency with authority to issue bonds for the construction or renovation of educational facilities, or with the authority to otherwise finance such construction or renovation, shall administer the amount received through the grant.

"(2) SPECIAL RULE.—If no agency described in paragraph (1) exists, or if there is more than one such agency, then the chief executive officer of the State and the chief State school officer shall designate a State entity or individual to administer the amounts received through the grant.

"(f) ASSISTANCE TO LOCAL BOND AUTHORITIES.—

"(1) IN GENERAL.—To be eligible to receive assistance from a State under this section, a local bond authority shall prepare and submit to the State agency designated under subsection (e) an application at such time, in such manner, and containing such information as the State agency may require, including the information described in section 12203(d).

"(2) CRITERIA.—In awarding grants under this section, the State agency shall give preference to a local bond authority based on—

"(A) the extent to which the local educational agency serving the local area involved or the educational facility for which the authority seeks the grant (as appropriate) meets the criteria described in section 12103(a);

"(B) the extent to which the educational facility is overcrowded; and

"(C) the extent to which assistance provided through the grant will be used to fund construction or renovation that, but for receipt of the grant, would not otherwise be possible to undertake.

"(3) AMOUNT OF ASSISTANCE.—A local bond authority seeking assistance for a local area served by a local educational agency described in—

"(A) clause (i)(I) or clause (ii)(I) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 10 percent;

"(B) clause (i)(II) or clause (ii)(II) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 20 percent;

"(C) clause (i)(III) or clause (ii)(III) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 30 percent;

"(D) clause (i)(IV) or clause (ii)(IV) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 40 percent; and

"(E) clause (i)(V) or clause (ii)(V) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 50 percent;

of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area.

"(g) ASSISTANCE TO STATE.—

"(1) IN GENERAL.—If a State issues a bond to finance an activity described in section 12205 with respect to local areas, the State shall be eligible for assistance in an amount that does not exceed the percentage calculated under the formula described in paragraph (2) of the interest costs applicable to the State bond with respect to the local areas.

"(2) FORMULA.—The Secretary shall develop a formula for determining the percentage referred to in paragraph (1). The formula shall specify that the percentage shall consist of a weighted average of the percentages referred to in subparagraphs (A) through (E) of subsection (f)(3) for the local areas involved.

"SEC. 12205. AUTHORIZED ACTIVITIES.

"An activity described in this section is a project of significant size and scope that consists of—

"(1) the repair or upgrading of classrooms or structures related to academic learning, including the repair of leaking roofs, crumbling walls, inadequate plumbing, poor ventilation equipment, and inadequate heating or light equipment;

"(2) an activity to increase physical safety at the educational facility involved;

"(3) an activity to enhance the educational facility involved to provide access for students, teachers, and other individuals with disabilities;

"(4) an activity to improve the energy efficiency of the educational facility involved;

"(5) an activity to address environmental hazards at the educational facility involved, such as poor ventilation, indoor air quality, or lighting;

"(6) the provision of basic infrastructure that facilitates educational technology, such as communications outlets, electrical systems, power outlets, or a communication closet;

"(7) the construction of new schools to meet the needs imposed by enrollment growth; and

"(8) any other activity the Secretary determines achieves the purpose of this title.

"SEC. 12206. STATE GRANT WAIVERS.

"(a) WAIVER FOR STATE ISSUANCE OF BOND.—

"(1) IN GENERAL.—A State that issues a bond described in section 12204(b)(1) with respect to a local area may request that the Secretary waive the limits described in section 12204(f)(3) for the local area, in calculating the amount of assistance the State may receive under section 12204(g). The State may request the waiver only if no local entity is able, for one of the reasons described in subparagraphs (A) through (F) of paragraph (2), to issue bonds on behalf of the local area. Under such a waiver, the Secretary may permit the State to use amounts received through a grant made under section 12202(a)(2) to pay for not more than 80 percent of the interest costs applicable to the State bond with respect to the local area.

"(2) DEMONSTRATION BY STATE.—To be eligible to receive a waiver under this subsection, a State shall demonstrate to the satisfaction of the Secretary that—

"(A) the local bond authority serving the local area has reached a limit on its borrowing authority as a result of a debt ceiling or property tax cap;

"(B) the local area has a high percentage of low-income residents, or an unusually high property tax rate;

"(C) the demographic composition of the local area will not support additional school spending;

"(D) the local bond authority has a history of failed attempts to pass bond referenda;

"(E) the local area contains a significant percentage of Federally-owned land that is not subject to local taxation; or

"(F) for another reason, no local entity is able to issue bonds on behalf of the local area.

"(b) WAIVER FOR OTHER FINANCING SOURCES.—

"(1) IN GENERAL.—A State may request that the Secretary waive the use requirements of section 12204(b) for a local bond authority to permit the State to provide assistance to the local bond authority to finance construction or renovation by means other than through the issuance of bonds.

"(2) USE OF FUNDS.—A State that receives a waiver granted under this subsection may provide assistance to a local bond authority in accordance with the criteria described in section 12204(f)(2) to enable the local bond authority to repay the costs incurred by the local bond authority in financing an activity described in section 12205. The local bond authority shall be eligible to receive the amount of such assistance that the Secretary estimates the local bond authority would be eligible to receive under section 12204(f)(3) if the construction or renovation were financed through the issuance of a bond.

"(3) MATCHING REQUIREMENT.—The State shall make available to the local bond authority (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided to the local bond authority through the grant.

"(c) WAIVER FOR OTHER USES.—

"(1) IN GENERAL.—A State may request that the Secretary waive the use requirements of section 12204(b) for a State to permit the State to carry out activities that achieve the purpose of this title.

"(2) DEMONSTRATION BY STATE.—To be eligible to receive a waiver under this subsection, a State shall demonstrate to the satisfaction of the Secretary that the use of assistance provided under the waiver—

"(A) will result in an equal or greater amount of construction or renovation of educational facilities than the provision of assistance to defray the interest costs applicable to a bond for such construction or renovation; and

"(B) will be used to fund activities that are effective in carrying out the activities described in section 12205, such as—

"(i) the capitalization of a revolving loan fund for such construction or renovation;

"(ii) the use of funds for reinsurance or guarantees with respect to the financing of such construction or renovation;

"(iii) the creation of a mechanism to leverage private sector resources for such construction or renovation;

"(iv) the capitalization of authorities similar to State Infrastructure Banks to leverage additional funds for such construction or renovation; or

"(v) any other activity the Secretary determines achieves the purpose of this title.

"(d) LOCAL BOND AUTHORITY WAIVER.—

"(1) IN GENERAL.—A local bond authority may request the Secretary waive the use requirements of section 12203(b) for a local head authority to permit the authority to finance construction or renovation of educational facilities by means other than through use of bonds.

"(2) DEMONSTRATION.—To be eligible to receive a waiver under this subsection, a local bond authority shall demonstrate that the amounts made available through a grant under the waiver will result in an equal or greater amount of construction or renovation of educational facilities than the provision of assistance to defray the interest costs applicable to a bond for such construction or renovation.

"(e) REQUEST FOR WAIVER.—A State or local bond authority that desires a waiver under this section shall submit a waiver request to the Secretary that—

"(1) identifies the type of waiver requested;

"(2) with respect to a waiver described in subsection (a), (c), or (d), makes the demonstration described in subsection (a)(2), (c)(2), or (d)(2), respectively;

"(3) describes the manner in which the waiver will further the purpose of this title; and

"(4) describes the use of assistance provided under such waiver.

"(f) ACTION BY SECRETARY.—The Secretary shall make a determination with respect to a request submitted under subsection (d) not later than 90 days after the date on which such request was submitted.

"(g) GENERAL REQUIREMENTS.—

"(1) STATES.—In the case of a waiver request submitted by a State under this section, the State shall—

"(A) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(B) submit the comments to the Secretary; and

"(C) provide notice and information to the public regarding the waiver request in the manner that the applying State customarily provides similar notices and information to the public.

"(2) LOCAL BOND AUTHORITIES.—In the case of a waiver request submitted by a local bond authority under this section, the local bond authority shall—

"(A) provide the affected local educational agency with notice and a reasonable opportunity to comment on the request;

"(B) submit the comments to the Secretary; and

"(C) provide notice and information to the public regarding the waiver request in the manner that the applying local bond authority customarily provides similar notices and information to the public.

"SEC. 12207. GENERAL PROVISIONS.

"(a) FAILURE TO ISSUE BONDS.—

"(1) STATES.—If a State that receives assistance under this part fails to issue a bond for which the assistance is provided, the amount of such assistance shall be made available to the State as provided for under section 12204, during the first fiscal year following the date of repayment.

"(2) LOCAL BOND AUTHORITIES AND LOCAL AREAS.—If a local bond authority that receives assistance under this part fails to issue a bond, or a local area that receives such assistance fails to become the beneficiary of a bond, for which the assistance is provided, the amount of such assistance—

"(A) in the case of assistance received under section 12202(a)(1), shall be repaid to the Secretary and made available as provided for under section 12203; and

"(B) in the case of assistance received under section 12202(a)(2), shall be repaid to the State and made available as provided for under section 12204.

"(b) LIABILITY OF THE FEDERAL GOVERNMENT.—The Secretary shall not be liable for any debt incurred by a State or local bond authority for which assistance is provided under this part. If such assistance is used by a local educational agency to subsidize a debt other than the issuance of a bond, the Secretary shall have no obligation to repay the lending institution to whom the debt is owed if the local educational agency defaults.

"SEC. 12208. FAIR WAGES.

"The provisions of section 12107 shall apply with respect to all laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part using assistance provided under this part.

"SEC. 12209. REPORT.

"From amounts reserved under section 12202(b)(3) for each fiscal year the Secretary shall—

"(1) collect such data as the Secretary determines necessary at the school, local, and State levels;

"(2) conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of activities supported with funds provided under this part; and

"(B) evaluate the state of United States educational facilities; and

"(3) report to the appropriate committees of Congress regarding the findings of the studies and evaluations described in paragraph (2).

"SEC. 12210. FUNDING.

"(a) IN GENERAL.—There are appropriated to carry out this part $827,000,000 for fiscal year 1998, $1,368,000,000 for fiscal year 1999, $608,000,000 for fiscal year 2000, $141,000,000 for fiscal year 2001, and $148,000,000 for fiscal year 2002.

"(b) ENTITLEMENT.—Subject to subsection (a), each State or local bond authority awarded a grant under this part shall be entitled to payments under the grant.

"(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.".

(c) CONFORMING AMENDMENTS.—

(1) CROSS REFERENCES.—Part A of title XII of the Elementary and Secondary Education Act of 1965 (as redesignated by subsection (b)(3)) is amended—

(A) in section 12102(a) (as redesignated by subsection (b)(2))—

(i) in paragraph (1)—

(I) by striking "12013" and inserting "12111";

(II) by striking "12005" and inserting "12103"; and

(III) by striking "12007" and inserting "12105"; and

(ii) in paragraph (2), by striking "12013" and inserting "12111"; and

(B) in section 12110(3)(C) (as redesignated by subsection (b)(2)), by striking "12006" and inserting "12104".

(2) CONFORMING AMENDMENTS.—Part A of title XII of the Elementary and Secondary Education Act of 1965 (as redesignated by subsection (b)(3)) (20 U.S.C. 8501 et seq.) is further amended—

(A) in section 12101 (as redesignated by subsection (b)(2)), by striking "This title" and inserting "This part"; and

(B) in sections 12102(a)(2), 12102(b)(1), 12103(a), 12103(b), 12103(b)(2), 12103(c), 12103(d), 12104(a), 12104(b)(2), 12104(b)(3), 12104(b)(4), 12104(b)(6), 12104(b)(7), 12105(a), 12105(b), 12106(a), 12106(b), 12106(c), 12106(c)(1), 12106(c)(7), 12106(e), 12107, 12108(a)(1), 12108(a)(2), 12108(b)(1), 12108(b)(2), 12108(b)(3), 12108(b)(4), 12109(2)(A), and 12110 (as redesignated by subsection (b)(2)), by striking "this title" each place it appears and inserting "this part".

SEC. 2. OVERRULING OF SCHMIDT BAKING COMPANY CASE.

AMENDMENT NO. 1533

Beginning on page 2, line 3, strike all through page 6, line 9, and insert:

SECTION 1. PURPOSE.

It is the purpose of this Act to help school districts to improve their crumbling and overcrowded school facilities through the use of Federal tax credits.

SEC. 2. TAX CREDIT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOL CONSTRUCTION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to general business credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOL CONSTRUCTION.

"(a) IN GENERAL.—For purposes of section 38, the amount of the school construction credit determined under this section for an eligible taxpayer for any taxable year with respect to an eligible school construction project shall be an amount equal to the lesser of—

"(1) the applicable percentage of the qualified school construction costs, or

"(2) the excess (if any) of—

"(A) the taxpayer's allocable school construction amount with respect to such project under subsection (d), over

"(B) any portion of such allocable amount used under this section for preceding taxable years.

"(b) ELIGIBLE TAXPAYER; ELIGIBLE SCHOOL CONSTRUCTION PROJECT.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any person which—

"(A) has entered into a contract with a local educational agency for the performance of construction or related activities in connection with an eligible school construction project, and

"(B) has received an allocable school construction amount with respect to such contract under subsection (d).

"(2) ELIGIBLE SCHOOL CONSTRUCTION PROJECT.—

"(A) IN GENERAL.—The term 'eligible school construction project' means any project related to a public elementary school or secondary school that is conducted for 1 or more of the following purposes:

"(i) Construction of school facilities in order to ensure the health and safety of all students, which may include—

"(I) the removal of environmental hazards,

"(II) improvements in air quality, plumbing, lighting, heating and air conditioning, electrical systems, or basic school infrastructure, and

"(III) building improvements that increase school safety.

"(ii) Construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(iii) Construction activities that increase the energy efficiency of school facilities.

"(iv) Construction that facilitates the use of modern educational technologies.

"(v) Construction of new school facilities that are needed to accommodate growth in school enrollments.

"(vi) Such other construction as the Secretary of Education determines appropriate.

"(B) SPECIAL RULES.—For purposes of this paragraph—

"(i) the term 'construction' includes reconstruction, renovation, or other substantial rehabilitation, and

"(ii) an eligible school construction project shall not include the costs of acquiring land (or any costs related to such acquisition).

"(c) QUALIFIED SCHOOL CONSTRUCTION COSTS; APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified school construction costs' means the aggregate amounts paid to an eligible taxpayer during the taxable year under the contract described in subsection (b)(1).

"(2) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means, in the case of an eligible school construction project related to a local educational agency, the higher of the following percentages:

"(A) If the local educational agency has a percentage or number of children described in clause (i)(I) or (ii)(I) of section 1125(c)(2)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335(c)(2)(A)), the applicable percentage is 10 percent.

"(B) If the local educational agency has a percentage or number of children described in clause (i)(II) or (ii)(II) of such section, the applicable percentage is 15 percent.

"(C) If the local educational agency has a percentage or number of children described in clause (i)(III) or (ii)(III) of such section, the applicable percentage is 20 percent.

"(D) If the local educational agency has a percentage or number of children described in clause (i)(IV) or (ii)(IV) of such section, the applicable percentage is 25 percent.

"(E) If the local educational agency has a percentage or number of children described in clause (i)(V) or (ii)(V) of such section, the applicable percentage is 30 percent.

"(d) ALLOCABLE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—Subject to paragraph (3), a local educational agency may allocate to any person a school construction amount with respect to any eligible school construction project.

"(2) TIME FOR MAKING ALLOCATION.—An allocation shall be taken into account under paragraph (1) only if the allocation is made at the time the contract described in subsection (b)(1) is entered into (or such later time as the Secretary may by regulation allow).

"(3) COORDINATION WITH STATE PROGRAM.—A local educational agency may not allocate school construction amounts for any fiscal year—

"(A) which in the aggregate exceed the amount of the State school construction ceiling allocated to such agency for such fiscal year under subsection (e), or

"(B) if such allocation is inconsistent with any specific allocation required by the State or this section.

"(e) STATE CEILINGS AND ALLOCATION.—

"(1) IN GENERAL.—A State educational agency shall allocate to local educational agencies within the State for any fiscal year a portion of the State school construction ceiling for such year. Such allocations shall be consistent with the State application which has been approved under subsection (f) and with any requirement of this section.

"(2) STATE SCHOOL CONSTRUCTION CEILING.—

"(A) IN GENERAL.—The State school construction ceiling for any State for any fiscal year shall be an amount equal to the State's allocable share of the national school construction amount.

"(B) STATE'S ALLOCABLE SHARE.—The State's allocable share of the national school construction amount for a fiscal year shall bear the same relation to the national school construction amount for the fiscal year as the amount the State received under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the preceding fiscal year bears to the total amount received by all States under such section for such preceding fiscal year.

"(C) NATIONAL SCHOOL CONSTRUCTION AMOUNT.—The national school construction amount for any fiscal year is the lesser of—

"(i) in the case of—

"(I) fiscal year 1998, $827,000,000,

"(II) fiscal year 1999, $1,388,000,000, plus any amount not allocated under this section in any preceding fiscal year,

"(III) fiscal year 2000, $608,000,000, plus any such amount,

"(IV) fiscal year 2001, $141,000,000, plus any such amount, and

"(V) fiscal year 2002, $148,000,000, plus any such amount, or

"(ii) the amount made available for such year under the School Infrastructure Improvement Trust Fund established under section 9512,

reduced by any amount described in paragraph (3).

"(3) SPECIAL ALLOCATIONS FOR INDIAN TRIBES AND TERRITORIES.—

"(A) ALLOCATION TO INDIAN TRIBES.—The national school construction amount under paragraph (2)(C) shall be reduced by 1.5 percent for each fiscal year and the Secretary of Interior shall allocate such amount among Indian tribes according to their respective need for assistance under this section.

"(B) ALLOCATION TO TERRITORIES.—The national school construction amount under paragraph (2)(C) shall be reduced by 0.5 percent for each fiscal year and the Secretary of Education shall allocate such amount among the territories according to their respective need for assistance under this section.

"(4) REALLOCATION.—If the Secretary of Education determines that a State is not making satisfactory progress in carrying out the State's plan for the use of funds allocated to the State under this section, the Secretary may reallocate all or part of the State school construction ceiling to 1 or more other States that are making satisfactory progress.

"(e) State Application.—

"(1) In general.—A State educational agency shall not be eligible to allocate any amount to a local educational agency for any fiscal year unless the agency submits to the Secretary of Education (and the Secretary approves) an application containing such information as the Secretary may require, including—

"(A) an estimate of the overall condition of school facilities in the State, including the projected cost of upgrading schools to adequate condition;

"(B) an estimate of the capacity of the schools in the State to house projected student enrollments, including the projected cost of expanding school capacity to meet rising student enrollment;

"(C) the extent to which the schools in the State have the basic infrastructure elements necessary to incorporate modern technology into their classrooms, including the projected cost of upgrading school infrastructure to enable the use of modern technology in classrooms;

"(D) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students; and

"(E) an identification of the State agency that will allocate credit amounts to local educational agencies within the State.

"(2) Specific items in allocation.—The State shall include in the State's application the process by which the State will allocate the credits to local educational agencies within the State. The State shall consider in its allocation process the extent to which—

"(A) the school district served by the local educational agency has—

"(i) a high number or percentage of the total number of children aged 5 to 17, inclusive, in the State who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or

"(ii) a high percentage of the total number of low-income residents in the State;

"(B) the local educational agency lacks the fiscal capacity, including the ability to raise funds through the full use of such agency's bonding capacity and otherwise, to undertake the eligible school construction project without assistance;

"(C) the local area makes an unusually high local tax effort, or has a history of failed attempts to pass bond referenda;

"(D) the local area contains a significant percentage of federally owned land that is not subject to local taxation;

"(E) the threat the condition of the physical facility poses to the safety and well-being of students;

"(F) there is a demonstrated need for the construction, reconstruction, renovation, or rehabilitation based on the condition of the facility;

"(G) the extent to which the facility is overcrowded; and

"(H) the extent to which assistance provided will be used to support eligible school construction projects that would not otherwise be possible to undertake.

"(3) Identification of areas.—The State shall include in the State's application the process by which the State will identify the areas of greatest needs (whether those areas are in large urban centers, pockets of rural poverty, fast-growing suburbs, or elsewhere) and how the State intends to meet the needs of those areas.

"(4) Allocations on basis of application.—The Secretary of Education shall evaluate applications submitted under this subsection and shall approve any such application which meets the requirements of this section.

"(g) Required Allocations.—Notwithstanding any process for allocation under a State application under subsection (f), in the case of a State which contains 1 or more of the 100 school districts within the United States which contains the largest number of poor children (as determined by the Secretary of Education), the State shall allocate each fiscal year to the local educational agency serving such districts that portion of the State school construction ceiling which bears the same ratio to such ceiling as the number of children in such district for the preceding fiscal year who are counted for purposes of section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)) bears to the total number of children in such State who are so counted.

"(h) Definitions.—For purposes of this section—

"(1) Elementary school; local educational agency; secondary school; State educational agency.—The terms 'elementary school', 'local educational agency', 'secondary school', and 'State educational agency' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) Territories.—The term 'territories' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(3) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."

(b) Inclusion in General Business Credit.—

(1) In general.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the school construction credit determined under section 45D(a)."

(2) Transition rule.—Section 39(d) of such Code is amended by adding at the end the following new paragraph:

"(8) No carryback of section 45D credit before enactment.—No portion of the unused business credit for any taxable year which is attributable to the school construction credit determined under section 45D may be carried back to a taxable year ending before the date of the enactment of section 45D."

(c) Establishment of School Infrastructure Improvement Trust Fund.—

(1) In general.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9512. SCHOOL INFRASTRUCTURE IMPROVEMENT TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'School Infrastructure Improvement Trust Fund', consisting of such amounts as may be credited or paid to such Trust Fund as provided in this section or section 9602(b).

"(b) Transfers to Trust Fund.—There is appropriated to the Trust Fund for fiscal year—

"(1) 1998, $827,000,000,

"(2) 1999, $1,388,000,000,

"(3) 2000, $608,000,000,

"(4) 2001, $141,000,000, and

"(5) 2002, $148,000,000.

"(c) Expenditures From Trust Fund.—Amounts in the Trust Fund shall be transferred to the general fund of the Treasury at such times as the Secretary determines appropriate to offset any decrease in Federal revenues by reason of credits allowed under section 38 which are attributable to the school construction credit determined under section 45D."

(2) Conforming amendment.—The table of section for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

"Sec. 9512. School Infrastructure Improvement Trust Fund.

(d) Conforming Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45D. Credit for public elementary and secondary school construction."

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

LOTT AMENDMENT NO. 1534

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike all after "**section**" and insert "**1. short title**.

This Act may be cited as the "Education Savings Act for Public and Private Schools".

SEC. 2. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)) but only with respect to amounts in the account which are attributable to contributions for any taxable year ending before January 1, 2001, and earnings on such contributions.

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) Qualified State tuition programs.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account.".

(2) Qualified elementary and secondary education expenses.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means tuition, fees, tutoring, special needs services, books, supplies, computer equipment (including related software and services) and other equipment, transportation, and supplementary expenses required for the enrollment or attendance of the designated beneficiary of the trust at a public, private, or religious school.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A) required for education provided for homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.".

(3) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 of such Code are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) TEMPORARY INCREASE IN MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $2,500 ($500 in the case of any taxable year ending after December 31, 2000).".

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) of such Code is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) of such Code is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Paragraph (1) of section 530(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).".

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Paragraph (1) of section 530(c) of the Internal Revenue Code of 1986 is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) EFFECTIVE DATE; REFERENCES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

(2) REFERENCES.—Any reference in this section to any section of the Internal Revenue Code of 1986 shall be a reference to such section as added by the Taxpayer Relief Act of 1997.

SEC. 3. OVERRULING OF SCHMIDT BAKING COMPANY CASE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 shall be applied without regard to the result reached in the case of Schmidt Baking Company, Inc. v. Commissioner of Internal Revenue, 107 T.C. 271 (1996).

(b) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe regulations to reflect subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

McCONNELL (AND GRAHAM) AMENDMENT NO. 1535

(Ordered to lie on the table.)

Mr. McCONNELL (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. ___. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) ALLOWANCE OF EXCLUSION.—

(1) IN GENERAL.—Subparagraph (B) of section 529(c)(3) of the Internal Revenue Code of 1986 (relating to distributions) is amended to read as follows:

"(B) QUALIFIED HIGHER EDUCATION DISTRIBUTIONS.—In the case of a qualified higher education distribution under subsection (f)—

"(i) subparagraph (A) shall not apply, and

"(ii) no amount shall be includible in gross income with respect to such distribution."

(2) QUALIFIED HIGHER EDUCATION DISTRIBUTION DEFINED.—Section 529 of such Code (relating to qualified State tuition programs) is amended by adding at the end the following new subsection:

"(f) QUALIFIED HIGHER EDUCATION DISTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified higher education distribution' means any distribution (or portion thereof) which constitutes a payment directly to an eligible educational institution for qualified higher education expenses of the designated beneficiary for enrollment or attendance at such institution.

"(2) ROOM AND BOARD FOR STUDENTS LIVING OFF CAMPUS.—

"(A) IN GENERAL.—The term 'qualified higher education distribution' includes distributions not described in paragraph (1) to the extent that the amount of such distributions for the taxable year does not exceed the amount treated as qualified higher education expenses of the designated beneficiary under subsection (e)(3)(B)(i)(II).

"(B) RESTRICTIONS.—Subparagraph (A) shall only apply with respect to distributions for any academic period if—

"(i) distributions described in paragraph (1) are made for such period for expenses other than room and board, and

"(ii) the designated beneficiary certifies to the qualified State tuition program that the beneficiary resides in a dwelling unit not operated or maintained by an eligible educational institution.

"(3) EXCLUSION ELECTIVE; LIMITATION TO ONE PROGRAM.—

"(A) ELECTION.—This subsection shall apply for a taxable year only if the designated beneficiary elects its application.

"(B) LIMITATION TO ONE PROGRAM.—This subsection shall apply only to distributions from the qualified State tuition program designated by the beneficiary in the first election taking effect under subparagraph (A). Such designation, once made, shall be irrevocable.

"(4) AGGREGATION.—All distributions from the qualified State tuition program designated under paragraph (3)(B) shall be treated as 1 distribution for purposes of this subsection."

(3) ROOM AND BOARD.—Section 529(e)(3)(B) of such Code is amended to read as follows:

"(B) ROOM AND BOARD INCLUDED FOR STUDENTS WHO ARE AT LEAST HALF-TIME.—

"(i) IN GENERAL.—In the case of a designated beneficiary who is an eligible student (as defined in such section 25A(b)(3)) for any academic period, the term 'qualified higher education expenses' shall include—

"(I) amounts paid directly to an eligible educational institution for room and board furnished to the beneficiary during such academic period, or

"(II) if the beneficiary is not residing in a dwelling unit operated or maintained by the eligible educational institution, reasonable costs incurred by the beneficiary for room and board during such academic period.

"(ii) LIMITATIONS ON OFF-CAMPUS ROOM AND BOARD.— .

"(I) DOLLAR LIMIT.—The aggregate costs which may be taken into account under clause (i)(II) for any taxable year shall not exceed $4,500.

"(II) NO MORE THAN 4 ACADEMIC YEARS TAKEN INTO ACCOUNT.—Costs may be taken into account under clause (i)(II) only for that number of academic periods as is equivalent to 4 academic years. Such number shall be reduced by the number of academic periods for which amounts were previously taken into account under clause (i)(I)."

(b) LIMIT ON AGGREGATE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 529(b)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

"(7) AGGREGATE LIMIT ON CONTRIBUTIONS.—A program shall not be treated as a qualified State tuition program if it allows aggregate contributions (including rollover contributions) on behalf of a designated beneficiary to exceed $35,200."

(2) TAX ON EXCESS CONTRIBUTIONS.—

(A) IN GENERAL.—Section 4973 of such Code is amended by adding at the end the following new subsection:

"(g) EXCESS CONTRIBUTIONS TO QUALIFIED STATE TUITION PROGRAMS.—

"(1) IN GENERAL.—In the case of a designated beneficiary under 1 or more qualified State tuition programs (as defined in section 529(b)), the amount by which the contributions on behalf of such beneficiary for such taxable year, when added to the aggregate contributions on behalf of such beneficiary for all preceding taxable years, exceeds the dollar limit in effect under section 529(b)(7) for calendar year in which the taxable year begins.

"(2) SPECIAL RULES.—For purposes of paragraph (1), the following contributions shall not be taken into account:

"(A) Any contribution which is distributed out of the qualified State tuition program in a distribution to which section 529(g)(2) applies.

"(B) Any rollover contribution."

(B) CONFORMING AMENDMENTS.—Section 4973(a) is amended—

(i) by striking "or" at the end of paragraph (3), by inserting "or" at the end of paragraph (5), and by inserting after paragraph (4) the following new paragraph:

"(5) a qualified State tuition program (as defined in section 529),",

(ii) by striking "accounts or annuities" and inserting "accounts, annuities, or programs", and

(iii) by striking "account or annuity" and inserting "account, annuity, or program".

(c) Compliance Provisions.—

(1) Additional tax on amounts not used for higher education expenses.—

(A) In general.—Section 529 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) Additional Tax for Distributions Not Used for Educational Expenses.—

"(1) In general.—The tax imposed by section 530(d)(4) shall apply to payments and distributions from qualified State tuition programs in the same manner as such tax applies to education individual retirement accounts.

"(2) Excess contributions returned before due date of return.—Subparagraph (A) shall not apply to the distribution to a contributor of any contribution paid during a taxable year to a qualified tuition program to the extent that such contribution exceeds the limitation in section 4973(g) if such distribution (and the net income with respect to such excess contribution) meet requirements comparable to the requirements of section 530(d)(4)(C)."

(B) Conforming amendment.—Section 529(b)(3) of such Code is repealed.

(2) Withholding of tax on certain distributions.—Section 529(c) is amended by adding at the end the following new paragraph:

"(6) Withholding of tax on certain distributions.—

"(A) In general.—A qualified State tuition program shall withhold from any distribution an amount equal to 15 percent of the portion of such distribution properly allocable to income on the contract (as determined under section 72).

"(B) Exceptions.—Subparagraph (A) shall not apply to a distribution which—

"(i) is a qualified higher education distribution under subsection (f), or

"(ii) is exempt from the payment of the additional tax imposed by subsection (g)."

(3) Distributions required in certain cases.—Subsection (b) of section 529 of such Code is amended by adding at the end the following new paragraph:

"(8) Required distributions.—

"(A) In general.—A program shall be treated as a qualified State tuition program only if any balance to the credit of a designated beneficiary (if any) on the account termination date is required to be distributed within 30 days after such date to such beneficiary (or in the case of death, the estate of the beneficiary).

"(B) Account termination date.—For purposes of subparagraph (A), the term 'account termination date' means whichever of the following dates is the earliest:

"(i) The date on which the designated beneficiary attains age 30.

"(ii) The date on which the designated beneficiary dies."

(d) Cost-of-Living Adjustments.—Section 529(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) Cost-of-living adjustments.—In the case of calendar years beginning after December 31, 1998, the $32,500 amount under subsection (b)(7) and the $4,500 amount under subsection (e)(3)(B)(ii)(I) shall each be increased by an amount equal to—

"(A) such dollar amount, multiplied by,

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting '1997' for '1992' in subparagraph (B) thereof.

If any dollar amount is not a multiple of $100 after being increased under this paragraph, such amount shall be rounded to the next lowest multiple of $100."

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to distributions in taxable years beginning after December 31, 1997.

(2) Contract requirements.—The amendments made by subsections (b)(1) and (c)(3) shall apply to contracts issued after December 31, 1997.

SEC. ___. EXTENSION AND MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.

(a) Extension.—

(1) The following provisions of the Internal Revenue Code of 1986 are each amended by striking "2000" each place it appears and inserting "2007":

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(2) Section 4041(m)(1)(A) of such Code (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997, is amended by striking "1999" both places it appears and inserting "2005".

(3) Section 6427(f)(4) of such Code (relating to termination) is amended by striking "1999" and inserting "2007".

(4) Section 40(e)(1) of such Code (relating to termination) is amended—

(A) by striking "December 31, 2000" and inserting "December 31, 2007", and

(B) by striking subparagraph (B) and inserting the following:

"(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.".

(5) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking "10/1/2000" each place it appears and inserting "10/1/2007".

(b) Modification.—

(1) In general.—Subsection (h) of section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended to read as follows:

"(h) Reduced Credit for Ethanol Blenders.—

"(1) In general.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

"(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

"(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

"(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

"(2) Amounts.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007.	51 cents	37.78 cents.".

(2) Conforming amendments.—

(A) Section 4041(b)(2) of such Code is amended—

(i) in subparagraph (A)(i), by striking "5.4 cents" and inserting "the applicable blender rate", and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

"(C) Applicable blender rate.—For purposes of subparagraph (A)(i), the applicable blender rate is—

"(i) except as provided in clause (ii), 5.4 cents, and

"(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.".

(B) Subparagraph (A) of section 4081(c)(4) of such Code is amended to read as follows:

"(A) General rules.—

"(i) Mixtures containing ethanol.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

"(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

"(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

"(ii) Mixtures not containing ethanol.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, 6 cents per gallon,

"(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

"(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.".

(C) Section 4081(c)(5) of such Code is amended by striking "5.4 cents" and inserting "the applicable blender rate (as defined in section 4041(b)(2)(C))".

(D) Section 4091(c)(1) of such Code is amended by striking "13.4 cents" each place it appears and inserting "the applicable blender amount" and by adding at the end the following new sentence: "For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.".

(3) Effective date.—The amendments made by this subsection shall take effect on January 1, 2001.

DASCHLE (AND MOYNIHAN) AMENDMENTS NO. 1536–1537

(Ordered to lie on the table.)

Mr. DASCHLE (for himself and Mr. MOYNIHAN) submitted two amendments intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

Amendment No. 1526

On page 6, line 5, strike "1997." and insert "1997, except that such amendments shall only take effect to the extent that—

(A) contributions to education individual retirement accounts for qualified elementary and secondary education expenses are—

(i) limited to accounts that, at the time the account is created or organized, are designated as solely for the payment of such expenses, and

(ii) not allowed for contributors who have modified adjusted gross income in excess of $75,000 and are ratably reduced to zero for contributors who have modified adjusted gross income between $60,000 and $75,000,

(B) contributions to education individual retirement accounts in excess of $500 for any taxable year may be made only to accounts described in subparagraph (A)(i),

(C) no contributions may be made to accounts described in subparagraph (A)(i) for taxable years ending after December 31, 2002,

(D) the modified adjusted gross income limitation shall apply to all contributors but contributors made by a person other than the taxpayer with respect to whom a deduction is allowable under section 151(c)(1) for a designated beneficiary shall be treated as having been made by such taxpayer, and

(E) expenses for computer and other equipment, transportation, and supplementary items are allowed tax-free only if required or provided by the school."

Amendment No. 1537

Strike section 2 and insert:

SEC. 2. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)), but only if the account is, at the time the account is created or organized, designated solely for payment of qualified elementary and secondary education expenses of the designated beneficiary.

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) Qualified state tuition programs.—Except in the case of an account described in subparagraph (A)(ii), such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) Adjusted gross income limitation.—Section 530(c) of such Code is amended by redesignating paragraph (2) as paragraph (4) and by inserting after paragraph (1) the following:

"(2) Special rule for elementary and secondary education expenses.—Notwithstanding paragraph (1), in the case of an account designated under subsection (b)(2)(A)(ii), the maximum amount which a contributor could otherwise make to an account under this section shall be reduced by an amount which bears the same ratio to such maximum amount as—

"(A) the excess of—

"(i) the contributor's modified adjusted gross income for such taxable year, over

"(ii) $60,000, bears to

"(B) $15,000.

"(3) Contributions treated as made by individual eligible for dependency exemption.—For purposes of applying this subsection, any contribution by a person other than the taxpayer with respect to whom a deduction is allowable under section 151(c)(1) for a designated beneficiary shall be treated as having been made by such taxpayer."

(3) Qualified elementary and secondary education expenses.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) tuition, fees, tutoring, special needs services, books, or supplies in connection with the enrollment or attendance of the designated beneficiary of the trust at a public, private, or religious school, or

"(ii) computer equipment (including related software and services) and other equipment, transportation, and supplementary expenses required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for home-schooling.—Such term shall include expenses described in subparagraph (A) required for education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law."

(4) No rollovers between college accounts and non-college accounts.—Section 530(d)(5) of such Code is amended by adding at the end the following: "This paragraph shall not apply to a transfer of an amount between an account not described in subsection (b)(2)(A)(ii) and an account so described."

(5) Conforming amendments.—Subsections (b)(1) and (d)(2) of section 530 of such Code are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) Temporary Increase in Maximum Annual Contributions for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) Contribution limit.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

"(4) Contribution limit.—The term 'contribution limit' means—

"(A) except as provided in subparagraph (B), $500, or

"(B) in the case of an account designated under paragraph (2)(A)(ii)—

"(i) $2,500 for any taxable year ending before January 1, 2003, and

"(ii) zero for any taxable year ending on or after such date."

(3) Conforming amendments.—

(A) Section 530(d)(4)(C) of such Code is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) of such Code is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(c) Waiver of Age Limitations for Children With Special Needs.—Paragraph (1) of section 530(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) Effective Date; References.—

(1) Effective date.—The amendments made by this section shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

(2) References.—Any reference in this section to any section of the Internal Revenue Code of 1986 shall be a reference to such section as added by the Taxpayer Relief Act of 1997.

KERREY AMENDMENT NO. 1538

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Internal Revenue Service Restructuring and Reform Act of 1997".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) The Congress finds the following:

(1) The structure of the Internal Revenue Service should be strengthened to ensure focus and better target its budgeting, staffing, and technology to serve the American taxpayer and collect the Federal revenue.

(2) The American public expects timely, accurate, and respectful service from the Internal Revenue Service.

(3) The job of the Internal Revenue Service is to operate as an efficient financial management organization.

(4) The bulk of the Federal revenue is generated through voluntary compliance. Taxpayer service and education, as well as targeted compliance and enforcement initiatives, increase voluntary compliance.

(5) While the Internal Revenue Service must maintain a strong enforcement presence, its core and the core of the Federal revenue stream lie in a revamped, modern, technologically advanced organization that can track finances, send out clear notices, and assist taxpayers promptly and efficiently.

(6) The Internal Revenue Service governance, management, and oversight structures must: develop and maintain a shared vision with continuity; set and maintain priorities and strategic direction; impose accountability on senior management; provide oversight through a credible board, including members who bring private sector expertise to the Internal Revenue Service; develop appropriate measures of success; align budget

and technology with priorities and strategic direction; and coordinate oversight and identify problems at an early stage.

(7) The Internal Revenue Service must use information technology as an enabler of its strategic objectives.

(8) Electronic filing can increase cost savings and compliance.

(9) In order to ensure that fewer taxpayers are subject to improper treatment by the Internal Revenue Service, Congress and the agency need to focus on preventing problems before they occur.

(10) There currently is no mechanism in place to ensure that Members of Congress have a complete understanding of how tax legislation will affect taxpayers and the Internal Revenue Service and to create incentives to simplify the tax law, and to ensure that Congress hears directly from the Internal Revenue Service during the legislative process.

(b) The purposes of this Act are as follows:

(1) To restructure the Internal Revenue Service, transforming it into a world class service organization.

(2) To establish taxpayer satisfaction as the goal of the Internal Revenue Service, such that the Internal Revenue Service should only initiate contact with a taxpayer if the agency is prepared to devote the resources necessary for a proper and timely resolution of the matter.

(3) To provide for direct accountability to the President for tax administration, an Internal Revenue Service Oversight Board, a strengthened Commissioner of Internal Revenue, and coordinated congressional oversight to ensure that there are clear lines of accountability and that the leadership of the Internal Revenue Service has the continuity and expertise to guide the agency.

(4) To enable the Internal Revenue Service to recruit and train a first-class workforce that will be rewarded for performance and held accountable for working with taxpayers to solve problems.

(5) To establish paperless filing as the preferred and most convenient means of filing tax returns for the vast majority of taxpayers within 10 years of enactment of this Act.

(6) To provide additional taxpayer protections and rights and to ensure that taxpayers receive fair, impartial, timely, and courteous treatment from the Internal Revenue Service.

(7) To establish the resolution of the century date change problem as the highest technology priority of the Internal Revenue Service.

(8) To establish procedures to minimize complexity in the tax law and simplify tax administration, and provide Congress with an independent view of tax administration from the Internal Revenue Service.

TITLE I—EXECUTIVE BRANCH GOVERNANCE AND SENIOR MANAGEMENT OF THE INTERNAL REVENUE SERVICE

Subtitle A—Executive Branch Governance and Senior Management

SEC. 101. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

(a) IN GENERAL.—Section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"SEC. 7802. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

"(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Internal Revenue Service Oversight Board (in this subchapter referred to as the 'Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Board shall be composed of 9 members, of whom—

"(A) 7 shall be individuals who are not full-time Federal officers or employees, who are appointed by the President, by and with the advice and consent of the Senate, and who shall be considered special government employees pursuant to paragraph (2),

"(B) 1 shall be the Secretary of the Treasury or, if the Secretary so designates, the Deputy Secretary of the Treasury, and

"(C) 1 shall be a representative of an organization that represents a substantial number of Internal Revenue Service employees who is appointed by the President, by and with the advice and consent of the Senate.

"(2) SPECIAL GOVERNMENT EMPLOYEES.—

"(A) QUALIFICATIONS.—Members of the Board described in paragraph (1)(A) shall be appointed solely on the basis of their professional experience and expertise in the following areas:

"(i) Management of large service organizations.

"(ii) Customer service.

"(iii) Compliance.

"(iv) Information technology.

"(v) Organization development.

"(vi) The needs and concerns of taxpayers.

In the aggregate, the members of the Board described in paragraph (1)(A) should collectively bring to bear expertise in these enumerated areas.

"(B) TERMS.—Each member who is described in paragraph (1)(A) shall be appointed for a term of 5 years, except that of the members first appointed—

"(i) 1 member shall be appointed for a term of 1 year,

"(ii) 1 member shall be appointed for a term of 2 years,

"(iii) 2 members shall be appointed for a term of 3 years, and

"(iv) 1 member shall be appointed for a term of 4 years.

"(C) REAPPOINTMENT.—An individual who is described in paragraph (1)(A) may be appointed to no more than two 5-year terms on the Board.

"(D) SPECIAL GOVERNMENT EMPLOYEES.—During such periods as they are performing services for the Board, members who are not Federal officers or employees shall be treated as special government employees (as defined in section 202 of title 18, United States Code).

"(E) CLAIMS.—

"(i) IN GENERAL.—Members of the Board who are described in paragraph (1)(A) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member. The preceding sentence shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious conduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

"(I) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions,

"(II) to affect any other right or remedy against the United States under applicable law, or

"(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees not described in this subparagraph.

"(3) VACANCY.—Any vacancy on the Board—

"(A) shall not affect the powers of the Board, and

"(B) shall be filled in the same manner as the original appointment.

"(4) REMOVAL.—

"(A) IN GENERAL.—A member of the Board may be removed at the will of the President.

"(B) SECRETARY OR DELEGATE.—An individual described in subsection (b)(1)(B) shall be removed upon termination of employment.

"(C) REPRESENTATIVE OF INTERNAL REVENUE SERVICE EMPLOYEES.—A member who is from an organization that represents a substantial number of Internal Revenue Service employees shall be removed upon termination of employment, membership, or other affiliation with such organization.

"(c) GENERAL RESPONSIBILITIES.—

"(1) IN GENERAL.—The Board shall oversee the Internal Revenue Service in the administration, management, conduct, direction, and supervision of the executive and application of the Internal revenue laws or related statutes and tax conventions to which the United States is a party.

"(2) EXCEPTIONS.—The Board shall have no responsibilities or authority with respect to—

"(A) the development and formulation of Federal tax policy relating to existing or proposed internal revenue laws, related statutes, and tax conventions,

"(B) specific law enforcement activities of the Internal Revenue Service, including compliance activities such as criminal investigations, examinations, and collection activities, or

"(C) specific activities of the Internal Revenue Service delegated to employees of the Internal Revenue Service pursuant to delegation orders in effect as of the date of the enactment of this subsection, including delegation order 106 relating to procurement authority, except to the extent that such delegation orders are modified subsequently by the Secretary.

"(3) RESTRICTION ON DISCLOSURE OF RETURN INFORMATION TO BOARD MEMBERS.—No return, return information, or taxpayer return information (as defined in section 6103(b)) may be disclosed to any member of the Board described in subsection (b)(1)(A) or (C). Any request for information not permitted to be disclosed under the preceding sentence, and any contact relating to a specific taxpayer, made by a member of the Board to an officer or employee of the Internal Revenue Service shall be reported by such officer or employee to the Secretary and the Joint Committee on Taxation.

"(d) SPECIFIC RESPONSIBILITIES.—The Board shall have the following specific responsibilities:

"(1) STRATEGIC PLANS.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

"(A) mission and objectives, and standards of performance relative to either, and

"(B) annual and long-range strategic plans.

"(2) OPERATIONAL PLANS.—To review the operational functions of the Internal Revenue Service, including—

"(A) plans for modernization of the tax system,

"(B) plans for outsourcing or managed competition, and

"(C) plans for training and education.

"(3) MANAGEMENT.—To—

"(A) recommend to the President a list of at least 3 candidates for appointment as the Commissioner of Internal Revenue and recommend to the President the removal of the Commissioner, "(B) review the Commissioner's selection, evaluation, and compensation of senior managers,

"(C) review the Commissioner's plans for reorganization of the Internal Revenue Service, and

"(D) review the performance of the office of Taxpayer Advocate.

"(4) BUDGET.—To—

"(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

"(B) submit such budget request to the Secretary of the Treasury,

"(C) ensure that the budget request supports the annual and long-range strategic plans, and

"(D) ensure appropriate financial audits of the Internal Revenue Service.

The Secretary shall submit the advisory budget request referred to in subparagraph (B) for any fiscal year to the President who shall submit such advisory budget request, without revision, to Congress together with the President's official budget request for the Internal Revenue Service for such fiscal year.

"(e) BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Board who is described in subsection (b)(1)(A) shall be compensated at a rate of $30,000 per year. All other members of the Board shall serve without compensation for such service.

"(B) CHAIRPERSON.—In lieu of the amount specified in subparagraph (A), the Chairperson of the Board shall be compensated at a rate of $50,000 per year if such Chairperson is described in subsection (b)(1)(A).

"(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(3) STAFF.—On the request of the Chairperson of the Board, the Commissioner shall detail to the Board such personnel as may be necessary to enable the Board to perform its duties. Such detail shall be without interruption or loss of civil service status or privilege.

"(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(f) ADMINISTRATIVE MATTERS.—

"(1) CHAIR.—The members of the Board shall elect a chairperson for a 2-year term.

"(2) COMMITTEES.—The Board may establish such committees as the Board determines appropriate.

"(3) MEETINGS.—The Board shall meet at least once each month and at such other times as the Board determines appropriate.

"(4) REPORTS.—The Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4946(c) (relating to definitions and special rules for chapter 42) is amended—

(A) by striking "or" at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting ", or", and

(C) by adding at the end the following new paragraph:

"(7) a member of the Internal Revenue Service Oversight Board.".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Internal Revenue Service Oversight Board."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. COMMISSIONER OF INTERNAL REVENUE; CHIEF COUNSEL; OTHER OFFICIALS.

(a) IN GENERAL.—Section 7803 (relating to other personnel) is amended to read as follows:

"SEC. 7803. COMMISSIONER OF INTERNAL REVENUE; CHIEF COUNSEL; OTHER OFFICIALS.

"(a) COMMISSIONER OF INTERNAL REVENUE.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

"(B) RECOMMENDATIONS.—The President shall select the Commissioner from among the list of candidates submitted by the Internal Revenue Service Oversight Board pursuant to section 7802(3)(A). In the event that the President rejects all of the candidates submitted by such Board, the Board shall submit additional lists as necessary.

"(2) DUTIES.—The Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

"(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and tax conventions to which the United States is a party; and

"(B) recommend to the President a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives, the Committees on Finance, Government Operations, and Appropriations of the Senate, and the Joint Committee on Taxation.

"(3) CONSULTATION WITH BOARD.—The Commissioner shall consult with the Board on all matters set forth in paragraphs (2) and (3) (other than subparagraph (A)) of section 7802(d)(2).

"(4) PAY.—The Commissioner is authorized to be paid at an annual rate of basic pay not to exceed the maximum rate of basic pay of level II of the Executive Schedule under section 5311 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304 of such title 5.

"(b) CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE.—

"(1) APPOINTMENT.—There shall be in the Department of the Treasury a Chief Counsel for the Internal Revenue Service who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—The Chief Counsel shall be the chief law officer for the Internal Revenue Service and shall perform such duties as may be prescribed by the Secretary of the Treasury. To the extent that the Chief Counsel performs duties relating to the development of rules and regulations promulgated under this title, final decision making authority shall remain with the Secretary.

"(3) PAY.—The Chief Counsel is authorized to be paid at an annual rate of basic pay not to exceed the maximum rate of basic pay of level III of the Executive Schedule under section 5311 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304 of such title 5.

"(c) ASSISTANT COMMISSIONER FOR EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS.—

"(1) ESTABLISHMENT OF OFFICE.—There is established within the Internal Revenue Service an office to be known as the 'Office of Employee Plans and Exempt Organizations' to be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As head of the Office, the Assistant Commissioner shall be responsible for carrying out such functions as the Secretary may prescribe with respect to organizations exempt from tax under section 501(a) and with respect to plans to which part I of subchapter D of chapter 1 applies (and with respect to organizations designed to be exempt under such section and plans designed to be plans to which such part applies) and other nonqualified deferred compensation arrangements. The Assistant Commissioner shall report annually to the Commissioner with respect to the Assistant Commissioner's responsibilities under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Internal Revenue Service solely to carry out the functions of the Office an amount equal to the sum of—

"(A) so much of the collection from taxes under section 4940 (relating to excise tax based on investment income) as would have been collected if the rate of tax under such section was 2 percent during the second preceding fiscal year, and

"(B) the greater of—

"(i) an amount equal to the amount described in subparagraph (A), or

"(ii) $30,000,000.

"(3) USER FEES.—All user fees collected by the Office shall be dedicated to carry out the functions of the Office.

"(d) OFFICE OF TAXPAYER ADVOCATE.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Office of the Taxpayer Advocate'.

"(B) NATIONAL TAXPAYER ADVOCATE.—

"(i) IN GENERAL.—The Office of the Taxpayer Advocate shall be under the supervision and direction of an official to be known as the 'National Taxpayer Advocate.' The National Taxpayer Advocate shall report directly to the Commissioner of Internal Revenue and shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of the Internal Revenue Service.

"(ii) APPOINTMENT.—The National Taxpayer Advocate shall be appointed by the President, upon recommendation of the Internal Revenue Service Oversight Board, by and with the advice and consent of the Senate, from among individuals with a background in customer service, as well as tax law. No officer or employee of the Internal Revenue Service may be appointed to such position in order to ensure an independent position to represent taxpayers' interests.".

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

“(i) assist taxpayers in resolving problems with the Internal Revenue Service,

“(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

“(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

“(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

“(B) Annual reports.—

“(i) Objectives.—Not later than June 30 of each calendar year, the National Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Office of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

“(ii) Activities.—Not later than December 31 of each calendar year, the National Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Office of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

“(I) identify the initiatives the Office of the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

“(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

“(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

“(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

“(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

“(VI) contain an inventory of the items described in subclauses (I), (II), and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

“(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

“(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

“(IX) identify areas of the tax law that impose significant compliance burdens on taxpayers or the Internal Revenue Service, including specific recommendations for remedying these problems,

“(X) identify the 10 most litigated issues for each category of taxpayers, including recommendations for mitigating such disputes, and

“(XI) include such other information as the National Taxpayer Advocate may deem advisable.

“(iii) Report to be submitted directly.—Each report required under this subparagraph shall be provided directly to the Committees described in clauses (i) and (ii) without any prior review or comment from the Commissioner, the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

“(C) Other responsibilities.—The National Taxpayer Advocate shall—

“(i) monitor the coverage and geographic allocation of local taxpayer advocates,

“(ii) develop guidance to be distributed to all Internal Revenue Service officers and employees outlining the criteria for referral of taxpayer inquiries to local taxpayer advocates,

“(iii) ensure that the local telephone number for the local taxpayer advocate in each Internal Revenue Service district is published and available to taxpayers, and

“(iv) in conjunction with the Commissioner, develop career paths for local taxpayer advocates choosing to make a career in the Office of the Taxpayer Advocate.”.

“(D) Personnel actions.—

“(i) Heads of local offices.—The National Taxpayer Advocate shall have the responsibility to—

“(I) appoint and dismiss the local taxpayer advocate heading the office of the taxpayer advocate at each Internal Revenue Service district office and service center, and

“(II) evaluate and take personnel actions with respect to any employee of an office of the taxpayer advocate described in subclause (I).

“(ii) Consultation.—The National Taxpayer Advocate may consult with the head of any Internal Revenue Service district office or service center in carrying out the National Taxpayer Advocate's responsibilities under this subparagraph.”.

“(3) Responsibilities of commissioner.—The Commissioner shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.”.

“(4) Operation of local offices.—

“(A) In general.—Each local taxpayer advocate—

“(i) shall report directly to the National Taxpayer Advocate,

“(ii) may consult with the head of the Internal Revenue Service district office or service center which the local taxpayer advocate serves regarding the daily operation of the office of the taxpayer advocate,

“(iii) shall, at the initial meeting with any taxpayer seeking the assistance of the office of the taxpayer advocate, notify such taxpayer that the office operates independently of any Internal Revenue Service district office or service center and reports directly to Congress through the National Taxpayer Advocate, and

“(iv) shall, at the taxpayer advocate's discretion, not disclose to the Internal Revenue Service contact with, or information provided by, such taxpayer.

“(B) Maintenance of independent communications.—Each local office of the taxpayer advocate shall maintain separate phone, facsimile, and other electronic communication access, and a separate post office address from the Internal Revenue Service district office or service center which it serves.”.

(b) Amendment of President's Authority To Appoint Chief Counsel for Internal Revenue Service.—

(1) Paragraph (2) of section 7801(b) (relating to the office of General Counsel for the Department) is amended to read as follows:

“(2) Assistant general counsels.—The Secretary of the Treasury may appoint, without regard to the provisions of the civil service laws, and fix the duties of not to exceed five assistant General Counsels.”.

(2)(A) Subsection (f)(2) of section 301 of title 31, United States Code, is amended by striking “an Assistant General Counsel who shall be the” and inserting “a”.

(B) Section 301 of such title 31 is amended by adding at the end the following new subsection:

“(h) Cross Reference.—For provisions relating to the appointment of officers and employees of the Internal Revenue Service, see subchapter A of chapter 80 of the Internal Revenue Code of 1986.”.

(c) Conforming Amendments.—

(1) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7803 and inserting the following new item:

“Sec. 7803. Commissioner of Internal Revenue; Chief Counsel; other officials.”

(2) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking “7802(b)” and inserting “7803(c)”.

(d) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Current officers.—

(A) In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment of this Act who was appointed to such position before such date, the 5-year term required by section 7803(a)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

(B) The President shall nominate for appointment the initial National Taxpayer Advocate to serve as head of the Office of the Taxpayer Advocate established under section 7803(d) of the Internal Revenue Code of 1986, as added by this section, not later than 120 days after the date of the enactment of this Act.

(C) Until an individual has taken office under section 7803(d) of the Internal Revenue Code of 1986, as added by this section, the Taxpayer Advocate shall assume the additional powers and duties of the National Taxpayer Advocate under the amendments made by this section.

SEC. 103. OTHER PERSONNEL.

(a) In General.—Section 7804 (relating to the effect of reorganization plans) is amended to read as follows:

“SEC. 7804. OTHER PERSONNEL.

“(a) Appointment and Supervision.—Unless otherwise prescribed by the Secretary, the Commissioner of Internal Revenue is authorized to employ such number of persons as the Commissioner deems proper for the administration and enforcement of the internal revenue laws, and the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to such persons.

“(b) Posts of Duty of Employees in Field Service or Traveling.—Unless otherwise prescribed by the Secretary—

“(1) Designation of post of duty.—The Commissioner shall determine and designate the posts of duty of all such persons engaged in field work or traveling on official business outside of the District of Columbia.

“(2) Detail of personnel from field service.—The Commissioner may order any such person engaged in field work to duty in the District of Columbia, for such periods as the Commissioner may prescribe, and to any designated post of duty outside the District of Columbia upon the completion of such duty.

"(c) DELINQUENT INTERNAL REVENUE OFFICERS AND EMPLOYEES.—If any officer or employee of the Treasury Department acting in connection with the internal revenue laws fails to account for and pay over any amount of money or property collected or received by him in connection with the internal revenue laws, the Secretary shall issue notice and demand to such officer or employee for payment of the amount which he failed to account for and pay over, and, upon failure to pay the amount demanded within the time specified in such notice, the amount so demanded shall be deemed imposed upon such officer or employee and assessed upon the date of such notice and demand, and the provisions of chapter 64 and all other provisions of law relating to the collection of assessed taxes shall be applicable in respect of such amount.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 6344 is amended by striking "section 7803(d)" and inserting "section 7804(c)".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7804 and inserting the following new item:

"Sec. 7804. Other personnel."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Personnel Flexibilities

SEC. 111. PERSONNEL FLEXIBILITIES.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following new subpart:

"Subpart I—Miscellaneous

"CHAPTER 93—PERSONNEL FLEXIBILITIES RELATING TO THE INTERNAL REVENUE SERVICE

"Sec.
"9301. General requirements.
"9302. Flexibilities relating to performance management.
"9303. Classification and pay flexibilities.
"9304. Staffing flexibilities.
"9305. Flexibilities relating to demonstration projects.

"§ 9301. General requirements

"(a) CONFORMANCE WITH MERIT SYSTEM PRINCIPLES, ETC.—Any flexibilities under this chapter shall be exercised in a manner consistent with—

"(1) chapter 23, relating to merit system principles and prohibited personnel practices; and

"(2) provisions of this title (outside of this subpart) relating to preference eligibles.

"(b) REQUIREMENT RELATING TO UNITS REPRESENTED BY LABOR ORGANIZATIONS.—

"(1) WRITTEN AGREEMENT REQUIRED.—Employees within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to the exercise of any flexibility under section 9302, 9303, 9304, or 9305, unless there is a written agreement between the Internal Revenue Service and the organization permitting such exercise.

"(2) DEFINITION OF A WRITTEN AGREEMENT.—In order to satisfy paragraph (1), a written agreement—

"(A) need not be a collective bargaining agreement within the meaning of section 7103(8); and

"(B) may not be an agreement imposed by the Federal Service Impasses Panel under section 7119.

"(c) FLEXIBILITIES FOR WHICH OPM APPROVAL IS REQUIRED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), flexibilities under this chapter may be exercised by the Internal Revenue Service without prior approval of the Office of Personnel Management.

"(2) EXCEPTIONS.—The flexibilities under subsections (c) through (e) of section 9303 may be exercised by the Internal Revenue Service only after a specific plan describing how those flexibilities are to be exercised has been submitted to and approved, in writing, by the Director of the Office of Personnel Management.

"§ 9302. Flexibilities relating to performance management

"(a) IN GENERAL.—The Commissioner of Internal Revenue shall, within 180 days after the date of the enactment of this chapter, establish a performance management system which—

"(1) subject to section 9301(b), shall cover all employees of the Internal Revenue Service other than—

"(A) the members of the Internal Revenue Service Oversight Board;

"(B) the Commissioner of Internal Revenue; and

"(C) the Chief Counsel for the Internal Revenue Service;

"(2) shall maintain individual accountability by—

"(A) establishing retention standards which—

"(i) shall permit the accurate evaluation of each employee's performance on the basis of criteria relating to the duties and responsibilities of the position held by such employee; and

"(ii) shall be communicated to an employee before the start of any period with respect to which the performance of such employee is to be evaluated using such standards;

"(B) providing for periodic performance evaluations to determine whether retention standards are being met; and

"(C) with respect to any employee whose performance does not meet retention standards, using the results of such employee's performance evaluation as a basis for—

"(i) denying increases in basic pay, promotions, and credit for performance under section 3502; and

"(ii) the taking of other appropriate action, such as a reassignment or an action under chapter 43; and

"(3) shall provide for—

"(A) establishing goals or objectives for individual, group, or organizational performance (or any combination thereof), consistent with Internal Revenue Service performance planning procedures, including those established under the Government Performance and Results Act of 1993, the Information Technology Management Reform Act of 1996, Revenue Procedure 64-22 (as in effect on July 30, 1997), and taxpayer service surveys, and communicating such goals or objectives to employees;

"(B) using such goals and objectives to make performance distinctions among employees or groups of employees; and

"(C) using assessments under this paragraph, in combination with performance evaluations under paragraph (2), as a basis for granting employee awards, adjusting an employee's rate of basic pay, and taking such other personnel action as may be appropriate.

For purposes of this title, performance of an employee during any period in which such employee is subject to retention standards under paragraph (2) shall be considered to be 'unacceptable' if the performance of such employee during such period fails to meet any of those standards.

"(b) AWARDS.—

"(1) FOR SUPERIOR ACCOMPLISHMENTS.—In the case of an employee of the Internal Revenue Service, section 4502(b) shall be applied by substituting 'with the approval of the Commissioner of Internal Revenue' for 'with the approval of the Office'.

"(2) FOR EMPLOYEES WHO REPORT DIRECTLY TO THE COMMISSIONER.—

"(A) IN GENERAL.—In the case of an employee of the Internal Revenue Service who reports directly to the Commissioner of Internal Revenue, a cash award in an amount up to 50 percent of such employee's annual rate of basic pay may be made if the Commissioner finds such an award to be warranted based on such employee's performance.

"(B) NATURE OF AN AWARD.—A cash award under this paragraph shall not be considered to be part of basic pay.

"(C) TAX ENFORCEMENT RESULTS.—A cash award under this paragraph may not be based solely on tax enforcement results.

"(D) ELIGIBLE EMPLOYEES. Whether or not an employee is an employee who reports directly to the Commissioner of Internal Revenue shall, for purposes of this paragraph, be determined under regulations which the Commissioner shall prescribe.

"(E) LIMITATION ON COMPENSATION.—For purposes of applying section 5307 to an employee in connection with any calendar year to which an award made under this paragraph to such employee is attributable, subsection (a)(1) of such section shall be applied by substituting 'to equal or exceed the annual rate of compensation for the President for such calendar year' for 'to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year'.

"(3) BASED ON SAVINGS.—

"(A) IN GENERAL.—The Commissioner of Internal Revenue may authorize the payment of cash awards to employees based on documented financial savings achieved by a group or organization which such employees comprise, if such payments are made pursuant to a plan which—

"(i) specifies minimum levels of service and quality to be maintained while achieving such financial savings; and

"(ii) is in conformance with criteria prescribed by the Office of Personnel Management.

"(B) FUNDING.—A cash award under this paragraph may be paid from the fund or appropriation available to the activity primarily benefiting or the various activities benefiting.

"(C) TAX ENFORCEMENT RESULTS.—A cash award under this paragraph may not be based solely on tax enforcement results.

"(c) OTHER PROVISIONS.—

"(1) NOTICE PROVISIONS.—In applying sections 4303(b)(1)(A) and 7513(b)(1) to employees of the Internal Revenue Service, '15 days' shall be substituted for '30 days'.

"(2) APPEALS.—Notwithstanding the second sentence of section 5335(c), an employee of the Internal Revenue Service shall not have a right to appeal the denial of a periodic step increase under section 5335 to the Merit Systems Protection Board.

"§ 9303. Classification and pay flexibilities

"(a) BROAD-BANDED SYSTEMS.—

"(1) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘broad-banded system’ means a system under which positions are classified and pay for service in any such position is fixed through the use of pay bands, rather than under—

“(i) chapter 51 and subchapter III of chapter 53; or

“(ii) subchapter IV of chapter 53; and

“(B) the term ‘pay band’ means, with respect to positions in 1 or more occupational series, a pay range—

“(i) consisting of—

“(I) 2 or more consecutive grades of the General Schedule; or

“(II) 2 or more consecutive pay ranges of such other pay or wage schedule as would otherwise apply (but for this section); and

“(ii) the minimum rate for which is the minimum rate for the lower (or lowest) grade or range in the pay band and the maximum rate for which is the maximum rate for the higher (or highest) grade or range in the pay band, including any locality-based and other similar comparability payments.

“(2) Authority.—The Commissioner of Internal Revenue may, subject to criteria to be prescribed by the Office of Personnel Management, establish one or more broad-banded systems covering all or any portion of its workforce which would otherwise be subject to the provisions of law cited in clause (i) or (ii) of subsection (a)(1)(A), except for any position classified by statute.

“(3) Criteria.—The criteria to be prescribed by the Office shall, at a minimum—

“(A) ensure that the structure of any broad-banded system maintains the principle of equal pay for substantially equal work;

“(B) establish the minimum (but not less than 2) and maximum number of grades or pay ranges that may be combined into pay bands;

“(C) establish requirements for adjusting the pay of an employee within a pay band;

“(D) establish requirements for setting the pay of a supervisory employee whose position is in a pay band or who supervises employees whose positions are in pay bands; and

“(E) establish requirements and methodologies for setting the pay of an employee upon conversion to a broad-banded system, initial appointment, change of position or type of appointment (including promotion, demotion, transfer, reassignment, reinstatement, placement in another pay band, or movement to a different geographic location), and movement between a broad-banded system and another pay system.

“(4) Information.—The Commissioner of Internal Revenue shall submit to the Office such information relating to its broad-banded systems as the Office may require.

“(5) Review and revocation authority.—The Office may, with respect to any broad-banded system under this subsection, and in accordance with regulations which it shall prescribe, exercise with respect to any broad-banded system under this subsection authorities similar to those available to it under sections 5110 and 5111 with respect to classifications under chapter 51.

“(b) Single Pay-Band System.—

“(1) In general.—The Commissioner of Internal Revenue may, with respect to employees who remain subject to chapter 51 and subchapter III of chapter 53 (or subchapter IV of chapter 53), fix rates of pay under a single pay-band system.

“(2) Definition.—For purposes of this subsection, the term ‘single pay-band system’ means, for pay-setting purposes, a system similar to the pay-setting aspects of a broad-banded system under subsection (a), but consisting of only a single grade or pay range, under which pay may be fixed at any rate not less than the minimum and not more than the maximum rate which (but for this section) would otherwise apply with respect to the grade or pay range involved, including any locality-based and other similar comparability payments.

“(3) Special rules.—

“(A) Promotion or transfer.—An employee under this subsection who is promoted or transferred to a position in a higher grade shall be entitled to basic pay at a rate determined under criteria prescribed by the Office of Personnel Management based on section 5334(b).

“(B) Performance increases.—In lieu of periodic step-increases under section 5335, an employee under this subsection who meets retention standards under section 9302(a)(2)(A) shall be entitled to performance increases under criteria prescribed by the Office. An increase under this subparagraph shall be equal to one-ninth of the difference between the minimum and maximum rates of pay for the applicable grade or pay range.

“(C) Increases for exceptional performance.—In lieu of additional step-increases under section 5336, an employee under this subsection who has demonstrated exceptional performance shall be eligible for a pay increase under this subparagraph under criteria prescribed by the Office. An increase under this subparagraph may not exceed the amount of an increase under subparagraph (B).

“(c) Alternative Classification Systems.—

“(1) In general.—Subject to section 9301(c), the Commissioner of Internal Revenue may establish 1 or more alternative classification systems that include any positions or groups of positions that the Commissioner determines, for reasons of effective administration—

“(A) should not be classified under chapter 51 or paid under the General Schedule;

“(B) should not be classified or paid under subchapter IV of chapter 53; or

“(C) should not be paid under section 5376.

“(2) Limitations.—An alternative classification system under this subsection may not—

“(A) with respect to any position that (but for this section) would otherwise be subject to the provisions of law cited in subparagraph (A) or (B) of paragraph (1), establish a rate of basic pay in excess of the maximum rate for grade GS–15 of the General Schedule, including any locality-based and other similar comparability payments; and

“(B) with respect to any position that (but for this section) would otherwise be subject to the provision of law cited in paragraph (1)(C), establish a rate of basic pay in excess of the annual rate of basic pay of the Commissioner of Internal Revenue.

“(d) Grade and Pay Retention.—Subject to section 9301(c), the Commissioner of Internal Revenue may, with respect to employees who are covered by a broadbanded system under subsection (a) or an alternative classification system under subsection (c), provide for variations from the provisions of subchapter VI of chapter 53.

“(e) Recruitment and Retention Bonuses; Retention Allowances.—Subject to section 9301(c), the Commissioner of Internal Revenue may, with respect to its employees, provide for variations from the provisions of sections 5753 and 5754.

“§ 9304. Staffing flexibilities

“(a) In General.—

“(1) Permanent appointment in the competitive service.—Except as otherwise provided by this subsection, an employee of the Internal Revenue Service may be selected for a permanent appointment in the competitive service in the Internal Revenue Service through internal competitive promotion procedures when the following conditions are met:

“(A) The employee has completed 2 years of current continuous service in the competitive service under a term appointment or any combination of term appointments.

“(B) Such term appointment or appointments were made under competitive procedures prescribed for permanent appointments.

“(C) The employee's performance under such term appointment or appointments met established retention standards.

“(D) The vacancy announcement for the term appointment from which the conversion is made stated that there was a potential for subsequent conversion to a permanent appointment.

“(2) Condition.—An appointment under this subsection may be made only to a position the duties and responsibilities of which are similar to those of the position held by the employee at the time of conversion (referred to in paragraph (1)(D)).

“(b) Rating Systems.—

“(1) In general.—Notwithstanding subchapter I of chapter 33, the Commissioner of Internal Revenue may establish category rating systems for evaluating job applicants for positions in the competitive service, under which qualified candidates are divided into 2 or more quality categories on the basis of relative degrees of merit, rather than assigned individual numerical ratings. Each applicant who meets the minimum qualification requirements for the position to be filled shall be assigned to an appropriate category based on an evaluation of the applicant's knowledge, skills, and abilities relative to those needed for successful performance in the job to be filled.

“(2) Treatment of preference eligibles.—Within each quality category established under paragraph (1), preference eligibles shall be listed ahead of individuals who are not preference eligibles. For other than scientific and professional positions at or higher than GS–9 (or equivalent), preference eligibles who have a compensable service-connected disability of 10 percent or more, and who meet the minimum qualification standards, shall be listed in the highest quality category.

“(3) Selection process.—An appointing authority may select any applicant from the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, from a merged category consisting of the highest and second highest quality categories. Notwithstanding the preceding sentence, the appointing authority may not pass over a preference eligible in the same or a higher category from which selection is made, unless the requirements of section 3317(b) or 3318(b), as application, are satisfied, except that in no event may certification of a preference eligible under this subsection be discontinued by the Internal Revenue Service under section 3317(b) before the end of the 6-month period beginning on the date of such employee's first certification.

“(c) Maximum Period for Which Employee May Be Detailed.—The 120-day limitation under section 3341(b)(1) for details and renewals of details shall not apply with respect to the Internal Revenue Service.

“(d) Involuntary Reassignments and Removals of Career Appointees in the Senior

EXECUTIVE SERVICE.—Neither section 3395(e)(1) nor section 3592(b)(1) shall apply with respect to the Internal Revenue Service.

"(e) PROBATIONARY PERIODS.—Notwithstanding any other provision of law or regulation, the Commissioner of Internal Revenue may establish a period of probation under section 3321 of up to 3 years for any position if, as determined by the Commissioner, a shorter period would be insufficient for the incumbent to demonstrate complete proficiency in such position.

"(f) PROVISIONS THAT REMAIN APPLICABLE.—No provision of this section exempts the Internal Revenue Service from—

"(1) any employment priorities established under direction of the President for the placement of surplus or displaced employees; or

"(2) its obligations under any court order or decree relating to the employment practices of the Internal Revenue Service.

"§ 9305. Flexibilities relating to demonstration projects

"(a) IN GENERAL.—For purposes of applying section 4703 with respect to the Internal Revenue Service—

"(1) paragraph (1) of subsection (b) of such section shall be deemed to read as follows:

"'(1) develop a plan for such project which describes its purpose, the employees to be covered, the project itself, its anticipated outcomes, and the method of evaluating the project;';

"(2) paragraph (3) of subsection (b) of such section shall be disregarded;

"(3) paragraph (4) of subsection (b) of such section shall be applied by substituting '30 days' for '180 days';

"(4) paragraph (6) of subsection (b) of such section shall be deemed to read as follows:

"'(6) provide each House of the Congress with the final version of the plan.';

"(5) paragraph (1) of subsection (c) of such section shall be deemed to read as follows:

"'(1) subchapter V of chapter 63 or subpart G of part III;'; and

"(6) subsection (d)(1) of such section shall be disregarded.

"(b) NUMERICAL LIMITATION.—For purposes of applying the numerical limitation under subsection (d)(2) of section 4703, a demonstration project shall not be counted if or to the extend that it involves the Internal Revenue Service."

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end the following:

"Subpart I—Miscellaneous

"93. Personnel Flexibilities Relating to the Internal Revenue Service .. 9301".

(c) EFFECTIVE DATE.—this section shall take effect on the date of the enactment of this Act.

TITLE II—ELECTRONIC FILING

SEC. 201. ELECTRONIC FILING OF TAX AND INFORMATION RETURNS.

(a) IN GENERAL.—It is the policy of the Congress that paperless filing should be the preferred and most convenient means of filing tax and information returns, and that by the year 2007, no more than 20 percent of all tax returns should be filed on paper.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (hereinafter in this section referred to as the "Secretary") shall implement a plan to eliminate barriers, provide incentives, and use competitive market forces to increase electronic filing gradually over the next 10 years while maintaining processing times for paper returns at 40 days.

(2) ELECTRONIC COMMERCE ADVISORY GROUP.—To ensure that the Secretary receives input from the private sector in the development and implementation of the plan required by paragraph (1), the Secretary shall convene an electronic commerce advisory group to include representatives from the tax practitioner, preparer, and computerized tax processor communities and other representatives from the electronic filing industry.

(c) INCENTIVES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement procedures to provide for the payment of incentives to transmitters of qualified electronically filed returns, based on the fair market value of costs to transmit returns electronically.

(2) QUALIFIED ELECTRONICALLY FILED RETURNS.—For purposes of this section, the term "qualified electronically filed return" means a return that—

(A) is transmitted electronically to the Internal Revenue Service,

(B) for which the taxpayer was not charged for the cost of such transmission, and

(C) in the case of returns transmitted after December 31, 2004, was prepared by a paid preparer who does not submit any return after such date to the Internal Revenue Service on paper.

(d) ANNUAL REPORTS.—Not later than June 30 of each calendar year after 1997, the Chairperson of the Internal Revenue Service Oversight Board, the Secretary, and the Chairperson of the electronic commerce advisory group established under subsection (b)(2) shall report to the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, the Committees on Finance, Appropriations, and Government Affairs of the Senate, and the Joint Committee on Taxation, on—

(1) the progress of the Internal Revenue Service in meeting the policy set forth in subsection (a);

(2) the status of the plan required by subsection (b); and

(3) the necessity of action by the Congress to assist the Internal Revenue Service to satisfy the policy set forth in subsection (a).

SEC. 203. PAPERLESS ELECTRONIC FILING.

(a) IN GENERAL.—Section 6061 (relating to signing of returns and other documents) is amended—

(1) by striking "Except as otherwise provided by" and inserting the following:

"(a) GENERAL RULE.—Except as otherwise provided by subsection (b) and", and

(2) by adding at the end the following new subsection:

"(b) ELECTRONIC SIGNATURES.—The Secretary shall develop procedures for the acceptance of signatures in digital or other electronic form. Until such time as such procedures are in place, the Secretary shall accept electronically filed returns and other documents on which the required signature(s) appears in typewritten form, but filers of such documents shall be required to retain a signed paper original of all such filings, to be made available to the Secretary for inspection, until the expiration of the applicable period of limitations set forth in chapter 66.".

(b) DEADLINE FOR ESTABLISHING PROCEDURES.—Not later than December 31, 1998, the Secretary of the Treasury or the Secretary's delegate shall establish procedures to accept, in electronic form, any other information, statements, elections, or schedules, from taxpayers filing returns electronically, so that such taxpayers will not be required to file any paper.

(c) PROCEDURES FOR COMMUNICATIONS BETWEEN IRS AND PREPARER OF ELECTRONICALLY-FILED RETURNS.—Such Secretary shall establish procedures for taxpayers to authorize, on electronically filed returns, the preparer of such returns to communicate with the Internal Revenue Service on matters included on such returns.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 304. REGULATION OF PREPARERS.

(a) IN GENERAL.—Subsection (a) of section 330 of title 31, United States Code, is amended—

(1) by striking "Treasury; and" in paragraph (1) and inserting "Treasury and all other persons engaged in the business of preparing returns or otherwise accepting compensation for advising in the preparation of returns,",

(2) by striking the period at the end of paragraph (2) and inserting ", and", and

(3) by adding at the end the following:

"(3) establish uniform procedures for regulating preparers of paper and electronic tax and information returns.

No demonstration shall be required under paragraph (2) for persons solely engaged in the business of preparing returns or otherwise accepting compensation for advising in the preparation of returns."

(b) DIRECTOR OF PRACTICE.—Such section 330 is amended by adding at the end the following new subsection:

"(d) DIRECTOR OF PRACTICE.—There is established within the Department of the Treasury an office to be known as the 'Office of the Director of Practice' to be under the supervision and direction of an official to be known as the 'Director of Practice'. The Director of Practice shall be responsible for regulation of all practice before the Department of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 205. PAPERLESS PAYMENT.

(a) IN GENERAL.—Section 6311 (relating to payment by check or money order) is amended to read as follows:

"SEC. 6311. PAYMENT OF TAX BY COMMERCIALLY ACCEPTABLE MEANS.

"(a) AUTHORITY TO RECEIVE.—It shall be lawful for the Secretary to receive for internal revenue taxes (or in payment of internal revenue stamps) any commercially acceptable means that the Secretary deems appropriate to the extent and under the conditions provided in regulations prescribed by the Secretary.

"(b) ULTIMATE LIABILITY.—If a check, money order, or other method of payment, including payment by credit card, debit card, charge card, or electronic funds transfer so received is not duly paid, or is paid and subsequently charged back to the Secretary, the person by whom such check, money order, or other method of payment has been tendered shall remain liable for the payment of the tax or for the stamps, and for all legal penalties and additions, to the same extend as if such check, money order, or other method of payment had not been tendered.

"(c) LIABILITY OF BANKS AND OTHERS.—If any certified, treasurer's or cashier's check (or other guaranteed draft), or any money order, or any means of payment that has been guaranteed by a financial institution (such as a credit card, debit card, charge card, or electronic funds transfer transaction which has been guaranteed expressly by a financial institution) so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefore, have a lien for—

“(1) the amount of such check (or draft) upon all assets of the financial institution on which drawn,

“(2) the amount of such money order upon all the assets of the issuer therefor,

“(3) the guaranteed amount of any other transaction upon all the assets of the institution making such guarantee,

and such amount shall be paid out of such assets in preference to any other claims whatsoever against such financial institution, issuer, or guaranteeing institution, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such financial institution.

(d) PAYMENT BY OTHER MEANS.—

“(1) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary deems necessary to receive payment by commercially acceptable means, including regulations that—

“(A) specify which methods of payment by commercially acceptable means will be acceptable;

“(B) specify when payment by such means will be considered received;

“(C) identify types of nontax matters related to payment by such means that are to be resolved by persons ultimately liable for payment and financial intermediaries, without the involvement of the Secretary; and

“(D) ensure that tax matters will be resolved by the Secretary, without the involvement of financial intermediaries.

“(2) AUTHORITY TO ENTER INTO CONTRACTS.—Notwithstanding section 3718(f) of title 31, United States Code, the Secretary is authorized to enter into contracts to obtain services relating to receiving payment by other means when cost beneficial to the Government.

“(3) SPECIAL PROVISIONS FOR USE OF CREDIT CARDS.—If use of credit cards is accepted as a method of payment of taxes pursuant to subsection (a)—

“(A) a payment of internal revenue taxes (or a payment of internal revenue stamps) by a person by use of a credit card shall not be subject to section 161 of the Truth-in-Lending Act (15 U.S.C. 1666), to any similar provisions of State law, if the error alleged by the person is an error relating to the underlying tax liability, rather than an error relating to the credit card account such as a computational error or numerical transportation in the credit card transaction or an issue as to whether the person authorized payment by use of the credit card;

“(B) a payment of internal revenue taxes (or a payment for internal revenue stamps) shall not be subject to section 170 of the Truth in Lending Act (15 U.S.C. 1666i), or to any similar provisions of State law;

“(C) a payment of internal revenue taxes (or a payment for internal revenue stamps) by a person by use of a debit card shall not be subject to section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f), or to any similar provisions of State law, if the error alleged by the person is an error relating to the underlying tax liability, rather than an error relating to the debit card account such as a computational error or numerical transposition in the debit card transaction or an issue as to whether the person authorized payment by use of the debit card;

“(D) the term ‘creditor’ under section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) shall not include the Secretary with respect to credit card transactions in payment of internal revenue taxes (or payment for internal revenue stamps); and

“(E) notwithstanding any other provision of law to the contrary, in the case of payment made by credit card or debit card transaction in an amount owed to a person as a result of the correction of an error under section 161 of the Truth in Lending Act (15 U.S.C. 1666) or section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693(f)), the Secretary is authorized to provide such amount to such person as a credit to that person's credit card or debit card account through the applicable credit card or debit card system.

“(e) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—Except as otherwise authorized by this subsection, no person may use or disclose any information relating to credit or debit card transactions obtained pursuant to section 6103(k)(8) other than for purposes directly related to the processing of such transactions, or the billing or collection of amounts charged or debited pursuant thereto.

“(2) EXCEPTIONS.—

“(A) Debit or credit card issuers or others acting on behalf of such issuers may also use and disclose such information for purposes directly related to servicing an issuer's accounts.

“(B) Debit or credit card issuers or others directly involved in the processing of credit or debit card transactions or the billing or collection of amounts charged or debited thereto may also use and disclose such information for purposes directly related to—

“(i) statistical risk and profitability assessment,

“(ii) transferring receivables, accounts, or interest therein,

“(iii) auditing the account information,

“(iv) complying with Federal, State, or local law, and

“(v) properly authorized civil, criminal, or regulatory investigation by Federal, State, or local authorities.

“(3) PROCEDURES.—Use and disclosure of information under this paragraph shall be made only to the extent authorized by written procedures promulgated by the Secretary.

“(4) CROSS REFERENCE.—

“For provision providing for civil damages for violation of paragraph (1), see section 7431.”

(b) SEPARATE APPROPRIATION REQUIRED FOR PAYMENT OF CREDIT CARD FEES.—No amount may be paid by the United States to a credit card issuer for the right to receive payments of internal revenue taxes by credit card without a separate appropriation therefor.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 64 is amended by striking the item relating to section 6311 and inserting the following:

“Sec. 6311. Payment of tax by commercially acceptable means.”

(d) AMENDMENTS TO SECTION 6103 AND 7431 WITH RESPECT TO DISCLOSURE AUTHORIZATION.—

(1) Subsection (k) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end the following new paragraph—

“(8) DISCLOSURE OF INFORMATION TO ADMINISTER SECTION 6311.—The Secretary may disclose returns or return information to financial institutions and others to the extent the Secretary deems necessary for the administration of section 6311. Disclosures of information for purposes other than to accept payments by check or money orders shall be made only to the extent authorized by written procedures promulgated by the Secretary.”.

(2) Section 7431 (relating to civil damages for unauthorized disclosure of returns and return information) is amended by adding at the end the following new subsection:

“(g) SPECIAL RULE FOR INFORMATION OBTAINED UNDER SECTION 6103(k)(8).—For purposes of this section, any reference to section 6103 shall be treated as including a reference to section 6311(e).”.

(3) Section 6103(p)(3)(A) is amended by striking “or (6)” and inserting “(6), or (8)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day which is 9 months after the date of the enactment of this Act.

SEC. 206. RETURN-FREE TAX SYSTEM.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall develop procedures for the implementation of a return-free tax system under which individuals would be permitted to comply with the Internal Revenue Code of 1986 without making the return required under section 6012 of such Code for taxable years beginning after 2007.

(b) REPORT.—Not later than June 30 of each calendar year after 1999, such Secretary shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on—

(1) the procedures developed pursuant to subsection (a),

(2) the number and classes of taxpayers that would be permitted to use the procedures developed pursuant to subsection (a),

(3) the changes to the Internal Revenue Code of 1986 that could enhance the use of such a system, and

(4) what additional resources the Internal Revenue Service would need to implement such a system.

SEC. 207. ACCESS TO ACCOUNT INFORMATION.

Not later than December 31, 2006, the Secretary of the Treasury or the Secretary's delegate shall develop procedures under which a taxpayer filing returns electronically would be able to review the taxpayer's account electronically, including all necessary safeguards to ensure the privacy of such account information.

TITLE III—TAXPAYER PROTECTION AND RIGHTS

SEC. 301. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

(a) IN GENERAL.—Section 7811(a) (relating to taxpayer assistance orders) is amended—

(1) by striking “Upon application” and inserting the following:

“(1) IN GENERAL.—Upon application”,

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

“(2) DETERMINATION OF HARDSHIP.—For purposes of determining whether a taxpayer is suffering or about to suffer a significant hardship, the Taxpayer Advocate should consider—

“(A) whether the Internal Revenue Service employee to which such order would issue is following applicable published administrative guidance, including the Internal Revenue Manual,

“(B) whether there is an immediate threat of adverse action, "(C) whether there has been a delay of more than 30 days in resolving taxpayer account problems, and

"(D) the prospect that the taxpayer will have to pay significant professional fees for representation.".

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. EXPANSION OF AUTHORITY TO AWARD COSTS AND CERTAIN FEES.

(a) Authority to Award Higher Attorney's Fees Based on Complexity of Issues.—Clause (iii) of section 7430(c)(1)(B) (relating to the award of costs and certain fees) is amended by inserting ", or the difficulty of the issues presented in the case or the local availability of tax expertise," before "justifies a higher rate".

(b) Award of Administrative Costs Incurred After 30-Day Letter.—

(1) Paragraph (2) of section 7430(c) is amended by striking the last sentence and insert the following:

"Such term shall only include costs incurred on or after whichever of the following is the earliest: (i) the date of the receipt by the taxpayer of the notice of the decision of the Internal Revenue Service Office of Appeals, (ii) the date of the notice of deficiency, or (iii) the date on which the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent."

(2) Subparagraph (B) of section 7430(c)(7) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) the date on which the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent."

(c) Award of Fees for Certain Additional Services.—Paragraph (3) of section 7430(c) is amended by adding at the end the following new sentence: "Such term also includes such amounts as the court calculates, based on hours worked and costs expended, for services of an individual (whether or not an attorney) who is authorized to practice before the Tax Court or before the Internal Revenue Service and who represents the taxpayer for no more than a nominal fee."

(d) Determination of Prevailing Party.—Paragraph (4) of section 7430(c) is amended—

(A) by inserting at the end of subparagraph (A) the following new flush sentence:

"For purposes of this section, such section 2412(d)(2)(B) shall be applied by substituting '$5,000,000' for the amount otherwise applicable to individuals, and '$35,000,000' for the amount otherwise applicable to businesses.", and

(B) by adding at the end the following new subparagraph:

"(D) Safe Harbor.—The position of the United States was not substantially justified if the United States has not prevailed on the same issue in at least 3 United States Courts of Appeal."

(e) Effective Date.—The amendments made by this section shall apply to proceedings beginning after the date of the enactment of this Act.

SEC. 303. CIVIL DAMAGES FOR NEGLIGENCE IN COLLECTION ACTIONS.

(a) In General.—Section 7433 (relating to civil damages for certain unauthorized collection actions) is amended—

(1) in subsection (a), by inserting ", or by reason of negligence," after "recklessly or intentionally", and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "($100,000, in the case of negligence)" after "$1,000,000", and

(B) in paragraph (1), by inserting "or negligent" after "reckless or intentional".

(b) Effective Date.—The amendments made by this section shall apply to actions of officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 304. DISCLOSURE OF CRITERIA FOR EXAMINATION SELECTION.

(a) In General.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, incorporate into the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) a statement which sets forth in simple and nontechnical terms the criteria and procedures for selecting taxpayers for examination. Such statement shall not include any information the disclosure of which would be detrimental to law enforcement, but shall specify the general procedures used by the Internal Revenue Service, including the extent to which taxpayers are selected for examination on the basis of information available in the media or on the basis of information provided to the Internal Revenue Service by informants.

(b) Transmission to Committees of Congress.—Such Secretary shall transmit drafts of the statement required under subsection (a) (or proposed revisions to any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 305. ARCHIVAL OF RECORDS OF INTERNAL REVENUE SERVICE.

(a) In General.—Subsection (l) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end the following new paragraph:

"(16) Disclosure to National Archives and Records Administration.—The Secretary shall, upon written request from the Archivist of the United States, disclose to the Archivist all records of the Internal Revenue Service for purposes of scheduling such records for destruction or for retention in the National Archives. Any such information that is retained in the National Archives shall not be disclosed without the express written approval of the Secretary."

(b) Effective Date.—The amendment made by this section shall apply to requests made by the Archivist after the date of the enactment of this Act.

SEC. 306. TAX RETURN INFORMATION.

The Joint Committee on Taxation shall convene a study of the scope and use of provisions regarding taxpayer confidentiality, and shall report the findings of such study, together with such recommendations as it deems appropriate, to the Congress no later than one year after the date of the enactment of this Act. Such study shall be led by a panel of experts, to be appointed by the Joint Committee on Taxation, which shall examine the present protections for taxpayer privacy, the need for third parties to use tax return information, and the ability to achieve greater levels of voluntary compliance by allowing the public to know who is legally required to do so, but does not file tax returns.

SEC. 307. FREEDOM OF INFORMATION.

(a) In General.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures under which expedited access will be granted to requests under section 551 of title 5, United States Code, when—

(1) there exists widespread and exceptional media interest in the requested information, and

(2) expedited processing is warranted because the information sought involves possible questions about the government's integrity which affect public confidence.

In addition, such procedures shall require the Internal Revenue Service to provide an explanation to the person making the request if the request is not satisfied within 30 days, including a summary of actions taken to date and the expected completion date. Finally, to the extent that any such request is not satisfied in full within 60 days, such person may seek a determination of whether such request should be granted by the appropriate Federal district court.

(b) Transmission to Committees of Congress.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 308. OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122 (relating to offers-in-compromise) is amended by adding at the end the following new subsection:

"(c) Allowances.—The Secretary shall develop and publish schedules of national and local allowances to ensure that taxpayers entering into a compromise have an adequate means to provide for basic living expenses."

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 309. ELIMINATION OF INTEREST DIFFERENTIAL ON OVERPAYMENTS AND UNDERPAYMENTS.

(a) In General.—Subsection (a) of section 6621 (relating to the determination of rate of interest) is amended to read as follows:

"(a) General Rule.—

"(1) Rate.—The rate established under this section shall be the sum of—

"(A) the Federal short-term rate determined under subsection (b), plus

"(B) the number of percentage points specified by the Secretary.

"(2) Determination of Percentage Points.—The number of percentage points specified by the Secretary for purposes of paragraph (1)(B) shall be the number which the Secretary estimates will result in the same net revenue to the Treasury as would have resulted without regard to the amendments made by section 309 of the Internal Revenue Service Restructuring and Reform Act of 1997."

(b) Conforming Amendments.—

(1) Section 6621 is amended by striking subsection (c).

(2) The following provisions are each amended by striking "overpayment rate" and inserting "rate": Sections 42(j)(2)(B), 167(g)(2)(C), 460(b)(2)(C), 6343(c), 6427(i)(3)(B), 6611(a), and 7426(g).

(3) The following provisions are each amended by striking "underpayment rate" and inserting "rate": Sections 42(k)(4)(A)(ii), 148(f)(4)(C)(x)(II), 148(f)(7)(C)(ii), 453A(c)(2)(B), 644(a)(2)(B), 852(e)(3)(A), 4497(c)(2), 6332(d)(1), 6601(a), 6602, 6654(a)(1), 6655(a)(1), and 6655(h)(1).

(c) Effective Date.—The amendments made by this section shall apply for purposes of determining interests for periods after the date of the enactment of this Act.

SEC. 310. ELIMINATION OF APPLICATION OF FAILURE TO PAY PENALTY DURING PERIOD OF INSTALLMENT AGREEMENT.

(a) In General.—Subsection (c) of section 6651 (relating to the penalty for failure to file tax return or to pay tax) is amended by adding at the end the following new paragraph:

"(3) Tolling during period of installment agreement.—If the amount required to be paid is the subject of an agreement for payment of tax liability in installments made pursuant to section 6159, the additions imposed under subsection (a) shall not apply so long as such agreement remains in effect."

(b) Effective Date.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 311. SAFE HARBOR FOR QUALIFICATION FOR INSTALLMENT AGREEMENTS.

(a) In General.—Subsection (a) of section 6159 (relating to agreements for payment of tax liability in installments) is amended—

(1) by striking "The Secretary is" and inserting the following:

"(1) In general.—The Secretary is",

(2) by moving the test 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) Safe harbor.—The Secretary shall enter into an agreement to accept the payment of a tax liability in installments if—

"(A) the amount of such liability does not exceed $10,000,

"(B) the taxpayer has not failed to file any tax return or pay any tax required to be shown thereon during the immediately preceding 5 years, and

"(C) the taxpayer has not entered into any prior installment agreement under this paragraph."

(b) Effective Date.—The amendments made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 312. PAYMENT OF TAXES.

(a) In General.—The Secretary of the Treasury or his delegate shall establish such rules, regulations, and procedures as are necessary to require payment of taxes by check or money order to be made payable to the Treasurer, United States of America.

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 313. LOW INCOME TAXPAYER CLINICS.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7525. LOW INCOME TAXPAYER CLINICS.

"(a) In General.—The Secretary shall make grants to provide matching funds for the development, expansion, or continuation of qualified low income taxpayer clinics.

"(b) Definitions.—For purposes of this section—

"(1) Qualified low income taxpayer clinic.—

"(A) In general.—The term 'qualified low income taxpayer clinic' means a clinic that—

"(i) represents low income taxpayers in controversies with the Internal Revenue Service,

"(ii) operates programs to inform individuals for whom English is a second language about their rights and responsibilities under this title, and

"(iii) does not charge more than a nominal fee for its services except for reimbursement of actual costs incurred.

"(B) Representation of low income taxpayers.—A clinic meets the requirements of subparagraph (A)(i) if—

"(i) at least 90 percent of the taxpayers represented by the clinic have income which does not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and

"(ii) the amount in controversy for any taxable year generally does not exceed the amount specified in section 7463.

"(2) Clinic.—The term 'clinic' includes—

"(A) a clinical program at an accredited law school in which students represent low income taxpayers in controversies arising under this title, and

"(B) an organization exempt from tax under section 501(c) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.

"(3) Qualified representative.—The term 'qualified representative' means any individual (whether or not an attorney) who is authorized to practice before the Internal Revenue Service or the applicable court.

"(c) Special Rules and Limitations.—

"(1) Aggregate limitation.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $3,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) Limitation on individual grants.—A grant under this section shall not exceed $100,000 per year.

"(3) Multi-year grants.—Upon application of a qualified low income taxpayer clinic, the Secretary is authorized to award a multi-year grant not to exceed 3 years.

"(4) Criteria for awards.—In determining whether to make a grant under this section, the Secretary shall consider—

"(A) the numbers of taxpayers who will be served by the clinic, including the number of taxpayers in the geographical area for whom English is a second language,

"(B) the existence of other low income taxpayer clinics serving the same population,

"(C) the quality of the program offered by the low income taxpayer clinic, including the qualifications of its administrators and qualified representatives, and its track record, if any, in providing service to low income taxpayers, and

"(D) alternative funding sources available to the clinic, including amounts received from other grants and contributions, and the endowment and resources of the educational institution sponsoring the clinic.

"(5) Requirement of matching funds.—A low income taxpayer clinic must provide matching funds on a dollar for dollar basis for all grants provided under this section. Matching funds may include—

"(A) the salary (including fringe benefits) of a faculty member at an educational institution who is teaching in the clinic;

"(B) the salaries of administrative personnel employed in the clinic; and

"(C) the cost of equipment used in the clinic.

Indirect expenses, including general overhead of the educational institution sponsoring the clinic, shall not be counted as matching funds.".

(b) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new section:

"Sec. 7525. Low income taxpayer clinics."

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 314. JURISDICTION OF THE TAX COURT.

(a) Interest Determinations.—Subsection (c) of section 7481 (relating to the date when Tax Court decisions become final) is amended—

(1) by inserting "or underpayment" after "overpayment" each place it appears, and

(2) by striking "petition" in paragraph (3) and inserting "motion".

(b) Extension of Time for Payment of Estate Tax.—Section 6166 (relating to the extension of time for payment of estate tax) is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) Judicial Review.—The Tax Court shall have jurisdiction to review disputes regarding initial or continuing eligibility for extensions of time for payment under this section, including disputes regarding the proper amount of installment payments required herein."

(c) Small Case Calendar.—

(1) Subsection (a) of section 7463 (relating to disputes involving $10,000 or less) is amended by striking "$10,000" each place it appears and inserting "$25,000".

(2) The section hearing for section 7463 is amended by striking "**$10,000**" and inserting "**$25,000**".

(3) The item relating to section 7463 in the table of sections for part II of subchapter C of chapter 76 is amended by striking "$10,000" and inserting "$25,000".

(d) Effective Date.—The amendments made by this section shall apply to proceedings commencing after the date of the enactment of this Act.

SEC. 315. CATALOGING COMPLAINTS.

(a) In General.—The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures to catalog and review taxpayer complaints of misconduct by Internal Revenue Service employees. Such procedures should include guidelines for internal review and discipline of employees, as warranted by the scope of such complaints.

(b) Hotline.—The Commissioner for Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees, and shall publish such number in Publication 1.

SEC. 316. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) In General.—Paragraph (1) of section 7521(b) (relating to procedures involving taxpayer interviews) is amended to read as follows:

"(1) Explanation of processes.—An officer or employee of the Internal Revenue Service shall—

"(A) before or at an initial interview, provide to the taxpayer—

"(i) in the case of an in-person interview with the taxpayer relating to the determination of any tax, an explanation of the audit process and the taxpayer's rights under such process, or

"(ii) in the case of an in-person interview with the taxpayer relating to the collection of any tax, an explanation of the collection process and the taxpayer's rights under such process, and

"(B) before an in-person initial interview with the taxpayer relating to the determination of any tax—

"(i) inquire whether the taxpayer is represented by an individual described in subsection (c),

"(2) explain that the taxpayer has the right to have the interview take place in a reasonable place and that such place does not have to be the taxpayer's home,

"(iii) explain the reasons for the selection of the taxpayer's return for examination, and

"(iv) provide the taxpayer with a written explanation of the applicable burdens of proof on taxpayers and the Internal Revenue Service.

If the taxpayer is represented by an individual described in subsection (c), the interview may not proceed without the presence of such individual unless the taxpayer consents."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interviews and examinations taking place after the date of the enactment of this Act.

SEC. 317. EXPLANATION OF JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish procedures to clearly alert taxpayers of their joint and several liabilities on all tax forms, publications, and instructions. Such procedures shall include explanations of the possible consequences of joint and several liability.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 318. PROCEDURES RELATING TO EXTENSIONS OF STATUTE OF LIMITATIONS BY AGREEMENT.

(a) IN GENERAL.—Paragraph (4) of section 6501(c) (relating to the period for limitations on assessment and collection) is amended—

(1) by striking "Where" and inserting the following:

"(A) IN GENERAL.—Where",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new subparagraph:

"(B) NOTICE TO TAXPAYER OF RIGHT TO REFUSE OR LIMIT EXTENSION.—The Secretary shall notify the taxpayer of the taxpayer's right to refuse to extend the period of limitations, or to limit such extension to particular issues, on each occasion when the taxpayer is requested to provide such consent."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to requests to extend the period of limitations made after the date of the enactment of this Act.

SEC. 319. REVIEW OF PENALTY ADMINISTRATION.

The Taxpayer Advocate shall prepare a study and provide an independent report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation, no later than July 30, 1998, reviewing the administration and implementation by the Internal Revenue Service of the penalty reform recommendations made in the Omnibus Budget Reconciliation Act of 1989, including legislative and administrative recommendations to simplify penalty administration and reduce taxpayer burden.

SEC. 320. STUDY OF TREATMENT OF ALL TAXPAYERS AS SEPARATE FILING UNITS.

The Secretary of the Treasury or his delegate and the Comptroller General of the United States shall each conduct separate studies on the feasibility of treating each individual separately for purposes of the Internal Revenue Code of 1986, including recommendations for eliminating the marriage penalty, addressing community property issues, and reducing burden for divorced and separated taxpayers. The reports of each study shall be delivered to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation no later than 180 days after the date of the enactment of this Act.

SEC. 321. STUDY OF BURDEN OF PROOF.

The Comptroller General of the United States shall prepare a report on the burdens of proof for taxpayers and the Internal Revenue Service for controversies arising under the Internal Revenue Code of 1986, which shall be delivered to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation no later than 180 days after the date of the enactment of this Act. Such report shall highlight the differences between these burdens and the burdens imposed in other disputes with the Federal Government, and should comment on the impact of changing these burdens on tax administration and taxpayer rights.

SEC. 322. NOTICE OF DEFICIENCY TO SPECIFY RIGHT TO CONTACT TAXPAYER ADVOCATE

(a) IN GENERAL.—Section 6212(a) (relating to notice of deficiency) is amended by adding at the end the following: "Such notice shall include a notice to the taxpayer of the taxpayer's right to contact a local office of the taxpayer advocate and the location and telephone number of the nearest such office.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this act.

TITLE IV—CONGRESSIONAL ACCOUNTABILITY FOR THE INTERNAL REVENUE SERVICE

Subtitle A—Oversight

SEC. 401. COORDINATED OVERSIGHT HEARINGS.

(a) Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by adding after section 7811 the following new section:

"SEC. 7821. COORDINATED OVERSIGHT HEARINGS.

"(a) JOINT HEARINGS.—On or before April 1 of each calendar year after 1997, there shall be a joint hearing of two members of the majority and one member of the minority from each of the Committees on Finance, Appropriations, and Government Affairs of the Senate, and the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, to review the strategic plans and budget for the Internal Revenue Service. After the conclusion of the annual filing season, there shall be a second annual joint hearing to review other matters outlined in subsection (b).

"(b) In preparation for the annual joint hearings provided for under subsection (a), the staffs of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, shall, on an annual rotating basis, prepare reports with respect to—

(1) strategic and business plans for the Internal Revenue Service;

(2) progress of the Internal Revenue Service in meeting its objectives;

(3) the budget for the Internal Revenue Service and whether it supports its strategic objectives;

(4) progress of the Internal Revenue Service in improving taxpayer service and compliance;

(5) progress of the Internal Revenue Service on technology modernization; and

(6) the annual filing season.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Budget

SEC. 412. FUNDING FOR CENTURY DATE CHANGE.

It is the sense of Congress that funding for the Internal Revenue Service efforts to resolve the century date change computing problems should be funded fully to provide for certain resolution of such problems.

SEC. 413. FINANCIAL MANAGEMENT ADVISORY GROUP.

The Commissioner shall convene a financial management advisory group consisting of individuals with expertise in governmental accounting and auditing from both the private sector and the Government to advise the Commissioner on financial management issues, including—

(1) the continued partnership between the Internal Revenue Service and the General Accounting Office;

(2) the financial accounting aspects of the Internal Revenue Service's system modernization;

(3) the necessity and utility of year-round auditing; and

(4) the Commissioner's plans for improving its financial management system.

Subtitle C—Tax Law Complexity

SEC. 421. ROLE OF THE INTERNAL REVENUE SERVICE.

It is the sense of Congress that the Internal Revenue Service should provide the Congress with an independent view of tax administration, and that during the legislative process, the tax writing committees of the Congress should hear from front-line technical experts at the Internal Revenue Service with respect to the administrability of pending amendments to the Internal Revenue Code of 1986.

SEC. 422. TAX COMPLEXITY ANALYSIS.

(a) IN GENERAL.—Chapter 92 (relating to powers and duties of the Joint Committee on Taxation) is amended by adding at the end the following new section:

"SEC. 8024. TAX COMPLEXITY ANALYSIS.

"(a) IN GENERAL.—

"(1) REPORTED BILLS AND RESOLUTIONS.—When a committee of the Senate or House of Representatives reports a bill or joint resolution that includes any provision amending the Internal Revenue Code of 1986, the report for such bill or joint resolution shall contain a Tax Complexity Analysis prepared by the Joint Committee on Taxation for each provision therein.

"(2) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains an amendment to the Internal Revenue Code of 1986 not previously considered by either House, then the committee of conference shall ensure that the

Joint Committee on Taxation prepares a Tax Complexity Analysis for each provision therein.

"(b) Content of Complexity Analysis.—Each Tax Complexity Analysis must address—

"(1) whether the provision is new, modifies or replaces existing law, and whether hearings were held to discuss the proposal and whether the Internal Revenue Service provided input as to its administrability;

"(2) when the provision becomes effective, and corresponding compliance requirements on taxpayers (e.g., effective on date of enactment, phased in, or retroactive);

"(3) whether new Internal Revenue Service forms or worksheets are needed, whether existing forms or worksheets must be modified, and whether the effective date allows sufficient time for the Internal Revenue Service to prepare such forms and educate taxpayers;

"(4) necessity of additional interpretive guidance (e.g., regulations, rulings, and notices);

"(5) the extent to which the proposal relies on concepts contained in existing law, including definitions;

"(6) effect on existing record keeping requirements and the activities of taxpayers, complexity of calculations and likely behavioral responses, and standard business practices and resource requirements;

"(7) number, type, and sophistication of affected taxpayers; and

"(8) whether the proposal requires the Internal Revenue Service to assume responsibilities not directly related to raising revenue which could be handled through another Federal agency.

"(c) Legislation Subject to Point of Order.—

"(1) In general.—It shall not be in order in the Senate or the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report that is not accompanied by a Tax Complexity Analysis for each provision therein.

"(2) In the senate.—Upon a point of order being made by any Senator against any provision under this section, and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report, and may not be offered as an amendment from the floor.

"(3) In the house of representatives.—

"(A) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of paragraph (1).

"(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

"(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

"(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

"(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

"(d) Responsibilities of the Commissioner.—The Commissioner shall provide the Joint Committee on Taxation with such information as is necessary to prepare a Tax Complexity Analysis on each instance in which such an analysis is required."

(b) Clerical Amendment.—The table of sections for chapter 92 is amended by adding at the end the following new item:

"Sec. 8024. Tax complexity analysis."

(c) Effective Date.—The amendments made by this section shall apply to legislation considered on or after the earlier of January 1, 1998, or the 90th day after the date of the enactment of an additional appropriation to carry out section 8024 of the Internal Revenue Code of 1986, as added by this section.

SEC. 423. SIMPLIFIED TAX AND WAGE REPORTING SYSTEM.

(a) Policy.—It is the policy of the Congress that employers should have a single point of filing tax and wage reporting information.

(b) Electronic Filing of Information Returns.—The Social Security Administration shall establish procedures no later than December 31, 1998, to accept electronic submissions of tax and wage reporting information from employers, and to forward such information to the Internal Revenue Service, and to the tax administrators of the States, upon request and reimbursement of expenses. For purposes of this paragraph, recipients of tax and wage reporting information from the Social Security Administration shall reimburse the Social Security Administration for its incremental expenses associated with accepting and furnishing such information.

SEC. 424. COMPLIANCE BURDEN ESTIMATES.

The Joint Committee on Taxation shall prepare a study of the feasibility of developing a baseline estimate of taxpayers' compliance burdens against which future legislative proposals could be measured.

TITLE V—CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION

SEC. 501. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) In General.—Subsection (a) of section 404 is amended by adding at the end the following new paragraph:

"(11) Determinations relating to deferred compensation.—

"(A) In general.—For purposes of determining under this section—

"(i) whether compensation of an employee is deferred compensation, and

"(ii) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

"(B) Exception.—Subparagraph (A) shall not apply to severance pay."

(b) Sick Leave Pay Treated Like Vacation Pay.—Paragraph (5) of section 404(a) is amended by inserting "or sick leave pay" after "vacation pay".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after October 8, 1997.

(2) Change in method of accounting.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

BOXER AMENDMENTS NOS. 1539–1540

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, H.R. 2646, supra; as follows:

Amendment No. 1539

At the end of the bill, add the following:

SEC. 4. INCENTIVES FOR AFTERSCHOOL PROGRAMS.

Section 226(d)(5) of Public Law 105–34 (The Taxpayer Relief Act of 1997) is amended by adding the following:

"(E) providing productive activities during after school hours, including, but not limited to, mentoring programs, tutoring, recreational activities, and technology training."

Amendment No. 1540

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "After School Education and Safety Act of 1997".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours along, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) Greater numbers of students are failing in school and the consequences of academic failure are more dire in 1997 than ever before.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang activity.

SEC. 5. DEFINITIONS.

In this Act:

(1) School.—The term "school" means a public kindergarten, or a public elementary school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Secretary.—The term "Secretary" means the Secretary of Education.

SEC. 6. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section 7(a).

SEC. 7. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) Authorized Activities.—

(1) REQUIRED.—Each school receiving a grant under this Act shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this Act may carry out any of the following activities:

(A) Drug, alcohol, and gang, prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this Act shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities that are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this Act.

SEC. 8. APPLICATIONS.

Each school desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section 4 shall be met by the activities assisted under this Act;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $50,000,000 for each of the fiscal years 1998 through 2002.

TECHNICAL CORRECTIONS TO COPYRIGHT LAW

HATCH AMENDMENT NO. 1541

Mr. GRASSLEY (for Mr. HATCH) proposed an amendment to the bill, H.R. 672, to make technical amendments to certain provisions of title 17, United States Code; as follows:

On page 15, insert the following after line 8 and redesignate the succeeding sections, and references thereto, accordingly:

SEC. 11. DISTRIBUTION OF PHONORECORDS.

Section 303 of title 17, United States Code, is amended—

(1) by striking "Copyright" and inserting "(a) Copyright"; and

(2) by inserting at the end the following:

"(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet during the session of the Senate on Friday, October 31, 1997, after the first rollcall vote in the President's room of the Capitol, S–216, to mark up the nominations of Ms. Sally Thompson to be Chief Financial Officer of the U.S. Department of Agriculture and Mr. Joe Dial to be Commissioner of the Commodity Futures Trading Commission.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Monday, November 3, 1997, at 10 a.m. in room 485 of the Russell Senate Office Building, to conduct a markup on H.R. 976, the Mississippi Sioux Tribe Judgment Fund Distribution Act of 1997, followed by a hearing on H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, October 30, 1997, at 9:15 a.m. in SR–328A to mark up the nominations of Ms. Sally Thompson to be Chief Financial Officer of the U.S. Department of Agriculture and Mr. Joe Dial to be Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 30, 1997, at 10:30 a.m. in open session, to consider the nominations of Hon. Robert M. Walker, to be Under Secretary of the Army; Mr. Jerry MacArthur Hultin, to be Under Secretary of the Navy; and Mr. F. Whitten Peters, to be Under Secretary of the Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 30, 1997, to conduct a hearing on the Iran-Libya Sanctions Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 30, 1997, at 9:30 a.m. on the nomination of William Clyburn, Jr., to be a member of the Surface Transportation Safety Board, Duncan Moore and Arthur Bienenstock to be members of Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURNS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, October 30, 9:30 a.m., in hearing room SD–406 on evidentiary privileges or immunity from prosecution for voluntary environmental audits.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 1997, at 9:30 a.m. and 2 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, October 30, at 9 a.m. for a nomination hearing for John M. Campbell and Anita M. Josey, nominees to the District of Columbia courts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Subcommittee on Special Investigations to meet on Thursday, October 30, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, October 30, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building, to conduct a hearing on the nomination of B. Kevin Gover to be Assistant Secretary for Indian Affairs, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on HIV/AIDS: Recent Developments and Future Opportunities, during the session of the Senate on Thursday, October 30, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, October 30, 1997, beginning at 9 a.m. until business is completed, to hold a hearing on the Senate Strategic Planning Process for Infrastructure Support. A business meeting to consider pending legislative and administrative matters will immediately follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BURNS. The Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the following nominations: Richard J. Griffin, to be Inspector General, Department of Veterans Affairs; William P. Greene, Jr., to be Associate Judge, Court of Veterans Appeals; Joseph Thompson to be Under Secretary for Benefits, Department of Veterans Affairs; and Espiridion A. Borrego to be Assistant Secretary for Veterans Employment and Training, Department of Labor. The hearing will take place on Thursday, October 30, 1997, at 5 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, October 30, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on class action lawsuits: examining victim compensation and attorneys' fees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 30, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 30, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to receive testimony to review the Federal Energy Regulatory Commission's hydroelectric relicensing procedures.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING FLORENCE G. HEDKE'S 100TH BIRTHDAY

• Ms. MOSELEY-BRAUN. Mr. President, it is my pleasure and privilege to join the friends and family in celebrating the 100th birthday of a distinguished citizen of Riverdale, IL, Miss Florence G. Hedke, on November 11, 1997.

Miss Hedke is a testament to Riverdale's heritage. She began teaching at the Bowen School in 1919, and later became the school's principal before retiring in 1964. Miss Hedke cherished her experiences at the Bowen School so much that she now lives in the building that was once home to the original Bowen School.

As an educator, Miss Hedke inspired her students to dream, encouraged excellence and showed them the many avenues of opportunity made available through learning. She gave her students the foundation for their dreams. Her influence on the many students she touched has enriched their lives, and ours, in ways too numerous to calculate. She gave young people the confidence in themselves and hope for the future.

The Village of Riverdale, the State of Illinois, and our nation are all better as a result of Florence Hedke's talent, love and commitment to education. She is truly one of Illinois' special treasures, and I am honored to join in the celebration of her 100th birthday.•

CHRISTIANITY IN PUBLIC LIFE TODAY

• Mr. BROWNBACK. Mr. President, I rise to submit for the record an address delivered by my colleague, Senator ABRAHAM from Michigan, to Legatus, a group of Catholic business leaders concerned to bring their faith into their economic and public lives.

We live in an era, Mr. President, in which religious Americans are faced with a number of obstacles as they seek to live their faith in our public square. I believe that Senator ABRAHAM well states the dilemma faced by people of faith and I hope our citizens, and Members of this body in particular, will heed his call for greater understanding and accommodation for religious principles and beliefs.

As we face a continuing breakdown of our families and communities, I believe it is essential that we return to the fundamental institutions, beliefs and practices on which our society was founded. And to do that we must recognize the central role religion has and must continue to play in shaping our character and our community.

The address follows:

CHRISTIANITY IN AMERICA TODAY

An address delivered to the Legatus Regional Conference on October 11, 1997 by Senator Spencer Abraham

First I would like to thank Tom Monahan and all the members of Legatus for having me here. Your work, bringing your faith to bear on your daily lives as business people and citizens, is crucial, in my view, to the health of our republic and the souls of our people.

Because I am speaking today about Christianity in America, I first must point out the standpoint from which I speak: I am both a Christian and a United States Senator. Now, some people might say that "Christian Senator" is an oxymoron, right up there with "political ethics" or "military intelligence." And it certainly can be difficult to stand up for what is right, for what Christ demands, if you listen too closely to the Washington wisdom. But I think those of you here today know full well how difficult it can be to bring your private beliefs into your public life. Indeed, I think our country as a whole suffers from the fact that we tend to seek a Christian private life while the government too often discourages Christian conduct.

Christianity in America and Christianity in Washington and our state capitals seem to be different things. The good news, of course, is that Christianity in America is in many ways thriving.

For example, by now most Americans have heard of the Promise Keepers. This organization was founded in 1990 by former University of Colorado football coach Bill McCartney. Since its inception over two and a half million men have been to Promise Keepers conferences.

Here they promise to:

(1) Honor Jesus Christ through worship, prayer and obedience to God's word.

(2) Pursue friendships with men who will help them keep their promises.

(3) Practice spiritual, moral, ethical and sexual purity.

(4) Strengthen their commitment to their wives and children through love, protection and devotion to the Bible.

(5) Become more involved in their churches.

(6) Seek racial harmony, and

(7) Follow the Golden Rule by loving God and loving their neighbors as themselves.

That's an unfashionable set of promises to ask men to keep. Yet hundreds of thousands of them came to Washington on October 4, pledging to keep these promises in their daily lives.

And there are a number of other important groups working to bring Christianity back into people's lives. Just a couple of weeks ago in Washington there was an "Emerging Urban Leaders Conference." Dozens of young people—so-called "Generation Xers" —from all over the country came together. At this conference they discussed ways to cooperate and learn from one another as they worked in faith-based groups struggling for community renewal.

The conference was held in a spirit of optimism because of the new organizations and networks that are forming around the idea that faith-based programs can save our inner cities, and those who live in them.

And the statistics from a Gallup poll conducted just this year show that Christianity is very much alive among the American people.

Despite what you may hear in the press, less than 1% of the American people are atheists. Meanwhile, 9 out of 10 Americans give a religious identification. 7 out of 10 say they are a member of a church or synagogue. 6 out of 10 say religion is an important part of their daily life. 77% believe the Bible is the inspired word of God. 40% attend church on a weekly basis—a rate that has held steady for almost 40 years. 66% report that prayer is an important part of their daily life. And 61% believe religion can answer all or most of today's problems.

Unfortunately, despite this common religious attitude among the people, in Washington and many state capitals Christianity is having to struggle.

Let me give some examples.

First, one of the fundamental bases of our moral order, recognized by Judaism, Christianity and Islam alike, is the Ten Commandments. The moral principles laid out in these commandments, including love of God as well as rules against murder and perjury, literally gave birth to our society. We ignore them at our peril. Unfortunately, at least one judge has sought to bar expression of these principles from our public square.

Recently, an Alabama judge ordered his colleague, Judge Roy S. Moore, to stop displaying the Ten Commandments in his courtroom. This ruling, now on hold, rests on the mistaken belief that the Constitution's religion clause forbids such displays. It also rests on hostility toward public affirmations of our religious heritage. It can only undermine our adherence to the principles underlying our moral order.

A resolution introduced by my colleague, JEFF SESSIONS, would state that Judge Moore should be allowed to continue displaying the Ten Commandments in his courtroom. I believe that this is the appropriate response.

Unfortunately, activist judges have not been the only ones opposing any role for religion in our public life. Our elected officials too often undermine worthy projects out of hostility or fear toward religion.

For example, my colleague, Georgia Senator Paul COVERDELL, has proposed education legislation establishing "A-Plus Accounts." These accounts would allow parents to use the tax-free education savings accounts provided in the recent Taxpayer Relief Act for their children's elementary and secondary schooling, rather than just for college.

This would give parents greater control over their children's education. With help from these accounts, parents could buy a home computer to enable their child to explore the internet; pay for tutoring for a child having trouble with math; get occupational therapy for a child with special needs, or save for tuition payments and home schooling.

The interest on these savings accounts would not be taxed so long as it was used for educational expenses. And the cost to the federal government and taxpayer? Zero. A+ Accounts would simply allow parents to spend more of their own money on their children's education.

Unfortunately, the President has vowed to veto any bill containing these provisions. This administration does not want parents to control their own children's educations. Simply giving parents the choice of saving their money for nonpublic and parochial schools for this administration is unacceptable. That is wrong, and it should be put right.

Another wrong we need to put right is abortion. I will do everything I can as a United States Senator to protect unborn life. Here I must point in admiration to my wife Jane. Through the Susan B. Anthony List, which works to elect pro-life women to Congress, and through her many personal efforts, she has done a great deal to improve our ability to correct the great tragedy of abortion.

Unfortunately, the pro-life cause is subjected to a great deal of unfair derision. The press focuses almost exclusively on the few bad apples who resort to violence, and tar us all as extremists. Meanwhile the terrible facts about partial birth abortion have been denied repeatedly, despite massive evidence. Even limited efforts to protect the unborn, like parental notification, have consistently failed to make it into law. In Washington, whether on the Senate floor or in the papers, it is considered "bad form" to even bring up the rights of the unborn.

Indeed, it seems to be bad form to bring up any issue of principle or morality, let alone religion, in Washington. Nor is Congress the only place in Washington where religion and traditional values are being undermined. The Executive branch has played its own, destructive role.

Recently President Clinton revoked Ronald Reagan's Executive Order, decreeing that federal bureaucrats consider their actions' effects on the families of this nation. As stated in its preamble, President Reagan's Executive Order was intended "to ensure that the autonomy and rights of the family are considered in the formulation and implementation of policies by Executive departments and agencies."

More than any government program, America's children are protected, nurtured and given the means they need to lead good lives by their families. No national "village" can replace the constant care and attention of parents. But all too often federal regulations interfere with parents as they try to teach, protect and nurture them.

For example, the Family Research Council reports that the Food and Drug Administration has classified home drug tests as a "Class 3 Medical Device," placing them in the same category as heart pace makers. In effect, the FDA has barred parents from using these tests in their homes—despite the fact that the drug tests work in the same, simple manner as home pregnancy tests.

The irony is that the federal government is using taxpayer dollars to promote the use of other medical devices, namely condoms. Condoms are the subject of a $400,000 federal advertising effort, featuring rock music and sexually suggestive imagery, carried out under federal Department of Health and Human Services regulations.

It seems that, according to the federal government, bureaucrats in Washington are the only ones qualified to make certain that our children are not using drugs, and to educate them concerning sexuality and contraception—matters of deep importance to their spiritual lives.

In these and other ways, Washington seems to go out of its way to show contempt for traditional values. For example, the federally funded Smithsonian Institution, our premier teaching museum, recently refused to allow the Boy Scouts to hold an Honor Court ceremony at the National Zoo. Why? Because the Boy Scouts "discriminate" against atheists.

I found it deeply disturbing that the Boy Scouts, one of America's most important private organizations, which has helped literally millions of American boys reach responsible manhood, should be denied access to a federally supported institution because it exercises its Constitutional right to free exercise of religion.

I also was disturbed that the Smithsonian Institution, the repository of so many objects central to our heritage as a people, should enforce a policy diametrically opposed to the principles on which our nation was founded.

Luckily, after I brought this travesty to the attention of my colleagues in the Senate, enough pressure was applied to the Smithsonian's secretary that he rescinded the order and apologized for this obvious instance of intolerance for religion.

I think it is important that we remember victories like this. And there have been others.

For example, the last welfare reform bill finally eliminated a destructive, ill-considered provision. That provision prohibited faith-based organizations from contracting with local governments to provide social services. Under this provision, faith-based organizations had to give up their religious character in order to provide social services with public assistance. The results have been tragic.

In the late 1980's, when the homeless population was rising, state and local officials in Michigan discovered large inner-city churches with plenty of space. But the federal government would not give any money to cities seeking to use the churches for homeless shelters. The problem? All religious references in the churches, from crucifixes to Bible scriptures carved into the walls, had to be removed or covered if government funds were to be spent.

The same situation confronted the people of Flint, where Catholic Social Services runs the North End Soup Kitchen in a building owned by Sacred Heart church. In order to receive government help, from what I am told, they were required to cover up their crucifixes and religious icons and literally hide the bibles. They even were required to create a separate legal entity to accept the aid.

This is wrong. It keeps many good organizations from getting more involved in their communities. It saps our religious spirit and denies people assistance they need.

Fortunately for our communities, this has changed. The charitable choice provision will see to it that states consider religious organizations on an equal, nondiscriminatory basis with private institutions. Faith based organizations are no longer required to remove "religious art, icons or other symbols" to receive federal funds. They also are no longer required to change hiring practices or create separate corporations in order to receive government contracts. The only requirement these organizations must meet is that they cannot use government money for sectarian worship, instruction or proselytizing activities.

These reforms already have produced miraculous results. Ottawa County recently was the subject of front page stories in both the Washington Post and USA Today. Why? Because that county's conservative, churchgoing communities have done what no one else had seemed able to do: get every one of its able-bodied welfare recipients into a paying job. Every one.

Governor Engler's innovative "Project Zero" deserves a great deal of credit for these results. But even more important, in my view, has been the participation of local churches and parishioners.

Faith-based organizations and individuals have served as mentors, helping people in trouble get their lives back on track. Whether by volunteering to babysit, by helping out with a loan, or by offering friendship and spiritual guidance, these people gave of themselves in ways that have changed lives for the better—in ways that until recently were considered illegal.

I think the Ottawa County experience shows that welfare reform is a solid step forward. We need to build on it, and try to move public policy in a way that recognizes the fundamental role of religion in our lives, and the fundamental principles religion gives us to guide our lives.

Most important, of course, is our duty to protect our children, born and unborn. And, on that front, I am hopeful that we will finally make some progress in the battle against abortion.

The House of Representatives has finally joined the Senate by voting to ban partial birth abortion. I know I, and thousands upon thousands of other people, was deeply disturbed by the tactics of some proponents of abortion in defending this practice. But I think the word is finally out: Partial birth abortion is dangerous, unnecessary, and simply unacceptable. And I am confident that, despite the President's veto, we will finally bring this inexcusable practice to a halt, once and for all.

But this struggle, over the most fundamental principle of all—the sanctity of human life—shows why we can't let liberals have their way.

I want to encourage all of you to get involved and stay involved in public life. Of course, you already are involved by being here in Legatus. But I think America needs you to do even more.

Frankly, there are plenty of groups organized on the other side who have a far different and far more radical agenda than those of us who want to restore traditional religious values. They want abortion on demand, fully-funded by taxpayer dollars up to and including the ninth month. They want government-paid physician assisted suicide, paid for by the Medicare and Medicaid plans to which you are forced to contribute. They want to push religion all the way out of our public life, from our schools, from our courthouses, and from our communities.

But there is no reason to despair. In fact, I think it would show an inappropriate lack of faith to despair for our country. With God's help, you and I can make a difference. We can stand up for the unborn. We can defend our families and the sanctity of marriage against deluded lawmakers and the smut put out by so-called "entertainers." We can fight to bring God back into the classroom and the courtroom. We can make America beautiful again by reminding her that, whatever Washington might say, we are a nation Under God and answerable to Him for our actions.

I am not here to tell you that this task will be easy. But I believe I share with you the conviction that God calls us to work for a more humane public square, in which the voice of faith can be heard. I believe I share with you also the conviction that God is calling all of us, in and out of Washington and Lansing, to renew our public life, to restore it to spiritual health by fighting for the same principles for which Christ died.

The cross may be heavy, but surely not so heavy as His. And we owe it to ourselves, our children and our God to work, in our homes, in our parishes and local communities, in our private lives and in our public lives, to make our society recognize the value of unborn life, the value of the lives of those who are old, ill or simply inconvenient, the value of a life not lived for the pleasure of the moment, but for the glory of God.●

IN RECOGNITION OF ROBERT McNAMARA

● Mr. HOLLINGS. Mr. President, I rise today to recognize a man who exemplifies the American dream. Dr. Robert McNamara, an assistant professor of sociology at Furman University, rose from a childhood of Dickensian poverty and violence to become a successful writer, prodigious researcher, and beloved teacher. In addition to devoting much time to instructing and advising his students, he has published nine books; his most recent, "Beating the Odds: Crime, Poverty, and Life in the Inner City," has just been released.

In "Beating the Odds," Dr. McNamara addresses some of our society's fundamental problems while relating them to the trials of his own impoverished childhood. Though it is unusual for an academic to intertwine memoir with analysis, Dr. McNamara's style makes his book all the more compelling.

Bob McNamara was born in New Haven, CT, in 1960, the youngest of four boys. He and his family—"dirty, unkempt, and unruly"—lived a tenuous existence in a squalid section of the city. His abusive and alcoholic father was a compulsive gambler. McNamara's parents divorced when he was 10 years old. Neither wanted to raise him; after a time, they began paying other people to care for him.

As an adolescent, Bob McNamara was sent to live with 19 different families. His abuse and exploitation at the hands of these so-called foster parents convinced him that "being a foster child is one of the most frightening things that could ever happen to a young person." It was not until one of his high school football coaches realized his potential and decided to become his foster parent that McNamara gained a stable and nurturing home.

With the help of supportive teachers and his new foster family, Bob McNamara turned his life around. He worked two jobs to pay for classes at the local community college. After succeeding there, he enrolled in the State university and commuted 60 miles each way to attend classes. He made outstanding grades and won a scholarship to Yale University, where he obtained his doctorate. While at Yale, he met another graduate student, Kristie Maher, whom he would later marry and who also teaches sociology at Furman University.

Dr. Robert McNamara is a living example of the promise of American life. He was born into an abysmally poor and dysfunctional family, with no role models or guidance. He spent much of his childhood stealing for food and running with gangs. But he found purpose in the pursuit of knowledge and nurturing from his teachers, and went on to excell at one of America's elite universities. Today, he is an admired teacher and respected scholar.

Mr. President, "Beating the Odds" is not just the title of Prof. Robert McNamara's latest and most inspiring book; it is the story of his life. In fact, beating the odds is what the American dream is all about.●

THE 75TH ANNIVERSARY OF WALSH COLLEGE

● Mr. ABRAHAM. Mr. President, today I rise to pay tribute to Walsh College on the occasion of their 75th anniversary. Since 1922, Walsh College has been highly instrumental in turning business leaders of tomorrow into business leaders of today. Michiganites, and many others across America, have benefited immensely by the quality of education and rich tradition bestowed upon its students.

Over 11,000 Walsh College alumni have worked to improve Michigan's economy and bring about a better quality of life for those near to them. With over 3,000 students and 4 campuses—soon to be 5 campuses—Walsh College continues to enlarge its positive impact on Michigan's southeastern communities.

It is well known by businesses in Michigan that Walsh students excel in their work. For example, 10 have received the Paton Award for achieving the highest Michigan score on the CPA exam, and 13 have received the Sells Award for placing in the top 100 of those taking the test nationwide. Through its six undergraduate degree programs and five graduate programs, Walsh College brings to Michigan an unparalleled excellence in education.

Again, congratulations for 75 great years in business education and, on behalf of the U.S. Senate, I offer my highest appreciation and praise to all who have made the past 75 years a great success.•

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1997

• Mr. HARKIN. Mr. President, yesterday, the Senate has passed one of the most important agriculture bills it will consider this session. The Agricultural Research, Extension and Education Reform Act of 1997 not only represents a strong statement by the Senate on the importance of research to the future of American agriculture but also a substantive improvement in USDA's research efforts. I am pleased that both sides of the aisle have come together to invest in the future of agriculture and rural communities in this country. I am especially pleased with the cooperation I have enjoyed with the chairman of the Agriculture Committee, Senator LUGAR, and his staff throughout the development of this important legislation.

This bill ensures that our farmers and ranchers have the world's best science and technology to produce food and fiber, protect the environment upon which agriculture depends, and create rural economic opportunities. We are devoting over $1 billion in new funds over the next 5 years to advance the science and technology underlying our agricultural system. I am also pleased that we were able to find the resources to improve the nutrition of our Nation's poorest children.

We have also extended the fund for rural America through 2002 and reaffirmed and enlarged our commitment to the pressing development needs of our rural communities. The fund was a key component of the 1996 Farm bill, created to provide funds to help farmers and rural communities to transition into the new farm policy environment. I am pleased we have allocated an additional $300 million to these purposes so the fund will continue to emphasize creative research and rural development efforts.

This bill contains substantial new initiatives for research and development of new uses for agricultural commodities. I believe that the most important way to increase farm income is to find new nonfood markets for agricultural commodities. New uses activities at the USDA will be conducted in a coordinated manner to garner the maximum benefit from the various research programs. We have authorized the USDA to use its resources to conduct research on lowering the cost of production of alternative agricultural products in cooperation with startup companies, including AARCC companies. Finally, AARCC is a priority for the new research initiative included in this bill.

This bill also contains significant reforms in the current research programs. We have increased the accountability of the research and extension formula funds. We require the Secretary to consult with producers, industry and consumers in setting research priorities. We require external scientific peer-review of ARS research.

Finally, we have taken the first steps in encouraging the inter-State cooperation on research and extension problems. States are required to dedicate a portion of research and extension funds to problems of national or multi-State significance. In the process I believe we are making our research system more responsive to critical issues and we hopefully will eliminate unnecessary duplication of efforts.

Mr. President, we have increased the funding, competitiveness, accountability and credibility of U.S. agricultural research. We have let the world know that we are serious about equipping American agriculture for future food production changes. We also take steps to assure the taxpayer that research dollars are expended in the most efficient manner. We have done all this in a strong bipartisan manner. I think we can all take pride in the fact that today we have made a significant investment in a better future for not only the U.S. farmer and rancher but also in a better future for an increasingly crowded and hungry world.•

TRIBUTE TO DR. MARY LYNN TISCHER

• Mr. WARNER. Mr. President, I rise today to thank Dr. Mary Lynn Tischer, who leaves my Washington office after almost a year of ceaseless effort as a Transportation Fellow. As we sought to develop consensus on the ISTEA II legislation, Mary Lynn provided superior analysis and assistance, working extensively with her counterparts to gather a large coalition of support for this complex piece of legislation.

Mary Lynn worked with Virginia Secretary of Transportation Robert Martinez and Virginia Governor George Allen as they sought to steer the Step 21 legislation at the State level. In her role as the Administrator of the Office of Policy Analysis, Evaluation, and Intergovernmental Relations at the Virginia Department of Transportation [VDOT], Mary Lynn served the Commonwealth of Virginia admirably. She has worked on travel forecasting, analysis of travel behavior and mode choice, model development, goods movement, and trucking issues. Mary Lynn was chosen to manage the congressionally mandated Heavy Vehicle Cost Allocation Study, the Study of the Feasibility of Designating the Interstate for Larger and Heavier Vehicles, and several studies on state regulation of motor carriers.

Mary Lynn received her Ph.D. in political science from the University of Maryland, with an interdisciplinary major in social psychology as well as a specialty in American government and public policy. Dr. Tischer also serves on the Group I Council of the Transportation Research Board, and is active on several committees and task forces of TRB and AASHTO, including the Reauthorization Task Force.

Mary Lynn is widely recognized as an expert in her field. She was chairman of the International Association of Travel Behavior, editor of Transport Reviews, and on the editorial board of Transportation. Her proficiency has led to her participation on steering committees for national and international conferences, most recently for Household Travel Surveys and Uses of the Decennial Census. She has given numerous papers, and is extensively published in the transportation and marketing fields.

Mary Lynn has been tireless in her work here in my Washington office. Her cheerful demeanor, quick wit, and skillful assistance and intelligence will be sorely missed. I extend my warmest regards to Mary Lynn, and wish her all good luck in her future endeavors.•

EDUCATION SAVINGS ACCOUNTS

• Mr. KENNEDY. Mr. President, I oppose the Coverdell bill because it uses regressive tax policy to subsidize vouchers for private schools. It does not give any real financial help to low-income, working and middle-class families, and it does not help children in the nation's classrooms. What it does is provide yet another tax give-away for the wealthy.

Public education is one of the great successes of American democracy. It makes no sense for Congress to undermine it. This bill turns its back on the nation's long-standing support of public schools and earmarks tax dollars for private schools. This is a fundamental step in the wrong direction for education and for the nation's children.

Proponents of the bill argue that assistance is available for families to send their children to any school, public or private. But that argument is false. The fact is that public schools do not charge tuition. Therefore, the 90% of the nation's children who attend public schools do not need help in paying tuition. Even worse, the people helped most by this proposal are families in high income brackets—and these families can already afford to send their children to private school.

The nation's children deserve good public schools, safe public schools, well-trained teachers, and a good education. Private school vouchers disguised as IRAs will undermine all of those essential goals by undermining the public schools, not helping them.

We all want the nation's children to get the best possible education. We should be doing more—much more—to support efforts to improve local schools. We should oppose any plan that would undermine those efforts.

Scarce tax dollars should be targeted to public schools. They don't have the luxury of closing their doors to students who pose special challenges, such as children with disabilities, limited English-proficient children, or homeless students. Vouchers will not help children who need help the most.

Proponents of the bill argue that vouchers increase choice for parents. But parental choice is a mirage. Private schools apply different rules than public schools. Public schools must accept all children. Private schools can decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away.

In fact, many private schools require children to take rigorous achievement tests, at the parents' expense, as a basis for admission to the private schools. Lengthy interviews and complex selection processes are often mandatory. Private schools impose many barriers to admission. Few parents can even get to the schoolhouse door to find out if it is open to their child. For the vast majority of families with children in public schools, the so-called "school choice" offered by the voucher scheme is a hollow choice.

Public schools must take all children, and build a program to meet each of their needs. Private schools only take children who fit the guidelines of their existing programs. We should not use public tax dollars to support schools that select some children, and reject others.

Senator COVERDELL's proposal would spend 2.5 billion dollars over the next five years on subsidies to help wealthy people pay the private school expenses they already pay, and do nothing to help children in public schools get a better education.

It is important to continue the national investment in children and their future. We should invest more in improving public schools by fixing leaky roofs and crumbling buildings, by recruiting and preparing excellent teachers, and by taking many other steps. We should not invest in bad education policy and bad tax policy.

We know that at the current time, 14 million children in one-third of the nation's schools are learning in substandard facilities. Over half of all schools report at least one major building in disrepair, with cracked foundations, or leaking roofs, or other major problems. If we have 2.5 billion more dollars to spend on elementary and secondary education, we should spend it to deal with these problems.

During the next decade, because of rising student enrollments and rising teacher retirements, the nation will need over 2 million new teachers. Yet today, more than 50,000 underprepared teachers enter the classroom every year. Students in inner-city schools have only a 50% chance of being taught by a qualified science or math teacher. We should support teachers and rebuild our schools—not build tax shelters for the wealthy.

It is clear that this proposal disproportionately benefits wealthy families. The majority of the tax benefits would go to families in high income brackets. These families can already afford to send their children to private school.

Working families and low-income families do not have enough assets and savings to participate in this IRA scheme. This regressive bill does not help working families struggling to pay day to day expenses during their children's school years.

The majority of families will get almost no tax break from this legislation. 70 percent of the benefit goes to families in the top 20 percent of the income bracket. Families earning less than $50,000 a year will get a tax cut of $2.50 from this legislation—$2.50. You can't even buy a good box of crayons for that amount. Families in the lowest income brackets—those making less than $17,000 a year—will get a tax cut of all of $1—$1. But, a family earning over $100,000 will get $97.

Even many families who can save enough to be able to participate in this IRA scheme will receive little benefit. IRAs work best when the investment is long-term. But in this scheme, money will be taken out each year of a child's education. Only the wealthiest families will be able to take advantage of this tax-free savings account.

In addition, "qualified expenses" are defined so broadly in this bill, that parents could justify almost any expense even remotely connected to the costs of elementary and secondary education, creating a large loophole for people to spend funds in ways not intended.

In order to guard against fraud and abuse, the IRS would have to take on more tax audits of families that establish these accounts. The IRS will have to ask what school a child attends, what expenses the parents actually incurred, and whether the accounts were properly set up and used.

This bill is bad tax policy and bad education policy. It does not improve public education for the 90 percent of children who go to public schools. It is a waste of scarce tax dollars.

Education reform should help education, not undermine it. Students need to master the basics, meet high standards, and be taught by well-trained teachers. We need to hold schools accountable for results, and create safe buildings and learning environments.

This bill is simply private school vouchers under another name. It is wrong for Congress to subsidize private schools. We should improve our public schools—not abandon them.●

A FITTING NEW HAMPSHIRE TRIBUTE FOR FALLEN AMERICAN HERO

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the memory of Sgt. William Roy Pearson, USAF. Earlier today, his remains were returned to his native town of Webster, New Hampshire where he will finally be properly laid to rest with full military honors this weekend, more than 25 years following his tragic loss in Vietnam.

Sergeant Pearson was the all American boy who grew up in a small, New Hampshire town, played varsity baseball and soccer all four years at Merrimack Valley High School, and then, like his father before him, went off to serve his country in time of war. As an Air Force Pararescue "Maroon Beret", he was awarded a Silver Star, Purple Heart, two Distinguished Flying Crosses, and five air medals for his actions. To Sergeant Pearson, living up to the USAF Pararescuemen motto—"that others may live"—was a daily routine in the jungles of Vietnam.

Then came the tragic day on April 6, 1972 when once again his unit was called upon to rescue a downed U.S. Air Force pilot whose rescue story was later depicted in the movie, BAT-21. During the rescue attempt conducted by Sergeant Pearson and his crewmembers, the Jolly Green was shot down by enemy fire, killing those on board. Sergeant Pearson was only 20 years old.

But it was not until two decades later that U.S. personnel were finally permitted by Vietnam to fully investigate and excavate what remained of the crash site. Despite the passage of time, the recovery team was able to identify and repatriate the remains of Sergeant Pearson, and we are grateful to our military for their efforts in this regard.

Sergeant Pearson was a hero, not only for his commitment to freedom and the sacrifices he made by serving in Vietnam, but also for his courage in trying to save a comrade, who, I might add, was eventually rescued six days later. His heroic deeds were exemplary of the New Hampshire spirit of duty, honor, and valor, and his story will be an inspiring and moving one in the history of United States Air Force Pararescue for all generations that follow in his footsteps.

As a fellow Vietnam veteran and a long-time advocate for the families of our POWs and MIAs who have suffered uncertainty for far too many years, my thoughts and prayers are with Sergeant Pearson's parents, siblings, family members, fellow comrades, and friends. I know they are all very proud of his service, as they now close this long, sad chapter in their lives.

Finally, Mr. President, I also want to publicly thank the United States Air Force, including personnel at Hanscom Air Force Base in Massachusetts, and Sergeant Pearson's fellow Maroon Berets for the special care they have taken to honor their own, and to bid Sergeant Pearson a fitting farewell in a such a dignified manner. I know that the honors bestowed on Sergeant Pearson by the Air Force during this difficult weekend ahead will help to console those who have suffered the most from his loss. It has been a long wait, but we are grateful he has now returned home for this fitting final goodbye in New Hampshire.•

DELTA TEACHERS' ACADEMY

• Mr. BUMPERS. Mr. President, The Agricultural Research, Extension, and Education Reform Act of 1997, which the Senate passed yesterday, includes a provision which authorizes the Secretary to provide funds to a national organization which promotes educational opportunities at the primary and secondary levels in rural areas with a historic incidence of poverty and low academic achievement.

The 1990 Report of the Lower Mississippi Delta Development Commission identified quality of education as one if its 68 issues to be addressed through State and/or Congressional action. One of several recommendations offered by the Commission was that educational agencies in the Delta establish cooperative partnerships with institutions of higher education. In 1992, the Delta Teachers' Academy was launched as one of the first large-scale, federally funded responses to the Delta Development Commission. Since that time, the Delta Teachers' Academy has offered outstanding opportunities for elementary and high school teachers to increase their academic proficiency and has become the largest professional development program operated by the National Faculty. Acting under the assumption that well-prepared teachers beget well-educated students, Congress has continued to provide funding for the Delta Teachers' Academy. Giving teachers the resources, knowledge, and support they need to achieve the goals set for them should reside at the heart of educational improvement efforts.

The importance of preparing young people for the challenges and realities of the 21st Century is indisputable. The region of the United States known as the Lower Mississippi Delta—Eastern Arkansas, Southeast Missouri, Southern Illinois, Western Kentucky, Western Tennessee, Mississippi, and Louisiana—has lagged behind the rest of the country in economic growth and prosperity. This area suffers from a greater amount of measurable poverty and unemployment than any other region of the country. It is inhibited by people who have used their sense of place to develop a cultural and historical heritage that is rich and unique. A letter from then-Governor Bill Clinton which accompanied the Delta Commission's 1990 report identified the region as "an enormous untapped resource for America" that "can and should be saved." The Delta Teachers' Academy has endeavored to do just that.

The Delta Teachers' Academy, the National Faculty's single largest program, unites teachers from largely poor and isolated districts for long-term study in core disciplines. The three-year program combines intensive summer institutes with on-site sessions during the school year. Each teacher team works in collaboration with college and university scholars in one or more of five core disciplines—English, geography, history, math, and science. As teachers improve their mastery of these subject areas and gain confidence in their professional development, they are able to pass their knowledge along to the students with whom they come in contact. In 1995, the program served 600 teachers in 43 program sites. The Academy has continued to expand its outreach efforts and currently serves over 1000 teachers in the 219 counties and parishes comprising the Lower Mississippi Delta.

Positive outcomes have been reported for the Delta Teachers' Academy by the General Accounting office in June of 1995 and as recently as August of this year by Westat, an independent entity commissioned to evaluate the effectiveness of the program. Both determined that the Delta Teachers' Academy is effective in fulfilling its two primary goals—increasing understanding of academic subjects and providing new and useful teaching skills. The GAO report specifically noted the Academy's success in helping teachers' institute changes in their curricula and classroom practice.

I feel that the Delta Teachers' Academy represents community partnership at its very best. I am pleased that Congress has agreed to provide a special authorization for this incredibly worthwhile program. This makes clear Congress' commitment to improving educational opportunity and the overall quality of life for people living in the Lower Mississippi Delta and the need to continue our support such as the Delta Teachers' Academy.•

MEDICARE FRONTIER HEALTH CLINIC AND CENTER ACT OF 1997

• Mr. THOMAS. Mr. President, I am pleased to join my colleague from Alaska, Senator FRANK MURKOWSKI (R-AK), in introducing the "Medicare Frontier Health Clinic and Center Act of 1997." This bill will go a long way in assuring rural families have access to emergency medical care on a 24-hour basis.

As cochairman of the Senate Rural Health Caucus, it has been my priority to put rural health care at the forefront of any legislative package. Included in this year's "Balanced Budget Act of 1997," is a comprehensive set of reforms that increases Medicare reimbursement rates to midlevel practitioners, improves payment levels to rural health plans contracting with Medicare and permits small hospitals to stay open even if they do not meet all of the requirements stipulated under Medicare's conditions of participation.

It is this last provision that is particularly beneficial to Wyoming's health care community. For the first time, our hospitals will be able reconfigure their services and reduce excess bed capacity. The new entities will be called "Critical Access Hospitals" [CAH's]. They will be excused from some of the onerous staffing regulations designed with big cities in mind. In addition, they will be reimbursed on a reasonable-cost basis, which provides the extra payment needed to remain open.

While the newly established CAH Program goes to great lengths to expand medical care in rural America, there is still more to do. That is where our bill steps in. The "Medicare Frontier Health Clinic and Center Act," permits state certified health clinics in the most frontier areas to upgrade to CAH status. This will ensure that remote areas of the country will finally have access to hospital services.

Too often, health care providers are forced to close their doors because they cannot contend with low utilization rates, costly regulations and inadequate Medicare reimbursement payments. But closing a hospital or a medical clinic is not an acceptable option in Wyoming. In my State, if a town loses its most important point of service—the emergency room—it is typical for patients to drive 100 miles or more to the closest tertiary care center. An alternative must be available.

Mr. President, our bill presents communities with a viable option. It accommodates different levels of medical care throughout a state while providing stabilization services needed in remote areas. It is one in a series of measures that the Rural Health Caucus is working on designed to improve quality medical care in rural America, and I look forward to working with my colleague from Alaska to pass this important piece of legislation.•

STUDY OF THE IMPACT OF THE NORTHEAST INTERSTATE DAIRY COMPACT

• Mr. FEINGOLD. Mr. President, the Agriculture appropriations bill, H.R. 2160, which the Senate has approved today contains a provision, section 732, requiring the director of the Office of Management and Budget to conduct a comprehensive economic evaluation of the direct and indirect economic impacts of the Northeast Interstate Dairy Compact on consumers within the six-state compact region and on producers outside of the region. The Senator from Minnesota [Mr. GRAMS] and I offered this amendment with Senators KOHL, LEVIN, ABRAHAM, and WELLSTONE during Senate consideration of the bill, because, to date, there has been no comprehensive analysis of the short and long-term impacts of the Compact from this perspective.

Wisconsin farmers, and many farmers throughout the nation, are extremely concerned that the artificially high milk prices under the Northeast Dairy Compact will place nonCompact farmers at an unfair competitive disadvantage. Compact producers, who on July 1 of this year began receiving a Class I price of $16.94, have been insulated from the market prices which farmers throughout the country have faced in 1997.

Wisconsin farmers are concerned about surplus production the inflated Compact price is likely to generate about the impact of potential milk surpluses on national milk prices. Furthermore, there is concern that this Compact, while ostensibly affecting only Class I milk, will result in surplus Class I milk being processed into cheese, butter and other products which are sold nationally. If the supply of manufactured dairy products rises due to increased manufacturing in the Northeast, national markets for manufactured products will be negatively affected and milk prices to producers may fall nationally. In addition, if milk production rises in the Compact region due to artificial production incentives, excess milk may be shipped out of the Compact region to fill cheese vats elsewhere, further depressing cheese and milk prices. So these secondary effects of the Compact must be examined.

Section 732 of this bill is very specific. It directs OMB to carefully examine changes and projected changes in levels of milk production, the number of cows, the number of dairy farms and milk utilization in the Compact region due to the Compact. OMB must compare changes in those factors resulting from the Compact to levels of production, cow numbers, dairy farms, milk utilization and disposition of milk that would have occurred in the absence of the Compact. It is extremely important that OMB compare Compact effects not with national averages, but rather with production, cow numbers, and other effects that would have occurred had Compact producers been subject to the market conditions facing dairy farmers nationally.

Section 732 also directs OMB to look at a number of economic indicators, such as changes in disposition of milk produced in the Compact region and changes in utilization of Compact milk, that will aid them in determining the impacts of the Compact on farmers outside of the Northeast.

There is also substantial concern about the consumer impacts of the Northeast Interstate Dairy Compact which taxes 14 million Northeast consumers to benefit just over 4000 dairy farmers in the six states. It is not surprising that consumer prices for fluid milk have risen since the Compact price has been in effect. The Compact raises Class I prices specifically because demand for Class I milk is less responsive to price than other dairy products and more revenue can be extracted from the consumer's pocket. OMB must examine the effects of milk price increases on consumers and, in particular, on low-income consumers.

The study must also examine the impacts of the Compact on USDA's vital nutrition programs that provide milk and dairy products to low-income women, children, infants and the elderly. OMB is directed by section 732 to study the impact of the Compact on both actual and projected changes in program participation, on the value of benefits offered under these programs and on the financial status of the institutions offering the programs. Will the purchasing power of food stamps fall because of the higher milk prices? Will schools offering school lunch and breakfast suffer from an effective lower per meal reimbursement rate? Will participation in the WIC program offered by the six northeastern states fall due to increased milk prices? Is the reimbursement scheme established by the Compact Commission adequate to compensate WIC for increased milk costs? These questions should be answered by OMB's analysis.

Finally, OMB must evaluate the impact of adding additional states to the Northeast Dairy Compact on all of the factors mentioned above. The Northeast Dairy Compact allows Delaware, New Jersey, New York, Pennsylvania, Maryland, Virginia, and any additional states contiguous to participating states, to join the Compact and benefit from inflated Class I milk prices. If that happens, a much larger volume of milk, perhaps over 20 percent of national production, will be priced under the Compact and a much larger number of farmers will have artificial incentives to increase milk production. Congress must have information about the potential economic impact of adding more states to the Compact on farmers in Wisconsin, Minnesota, Idaho, California, New Mexico and other major milk producing states. Furthermore, consumer impacts will be magnified if additional states are added and we need to be able to quantify that impact.

Mr. President, the amendment which Senator GRAMS and I offered, which was adopted by the Senate and included in the final bill by the Conference Committee, lays out very clear direction for OMB on the issues they should evaluate regarding the Northeast Interstate Diary Compact.

However, the Senator from Vermont [Senator LEAHY] made a statement shortly after this provision was adopted as part of the Senate FY 1998 Agricultural Appropriations Bill that implied that OMB should study issues much broader than stipulated by section 732. The Senator from Vermont [Mr. LEAHY].was not a cosponsor of the amendment adopted in the Senate and he is incorrect with respect to the issues the bill directs OMB to evaluate. There was no agreement between the authors of section 732 of this bill and the Senator from Vermont, or any other Senators, that any of the items he mentioned in floor statements subsequent to the passage of the amendment were to be included in the study. OMB should look at the requirements of section 732 and at the statements made by the amendment authors in setting the parameters of this study and the intent of Congress.

As a principal coauthor of the provision requiring OMB to study the impact of the Northeast Dairy Compact, I want to make clear what the Agriculture Appropriations Bill requires and what it does not require of OMB's evaluation.

The study does not require that OMB conduct a comprehensive evaluation of retail, wholesale, and processor milk pricing in New England and OMB should not include such a broad analysis in their study. The authors of the study provision did not intend for OMB to examine farm-retail asymmetry issues. OMB's study should not address whether those in the marketing chain should be passing on all or a portion of the increase in farm level milk costs to consumers. This study should provide an objective analysis of the direct impacts of the Northeast Compact on the wholesale and retail cost of fluid milk not a subjective review of how Compact associated price increases compare to price increases or decreases resulting from market conditions in the past.

OMB should not evaluate broader issues of what the appropriate profit margin for those in the marketing chain could or should be or what level of price increase is justifiable or appropriate. That is a question far exceeding the scope of this study. OMB should not look at regional variations in pricing as they have little relevance to the impact of price increases in New England. OMB should not examine all the factors that affect the price of milk. The amendment offered by Senator Grams, myself and others directs OMB to examine only the impact of the Compact on consumer prices, not the price of feeds, transportation costs or other factors. In the absence of the Compact, those factors would not have changed, and have no bearing on this study. The only change in the status quo is the Compact milk price increase and that is what the study directs OMB to evaluate. The study requirement in this bill merely requires the OMB to report on what impact the inflated Compact Class I price has had on wholesale and retail prices and on consumers generally.

OMB cannot and should not, based on the directive of the study provision in this bill, compare increases in retail milk prices to consumers resulting from the Compact to benefits they might receive by using coupons, shopping at discount stores, or other methods consumers use to reduce overall food bills. Consumers should not have to utilize coupons or other methods to reduce food costs in order to offset milk price increases caused by the Compact as the Senator from Vermont has suggested.

OMB should not compare the impact of the Compact on USDA nutrition programs to the impact of the recently passed welfare reform bill on these same programs. Welfare reform is being implemented differently by each state. It would divert OMB resources to undertake a comprehensive review of the impact of welfare reform on each of these programs in each of the Compact states relative to the overall impact of the Compact on consumers. That issue is well beyond the scope of this study.

OMB should focus their evaluation on the impact of increased Compact milk prices on the purchasing power of USDA's nutrition programs, the number of recipients served, and the institutions offering the programs in terms of increased costs or financial burdens.

Lastly, OMB should not evaluate the supposed direct and indirect "positive benefits" the Compact may bring to farmers, land use patterns and tourism in participating Northeastern states. There is no mention of this in the study provision in this bill and OMB should not evaluate these issues. Presumably, the Secretary of Agriculture and policy makers in the Northeast have already examined these factors and duplicating such efforts will be a waste of taxpayer dollars.

Section 732 of FY 1998 Agriculture appropriations bill requiring OMB to study the impact of the Northeast Interstate Dairy Compact on Compact-consumers and on non-Compact dairy farmers and manufacturers is very specific. OMB should stick to the directives of this Section and provide Congress with an objective and unbiased analysis of the Northeast Dairy Compact's impact on these stakeholders.

Mr. President, there will likely be efforts to politicize this study and I will work with OMB and the analysts conducting this analysis to be sure that doesn't happen. I plan to meet with OMB Director Franklin Raines on this subject. Consumers and non-Compact farmers and manufacturers have a right to know how the Compact will impact them without interference by Compact proponents who wish to downplay the negative impacts of this price fixing scheme. This is especially critical given that farmers outside of the Compact region have suffered from extremely low milk prices throughout this year. If the Compact will further drive down milk prices nationally and increase milk supplies, farmers, consumers and taxpayers have a right to know. I, and the other cosponsors of section 732, will hold OMB accountable for the accuracy and objectivity of this study.•

PETER J. McCLOSKEY POSTAL FACILITY LEGISLATION

• Mr. SPECTER. Mr. President, this legislation designates the U.S. Post Office in Pottsville, PA as the Peter J. McCloskey Postal Facility. This measure is cosponsored by my distinguished colleague, Senator SANTORUM. A companion measure, H.R. 2564, passed the House last week and was cosponsored by all 21 members of the Pennsylvania delegation.

Following service in the U.S. Army Air Corps during World War II, where he served with distinction as an aerial gunner instructor in the European Theater, Peter McCloskey worked for the Metropolitan Life Insurance Co. and was later appointed as the supervisor for the Pennsylvania Bureau of School Audits, where he served until 1967.

In 1968, he was appointed postmaster of the Pottsville, PA, post office and served in that capacity for 23 years until his retirement. During that time he earned the respect and admiration of not only the employees he supervised over the years, but the entire community as well. Since leaving the Postal Service, Mr. McCloskey continues to be active in his community, having served on the Pottsville Housing Authority Board of Directors.

The legislation will serve as a fitting tribute to an individual who has given so much to the cause of public service.•

IN MEMORIAM—DAVID H. KRAUS

• Mr. BIDEN. Mr. President, David H. Kraus, assistant chief of the European Division of the Library of Congress, died on October 27 in Lanham, MD. In a career at the Library of Congress that spanned a quarter-century, Mr. Kraus played a pivotal role in developing the library's unparalleled European collections and in advising the Congress in a variety of ways, most recently in the training of parliamentarians and librarians from the newly independent, former Communist States of Europe.

A native of Minnesota, Mr. Kraus received his undergraduate education at the University of Wisconsin and did graduate work at Harvard University. A consummate bibliographer and administrator, he was also a remarkable linguist who attained reading fluency in most of the major languages of Eastern and Western Europe. Mr. Kraus was nationally prominent in library circles and ably represented the Congress at scores of professional meetings.

David Kraus was a wise and gentleman, possessed with a ready wit to go with his enormous erudition. He served the Congress long and faithfully, and he leaves many friends on Capitol Hill where he will be sorely missed.•

NATIONAL DEFENSE AUTHORIZATION ACT

• Mr. COATS. Mr. President, I support the National Defense Authorization Act for fiscal year 1998. I congratulate the chairman, Senator THURMOND, and the ranking member, Senator LEVIN, for their leadership in the bipartisan effort which attained this substantive and far reaching conference agreement. And they reached this agreement with the unanimous support of the Senate Armed Services Committee, all 18 committee members signed the conference report. Most importantly, this agreement was able to produce significant compromise in policy on key issues related to Bosnia, the B–2 bomber, and depot provisions.

DEPOT PROVISIONS

I would like to take a few moments to elaborate on the great accomplishment of this depot compromise. This is a compromise that was very difficult to achieve and I appreciate the very strong views of Senators on both sides of this issue. Earlier in this authorization conference process, I opposed the depot provisions which were originally recommended by the readiness panel because they explicitly precluded competition for the resolution of workloads at Kelly and McClellan Air Logistics Center. So we went back to work and through the significant efforts of many members with key interests in this depot issue, we were able to develop a substantive set of provisions that promote competition, and I support them. This compromise protects the integrity of the BRAC process and will serve the best interests of the Department of Defense and the U.S. taxpayer.

First, this bill provides for an open and fair competition for the workloads at Kelly and McClellan Air Force Base by ensuring that consistent practices are used to value the bids of private and public sector entities. Furthermore, we have been able to incorporate a major initiative in public-private partnerships. This provision enables the Department of Defense to leverage the core competencies of our public sector depots with those of private industry in building the most effective and the most efficient team for maintaining our military's equipment. And it does so in a way that keeps competitive pressures on both the private and the public sector that will ensure that the Pentagon and the U.S. taxpayer continue to get the best value for their defense dollar. The Pentagon has indicated that this is a workable approach to resolving the highly charged issue surrounding Kelly and McClellan Air Logistics Centers.

Second, the depot package amends the 60–40 public-private workload split to 50–50. This provision, in addition to codifying the definition of depot maintenance in a way that protects procurement of upgrades and major modifications for private industry while retaining a core public sector capability, gives the Department of Defense much more flexibility in undertaking maintenance functions. In short, it allows them a significant increase in headroom to prudently shift depot workloads across the private and the public sectors to achieve efficiencies.

Most importantly, this depot provision gives us a window of opportunity to get defense infrastructure reform on track. From my perspective as chairman of the Airland Subcommittee, I see the impact of the Pentagon's procurement shortfall which measures approximately $10 to $15 billion per year. This shortfall is due to this administration's spending too much on defense infrastructure and operations, and too little on vital modernization. I see it in terms of dozens and dozens of broken programs which are not funded at sustainable rates. Consequently, contractors are required to start and stop development and production of major assemblies, if not final products such as in digital communications, ballistic missile defense, tactical vehicles, and the list goes on and on. I also see it in areas where key Pentagon requirements simply are not being addressed because funding is unavailable such as in the Comanche armed reconnaissance helicopter or the Marine Corps advanced amphibious armored vehicle.

In conclusion, I am encouraged that this depot compromise sets the stage for gaining efficiencies in our infrastructure so that we can retain the readiness levels required in the near term, while at the same time providing the means to boost our procurement programs to help ensure the preparedness of our future forces to dominate the uncertain threats of the 21st Century.

AIRLAND

And now I would like to provide a few comments on the Airland aspects of this bill. First, this National Defense Authorization supports the Army's commendable Force XXI effort which significantly enhances the situational awareness and combat effectiveness of our land forces through information technology. Yet, we need to do much more to get the spectrum of digitization efforts which were strongly endorsed by the Pentagon's Quadrennial Defense Review adequately funded. But at least this is a fair start. We also were able to provide significant enhancements in the military's tactical and operational mobility through increases in tactical trucks, the establishment of multi-year procurement for the Family of Medium Tactical Vehicles [FMTV], and increases in V–22 procurement. We also added increases for tactical air and missile defense capabilities such as with the Sentinel Radar, the Avenger Slew-to-Cue modifications, and enhancements to Stinger missile modifications and the Patriot anticruise missile program.

I spoke at length about my concerns with F–22 cost overruns and technology risks during our deliberations over Defense Appropriations. This National Defense Authorization provides the same F–22 funding levels, but goes the very important further step to put key oversight provisions in place that will help Congress and the administration keep this program on track. First, this bill includes the Senate's total cost cap provisions which limits the level of engineering and manufacturing development to approximately $18.7 billion, and production to $43.4B. Second, it require the General Accounting Office to conduct an annual F-22 review that addresses whether the program is meeting established goals in performance, cost, and schedule.

CONCLUSION

This National Defense Authorization makes great strides in supporting the defense strategy of Shape, Respond, and Prepare Now. It provides significant increases in our readiness accounts. It also takes better care of our military servicemembers and their quality of life through a 2.8 percent payraise and a reformed approach to quarters allowances. And it accelerates procurement to address shortfalls in key mission capabilities. Finally, this National Defense Authorization provides a reasonable compromise to the depot issue through a fair and open competition which serves the best interests of the military and the American taxpayer. In short, this bill provides the policy and fiscal provisions representative of the prudent oversight from our Senate authorization process. It provides the framework for setting a course which ensures U.S. military dominance into the 21st Century.

This National Defense Authorization has my full support, and I strongly encourage all members to vote for it.●

CBO ESTIMATE ON S. 967

● Mr. MURKOWSKI. Mr. President, on October 29, 1997, I filed Report 105–119 to accompany S. 967, a bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska Natives and rural residents, and for other purposes. At the time the report was filed, the estimates by Congressional Budget Office were not available. The estimate is now available and concludes that enactment of S. 967 would "increase direct spending by about $10 million over the 1998–2002 period." I ask that a complete copy of the CBO estimate be printed in the RECORD.

The estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 967, a bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska Natives and rural residents, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs) and Marjorie Miller (for the impact on state, local and tribal governments).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

S. 967—A bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska Natives and rural residents, and for other purposes

Summary: CBO estimates that enacting S. 967 would increase direct spending by about $10 million over the 1998–2002 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply. Assuming appropriation of the authorized amount, implementing S. 967 also would result in discretionary spending of about $1 million over the next five years.

S. 967 contains at least one intergovernmental mandate as defined in the Unfunded Mandates Reform Act of 1995 (UMRA), but CBO estimates that any costs imposed on state, local, and tribal governments would be minimal and would not exceed the threshold established in that act ($50 million in 1996, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.

Description of the bill's major provisions: S. 967 would affect the terms and conditions of various property transactions involving Alaska native corporations. Several provisions would affect the property rights of specific native corporations.

S. 967 would amend existing law by assigning a value of $39 million to properties to be conveyed by the Calista Corporation in exchange for monetary credits to certain federal properties if the Department of the Interior (DOI) and the corporation have not agreed on the value of the exchange by January 1, 1998. The bill would allow the Doyon, Limited, native corporation to obtain the subsurface rights retained by the federal government in up to 12,000 acres of public lands surrounded by or contiguous to corporation-owned properties. Another provision would expand the entitlement of the Cook Inlet Region Incorporated (CIRI) to include subsurface rights to an additional 3,520 acres.

S. 967 would amend the Alaska Native Claims Settlement Act to allow the native residents of five native villages in southeast Alaska to organize as native corporations. The bill would authorize the appropriation of $1 million for planning grants to the five villages.

The bill would permit individual natives to exclude bonds issued by a native corporation from the assets used for determining financial eligibility for federal need-based assistance or benefits.

The bill would extend certain protections to lands exchanged among corporations, clarify the status of applications involving land allotments, and exempt a corporation's revenues from sand, gravel, and certain other resources from the income distribution requirements that apply to regional corporations' development of subsurface property. The bill would specify the method of distributing mining claim revenues related to the Haida Corporation or Haida Traditional Use sites.

Finally, the bill includes administrative provisions affecting training of federal land managers, subsistence uses in Glacier Bay National Park, certain access rights to federal land, contracting preferences for visitor services, and a status report by the Secretary of the Interior on implementing current laws on local hiring and contracting with regard to public lands.

Estimated cost to the Federal Government: CBO estimates that enacting this bill would increase direct spending by about $10 million over the 1998–2002 period and about $17 million over the 1998–2007 period. This bill also would authorize to be appropriated about $1 million for planning grants to certain native villages. The estimated budgetary impact of enacting S. 967 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years in millions of dollars—				
	1998	1999	2000	2001	2002
Spending Under Current Law:					
Estimated Budget Authority	5	0	−1	−1	−1
Estimated Outlays	5	0	−1	−1	−1
Proposed Changes:					
Estimated Budget Authority	21	0	−4	−4	−4
Estimated Outlays	21	0	−4	−4	−4
Spending Under S. 967:					
Estimated Budget Authority	26	0	−5	−5	−5
Estimated Outlays	26	0	−5	−5	−5
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	0	1	0	0	0
Estimated Outlays	0	1	0	0	0

Basis of estimate

Direct spending

CBO estimates that enacting S. 967 would increase direct spending because of provisions that would result in a loss of federal receipts from property sales.

Calista Corporation property account. The costs of this bill would result primarily from section 5, which prescribes the value of the Calista Corporation's properties to be exchanged for monetary credits with the Department of the Interior to complete a land exchange between the two parties. Under current law, the Calista Corporation is to receive monetary credits equal to the value of the lands to be conveyed, and the corporation is authorized to use these monetary credits to purchase other federal properties. The value of monetary credits counts as direct spending in the year they are issued and as receipts in the years in which they are redeemed. If the credits are used to acquire property that otherwise would have been sold by the government, the use of the credits results in a corresponding loss of receipts from such sales. So far no monetary credits have been awarded because DOI and Calista disagree on the valuation of the properties.

The gap between the valuations is substantial: the department's appraisal assigned a value of about $5 million to the properties, while the corporation asserts that the property is worth significantly more. Given the differences in methodologies and values, this impasse could last for some time. Because the department will not award monetary credits until there is an agreement, it is possible that, under current law, Calista would not receive any monetary credits for several years. For the purpose of this estimate, however, we assume an agreement will be reached in fiscal year 1998, because of Calista's interest in acquiring property with the credits. Although a negotiated valuation could exceed DOI's $5 million appraisal, CBO has no basis for estimating whether and to what extent the Secretary would agree to a higher value. Hence, we assume for this estimate that Calista would receive monetary credits of about $5 million in fiscal year 1998 in the absence of this legislation.

S. 967 provides that if the parties do not agree on a value of the Calista properties to be exchanged, the value would be established at $39 million. If the exchange does not occur before January 1, 1998, the bill directs the Secretary of the Treasury to credit the Calista property account with two-thirds of the established value of the Calista property ($26 million) in monetary credits in fiscal year 1998. The corporation would be permitted to use up to one-half of that amount in fiscal year 1998 and the remaining one-half of the amount credited in fiscal year 1999. If the two parties have not completed the exchange by October 1, 2002, the bill directs the Secretary of the Treasury to credit the account with monetary credits equal to the remaining $13 million. These actions would result in a net increase of $34 million in the amount of credits issued.

Increasing the amount of the credits would increase the budgetary cost of the exchange if Calista's use of the credits in a loss of cash receipts from the sale of federal property. The bill provides that only that federal property which is not scheduled for disposition by sale prior to fiscal year 2003 may be transferred to the Secretary of the Interior for use in the Calista land exchange. Therefore, Calista's use of monetary credits would not result in a loss of receipts to the federal government before fiscal year 2003. Assuming that Calista would use half of its monetary credits to acquire properties that the federal government would have sold anyway, CBO estimates that the bill would increase the net cost of the Calista exchange by about $17 million over the 1998–2007 period. The net increase in outlays over the 1998–2002 period would be $10 million.

Subsurface conveyance to the Doyon Corporation. Section 2 would allow Doyon, Limited, a regional corporation, to acquire up to 12,000 acres of federally owned mineral estate surrounded by or contiguous to subsurface lands owned by that corporation. According to DOI, the federally-owned mineral estate that Doyon, Limited, could acquire under the bill currently has no mineral development. Based on information from the agency, we estimate that although the federal land to be conveyed has some potential for future development, any forgone receipts from the conveyance would total less than $500,000 per year.

Change in eligibility for certain federal assistance. Section 3 would permit Alaska natives to exclude bonds issued by a native corporation from the assets and resources used to determine financial eligibility for federal need-based assistance or benefits. Under current law, natives may exclude certain assets, including stocks issued or distributed by a native corporation as a dividend, from federal financial eligibility tests. This provision would expand the permitted exclusions to include bonds issued by native corporations. Enacting this provision could have limited effects on the federal budget in certain situations. For example, according to a representative of Cook Inlet Region Incorporated (CIRI), this provision would give CIRI greater flexibility in financing a corporate buyback of its shares, which it seeks in order to keep shares in native ownership. (Because CIRI is the only native corporation currently authorized (under Public Law 104–10) to purchase stock from its shareholders, natives in other native corporations would not be affected in this case.) Enacting the provision could increase federal spending by allowing CIRI shareholders, who had planned to sell their shares to CIRI in exchange for a bond and would have stopped receiving federal assistance payments once their assets exceeded financial eligibility tests, to continue to receive federal assistance. We estimate that any such increase in federal assistance payments would total less than $500,000 per year.

Change in CIRI's subsurface rights. Section 4 would increase the entitlement of CIRI to include subsurface rights to an additional 3,520 acres of federal land. Based on information from CIRI representatives and DOI, it seems likely that the corporation would choose properties in the Talkeetna Mountains area. According to DOI, the federal government currently generates no offsetting receipts from that land and does not expect any significant income from it over the next ten years. Therefore, we estimate that any budgetary effect of enacting this provision would be negligible.

Spending subject to appropriation

Section 8 would amend the Alaska Native Claims Settlement Act to allow native residents of five native villages in Southeast Alaska to organize as native corporations. The bill would direct the Secretaries of the Interior and Agriculture to recommend to the Congress the land conveyances and other compensation that should be conveyed to those native corporations; however, it would not entitle those corporations to any federal lands without further Congressional action. This section would authorize the appropriation of about $1 million for planning grants to the five villages.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. As shown in the following table, CBO estimates that enacting S. 967 would affect direct spending by increasing the amount of monetary credits issued to the Calista Corporation by $34 million over the 1998–2007 period, and that the net increase in direct spending over the 10-year period would total about $17 million. Other provisions could also affect direct spending by giving various native corporations the rights to income-producing federal lands, but we estimate that any such additional effects would be negligible. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the subsequent four years are counted.

SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

	By fiscal year in millions of dollars—									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Change in outlays	21	0	−4	−4	−[illegible]	14	−2	−2	−2	−2
Change in receipts	Not applicable									

Estimated impact on State, local, and tribal governments: S. 967 contains at least one intergovernmental mandate as defined in UMRA, but CBO estimates that any costs imposed on state, local, and tribal governments would be minimal and would not exceed the threshold established in that act ($50 million in 1996, adjusted annually for inflation).

Mandates

Section 1 of this bill would amend the Alaska National Interest Lands Conservation Act to clarify what lands are eligible for automatic land protections, including exemption from property taxes. This provision would impose a mandate on the state of Alaska and its constituent local governments because it could increase the amount of land exempt from state and local property taxes. (UMRA defines the direct costs of mandates to include revenues that state, local, or tribal governments would be prohibited from collecting.) Based on information provided by Alaska state officials, we estimate that the impact would be negligible, because Alaska has no state property tax and most of the land affected would be in areas of the state and no local property taxes.

By exempting the bonds of native corporations and the income from those bonds from the determination of eligibility for some means-tested federal assistance programs, Section 3 would increase spending for those programs. Because states share these costs, this provision would impose costs on state governments. CBO cannot determine whether some of these costs would result from an intergovernmental mandate, as defined in UMRA. In any event, CBO estimates that any additional costs of states would be minimal.

Other impacts

Other sections of the bill would result in both costs and benefits for state, local, and tribal governments. Several sections of the bill would benefit specific Alaska native corporations, but some of these provisions could affect the distribution of land and other resources among the corporations. For example, section 7 would allow regional corporations to dispose of sand, gravel, and similar materials without distributing part of the proceeds among the other regional corporations, as required by current law. This change would allow village corporations to gain greater access to these resources.

Other provisions would benefit Alaska native corporations by expanding their rights to property and resources currently held by the federal government. Section 5 would specify the value of the properties to be exchanged by the Calista Corporation for other federal properties. This section would effectively increase the amount of property that the corporation could obtain. Section 2 would allow Doyon, Ltd., a regional native corporation, to obtain additional subsurface rights now retained by the federal government. Section 4 would give CIRI subsurface rights to an additional 3,520 acres.

Section 8 would authorize the creation of five additional native corporations. This section would authorize the appropriation of $1 million for planning grants for the new corporations, but would not give them any entitlement to federal land. This provision would not affect the entitlements of any other native corporations.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Victoria V. Heid. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

ORDER OF BUSINESS

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT OF 1994

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 672, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 672) to make technical amendments to certain provisions of title 17 of the United States Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1541

(Purpose: To make clarifying amendments to section 303 of title 17, United States Code)

Mr. GRASSLEY. Mr. President, Senator HATCH has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. HATCH, proposes an amendment numbered 1541.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, insert the following after line 8 and redesignate the succeeding sections, and references thereto, accordingly:

SEC. 11. DISTRIBUTION OF PHONORECORDS.

Section 303 of title 17, United States Code, is amended—

(1) by striking "Copyright" and inserting "(a) Copyright"; and

(2) by inserting at the end the following:

"(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein.".

Mr. HATCH. Mr. President, I rise today to laud the Senate passage of H.R. 672. This legislation, which was introduced by Congressman COBLE in the House of Representatives, is the counterpart to legislation I introduced in the Senate on March 20 of this year—the Copyright Clarification Act of 1997, S. 506. The Copyright Clarification Act was reported unanimously by the Senate Judiciary Committee on April 17.

The purpose of these bills is to make technical but needed changes to our Nation's copyright laws in order to ensure the effective administration of our copyright system and the U.S. Copyright Office. The need for these changes was first brought to my attention by the Register of Copyrights, Marybeth Peters, and I want to thank her for her outstanding work.

Among the most important amendments made by H.R. 672 is a clarification of the Copyright Office's authority to increase its fees for the first time since 1990 in order to help cover its costs and to reduce the impact of its services on the Federal budget and the American taxpayer. This clarification is needed because of ambiguities in the Copyright Fees and Technical Amendments Act of 1989, which authorized the Copyright Office to increase fees in 1995, and every fifth year thereafter. Because the Copyright Office did not raise its fees in 1995, as anticipated, there has been some uncertainty as to whether the Copyright Office may increase its fees again before 2000 and whether the baseline for calculating the increase in the consumer price index is the date of the last actual fees settlement—1990—or the date of the last authorized fees settlement—1995. H.R. 672 clarifies that the Copyright Office may increase its fees in any calendar year, provided it has not done so within the last 5 years, and that the fees may be increased up to the amount required to cover the reasonable costs incurred by the Copyright Office.

Although H.R. 672 does not require the Copyright Office to increase its fees to cover all its costs, I believe it is important in that it provides the Copyright Office the statutory tools to become self-sustaining—a concept that I promoted in the last Congress. Currently the Copyright Office does not recover the full costs of its services through fees, but instead receives some $10 million in annual appropriations.

Several studies have supported full-cost recovery for the Copyright Office. For example, a 1996 Booz-Allen & Hamilton management review of the Library of Congress recommended that the Copyright Office pursue full-cost recovery, noting that the Copyright Office has been subject to full-cost recovery in the past and that the potential revenues to be derived from pursuing a fee-based service was significant. A 1996 internal Copyright Office management report prepared by the Library of Congress also recommended full-cost recovery for copyright services. The Congressional Budget Office has also suggested full-cost recovery for the Copyright Office as a means of achieving deficit reduction. These recommendations were endorsed by the General Accounting Office in its recent report, "Intellectual Property, Fees Are Not Always Commensurate with the Costs of Services."

It is my understanding that the Copyright Office has embraced the goal of achieving full-cost recovery for its copyright services. H.R. 672 will provide the authority to achieve that goal, and by passing this legislation this year, the Copyright Office will be able to move expeditiously to adjust their fees for the coming year.

I also want to note the importance of the amendment which the Senate has adopted to H.R. 672 to overturn the ninth circuit's decision in *La Cienega Music Co.* v. *ZZ Top*, 53 F.3d 950 (9th Cir. 1995), *cert denied*, 116 S. Ct. 331 (1995). My colleagues will recall that Senator LEAHY and I introduced this legislation in March of this year as a provision of S. 505, the Copyright Term Extension Act of 1997.

In general, LaCienega held that distributing a sound recording to the public—by sale, for example—is a "publication" of the music recorded on it under the 1909 Copyright Act. Under the 1909 Act, publication without copyright notice caused loss of copyright protection. Almost all music that was first published on recording did not contain copyright notice, because publishers believed that it was not technically a publication. The Copyright Office also considered these musical compositions to be unpublished. The effect of La Cienega, however, is that virtually all music before 1978 that was first distributed to the public on recording has no copyright protection—at least in the ninth circuit.

By contrast, the second circuit in *Rosette* v. *Rainbo Record Manufacturing Corp.* 546 F.2d 461 (2d Cir. 1975), aff'd per curiam, 546 F.2d 461 (2d Cir. 1976) has held the opposite—that public distribution of recordings was not a publication of the music contained on them. As I have noted, Rosette comports with the nearly universal understanding of the music and sound recording industries and of the Copyright Office.

Since the Supreme Court has denied cert in La Cienega, whether one has copyright in thousands of musical compositions depends on whether the case is brought in the second or ninth circuits. This situation is intolerable. Overturning the La Cienega decision will restore national uniformity on this important issue by confirming the wisdom of the custom and usage of the affected industries and of the Copyright Office for nearly 100 years.

In addition to these two important provisions, H.R. 672 will:

First, correct drafting errors in the Satellite Home Viewer Act of 1994, which resulted from the failure to take into account the recent changes made by the Copyright Tribunal Reform Act of 1993, and which mistakingly reversed the rates set by a 1992 Copyright Arbitration Royalty Panel for Satellite carriers;

Second, clarify ambiguities in the Copyright Restoration Act dealing with the restoration of copyright protection for certain works under the 1994 Uruguay Round Agreements Act;

Third, ensure that rates established in 1996 under the Digital Performance Rights in Sound Recordings Act will not lapse in the event that the Copyright Arbitration Royalty Panel does not conclude rate-setting proceedings prior to Dec. 31, 2000.

Fourth, restore definition of "jukebox" and "jukebox operator," which were mistakingly omitted when the old jukebox compulsory license was replaced with the current negotiated jukebox license;

Fifth, revise the currently unworkable requirement of a 20-day advanced notice of intent to copy right the fixation of live performances, such as sporting events;

Sixth, clarify administrative issues regarding the operation of the Copyright Arbitration Royalty Panels;

Seventh, provide needed flexibility for the Librarian of Congress in setting the negotiation period for the distribution of digital audio recording technology [DART] royalties; and,

Eighth, make miscellaneous spelling, grammatical, capitalization and other corrections to the Copyright Act.

Mr. President, this is important legislation, and I am pleased the Senate has acted and approved it prior to adjourning this fall. I wish to thank my colleagues and to encourage the House to accept the Senate amendment and to forward H.R. 672 to the President for his signature without delay.

Mr. LEAHY. Mr. President, in March, the House passed H.R. 672. On April 17, the Senate Judiciary Committee reported our companion bill, S. 506.

The only substantive difference between the two bills is that S. 506 provides that the reasonable costs of a ratemaking proceeding conducted by a copyright arbitration royalty panel will be split 50-50 between the parties who would receive royalties from the royalty rate adopted in the proceeding and the parties who would pay the royalty rate so adopted. H.R. 672 provides that the costs shall be borne by the parties in direct proportion to their share of the distribution. The Copyright Office believes that the House version provides the copyright arbitration royalty panels with greater flexibility in certain circumstances. It is for this reason that the Senate is taking up the House version of the bill.

Last year, when the House considered and passed a similar bill, H.R. 1861, it included another section clarifying that the distribution of phonorecords prior to 1978 did not constitute action divesting copyright for the musical composition. This section was intended to clarify the Copyright Law of 1909 on an issue that has become a matter of increasing litigation in a number of Federal Circuits since the Ninth Circuit decision in the ZZ Top case. I was disappointed last year that the Senate did not proceed to consider and pass that bill.

We now have that opportunity. The amendment to H.R. 672 adds back into the bill clarifications, which Chairman Hatch and I have cosponsored as part of another measure this year. This improvement will clarify an esoteric but increasingly important point of copyright law under the 1909 Act with respect to copyrights of musical compositions created more than 20 years ago.

I therefore urge the adoption of the amendment to H.R. 672 and the immediate passage of the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be considered read, agreed to, the bill be considered read for a third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1541) was agreed to.

The bill (H.R. 672), as amended, was deemed read a third time, and passed.

FAMILY FARMER PROTECTION ACT OF 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now provide to the consideration of calendar No. 202, S. 1024.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1024) to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1024) was deemed read a third time, and passed, as follows:

S. 1024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Farmer Protection Act of 1997".

SEC. 2. REPEAL OF SUNSET PROVISION.

Section 302 of the Bankruptcy Judges, United Stats Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 3. CLARIFICATION OF RIGHTS OF FAMILY FARMERS AFTER SUCCESSFUL COMPLETION OF A PLAN.

Section 2008h(b)(2), of title 7, United States Code is amended by adding "or has successfully completed a reorganization plan under Chapter 12 of title 11, United States Code (the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, Public Law No. 99-554, as amended)" after "title".

INVESTMENT IN EDUCATION ACT OF 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 205, S. 1149.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1149) to amend title 11, United States Code, to provide for increased education funding, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment in Education Act of 1997".

SEC. 2. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), after "507(a)(1)", insert "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c) of this title, recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens set forth in this section and subject to the requirements of subsection (e)—

"(1) claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(3) of this title; or

"(2) claims for contributions to an employee benefit plan entitled to priority under section 507(a)(4) of this title,

may be paid from property of the estate which secures a tax lien, or the proceeds of such property.".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 3. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting ", except that, notwithstanding any other Federal law or State law relating to exempted property, exempt property shall be liable for debts of a kind specified in section 523(a) (1) or (5) of this title" before the semicolon at the end of the paragraph.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read a third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (S. 1149), as amended, was read a third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 335, Nos. 345 through 349, Nos. 353 through 359, and Nos. 361 through 369, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. And I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Charles N. Jeffress, of North Carolina, to be an Assistant Secretary of Labor.

DEPARTMENT OF TRANSPORTATION

Kenneth R. Wykle, of Virginia, to be Administrator of the Federal Highway Administration.

THE JUDICIARY

Mary Ann Cohen, of California, to be a Judge of the United States Tax Court for a term of fifteen years after she takes office.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Margaret Ann Hamburg, of New York, to be an Assistant Secretary of Health and Human Services.

SOCIAL SECURITY ADMINISTRATION

Stanford G. Ross, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2002.

DEPARTMENT OF THE TREASURY

David W. Wilcox, of Virginia, to be an Assistant Secretary of the Treasury.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

John E. Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2001.

AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Stewart E. Cranston, 8502

The following-named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. James P. Czekanski, 6070

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Rendell F. Clark, Jr., 0152
Brig. Gen. Wilfred Hessert, 8822
Brig. Gen. Theodore F. Mallory, 3006
Brig. Gen. Loran C. Schnaidt, 1892
Brig. Gen. James E. Whinnery, 5760

To be brigadier general

Col. Garry S. Bahling, 1521

Col. David A. Beasley, 0103
Col. Jackson L. Davis III, 0987
Col. David R. Hudlet, 0856
Col. Karl W. Kristoff, 4801
Col. John A. Love, 4350
Col. Clark M. Martin, 9609
Col. Robert P. Meyer, Jr., 3099
Col. John H. Oldfield, Jr., 0627
Col. Eugene A. Schmitz, 2448
Col. Joseph K. Simeone, 3044
Col. Dale K. Snider, Jr., 3065
Col. Emmett R. Titshaw, 1140
Col. Edward W. Tonini, 1963
Col. Giles E. Vanderhoof, 8468

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. John A. Gordon, 7817

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Paul A. Weaver, Jr., 8755

To be brigadier general

Col. Craig R. McKinley, 8368
Col. Kenneth J. Stromquist, Jr., 6182
Col. Jay W. Van Pelt, 3971

ARMY

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Peter J. Schoomaker, 3788

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Larry R. Jordan, 0772

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Fletcher C. Coker, Jr., 6733

NAVY

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral (lower half)

Capt. Phillip M. Balisle, 3385
Capt. Kenneth E. Barbor, 7864
Capt. Larry C. Baucom, 2710
Capt. Robert E. Besal, 1115
Capt. Joseph D. Burns, 3870
Capt. Joseph A. Carnevale, Jr., 0347
Capt. Jay M. Cohen, 8660
Capt. Christopher W. Cole, 7275
Capt. David R. Ellison, 9973
Capt. Lillian E. Fishburne 0641
Capt. Rand H. Fisher, 2658
Capt. Alan M Gemmill, 5200
Capt. David T. Hart, Jr., 6906
Capt. Kenneth F. Heimgartner, 7295
Capt. Joseph G. Henry, 8067
Capt. Gerald L. Hoewing, 6618
Capt. Michael L. Holmes, 7043
Capt. Edward E. Hunter, 0022
Capt. Thomas J. Jurkowsky, 4460
Capt. William R. Klemm, 8633
Capt. Michael D. Malone, 2917
Capt. William J. Marshall III, 7915
Capt. Peter W. Marzluff, 8982
Capt. James D. McArthur, Jr., 9260
Capt. Michael J. McCabe, 0987
Capt. David C. Nichols, Jr., 5011
Capt. Gary Roughead, 6126
Capt. Kenneth D. Slaght, 3471
Capt. Stanley R. Szemborski, 8912
Capt. George E. Voelker, 1271
Capt. Christopher E. Weaver, 5940
Capt. Robert F. Willard, 1564
Capt. Charles B. Young, 0248

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral (lower half)

Capt. Marion J. Balsam, 8109
Capt. Barry C. Black, 6743
Capt. Richard T. Ginman, 6455
Capt. Michael R. Johnson, 2467
Capt. Charles R. Kubic, 6173
Capt. Rodrigo C. Melendez, 1580
Capt. Daniel H. Stone, 0520

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

To be admiral

Vice Adm. Donald L. Pilling, 5233

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Conrad C. Lautenbacher, 2275

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (lh) Lowell E. Jacoby, 4376

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Michael L. Bowman, 1041

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Vernon E. Clark, 8489

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Rebecca G. Abraham, and ending Robert J. Zyriek II, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Air Force nominations beginning Share Dawn P. Angel, and ending Dustin Zierold, which nominations were received by the Senate and appeared in the Congressional Record of October 20, 1997.

Army nominations beginning *Reed S. Christensen, and ending James E. Ragan, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Army nominations beginning *Perry W. Blackburn, Jr., and ending *Paul A. Whittingslow, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Army nominations beginning Russell D. Howard, and ending Stephen J. Ressler, which nominations were received by the Senate and appeared in the Congressional Record of October 9, 1997.

Army nominations beginning Debra L. Boudreau, and ending Carl M. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of October 20, 1997.

Army nominations beginning Lelon W. Carroll, and ending Howard W. Wellspring II, which nominations were received by the Senate and appeared in the Congressional Record of October 20, 1997.

Marine Corps nomination of Paul D. Mcgraw, which was received by the Senate and appeared in the Congressional Record of October 7, 1997.

Navy nomination of Jeffrey L. Schram, which was received by the Senate and appeared in the Congressional Record of June 12, 1997.

Navy nominations beginning Frank P. Achorn, Jr, and ending Daniel J. Zinder, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 1997.

Navy nominations beginning *Frederick Braswell, and ending Edwin A. Tharpe, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Navy nominations beginning Leigh P. Ackart, and ending John A. Zulick, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Navy nominations beginning William L. Abbott, and ending Steven D. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Navy nominations beginning William B. Allen, and ending James P. Waters, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 1997.

Navy nomination of Arvin W. Johnsen, which was received by the Senate and appeared in the Congressional Record of October 20, 1997.

Navy nominations beginning William L. Richards, and ending David A. Hawkins, which nominations were received by the Senate and appeared in the Congressional Record of October 20, 1997.

Navy nomination of James R. Pipkin, which was received by the Senate and appeared in the Congressional Record of October 20, 1997.

STATEMENT ON THE NOMINATION OF LT. GEN. KENNETH R. WYKLE TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION

Mr. CHAFEE. Mr. President, I am pleased that the Senate has confirmed Lt. Gen. Kenneth R. Wykle to be the Administrator of the Federal Highway Administration. I must say that we have been waiting quite some time for this day, as the position has been vacant since Secretary Slater was confirmed in early February.

General Wykle appeared before the Committee on Environment and Public Works on Tuesday, October 28, and I am pleased to report that he is an excellent candidate for the position before him. He has a distinguished 32-

year record of service with U.S. Army, where he led a number of organizations and commands in the United States, Europe, and Asia. He also has extensive experience in managing the transportation of personnel and cargo by air, highway, rail, and ship. I am confident that he will continue to build on this excellent record as Federal Highway Administrator.

In his new position, General Wykle will represent the Department of Transportation and advise the Secretary on all matters related to the efficient movement of passengers and freight on the Nation's transportation system. The Federal Highway Administration is responsible for implementing a wide range of programs, including the Federal-aid highway program; highway safety programs; motors carrier programs; the federal lands highway program; research and technology; and international programs.

An issue that is on everyone's mind is the reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA. The Federal Highway Administration's role is a critical one in helping to implement this landmark legislation. I look forward to working with General Wykle and his staff through the reauthorization process and through the implementation process, once the bill is enacted.

It is incumbent upon the Federal Highway Administrator to protect not only the key Federal role in implementing ISTEA II but also the broad perspective needed to guide the Nation's transportation system into the next century. The enactment of ISTEA in 1991 transformed what was once simply a highway program into a program not only for building roads and bridges but also for enhancing our mobility, our safety, and the environment. In the second ISTEA, we must move forward and strengthen ISTEA's laudable goals of intermodalism, flexibility and efficiency.

I am confident that General Wykle has the experience and the knowledge to lead the Federal Highway Administration through the challenges ahead.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, OCTOBER 31, 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, October 31. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate immediately proceed to the consideration of H.R. 2646, the A-Plus Education bill, with the time until 10:30 a.m. being equally divided between Senator COVERDELL and Senator DASCHLE or Senator DASCHLE's designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Tomorrow morning the Senate will begin an hour of debate prior to the cloture vote on H.R. 2646, the A-Plus Education bill. Therefore, Members can anticipate the first rollcall vote tomorrow at approximately 10:30 a.m. If cloture is not invoked, the Senate will proceed to a cloture vote on the motion to proceed to the Defense Authorization Act Conference Report. Members can anticipate additional procedural votes on that measure.

In addition, the Senate may consider the D.C. appropriations bill, the Amtrak strike resolution, and any additional legislative or executive items that can be cleared. As a reminder to Members, the first rollcall vote tomorrow morning will occur at 10:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Friday, October 31, 1997, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 1997:

FEDERAL RESERVE SYSTEM

EDWARD M. GRAMLICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1994.

ROGER WALTON FERGUSON, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1986.

DEPARTMENT OF LABOR

CHARLES N. JEFFRESS, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF TRANSPORTATION

KENNETH R. WYKLE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

JUDICIARY

MARY ANN COHEN, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER SHE TAKES OFFICE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARGARET ANN HAMBURG, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

SOCIAL SECURITY ADMINISTRATION

STANFORD G. ROSS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2002.

DEPARTMENT OF THE TREASURY

DAVID W. WILCOX, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN E. MANSFIELD, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

CHARLES J. SIRAGUSA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. STEWART E. CRANSTON, 8502.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. JAMES P. CZEKANSKI, 6070.

THE FOLLOWING AIR NATIONAL GUARD OFFICERS OF THE UNITED STATES FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. RENDELL F. CLARK, JR., 0152.
BRIG. GEN. WILFRED HESSERT, 8822.
BRIG. GEN. THEODORE F. MALLORY, 3006.
BRIG. GEN. LORAN C. SCHNAIDT, 1892.
BRIG. GEN. JAMES E. WHINNERY, 5760.

To be brigadier general

COL. GARRY S. BAHLING, 1521.
COL. DAVID A. BEASLEY, 0103.
COL. JACKSON L. DAVIS, III, 0987.
COL. DAVID R. HUDLET, 0856.
COL. KARL W. KRISTOFF, 4801.
COL. JOHN A. LOVE, 4350.
COL. CLARK W. MARTIN, 9609.
COL. ROBERT P. MEYER, JR., 3099.
COL. JOHN H. OLDFIELD, JR., 0627.
COL. EUGENE A. SCHMITZ, 2448.
COL. JOSEPH K. SIMEONE, 3044.
COL. DALE K. SNIDER, JR., 3065.
COL. EMMETT R. TITSHAW, 1140.
COL. EDWARD W. TONINI, 1963.
COL. GILES E. VANDERHOOF, 8468.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN A. GORDON, 7817.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. PAUL A. WEAVER, JR., 8755.

To be brigadier general

COL. CRAIG R. MCKINLEY, 8368.
COL. KENNETH J. STROMQUIST, JR., 6182.
COL. JAY W. VAN PELT, 3971.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. PETER J. SCHOOMAKER, 3788.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY R. JORDAN, 0772.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. FLETCHER C. COKER, JR., 6733.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10. UNITED STATES CODE SECTION 624:

To be rear admiral (lower half)

CAPT. PHILLIP M. BALISLE. 3385.
CAPT. KENNETH E. BARBOR. 7864.
CAPT. LARRY C. BAUCOM. 2710.
CAPT. ROBERT E. BESAL. 1115.
CAPT. JOSEPH D. BARNS. 3870.
CAPT. JOSEPH A. CARNEVALE. JR.. 0347.
CAPT. JAY M. COHEN. 8660.
CAPT. CHRISTOPHER W. COLE. 7275.
CAPT. DAVID R. ELLISON. 9973.
CAPT. LILLIAN E. FISHBURNE. 0641.
CAPT. RAND H. FISHER. 2658.
CAPT. ALAN M. GEMMILL. 5200.
CAPT. DAVID T. HART. JR.. 6069.
CAPT. KENNETH F. HEIMGARTNER. 7295.
CAPT. JOSEPH G. HENRY. 8067.
CAPT. GERALD L. HOEWING. 6618.
CAPT. MICHAEL L. HOLMES. 7043.
CAPT. EDWARD E. HUNTER. 0022.
CAPT. THOMAS J. JURKOWSKY. 4460.
CAPT. WILLIAM R. KLEMM. 8633.
CAPT. MICHAEL D. MALONE. 2917.
CAPT. WILLIAM J. MARSHALL III. 7915.
CAPT. PETER W. MARZLUFF. 8982.
CAPT. JAMES D. MCARTHUR. JR.. 9260.
CAPT. MICHAEL J. MCCABE. 0987.
CAPT. DAVID C. NICHOLS. JR.. 5011.
CAPT. GARY ROUGHEAD. 6126.
CAPT. KENNETH D. SLAGHT. 3471.
CAPT. STANLEY R. SZEMBORSKI. 8912.
CAPT. GEORGE E. VOELKER. 1271.
CAPT. CHRISTOPHER E. WEAVER. 5940.
CAPT. ROBERT F. WILLARD. 1564.
CAPT. CHARLES B. YOUNG. 0248.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10. UNITED STATES CODE. SECTION 624:

To be rear admiral (lower half)

CAPT. MARION J. BALSAM. 8109.
CAPT. BARRY C. BLACK. 6743.
CAPT. RICHARD T. GINMAN. 6455.
CAPT. MICHAEL R. JOHNSON. 2467.
CAPT. CHARLES R. KUBIC. 6173.
CAPT. RODRIGO C. MELENDEZ. 1580.
CAPT. DANIEL H. STONE. 0520.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. UNITED STATES CODE. SECTIONS 601 AND 5035:

To be admiral

VICE ADM. DONALD L. PILLING. 5233.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. UNITED STATES CODE. SECTION 601:

To be vice admiral

VICE ADM. CONRAD C. LAUTENBACHER. 2275.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10. UNITED STATES CODE. SECTION 624:

To be rear admiral

REAR ADM. (LH) LOWELL E. JACOBY. 4376.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. UNITED STATES CODE. SECTION 601:

To be vice admiral

REAR ADM. MICHAEL L. BOWMAN. 1041.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. UNITED STATES CODE. SECTION 601:

To be vice admiral

VICE ADM. VERNON E. CLARK. 8489.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING REBECCA G ABRAHAM. AND ENDING ROBERT J ZYRIEK. II. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

AIR FORCE NOMINATIONS BEGINNING SHARE DAWN P. ANGEL. AND ENDING DUSTIN ZIEROLD. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 20. 1997.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *REED S. CHRISTENSEN. AND ENDING JAMES E. RAGAN. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

ARMY NOMINATIONS BEGINNING *PERRY W. BLACKBURN. JR.. AND ENDING *PAUL A. WHITTINGSLOW. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

ARMY NOMINATIONS BEGINNING RUSSELL D. HOWARD. AND ENDING STEPHEN J. RESSLER. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 9. 1997.

ARMY NOMINATIONS BEGINNING DEBRA L. BOUDREAU. AND ENDING CARL M. WAGNER. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 20. 1997.

ARMY NOMINATIONS BEGINNING LELON W. CARROLL. AND ENDING HOWARD W. WELLSPRING. II. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 20. 1997.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF PAUL D. MCGRAW. WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

IN THE NAVY

NAVY NOMINATION OF JEFFREY L. SCHRAM. WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 12. 1997.

NAVY NOMINATIONS BEGINNING FRANK P ACHORN. JR. AND ENDING DANIEL J ZINDER. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18. 1997.

NAVY NOMINATIONS BEGINNING *FREDERICK BRASWELL. AND ENDING EDWIN A. THARPE. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

NAVY NOMINATIONS BEGINNING LEIGH P ACKART. AND ENDING JOHN A ZULICK. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

NAVY NOMINATIONS BEGINNING WILLIAM L ABBOTT. AND ENDING STEVEN D ZIEGLER. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

NAVY NOMINATIONS BEGINNING WILLIAM B ALLEN. AND ENDING JAMES P WATERS. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

NAVY NOMINATION OF ARVIN W. JOHNSEN. WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 20. 1997.

NAVY NOMINATIONS BEGINNING WILLIAM L. RICHARDS. AND ENDING DAVID A. HAWKINS. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 20. 1997.

NAVY NOMINATION OF JAMES R. PIPKIN. WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7. 1997.

HOUSE OF REPRESENTATIVES—*Thursday, October 30, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. PEASE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 30, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rev. Everett W. Hannon, Jr., Pastor, the Second Baptist Church, Lexington, MO, offered the following prayer:

Most gracious Father, we come now in the name of our Lord Jesus Christ, who shed his blood on Calvary's cruel cross. We praise You for making us such a powerful nation in a short time, for we are one nation under God. We seek peace and justice for all nations.

As we gather together in these hallowed Chambers to make life-changing decisions, give us the spirit of servitude to serve our God and then the people of these United States of America.

God Almighty, You are the conductor and we are the orchestra. Please guide our decisions so that we may agree in pitch and tone making a song of victory for the entire world to behold.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. PEASE). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee [Mr. DUNCAN] come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1150. An act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

S. Con. Res. 37. Concurrent Resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute requests following the gentleman from Missouri [Mr. SKELTON].

REVEREND EVERETT HANNON

Mr. SKELTON. Mr. Speaker, the morning prayer was delivered by Rev. Everett Hannon, who is the minister of the Second Baptist Church in my hometown of Lexington, MO. Reverend Hannon is a native of Lexington and currently resides in nearby Warrensburg, MO, with his wife Carol and their two children, Andrea and LeAndrea.

Reverend Hannon is the eldest son of Marjorie and Everett Hannon, Sr. He received his theology degree from the Central Bible College in Kansas City, MO. He has been the pastor of the Second Baptist Church for 10 years, and he is well known for his excellent sermons and devotion to the members of his congregation. Reverend Hannon also provides civic leadership in the community.

In addition to his church duties, he serves as the moderator of the Central District Missionary Baptist Association and the auditor of the Missouri State Missionary Baptist Congress.

I am pleased that this outstanding Missouri minister could be with us today, and I know the Members of this body join me in thanking Reverend Hannon for his opening prayer.

SO-CALLED OBEY COMPROMISE

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, the President announced that he would develop a national test in 1997 without the approval of the Congress. Two hundred ninety-five Members of the Congress said, "No, you won't." The President signed a contract anyway. The President said, "I will also pilot and field test this national test in 1998, without the approval of the Congress." Two hundred ninety-five Members said, "No, you won't."

The so-called Obey compromise that we will hear about says, go, ahead, Mr. President, you can do both with the blessing of the Congress. Develop the test in 1997. Field test it and pilot in 1998.

What a slap in the face of the 295 Members of the House of Representatives. If we have $100 million to spend, why would we spend it to tell 50 percent of our students one more time "You're not doing well"? They have been told that time and time again after every standardized test they have ever taken.

If this comes to the floor of the House in this manner, I would hope that all 295 would vote against the appropriation bill.

COMMITTEE HAS TRIED TO DRAFT HONEST COMPROMISE

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. In response to the comments of the previous speaker, the gentleman from Pennsylvania [Mr. GOODLING], Mr. Speaker, I would like to take note of two facts. I notice a fax from the Office of Congressman SHADEGG which says, "Urgent, Republican leadership is pushing the David Obey proposed compromise, which sells us out on testing." That is what I hear from one side. Then I hear from Mr. Ralm Emanuel at the White House that the White House intends to veto this bill "because DAVE OBEY has sold the White House out on testing."

I would suggest that if Mr. Clinton, or the gentleman from Pennsylvania [Mr. GOODLING] or Mr. Emanuel or the gentleman from Arizona [Mr. SHADEGG] or anyone else thinks that it is so easy to put together a compromise, they sit down and talk to each other. It seems to me that that is what we need, rather than having both sides cry "sell-out" because this committee has tried to draft an honest compromise.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I have great respect for the President, and I have great respect for the gentleman from Pennsylvania [Mr. GOODLING], but I would suggest that one of them is spectacularly wrong.

LETTER FROM JULIE GORLIK

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, first in response to my colleague from Wisconsin [Mr. OBEY], we do not need a compromise, we need Washington out of our lives and we need Washington to leave education in the hands of the parents, the communities, and the school boards.

But that is not why I rose this morning. I rose because last night, as I was reading constituent mail, I got this letter from Julie Gorlik, who called our office. And here is what it says. It says that she is upset that there is assistance for unmarried, unwed mothers, for the lazy, for criminals, and for homosexuals, but there is never any help for married people who are doing their best to make ends meet and support a family and they cannot get any help from anyone. They are hard-working, honest, good people and they get discriminated against.

I rise this morning to invite Julie to tune in this evening when I will be taking the time to go through some of the things in the tax cut package that are specifically designed because we have heard this message from our constituents over and over and over again: $500 per child for under the age of 17; the college tuition tax credit; the education savings credit to help parents save for their kids's education; the Roth IRA; and on and on we go. There will be more on this when I have 1 hour on the floor this evening.

VOUCHERS ARE FIRST STEP TO DISMANTLE PUBLIC SCHOOLS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I have listened to the last two speeches by my Republican colleagues. I have to say I am truly amazed at the pace of the Republican leadership's antipublic education drive. The Republicans are determined this fall to make every effort to drain resources from public schools and funnel Federal dollars into private schools.

A few weeks ago the Republicans narrowly passed a bill to force vouchers on the D.C. schools. Today, amazingly, they will try to bring their voucher experiment into schools throughout the country, and they are paying for it with Federal dollars that should be used to improve the public schools.

Mr. Speaker, vouchers are just the first step in a Republican effort to dismantle the public schools. Since taking control of Congress, the Republican leadership has repeatedly tried to shut down the Education Department and slash funding for public schools.

Democrats want to improve the public schools rather than tear them down. We put forward an agenda for first-class public schools that included money for school construction, purchases for computers. Let's improve the public schools. Do not let the Republicans tear them down.

VOTE "NO" ON NUCLEAR WASTE POLICY ACT OF 1997

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the past several months, I have taken the same opportunity to speak to the Members of this House on numerous times regarding a very important issue to this great Nation. Today, Members of this honorable body will have the opportunity to send a clear message. By voting "no" on H.R. 1270, the Nuclear Waste Policy Act, my colleagues will send a clear message that they do not support transporting the world's deadliest material, high-level nuclear waste, through the neighborhoods of their homes or their districts.

A no vote will also send a strong message that we do support the environmental measures, such as clean air, clean water, safe drinking water, and the National Environmental Protection Act. A no vote on H.R. 1270 will send a message that we do support States' rights.

Mr. Speaker, the facts are very clear. Transporting nuclear waste across this country will have devastating environmental consequences. Transporting nuclear waste across this country will cost the hard-working taxpayers of America billions of dollars. Let us rely on sound science, not bad politics. I strongly urge my colleagues to vote "no" on 1270.

PRESIDENT JIANG SLEEPS IN LINCOLN BEDROOM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let us see if this makes sense. China helps Iran. Iran threatens Israel and all the Middle East. Iran is a known major terrorist threat to America. But Uncle Sam gives China $60 billion a year in sweetheart trade deals.

Now, if that is not enough to massage your arthritis, after all this, President Jiang is literally sleeping in the Lincoln bedroom, being wined and dined, at taxpayers' expense, by the White House.

Beam me up. This madness has gone too far. When American foreign policy goes from honest aid to the butcher at Tiananmen Square, something is wrong, Congress, very wrong. Think about it. I yield back what national security we still have left.

WHITE HOUSE AGREES TO TRANSFER OF NUCLEAR TECHNOLOGY TO COMMUNIST CHINA

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, to follow the comments of my colleague from Ohio [Mr. TRAFICANT], the revelations are as real as the headlines in today's Washington Times: "China Aided Iran Chemical Arms." And below that, a bolder headline: "Clinton-Jiang Reach Nuclear Accord."

Mr. Speaker, let me see if I have this straight. The White House agrees to a transfer of nuclear technology to the Communist Chinese in exchange for a written promise that the Chinese will not share that technology with Iran.

We are not talking neckties or nectarines or notebooks. We are not talking conventional trade here. We are talking nuclear technology. We are going to give that to Communist China? Monte Hall would not even make a deal like that on his old game show.

There must be a sweetener here, Mr. Speaker. I wonder if the Chinese Government is not going to try to find Ya Lin Charlie Trie.

REPUBLICAN LEADERSHIP CONTINUES ATTACK ON PUBLIC EDUCATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, education has always been the great equalizer in this Nation. It opens the doors of opportunity and provides every American child with the opportunity to live up to his or her potential. It is the public schools in this Nation where students of all economic levels, races, and creeds come together in one classroom to develop the skills that they are going to need for a successful future.

The right wing of the Republican Party has never believed in American public schools. Former Republican Presidential candidate Pat Robertson said straight out in 1994, and I quote, "abolish the public schools."

Today, the Republican leadership is continuing their attack on public education by advocating a radical experiment that would take precious taxpayer dollars out of our public schools and into private schools.

I have a message for the Republican leadership: Our children are not your guinea pigs. We need to support and strengthen our public schools, not siphon off precious funds. Stand up for public education. Reject the Gingrich voucher plan.

□ 1015

HONEST, CLEAN ELECTIONS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, what does the other side have to hide? Why will the Immigration and Naturalization Service not comply with the law? Why will groups which have been ordered by the court to produce documents not produce those documents as required by law? Why do the Democrats refuse to come forward and demand that the LORETTA SANCHEZ election be investigated in the open for all to see to prove that only those legally able to vote did so? Why do the media refuse to get behind the calls of honest, clean elections in California?

Mr. Speaker, regardless of what the other side says, nothing can change the fact that this issue is about honest elections and the rule of law. It is not about overturning the election and declaring Bob Dornan the winner. That is simply not going to happen. It is about fair, honest, clean elections all across this country.

Mr. Speaker, again I ask the question, what does the other side have to hide?

CHINA AND FAST TRACK TRADE AUTHORITY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Today, coveted nuclear technology for China. But do not worry. They signed a secret nonproliferation agreement. Of course I cannot read it, my colleagues cannot read it, but they will abide by it. Ha. You bet.

Next week fast track trade authority. Make no mistake. These policies are inextricably linked by the one overarching principle of U.S. foreign policy, money, corporate profits. That is all it is about. Human rights? The United States does not care. We do not stand for that anymore. U.S. economic interests in the long term, U.S. workers? The United States does not care anymore. And even now national security is subsumed to the profits of a few huge multinational U.S.-based corporations who want to export nuclear technology. It was all last night down at the White House right here: "Forget diplomacy. Money makes the world go round."

If you like our policy toward China, you will love fast track. It promises more of the same.

TAX REFORM

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it has been said that death and taxes are the only sure things in life. The difference between the two is at least the IRS cannot make death any worse. The instruction book for the original income tax form was just 15 pages long and the highest tax rate was 6 percent. When Congress debated this issue in this Chamber in 1913, some Members worried that the rate would someday reach the unthinkable level of 10 percent. Today the lowest Federal income tax rate is 15 percent and that 15-page booklet has swelled to more than 9,000 pages. The average American family pays more in total taxes than they do for food, clothing, and shelter combined. It is time for a complete overhaul of the Tax Code and the IRS, which have become overly burdensome and unfair.

A lot of so-called experts told us we could not reform welfare, we could not slow the rate of Washington spending, we could not balance the budget and provide tax relief for American families. Today we are told that we cannot replace the existing Tax Code with one that is simpler, fairer, and less burdensome. I say it is simply amazing what can be accomplished when we do not know what we cannot do.

VOUCHERS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, today unfortunately the radical Republicans in Congress are continuing their all-out attack on the public school system. They want it to wither on the vine because, just like with Medicare, extremists in the Republican Party in Congress do not believe in public school education. Public school education is the key that unlocks the door to the American dream for more than 90 percent of America's children, including my own 2 kids. We cannot allow the radical Republicans in Congress to destroy America's public school system. Besides, what would be next? Are we going to give people vouchers to buy books if they do not believe in the public library? Are we going to give people vouchers to buy their own swing set if they find the local town park inconvenient?

No, because America is still a country that believes in the common good and the American dream. Let us fix our public schools, let us encourage charter public schools to create competition in our public schools, but let us not pillage the public school system in America. That will not be good for America.

H.R. 2748, AIR SERVICE IMPROVEMENT ACT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I have just introduced H.R. 2748, the Air Service Improvement Act. This is a bill which could help bring down the cost of air travel for small- or medium-sized airports. Today it costs people in cities likes Knoxville, Syracuse, and many other places much more to fly a couple of hundred miles than it does for people in many large cities to fly to Europe or across the entire country. This bill would open up new slots for airlines to serve underserved cities. It would provide a special grant program to help airports attract low-cost airlines to help bring down ticket costs. It would set up new, faster procedures for handling anticompetitive predatory pricing complaints against some airlines. The bill would set up a loan guarantee program to help airlines purchase commuter planes if they agree to serve underserved airports for at least 1 year.

The Air Service Improvement Act, if passed, could be a major step in helping to end the great unfairness that exists today in the price of airline tickets. I urge my colleagues to join me in bringing this much needed relief for air travelers in our small- and medium-sized cities.

SAY "NO" TO VOUCHER EXPERIMENT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, the House is scheduled to vote today on a radical experiment with our Nation's schools. The Republican leadership wants to use school vouchers to take badly needed funding from our public schools and divert it into private and religious schools. Make no mistake about it, this is a direct attack on public schools in America. At a time when school enrollment is soaring and Federal education funding is more and more scarce, Republicans want to undermine the public education system in this country.

Mr. Speaker, the Republican leadership's school voucher plan is part of a grander scheme to privatize K through 12 education, which could shut down neighborhood schools across the country. From California to Missouri to my own State of Massachusetts, voters have spoken loud and clear. Experimenting with school vouchers at the expense of public education is the wrong path to real education reform.

Democrats believe that we need to be improving public education in America by repairing our crumbling schools, reducing overcrowding, training more qualified teachers, wiring classrooms to the Internet, raising standards, and providing a safe and drug-free learning environment. I urge my colleagues to vote against school vouchers and for improving public education in America.

BILL LANN LEE'S NOMINATION

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, I rise today to encourage the Senate to reject the nomination of Mr. Bill Lann Lee to head the Justice Department Office of Civil Rights.

Mr. Lee's career has shown him to be little more than an ideolog, intent on bending the words and meaning of the law to suit his purposes. In response to last year's California civil rights initiative barring racial preferences by government, Mr. Lee made the preposterous argument that it was unconstitutional to treat all individuals equally before the law. A Federal court swiftly rejected such reasoning on the ground that the 14th amendment does not require what it barely permits.

Similarly, with mind-bending reason, Mr. Lee argued that the decline in minority enrollment establishes that the use of grades and standardized tests as admissions criteria is discriminatory.

Radicals like Mr. Lee are swimming against the tide of court opinions and popular sentiment in standing up for race-based government preferences, and they know it. He must not be furnished with the power of the Federal Government to further pursue his out-of-touch agenda. I urge the Senate to block this nominee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that they are not to urge actions on confirmation proceedings pending in the other body.

SCHOOL VOUCHERS OFFER ILLUSORY PROMISE

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, our Republican friends would have us believe that school vouchers would level the playing field by providing low-income parents the same choice as wealthy parents to send their children to private and religious schools. Unfortunately, that is an illusory promise.

For one thing, the Republican proposals would provide vouchers to only a small proportion of low and moderate income families.

Second, the Republican plans would cover only a fraction of the fees that most private schools charge. Most working families would be unable to make up the difference, making the vouchers useless to them, providing the greatest benefit for the wealthy families who can already afford the cost of tuition.

Mr. Speaker, when we consider what these funds could do if applied to the improvement of public education for all of our children, raising standards, developing magnet schools, putting computers in every classroom, our choice is clear. The Republican voucher plan promises what it cannot deliver, and it would divert us from the challenge of making public education all that it can and must be.

GREATER LOCAL CONTROL IN EDUCATION

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, why are the liberals against public schools? Everyone not in the pocket of special interests which protect the status quo knows that for public schools to improve, cosmetic changes will not be enough. No matter how many times we rearrange the chairs of the curriculum, real improvement will be nothing but another empty promise.

Let us just look at the places where public schools have improved. In Cleveland, Milwaukee, the State of Minnesota, truly bold initiatives are what forced change and brought about real improvement. The other side might stop for a moment and look at all three cases. Improvements did not come from Washington, DC. Improvements did not come from another Federal program with more bureaucrats. In every case, the improvement came from greater local control, more school choice and more power to make decisions in the hands of the parents.

Oh, yes, the special interests fought the very same changes that led to real improvement every step of the way. So why are the liberals against public schools?

PUBLIC EDUCATION FOR ALL, NOT A PRIVILEGED FEW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, just 2 weeks ago, the Republican leadership brought to this floor a so-called scholarship proposal, an experiment that would drain $45 million out of public schools in the District of Columbia and give it to just 3 percent of students to attend private and religious schools. But taking money out of schools in the District of Columbia was not enough for them. Now they are coming after all public schools in every city, town and village in the Nation, draining resources from public schools and giving vouchers for a few to attend private and religious schools.

□ 1030

That is the Republican HELP Scholarship scheme. HELP the few, deprive the many, that is the Republican plan.

This voucher scheme will do nothing to rebuild our crumbling public schools, some overcrowded, or train teachers. Our children need our help. This is why Democrats believe in investing in public education. Public education for all, opportunity for all, scholarships for all, not vouchers for a privileged few.

FORAGE IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore (Mr. PEASE). The unfinished business is the question of agreeing to the resolution (House Resolution 284) on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 277, nays 139, not voting 16, as follows:

[Roll No. 545]

YEAS—277

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim

King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Doyle
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Poshard
Price (NC)
Rahall
Rangel
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Snyder
Stark
Stokes
Strickland
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOT VOTING—16

Cubin
Dixon
Edwards
Fawell
Foglietta
Gonzalez
Hall (OH)
McDade
McDermott
Metcalf
Pelosi
Schiff
Smith, Adam
Weldon (FL)
Wise
Young (FL)

☐ 1055

Messrs. NEAL of Massachusetts, RODRIGUEZ, SHERMAN, and TIERNEY changed their vote from "yea" to "nay."

Mr. MATSUI changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Pease). Pursuant to House Resolution 284 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2493.

☐ 1056

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, with Mr. Nussle in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. Young], the gentleman from Minnesota [Mr. Vento], the gentleman from Oregon [Mr. Smith], and the gentleman from Texas [Mr. Stenholm] each will control 15 minutes.

The Chair recognizes the gentleman from Alaska [Mr. Young].

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. Hansen], the chairman of the subcommittee.

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 2493, the Forage Improvement Act of 1997. This bill, introduced by my friend and colleague, Congressman Bob Smith from Oregon, implements needed changes to current grazing laws and regulations. Congressman Smith has expended a great deal of effort in trying to address concerns from all sides of the grazing issue and is to be commended for not only tackling an issue which, in the past, has been very heated and controversial, but also for assembling a bill which is balanced and does no environmental harm whatsoever.

H.R. 2493 implements actions that will benefit the rancher dependent on our public lands, benefit the U.S. Treasury, and, most importantly, will greatly improve the rangeland resources over much of the West.

I would like to point out a couple of important areas that this bill addresses This bill codifies a new grazing fee formula which sets an equitable and fair value on forage for both the rancher and the U.S. Government. In fact, if applying the new fee to the current market, there would be a grazing fee increase of 36 percent from $1.35 to $1.84, thus the Government benefits. The rancher benefits by getting a fee formula that is averaged over a longer time period and is easy to figure out and track, thus gaining economic stability for the industry.

Another important part of H.R. 2493 is that it would allow flexible management agreements between the Government and ranchers that will be based on performance instead of prescriptions. These agreements will only be available to those ranchers who have demonstrated good land stewardship for 5 years or more. The agreements lead to innovative approaches to grazing management and help retain good rangeland conditions.

H.R. 2493 also increases the focus of science-based monitoring programs for the rangeland conditions. It is simply impossible to make good land management decisions without knowing the condition of the land. Recently it has become apparent that the Federal Government, for numerous reasons, have not paid enough attention to the monitoring function, thus decisions, sometimes bad ones, have been made because of the lack of good monitoring data. This bill sets up a monitoring program which is based on scientifically proven protocols which will ultimately lead to better decisionmaking and improved rangeland resources.

Congressman Smith has done an outstanding job in crafting a bill which implements needed grazing reforms while avoiding any negative environmental effects.

I support H.R. 2493, and urge all my colleagues to also add their support.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2493. As I mentioned, this is a bill that has been worked on very hard by the chairman of the subcommittee. The chairman of the Committee on Agriculture and of course myself have worked through this legislation. I believe it goes far toward the stability of the grazing activity that takes place on public lands, protecting the lands environmentally, providing for the owners of those lands the base allotments, so they can continue their efforts to try to protect the environment through sound management of the grazing forage areas on our public lands.

Mr. Chairman, H.R. 2493, the Forage Improvement Act, was introduced by my good friend and colleague from Oregon, Congressman Bob Smith. Congressman Smith should be applauded for laboring tirelessly on putting together a bill that keeps the controversy out and the common sense in regarding grazing practices on our public lands. Congressman Smith has worked extremely hard to bring together the many sides of the grazing issue and has assembled a bill that helps the rancher whose livelihood depends on public land grazing without doing any harm to the rangeland resources. In fact, implementing this bill will ultimately improve the rangelands across the west.

Controversy and confrontation on grazing of the public lands have been raging for years. It is clear that changes in current grazing laws and regulations are not only long overdue, but are absolutely necessary in order to resolve many of the grazing issues. H.R. 2493 makes these needed changes.

For example, this bill will bring economic stability to those ranchers who use Federal land for grazing while at the same time generate additional revenue for the Federal Treasury. This will be accomplished by implementing a new grazing fee formula which is easy to understand, simple to track, and which charges a fair price to the rancher who buys access to forage from the Federal Government.

Furthermore, the changes found in H.R. 2493 will improve rangeland conditions by increasing the focus on science-based monitoring. For far too long and for a variety of excuses the Federal Government simply hasn't done its job in assessing rangeland condition through monitoring. Congressman SMITH's bill puts the emphasis back to what actually exists on the ground through a monitoring program that is science-based and which follows established protocols. This program will greatly enhance the decisionmaking process and help establish rangeland goals that are good for the land and achievable.

Moreover, H.R. 2493 will establish a program of management flexibility to those ranchers who have demonstrated good land stewardship. This will help to keep the grazing lands in good and excellent condition.

This is a good bill whose time has come. It does nothing to harm the environment. In fact, it will improve rangelands across the West. It treats the Western land grazer honestly and fairly. And in return, the U.S. Treasury makes more money and gets an improved rangeland resource.

I urge all my colleagues to support and vote for H.R. 2493.

Mr. Chairman, I reserve the balance of my time.

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Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a country of laws, not of men. And with respect to the issue of pasturing on public lands by grazers, we have been operating under the rule of men. It is time, I think, to return to the question of laws, and that is exactly the purpose and the reason that we are here today.

Mr. Chairman, we have been operating in the past under the rule of one pen. Now we must operate, it seems to me, with the consent of Congress, which is the way we do business in this country.

A little historical reference about this bill. It is a very delicate issue; one that we have been discussing for many years since I have been a Member of Congress. But this is a little different this year because we have agreed now among many factions to bring a bill that has wide support and that has been discussed and rehearsed by many, many people in this country, including such divergent areas of environmentalists, of grazers, ranchers, interested people, senators, representatives. For a period of the last 4 months, this may be the widest traveled bill in America because it has been to every corner and every State and it has been examined by every person who has an interest in this whole discussion.

Mr. Chairman, in the past, ranchers who graze more than 270 million acres of public land, primarily in 16 States in the West, have been under great stress. Often there have been contradictory agency regulations that they have had to live with, even different regulations between the Forest Service and the Bureau of Land Management.

The rangeland reform issue brought 2 years ago, and much of it struck down by a judge's decision, was a frightening thing to the people who depend upon public lands. So, Mr. Chairman, here we are with a group of people, very insecure, wanting direction as to how they may proceed to live with their families on public lands in the West.

Many of my colleagues well remember the issue of the last session when a bill was passed by the Senate, came to the House, and, of course, was under great scrutiny by everyone and failed to come to the floor, and so did not pass. So this again has upset people in the West because we have no guidelines, it seems, until we pass this bill.

Mr. Chairman, we have a very moderate list of requests in this bill. We have come back from the idea of wanting everything to pass at one time to a basic idea that we need two things for the stability and the predictability of people in the West who depend upon public lands. Basically this bill is about a fee that is fair to the public grazers, and it is a fee that is fair to the Federal Government.

Mr. Chairman, also there is tenure in this bill; in other words, not extended tenure, but existing rulemaking tenure of some 10 years. If participants follow the guidelines of the Bureau of Land Management and Forest Service every year, they have the opportunity to graze for 10 years with a renewal.

From this bill, we have struck many, many controversial issues. Just to name a few, the resource advisory councils, which were really a program promoted by Secretary Babbitt, came under great controversy simply because during the resource advisory council programs we wanted a majority vote of the resource council and the Secretary demanded a consensus; in other words, unanimous consent where one person could stop any kind of advisory council to the agencies.

Because it was controversial, we struck it from this bill. So it is existing law. We may have resource advisory councils, but they are certainly up to the various communities and the States. They are not in this bill.

Mr. Chairman, we have a lot of problems identifying allotments and base properties, and because it was controversial, we decided that we would not touch that and we would rely on existing law, which has been following several court cases in this country as far as definition of those two items.

There was a question of public access across private land and, frankly, we decided we would not touch that one either because that raises another argument, and so we dropped it out of this bill.

Now, we have left here, again, a very modest attempt to bring reason and stability to the West. It affects not one environmental law in this country. It produces nothing that would affect the environment at all. Grazing allotments are run and directed by the managers, the range managers. The number of sheep and cattle that are offered on public lands are highly regulated and counted each year.

So if there is a discrepancy, then we ought to arrange to have the public managers correct it. But it is not a part of this bill. It does not give the environmentalists any advantage. It does not give the grazers any advantage. It is a fair and reasonable offer.

Mr. Chairman, I commend this bill to my colleagues, and I ask for their support.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, what remaining time do I have?

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 14½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Oregon [Mr. SMITH], chairman of the Committee on Agriculture, to conduct the rest of the debate on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STENHOLM. It is my understanding under the rule that we have unanimous consent, 1 hour of debate equally divided between the Committee on Resources and the Committee on Agriculture and our time is divided and I control 15 minutes?

The CHAIRMAN. The gentleman is correct.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2493, the Forage Improvement Act of 1997. I would like to thank the gentleman from Oregon [Mr. SMITH], the distinguished chairman of the House Committee on Agriculture, for his hard work on this bill and for his sincere efforts to address the concerns of other Members.

Mr. Chairman, while very narrow in scope, this bill contains positive and necessary improvements to the current system for the management of grazing on Federal lands. I strongly support the requirement to use sound, verifiable science to monitor resource conditions and trends on grazing allotments. This bill allows Federal agencies to coordinate with ranchers to perform the monitoring or to hire a qualified consultant to do it.

Mr. Chairman, I firmly believe that we should base all environmental policy decisions on sound, verifiable science, and this provision is an extremely important step forward in that direction.

Additionally, this bill creates a grazing fee which provides stability and continuity for ranchers while returning a fair sum to the U.S. Treasury. It does this by ensuring the receipt of an equitable price for the product purchased by the rancher from the Government.

This bill raises grazing fees by 36 percent, and there are those who would argue that this is not enough of an increase and is just a government subsidy. But the fact of the matter is it is difficult to compare exactly all the intangibles associated with leasing public or private lands. They both contain their own unique qualities. Critics of this bill would do just as well to compare an apple to an orange.

Mr. Chairman, we must not lose sight of the fact that this bill will return fees to the U.S. Treasury that are an increase of 36 percent. For those who say this bill does not increase fees enough, similar fee increases for other Federal programs would hasten the elimination of the Federal deficit.

Finally, this bill requires the Forest Service and the Bureau of Land Management to administer grazing programs in a coordinated way. This was done to ensure that ranchers would be treated in the same manner by either agency. This just makes good sense.

Mr. Chairman, I strongly support this bill, a reasonable compromise, and I urge my colleagues to do likewise.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong opposition to this bill. I am a Westerner. I think this legislation is bad for the West.

Mr. Chairman, I have traveled in the West and I have seen firsthand the overgrazed streams whose banks have been trampled and shorn of vegetation. This is one of the reasons that we have endangered salmon in the Pacific Northwest. Our fish have few healthy streams to spawn in. The overgrazing of our public land has an enormous public impact, and that is why this bill is being opposed by taxpayer groups and opposed by environmental groups.

Sports and commercial fishermen in the Northwest once provided $1 billion of income, but now the fishermen and fisherwomen of my district are out of work and the tackle manufacturers and the people who rely on tourism, they are losing money because there is no fish left to catch. To add insult to injury, those same constituents of mine are being asked to pay taxes to underwrite the below-market grazing fees.

Mr. Chairman, H.R. 2493 masquerades as a grazing reform bill, yet it puts grazing before the environmental health of our public rangelands. It turns grazing privileges on Federal lands into private property rights, and it expands grazing on public lands by including Forest Service lands.

For anyone who doubts the national ramifications of this legislation, this is not just a western issue. I have in my hand two editorials, one written by the Washington Post, "Subsidies for Big Ranchers," and the other written by the Herald Journal of Logan, UT. The Utah Herald Journal points out, and I quote, "The vast majority [of ranchers]—98 percent," and, Mr. Chairman, I repeat, 98 percent of ranchers, "don't even have access to public land and yet somehow they manage to stay in the black."

Now, who does have access? I go off the quote and come back in. "They include at least three Forbes billionaires, four oil and mining companies, and one national brewery," and I end the quote.

These are not small farmers. This bill provides corporate welfare to huge, huge agricultural interests.

The Washington Post, as I say, says it is a subsidy for big ranchers and it urges us to vote the bill down.

So, Mr. Chairman, both Easterners and Westerners agree that this bill is bad for the American taxpayer, bad for commercial and sports fishing groups, and bad, above all, for the environment. If it were not bad for the environment, not bad for our taxpayers, why would the taxpayer groups oppose it? Why would the environmental groups oppose it?

Mr. Chairman, I urge my colleagues, join those groups and vote "no" on this ill-advised legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there is no, I repeat, there is no reference to private property rights in this bill. None. It conveys nothing. It yields nothing. There are eight large corporations that the gentlewoman from Oregon [Ms. FURSE] mentioned. There are 23,000 medium-sized ranches that depend upon this bill.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I am pleased to rise in strong support of the Forage Improvement Act.

Mr. Chairman, I come at this bill from a little bit different perspective than most folks that will be here speaking today because I am from the Southeast, I am not from the West. But my perspective is to ensure that the rights of hunters and fishermen all across this country are protected in this bill. And I will say to the critics of this bill who believe that it does not protect hunters and fishermen that they are wrong.

As vice chairman of the Congressional Sportsmen's Caucus, I am one of the strongest advocates of multiple use of Federal lands.

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I want to make sure that our sportsmen and sportswomen have the opportunity to hunt and fish on Federal lands. The compromise that the gentleman from Oregon [Mr. SMITH], my chairman on the House Committee on Agriculture, has struck ensures that multiple use is protected. By working with the gentleman from Oregon [Mr. SMITH] on this issue, we have made sure that this bill is sound legislation for all of our sportsmen here to support. There is no better evidence of that than the chairman himself, who is an avid sportsman, an avid hunter and fisherman.

I urge my colleagues on the Congressional Sportsmen's Caucus to support this bill. I would say to my other colleagues, if they support farmers and ranchers and they support sportsmen and sportswomen in America, support this bill.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of H.R. 2493, the Forage Improvement Act of 1997. As the other vice chairmen of the sportsmen's caucus, I want to associate myself with the remarks of my colleague.

Grazing on public lands has been a contentious issue, as we know, for the last 20 years. The laws regulating grazing as administered by the Forest Service and the BLM have evolved to the point where it has become very hard to make a living as a public lands rancher. Our ranchers legitimately need this legislation.

The way fees are currently structured, ranchers simply are not able to plan financially from year to year. It is important to point out that this bill is much more moderate and narrow than past grazing reform proposals. I think the chairman, the gentleman from Oregon [Mr. SMITH], and the ranking member, the gentleman from Texas [Mr. STENHOLM] should be commended for the way they have reached out to make this bill more acceptable to people.

It is time to support this modest bill which takes us in a small but extremely important step in the right direction. I urge my colleagues to support this bill.

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this bill. Fundamentally, the issue here is in terms of raising beef, raising sheep or goats as the case as this land is being used.

I would point out to my colleagues that this only affects, in essence, a dozen States. They will say 16, but quite candidly, it is only about a dozen States. Even within those States, we would find that the forage that is provided on public lands in California is 10 percent. Other Western States it may range as high as into the 30's.

Even within those States, public lands represent 50 percent of the forage. But the fact is that it takes place on 250 million acres that are under permit in terms of grazing so, indeed, this is important. But what does it mean in terms of production for farmers? It means less percent of the beef. So other farmers, others that are raising beef, they are not doing it in the thousands of animals in Minnesota, they are doing it in the hundreds.

The fact is that many of these operations are very large corporate farmers that have gained control. In fact, if we look at who has the control of this, less than 10 percent of the permittees control over 60 percent of the permits, over 60 percent of the forage, to put it more precisely. So this is a sop.

What is wrong here is that we have a system that is not being properly priced in the market. That leads to two things. First of all, it is unfair to the taxpayer. It is unfair and it leads to abuse and dependency in terms of these lands.

Most of these 250 million acres are ephemeral lands. They are marginal lands. That is why they generally remain in public ownership in many cases, not all. Some have other resources, other qualities that are wonderful. But the fact is they are marginal.

There are places in California where we have 2,500 acres for a single animal. In fact, I think the high there, in testimony that I saw, was like 3,400 acres, which is extreme. These hot desert areas, very fragile lands, we have the cows out there competing with the desert tortoise. I think it is wrong. I think that these cows end up with more miles on them than the old Chevrolet. The fact is that they become, when we put these animals on these lands, they become the dominant species.

What this bill does is to take what are in essence the BLM rules that provide for subleasing, transferring one's permits to somebody else, with a premium payment. It eliminates the premium payment so BLM can continue to do that without the premium payment and it transfers that which is forbidden by the Forest Service today, to permit them to in fact transfer those permits.

This is an out-of-whack bill. Even with the changes that are being proposed by the gentleman from Oregon [Mr. SMITH] and the gentleman from New York [Mr. BOEHLERT], it still does not get to the essence of what is the problem here. It is not addressing the problem. It is a bad bill. It should be defeated on this floor. It should be amended. I hope we can do so.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

I want to correct the record. Indeed, cows are competing with tortoises. I wonder how much the gentleman would pay if he were grazing tortoises.

The other question and the point I want to make here is simply that according to GAO figures, 47 percent of the permits have 100 animals or less; 38 percent have 100 to 500 animals; 15 percent of the permits have more than 500 animals. This is not exactly a huge corporate stealing program.

Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, I rise in strong support of the Forage Improvement Act.

As my colleagues consider this proposal, I urge them to consider the underlying values that are represented in this bill. What are those values?

Simply speaking, Mr. Chairman, the values are fairness, predictability, and stability. In the West, our Federal Government owns huge blocks of public lands. In my State of Montana it owns about 30 percent of the lands. We expect those lands to be managed in a responsible fashion, responsible to the taxpayers, and responsible to the people who use those lands.

There are some important facts, though, that my colleagues need to understand as they consider this bill. First, our rangelands are in good condition; repeat, our public rangelands are in very good condition. Second, rangelands need to be grazed. Grazing produces healthier grass. It reduces fire hazards and it increases the capacity of the land to sustain wildlife. Interestingly, cooperative grazing management with producers and local managers working together today we have healthier grass and substantially more wildlife on our public lands.

Third, grazing on the public lands is very important in sustaining local economies, local communities and in sustaining family farms and ranches. If the range is healthy and it is sustaining wildlife, why do we need this bill?

Mr. Chairman, the answer is that under this Secretary of Interior, the administration has embarked on a radical new experiment in range management. They have thrown out 120 years of range management science. The administration has ignored local communities and it has written off family farms and ranches in the West. This bill is a moderate effort to restore predictability and stability to these communities and to these producers. How? By raising grazing fees in a predictable fashion with a predictable formula based on the price of cattle and interest rates. It creates a good return to the Treasury and it is based upon the ability to pay. It also brings stability by requiring range management to be based on proven science rather than special interests politics and most important, the bill is fair.

I urge my colleagues to do what is right. Vote "yes" on the Forage Improvement Act.

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

To continue my debate with my colleagues, as I said earlier, this affects a dozen or so States. Most of the beef raisers and others raising sheep and goats need to rely upon the marketplace in terms of what is happening. Obviously, it is not my intent or the intent to eliminate grazing from Western lands. That is of course the red flag that is raised, but that is not the purpose. In fact, I think that we want and need a collaborative and cooperative partnership with our Western colleagues in terms of trying to achieve the objectives.

The fact is that as we look at this that the receipts from the BLM are only about half of what the cost is of the grazing programs. In fact, in looking at fiscal year 1995, it is estimated grazing receipts will amount to about $16.4 million, and the amount that was spent in managing those programs was in fact $47,400,000. That does not include the range improvements which amounted to about $10 million trying to take care of this.

What does this bill do to BLM's and to the Forest Service's ability to monitor? We heard about sound science. We heard about objectivity. We heard about doing this on the basis of the facts, not on the basis of politics. But then this bill suggests that if I am a BLM land manager, that I have to provide 48 hours' notice to the permittee to go on and to in fact look at this.

Remember this is public land. We are going to permit for someone to use it and we are suggesting that the manager of that land has to give 48 hours' notice so that we can go and determine whether or not in fact the monitoring of the cattle, if the sheep are properly being controlled in terms of how they are using these various allotments that are out there, this is one of the problems with this bill.

In fact, the way it is designed, and it needs to be modified, it has entirely skewed the program in a different direction with regard to what the impact is. As I said, it provides for subleasing, something that the Forest Service does not provide today. This extends the subleasing, which I believe leads to the very large permittees where they are transferring these permittees around. Sixty percent of the AUM's are controlled by less than 10 percent of those that hold the permits. It does not deal with number of cows. We are talking about AUM's; we are talking about the amount of forage that is being used.

Mr. Chairman, during this debate there are going to be suggestions that most States, even in the West, charge 2 to 3 times as much as the proposed increase here, which is not 30 percent. It is closer to about 15 percent. But the fact is that we are talking about AUM's here. We are comparing apples to apples in terms of what the States charge. All the States tend to charge a great deal more than the Federal Government, than this bill even proposes to. We hope to rectify that with the Klug and Vento amendments.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, I join this debate with my colleague from Minnesota, as one that represents a State that has very little, if any, Federal lands involved in this. I have spent several years analyzing whether or not this is a fair rental as far as the competitiveness with other ranchers. It is not just my judgment that causes me to support the bill today. It is cattlemen from all over the United States that have agreed.

Yes, maybe it is not a perfect formula. I do not know that anyone can devise a perfect formula. But to continue to suggest that the only valid formula for charging rental rates has to be with private lands is an erroneous assumption. That is comparing apples and oranges and it is not relevant to this debate.

Also we need to understand, yes, there are a few large enterprises that are involved. But 81 percent of the Forest Service permittees are part of small- to medium-sized family ranching. The amendment that the gentleman will offer, when we get to the amending process, would make it very difficult for these individuals to make a living in ranching in the real world.

Therefore, I encourage all of our colleagues to listen carefully, particularly when you are concerned about environmental concerns. This bill is very important in this aspect. It is suggesting that we rely on sound science. This bill institutes a program of scientific range monitoring to ensure that land managers make their decision on the basis of current reliable data and not merely one's judgment. What we are debating today is one's judgment.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to correct the record here again and talk about the facts. The facts are that indeed this is an increase of 36 percent from a $1.35 to $1.84 per animal unit month.

Mr. Chairman, do not be fooled by the fact that the gentleman states that we only retrieve half the cost from the grazing fee. That is not true.

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If you believe the Government is efficient by adding up all the costs and then saying, well, ranchers ought to pay the cost of administering the grazing fee, then I think you are on the wrong track. The facts are that the grazers pay almost the cost but we are also paying the NEPA cost. So I think that is a public policy, not a rancher's issue.

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the Forage Improvement Act. I want to thank the gentleman from Oregon [Mr. SMITH] for his strong leadership and his good commonsense effort to fix our Nation's grazing laws.

Mr. Chairman, this bill is good for our public lands and for those who depend on public lands for their livelihood. By reinforcing and clarifying the partnership between ranchers and Government, and by emphasizing better science as part of the process, the bill promotes sound grazing practices.

The fact is that America's farmers and ranchers are our best conservationists, and they are committed to working with the Government and other citizens in caring for the land.

This legislation is important to the future of family ranching operations. All of agriculture, including the ranching community, faces great market and weather uncertainties from year to year. Our Government should not add to this natural volatility by forcing confusing and conflicting grazing rules on our ranchers.

H.R. 2493 provides the stability in Federal policy that is long overdue. I urge a yes vote to support responsible public lands policies.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

Apparently, my colleague is confused. There is some confusion about what the increase is in this bill. I am just going on the basis of the CBO. I think, for purposes of debate, I would quote and read from the document.

> Using ERS's most recent data for the total gross value of production and projecting changes in cattle price and interest rates, CBO estimates that the proposed new formula would result in grazing fee averaging about 20 cents more per AUM over the 1998 to 2000 period in the western States in the grazing fee based on current law.

And I might say, in terms of the cost figures that I used, these are directly from the BLM figures. It indicates consistently, from 1991 to 1995, nearly a threefold cost in terms of the grazing program versus the receipts that come into it. So it is consistently 2-to-1, 3-to-1 more in terms of what we are spending. So there is a subsidy, in essence, here, and that is what we are facing.

No one is saying we are going to go to cost with this. But the fact is that we have got to recognize that in terms of where we are at. If we put this on a fair market value, if we put it on a cost basis, clearly it would be to the benefit of the environment and to the taxpayer.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do not know where the gentleman from Minnesota [Mr. VENTO] gets his numbers. In the bill, the AUM charges $1.84, not $1.55, as he is quoting. It is a $6 million increase to the Treasury from grazers across this Nation.

Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from Oregon [Mr. SMITH] for yielding me the time.

Mr. Chairman, I rise in strong support of the Forage Improvement Act. I think it is a very well-reasoned and responsible bill that will bring some order to the bureaucratic empire of Byzantine complexity that we call Federal land management.

I applaud my colleague, the gentleman from Oregon [Mr. SMITH], chairman of the full Committee on Agriculture, for his leadership on this issue. At a time when the White House, the Congress, and State governments are working to downsize and streamline all of our governmental bureaucracies and delivery systems, this bill goes a long way toward coordinating the administration of Federal land management activities. The current, complicated regulation of Federal lands, by both the Secretary of the Interior and Secretary of Agriculture, leads to a maze of confusing and often conflicting regulations for the administration of livestock grazing.

I have spent a considerable amount of time studying the U.S. Department of Agriculture's field office downsizing and streamlining. I know the conflicts that can arise from the contradictory regulations and the overlayering bureaucracy of this massive delivery system. This is only one department, Mr. Chairman. I can only imagine the conflicting and confusing delivery system of the Federal land management when two departments are involved in this situation. Chairman SMITH is to be commended for even taking on this reform issue.

I was amused over the weekend as the Washington Post, certainly an expert in western land management, tried to explain why Congress should defeat this bill. It is a sad commentary on our time, I think, that this same newspaper that has encouraged reform of our Federal programs comes out against a bill that streamlines bureaucracy, emphasizes sound science practices, and a new grazing fee formula is implemented in the bill.

I think it is important to know that this legislation actually increases grazing fees, as has been suggested, and it does it with a new formula that is easy to understand, easier to track, and charges a fairer price. This bill is reform at its best, Mr. Chairman. I would encourage all Members to vote for this worthy piece of legislation.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would ask the sponsor of the bill on what page of his bill does it state $1.86? I look through the bill. I find on page 36 the calculation, but I do not find that. My source of information is not the bill, it is the calculation carried out. I can read the calculation into the RECORD, but I do not want to confuse an already confused issue.

What I am quoting is what the CBO says. In any event, we all agree that there is an increase here. A 20-cent increase is hardly going to begin to make up. That would yield about $20 million a year. The costs, of course, are closer to $50 million a year in terms of managing this program.

Furthermore, I point out one of the problems with this bill is that it had no hearings in the Committee on Resources. It had no consideration in the subcommittee. The subcommittee has been very assiduous in terms of hearing most of the measures that come before us, but somehow this bill during this term received no consideration in that subcommittee. No markup. It went directly to the full committee and was marked up without hearings in that instance.

It has just been 6 weeks since this bill has been introduced. So if there is confusion about it in my part or the author's part, I can well understand it. I think it could have benefited from a full hearing of what some of the radical changes are in this bill. Again, we are seeing substantial changes on the floor to accommodate some of the concerns of Members.

In fact, of course, as I look at the list of opposition, I notice that the Trout Unlimited Group remains opposed to this bill. I have heard some allude here that they are members of the sportsmen caucus. I respect them for that. I do a little hunting and fishing myself when my schedule permits it.

But the fact of the matter is that this is opposed by the groups that I have here, Trout Unlimited, it is opposed by the National Wildlife Federation, and most of the environmental groups I think that we would look to, and, of course, it is opposed by some of the taxpayers' groups that are concerned about the constant drain in terms of revenues with respect to this bill.

Mr. Chairman, this bill is neither fair to the American taxpayer nor is there a good sound policy for Federal land management. I urge my colleagues to defeat this bill.

Mr. STENHOLM. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 10 minutes remaining. The gentleman from Minnesota [Mr. VENTO] has 3 minutes remaining. The gentleman from Oregon [Mr. SMITH] has 13½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I appreciate the gentleman from Texas [Mr. STENHOLM] for yielding.

Mr. Chairman, I rise to express my support of H.R. 2493, the Forage Improvement Act of 1997. If you take away all the rhetoric, you will find that this bill has been written in the spirit of compromise and collaboration. There is nothing in it that attempts to roll back any existing laws.

There are so many issues that Western cattlemen will still face after this bill passes that will continue to threaten their businesses. Yet, this bill will try to provide some degree of certainty sorely lacking in public land ranching. One of the most important is a requirement of scientific monitoring of resource conditions and trends on grazing allotments.

This monitoring will allow the agencies to coordinate with ranchers, to perform the monitoring, and, more importantly, it will be based on regional criteria and protocols. This would help guarantee that the ranchers' business will not be vulnerable to regulations that have no basis in science or that were created in Washington without input from professionals in their own State who understand resource issues at the local level.

Currently, all the agriculture across this Nation is having to defend itself against an onslaught of potential restrictions that lack quality data. This bill will help the Western rancher, at least, to defend himself when he is accused of abusing the one thing he is in need of the most on public lands, the forage. It will also provide the cattlemen and agency land managers a valuable management tool to make sound judgments and to better predict the future.

Let us dispense with all the cheap shots that are being levied at this bill and let us move forward. Nobody loses with this and the Western cattlemen can attempt to put a little more certainty into their families' lives.

What we do here in Washington ought to be based on science, it ought to be based on common sense, and it ought to be user-friendly to the people of this country, and in this instance particularly the ranchers who make their living and their lives by using these public lands for grazing their cattle.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to thank the gentleman from Georgia [Mr. BISHOP] personally. I think his statement and many others you will hear are from States that have no public land, no grazers. And I especially want to thank him for stepping up and to refute this idea that this only affects a small number of States. We are here together to represent 50 States. And I thank the gentleman from Georgia [Mr. Bishop] very much.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. COOKSEY], who of course has a lot of public lands.

Mr. COOKSEY. Mr. Chairman, I thank the gentleman from Oregon [Mr. SMITH] for yielding.

I, too, rise in strong support of the Forage Improvement Act, H.R. 2493, by the gentleman from Oregon [Mr. SMITH]. Mr. Chairman, first let me congratulate my good friend, the chairman of the Committee on Agriculture, for his hard work on this bill. This bill is a consensus bill that will benefit everyone involved, from the taxpayer to the livestock producer to the conservationist.

The gentleman from Oregon [Mr. SMITH] has collaborated on this bill with State and national livestock industry groups, individual producers, and environmentalists to bring predictability to our ranchers' plans for forage use.

As a physician, I rely on sound science to prescribe solutions, and I appreciate legislation that follows the same approach. The Forage Improvement Act will institute a program of scientific range monitoring on which land managers can rely. Decisions can be made on the basis of current and reliable data. This is important. Good science will predict not only the livestock producers, but also the public and the environment.

This bill provides incentives to ranchers who demonstrate they are responsible stewards of the land which allows them to enter into cooperative allotment management plans with the Department of the Interior. We all can agree that a renewed commitment to the scientific monitoring and decisionmaking will benefit everyone.

Another important reason to support this bill is that it streamlines the regulations of the Forest Service and Bureau of Land Management. If the rules are easier to understand, the result is that they will be adhered to. Uniformity and coordination of management is needed to straighten out the current morass of regulation. Less bureaucracy is always better.

Finally, Mr. Chairman, I am supporting this bill because ranchers, just like the farmers in my district, need predictability under Federal rules and regulations. We will always have uncertainty in the weather, but we cannot have uncertainty from the Federal Government when ranchers are deciding on how best to use their land, whether to seek financing or even to sell their ranch.

Let us pass this bill and make it easier for those who are supporting their families with long hours and a noble calling. Let us streamline the bureaucracy that exists and use sound science for the benefit of everyone.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this Forage Improvement Act. I think that the gentleman from Oregon [Mr. SMITH] needs to be complimented in his efforts to reach out to people in the environmental community and stakeholders, as well as Federal Government, in order to try to find a way that we can put to rest an issue that has been very contentious in its consideration in past Congresses.

I think what the gentleman from Oregon [Mr. SMITH] has done is to embody some of the proposals that the Department of the Interior has been trying to utilize to ensure that we have greater cooperation from people throughout the community, as well as environmentalists so that we can ensure that the interests of the taxpayers and interests of the public trust is maintained.

I think he is also moving forward in a responsible manner, too, by asking that we revise the formula in which we calculate the price per AUM and that this bill will result in an increase of almost 36 percent in the price of rangeland. And that means benefits that are going to accrue to the taxpayers.

What is also important is, I think, he is putting it in a place in which we are going to have more of a collaborative effort to ensure that the public lands are used in a manner which is going to benefit all of us.

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I am certain that the effort of this legislation is going to ensure that our public lands that are devoted to rangeland are going to be in better condition, that they are going to ensure that there will be a financial return to them. They will also provide benefits in maintaining much of this land in open space.

Once again, I just want to reiterate that I commend the gentleman from Oregon [Mr. SMITH]. I think this legislation is a balanced and responsible approach to dealing with grazing on public lands.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER], a member of the committee.

Mr. HOSTETTLER. Mr. Chairman, I rise today in strong support of the gentleman from Oregon [Mr. SMITH], the chairman of the Committee on Agriculture and the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, and their effort on behalf of responsible use of publicly owned land. The fact that such a bill is necessary is just one of many problems that arise with this issue of Federal ownership of property.

Mr. Chairman, the Federal Government owns more than one-third of the 2.3 billion acres in the United States. It owns 63 percent of the 13 Western States. For a country founded in large part due to the high regard placed on the private ownership of property, this is a curious thing. One has to wonder how the United States of America assumed all this property given that article 1, section 18, clause 17 tells us Congress has the power:

> To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 square miles) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings.

Does that sound like a mandate to own 725 million acres of land? As with so many other areas of policy in Government, we have gotten very, very far away from the intent of the Founding Fathers as expressed in our chief governing document, the U.S. Constitution, which each Member of this body takes an oath to uphold. With Federal ownership, you are bound to get them wanting to manage it this way and us wanting to manage it that way. Private property ownership is clearly the superior route. The Founding Fathers clearly saw Federal ownership of land as the exception rather than the rule.

Having said that, the least that we can do as Federal legislators is to give the taxpayers who use that federally owned land, their federally owned land, some regulatory relief. This bill does that. That is why I support this bill and urge my colleagues to do the same.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise in strong support of the Forage Improvement Act. The gentleman from Oregon [Mr. SMITH] and the gentleman from Alaska [Mr. YOUNG] should be commended by all in this body for bringing this well thought out, bipartisan piece of legislation to the floor of the People's House.

As a Congressman who still tries to earn an honest living as a cow/calf operator in western Oklahoma, or in truth I should point out, because of my responsibilities, whose wife is a cow/calf operator in western Oklahoma, I know firsthand the value that predictability and stability brings to those of us in the livestock industry. The legislation under consideration by the House today provides a uniform and consistent grazing policy that represents great progress toward enabling western ranchers the ability to plan for forage use.

This is a good bill. Yes, it raises grazing fees 36 percent. Yes, it requires coordination between the BLM and the Forest Service. Yes, it mandates scientific monitoring of grazing conditions. And yes, it creates authority for Government and ranchers to enter into cooperative management plans.

Mr. Chairman, this bill is bipartisan, it instills cooperation, increases Federal revenues, and mandates sound science. It is a good piece of legislation that deserves passage in this House.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD], who is also a member of the committee.

Mr. LAHOOD. Mr. Chairman, I rise today to encourage my colleagues to support this bipartisan bill. I want to compliment the chairman of the committee, who has tried to work with all parties to fashion a bill that makes sense. It is a little bit comical to see some people come trotting out here with ideas about the fact that this maybe does not meet all of the budget considerations they want or the environmental considerations, when in reality the chairman has worked for 7 months with every group in this town to fashion a bill that makes sense in a bipartisan way, and he deserves credit for that, and he deserves support for it, because the bill gives added stability in being able to plan for the future. With more stability, ranchers will be able to continue to be good stewards of the land, which is what I guess environmental groups want and should want.

This has been a 7-month consultation with many, many groups. It contains new cooperative management authority for agencies and ranchers and will allow more flexibility for ranchers for them to continue achieving rangeland management goals. If there has ever been a bipartisan bill come on this floor that represented all sides, this is it. I encourage the support of all of the Members on both sides of the aisle.

Mr. VENTO. Mr. Chairman, I yield myself 30 seconds. To the gentleman in the well I would say if this is such a wonderful bill which was introduced September 17, why were there not hearings in the Committee on Agriculture? Why were there not hearings in the

Committee on Resources? It is not a 7-month bill. It is more like a 7-week bill that never had any hearings. That is why we are concerned. The sound science in this bill puts science in a straitjacket in terms of changing the AUM's, changing the procedure for the Forest Service.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. LAHOOD. The point of fact is that the chairman has worked with a lot of different groups over a long period of time. This is not a 7-week bill. This bill has taken an extended period of time.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds. As usual, the gentleman is misleading the body. We did have hearings in the Committee on Agriculture, as witnessed by the gentleman from Texas [Mr. STENHOLM], the ranking member. So the idea we did not have hearings is wrong. This bill was referred to two committees. We took it to the full committee of the Committee on Resources. That is all. There were hearings, so let us clear the record.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Chairman, I stand in strong support of this bill and appreciate the chairman's leadership in bringing really a complex set of facts together here. Under this bill, the current complicated system of regulations will become easy to understand and simple to track. Both the Federal Government and the livestock producer will benefit when these regulations are understood. For the first time, ranching families will be able to go to borrow money with some certainty about what their future looks like and it will make a big difference to them. The fee structure is changed and modernized and beneficial to the taxpayer as well. This is really a very family farmer, rancher-oriented bill. We have more cattle in our State than any State except Mr. STENHOLM's State of Texas. We do not have any grazing land in our State. Not a single Missouri farmer will benefit from the grazing land provisions of this bill. But our folks will benefit from stability in the livestock production system that this bill creates. I am strongly in support of it.

Mr. STENHOLM. Mr. Chairman, I yield myself 2 minutes. I do this for purposes of confirming what the chairman said regarding the hearings that were held in the Committee on Agriculture and the subcommittee on this bill and also to reiterate what I know the gentleman from Minnesota totally agrees with. This is an issue that has been discussed for many, many years.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding. I did not misstate the record with regards to the Committee on Resources. There have been many oversight hearings in grazing but not on this bill. If this bill was introduced after the hearings, I think that the record would be clear with regards to that, but there were not hearings on the specific issue that is before us.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification. Again, I was only speaking of the Committee on Agriculture and also speaking of the fact that I have participated in this debate for years, as the gentleman from Minnesota has.

What the chairman has done this year is attempted, as the gentleman from Georgia earlier spoke to, to reach out to people who are willing to compromise and to find an acceptable middle ground to a question that has proven to be irresolvable over the years. What we have today is the best good-faith compromise to reach an agreement midway between extreme views. This is what the bill before us today is all about.

We talk about the grazing fees. I think it is important for all Members who may not be as familiar with this, the grazing fee is merely for the forage and represents a small part of the overall cost of Federal lands ranching. Ranchers are responsible for fences, for water, for seeding and other improvements, keeping track of the livestock, along with anything else required by the agencies. That is where the real costs are. That is why ranchers from Texas, Georgia, Missouri, and other States do not have the objection as stated by the gentleman from Minnesota to this because based on the total cost, there is a reasonable certainty or a semblance of fairness as best that can be done in any formula. Also regarding the wildlife question, I find it fascinating when we see from 1960 to 1980 the increases of antelope, elk, and deer on these same lands that are being so misused by the livestock industry.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time. I must say with all due respect to the chairman of the Committee on Agriculture, he has worked tirelessly on this piece of legislation. He has worked night and day to make sure that all factions of concern, all issues of concern have been addressed. I appreciate his efforts in that. We do have some amendments yet to add, but I just really appreciate the chairman, and this demonstrates what leadership really is all about, the ability to work with many different groups of people.

I want my colleagues to picture this. Two thousand miles away from here in southern Idaho and dozens of other rocky and rugged places in this country, ranchers eke out a modest living and put food on our plates. These families like this, this is a picture of Mr. Dick Bass, a rancher in Idaho. This is a face on this whole problem. Mr. Bass is also a county commissioner, a husband, a father, and a good American who pays his taxes and pays fees to the Federal Government for the privilege of being able to graze on the public lands. He has worked tirelessly with other county commissioners and other ranchers to bring California bighorn sheep, in cooperation with the Idaho Fish and Game, to all of southern Idaho. And now that wildlife project has been so successful that we are now exporting California bighorn sheep out to other States.

They care about the land. They have improved the land since it was ravaged at the turn of the century. These cattlemen love the land and love their work. These guys have been out working in the far reaches of their ranches for days. Lately they have come in to send faxes to us to ask in very articulate and well-reasoned letters, citing many points about their concerns, but all they really ask is just let us keep making a living.

We have got to remember that the West has been ravaged with the shutdown of logging, with the overregulation on our lands. It is driving people from the lands. Do not drive the very shepherds that are keeping our lands healthy and vibrant. This has been the concern of the gentleman from Oregon [Mr. SMITH]. I share that concern with him. The gentleman from Oregon has brought a piece of legislation that brings financial stability into the industry and that has been very needed.

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But he also realizes, as I do, that these people have continued to battle hard weather and all kinds of bad wildlife, but they choose to stay there and be the kinds of shepherds of the land that we need, that America needs, and our industry needs.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 3¾ minutes remaining, the gentleman from Oregon [Mr. SMITH] has 2 minutes remaining and the gentleman from Minnesota [Mr. VENTO] has 2½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Oregon [Mr. SMITH] and that he be allowed to yield it as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Oregon. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in support of the bill with the manager's amendment.

I want to start by thanking the gentleman from Oregon, Chairman SMITH, for his openness and willingness to stand up to people who should be his allies to get a workable bill. The gentleman from Oregon [Mr. SMITH], the chairman, has always been responsible and candid and open minded.

Whenever I or my staff had a discussion with the gentleman from Oregon, Chairman SMITH, negotiations were friendly and productive. I appreciate that, because I know that the gentleman from Oregon [Mr. SMITH] has taken grief he does not deserve for trying to do the right thing: Searching for the sensible middle ground.

As for me, my position has not wavered since negotiations began in June. We made clear from the beginning what our concerns were with this bill, and once those concerns were addressed, we supported it. Our position has not changed.

We have never linked grazing issues to those in other bills, and we have never paid any attention to anyone else who tried to assert such linkage.

Let us turn to this bill. We have come up with a fair agreement, an agreement that helps ranchers while ensuring that the bill does no damage to the environment.

Our goal in negotiations has been to ensure that public land is never treated as if it is owned by private parties. Our goal has been to ensure that Federal officials have the ability to protect the integrity of public lands. Those goals have been met.

The manager's amendment makes changes in every section of this bill. It alters or drops problematic definitions which implied there was a private property right in Federal land. It drops the section on access. It drops the section on resource advisory councils, which are working so well. It clarifies the agency's role in monitoring and subleasing.

The manager's amendment does all that while still providing ranchers with stability, a new fee formula, and the privilege of conveying their grazing permit when they sublease their base property, as long as the Secretary approves.

This is a good deal that should enable us to pass grazing legislation for the first time in many years. But I hope it is just the first step. We have succeeded in ensuring that this legislation allows no damage to be done to the environment. I hope some day we can pass legislation that will be fair to ranchers, while being environmentally positive.

Ranching groups and environmental groups have been working for several years behind the scenes to develop such a grazing regime. That is as surprising as it sounds. In the meantime, I urge my colleagues to support the manager's amendment and its passage. I urge support of the base bill of the gentleman from Oregon, Chairman SMITH.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I am glad to rise in support of this legislation, H.R. 2493. I know how hard the gentleman has worked to bring together those in the grazing industry that are very important to their livelihood, those in the environmental community, those Representatives from the West, to fashion a bill that addresses a problem that has gone unaddressed in past Congresses and in this Congress.

It is time that this Congress move to pass meaningful legislation dealing with grazing rights, and do it in a fashion that does not offend the environmentalists in America and does not disadvantage those people in the cattle and the sheep industry in the West.

This bill does not do that. And that is important. It is important to farmers in the Midwest, that we keep our agricultural and our livestock industry healthy and viable in this country.

I congratulate the gentleman from Oregon [Mr. SMITH]. I am glad to support this bill, and I hope my colleagues will also.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time to again reiterate my opposition.

Mr. Chairman, this is an enormously important bill. I appreciate that my colleague, the chairman of the Committee on Agriculture, has worked with various groups, but the fact is at the end of the day, all the environmental groups are against it, some of the sports groups are against it, and some of the taxpayer groups are against it, because balance is not in this bill. This bill is not a balanced bill.

I regret that it did not have the type of hearings after the fact when it was written and introduced and passed so quickly that it is here and has not had the type of debate within committee.

So many questions are still confused with regard to it. There are 250 million acres of land under permit. The fact is that we have 30,000 permittees out there, but over half of them are very large. Half of the forage goes to the largest, less than 10 percent of the group.

There has been a reiteration of sound science. What is the science about increasing the number of sheep and goats per AUM? Where is the science that supports that? That is in the bill. Science is put in a straitjacket in this bill. Where is the science that says you cannot come on the land for 48 hours without notifying the individuals so you can monitor it. That puts a straitjacket on the land managers and the scientists we charge to manage the land.

What is the science that suggests that the fact is you are going to extend subleasing in the Forest Service where it does not exist today? Where is the science that says you eliminate the surcharge in terms of subleasing? Where is the science that suggests you throw out all of the regulations with regard to the Forest Service?

This sets up a whole new scheme in terms of rules and regulations. Where it lands, nobody can say. The fact is, yes, we have problems today, because this 250 million acres today is greatly competed for and has a multiple use in terms of recreation and many uses that did not exist when the basic grazing laws were written in the 1930's.

The fact is, these are important issues, laws like the Endangered Species Act. You can make a joke about the desert tortoise, but most of us would agree some of these ephemeral areas probably should not be grazed or should be closely monitored when they are.

But this bill does nothing to improve the dollars and cents given to the BLM and the Forest Service, but puts substantially new responsibilities on them, and the end consequence is the environment is going to pay, not just in dollars and cents here, in the terms of there is a $20 million increase here, $5 million in grazing fees, when we spend maybe twice or three times that much, some say $400 million more in terms of enforcing grazing permits.

Mr. Chairman, this is a bad bill and should be defeated.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, I do so again to correct the record. The gentleman has expanded beyond the truth here. The point is that 76 percent of the grazers are individuals, 8.5 percent are partnerships, and 10.8 percent are corporations. This is no corporate boondoggle.

Beyond this, this does not turn additional sheep and goats on the range. That is only a billing procedure. This has nothing to do with the number of sheep and goats turned out on the public ranges.

Mr. Chairman, I yield the balance of my time to the gentleman from South Dakota [Mr. THUNE].

The CHAIRMAN. The gentleman from South Dakota is recognized for 1 minute.

Mr. THUNE. Mr. Chairman, I want to thank the Chairman for yielding me this time and credit him and the distinguished ranking minority member here, the gentleman from Texas [Mr. STENHOLM], with putting together a bill that I think does address a lot of the concerns raised.

There have been a great number of hearings over the past several years on this very subject. I come from cattle country in western South Dakota. It is an area where you have to be tough to make a living. Out there, toughness is a prerequisite. I also happen to be an avid bird hunter, an outdoorsman, that appreciates the perspective that sportsmen bring to this particular debate.

I believe the chairman has worked with all of those groups in a balanced way to come up with a commonsense approach that injects science into the equation and addresses the issue of fees in a way that provides stability for the ranchers who use these lands. It is based upon an objective set of indices, which I think yield stability to the people who are trying to make a living in the business of agriculture, particularly in the business of raising cattle and livestock, so they can make a living at this.

Mr. Chairman, this is a bill which I think accommodates a wide range of concerns. It is something that I hope all of us in this Chamber will be able to support.

Mr. FAZIO of California. Mr. Chairman, as a cosponsor of this legislation, I rise today in support of H.R. 2493, the Forage Improvement Act of 1997, sponsored by colleague BOB SMITH.

Congress has tried numerous times over the past several years to enact comprehensive reform of our Nation's rangeland grazing policy on Federal lands administered by the Bureau of Land Management and the Forest Service. The administration and the House of Representatives tried to increase grazing fees on public lands in 1993, and the Senate attempted to address some grazing fees issues in the fiscal year 1994 Interior appropriations bill. Grazing reform resurfaced again in the Senate Interior appropriations bill in 1996, and the Senate did pass a reform bill on March 21, 1996, only to die in the House.

I support the Forage Improvement Act of 1997, because I firmly believe that the Federal grazing permit system is simply too outdated and does not reflect the current needs of ranchers, communities, and the environment. Management of our public lands remains in limbo as the issue has been bounced back and forth from the House to the Senate to the administration. H.R. 2493 is the first step in the direction of a streamlined approach to managing nearly 270 million acres of rangeland in the United States.

I believe that grazing fees should be increased to reflect the value of the land that is being used. The formula provided by H.R. 2493 will result in an increase in grazing fees of between 15 and 30 percent over existing levels. This is a good start in leveling the playing field.

Participation in land use decisions by ranchers, local communities, public officials, and environmental advocates is also essential. That is why I support the manager's amendment offered by Mr. SMITH which deletes any language in the bill which would have altered the current processes of these Resource Advisory Councils, currently in place under an Executive order by Secretary Babbitt.

What we need to be successful in achieving comprehensive grazing reform this Congress is an approach where the viewpoints of all parties are taken into account from the very start. I believe that H.R. 2493 tried to incorporate this comprehensive and cooperative nature, and provides much needed and long-delayed reform of our Nation's rangeland system.

I urge my colleagues' support.

Mr. BARCIA. Mr. Chairman, I rise today in support of H.R. 2493. This is a fair bill that will not only help small to mid-size family ranchers, but end at last the contentious debate that has surrounded this policy since its inception in the early 1900's.

Under current law, the Forest Service and the Bureau of Land Management charge fees for grazing and each agency promulgates their own regulations. H.R. 2493 coordinates the efforts of the two agencies so that our citizens will not have to forage through a multitude of regulations.

This bill increases local involvement in the Resource Advisory Council by modifying the makeup of the council to include representatives from the community. The council would represent broad interests by including those who use the lands for grazing to persons interested in developing the land and from recreational users to state and local elected officials.

H.R. 2493 codifies a new fee formula that, according to the Congressional Budget Office, will not decrease the Federal Government receipts. In fact, this bill will increase the current fee for ranchers by 36 percent which will amount to approximately $6 million more for the Federal Government over the next 5 years.

This bill will not limit access to public lands and will not change any environmental laws that are so important in protecting the natural habitat and beauty of our public lands. In fact, allowing grazing on these lands has had a positive impact on our environment because ranchers have every incentive to protect and enhance the land and its natural habitat, and they have a proven track record. Moose, deer, and elk populations have increased by over 500 percent since 1960 on these lands.

Maintaining and supporting ranching communities is important for our economy and our environment. Without the protections to the wildlife, urban development would slowly move to devastate these vast rural and environmentally sound areas. The bill will provide security for ranchers and their families and I urge my colleagues to support this measure.

Mr. MORAN of Kansas. Mr. Chairman, nothing better symbolizes the heritage of the Western United States than cattle grazing on the open range, and with over 6.5 million cattle on farms and ranches, the Big First District has more cattle than any other congressional district. The cattle rancher still stands as a picture of the American independence, battling long odds and mother nature and enjoying the rewards of a hard day's work.

This heritage is why the bill before us is so important. To say that the life of the rancher is filled with uncertainties is an understatement. Just this past week in Western Kansas, we had our first blizzard of the season. For some cattlemen, it was devastating. One rancher north of Dodge City lost 200 out of a herd of 242 yearlings. Across the State, cattle losses are estimated at nearly 20,000 head.

As Members of Congress, we cannot change the weather and we cannot control the markets, but we can and should provide stability in the terms and rates for ranchers grazing on Federal land. The bill before this chamber does just that—guarantee that Federal grazing lands are managed in a way that will ensure their healthy existence for generations to come. This legislation will assist the American rancher do what he or she does best, feed the world, and it does so in a way that helps preserve the family farm and ranch.

The Forage Improvement Act is good policy for the rancher, the taxpayer, and important for the long-term health of this Nation's grazing lands. In addition, this bill represents the right way to develop policy through consensus and bipartisan work, not through administrative fiat.

Mr. Chairman, I urge my colleagues to vote in support of this important measure.

Mr. STUMP. Mr. Chairman, the American people want responsible Federal Government and bills that make sense. We should all be pleased with the Forage Improvement Act of 1997, because it improves Federal management responsibilities and will result in a more effective grazing policy.

Currently, management of Federal grazing responsibilities fall under the purview of both the Secretary of Agriculture and the Secretary of the Interior. The bill would allow the Secretaries to work together to provide for uniform management of livestock grazing on Federal lands.

So what is there to fear from this legislation? Nothing. Nothing in the act will affect grazing in any unit of the National Park System, or National Wildlife Refuge System, or on any lands that are not Federal lands, or on any lands that are held by the United States in trust for the benefit of Indians. Nothing in this act shall be construed to limit or preclude the use of, and access to, Federal lands for hunting, fishing, recreational, watershed management, or other appropriate multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use. And, nothing in this act shall be construed to affect valid existing rights, reservations, agreements, or authorizations under Federal or State law.

What the act does do is to require that to the maximum extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall provide for consistent and coordinated administration of livestock grazing and management of Federal lands consistent with the laws governing such lands.

The bill is a common-sense measure that will result in coordinated resource management. By increasing consultation, cooperation, and coordination between the Forest Service, Bureau of Land Management, and affected State or Federal agencies, private land owners, and users of Federal lands, the bill will ensure that focused land management needs can be addressed in an effective and amicable manner. I wholeheartedly support the Forage Improvement Act of 1997, and urge my colleagues to vote for the bill.

Mr. VENTO. Mr. Chairman, I rise in opposition to H.R. 2493, the Forage Improvement Act, which was recently pushed through the Resources Committee without being the subject of hearings.

I have worked on and studied grazing issues for many years. We have had debates often in many different contexts since I've served in Congress. The issues are not simple; they are complex. Congress is charged with determining not just what is best for the local economies of the American West, but also what is best for the ecology of our public rangelands and the taxpayers of this country—in essence, balanced and fair policy, fiscally and environmentally. H.R. 2493 does not fulfill these challenges.

For instance, H.R. 2493 could attach a property right to grazing permits. The 1934 Taylor Grazing Act and the Supreme Court have stated clearly that grazing on public lands is a privilege, not a right. Changing grazing policy in this manner would require the taxpayers to compensate livestock operators when the Federal Government undertakes activities such as wildlife management and watershed restoration. That is not something that I think a majority in this Congress supports. This is a dramatic change which portends a significant impact upon the future of public land with such permits in effect today and tomorrow.

This bill also greatly strengthens the hand of livestock operators at the expense of the ordinary citizen. This bill provides environmental consultants hired by these operators a greater authority in ecological assessments than private citizens who are concerned about the adverse effects of grazing in the specific allotment. This bill also expands the opportunity of ranchers to sublease their permits to include Forest Service as well as BLM lands. Currently, ranchers can sublease their cheap permits to others for much higher rates. This Congress should be eliminating this significant taxpayer ripoff, not expanding it.

The biggest fiscal problem with H.R. 2493, however, is that it doesn't come to grips effectively with the subsidization of grazing fees and the fee structure. This year, it will cost livestock operators on BLM lands $1.35 per month to feed a single cow and its calf—or $1.35 per animal unit month [AUM]. But it will cost the taxpayers as much as $10 in some higher cost areas to provide the services necessary to administer such permits per AUM. In the case of family ranch operators who need Federal permits to survive, in an effort to recognize and preserve a smaller operator's way of life, this may be justified policy. But in the case of wingtip cowboys like Metropolitan Life and the Anheuser-Busch Co., both of which hold significant Federal grazing permits, I would think we could all agree that taxpayer subsidization is simply not warranted.

The continued grazing policy path of subsidization and distortion of market forces concerning the use of Federal lands for grazing invites environmental problems, short-changes administrative funding, and builds a ranching dependency that leads to the abuses evident in the practices of these corporate cowboy operators.

I will offer an amendment later on that begins the process of fixing this problem. 9 percent of the permittees control 60 percent of the forage on public lands on BLM lands and the number are similar for national forest lands. The other 91 percent are smaller ranchers—all with allotments that allow the grazing of less than 2,000 AUMs. My amendment would not change the current fee structure in H.R. 2493 for those family ranchers, and perhaps help them preserve their ranches. But the privileged few who control most of our public rangelands would have to pay more of their way. My amendment would require that permittees controlling more than 2,000 AUMs on Federal lands pay either the average fee charged by the State in which they operate, or the fee in this bill plus 25 percent. That way, we recognize family ranchers and the wingtip cowboys will pay a greater share, still subsidized but not as much. Additionally, I'm going to offer an amendment to maintain the traditional 5 sheep, 5 goats per AUM. The bill increases this by 33 percent to 7 sheep or goats per AUM, without explanation nor justification. I oppose H.R. 2493, even with the token improvements the chairman of the Agriculture Committee intends to make. I agree with him that we owe it to smaller ranchers and the American people to make our federal grazing program more efficient. We disagree on how to do this. I believe we need to put the reform in this so-called reform measure. My amendment, and others if passed would do just that.

Mr. SKAGGS. Mr. Chairman, we should not pass this bill. In fact, we should not be considering it at all.

Bringing this bill forward is not a step toward better management of the public lands or even toward greater certainty for ranchers who graze livestock on those lands. Instead, it merely revives old quarrels. It threatens to undermine important gains achieved through the hard work of consultation, cooperation, and census-building by suggesting that it may be possible to return to an earlier, less inclusive approach to land management.

For example, to debate this bill means reviving the old quarrel about grazing fees, especially since the bill's fee formula seems to have been developed without very extensive consultations and brought forward with only the sketchiest of explanations or justifications. To take just one example, neither of the two committee reports on this bill explain the basis for redefining the term "animal unit month" with respect to sheep and goats, even though the effect is to dramatically increase the amount of forage that can be purchased for the same fee. I would like to know why we're being asked to decide that sheep and goats actually eat less each month than we used to think.

I'm sure this part of the bill, and the other questions about fees, will be debated at length, as indeed they should be. But what concerns me more is the way the bill would reshape the Resource Advisory Councils and the way in which it would make it harder for the BLM and the Forest Service to do their important and difficult job of managing lands that belong to all the American people.

All of us who took part in past grazing debates remember how heated they were. Those of us from the west also remember that they came to be part of an often-partisan rhetoric about what some of our friends on the other side of the aisle liked to call the "War on the West".

But those of us from the west—and from Colorado in particular—remember something else, as well. We remember that when the debate here in Washington led to stalemate, Secretary of the Interior Bruce Babbitt—a westerner himself—came back to the west. We remember that in Colorado and throughout the west he met with the governors, the local officials, the livestock operators, and the public. We remember the discussions, the negotiations, the give-and-take. And we remember that out of that process has come a chance for a new start, a chance to put aside the old suspicions and to replace the old quarrels with a new structure of cooperation.

The Resource Advisory Councils [RACs] are central to that structure. Already they have achieved some notable successes, not just in Colorado but in other western states as well. The key to those successes has been the fact that they rest on inclusiveness and consultation, and have consensus as their goal.

But this bill originally threatened to deform the councils by replacing a search for consensus with deal-making and bloc voting and by setting the stage for limiting the views and interests to be represented by membership of future councils. This would be exactly wrong. We shouldn't do it.

I'm glad Chairman Smith has just agreed to strike the bill's provisions regarding RACs. That's an improvement, in that it removes a bad provision, but it's not enough to salvage this legislation.

We also shouldn't make it harder for BLM and the Forest Service to properly manage their lands for multiple uses. But the bill would do that, too—by encouraging subleasing and by restricting proper monitoring of grazing practices, among other things. Again, these are steps backward, as is the bill's redefining of the term "allotment" in a way that suggests an intent to change the legal status of grazing from a permitted use of public lands into a property right—contrary to the clear language of the Taylor Grazing Act and other applicable law, and contrary to well-settled precedent.

So, Mr. Chairman, I regret that this bill is before us. It would be better for everyone—and especially for westerners—to have allowed the new processes of consultation and consensus-building to have continued to work without this distraction. But, since the new majority has chosen instead to bring this bill forward, we should do the right thing. We should reject it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Resources printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule for a period not to exceed 3 hours, and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forage Improvement Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Rules of construction.
Sec. 3. Coordinated administration.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

Sec. 101. Application of title.
Sec. 102. Definitions.
Sec. 103. Prohibited condition regarding grazing permits and leases.
Sec. 104. Monitoring.
Sec. 105. Subleasing.
Sec. 106. Cooperative allotment management plans.
Sec. 107. Fees and charges.
Sec. 108. Resource Advisory Councils.

TITLE II—MISCELLANEOUS

Sec. 201. Effective date.
Sec. 202. Issuance of new regulations.

SEC. 2. RULES OF CONSTRUCTION.

(a) LIMITATION ON APPLICATION.—Nothing in this Act shall be construed to affect grazing in any unit of the National Park System, in any unit of the National Wildlife Refuge System, in any unit of the National Forest System managed as a National Grassland by the Secretary of Agriculture under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), on any lands that are not Federal lands (as defined in section 102), or on any lands that are held by the United States in trust for the benefit of Indians.

(b) MULTIPLE USE ACTIVITIES NOT AFFECTED.—Nothing in this Act shall be construed to limit or preclude the use of Federal lands (as defined in section 102) for hunting, fishing, recreation, or other multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use.

(c) VALID EXISTING RIGHTS.—Nothing in this Act shall be construed to affect valid existing rights, reservations, agreements, or authorizations under Federal or State law.

(d) ACCESS TO NONFEDERALLY OWNED LANDS.—Section 1323 of Public Law 96-487 (16 U.S.C. 3210) shall continue to apply with regard to access to nonfederally owned lands.

SEC. 3. COORDINATED ADMINISTRATION.

To the maximum extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall provide for consistent and coordinated administration of livestock grazing and management of Federal lands (as defined in section 102), consistent with the laws governing such lands.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

SEC. 101. APPLICATION OF TITLE.

(a) FOREST SERVICE LANDS.—This title applies to the management of grazing on National Forest System lands, by the Secretary of Agriculture under the following laws:

(1) The 11th undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" in the Act of June 4, 1897 (commonly known as the Organic Administration Act of 1897) (30 Stat. 35, second full paragraph on that page; 16 U.S.C. 551).

(2) Sections 11, 12, and 19 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act of 1950) (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h, 5801).

(3) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

(4) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(5) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

(6) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(7) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(b) BUREAU OF LAND MANAGEMENT LANDS.—This title applies to the management of grazing on Federal lands administered by the Secretary of the Interior under the following laws:

(1) The Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

(2) The Act of August 28, 1937 (commonly known as the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937) (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.).

(3) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(5) The Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(c) CERTAIN OTHER UNITED STATES LANDS.—This title also applies to the management of grazing by the Secretary concerned on behalf of the head of another department or agency of the Federal Government under a memorandum of understanding.

SEC. 102. DEFINITIONS.

In this title:

(1) ALLOTMENT.—The term "allotment" means an area of Federal lands subject to an adjudicated or apportioned grazing preference that is appurtenant to a base property.

(2) AUTHORIZED OFFICER.—The term "authorized officer" means a person authorized by the Secretary concerned to administer this title, the laws specified in section 101, and regulations issued under this title and such laws.

(3) BASE PROPERTY.—The term "base property" means private or other non-Federal land, water, or water rights owned or controlled by a permittee or lessee to which a Federal allotment is appurtenant.

(4) CONSULTATION, COOPERATION, AND COORDINATION.—For the purposes of this title (and section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d))), the term "consultation, cooperation, and coordination" means to engage in good faith efforts—

(A) to discuss and exchange views; and

(B) to act together toward a common end or purpose.

(5) FEDERAL LANDS.—The term "Federal lands" means lands outside the State of Alaska that are owned by the United States and are—

(A) included in the National Forest System; or

(B) administered by the Secretary of the Interior under the laws specified in section 101(b).

(6) GRAZING PERMIT OR LEASE.—The term "grazing permit or lease" means a document authorizing use of Federal lands for the purpose of grazing livestock—

(A) within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1270, chapter 865; 43 U.S.C. 315b);

(B) outside grazing districts under section 15 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1275, chapter 865; 43 U.S.C. 315m); or

(C) on National Forest System lands under section 19 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act of 1950) (64 Stat. 88, chapter 97; 16 U.S.C. 5801).

(7) LAND USE PLAN.—The term "land use plan" means—

(A) a land and resource management plan prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for a unit of the National Forest System; or

(B) a resource management plan (or a management framework plan that is in effect pending completion of a resource management plan) developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for Federal lands administered by the Bureau of Land Management.

(8) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given such term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include any lands managed as a National Grassland under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(9) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to the National Forest System; and

(B) the Secretary of the Interior, with respect to Federal lands administered by the Secretary of the Interior under the laws specified in section 101(b).

(10) SIXTEEN CONTIGUOUS WESTERN STATES.—The term "sixteen contiguous Western States" means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

SEC. 103. PROHIBITED CONDITION REGARDING GRAZING PERMITS AND LEASES.

The Secretary concerned may not impose as a condition on a grazing permit or lease that the permittee or lessee provide access across private property unless the condition is limited to ingress and egress for Federal personnel engaged in authorized activities regarding grazing administration on Federal in-holdings.

SEC. 104. MONITORING.

(a) MONITORING.—The monitoring of conditions and trends of forage and related resources on Federal lands within allotments shall be performed only by qualified persons from the following groups:

(1) Federal, State, and local government personnel.

(2) Grazing permittees and lessees.

(3) Professional consultants retained by the United States or a permittee or lessee.

(b) MONITORING CRITERIA AND PROTOCOLS.—Such monitoring shall be conducted according to regional or state criteria and protocols selected by the Secretary concerned. The monitoring protocols shall be site specific, scientifically valid, and subject to peer review. Monitoring data shall be periodically verified.

(c) TYPES AND USE OF DATA COLLECTED.—The data collected from such monitoring shall include historical data and information, if available, but such data or information must be objective and reliable. The data and information collected from such monitoring shall be used to evaluate—

(1) the effects of ecological changes and management actions on forage and related resources over time;

(2) the effectiveness of actions in meeting management objectives contained in applicable land use plans; and

(3) the appropriateness of resource management objectives.

(d) NOTICE.—In conducting such monitoring, the Secretary concerned shall provide reasonable notice of the monitoring to affected permittees or lessees, including prior notice to the extent practicable of not less than 48 hours.

SEC. 105. SUBLEASING.

(a) PROHIBITION ON SUBLEASING GRAZING PERMIT OR LEASE.—A person issued a grazing permit or lease may not enter into an agreement with another person to allow grazing on the Federal lands covered by the grazing permit or lease by livestock that are neither owned nor controlled by the person issued the grazing permit or lease.

(b) TREATMENT OF LEASE OR SUBLEASE OF BASE PROPERTY.—The leasing or subleasing, in whole or in part, of the base property of a person issued a grazing permit or lease shall not be considered a sublease of a grazing permit or lease under subsection (a). The grazing preference associated with such base property shall be transferred to the person controlling the leased or subleased base property.

SEC. 106. COOPERATIVE ALLOTMENT MANAGEMENT PLANS.

(a) WRITTEN AGREEMENTS FOR OUTCOME-BASED STANDARDS.—An allotment management plan developed under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) may include a written agreement with a qualified grazing permittee or lessee described in subsection (b) (or a group of qualified grazing permittees or lessees) that provides for outcome-based standards, rather than prescriptive terms and conditions, for managing grazing activities in a specified geographic area. At the request of a qualified grazing permittee or lessee, the Secretary concerned shall consider including such a written agreement in an allotment management plan. An allotment management plan including such a written agreement shall be known as a cooperative allotment management plan.

(b) QUALIFIED GRAZING PERMITTEE OR LESSEE DESCRIBED.—A qualified grazing permittee or lessee referred to in subsection (a) is a person issued a grazing permit or lease who has demonstrated sound stewardship by meeting or exceeding the forage and rangeland goals contained in applicable land use plans for the previous five-year period.

(c) INCLUSION OF PERFORMANCE GOALS.—A written agreement entered into as part of an allotment management plan developed under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) shall contain performance goals that—

(1) are expressed in objective, quantifiable, and measurable terms;

(2) establish performance indicators to be used in measuring or assessing the relevant outcomes;

(3) provide a basis for comparing management results with the established performance goals; and

(4) describe the means to be used to verify and validate measured values.

(d) FEDERAL ADVISORY COMMITTEE ACT.—Activities under this section shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 107. FEES AND CHARGES.

(a) GRAZING FEES.—

(1) CALCULATION.—The fee for each animal unit month in a grazing fee year for livestock grazing on Federal lands in the sixteen contiguous western States shall be equal to the 12-year average of the total gross value of production for beef cattle for the 12 years preceding the grazing fee year, multiplied by the 12-year average of the United States Treasury Securities six-month bill "new issue" rate, and divided by 12. The gross value of production for beef cattle shall be determined by the Economic Research Service of the Department of Agriculture in accordance with subsection (d)(1).

(2) LIMITATION.—The fee determined under paragraph (1) shall be the only grazing fee applicable to livestock owned or controlled by a person issued a grazing permit or lease.

(b) DEFINITION OF ANIMAL UNIT MONTH.—For the purposes of billing only, the term "animal unit month" means one month's use and occupancy of range by—

(1) one cow, bull, steer, heifer, horse, burro, or mule, seven sheep, or seven goats, each of which is six months of age or older on the date on which the animal begins grazing on Federal lands;

(2) any such animal regardless of age if the animal is weaned on the date on which the animal begins grazing on Federal lands; and

(3) any such animal that will become 12 months of age during the period of use authorized under a grazing permit.

(c) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal lands for grazing by an animal that is less than six months of age on the date on which the animal begins grazing on such lands and is the progeny of an animal on which a grazing fee is paid if the animal is removed from such lands before becoming 12 months of age.

(d) CRITERIA FOR ECONOMIC RESEARCH SERVICE.—

(1) GROSS VALUE OF PRODUCTION OF BEEF CATTLE.—The Economic Research Service of the Department of Agriculture shall continue to compile and report the gross value of production of beef cattle, on a dollars-per-bred-cow basis for the United States, as is currently published by the Service in: "Economic Indicators of the Farm Sector: Cost of Production—Major Field Crops and Livestock and Dairy" (Cow-calf production cash costs and returns).

(2) AVAILABILITY.—For the purposes of determining the grazing fee for a given grazing fee year, the gross value of production (as described above) for the previous calendar year shall be made available to the Secretary concerned, and published in the Federal Register, on or before February 15 of each year.

(e) TREATMENT OF OTHER FEES AND CHARGES.—

(1) AMOUNT OF FLPMA FEES AND CHARGES.—The fees and charges under section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734(a)) shall reflect processing costs and shall be adjusted periodically as such costs change, but in no case shall such fees and charges exceed the actual administrative and processing costs incurred by the Secretary concerned.

(2) NOTICE OF CHANGES.—Notice of a change in a service charge shall be published in the Federal Register.

SEC. 108. RESOURCE ADVISORY COUNCILS.

(a) ESTABLISHMENT.—

(1) JOINT ESTABLISHMENT.—The Secretary of Agriculture and the Secretary of the Interior may jointly establish and operate a Resource Advisory Council on a State, regional, or local level to provide advice on management issues regarding Federal lands in the area to be covered by the Council.

(2) ESTABLISHMENT BY SINGLE SECRETARY.—If the Federal lands in an area for which a Resource Advisory Council is to be established are under the jurisdiction of a single Secretary concerned, that Secretary concerned shall be responsible for the establishment and operation of the Resource Advisory Council.

(3) EXCEPTION.—A Resource Advisory Council shall not be established in any State, region, or local area in which the Secretaries jointly determine that there is insufficient interest in participation on a Resource Advisory Council to ensure that membership can be fairly balanced in terms of the points of view represented and the functions to be performed.

(4) TREATMENT OF EXISTING ADVISORY COUNCILS.—To the extent practicable, the Secretaries shall implement this section by modifying existing advisory councils established under section 309(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(a)) for the purpose of providing advice regarding grazing issues.

(5) CONSULTATION.—The establishment of a Resource Advisory Council for a State, region, or local area shall be made in consultation with the Governor of the affected State.

(b) DUTIES.—Each Resource Advisory Council shall advise the Secretary concerned and appropriate State officials on—

(1) matters regarding the preparation, amendment, and implementation of land use plans within the area covered by the Council; and

(2) major management decisions, while working within the broad management objectives established for such Federal lands in applicable land use plans.

(c) VOTING.—All decisions and recommendations by a Resource Advisory Council shall be on the basis of a majority vote of its members.

(d) DISREGARD OF ADVICE.—If a Resource Advisory Council is concerned that its advice is being arbitrarily disregarded, the Resource Advisory Council may request that the Secretary concerned respond directly to the Resource Advisory Council's concerns. The Secretary concerned shall submit to the Council a written response to the request within 60 days after the Secretary receives the request. The response of the Secretary concerned shall not—

(1) constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal; or

(2) be subject to appeal.

(e) MEMBERSHIP.—

(1) NUMBERS.—The Secretary of Agriculture and the Secretary of the Interior (or the Secretary concerned in the case of a Resource Advisory Council established by a single Secretary) shall appoint the members of each Resource Advisory Council. Such appointments shall be made in consultation with the Governor of the affected State or States. A Council shall consist of not less than nine members and not more than fifteen members.

(2) REPRESENTATION.—In appointing members to a Resource Advisory Council, the Secretaries or the Secretary concerned (as the case may be) shall provide for balanced and broad representation of permittees and lessees holding a grazing permit or lease and other groups, such as commercial interests, recreational users, representatives of recognized local environmental or conservation organizations, educational, professional, or academic interests, representatives of State and local government or governmental agencies, Indian tribes, and other members of the affected public.

(3) INCLUSION OF ELECTED OFFICIAL.—The Secretaries or the Secretary concerned (as the case may be) shall appoint as a member of each Resource Advisory Council at least one elected official of a general purpose government serving the people of the area covered by the Council.

(4) PROHIBITION ON CONCURRENT SERVICE.—No person may serve concurrently on more than one Resource Advisory Council.

(5) RESIDENCY REQUIREMENT.—Members of a Resource Advisory Council must reside in the geographic area covered by the Council.

(6) GRANDFATHER CLAUSE.—A person serving on the date of the enactment of this Act as a member of an advisory council established under section 309(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(a)) for the purpose of providing advice regarding grazing issues shall serve as a member on the corresponding Resource Advisory Council established under this section for the balance of the person's term as a member on the original advisory council.

(7) SUBGROUPS.—A Resource Advisory Council may establish such subgroups as the Council considers necessary, including working groups, technical review teams, and rangeland resource groups.

(f) TERMS.—Resource Advisory Council members shall be appointed for two-year terms. Members may be appointed to additional terms at the discretion of the Secretaries or the Secretary concerned (as the case may be). The Secretaries or the Secretary concerned (as the case may be), with the concurrence of the Governor of the State in which the Council is located, may terminate the service of a member of that Council, upon written notice, if—

(1) the member no longer meets the requirements under which the member was appointed or fails or is unable to participate regularly in the work of the Council; or

(2) the Secretaries or the Secretary concerned (as the case may be) and the Governor determine that termination is in the public interest.

(g) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—A member of a Resource Advisory Council shall not receive any compensation in connection with the performance of the member's duties, but shall be reimbursed for travel within the geographic area covered by the Council and per diem expenses only while on official business, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL ADVISORY COMMITTEE ACT.—Except to the extent that it is inconsistent with this title, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Resource Advisory Councils.

(i) STATE GRAZING DISTRICTS.—Resource Advisory Councils shall coordinate and cooperate with State Grazing Districts established pursuant to State law.

TITLE II—MISCELLANEOUS

SEC. 201. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 202. ISSUANCE OF NEW REGULATIONS.

The Secretary of Agriculture and the Secretary of the Interior shall—

(1) coordinate the promulgation of new regulations to carry out this Act; and

(2) publish such regulations simultaneously not later than 180 days after the date of the enactment of this Act.

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 105-355, if offered by the gentleman from Oregon [Mr. SMITH] or his designee. That amendment shall be considered read, be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent, and shall not be subject to a demand for a division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chairman may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer a manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. SMITH of Oregon:

Page 27, line 6, strike "appurtenant to" and insert "associated with".

Page 27, lines 18 and 19, strike "to which a Federal allotment is appurtenant" and insert "with which a Federal allotment is associated".

Page 27, beginning on line 20, strike paragraph (4) (and redesignate subsequent paragraphs accordingly).

Page 31, beginning on line 4, strike section 103.

Page 31, line 15, insert "resource" after "of".

Page 31, beginning on line 16, strike "of forage and related resources".

Page 32, beginning on line 9, strike subsection (c), and insert the following new subsection:

(c) TYPES AND USE OF DATA COLLECTED.—

(1) USE OF PREVIOUSLY COLLECTED DATA AND INFORMATION.—In addition to using data collected from monitoring conducted under the authority of this section, the Secretary concerned shall consider data and information collected before the date of the enactment of this Act, if available, so long as the historical data and information is objective and reliable.

(2) APPLICATION OF CRITERIA AND PROTOCOLS.—The Secretary concerned shall not accept monitoring data that does not meet the requirements of subsection (a) or (b).

(3) USE OF DATA.—The data and information collected from such monitoring shall be used to evaluate—

(A) the effects of ecological changes and management actions on resources over time;

(B) the effectiveness of actions in meeting management objectives contained in applicable land use plans; and

(C) the appropriateness of resource management objectives.

Page 33, beginning on line 14, strike subsection (b) and insert the following new subsection:

(b) TREATMENT OF LEASE OR SUBLEASE OF BASE PROPERTY.—The leasing or subleasing of the entire base property, or lease of a quantity of base property sufficient to meet the base property requirement of the Secretary concerned, of a person issued a grazing permit or lease shall not be considered a sublease of a grazing permit or lease under subsection (a). The grazing preference associated with such base property may be transferred to the person controlling the leased or subleased base property if the transfer is approved by the Secretary concerned. All terms and conditions of the existing grazing permit or lease shall bind the person controlling the leased or subleased base property.

Page 34, line 5, strike "developed" and insert "or a grazing permit or lease.".

Page 34, strike lines 18 through 21 and insert the following: "management plan or a grazing permit or lease".

Page 35, line 3, insert after "plans" the following: "and in that person's grazing permit or lease".

Page 35, strike lines 4 through 9, and insert the following:

(c) INCLUSION OF PERFORMANCE GOALS.—A written agreement authorized under subsection (a) shall contain performance goals that—

Page 35, after line 19, insert the following new subsection (and redesignate the subsequent subsection accordingly):

(d) APPLICATION OF OTHER LAWS.—All requirements of law applicable to an allotment management plan and a grazing permit or lease under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), including the prohibition against extending the term of an existing grazing permit or lease, shall apply to a written agreement entered into under subsection (a).

Page 36, beginning on line 16, strike paragraph (2).

Page 39, beginning on line 9, strike section 108.

Page 46, line 10, insert after "take effect on" the following: "the first day of the first grazing season beginning after".

The CHAIRMAN. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

As has been indicated, Mr. Chairman, this bill has been an accumulation of views over the past months from across this great country, and, as indicated by the speakers you have heard already in general debate, this is widely supported in areas of the country that have no public lands. I am very appreciative of that support, because, again, this indeed is a Western issue, and, as some say, many do not have a dog in this fight. But many have stepped forward, and we have done it on a bipartisan basis.

The gentleman from Texas [Mr. STENHOLM], the ranking member on the Committee on Agriculture, has assembled a group of Democrats who are supporting this bill enthusiastically.

So this is not a question of separating the West from the rest of the America, nor is it a question of separating one party from another, nor is it a question of separating environment from grazing. I think we have here a coordinated effort, as evidenced by those speakers who have eloquently identified this bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. VENTO. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a compromise of sorts. I object to it, because I do not think it is a compromise that embraces the major flaws in the bill. It does eliminate the restructuring of the RAC's, and that is good, but the fact is that some of the underlying problems still persist.

For instance, we had talked about the fact that this bill tended to build a confusion about a property right with regard to an amendment. On page 27, the definition is less than clear than existing BLM definitions. This takes us back. The word associated with this type of compromise, it is going to be decided by a court. You are not clarifying something here; you are, in fact, moving it to the issue where someone will try to establish a property right based on this new language.

□ 1215

They eliminate some definitions that are confusing. They still have confusion with regard to monitoring, as I said, Mr. Chairman, earlier. The 48-hour provision remains in this bill. This would have prohibited agencies from conditioning grazing permits or leases, or a permittee permitting access against private property, it eliminated that agency, but with monitoring there are still problems. It is only a marginal improvement in terms of what is going on.

It is changing. They say they are for sound science, except they are writing into law the fact that you have to take into consideration some of the history, some of the other factors. This, again, is going to be open to interpretation as to what the rules and regulations are in the actual practice that evolves.

I think it is questionable. If you are trying to clarify something and provide the type of clarity that the proponents suggest or try to embrace here, it is important. Fundamentally, much of what has been discussed here is behind a facade of the venerable cowboy, but the fact is that many of these cowboys today are wearing wing-tipped shoes. Sixty percent of the forage is controlled by 10 percent of the permittees. That is the language we have.

The amendments we plan to offer will, indeed, address that, or provide the opportunity to address that in terms of trying to deal with the corporate cowboys that are, in fact, ripping us off. This amendment simply does not go far enough in terms of what it has done.

The cooperative management agreement that is talked about ties cooperative management agreements to the grazing permit or lease, changes only of marginal improvement. The underlying section continues to be seriously flawed. It goes far beyond what agencies do and it is inconsistent with FLPMA and the Taylor Grazing Act. Agencies do not allow grazing use over and above mandatory terms and conditions of the permit lease, as section 106 would do.

Mr. Chairman, this amendment as a compromise simply does not make it. That is why I am rising in opposition. There are some things in it that are better than what is in the bill, but this is not a compromise, in my judgment.

Frankly, if this bill had been worked out and worked on for so long, why is this compromise being offered today on the floor? The fact is, this is a last-minute effort to try to put a veneer of compromise and balance on this bill, which remains unbalanced.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Oregon [Mr. SMITH], in attempting to continue the good-faith efforts toward meeting some of the concerns that have been raised by those who oppose this bill.

It is my understanding that this amendment that I offer has been agreed to by all interested parties, and would basically do three things. In section 102 of the bill, it would strike the definition of the term "allotments," in section 102 of the bill it would strike the definition of the terms "base property," and in section 3, or in section 105 of the bill, it would strike subsection (b), which deals with the treatment of lease or sublease of base property.

I offer this, again, in a good-faith effort to meet some of the objections which the chairman has agreed to, and it is my understanding all of the parties have agreed to this language.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

PARLIAMENTARY INQUIRIES

Mr. VENTO. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will state his inquiry.

Mr. VENTO. Mr. Chairman, did the gentleman from Texas [Mr. STENHOLM] ask unanimous consent to modify the amendment? Is that what the gentleman had intended to do?

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has not offered an amendment yet. If the gentleman intends to offer an amendment, that may be done at the end of the debate on the amendment offered by Mr. SMITH. That has not yet been done.

Mr. VENTO. Further parliamentary inquiry, Mr. Chairman. Do I misunderstand that the gentleman was offering or attempting to offer the amendment at this time?

The CHAIRMAN. He has not offered the amendment as of yet.

Mr. VENTO. I thank the Chair.

PARLIAMENTARY INQUIRY

Mr. SMITH of Oregon. Mr. Chairman, I have a parliamentary inquiry, to clear up any misunderstanding.

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] will state his inquiry.

Mr. SMITH of Oregon. Mr. Chairman, it is my understanding that we are debating my amendment, and when time runs out, there will be opportunity for further amendments to my manager's amendment.

The CHAIRMAN. The gentleman from Oregon is correct.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say again that some of the opposition that the gentleman states to this bill is clarified in this amendment that is about to be presented, which basically is silent on the question of property right. It does not convey a property right nor does it deny a property right, so we go back to existing law, and we go back to court cases. That is all. The same point about monitoring.

Mr. Chairman, if the gentleman does not trust Mr. Glickman, the Secretary of Agriculture, and Mr. Babbitt, the Secretary of the Interior, who have all the responsibility for monitoring, then who should we really trust? So I think the gentleman is a little off base in the question of monitoring, and certainly he is off base on the question of the property right.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just note to the gentleman on page 27 that the amendment the gentleman is offering right now changes the definition of "allotment" and changes the definition of "base property" to include allotment as "associated with." I think is the point.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. The gentleman must read the amendment forthcoming.

Mr. VENTO. I appreciate that. I was about to explain that I was catching up with what is to be offered beyond that. What was in the bill I was accurate about. What was in the amendment right now I am accurate about, right now with regard to "associated with."

These definitions have a great confusion with regard to property right, and it would end up in court. I appreciate the fact that the gentleman is going to further perfect the manager's amendment with the Stenholm amendment, but I want to just point out that I think I was accurate, and tried to be accurate. The fact is we have enough differences of opinion that we do not have to argue about that which is factually correct.

Mr. SMITH of Oregon. Mr. Chairman, I am sure the gentleman will support the bill, in that case.

Mr. VENTO. I do not think so.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just point out to the gentleman that I understand that the amendment to be offered also will eliminate subleasing on Forest Service lands. In my time during general debate, I tried to structure my arguments based on the fact of what was in the initial manager's amendment, and now I understand the gentleman is going to change it and take some of those provisions out. I must say that they represent improvements. I commend the gentleman for that.

But there are still significant differences that we have with regard to monitoring. I still have significant differences with regard to where we need to go in terms of how we manage this 250 million acres of land. We intend to pursue those during the time of offering the amendments.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. STENHOLM TO THE AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. STENHOLM. Mr. Chairman, I offer the perfecting amendment to the amendment that I discussed and explained in the general debate on the chairman's part.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM to the amendment offered by Mr. SMITH of Oregon:

In lieu of the amendments relating to page 27, line 6, page 27, lines 18 and 19, and page 33, beginning on line 14, insert the following amendments:

Page 27, beginning on line 3, strike paragraph (1).

Page 27, beginning on line 14, strike paragraph (3).

Page 33, beginning on line 14, strike subsection (b).

Mr. STENHOLM. Mr. Chairman, I will not take any additional time. I explained the amendment during general debate on the previous amendment. I do believe it is agreed to by all of the parties, that it is a perfecting amendment. I would urge its adoption.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to check through this. This strikes both the definitions on section 102 on allotment on base property, and then further strikes the new (b), the new (b) that was in the amendment, is that correct, under section 105?

Mr. STENHOLM. That is correct.

Mr. VENTO. So there will be no subleasing of Forest Service allotments, and there will be no new definition of "allotment" or "base property"; is that correct?

Mr. STENHOLM. That is my understanding, but I would ask the chairman to confirm it.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding.

It is exactly as identified. The problem here has been all along that there are some who believe that this language conveys a property right, some who believe it does not. In an effort to reach agreement on this bill, we did not feel that this was the time to settle the question of the property right, so we dropped the definition so that the debate can continue through the courts, if necessary, and will be, about the issue of property right. This is no longer an issue in this bill. We do not go back, we just rely upon court decisions and interpretation as we know it today.

The other part of this bill, indeed, we drop the question of the subleasing, not that subleasing is still illegal when you sublease a priority right. However, interpretation will be continued, as it has been, by the Bureau of Land Management and by the Forest Service as they have existed before this bill arrived.

Mr. VENTO. If the gentleman will yield further, I would just point out that this does not change this, that currently when there is a sublease there is a surcharge by BLM in terms of that sublease. They put a surcharge on it in terms of their activities. This bill eliminates that surcharge. These amendments do not modify that surcharge. That still remains. Is that correct? He said this vitiates the surcharge.

Mr. SMITH of Oregon. If the gentleman will continue to yield, Mr. Chairman, it is current law. We go back to current law. It is just not addressed in this bill.

Mr. STENHOLM. Mr. Chairman, I urge the adoption of my perfecting amendment.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand going back to current law means BLM will be able to continue to charge the surcharge in terms of subleasing. That is my understanding. There will not be subleasing on the Forest Service, there will be, of course, current law with regard to BLM.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Subleasing of a permit is against the law. You cannot sublease a permit. You can sublease base property with the permit, and that is what we are talking about. We go back to current law.

Mr. VENTO. I appreciate the gentleman's clarification.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM] to the amendment offered by the gentleman from Oregon [Mr. SMITH].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SMITH], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendment No. 10 printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows.

Amendment No. 10 offered by Mr. VENTO:

In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) DETERMINATION OF FEE.—

(A) SMALL PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising less than 2,000 animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1).

(B) LARGE PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising 2,000 or more animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1) for the first 2,000 animal units months. For animal unit months in excess of 2,000, the fee shall be the higher of the following:

(i) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(ii) The Federal grazing fee as calculated under paragraph (1), plus 25 percent of such fee.

Mr. VENTO. Mr. Chairman, this amendment was described in a Dear Colleague. What it attempts to do is to differentiate between the family rancher, providing that the existing fee formula that is in this measure would prevail, which is, as I pointed out, a substantially subsidized operation with regard to the amount that BLM or Forest

Service spends or expends, and the amount of fees that are retained.

Of course, much of those fees go back to the grazing councils and back to the States. So the fact is that the Federal Government, if we look at the scoring of this, has actually even a greater cost that is associated with it. As I pointed out, many attribute nearly $400 million to the cost of managing the 28,000 grazing permits on the various allotments.

□ 1230

The 250 million acres of land that we have grazed. And I would say to my colleagues that this affects the National Forests, it affects the Bureau of Land Management lands, it affects almost all the lands within the National Forests, whether they be wilderness, whether they be areas of special environmental concern in terms of the BLM. All of these lands are grazed. And as a matter of fact, some of the most outrageous consequences of that are viewed in some of these hot desert areas in some of the Southwest States where, of course, much of the land retained in Government ownership does not have the water, is land of quality that is not desirable for other purposes, and the consequences when overgrazing and abuses have occurred in the past, but do not always occur but they have in the past, these lands take a long, long time to heal.

Mr. Chairman, the tragedy, I think, of this issue is not just the money, the dollars lost to the taxpayers, but it is the consequence to these ecosystems which are so important for both recreation, for the maintenance of biodiversity, and other purposes.

Today this amendment I am offering will continue the type of assistance in this bill for those that have less than 2,000 animal unit months, 2,000 AUM's. This will take care of the family farms. This gives them that opportunity to have this lower subsidized fee, but for those above that size, and that only constitutes about 9 or 10 percent of the permittees that control 60 percent, 60 percent of the forage, 60 percent of the forage or the AUM's are controlled by that group.

In numbers we can look at that. With the 28,000, we realize that we are only talking about less than 3,000 of those and these are the corporate cowboys. Many times in a competitive marketplace it can be argued that family ranchers who are struggling ought to benefit. I think that argument can be made. But under this bill the way it is structured, the same benefits go to giant corporations, to oil companies, to insurance corporations who run operations five times the size of family farm ranches and pay the same low subsidized rate.

Mr. Chairman, this is not fair to the family ranchers or the American taxpayer. This Vento amendment will make these corporate cowboys pay their fair share. The megaoperators, those with the 2,000-plus animal unit months or cow-calf groups, will pay either the State permit fee which is charged in the various States, and we are comparing apples and apples because we are talking about AUM's. So no matter what the other services, we are talking about the animal unit months. They pay that fee that is paid in that State.

Mr. Chairman, I would say that many times the Federal lands only comprise about 10 percent in the case of California, 30 percent in some other States that are public lands States. And they would either pay that rate or 25 percent above the subsidized rate that goes to these family farmers.

These corporate cowboys are hiding behind, as I said, the sod of that revered cowboy and those ranch families. I think that we ought to strip that away and actually cause them to pay a little more. They would still get a subsidized rate, but not as great.

My amendment preserves the fee formula for the small and middle operation ranchers and families. For large scale livestock operators the days of taxpayer subsidized grazing would be over. These large operators comprise less than 10 percent of the permittees, but control over 60 percent of the forage.

Mr. Chairman, the abuses of the Federal grazing program are numerous, but there are a few notorious examples. One is a Japanese company, a foreign company, operating in Montana, raising over 6,000 cows for the purpose of selling specialized beef for a foreign market. In reading articles about this, Mr. Chairman, it was pointed out that they will be willing to pay a higher fee, these Japanese operated companies; they would not object to paying that higher fee.

A national oil company grazed over 10,000 cows on Federal rangelands in 1990, and a national life insurance company grazed over 12,000 cows on Federal lands in 1990.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, by passing the Vento amendment, we can still guarantee equitable treatment for small ranchers and taxpayers who it is estimated pay as much as $400 million a year to continue the total Federal grazing program. The numbers that we see, of course, come in at about $60 million or $70 million to manage the program, and the receipts are somewhere less than $25 million, even under this bill. So it is a three-to-one ratio, according to the BLM and the Forest Service.

A vote for the Vento amendment will take the corporate cowboys off the grazing haywagon, off the taxpayers' back, and put some real reform into this forage bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this whole question of fees is always controversial and charges are made back and forth, and I maintain that this fee is not a subsidy to anybody. The livestock industry in this country has never asked this Congress or the American people for one dime and I doubt if they ever will.

However, we do plan a new formula, and I oppose the Vento amendment because it destroys the idea that this formula will be in place and people can be confident in it.

The formula, by the way, was developed by a professor at New Mexico State University, and it changes the manner in which we measure the amount of money that the Federal Government should receive from an asset, a capital asset, like its lands.

The way it is done, and I think very effectively, is to measure the production of an animal on public lands. The way that is done is to determine the value of production of a cow, calf, a bull, and replacement heifers, which by the way is published every year by the Agricultural Economic Program. The value then is divided by the 6-month Treasury note.

The 6-month Treasury note is a measurement in the United States as to how much and at what cost the Federal Government would pay for money. We use the 6-month because it is the highest of most of the Treasury bills.

Mr. Chairman, we then apply this formula over a 12-year period so we take the hills and valleys out of the production of animals on public lands and the hills and valleys out of the 6-month Treasury note.

Therefore, this capital asset now is treated like every other asset of the United States. It is treated like every other capital asset that it returns to the Treasury, the equivalent of a 6-month Treasury bill.

That is the formula that we are trying to place. The result of that formula will require an additional $6 million of money from those people who graze on public lands. That will increase the AUM cost from currently $1.35 per animal unit month to $1.84 per animal unit month. And that, then, of course, that fee will be adjusted each year according to the figures amassed.

It is a simple way to place the formula. It is a fair return to the Government, and I want to ask the people in this room, and those listening, how many industries in America would come to the Congress and ask for a 36-percent increase in their cost of doing business? The livestock industry is doing that.

AMENDMENT OFFERED BY MR. KLUG TO THE AMENDMENT OFFERED BY MR. VENTO

Mr. KLUG. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG to the amendment offered by Mr. VENTO:

Insert at the end of the amendment the following new amendments:

Strike line 25 on page 35 and all that follows through line 15 on page 36, and insert the following:

(a) BASIC FEE.—The basic fee for each animal unit month in a grazing fee year shall be equal to the rate charged for grazing on State lands in the State in which the Federal lands covered by the grazing permit or lease are located.

Page 37, beginning on line 22, strike subsection (d).

Mr. KLUG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KLUG. Mr. Chairman, we are going to pick up on the argument that just went on between the gentleman from Oregon [Mr. SMITH] and the gentleman from Minnesota [Mr. VENTO], and that is whether there is a subsidy involved to Western ranchers.

Let me point out that in a 1991 General Accounting Office report done on the subject, quote, and this is talking about the grazing program, "It does not achieve an objective of recovering reasonable program costs because it does not produce a fee that covers the Government's cost to manage the grazing program."

In other words, Mr. Chairman, it costs us a lot more money to run this program than we take in because of it. And I would argue that on the face of it, Mr. Chairman, that that therefore represents a subsidy.

I can remember when I was a freshman in Congress, about the time that the GAO report was done, when the Government Operations Subcommittee I was involved in took a look at ski programs across the United States and looked at the amount of money the Federal Government got where it leased lands to ski companies versus the amount of money that State governments got where it leased land to ski companies. Consistently across the board we negotiated poorer deals than the States did on land that was adjacent to one another. The same kind of ski lifts, the same kind of companies. We got shortchanged.

Mr. Chairman, this amendment today simply piggybacks off the apparent ability of States to do a better job negotiating than we can by saying that we are going to tie Federal fees to State fees.

Now, what the gentleman from Oregon [Mr. SMITH] wants to accomplish and what the cattle industry wants to accomplish is certainty. I understand that because it is tough to do business when prices go up and prices go down, when costs go up and costs go down.

Frankly, it is the kind of problem, Mr. Chairman, that my dairy farmers in Wisconsin have. They are not sure from month to month what production costs are going to be.

In this case we will do two things. We will deliver certainty because they already know what the fees are that are established at the State level, and we will return a higher value to U.S. taxpayers.

Mr. Chairman, again I hate to keep beating the same drum over and over. It costs us $42 million to run this program. We now collect $5.5 million. And under the best scenario under the language offered by the gentleman from Oregon [Mr. SMITH], we will collect only $2 million more, which means we are still losing $35 million on the deal.

Mr. Chairman, if instead we substitute language which says we are going to charge the State fees, we make more money. For example, under the bill we are debating right now the current fee that will be established will be $1.60. The lowest State fee is Arizona, which is $2.18. Remember, this Federal legislation now says $1.60, which is only a slight increase.

Mr. Chairman, in the State of Nebraska it is more than $22. If we sum those all up across all the places where grazing is allowed on BLM land or State land, the Congressional Budget Office says that gross revenues under this formula would increase $30 million annually; $24 million would be the Treasury's net revenues.

We do not completely break even and a number of my colleagues from the West would make the argument that the one reason we can never break even on BLM land, just like on Forest Service land, is because those operations are run so much more inefficiently than they are run in the private sector. I would grant that that is true.

But I would also suggest that while I may not have a dog in this fight from Wisconsin, I do have a dollar invested in this fight and every single one of my taxpayers does, and it makes a lot more sense to me that rather than making $7.5 million on the program, we make $30 million on the program, which means we still do not break even but we get a lot closer to our goal.

The Federal Land Policy Management Act mandates a reasonable return on the dollar for Federal taxpayers. Now, we have managed to accomplish that in the oil industry and the coal industry and the gas industry, but we have not done it in grazing.

Mr. Chairman, let me also point out a couple of other dynamics in the industry. Ninty-eight percent of cattlemen in this country and 97 percent of sheep farmers in this country do not have access to Federal land. They can still stay in the business regardless of when these fees are. And of the 23,000 permit holders, the gentleman from Minnesota is absolutely right, there are some extraordinarily egregious cases. There are three Forbes billionaires who get subsidies from the Federal Government in order to graze on federally owned land. There are four oil and mining companies, and there is, intriguingly, one brewery which also gets subsidies as a result of this.

The bottom line, Mr. Chairman, is we need to return a fair price to the U.S. taxpayer. Obviously, the cattle industry and the sheep industry manage to flourish and prosper on State lands all across the West. I am convinced they will continue to flourish because they will have new certainty on Federal lands in the West. But I can also tell my colleagues that it is time we ask them to pay a fair price for the services we provide.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, both of these amendments, the amendment offered by the gentleman from Minnesota [Mr. VENTO] and the amendment offered by the gentleman from Wisconsin [Mr. KLUG] make an awful lot of sense.

Clearly this legislation in the last half-hour has been improved by the amendments offered by the gentleman from Texas [Mr. STENHOLM]. But now we are down to the crux of the program, which is whether or not the taxpayers of this country are entitled to have the costs of this program covered by those who benefit from it.

□ 1245

The problem we have in the existing program is that, in effect, the benefits or the formula, the new formula offered in this legislation is simply arbitrary. It does not reflect what the real cost of doing business is or what the real potential for profit is or the qualities of the lands, which are related to those across the Federal grazing program. The fact of the matter is, as pointed out by the gentleman from Wisconsin [Mr. KLUG], it appears that the States for comparable lands are able to much better negotiate with the ranchers, with the grazers on the basis of the value of those lands. Those are the people who are competing right alongside of the people who have Federal allotments that have a much lower cost in terms of the AUM for those lands.

When the Federal grazer goes to sell their cattle, they do not sell it at a lower price because they had a lower price of production. They all go to the same auction. They all go to the same purchaser, to the slaughterhouse, however the purchaser is decided, and a price is published or bid and they do not ask whether you are a Federal cow, a State cow, or a private sector cow. And therefore, what we see is a subsidy that flows to the Federal cow, the Federal grazer, in this case, as opposed to that which goes to the person farming or grazing on private sector land and/or grazing on State lands that are in the same area, same vicinity and comparable for that production.

This has historically been a problem in the West. It certainly happens in my State of California where we have Federal water and we have State water. Federal water or State water will grow tomatoes; one is a Federal tomato and one is a State tomato. But when you go to Hunt Foods or Libby-McNeil, they do not ask if you are a Federal tomato or a State tomato. They say, this is what we are paying per ton of tomatoes. There is, in fact, a subsidy.

I think that for the moment, just as we had to finally make a decision that we were going to let the States start collecting royalties on some oil and gas because they were more efficient than the Federal Government, I think here we ought to think about and the gentleman from Wisconsin [Mr. KLUG] suggests we should be pegging the Federal return to the taxpayer based upon what the States charge because they seem to be much more efficient in getting that return to their taxpayers for this land.

Again, the formula that is presented by the gentleman from Oregon [Mr. SMITH] does not take into account the differences in the quality of the land, the land in Nebraska, the land in Colorado or up in the northern corner of California or the land in Arizona. Some cows eat creosote and have to go 40 miles an hour just to stay alive. Other cows are standing around in high clover. And there is no distinction. But there is a distinction when we get to the State leasing of these lands.

I think this is a fair, nonprejudicial way to allocate these resources. As the gentleman from Wisconsin [Mr. KLUG] points out, even this will not recover to us the full cost of doing business. But we can work on that. We can continue to work on the efficiencies and the costs of this program by the agencies that are running it.

First of all, we have got to stop the hemorrhaging of subsidies that flow out of this program and deprive the taxpayer of that return. This Congress over the last several years, in efforts to balance the budget, has assessed fees on multiple users, even in the granddaddies of all the water projects out in California. We now every year update the cost of doing business. We charge more and more as the cost goes up. No longer do we just pass that on to the taxpayer and those irrigators have to absorb that.

That is a decision we made a number of years ago, 3 or 4 years ago, as we decided to try and reduce this Federal deficit. We should be doing the same with respect to the Federal grazing program and, with the inclusion of this amendment, we have a very substantially improved bill beyond those improvements provided by the Stenholm amendment and the recent changes by the chairman of the committee. Without it, without this amendment or the Vento amendment, this is clearly a seriously flawed program with respect to the interest of the national taxpayers.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I totally agree with the gentleman from California's statement that says when a rancher brings a calf to the market, the market does not differentiate whether it is grazed on State land, Federal land or private land. As I stated during the earlier debate, the general debate, if I were convinced that this was a subsidy for Western ranchers that accrued an unfavorable advantage to them over my Texas constituency, I would not be standing here today arguing, as I am, because it would be rather foolish politically or economically.

I have spent years trying to ascertain what a fair grazing rate is. I have listened to those that make the argument today on behalf of the taxpayer that it should be much, much higher. But then I have also spent the time analyzing that many times those who have not taken all of that time really are trying to compare apples and oranges. Because as I stated before, there are other costs of a rancher doing business on Federal lands that do not accrue to a private owner. For example, the owner of the land usually furnishes the fences and fencing is a very, very expensive endeavor. I rise in opposition to the Klug amendment.

I come at it, and I do not question sincerity of the gentleman from Wisconsin [Mr. KLUG] at all. He believes there is a subsidy. I believe there is not. I believe the facts are on my side. This is for colleagues to make that determination.

One of the things that I do in the base bill, the Vento amendment, though, the 2,000 animal unit divided by 12 months, that is 167 cows per year. Now, there are very few if any real working ranchers that can survive on this low threshold of gross receipts. So the intent of the amendment that is being amended is one of which I really ask our colleagues to take a look at it, because it displays a lack of true knowledge of the cattle industry today.

Also in the Klug amendment, having these grazing fees based upon State land rates, I think, would be an administrative nightmare. If we think the Tax Code is complex, currently let us take a look at the administrative cost. Imagine, two Federal agencies trying to implement a minimum of 11 different fee structures depending on location. I know the intent is good. At first blemish, it makes some sense. But then when you get down to the administrative cost, I find it interesting that some of the objections are dealing with the cost already of the BLM and the Forest Service in administering the program.

If we go back and study the reams of studies and papers that have gone into this, it gets into what we all commonly call an accounting gimmick, how we allocate costs. We have a BLM and we have a Forest Service in order to manage Federal lands, one use of which is grazing. But there are other uses. Wildlife, public use and the rancher only gets the use of the grazing and in return he puts an investment back into that land and it is a considerable amount of investment that they have to put into Federal land.

So I think when we look at the administrative nightmare of the Klug amendment, charging different State-based fees is going to be unfair, unless we come at the conclusion that somehow these Western ranchers are receiving a subsidy. I do not believe that the facts will bear that out. I encourage opposition to both the Klug and the Vento amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the gentleman pointed out in my underlying amendment that 2,000 was not enough, 2,000 AUM's was not enough for a family ranch to make a living. I would point out that 91 percent of the permittees have less than 2,000 AUM's so 91 percent of them cannot be wrong, can they? Does the gentleman want to tell them that they should not be in business? Is that the point?

Mr. STENHOLM. Mr. Chairman, no, that is not the point that I was making in the debate. What I am saying, when we start picking arbitrary numbers, we begin to get into all kinds of problems with the industry which we are discussing today. That is my only point.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, my point is that I am trying to differentiate in terms of a family ranch in terms of, the gentleman disagrees and we disagree about the subsidy. That is fine. But in terms of the fact that they are in fact in business and furthermore, of course, on the gentleman's time, I would point out that this formula in the bill is completely arbitrary.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, the formula is completely arbitrary in terms of what the costs are with regard to BLM. It looks at what the revenue is raised by beef over a 12-year average and then what the 12-year average is for a 6-month T bill and then multiplies it out and says that is our return.

But that does not have anything to do with what the cost is to the BLM or to the management side of this at all.

Mr. STENHOLM. Mr. Chairman, I do not disagree with that. My concern or my opposition to what the gentleman, both gentlemen are attempting to do, lies in the fact that nearly 50 percent of Western lands are owned by the Federal Government. Fully 50 percent of the Nation's marketable lands, 20 percent of the calves go to feed lots or are raised in Western public States. My concern is that we do not disrupt normal marketing arrangements, normal business practices in something as significant to the cattle industry as these areas are.

If I were convinced, as the gentleman is convinced, and the gentleman from Wisconsin [Mr. KLUG] is convinced and others are convinced, that there is an unfair subsidy, I would not be standing here arguing that. I am of the opinion there is not an unfair subsidy. I disagree with those that have come to different conclusions. That is my concern and why I am participating in opposing the gentleman's amendment and the Klug amendment.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I will accept the premise that we could disagree on whether there is a subsidy involved here or not. But if I can, let me respectfully disagree on what essentially is simpler for the Federal Government to administer.

Here is what happens. We find out what the State rate is, and on Federal lands in those States the Federal Government charges it, versus this share is equal, this is the committee report language, the share is equal to the average rate of return on 6-month Treasury bills. The averages are calculated over a 12-year period corresponding to the normal cattle market cycle, thus stabilizing prospective annual rates of change in the calculated grazing fee.

You are essentially setting up a very convoluted formula that is based on a rolling price of beef which has nothing to do with the costs of running the program on Federal lands.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has again expired.

(On request of Mr. KLUG, and by unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. KLUG. Mr. Chairman, if the gentleman will continue to yield, he may have a lot of objections to the amendment, but I think simplicity simply says we charge on the Federal lands what we charge on the State lands. We do not have to have a program that is going to put us through all kinds of calculated relationships based on beef prices in the future, beef prices in the past and T bill prices 12 years ago. For simplicity's sake and for administrative costs, I think it is simpler to charge on Federal lands what we charge on the State land, period, and here is the bill.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I would point out to our colleagues that the State fees that we are discussing are set based on the Federal charges and are as tainted by the current law that we are implementing. So therefore it is not nearly as simple because we are talking about changing something of which we are already basing on the Federal structure.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Klug amendment. I believe the changes made to the grazing fee formula in this bill will not really change things at all.

Under this bill the Federal Government will still be using the taxpayers' hard-earned money to subsidize grazing for giant companies who do not need a government handout. This is corporate welfare and it is just plain wrong.

It cost the Federal Government, which means the taxpayers an average of nearly $6 per animal unit month just to administer the grazing program. The Government currently charges a grazing fee at the rock-bottom price of $1.35 per AUM. And if the Government had utilized the new formula proposed in this bill for this grazing year, that fee would have increased to only $1.84 per AUM. That is far short of the $5.81 per AUM it costs the taxpayers to run this program.

Even worse, the Congressional Budget Office estimates that this new formula would increase grazing fees an average of only 20 cents per AUM during the next 4 years. This is not change, and it is not fair to the American taxpayers.

Who benefits most from the grazing program? A small number of large-scale ranchers who comprise less than 10 percent of these holding grazing permits, but yet they control more than 60 percent of the land.

To help this, to help end this Government handout, my good friend from Wisconsin has offered an amendment that would make Federal grazing fees comparable to those charged by the State. State grazing fees are consistently higher than Federal grazing fees and closer to the rates charged by the private sector. As a result, the Klug amendment would allow the Government to generate an additional $30 million a year in revenues to help offset the cost of administering this program.

□ 1300

This is a step in the right direction. I do not think anyone can argue with the fact that the Government's grazing policies need to be reformed. There does need to be more uniformity in how Federal agencies administer grazing programs on public land. But if we are really to reform the program, we should not be leaving grazing fees essentially unchanged.

This Congress has made significant progress toward reducing waste and spending money more wisely. But the new grazing fee formula contained in this bill misses the mark.

I urge my colleagues to support the Klug amendment. A vote for this amendment will show America that Congress has committed to taking a big bite out of corporate welfare, not the taxpayers' wallets.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to again look at this question of fees with respect to State lands and with respect to the Vento amendment. First of all, I chased the tail of that baby for a while. In fact, I offered at one time to the livestock industry an opportunity to hold harmless the Federal Government in the management of its grazing practices, which would have meant that the fee would be determined by the cost of managing the grazing program on the Department of the Interior and Forest Service lands. I withdrew that effort simply because I would never catch up.

Now, anybody who thinks that the Federal Government is an efficient operator would please step forward. I see none. The point is that if they load up the cost, as they have in the Department of the Interior and the Forest Service, if they load up the cost in managing the fee, they can argue they will never have a fee that will compensate for the cost of the Government doing business.

Therefore, we come now to the question of what is proper and what is a fair return to the Government? I insist that this new formula is much fairer and returns an additional $6 million to the Treasury for the purposes of grazers grazing public lands. The State land idea is wrong. We are comparing apples and oranges here. The State lands in every State are in much better condition and much higher quality than the Federal lands. They are, in many cases, pulled together in an operating unit so that there is less cost of operating from State lands. We cannot compare State lands and Federal lands in the same breath, and we should not have a fee on the State lands the same as Federal lands.

The question is many times argued about private lands here. And I ask, where is the subsidy? And I submit to my colleagues, there are four studies that I have outlined here on the board within the last 5 years that indicate that it costs more to do business on public lands if you have a public grazing permit than it does on private lands.

I would much prefer and any livestock person would much prefer to spend $10 on AUM in a good private pasture than I would a $1.84 in the rocks and the brush. Why? Because you get a fully equipped department with the private land. Many times the management, we get the water provided, we get the fences provided, and it costs much less money.

And then you say, why, then, do not people who graze on public lands rent private pasture? Simply is, it is not available. The answer is, it is not available. Ninety percent of the lands owned by the Federal Government in the State of Nevada, 50 percent in the State of Oregon, go down the line, there is not the availability of private land or that is where we would be. I would much prefer to turn my cattle out in Virginia at $10 or $15 in AUM than to graze them in my part of the State of Oregon, where you are right, we do have problems, the cows need wheels to go from water hole to water hole. So this idea that we are comparing State and private pasture to the public lands by the Federal Government is a dead wrong idea.

Now, the fair share is this. And let us again address the corporate demons. These people are talking about 8, 8 permittees out of 23,000. And when they say that great corporate pork, well, there are eight of them. But 23,000 families are out there depending on us and depending upon a fair bill. Let us keep them paying their bills. Let us keep them on the public lands. And for goodness sake, let us get a fair return by turning down the Klug amendment and the Vento amendment and adopting this very fair new proposal and program, which returns an additional amount of money to the Treasury.

Mr. VENTO. Mr. Chairman, I rise in support of the Klug amendment.

Mr. Chairman, this amendment looks familiar. It is one I offered in full committee when we marked up the bill. And fundamentally I support what the gentleman from Wisconsin [Mr. KLUG] is doing. I think if we cannot do this, it would be good to do what I am proposing at least. But this is a better amendment, frankly, in terms of trying to deal with the cost of grazing on our public lands.

As has been pointed out by the gentleman from Florida [Mr. MILLER] and the gentleman from California [Mr. MILLER], we have got the Millers agreeing, and the gentleman from Wisconsin [Mr. KLUG], the fact is that we spend nearly $6 an AUM and receive under this bill, under CBO's suggestion, that over the next 5 years it will be about 20 cents, in fact, 20 cents more than what the fee is, $1.55 per AUM. But if we had had this fee in effect over the last 20 years, in 15 of those years we would have gotten less back per AUM, according to the Congressional Budget Office and there is no base fee or floor in the formula so it could sink very low.

So, in fact, if we took this formula, this is not an improvement in a formula, this is a change without benefit in terms of what it does and in fact may lower the AUM fee on public lands. It certainly continues the existing type of below-market type of fees in the West. And the fact is, as the gentleman from Wisconsin [Mr. KLUG] is pointing out, that many of these States have similar lands, and, of course, such States are charging on the basis of an animal unit month, the amount of forage that it takes to raise an animal, calf-cow combination, for 1 month, the same measurement and definition in this bill.

So we are comparing apples and apples. The bill's proponents can go through all the machinations that they want, those who are advocates for this, but we are comparing the exact type of value that is being conveyed by the State and Federal AUM. No one has demonstrated that it is any different. I think it is ridiculous in some cases to raise cows and to put land to this particular use when, in fact, it takes 2,000, 3,000, 3,700 acres to raise a cow. Those cows do end up with more miles than your old Chevrolet. But the fact is that is what ranchers chose to do. And the fact is that the way this formula works, it gives them that AUM for $1.55 a month according to CBO under this new formula.

As I said, in the last 20 years, 15 of the years they would have got lower fees. This proposal that the gentleman from Wisconsin [Mr. KLUG] has made that I proposed gives you some options. It says, let us try to get closer to what the cost of management of the program is.

The fact is that the formula of this bill is a completely arbitrary formula. It suggests, if you have the cows out there, this is the price of beef. Then the Federal Government is entitled to whatever the average beef price is for 12 years, a 6-month T-bill rate for 12 years. So it just returns a certain amount of money to us. The fact is it costs us three times that amount to run the program, three times that amount just to manage the 28,000 grazing permittees.

We can argue the Federal Government is inefficient, but the fact is that this type of discrepancy, the answer is not to continue to charge below-market prices. We need the resources so that we can, in fact, run the programs in an efficient and effective way. But the land managers are being denied that today.

In fact, if we look at the dollars spent in terms of the BLM programs, we find that they have not substantially increased for this purpose and that I think, frankly, those public land managers do a pretty good job considering the limited resource in the area that they have. We are talking of over 250 million acres of Federal land that are given over to this particular purpose.

The Klug amendment will say that a State land, State-leased allotment right along the side of a Federal allotment would be paying, in essence, the same. In other words, when they go to market, there is no difference. And we are talking about animal unit months, the amount of forage. So the parity here is nearly absolute, as absolute as lands can be. But we look specifically at the lands to see what their productive capacity is. That is what is involved in terms of this management.

As for complexity, there is no complexity. Those that were shaming the gentleman from Wisconsin [Mr. KLUG] for complexity here have not really looked at the complexity in this entire program in terms of measuring AUM's and the ephemeral nature of some of these areas and the weather and seasonal changes. There is a lot of management responsibility that is conveyed to the BLM in terms of managing these lands properly.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to say again the suggestion that somehow the State grazing fees only apply to superior land is just a misnomer.

The fact is, in Arizona, in California, in Colorado, the State lands very often are right next to the Federal lands. They are carved out of the same lands. They were put there in an arbitrary fashion. And the quality is very much the same. But in Arizona are we going to pay $2.18, and under this formula we are going to pay $1.55? In California, we are going to pay $500 a year minimum. Under this we do not know what we are going to pay. In Colorado, we pay $6.50 to $7.17. And under this we pay $1.55.

The point is this: It is sort of like new math. Joe and Moe are both ranchers. Joe farms on Federal land, and Moe farms on State land. Joe and Moe send their cows to market. They get the same price. Joe on Federal land gets more money back than Moe on State land. What is that called? That is called a subsidy. We have to end it right now.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, I think the Klug amendment is an improved amendment to mine. I would urge the Members to vote for it and then to vote my amendment up, as amended, or as it is. It gives us some options in terms of looking at family and ranchers. And I think that ultimately the end result is that when you subsidize and create this kind of dependency with these types of reduced or suppressed prices, that do not reflect what the costs are to the Government, we call it a subsidy.

I think we ought to stop the subsidy for all. If we cannot do it for all, we ought to at least do it for the 9 percent of the permittees, the corporate cowboys, that control 63 percent of the forage, 63 percent of the forage by 9 percent, and try to retain it then for the family ranchers that some may feel deserve a subsidy. Frankly, I have my view on that. But I would hope we can support the Klug amendment. But if we cannot, at least let us cut it out for the corporate cowboys.

Mr. Chairman, the Klug amendment only addresses the fee issue because that is the only thing Congress needs to address at this time. The current grazing fee is $1.35. Mr. Smith's bill would raise that by 20 cents.

This amendment would set the Federal grazing fee at the level each State charges for grazing on State lands. Every Western State charges more than the Federal Government, with several charging six times as much. Many of these State lands are of the same character as the Federal lands and the services provided are similar or identical.

The amendment is consistent and equitable, certainly more so than the fee formula contained in H.R. 2493. The bill's fee formula Members may recall is similar but even more egregious than the one that some Members tried to get enacted in the 104th Congress. It is a formula that is not based on fair market value or sound scientific principles. Terms are imprecise and confusing. Perhaps the proponents of the bill could explain exactly how they arrived at a formula that provides that the grazing fee shall equal the 12-year average of the total gross value of production for beef cattle for the 12 years preceding the grazing fee year, multiplied by the 12-year average of the U.S. Treasury securities 6-month bill "new issue" rate, divided by 12.

More importantly, the bill's fee formula is flawed in its application. If the formula had been in place the past 20 years, the grazing fee would have been less than the flawed PRIA formula fee for 15 of those years. Under the bill, ranchers would pay less in fees than they did in 1980.

Public land ranchers presently pay from 4 to 7 times less than ranchers who graze cows on private and State lands. The free market is allowed to work on private lands, yet on public lands a confusing Federal formula keeps public land grazing fees artificially low. The result? Public land ranchers, who produce just 2 percent of the beef consumed in the United States, have a decided economic advantage over ranchers who use private or State lands.

I am not aware of ranchers packing it up based on the grazing fees States charge. This amendment is a simple, direct way to address the grazing fee issue and I urge its adoption.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Ranching on lands that are managed by the Federal Government is very different than ranching on lands that are managed by the State government. In fact, I would like to remind the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] that, indeed, ranching on State land, you deal with primarily one agency. When we are ranching on Federal lands, we are dealing with the U.S. Army Corps of Engineers, the Forest Service, the Bureau of Land Management, the National Marine Fisheries Service, the Fish and Wildlife Service, the Department of Energy, Parks from time to time, and now the tribes have more say in the governing of public lands. It goes on and on and on.

The fact is is that ranchers are responsible for their own fences on public lands, watering, seeding, keeping up wildlife, improvement of wildlife ponds, keeping track of all the livestock when there are visitors on the land, recreationists who leave gates open, keeping track of what people are doing on the allotment. It is a whole different ball game.

This is a very thoughtful formula. And, in fact, people like me, who represent people from the West, as does the gentleman from Oregon [Mr. SMITH], I personally feel like the good chairman has been far too generous with the Federal Government. But this is what we have agreed to. And I appreciate his concern. But a 36-percent increase in the animal-unit per month for every single animal? That is a huge cost of doing business.

Let me tell my colleagues some of the other things that are different about managing on Federal lands and grazing on Federal lands instead of State lands. Let me give my colleagues an example.

In Idaho, and some of the Western States, we understand that sagebrush competes with grass. Out there on the arid western lands, this is 20-mile-an-hour cow country, at best. A cow has to graze at 20 miles an hour all day long just to get enough to eat. Now we have our Federal land managers out there planting more sagebrush, which competes with the grasslands.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am sorry to interrupt the thought of the gentlewoman from Idaho [Mrs. CHENOWETH], but at this moment she just brought to mind the reality that just a few years ago we had a serious debate on this floor regarding desert lands in the West and some people were suggesting that maybe those lands would not be bad for grazing. There was an amendment on the floor which opposed grazing, which eventually passed.

The same two gentlemen on the other side of the aisle, the gentleman from California [Mr. MILLER] and the gentleman from Minnesota [Mr. VENTO] strongly opposed the grazing on that land, when it was obvious that not only would it be difficult land for grazing in terms of 20-mile-an-hour grazing, nonetheless, logical use of that land. It was imposed by exactly the same people, who, from what I can tell, want no grazing anywhere, and especially they are ready and willing to hurt the small farmer who is hurt most by the adjustments they are discussing here.

□ 1315

Mrs. CHENOWETH. I thank the gentleman from California. I do want to say that with this fee increase, we really will be succeeding in running our cattlemen off the land. We have got to remember, this is the part of America's heritage and culture they write songs about, they copy their styles of dress back here in the East, they run their same kind of rigs back here, they make movies about them, they sing songs about them, and yet this body is willing to cut that part of America's heritage and culture loose. I say no. America is great because America is different. We are different than Madison, WI, or in Mr. VENTO's district in St. Paul. It is very, very beautiful, but even the gentleman from Minnesota said these public lands are different. They are arid. He understands that. Why is that debate different now than it was then?

Mr. HILL. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Montana.

Mr. HILL. I thank the gentlewoman for yielding. I am sure the gentlewoman is aware of the fact that there was a study in Montana, as a matter of fact, on this very subject, about the difference between State lands and Federal lands and management. One of the things that this study looked at is why is it that State lands are more productive and why is it that State lands cost less to administer than the Federal lands. They found that the State of Montana did a better job of managing its lands for lower cost. In addition to that, the lands were more productive because the objective of the management of State lands in Montana was to maximize the economic return. That is not, as I think the gentlewoman knows, the objective of management to Federal lands. It also discovered that the State provided fencing, it provided water, it provided a lot of additional amenities that the Federal Government does not provide.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chair, my colleague from Iowa who is presiding over the debate this afternoon, and I thank my colleagues from the West under the leadership of the chairman of the Committee on Agriculture, my good friend from Oregon. I appreciate the spirit of the overall legislation. I rise in strong support of that, but take issue quite frankly with the amendments offered by my colleagues from Minnesota and Wisconsin.

It is important to remember a couple of things when we talk about so-called public lands, Mr. Chairman. Public lands are not public parks. They are not public libraries. They are not public museums. Indeed, Mr. Chairman, a better definition is federally controlled land. Indeed, I would direct the attention of all my colleagues, Mr. Chairman, to Gila County, AZ, where less than 5 percent of the land in that county is owned by any private entity.

I listened with great interest to my colleague from California talk about the State of Arizona, the youngest of the 48 contiguous States, admitted to this Union on Valentine's Day, 1912. Something to remember is that one of the conditions for statehood was that Arizona had to surrender vast amounts of its territorial lands to the Federal Government as a condition for statehood. When we talk about the territorial lands, the lands surrendered to the Federal Government, we are talking about the most choice land. Indeed, if I had a dispute with my colleague on the other side from California, as he tried to lump together Arizona and other States in dealing with this and the appeal I would make to my colleague from Wisconsin, is that we are not talking about the same land. We are not saying that it is the same property, even if it is property adjacent, because the Federal Government had the right to select the acreage that it took from the territory that became the State. And it changed the whole situation there.

So indeed my colleague from Oregon is quite correct. When the Federal Government was given the pick of the land, there is a fundamental difference in that property. But I would also appeal to those in think tanks who love to talk about socialist cowboys or to those who would claim that somehow these are evil subsidies or corporate welfare, remember the history, Mr. Chairman. Do you not believe that if the ranchers of the West had the opportunity to buy private property as exists east of the Mississippi River, that they would gladly surrender the current situation for a portion of land?

Mr. Chairman, knowing that sadly sometimes policy debates are displaced by political consideration and a deliberate misunderstanding of what I am saying, let me be very clear on this point. I am not asking that all federally controlled land be put up for sale. I am not saying that. But I am saying that with the vast amount of land owned by the Federal Government, you better believe that ranchers and farmers would love to have the opportunity to have that land in private ownership. And we are forced into this situation because of the history of our Nation, because of the fact that the Federal Government insisted in territories like Arizona that became States that a majority of that land, or a significant portion of that land, be under the control of the Federal Government.

That brings us here to this debate today. That is why we need to reject the proposed amendments and embrace the overall legislation brought to the floor by my colleague from Oregon, because we have worked to fashion a reasonable compromise. Indeed, the gentlewoman from Idaho had it right when not everything in the legislation is exactly to the liking of our constituents. But we have hammered out in the spirit of compromise to go the second mile with those east of the Mississippi River who are suburbanites, with those who believe that they can capture the issue and so misframe it as to perpetuate the myth that those who make their livings off the land are not good stewards of the land. Quite the contrary is true, Mr. Chairman. And because of conditions that exist today, because of the presence of the Federal Government, because of the history of the settlement of the West and the long and rocky road to statehood for many of the territories west of the Mississippi River, we are brought to this situation here today.

For all those who talk about subsidies, for all those who call this a form of corporate welfare, Mr. Chairman, they are dead wrong. Support the underlying legislation. Reject the proposed amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] to the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the underlying amendment offered by the gentleman from Minnesota [Mr. VENTO] without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 8, as follows:

[Roll No. 546]

AYES—205

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Berman
Bilirakis
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Conyers
Cook
Costello
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dickey
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gephardt
Gilman
Goss
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Hooley
Horn
Hoyer
Inglis
Jackson (IL)
Jefferson
Johnson (CT)
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Neumann
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Porter
Portman
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—219

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Condit
Cooksey
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fazio
Foley
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette

Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Royce
Ryun
Salmon
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Deutsch
Gonzalez
Jackson-Lee (TX)
Moakley
Schiff
Weldon (FL)
Weldon (PA)

☐ 1344

Messrs. RIGGS, CRANE, ADERHOLT and SKAGGS and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. WEXLER, DAVIS of Florida, COX of California and ANDREWS and Ms. MCKINNEY changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, on rollcall vote 546, the Klug amendment to H.R. 2493, I was unavoidably detained in meetings. Had I been present, I would have voted "aye."

☐ 1345

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce this vote to not less than 5 minutes.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 12, as follows:

[Roll No. 547]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Bilirakis
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gephardt
Gillmor
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Hooley
Horn
Hoyer
Inglis
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Porter
Portman
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schumer
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—212

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fazio
Foley
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono
Cubin
Danner
Deal
Deutsch
Gonzalez
Granger
Jackson-Lee (TX)
Schiff
Scott
Weldon (FL)
Weldon (PA)

☐ 1353

Mr. SMITH of Michigan changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, on rollcall vote 547 to H.R. 2493, I was unavoidably detained in meetings. Had I been present, I would have voted "aye."

PARLIAMENTARY INQUIRY

Mr. DELAY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DELAY. Mr. Chairman, I have a parliamentary inquiry in asking how long we hold the votes open, again.

The CHAIRMAN. This was a 5-minute vote. Five minutes is the minimum length of time that this vote was supposed to be held open.

Mr. DELAY. In order to accommodate Members' schedules, should Members try to make the votes as quickly as possible?

The CHAIRMAN. The Speaker has made various statements on many occasions regarding this policy. I think Members are well aware of the policy.

AMENDMENT NO. 13 OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer amendment No. 13 as printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MILLER of California:

In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) FEE FOR FOREIGN-OWNED OR CONTROLLED GRAZING PERMITS OR LEASES.—In the case of a grazing permit or lease held or otherwise controlled in whole or in part by a foreign corporation or a foreign individual, the fee shall be equal to the higher of the following:

(A) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located:

(B) The average grazing fee (weighted by animal unit months) charged for grazing on private lands in the State in which the lands covered by the grazing permit or lease are located.

Mr. MILLER of California. Mr. Chairman, as Members are now aware, we have just experienced two very close votes on whether or not the Federal Government ought to continue to subsidize grazing on Federal lands that are owned by the public, and continue that subsidy in a completely arbitrary fashion.

The question in the two previous amendments, first of all, was whether or not the Federal land grazers ought to pay at least those prices that are charged for rental of that land and the grazing of that land that the States charged for comparable lands within their borders, and in a very, very narrow margin, apparently the House decided that was not the case.

In the second amendment, the decision was whether or not, if we are going to subsidize these people in an arbitrary fashion to the tune of some $30 million a year that this program loses, should we subsidize also some of the largest corporations in this country, and should we also subsidize some the richest people in this country.

On a much narrower vote the decision was somehow, unbelievably so, that yes, we could continue to pour taxpayer dollars to the richest corporations and the richest individuals. I do not think that is how we got to a reduced deficit, but somehow we are going to continue it.

In this amendment, Mr. Chairman, the question is this for us: Do we think we ought to continue to pour Federal subsidies to those corporations that are foreign-owned, to those corporations that are grazing on Federal lands but are foreign-owned and operated here.

□ 1400

Should we continue to subsidize grazing operations that are 11,000 acres in size, 6,000 acres, 4,000 acres owned by the E.M. Remy Co. out of Switzerland, the Zenchiku Livestock Co. of 7,000 acres from Japan, Two Dot Ranch out of France and Switzerland, and it goes on and on. Should we be using taxpayers' dollars to subsidize these foreign operations?

Mr. Chairman, if that does not give my colleagues reason to pause as they cast their two previous votes to end these subsidies, we might want to understand that in some instances we are subsidizing foreign mining operations that are mining on their base properties, have gotten Federal allotments, are taking hundreds of millions of dollars off of Federal lands for which they pay no royalties to the taxpayers, and then the taxpayers are giving them additional subsidies for the grazing of the cattle.

Mr. Chairman, when will my colleagues stop insulting the American taxpayer with this kind of program? They could not do it, they could not bring it upon themselves to say we ought to just charge what the States apparently are able to charge in a much more efficient fashion. So they could not stop the taxpayers' subsidy there.

They could not bring it upon themselves when we just singled out the top 7, 8, 9 percent of the users of this land who are among the largest and richest corporations and individuals in this country. They could not stop it there. Can they stop it here?

Mr. Chairman, they are using these taxpayer dollars to subsidize foreign corporations, some of whom are, in fact, double-dippers. They are dipping into the Federal Treasury because they are mining on Federal lands, but they do not provide any royalties for the billions of dollars that they take off in silver and gold, and then they get to dip to graze the cattle, which is incidental to their mining operation.

Mr. Chairman, at some point, at some point this body has got to understand that they are insulting the intelligence of the American people if they believe that they accept this or they think this is acceptable, because it is not and that is what we have to do.

Mr. Chairman, these foreign firms that I am asking to end the subsidy for are in the top 4 percent of the size of these cattle operations. These are not the "Mom and Pops" that some people said that they wanted to save in the last amendment from an increase in cost. This is not the family farmer; these are the big fellows who are owned by foreign corporations, who have decided they can come here and raise cattle with subsidized dollars.

Mr. Chairman, I think we ought to put an end to that. I think we ought to understand that this is a subsidy to which they are entitled, with no limits under the current law. My amendment would end that subsidy. They would simply have to pay the State rates or the private rates. We are not gouging them. We just ask that they pay what the State charges for comparable lands within their boundaries.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, without getting into the question of trade with foreign countries, let me read for the record a quote from the Taylor Grazing Act, and I am quoting: "Grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declaration of intention to become such, or required by naturalization laws, and to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located."

Well, Mr. Chairman, obviously if there are operations, foreign operations, they have to follow the law of this country and of the Taylor Grazing Act, so they have to be citizens.

If this is a direct assault at, let us say, the Japanese, then maybe we ought to remind ourselves that Japan takes about $1 billion of beef every year, maybe it is a $2 billion market. I would suggest that if we are going to close the borders of America around this issue, then we indeed are going to cause international concerns.

Foreign countries, whomever they may be, the people must be citizens to have this permit. But if they are targeted, they will obviously retaliate. So I see no reason for this amendment. It has no place in this discussion. We have had the discussion about fee increases. This is mischief. There is no purpose in it, and I suggest we oppose it.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oregon. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I could not help but react to the remarks of the gentleman from California [Mr. MILLER] regarding the earlier two amendments that were just referenced. Indeed, in that case there was a very strong bipartisan vote in opposition to those amendments. I would hope that the same kind of logic and sense would apply to this amendment and we would get the same kind of bipartisan support.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in favor of the amendment that the gentleman from California [Mr. MILLER] has just outlined. I want to make an appeal to Members of the House.

Mr. Chairman, I am a Member of the House of Representatives, proud to serve here and I think, Mr. Chairman, you know that I have said on more than one occasion that respect for the House includes being able to win and also understand what losing is all about, being defeated.

The last two amendments did not come out the way I voted. I understand that and I accept that. But, Mr. Chairman, what I am hoping is a basic sense of fairness can prevail. Those votes were close. People were paying strict attention to what it was they were voting on. And I think we have to give the best possible motivation and express goodwill toward one another with respect to our votes.

So my appeal on asking Members to vote for this amendment is one based on fairness. With all due respect to the previous speakers, this is not a question of closing borders; this is a question of whether we are going to extend the same privileges explicit, I would say, Mr. Chairman, in the last two amendments to foreign-controlled corporations.

Mr. Chairman, I do not think that this can be reduced to an argument about whether or not we are treating our western brothers and sisters fairly or those in the majority of areas where the grazing takes place. It is one thing for us to involve ourselves in a discussion as to what is the appropriate legislative approach on grazing land. It is another thing to subsidize foreign-controlled permittees. I do not see how we can make an argument based on fairness, based on fairness to the American taxpayer, that would allow us to do this.

All the amendment of the gentleman from California [Mr. MILLER] is saying is that if businesses come in and make these investments as a foreign-controlled permittee, that they should not be allowed to have the benefit of the American taxpayer dollar. This is not an assault on anyone overseas.

Mr. Chairman, I would be very interested to see what kind of argument would be made when we look at the kind of laws that apply against Americans being involved with owning land and being able to extract minerals or to engage in other kinds of agricultural business in other countries.

Mr. Chairman, we are always the ones that are expected to do the producing for others in terms of fairness. What we are asking for is fairness for the American taxpayer here. Surely those who in good conscience made their votes on the other two measures can look to that same conscience to see, is this really the intent of those who favored the law as it is presently applied? Is it really the intent that these foreign-controlled permittees should be involved in this way?

Mr. Chairman, this is far from mischief. I do not think it is fair to characterize it that way. This is a fundamental question about what we have as a legislative foundation for the application of these laws. We have had our arguments, we have had our discussions as to whether the existing law and how it is applied, Mr. Chairman, is fair and appropriate. Surely it is a legitimate question. Far from being capricious or mischievous, it is a legitimate question as to whether the law ever intended this.

I ask, Mr. Chairman, that as Members come to vote on this particular amendment, can they in good conscience say that it was the intent and is the intent of this legislation to subsidize the foreign-controlled permittees? I think an honest evaluation, a fair evaluation would come to the conclusion it is not. And therefore I ask that we vote favorably on the amendment offered by the gentleman from California [Mr. MILLER] in the spirit of what has been accomplished here today in terms of the legislative process.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. Mr. Chairman, we were allotted 3 hours of general debate under the 5-minute rule. Can the Chairman inform me as to the time remaining?

The CHAIRMAN. There is 1 hour and 30 minutes remaining in overall consideration of amendments under the rule.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that no matter, the Taylor Grazing Act, as the gentleman from Oregon [Mr. SMITH], our chairman and friend, related to us, obviously did not anticipate that foreign nationals would indeed be awarded the Federal grazing permits and allotments.

Here it is not just a matter of a son of an immigrant as an example that was not naturalized and had not achieved citizenship yet having that particular option, but what is assumed here is that these are actually corporations and entities that are being treated as a person but are really, in essence, subsidiaries or actually the basic holding company of an international organization registered abroad. And, of course, when we go through the laundry list of who this is, and the system of these operations, we readily recognize that we are looking at vertical integration. They want to raise the beef themselves on U.S. public lands at low rates, subsidized rates, and in fact then process it and remove it to their home market.

So it is, I believe; and I think the numbers indicate that the cost of managing the grazing program on our Federal lands is nearly three times the cost, at least three times the cost of what is actually received by virtue of these fees.

Lost in all of this debate, of course, is the question of whether or not on a multiple use pattern that these 250 million acres of land, wilderness, forests, BLM lands, whatever the designation that they have on them, what is left behind is their use and what the conflicts and problems are with such use. Whether this is the highest and best use.

Mr. Chairman, we could or should be able to agree that, at least in terms of this benefit, that those who control these lands ought not to be in the hands of foreign nationals and if such entities control such lands they ought not to receive the subsidized rates but rather pay the higher State rates.

A month ago, Mr. Chairman, on this floor there was a debate about the voluntary conservation designations that went on with regards to some of our parks and some of the other areas, like the biological reserves that were discussed which were used for research, and all of this was voluntary. Here today we have actually the control of Federal lands in a sense through this allotment and permit process, which represents a direct seasonal control by a foreign entity in terms of these lands. That is really what this is about. They are controlling the grazing allotments and fees, are basically controlling and regulating these lands, given the same responsibilities, the same stewardship responsibilities and other responsibilities that are accorded to U.S. citizens and U.S. entities and receiving the same bargain basement subsidized rate.

Mr. Chairman, we have our disagreement about the subsidy going to them. We have our disagreement about the subsidy going to the corporations, corporate cowboys, the welfare cowboys. We have our disagreements, but I would think that there would be more consensus about whether or not this ought to extend beyond the borders to other countries and to other nonnationals that are under this bill and under the law, the way it is practiced, actually have that benefit. We should stop passing on this benefit, the subsidy at least at the United States of America border.

I think if we go back to 1937, I think the intention of Congress, the intention, was that this would be a benefit, that these lands would be available to the general public, to U.S. citizens, not to foreign national corporations or foreign nationals for their benefit, to be part of an integrated conglomerate.

Mr. Chairman, I submit to the Members that this is a good amendment. I do not know that it is going to correct everything in this bill, but at least it would make a statement about what I think is one of the most egregious problems of foreign nationals exploiting these lands for their benefit.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say a few words in favor of the amendment that has been offered to this bill by the gentleman from California [Mr. MILLER].

The purpose of the gentleman's amendment is very simple. It is not to restrict grazing on Federal lands at all. What the gentleman from California would do is simply ensure that foreign corporations who are using Federal lands and grazing on those Federal lands, grazing cattle and other animals on those Federal lands, pay the market price for those grazing rights, either the highest of the State or the private fee, or grazing on either State or private land.

□ 1415

This is a very reasonable amendment. It is something that should be supported by every Member of the House. Let us make it clear. We do not object to grazing on Federal lands that are suitable for grazing. We are in favor of that. Often grazing is compatible with most Federal lands. It can be in fact beneficial to some Federal lands. So we are not opposed to grazing on Federal lands.

We simply want to ensure that the American taxpayer is not taken to the cleaners by foreign corporations that are grazing their animals on Federal land at bargain basement prices, often one-third or one-fourth of the market value to graze on either private or State lands. That is what the Miller amendment would do.

This amendment simply recognizes that there are major foreign corporations from Switzerland, from France, from Japan, that are using vast acreage in the West, thousands of acres to graze their cattle and their animals and that grazing is being subsidized by the American taxpayer.

It is high time that this practice be put to an end. What is the reason for it? There is no good reason for it whatsoever.

When Members talk about the thousands of small ranchers on Federal lands, they are not talking about major corporations such as Zenchiku, which runs a huge cattle operation on Federal lands in Montana and the Interior Department inspector general noted in a recent report that there was no limit on the grazing privileges and benefits provided to foreign corporations.

Why would the Members of this House, whether they come from the West or the East or the South or wherever they come from, why would the Members of this House want to go back to their districts and say, I just voted to ensure that foreign corporations can come here and graze their animals on Federal land and you all are going to have to pay for it, you all meaning the American citizens, the American taxpayers? That does not make any sense. I do not think anybody wants to do that. So the Miller amendment, again, does not restrict grazing on Federal land, not at all.

What it does is this, it says that if you are a foreign corporation, you want to come here and graze cattle on Federal land, you have to pay the market price. You have to pay the fair market price. It is a very capitalist amendment, as a matter of fact. It says, no subsidizing by the American taxpayer of grazing privileges for foreign companies.

Let us put these subsidies to an end. Let us make sure that the American taxpayer is not asked once again to bear the cost of grazing by major foreign corporations who are wealthy beyond the dreams of most Americans. Let us make sure that they pay the fair market value to graze their animals on Government land that is owned by all the people of this country. Let us all support the Miller amendment.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

I just want to say that this, I can understand the emotional appeal of this argument, but the fact is that America has always had her borders open to those people who would be willing to work their trade, whether they are a corporation or not. A corporation can be two people. But being a corporation is not a bad thing in America. People who have come to this land have been encouraged to work and that is what we need to encourage them to do, Mr. Chairman.

We need to encourage them to work their trade, whether their trade be running cattle or repairing shoes or being an accountant, whatever, that is part of reaching the American dream. I just do not believe that we should start cutting people out of their trade simply because they want a part of the American dream, they wanted to come to America and they wanted to work.

The visionaries who wrote the Taylor Grazing Act, which all of us rely on so much, clearly state in that act, and this is existing law, that grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such as required by the naturalization laws and to groups, associations or corporations authorized to conduct business under the laws of the State in which the grazing district is located.

That is very clear, Mr. Chairman. Why and how have we become a country that allows a lot of immigration into the State and then puts them in a category where we support them and they do not work? I think that this should be a nation that continues to hollow out the abilities and the visions and the opportunities for people to come to America and work their trade.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I just want to respond to the previous speaker. This amendment is not about whether or not people or corporations get to come to the United States to work their trades, which sounds very noble. This is an amendment about whether or not those corporations, when they come to America to work their trade, ought to continue to receive a Federal subsidy. It is just that simple. This is about whether or not on the Federal lands that are owned by all of the people of the United States in which people lease those lands for the purposes of engaging in grazing, whether or not those Federal, those foreign corporations ought to pay their way. This is simply about whether they should pay their way.

The notion that somehow this is not done because of the Taylor Grazing Act, the fact of the matter is, the IG's report points out that, specifically with respect to the Japanese corporation, that it is a Japanese-owned company that is operated in Montana. So this is being done. They ought to just pay their way. That is all we are asking. Just pay what grazers pay the State of California, the State of Colorado, the State of Idaho for the use of those lands and end the Federal subsidies to those people who are among the very largest of the grazers within this program.

This is not about being against people who come here and work hard. It is about large corporations that have their own wherewithal coming here and being entitled to a Federal subsidy. That is what has got to stop. There is no showing, there is no showing that these corporations need this subsidy in terms of viability.

In Idaho, we would just say that this foreign corporation should pay $4.88 instead of $1.55. We would say that in Montana they should pay $4.05 instead of $1.55. That is the purpose of this amendment.

I think clearly the American people understand it. I hope that their representatives in Congress understand it. This is just one subsidy too far for the American public.

I thank the gentlewoman for yielding to me.

Ms. PELOSI. Mr. Chairman, I rise in support of the gentleman's amendment. It is bad enough that foreign mining companies get public lands for $5 an acre. The grazing program allows them now to graze their cattle on Federal lands at bargain basement rates.

Why should the American public subsidize the grazing activities of such foreign mining corporations as Australia's Newmont Gold and Canada's Barrick Goldstrike. When they talk about the thousands of small ranchers on Federal lands, they are not talking about the Japanese land and livestock company Zenchiku, which runs a huge cattle operation in Federal lands in Montana.

Low Federal grazing fees are being used to prop up the cattle operations of such foreign firms as E. M. Remy of Switzerland and Two Dot Ranch Inc. of France and Switzerland. All the foreign firms cited range in the top 4 percent of the size of the cattle operations grazing on Federal lands.

The Interior Department Inspector General noted in a 1992 report that there was no limit on the grazing privileges and benefits provided to foreign operators. We have the opportunity to change these policies now. It is time to end the exploitation of public resources and the rip-off of the American taxpayer.

The Miller amendment makes foreign grazing operators pay the higher of either the State or private lease rates in the State in which the Federal permit or lease is located. Let us end this piece of corporate welfare for foreign firms and adopt the Miller amendment.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentlewoman for yielding to me because in excoriating the problems with foreign operations, I did not point out, we do not intend to exclude them with the Miller amendment. What the purpose here is, is just the option that they would pay the same rate as is paid at the States. This would treat them differently than domestic corporations. Domestic individuals are treated in a favorable way by this formula and by this bill.

We do not believe that benefit should be extended to these foreign operations which really represent an integrated control in terms of coming into this country, setting up. Next they will have the timber leases. I mean if we carried this out, we could basically have all of our natural resources controlled by foreign entities at these bargain basement prices. Whatever we feel about the type of corporate welfare we provide, we want to limit it apparently to American companies and American individuals.

Ms. PELOSI. Mr. Chairman, I thank the gentleman. I urge our colleagues to vote "aye" on the Miller amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. VENTO:

Page 37, line 2, strike "seven" both places it appears and insert "five".

Mr. VENTO. Mr. Chairman, this amendment would change what is in the bill. In other words, an AUM, an animal unit month, which is defined as a cow-calf unit in terms of providing feed for a month, historically under the law has provided for the equivalent of five sheep or five goats to be the equivalent of a cow-calf combination for an animal unit month. This measure changes the AUM's from five to seven. In other words, it would be seven sheep or seven goats for an AUM.

Of course, by increasing the number of sheep or goats per AUM from five to seven, that change would effectively decrease the cost of grazing sheep and goats by almost one-third, by almost 33 percent. This is a taxpayer giveaway basically, yet another reduction in revenue terms of the bill. As I said, there is disagreement.

My view is that this bill will take the AUM's to $1.55 based. That is not my estimate. That is the Congressional Budget Office. Some Members have said they disagree with that, which would be more like a 15-percent increase, not the 36-percent increase that the proponents of this have advanced as to what the bill would accomplish.

I could talk about that later. But the fee per AUM established under the bill, regardless of the type of livestock grazed in the forage area, needs to sustain a fixed number of sheep and goats, and would be unchanged by the definition, but owners of sheep and goats could purchase fewer AUM's to support the same number of animals under the new definition in the bill.

□ 1430

Some producers might increase the size of their sheep and goat herds in response to lower effective costs for grazing on public land because the grazing fees are only a fraction of the total cost for grazing on public land, or to raise sheep and goats. However, the CBO expects a net drop in the number of AUM's associated in a decrease in offsetting receipts. They are saying this will lose over half a million dollars. This particular change, this definition, CBO says, will lose $600,000 per year.

But more importantly is that besides having an arbitrary formula for establishing what the cost is for cow-calf combinations on the 250 million acres of public range that are managed under this law, besides that, this is another arbitrary change in terms of what is taking place. This is simply a gift pack to those that are raising sheep and goats on the public range.

I would suggest, as I said, that most of these grazing species, whether they be cows, burrows, or horses, on public lands that are being grazed end up being the dominant animal in terms of that particular ecosystem. In fact, very often predators have been destroyed historically to, in fact, make it safe for those cows, those goats, and those sheep. So they do become the dominant species. And they completely, shape the range by the grazing behavior.

In some cases, these grasslands and other areas can absorb that type of abuse as to what is the carrying capacity. But other areas are very fragile. In terms of extending this, I think we end up doing great harm in terms of many of those fragile ecosystems, those ephemeral types of lands that are used for grazing. And in that 250 million acres I might say, Mr. Chairman, a goodly part of it is very fragile land. And while it was looked upon as wasteland in the past, today we recognize that those ecosystems and the biodiversity that occurs there is enormously important. Some are the habitat to our spectacular types of species, some of which, unfortunately, today remain threatened or endangered. All of those are potential conflicts that need to be resolved.

I know of no basis for the change that is provided here. As I implied earlier in my comments with regard to the formula in this bill, it is a completely arbitrary formula, it has nothing to do with what the costs of managing the program, of monitoring the program. It has nothing to do with the cost of the BLM or Forest Service, who spend nearly three times as much as they take in fees in terms of trying to manage and to monitor this program.

This definition simply is a gift to those who have the permits for such allotments. We would probably have a tendency to emphasize more sheep and goat AUM's on public lands based simply on the fact that we are reducing the cost by one-third and actually having a preference for goat or sheep by virtue of the definitional change of that. That may well have a profound effect on the public range as there grazing pattern and impact is different.

I know of no analysis of this. Unfortunately, since we did not have hearings on this proposed change, we could not discuss this in the committee and raised these types of questions or heard answers from the administration or the land managers.

I urge the adoption of my amendment, Mr. Chairman, to stop this AUM definition change.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as usual, the gentleman from Minnesota [Mr. VENTO], recognizing his lack of background in livestock and sheep, has misquoted and mistaken this argument. The facts are, Mr. Chairman, that the U.S. Department of Agriculture has been overcharging sheep and goat producers who graze on public lands for these many years. And why is that?

It is simply because that in 1950 the comparison between a cow and a sheep was 920 to 140 pounds. Today, the comparison is 1,120 to 147 pounds. That means, Mr. Chairman, that an animal can only consume forage equivalent to its weight.

Now, this does not affect in any way the stocking rate of sheep and goats to the ranch. If this amendment stays in the bill, it means that the stocking rate is continually organized and orchestrated and managed by the BLM and Forest Service if there are those permits available. Therefore, it only affects the billing rate. And the billing rate, to be fair to sheep producers, ought to be 7 to 1 and not 5 to 1.

Therefore, the Economic Research Service of the U.S. Department of Agriculture, in 1994, pointed out and argued the point that we should change the formula since the weight differential has changed. The bill does change the formula in fairness to the sheep and goat producers. And I point out again that the bill, when it passes, will increase to the Federal Treasury $6 million a year. It will increase sheep and goat producers who graze on public lands by 15 cents or more per animal-unit month.

Therefore, Mr. Chairman, I suggest that we oppose the Vento amendment and exact fairness for the sheep and goat producers of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 244, not voting 12, as follows:

[Roll No. 548]

AYES—176

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bereuter
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Engel
Eshoo
Evans
Fattah
Filner
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gephardt
Gordon
Green
Gutierrez
Hamilton
Harman
Hilliard
Hinchey
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Payne
Pease
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rivers
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schumer
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—244

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Flake
Foley
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paul
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Redmond
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Coburn
Conyers
Cubin
Danner
Fowler
Gonzalez
Granger
Linder
Schiff
Stokes
Weldon (FL)
Weldon (PA)

☐ 1455

Messrs. BILIRAKIS, PETRI, BONO and RODRIGUEZ changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word. Let me say first that I want to commend the chairman of the committee and his ranking member and the entire team on the Committee on Agriculture that did such a good job with producing a bipartisan bill. They worked together with Members across this House. I want to also thank the gentleman from New York [Mr. BOEHLERT], who worked on this bill. I believe we have here a very broadly based bill that does a number of very important things.

I feel particularly good about this because this summer we had a western States tour that went through Utah and Idaho and Montana and Wyoming that met with ranchers, that looked at problems of the Bureau of Land Management, that looked at challenges that we face in making sure that family ranches and family farms can survive. I want to recommend to Members from all over America that we need to work on that kind of tour here at home. We talk about trips overseas, but I think frankly sometimes to get our rural Members to go to urban areas, to get our urban Members to go to rural areas, to get Easterners to visit the West and Westerners to visit the coast, this kind of educating ourselves about our own country and talking with people in a practical way about the realities of their life changes Members' understanding of issues that may just be theoretical here in Washington, DC.

☐ 1500

This bill, the Forage Improvement Act, first of all, from the taxpayers' standpoint, raises the fee on public land footage by 36 percent and has been scored by the Congressional Budget Office as something which gains revenue for the American people, but it does so in a way that actually helps the ranchers.

It makes sense for the rancher to pay the higher fee, because it also creates greater flexibility and cooperation by allowing the Secretary to enter into cooperative allotment plans with those ranchers who prove they are responsible stewards of the land, so we begin to eliminate some of the red tape and eliminate some of the more, frankly, Mickey Mouse regulations.

It streamlines an entire set of regulations between the Forest Service and the Bureau of Land Management, trying to give the American people one set of rules and regulations, rather than what are often not only overlapping, but conflicting sets of rules and regulations.

It provides for the application of sound science. Again, those who have been looking at our public lands know that we have had a tremendous increase in populations of species. We have actually had, in some areas, an explosion of population. We need to base our environmental policies and our conservation policies on an approach that starts with sound science, with finding out from biologists and botanists what is really happening, and then basing it not on theories, not on ideologies, but on what we learn from the scientists directly involved.

I believe this bill is a significant step in the right direction, and I believe it offers the hope of greater stability and greater sound economic management for family ranches across the West.

So I again want to commend the gentleman. I think this is a very important building block toward a healthy agricultural base for the United States. I think it streamlines the government, improves the yield to the taxpayer, increases the opportunity for the farmer, and does so in a way that is environmentally sound and is based on sound science.

I urge every Member to vote "yes" on this bill.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 1270, the Nuclear Waste Policy Act.

The United States' 109 nuclear power plants, located in 34 states including my home state of Illinois, are running out of storage space for spent nuclear fuel. By early 1998, a quarter of our reactor sites will have exhausted their storage capacity.

The passage of the Nuclear Waste Policy Act will result in long-awaited changes to our Nation's used fuel management policy. This bill will finally begin to utilize the financial contributions of millions of Americans who have paid over $12 billion into the Nuclear Waste Fund for the specific purpose of creating a national repository for spent fuel. Illinois has the most spent fuel of any other state—4300 metric tons located in seven spent storage facilities throughout the state. Residents of Illinois have paid more than those from any other state into the Nuclear Waste Policy Fund by contributing $1.4 billion. They deserve to have their money used for the purpose it was intended—a permanent and safe national repository. The Nuclear Waste Policy Act allows for such a removal.

The bill replaces the mandatory flat fee of one tenth of a cent per kilowatt hour with a discretionary annually adjusted fee. While the bill permits a maximum of 1.5 tenths of a cent per kilowatt hour in peak disposal site construction years, it also requires the annual fee average no more than one tenth of a cent per kilowatt hour between 1999 and 2010. Further, under this bill user fees cannot be diverted to unrelated federal programs.

Mr. Speaker, while I support this bill I, like many of my constituents, continue to be concerned about the transportation of nuclear waste. I am pleased this bill directs the Department of Energy to take all steps necessary to ensure that it is able to safely transport spent nuclear fuel to the repository. The Department of Energy also will be required to notify states through which waste will be transported and to provide those states with technical assistance and funding to train public safety officials. I support the Schaefer Manager's amendment which includes important provisions designed to minimize transportation through populated areas. The Manager's amendment also provides for the establishment of preferred rail routes for waste transportation.

Mr. Chairman, I support this bill and I am pleased spent nuclear fuel will finally be removed from the temporary storage facilities in my state and into a safe national repository where it belongs.

Mr. ACKERMAN. Mr. Chairman, I rise today in strong opposition to H.R. 1270, the Nuclear Waste Policy Act of 1997. Few policy decisions will have a more significant impact on our environment and the safety of our communities than this bill before us today. High-level waste is a daunting responsibility which must be afforded the most stringent and thorough deliberation. The determination to transport nuclear waste through 43 States, affecting 52 million people, should not be mandated by political motivations. The potential cost, in terms of the loss of life and the impact on our environment is too great to dictate arbitrary deadlines. If the scientific community is not yet prepared to support the political rhetoric coming from this floor, how can we feel qualified to preempt their authority and expertise?

When we in Congress fail to meet our deadlines on appropriations bills, we pass a continuing resolution, and extend the time afforded us to pass informed legislation. With the passage of H.R. 1270, we will be directing the Department of Energy to abide by a deadline which they are not adequately prepared to implement. By doing so, we will endanger our environment and the constituents of almost every Member in this House. As conscientious legislators, we must grant the Department of Energy the same latitude to make informed decisions that we allow ourselves. To do anything less would be the ultimate form of hypocrisy.

The scientific feasibility of the Yucca Mountain site has not yet been determined, and when every significant environmental and citizen organization is in opposition to this bill, we must at least acknowledge that there are serious concerns which have not been adequately addressed. In good conscience there is simply no way we can place this deadly material in untested canisters and ship it on poorly maintained railways, through ill prepared and unaware communities, until every issue is resolved and every precaution is taken. If we pass this legislation we have failed our community, we have failed our Nation, and we have failed ourselves. I strongly urge all my colleagues to vote against this dangerously flawed bill.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. NUSSLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, pursuant to House Resolution 284, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 182, not voting 9, as follows:

[Roll No. 549]

YEAS—242

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit

Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—182

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gephardt
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hinchey
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Paul
Payne
Pease
Pelosi
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Cubin
Danner
Gonzalez
Granger
Schiff
Stokes
Watkins
Weldon (FL)
Weldon (PA)

□ 1524

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DANNER. Mr. Speaker, on rollcall vote 549 I was unavoidably detained. I would like the RECORD to show that had I been present, I would have voted "yes."

On rollcall vote 548 I was unavoidably detained. I would like the RECORD to show that had I been present, I would have voted "no."

On rollcall vote 547 I was unavoidably detained. I would like the RECORD to show that had I been present, I would have voted "no."

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include extraneous matter in the RECORD on the bill, H.R. 2493.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2493, FORAGE IMPROVEMENT ACT OF 1997

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2493, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Oregon?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2459

Mr. PAXON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 2459.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1270.

□ 1526

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 29, 1997, the demand for a recorded vote on amendment No. 9 printed in House Report 105–354 offered by the gentleman from Ohio [Mr. TRAFICANT] had been postponed.

It is now in order to consider amendment No. 10 printed in that report.

The Chair has been advised that the amendment will not be offered.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 283, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Nevada [Mr. ENSIGN]; amendment No. 5 offered by the gentleman from Nevada [Mr. GIBBONS]; amendment No. 6 offered by the gentleman from Nevada [Mr. ENSIGN]; amendment No. 7 offered by the gentleman from Massachusetts [Mr. MARKEY]; amendment No. 8 offered by the gentleman from Nevada [Mr. GIBBONS]; and amendment No. 9 offered by the gentleman from Ohio [Mr. TRAFICANT].

AMENDMENT NO. 4 OFFERED BY MR. ENSIGN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Nevada [Mr. ENSIGN] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ENSIGN:

Page 15, insert after line 8 the following:

"(e) RISK ASSESSMENT AND COST BENEFIT.—The Secretary shall not take any action under this Act unless the Secretary has with respect to such action conducted a risk assessment which is scientifically objective, unbased, and inclusive of all relevant data and relies, to the extent available and practicable, on scientific findings and which is grounded in cost-benefit principles.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 290, not voting 7, as follows:

[Roll No. 550]

AYES—135

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barr
Barrett (WI)
Becerra
Berman
Bishop
Blagojevich
Blumenauer
Bonilla
Boswell
Brown (CA)
Bryant
Cannon
Carson
Christensen
Clay
Condit
Conyers
Cooksey
Coyne
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Doggett
Doyle
Engel
English
Ensign
Eshoo
Evans
Filner
Flake
Foglietta
Ford
Furse
Gibbons
Goodling
Gutierrez
Hamilton
Hansen
Hill
Hilleary
Hinchey
Hooley
Hulshof
Istook
Jackson (IL)
Jackson-Lee (TX)
Kasich
Kelly
Kennedy (RI)
Kennelly
Kingston
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntosh
McKeon
McKinney
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (KS)
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Pombo
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Sanchez
Schumer
Serrano
Shays
Sherman
Smith (NJ)
Souder
Stark
Stenholm
Stokes
Talent
Thurman
Tierney
Torres
Towns
Waters
Watts (OK)
Waxman
Weygand
Woolsey
Wynn
Yates
Young (AK)

NOES—290

Aderholt
Allen
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Manton
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watt (NC)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOT VOTING—7

Cubin
Gonzalez
Schiff
Tauzin
Watkins
Weldon (FL)
Weldon (PA)

□ 1552

Mrs. CLAYTON, and Messrs. DEUTSCH, KENNEDY of Massachusetts, RUSH, KLINK, and SKAGGS changed their vote from "aye" to "no."

Mr. PETERSON of Minnesota, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. COYNE, Mr. BERMAN, Ms. ROYBAL-ALLARD, Mr. BECERRA, and Mr. RANGEL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 283, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MR. GIBBONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Nevada [Mr. GIBBONS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 5 Offered by Mr. GIBBONS:

Page 19, inset after line 16 the following:

"(e) EMERGENCY RESPONSE TEAM.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste through any State unless the Governor of such State can certify that an adequate emergency response team exists in such State to appropriate manage any nuclear accident that may occur in such transportation.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 312, not voting 8, as follows:

[Roll No. 551]

AYES—112

Abercrombie
Ackerman
Baesler
Barr
Becerra
Blagojevich
Blumenauer
Brown (FL)
Bryant
Cannon
Carson
Clay
Collins
Cooksey
Cummings
Davis (IL)
Deal
DeFazio
Delahunt
Dellums
Ehlers
English
Ensign
Eshoo
Evans
Farr
Filner
Flake
Forbes
Ford
Franks (NJ)
Furse
Gephardt
Gibbons
Gilchrest
Hansen
Herger
Hill
Hinchey
Hooley
Hostettler
Hutchinson
Jackson (IL)
Kasich
Kelly
Kennedy (MA)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Linder
LoBiondo
Lowey
Lucas
Maloney (NY)
Markey
McDermott
McGovern
McInnis
McKeon
McKinney
McNulty
Meehan

Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (KS)
Nadler
Ney
Obey
Owens
Pallone
Pappas
Pascrell
Paul
Payne
Pease
Pelosi
Pombo
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Roemer
Rothman
Roybal-Allard
Saxton
Schumer
Shays
Slaughter
Smith (NJ)
Souder
Stark
Stearns
Stokes
Talent
Tauscher
Thune
Tierney
Torres
Watkins
Watts (OK)
Waxman
Weygand
Wolf
Woolsey
Young (AK)

NOES—312

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Foglietta
Foley
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Luther
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wynn
Yates
Young (FL)

NOT VOTING—8

Cubin
Gonzalez
Jefferson
Schiff
Smith (OR)
Tauzin
Weldon (FL)
Weldon (PA)

□ 1603

Mr. HILLIARD and Mrs. CLAYTON changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. ENSIGN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 6 offered by the gentleman from Nevada [Mr. ENSIGN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ENSIGN:

Page 19, insert after line 16 the following:

"(c) EMERGENCY RESPONSE.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste in a fiscal year for which funds appropriated under section 203(c) are insufficient (as determined by the Federal Emergency Management Agency) to ensure adequate and trained emergency response teams along all the transportation routes to be used in such fiscal year.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 118, noes 305, not voting 9, as follows:

[Roll No. 552]

AYES—118

Abercrombie
Ackerman
Andrews
Baesler
Barr
Becerra
Berman
Blagojevich
Blumenauer
Boswell
Bryant
Campbell
Cannon
Cardin
Carson
Christensen
Coburn
Cooksey
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
Doyle
Engel
English
Ensign
Eshoo
Evans
Filner
Flake
Forbes
Ford
Furse
Gephardt
Gibbons
Gilchrest
Gutierrez
Hansen
Hill
Hilleary
Hinchey
Hooley
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kingston
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Linder
Lowey
Lucas
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (KS)
Nadler
Ney
Owens
Pallone
Pappas
Pascrell
Paul
Payne
Pelosi
Pryce (OH)
Rahall
Reyes
Rivers
Rothman
Roybal-Allard
Sanchez
Schumer
Serrano
Shays
Sherman
Smith (NJ)
Souder
Stabenow
Stark
Stokes
Talent
Tauscher
Thomas
Thune
Tierney
Torres
Vento
Watkins
Watts (OK)
Waxman
Weygand
Wise
Wolf
Woolsey
Young (AK)

NOES—305

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foglietta
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan

Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Weller
Wexler
White
Whitfield
Wicker
Wynn
Yates
Young (FL)

NOT VOTING—9

Bartlett
Cubin
Gonzalez
Johnson, Sam
McIntosh
Schiff
Tauzin
Weldon (FL)
Weldon (PA)

☐ 1611

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Massachusetts [Mr. MARKEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MARKEY:

Page 36, strike line 18 and all that follows through line 9 on page 39.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 273, not voting 8, as follows:

[Roll No. 553]

AYES—151

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Boswell
Brown (CA)
Brown (OH)
Campbell
Carson
Clay
Clayton
Conyers
Cooksey
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Flake
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hefner
Hinchey
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Portman
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Souder
Stabenow
Stark
Stokes
Strickland
Talent
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Velázquez
Vento
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Wise
Wolf
Woolsey
Yates

NOES—273

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foglietta
Foley
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Tanner
Tauzin
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Wamp
Watkins
Weller
Wexler
White
Whitfield
Wicker
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Gonzalez
Hansen
Herger
Schiff
Taylor (NC)
Weldon (FL)
Weldon (PA)

☐ 1621

So the amendment was rejected.

The result of the vote announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. GIBBONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada [Mr. GIBBONS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GIBBONS:

Page 55, beginning in line 3 strike ", except that" and all that follows through line 21 and insert a period.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 67, noes 357, not voting 8, as follows:

[Roll No. 554]

AYES—67

Becerra
Berman
Cannon
Carson
Clay
Clayton
Conyers
Cooksey
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
Ensign
Eshoo
Evans
Filner
Furse
Gejdenson
Gibbons
Hansen
Hinchey
Hooley
Jackson (IL)
Jackson-Lee (TX)
Kennedy (RI)
Kennelly
Kucinich
LaFalce

Lampson
Lewis (GA)
Lowey
Lucas
Maloney (NY)
Markey
Martinez
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller (CA)
Mink
Nadler
Owens
Pallone
Payne
Pelosi
Rahall
Reyes
Roybal-Allard
Serrano
Shays
Souder
Stark
Stokes
Tierney
Torres
Vento
Waters
Watt (NC)
Waxman
Woolsey
Young (AK)

NOES—357

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—8

Bereuter
Cubin
Gonzalez
John
Schiff
Taylor (NC)
Weldon (FL)
Weldon (PA)

□ 1631

Mr. MEEHAN changed his vote from "aye" to "no."

Ms. PELOSI and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TRAFICANT:

Page 81, insert after line 13 the following:

"SEC. 510. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

"(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

"(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 2, answered "present" 15, not voting 8, as follows:

[Roll No. 555]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly

Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—2

Conyers
Furse

ANSWERED "PRESENT"—15

Becerra
Filner
Gutierrez
Hinojosa
Martinez
Menendez
Ortiz
Pastor
Rahall
Reyes
Rodriguez
Roybal-Allard
Serrano
Torres
Velázquez

NOT VOTING—8

Cubin
Fawell
Gonzalez
Mica
Schiff
Taylor (NC)
Weldon (FL)
Weldon (PA)

☐ 1639

Mr. PASTOR changed his vote from "aye" to "present."

Ms. VELÁZQUEZ changed her vote from "no" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, on rollcall No. 555, I was unavoidably detained. Had I been present, I would have voted "yes."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. MCINNIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, pursuant to House Resolution 283, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill in its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1270 to the Committee on Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 23, line 3, after the period insert "Contractors transporting spent nuclear fuel or high-level radioactive waste under any such contract shall not be indemnified under section 170d. of the Atomic Energy Act of 1954 for any liability resulting from negligence, gross negligence, or willful misconduct in connection with such transportation.".

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes in support of his motion to recommit.

☐ 1645

Mr. MARKEY. Mr. Speaker, this recommittal motion is the amendment the nuclear industry does not want Members to vote on, which is why the Committee on Rules did not put it in order. The reason that the nuclear industry does not want us to vote on this amendment is that, as opposed to Nevada getting all the waste, or the nuclear site having the waste taken from it, this amendment deals with the transportation of the waste through Members' districts and what the liability is of the trucking company, of the rail company that has responsibility for this material.

Throughout the entire night last night we heard that an accident cannot happen, that these cannisters are so strong, and if a train hit the cannister, the train would be hurt. We were told that the Governor does not have to certify that transport is safe. We were told that the mayors and the local selectmen do not even have to have a role in public health or safety. But, buried in this bill is a total indemnification against liability of the trucking or the rail company if an accident occurs in Members' districts.

Mr. Speaker, 43 States are going to have these materials riding through them. What happens if the trucking company engages in gross misconduct, if the trucking company engages in gross negligence? They are still not liable.

Mr. Speaker, if the truck driver is on antidepressants, is drunk, is driving 80 miles an hour, careens into our community with this nuclear material, the company is not liable. My amendment makes the company liable. That is the only way we are going to make them accountable, to make sure they hire good drivers, to make sure they have the right kinds of protections built into the trucks, into the railcars. That is what this amendment is all about, plain and simple, just accountability for the companies who are carrying this dangerous material through every one of our districts. That is where it hits our districts, where it hits our people.

Mr. Speaker, I yield to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, H.R. 1270 does in fact assume that Congress and the Members here are experts, not the scientists. H.R. 1270 says that we are going to ignore what the Nuclear Waste Technical Review Board said, that there is no hurry, there is no urgency.

As a matter of fact, if we put interim storage, and by the way, this bill is not about Yucca Mountain, this bill is about interim storage of nuclear waste at the Nevada test site. If we put interim storage at the Nevada test site, we will hurt the characterization process of Yucca Mountain. This bill is not about science, this is about politics. This is about all of us thinking that we are experts, over the geologists and all the scientists at the Nuclear Waste Technical Board and the like.

Mr. MARKEY. Reclaiming my time, Mr. Speaker, so this amendment is the mobile Chernobyl amendment. It will be coming through Members' districts. The police, the local PTAs, everyone will be asking questions. When they are told that the drivers are not liable, that the railroad companies are not liable, there are going to be a lot of questions to answer.

If there is only going to be one yes vote on recommittal, vote to include this liability for our districts when it is coming through our hometowns.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, the other thing about this bill is this bill does ignore private property rights and ignores States' rights. The 10th amendment reserves the power to the States and people that it does not specifically grant to the Federal Government in the Constitution.

The State of Nevada never had nuclear waste produced in its State. This is not a national security issue, this is about commercial nuclear waste trying to be shipped by other States to the State of Nevada. The gentleman from Idaho has good moral arguments because their State has had nuclear waste shoved down their throats. That is why he wants this bill, to get it out of his State, but it is no more right to send it to his State or to my State. This is wrong. It ignores private property rights as well as States' rights.

I urge a "yes" vote on the motion to recommit, and a "no" vote on H.R. 1270.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise to speak in opposition to the motion to recommit.

The SPEAKER pro tempore [Mr. HAYWORTH]. The gentleman from Colorado [Mr. DAN SCHAEFER] is recognized for 5 minutes.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, once again, the entire story has not been told. The fact is that this amendment would amend the Price-Anderson Act, a statute that was carefully crafted over two entire Congresses with great deliberation. There has been no hearing on this amendment, and it makes a dramatic change in an area of law that has always been very controversial.

This is not a simple matter. Contractor liability was hotly contested when the Price-Anderson Act was debated in the 100th and 101st Congresses. Congress did not bar indemnification of contractors from damages resulting from negligence out of recognition that such a course would be inconsistent with the purposes of the Price-Anderson Act. Why?

The fact is that although the impression was made in the debate in favor of this motion that there would be no compensation for those who might be injured by accidents involving nuclear transmission of fuel, the Price-Anderson Act does provide for compensation. It simply provides that it is done through a process that will provide immediate compensation to victims, rather than forcing them into expensive and protracted litigation.

Again, this is an issue that has been debated hotly over two Congresses. It will be visited again in the reauthorization of the Price-Anderson Act before transportation begins, and the impression that was tried to be made by those who debated in favor of this motion that there is no compensation for victims of such accidents is simply false. There is a system of compensation in place. This amendment should be rejected.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield to the gentleman from Texas [Mr. HALL], my ranking member.

Mr. HALL of Texas. Mr. Speaker, the only change that I see in this is that it amends the Price-Anderson Act. That is an act that we very carefully crafted over two Congresses. There has been no hearing on this amendment. All in the world this is, by a very clever and articulate and a fine Member of Congress, it is a last gasp, the last grasp, the last opportunity to derail us finding a place for the nuclear waste. That is absolutely all it is.

The purpose of the Price-Anderson Act is to provide a means of quickly compensating the victims of a nuclear accident. Let me say this: This amendment, this motion, is not timely, it is not necessary, and it is not debated. There has been absolutely no hearing on it.

The Price-Anderson Act has to be reauthorized by the year 2002. Nuclear waste shipments will not begin until 2002, so there is no reason to act on this amendment today, since transportation will not begin until 5 long years from now. Why the urgency this afternoon? It is just to derail this amendment today. It is very clever, very well presented, but it just does not hold up.

The situation could be different 5 years from now. At least the committee system would have 60 long months to work, to hear, to notify and have input from people more knowledgeable than any of us here. I think it is unnecessary, it is dangerous, it is untimely, and it is unneeded. I urge that we defeat it.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to have the Members' attention for just a minute. I am not going to yell, wail, or scream. I just want to tell the Members what the facts are.

Mr. Speaker, the Price-Anderson Act was enacted between the 100th and 101st Congresses on a bipartisan basis so people, if there was a nuclear accident, people could get compensation immediately. What this amendment would do, the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], it would throw things into the courts. It may be 5 years or 6 years or 10 years before anybody would ever get compensated if, in fact, there ever was a nuclear accident, and there has not been.

So what the gentleman from Massachusetts [Mr. MARKEY] would like to do is to hand this over to the trial lawyers, to the courts, to the private settlement issue, and not get victims compensated immediately.

What we are asking in this bill, what the Price-Anderson Act does, is compensate victims immediately so they can take care of their health problems or their physical problems, or any property damage that they received. This amendment ought to stay in place. Price-Anderson ought to stay in place, and we should reject the Markey amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 142, noes 283, not voting 7, as follows:

[Roll No. 556]

AYES—142

Abercrombie
Ackerman
Andrews
Baesler
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Flake
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)

Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Neal
Ney
Oberstar
Obey
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Souder
Stark
Stokes
Strickland
Talent
Tauscher
Thompson
Thurman
Tierney
Torres
Velázquez
Vento
Visclosky
Waters
Waxman
Weygand
Wolf
Woolsey
Yates

NOES—283

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Bonior
Cubin
Foglietta
Gonzalez
Schiff
Weldon (FL)
Weldon (PA)

□ 1715

Mr. STRICKLAND changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 307, noes 120, not voting 6, as follows:

[Roll No. 557]

AYES—307

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—120

Abercrombie
Ackerman
Andrews
Baesler
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonilla
Boswell
Brown (CA)
Carson
Clay
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
English
Ensign
Eshoo
Evans
Farr
Filner
Foglietta
Furse
Gephardt
Gibbons
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Herger
Hinchey
Hooley
Jackson (IL)
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Lucas
Markey
Martinez
McDermott
McGovern
McHale
McIntosh
McKeon
McKinney
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink

Moakley
Moran (VA)
Nadler
Ney
Owens
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Pombo
Radanovich
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Souder
Stark
Stokes
Talent
Tauscher
Tierney
Torres
Velázquez
Waters
Watkins
Waxman
Weygand
Wise
Woolsey
Yates

NOT VOTING—6

Coburn
Cubin
Gonzalez
Schiff
Weldon (FL)
Weldon (PA)

□ 1727

Messrs. BRYANT, CHRISTENSEN, and McCRERY changed their vote from "no" to "aye."

So the bill was passed.

The result of vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 1270.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 1270, including corrections in spelling, punctuation, section numbering and cross-referencing.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Mr. MENENDEZ. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 290) pursuant to clause 2 of rule IX.

The SPEAKER (Mr. HEFLEY). The Clerk will report the resolution.

The Clerk read as follows:

HOUSE RESOLUTION 290

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been found to be largely without merit, including his charges of improper voting from a business, rather than a residential address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines Barracks and the domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals; and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents;

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to produce or present any credible evidence sufficient to change the outcome of the election of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly one year not shown or provided any credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

□ 1730

The SPEAKER pro tempore (Mr. HEFLEY). The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MENENDEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 198, answered "present" 3, not voting 19, as follows:

[Roll No. 558]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon

Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—3

Coburn
Sanchez
Souder

NOT VOTING—19

Barr
Cubin
DeLay
Doolittle
Foglietta
Gekas
Gonzalez
Houghton
Kleczka
Leach
Manton
McHale
Meek
Metcalf
Payne
Schiff
Weldon (FL)
Weldon (PA)
Young (AK)

☐ 1753

Mr. Barcia and Ms. Carson changed their vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY). Before we go to the next resolution, the Chair would remind the Members that these votes should not come as a surprise. Members are expected to be here and vote within the 15-minute time limit.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 291) pursuant to clause 2 of rule IX.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 291

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit; charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. ROYBAL-ALLARD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 200, answered "present" 3, not voting 13, as follows:

[Roll No. 559]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler

Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—3

Coburn
Sanchez
Shadegg

NOT VOTING—13

Cox
Cubin
Foglietta
Gonzalez
Houghton
Manton
Moakley
Payne
Schiff
Souder
Weldon (FL)
Weldon (PA)
Yates

□ 1816

Mr. SPRATT changed his vote from "aye" to "no."

Mrs. JOHNSON of Connecticut and Mr. SNOWBARGER changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Ms. NORTON. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 292) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 292

Whereas, Loretta Sanchez has been duly elected to represent the 46th District of California; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. NORTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 187, answered "present" 4, not voting 27, as follows:

[Roll No. 560]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton

Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—187

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Wynn

ANSWERED "PRESENT"—4

Coburn
Sanchez
Shadegg
Wamp

NOT VOTING—27

Barrett (NE)
Bereuter
Burton
Clayton
Cox
Cubin
Davis (FL)
Foglietta
Gonzalez
Maloney (NY)
Manton
Meek
Millender-McDonald
Moakley
Owens
Pallone
Payne
Pelosi
Rangel
Schiff
Souder
Taylor (MS)
Waxman
Weldon (FL)
Weldon (PA)
Woolsey
Yates

□ 1838

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 560, I was coming down the aisle when the Speaker closed the vote before I was able to cast my vote. Had I been able to vote, I would have voted "no."

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, on rollcall No. 560, I was in the well of the House Chamber, and the Speaker did not notice that I was trying to vote. Had I been recognized, I would have voted "no."

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Mr. CONDIT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 293) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 293

Whereas Loretta Sanchez was issued a certificate of election as the elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26th, 1997 in Washington, D.C. on April 19th, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the Committee on the House Oversight has issued unprecedented subpeoneas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's, request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas or review; and

Whereas, the Committee on the House Oversight should complete its review of this matter and bring the matter forward for the House of Representatives to vote upon and now therefore be it:

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dimissed upon the expiration of October 31, 1997

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 190, answered "present" 4, not voting 26, as follows:

[Roll No. 561]

AYES—212

Aderholt
Archer
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—4

Coburn
Shadegg
Taylor (MS)
Wamp

NOT VOTING—26

Armey
Barrett (NE)
Crapo
Cubin
Dooley
Foglietta
Foley
Gonzalez
Manton
Martinez
McInnis
McIntosh
Menendez
Moakley
Moran (VA)
Owens
Payne
Rangel
Sanchez
Schiff
Schumer
Souder
Waxman
Weldon (FL)
Weldon (PA)
Yates

□ 1858

Mrs. MALONEY of New York changed her vote from "aye" to "no."

Mr. REGULA changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Mr. BECERRA. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 294) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore [Mr. HEFLEY]. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 294

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, for the fifth time, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BECERRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 193, answered "present" 4, not voting 18, as follows:

[Roll No. 562]

AYES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—4

Coburn
Sanchez
Shadegg
Wamp

NOT VOTING—18

Barrett (NE)
Bishop
Conyers
Cubin
Foglietta
Gonzalez
Lazio
Manton
Moakley
Oberstar
Payne
Sanders
Schiff
Souder
Waxman
Weldon (FL)
Weldon (PA)
Yates

□ 1920

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Ms. HOOLEY of Oregon. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 295) pursuant to clause 2 of rule IX.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 295

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. HOOLEY of Oregon. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 197, answered "present" 5, not voting 18, as follows:

[Roll No. 563]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—5

Coburn
Sanchez
Shadegg
Tiahrt
Wamp

NOT VOTING—18

Barrett (NE)
Burton
Cubin
Foglietta
Frost
Gekas
Gonzalez
Manton
Moakley
Payne
Saxton
Schiff
Souder
Thomas
Weldon (FL)
Weldon (PA)
Yates
Young (AK)

□ 1941

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Ms. WATERS. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 296) pursuant to clause 2 of rule IX.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore [Mr. HEFLEY]. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, would it be in order to have the gentleman from Massachusetts [Mr. FRANK], the speed reader, read the next two resolutions?

The SPEAKER pro tempore. Under the rules, the Clerk must read the resolutions.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 296

Whereas as contested election contest has been pending between Congresswoman Loretta Sanchez and Mr. Robert Dornan since December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has only met on February 26, 1997 and October 24, 1997 in Washington D.C. and on April 19, 1997 in Orange County, California; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

☐ 1945

The SPEAKER pro tempore (Mr. HEFLEY). The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 196, answered "present" 3, not voting 19, as follows:

[Roll No. 564]

AYES—214

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—3

Coburn
Tiahrt
Wamp

NOT VOTING—19

Archer
Barrett (NE)
Cubin
Foglietta
Frost
Gekas
Gonzalez
Manton
McNulty
Moakley
Payne
Pryce (OH)
Schiff
Skelton
Souder
Weldon (FL)
Weldon (PA)
Yates
Young (AK)

☐ 2005

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Mr. DOOLEY of California. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 297) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only three times; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, for the eighth and last time, I move to table the resolution.

The CHAIRMAN. The question is on the motion to table offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOOLEY of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 192, answered "present" 4, not voting 28, as follows:

[Roll No. 565]

AYES—208

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay.
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shadegg
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—4

Coburn
Sanchez
Tiahrt
Wamp

NOT VOTING—28

Archer
Baldacci
Barrett (NE)
Bereuter
Bono
Cubin
Ehrlich
Foglietta
Frost
Gonzalez
Hall (OH)
Jenkins
Kasich
Manton
McKinney
McNulty
Moakley
Murtha
Oxley
Payne
Pryce (OH)
Schiff
Skelton
Smith (OR)
Souder
Weldon (FL)
Weldon (PA)
Yates

☐ 2027

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REREFERRAL OF S. 459 TO THE COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill, S. 459, and that the bill be rereferred to the Committee on Education and the Workforce. This bill amends and reauthorizes the Native American Programs Act of 1974.

The SPEAKER pro tempore [Mr. HEFLEY]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER ON FRIDAY, OCTOBER 31, 1997, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON S. 858, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that it be in order on Friday, October 31, 1997, or any day thereafter to consider the conference report to accompany S. 858; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

There was no objection.

□ 2030

AUTHORIZING SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than November 7, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally considered on Monday, September 29, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND FEDERATIVE REPUBLIC OF BRAZIL CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. HEFLEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Brazil has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Brazil under appropriate conditions and controls reflecting a strong common commitment to nuclear nonproliferation goals.

The proposed new agreement will replace an existing United States-Brazil agreement for peaceful nuclear cooperation that entered into force on September 20, 1972, and by its terms would expire on September 20, 2002. The United States suspended cooperation with Brazil under the 1972 agreement in the late 1970s because Brazil did not satisfy a provision of section 128 of the Atomic Energy Act (added by the Nuclear Non-Proliferation Act of 1978) that required full-scope International Atomic Energy Agency (IAEA) safeguards in nonnuclear weapon states such as Brazil as a condition for continued significant U.S. nuclear exports.

On December 13, 1991, Brazil, together with Argentina, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABAAC) and the IAEA signed a quadrilateral agreement calling for the application of full-scope IAEA safeguards in Brazil and Argentina. This safeguards agreement was brought into force on March 4, 1994. Resumption of cooperation would be possible under the 1972 United States-Brazil agreement for cooperation. however, both the United States and Brazil believe it is preferable to launch a new era of cooperation with a new agreement that reflects, among other things:

—An updating of terms and conditions to take account of intervening changes in the respective domestic legal and regulatory frameworks of the parties in the area of peaceful nuclear cooperation;

—Reciprocity in the application of the terms and conditions of cooperation between the Parties; and

—Additional international nonproliferation commitments entered into by the Parties since 1972.

Over the past several years Brazil has made a definitive break with earlier ambivalent nuclear policies and has embraced wholeheartedly a series of important steps demonstrating its firm commitment to the exclusively peaceful uses of nuclear energy. In addition to its full-scope safeguards agreement with the IAEA, Brazil has taken the following important nonproliferation steps:

—It has formally renounced nuclear weapons development in the Foz do Iguazsu declaration with Argentina in 1990;

—It has renounced "peaceful nuclear explosives" in the 1991 Treaty of Guadalajara with Argentina;

—It has brought the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlateloloco) into force for itself on May 30, 1994;

—It has instituted more stringent domestic controls on nuclear exports and become a member of the Nuclear Suppliers Group; and

—It has announced its intention, on June 20, 1997, to accede to the Nuclear Non-Proliferation Treaty (NPT).

The proposed new agreement with Brazil permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination key conditions and controls continue with respect to material and equipment subject to the agreement.

From the U.S. perspective, the proposed new agreement improves on the 1972 agreement by the addition of a number of important provisions. These include the provisions for full-scope safeguards; perpetuity of safeguards; a ban on "peaceful" nuclear explosives using items subject to the agreement; a right to require the return of items subject to the agreement in all circumstances for which U.S. law requires such a right; a guarantee of adequate physical security; and rights to approve enrichment of uranium subject to the agreement and alteration in form or consent of sensitive nuclear material subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic

Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a, of that Act. This transmission shall constitute a submittal for the purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. the Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 30, 1997*.

SCHOOL CHOICE

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, just a couple of weeks ago 295 Members of this Congress voiced their support for local schools, for local school board members, for parents and for our children with respect to national testing. We decided, a majority of us in this body, that independent national testing, that parental measures of quality, that school board standards established locally are in fact the best measurements of how our children are succeeding in our schools and how our public education system is delivering quality service. The White House on the other hand persists in pushing forward their plan for government-run national testing defined by bureaucrats here in Washington, another effort by people here in the city of Washington, DC to consolidate education authority in the hands of powerful bureaucrats so far removed from the children in our districts and the schools that we represent here in Congress.

Mr. Speaker, we need to stick to our guns here in the House. The 295 Members need to tell the White House that our schools need to continue to be governed locally.

Mr. Speaker, Congress has a choice.

It can ignore the findings of the 1983 report on education in America—A Nation at Risk—for yet another year.

Or it can get serious and pass real reforms that have the benefit of a proven track record and common sense behind them.

Previous Congresses have chosen to sell out to the special interests and protect the status quo.

The results are there for all to see.

The other side of the aisle is proposing to do exactly that for one more year.

It's always the same story—more money into the very same wasteful bureaucracies with money that taxpayers already forked over the last time the Government asked for more money.

More Federal programs, more bureaucracy, and more control from Washington, DC.

This is the essence of how the other side thinks problems are solved.

It's time to change course. Public schools can compete in a free market—they should be permitted to do so.

It's time to change course.

Competition works.

Greater parental control and less intrusion from Washington means better decisions about how our children are educated.

It's time to give parents school choice.

VOTE DOWN OHIO'S WORKERS COMPENSATION INITIATIVE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, next Tuesday the people of Ohio will vote against Issue 2 to overturn a number of destructive changes that have been made in the State's workers compensation system. Those who favor Issue 2 argue that these changes are constructive reforms. Nothing could be further from the truth. The real intent of these changes is to block legitimate applicants from receiving the benefits they deserve because they have been hurt on the job.

Issue 2 would impose upon applicants a burden of proof that would be almost impossible to meet. It would allow employers to keep their injury, disease and accident reports hidden from the public. It would cut in half the amount of time that claims would remain open for the payment of compensation and medical benefits.

If this law had been in effect in 1995 in Ohio, 9 out of 10 persons who received total permanent disability would have been rejected.

It is a total fraud to call Issue 2 a reform of Ohio's workers compensation system. It is a takeaway law that tries to convince working people in Ohio to take away rights and benefits they have had for 80 years. Stand up for injured workers. Vote down Issue 2.

Issue 2 is opposed by a broad-based coalition of citizens and municipal organizations such as the Parma City Council. I request that this Emergency Resolution from the Parma City Council be entered into the CONGRESSIONAL RECORD.

RESOLUTION NO. 306–97

By: Susan M. Straub, Deborah Lime, Sam C. Bonanno, Dean E. Depiero, Roy J. Jech, J. Kevin Kelley, Paul T. Kirner, John R. Stover, Anthony Zielinski.

A Resolution opposing Senate bill 45—Workers' Compensation Reform Bill and urging voters to vote "No" on Issue 2 on November 4, 1997, and Declaring an Emergency

WHEREAS, the Ohio legislature and Governor Voinovich have decided to tap compensation payments to workers injured or diseased on the job; and,

WHEREAS, the most severe benefit cuts are: 1) decreasing benefits to those with permanent partial disabilities; 2) denying coverage to workers who contract occupational cancers and other occupational diseases; 3) denying coverage for those who suffer from carpal tunnel or other repetitive motion injuries; 4) decreasing non-working wage loss from 200 weeks to 26 weeks; and,

WHEREAS, a coalition of public interest, labor, and injured worker organizations turned in 415,000 signatures on petitions to the secretary of state on July 21, 1997, forcing a referendum on the so-called Workers' Compensation Reform Bill (SB 45) signed by Governor Voinovich in the spring; and,

WHEREAS, the signatures mean that for the first time since 1939, Ohioans will be able to go to the polls and *VOTE "NO"* on anti-injured workers legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That this Council of the City of Parma has determined that Senate Bill 45—Workers' Compensation Reform Bill will negatively impact those citizens who have suffered injuries and diseases as a consequence of their employment, and thus, urging voters to vote "no" on Issue 2 on November 4, 1997.

Section 2. That the Clerk of Council be, and he hereby is, directed to forward a certified copy of this Resolution to Governor George V. Voinovich, Congressman Dennis Kucinich, Senator Gary C. Suhadolnik, Senator Patrick A. Sweeney, Senator Judy B. Sheerer, State Representative Ron "Mickey" Mottl, and State Representative Dale Miller.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary as the general election will be held November 4, 1997, and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

Passed: September 22, 1997, Charles M. Germana, President of council.

Attest: Michael F. Hughes, clerk of council, approved: September 23, 1997.

Filed with the Mayor: September 23, 1997, Gerald M. Boldt, Mayor, City of Parma, Ohio.

I, Michael F. Hughes, Clerk of Council, City of Parma, County of Cuyahoga and State of Ohio, hereby certify this to be a true and correct copy of Resolution No. 306–97, passed by Parma City Council on the 22nd day of September, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, October is Breast Cancer Awareness Month. Throughout this month, the Congressional Caucus for Women's Issues has sponsored special orders to urge our colleagues to work with us to increase funding for breast cancer research, treatment, and prevention, and to expand insurance coverage for screening and treatment.

Last year, an estimated 182,000 women were diagnosed with breast cancer, and 46,000 died of the disease. One in eight women will develop breast cancer in their lifetimes. It continues to represent the most frequent major cancer in women and the second leading cause of cancer deaths in women.

Despite the increases in funding for breast cancer research and prevention in recent years, we still have few options for prevention and treatment. For this reason, the gentlewoman from New York [Mrs. LOWEY] and I have introduced H.R. 1070, The Breast Cancer Research Act of 1997. This bill authorizes $590 million for breast cancer research at the National Institutes of Health for fiscal year 1998, which is an increase of 35 percent. This funding level is recommended by the National Breast Cancer Coalition and the American Cancer Society. The bill has been cosponsored by a bipartisan group of Members.

Many worthy research proposals go unfunded each year, and a greater Federal investment in this research will attract more top scientists to this effort. I urge my colleagues who are speaking tonight and I urge my colleagues in this House to add their names as cosponsors of this important bill.

I am pleased that the House approved the fiscal year 1998 Labor, Health, and Human Services Education Appropriations bill, which has a 6-percent increase in funding for the National Institutes of Health. The Senate has approved an even higher increase of 7.5 percent. I particularly thank the chairman, the gentleman from Illinois [Mr. PORTER], for his leadership in working to bolster our Federal investment in biomedical research, including breast cancer research, as well as the members of his subcommittee, including three members of the Women's Caucus, the gentlewoman from New York [Mrs. LOWEY], the gentlewoman from California [Ms. PELOSI], and the gentlewoman from Connecticut [Ms. DELAURO].

The National Cancer Institute receives the highest funding increase of all the institutes in the bill. I hope that a final version will be forthcoming very soon. We must also work to better translate new research findings to clinical applications both through a greater focus on clinical research and through technology transfer.

As chair of the Subcommittee on Technology, I have been working to facilitate technology transfer between Government agencies and the private sector. Efforts such as the "missiles to mammograms" project between the Public Health Service, the Department of Defense, the intelligence community, and NASA are critically important in applying new technologies to the fight against breast cancer.

Earlier this year, the gentlewoman from New York [Mrs. LOWEY] and I circulated the congressional letter urging the Appropriations National Security Subcommittee to provide $175 million for the peer-reviewed breast cancer research program at the Department of Defense, a letter cosigned by 170 of our colleagues, many of whom are here this evening. And while this final conference report fell short of that mark, I wanted to commend Chairman YOUNG for his role in increasing spending for the program to $135 million in the final version.

The peer-reviewed breast cancer research program has gained a well-deserved reputation for its innovation and efficient use of resources, with over 90 percent of program funds going directly to research grants. We must continue to increase our investment in this important program.

Access to mammography screening is another critical issue. The caucus had a major victory in August, when Congress approved the Balanced Budget Act, which includes annual coverage for mammography screening under Medicare. This has been a longtime caucus priority. And I was pleased to be an original cosponsor of both the Kennelly bill to provide annual coverage, as well as a cosponsor of the bill, H.R. 15, of subcommittee chairman, the gentleman from California [Mr. THOMAS], which provided for a number of preventive benefits, including annual mammography screening.

As of last fall, the breast and cervical cancer screening program had provided more than 1.2 million breast and cervical cancer screenings, education and followup services for low-income women across the country. While this program has been successful, we must ensure that efforts to reach disabled and disadvantaged and minority populations are expanded. As an interesting number of mastectomies and lymph node dissections are performed as outpatient surgery, Congress should ensure that women receive hospital care. Breast cancer has been a bipartisan priority within the caucus and for our male colleagues. I look forward to working with all of our Members to increase our commitment to it.

H.R. 135 AND BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MALONEY] is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, as October is Breast Cancer Awareness Month, I rise to reflect on those loved ones we have lost to breast cancer and to offer my support to those who are struggling with the disease. I also rise to strongly urge an important legislative response to this killer disease.

Whether we are aware of it or not, all of us know at least one person who has been affected by breast cancer. The prevalence of this disease is underscored by some truly alarming statistics. Breast cancer is the most common form of cancer in women in the United States. And as was mentioned a minute ago, one in eight women will be diagnosed with the disease in her lifetime. In my home State of Connecticut alone, 2,000 women will be diagnosed with breast cancer in 1997 and approximately 480 women, unfortunately, will succumb to this illness.

Finding a way to eradicate breast cancer must be a national priority. It is imperative that the public and private sectors continue to devote sufficient resources for research activities aimed at finding a cure. I would like to commend my colleagues for their efforts to pass the fiscal year 1998 Labor, Health and Human Services Education Appropriations bill, which provides a $764.5 million increase over last year's level for the National Institutes of Health and $124 million more for the National Cancer Institute.

Until we find a cure, however, we must ensure that those living with breast cancer have access to quality health care services. New drugs and therapies are being developed to ease the suffering of breast cancer victims and help them lead normal lives. However, as my colleague, the gentlewoman from Connecticut [Ms. DELAURO] eloquently stated on the floor of this House the other night, some managed care organizations are providing inadequate coverage for hospital stays after women undergo mastectomies.

I find it unconscionable that managed care staffers whose knowledge of medicine is often limited and whose decisions are influenced by financial considerations are forcing women out of hospitals in their time of need. The results of a study conducted on this matter by the Connecticut Office of Health Care Access are stunning. The report revealed that the average length of a hospital stay for breast cancer patients in Connecticut and across the Nation is decreasing, and it is falling faster for mastectomies than for other inpatient discharges. We must act to halt this unacceptable trend. Breast cancer patients face life-and-death decisions, and they should be afforded the peace of mind that comes with adequate coverage of services.

The gentlewoman from Connecticut [Ms. DELAURO] and I, together with 194 of our colleagues, have introduced legislation to address this problem. I am proud to be a cosponsor of the Breast Cancer Patient Protection Act, critical legislation which provides important safeguards for those afflicted with breast cancer. This measure will guarantee coverage of a maximum hospital stay of 48 hours for a woman having a mastectomy and 24 hours for a woman undergoing a lymph node removal. This is the least we can do for patients who have just endured a traumatic and painful surgical procedure. And consistent with other efforts to regulate managed care plans, and ensure quality health care, this legislation helps to empower women to make their own health care choices, and gives doctors the ability to make appropriate medical decisions.

Unfortunately, the Congress has not taken action on this legislation. The Sapient Health Network has created a web page and is asking people to sign their "Breast Cancer Care" petition urging Congress to schedule hearings on the Breast Cancer Protection Act. Thousands of Americans have contacted that website to express their support for this critical legislation.

□ 2045

This web site also contains a number of testimonials from breast cancer survivors, patients, and family members of victims.

I would like to close by reading the moving statements of two Connecticut residents whose lives have been touched by breast cancer. One reads: "I am a breast cancer survivor who was fortunate enough to have my reconstruction covered by my insurance company, thanks to some careful wording by my plastic surgeon. I had my mastectomy and reconstruction at the same time just 4 years ago, and my surgeon said that I would be in the hospital 4 to 5 days. I can't imagine going home any sooner, especially with the drains still in me. Unfortunately I developed an infection and stayed 21 days. What if that infection hadn't shown up before I was sent home?"

Another Connecticut resident writes: "In May of 1997, I was diagnosed with breast cancer. Fortunately it was detected through a mammogram at a very early stage. I've had a lumpectomy, lymph node dissection, and radiation. The laws need to be supportive and realistic. These are our mothers and sisters and wives and daughters that we're talking about."

Mr. Speaker, now is the time for us to intensify our efforts to eliminate breast cancer. I urge my colleagues to support the Breast Cancer Patient Protection Act.

ACLU AT IT AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, last Thursday in one of our Nation's leading daily newspapers, the Christian Science Monitor, was this paragraph:

"The ACLU is at it again. The organization that opposes school uniforms, obstructs teen curfews, fights metal detectors at airports, and challenges restrictions on child pornography is now turning its legal firepower against single-sex public schools."

As the headline in the Monitor said, "Single-sex schools are a form of diversity." The Christian Science Monitor is not a conservative publication. Also, even many liberals like columnist William Raspberry and others have praised single-sex schools.

People should be free to go to any type of school they want to go to or their parents want them to go to. But everyone should realize how elitist and left wing the ACLU has become, how out of step with the American people it is. It basically has become an organization that is supported by rich socialists.

They fight against school prayer and in favor of child pornography. What a group. Then they try to portray themselves as a pro bono public interest group and then demand $6.7 million, $450 an hour, for legal work in their suit against the Citadel. The ACLU charged $105,000 just to prepare the bill in that case, so now all the students at the Citadel will have to pay higher fees for their college education, thanks to the ACLU.

While I am speaking about the type of education our children receive and the choices or options they have, let me also mention last week's White House Conference on Day Care. Columnists Linda Chavez and Mona Charen both wrote about this conference and the harmful effects of placing small children into institutional day care.

Linda Chavez wrote, "From everything we know about child development, it's a good thing more children, especially infants, are not being cared for in institutional settings. Babies and very young children need the kind of personal attention and care giving that is impossible to find in a day care center no matter how well-intentioned or well-meaning the staff."

She quoted Dr. Stanley Greenspan, a professor of pediatrics and psychiatry at George Washington University, who wrote recently in the Washington Post, "In the rush to improve and increase child care, we are ignoring a more fundamental reality: Much of the child care available for infants and toddlers in this country simply isn't good for them."

Among his reasons were a lack of continuity with one care giver and lack of prolonged interactions between child and adult. In other words, babies and small children need, desperately need and desperately want, much more individualized attention than is possible even in the best, most expensive day care center.

Mona Charen went on to write: "American families are creative. Though we hear endless calls for more and better child care, 66.7 percent of mothers with children under age 6 are full-time mothers or are employed part-time. They are not crying out for more institutional child care. What they do need are tax breaks, flex-time, work-at-home options, telecommuting and job sharing."

She goes on to say this: "The notion of a child care crisis is a myth. We now have expert testimony like that of Dr. Greenspan and other experts cited by the Clintons themselves to bolster the common-sense intuition that parents are the best guardians of young children. The goal of public policy ought to be to ensure that as many parents as possible are free to make that choice."

The thing that would help children the most, Mr. Speaker, would be to drastically decrease the cost of government. Today the average person is paying almost half of his or her income in taxes of all types, Federal, State and local.

Thus, as several commentators have noted, today one spouse has to work to support the government while the other spouse works to support the family. Many families who would like to spend more time with their children simply do not have the option because of our big government, the Nanny State we have created. Our children would be far better off today, Mr. Speaker, if we drastically downsized our government and drastically decreased its cost and left more money for parents to spend on their own children and less on government bureaucrats. Our children will be far better off with less government and more time with and attention from their parents.

WHAT A DIFFERENCE 4 YEARS MAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this last weekend as I do most weekends, I went back to my home State of South Dakota and had the opportunity to participate in the annual governor's pheasant hunt, which was a huge success in spite of the weather. It is always a great reminder and a great opportunity for me to get away to clear my head, get out in the beautiful country, in the fall in South Dakota, which is a wonderful time of the year, and participate in an activity which has become a trademark and something that is very much a part of our culture in my State of South Dakota. Oftentimes as I travel in my State when I am back home I will hear from some of my conservative friends who express frustration at the fact that sometimes Washington has not come, or that we have not done enough in terms of changing the culture of this city, that we are not making progress fast enough. What I often try to remind them of is what a difference 4 years has made.

As I look at the progress that has been made here in the last 4 years, I think it is important to keep in perspective from where we have come so we know where we are going. Four short years ago, we had a President who was trying to invent a national health care system, where the government, this huge bureaucracy, would take over the health care system in this country. We saw the largest tax increase in the history not only of this country but, as someone has said, I believe a Senator, the biggest tax increase in the history of the world. And now in 4 short years and after the 1994 election, when those policies were repudiated and the Republicans took majority of the Congress, we began to take action to reverse the culture of this city, and it changed the value system that we have here.

I would like to think that the values that we have brought here as a matter of value, that bigger is not necessarily better and that smaller is better in the area of the Federal Government and that my kids are infinitely better off if we have a Federal Government that is more efficient, more responsive and a better value for the taxpayers. As a basic statement of values, that it is not the government's money, it is in fact the people of this country's money, and they ought to be able to best determine how those dollars are spent. Furthermore, that we do not need Hollywood, as the Vice President suggested last week, to force us to consider what our values ought to be. But as a matter of fact, that we want to give a more active role to parents, to families, to churches, to communities, to allow parents to spend more time with their families so they will not have to work 3 jobs by giving them a lower tax structure so they can have the important role in shaping the values of the future of our country and the future of our kids.

These are the things that I think we are making and the areas where we are making historic progress, as we consider the accomplishments of the past 4 years, welfare reform, the first balanced budget in some 30 years, the first tax relief, lower taxes on American families and businesses and people who are farmers and ranchers in my State for the first time in 16 years. Medicare reform. So many issues we have tackled in this Congress and progress we have made.

The short of it is I believe for the first time in a generation, we have taken bold steps to shift power out of Washington, D.C. and back home to the folks who really need to be in a position to make the decisions that affect their daily lives. These are important steps. This is progress that we have made. There is a lot of room to go and a lot of room for improvement here. Those are the things that we are going to continue to work on.

I think as we look into the next year and the challenges that are ahead of us, we have to do something to destroy the Tax Code that has become an abomination to the people of this country. In a very bold way, I believe that we are going to take on the issue of reforming the IRS and restructuring it and then taking this Tax Code and making it simpler and fairer and more practical for the American public. We are going to look at areas like education and making important reforms to, as a matter again of values, say that parents should have more input in how their kids are educated, that the taxpayers ought to get the best possible value that we can out of our education dollar and that we want to see the optimum, the very best quality of education for our kids.

Those are important priorities for us and those are things that we are going to continue to move forward. We have made an important beginning here in the past 4 years. As a Republican majority in the Congress when we took over in 1994, these are accomplishments to which we can point with pride.

I think it points also to the need to continue to build upon a vision for the future which envisions a Federal Government which again is smaller and more responsive, more efficient, and a recognition that it is in fact the people of this country and their initiative and when we give them the opportunity to keep more of what they earn, that they will do what is in the best interest not only of themselves and their family but they will also work in the areas of their communities to make this a better place in which to raise their kids, in which to build a better future for this country.

I look forward to being a part of these initiatives that we are going to continue to work on to build upon the progress that has been made and to continue down the path into the future. We have had a great beginning. We now need to move forward.

IN MEMORY OF THE LATE HONORABLE WALTER H. CAPPS OF CALIFORNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Oregon [Ms. HOOLEY] is recognized for 60 minutes as the designee of the minority leader.

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to especially thank the gentleman from Wisconsin [Mr. NEUMANN], who allowed us to go first so we may honor our friend and fellow colleague Walter Capps.

I would like to begin this special order with a moment of silence in honor of our friend.

Mr. Speaker, a number of Members, especially some of the Members of the freshman class who were very close to Walter wanted to pay a special tribute to him tonight. It seems particularly appropriate that we should share a moment of quiet reflection for a man whose reflective, thoughtful style was at odds with the often noisy, clamorous tenor of this body.

Even amongst the freshman class, there is a great deal of diversity in the ways my colleagues make decisions. While high-minded ideals play a part in every public servant's decisions, there are few Members who sought a moral grounding for their judgments more seriously and persistently than Walter Capps.

He was once quoted as saying, "The question is, What will I do? Am I being true to who I am? If I go this way, will I have violated anything that is essentially human?" Plainly Walter's humanism, his morality, his seriousness, his rectitude raised the business of the legislature to a higher level. He reminded us all about our reasons for coming to Congress in the first place. Walter was a different breed, a renaissance man cut from the same cloth from which I would like to imagine that the giants of our Republic's history came.

Yesterday on the floor I recalled one of my favorite stories about Walter, how he had told me that when he was laid up from a serious accident and unable to campaign, he had written a book. How remarkable in this age of hard and fast campaigning. I was almost mystified that he could have found time to do such a thing. Later, I learned that it was his 14th book.

By now even those of us who were not lucky enough to have known Walter in the short time here have through his tragedy of death come to realize how greatly he will be missed. I will miss him both professionally and personally. I will miss his bipartisanship and his intelligence. I will miss his warmth and his good humor.

Congressman Capps' spirit will live on among the Members of this freshman class. He will live through the work that we do. His early and unfortunate death deprived us of something wonderful, but the example that he set for all of us during his time here leaves us something wonderful to live up to.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. PRICE].

□ 2100

Mr. PRICE of North Carolina. I thank the gentlewoman for yielding and for organizing this special order tonight.

Mr. Speaker, Walter Capps brought rare qualities of insight and grace to political life and to his service among us. In his short time here, he touched us individually and as an institution in ways reflected in the remarkable outpouring of grief and tribute we have witnessed since Tuesday. Walter was, as the President said, a rare soul, and we are much the poorer for his passing.

I first met Walter Capps some 35 years ago at Yale University, where he was a graduate student in religious studies and I was a fellow student of his wife, Lois, and brother, Don, in the Divinity School. Walter went on to a career distinguished for the quality of his teaching and writing and research, and far-reaching in its impact on students and colleagues and in the Santa Barbara community.

His would have been a rich and full life had he never been drawn into politics, but the fact that he took on the challenge of this new career speaks volumes, not only about his remarkable and diverse talents, but also about his openness to the leading of the Spirit and his powerful sense of moral obligation.

It was not as though membership in the Congress fell into Walter's lap. Walter fought two hard campaigns and was preparing for another. He came back from a difficult loss in 1994 and a horrible automobile accident in 1996. His manner was genial and gentle, but those qualities were combined with a bedrock of conviction and courage and persistence.

He was in politics for the right reasons, but he knew that the values and purposes he brought to political life would not prevail without a struggle. With Lois at his side, he was willing to make that struggle, and our country and this institution are the better for it.

When I returned to the House after the 1996 election, Walter Capps was one of the new Members I was most eager to meet. This was partly because of our shared background, of course, but also because of the unique career path and remarkable talents that brought him to this place. I was privileged to become his friend here, as were so many colleagues to whom Walter reached out with an insatiable curiosity about the people and issues with which he was working, a cooperative and generous spirit, and great good humor.

Walter Capps cared deeply about uplifting minds and spirits. He succeeded because his own spirit was centered and at peace. He had much to give, and he gave without measure.

We are deeply saddened that Walter's time among us was so abruptly cut short, but we rejoice in a life fully and usefully lived, and we are heartened that a man like Walter Capps could be elected and could grace this House and our service with his presence.

In the words of the Apostle Paul, we thank God upon every remembrance of him.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield time to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, tonight is an evening for us to give thanks for the remarkable life of Walter Capps. It is also an opportunity for us to express appreciation to Walter's constituents in Santa Barbara and the communities he represented, to thank them for sending Walter to Congress to serve with us. It is further an opportunity to reflect on the unique attributes of Walter Capps.

Walter stood out in a body of very, very strong-willed people as being an extremely strong-willed person himself. How else can you explain the fact that Walter succeeded in getting elected to Congress while spending a few months in a hospital bed with very serious injuries?

Yet what made Walter stand out was the fact that while he was a very strong-willed person, he was also a very selfless person. I was struck on the several times that I talked with Walter by the fact that there was absolutely no sense of ego in this man, simply a determination to do his job.

Walter invested himself in learning the issues. Walter invested himself in trying to understand how to make this a better place within which to do the people's business. This is because Walter, above all, believed in the power of knowledge. He believed in the power of ideas, and his weapon here on the floor of the House of Representatives was his knowledge of the issues and his ability to use his intellect to convince others on the merits of issues.

One of the other things I will always remember about Walter Capps is his remarkable peace of mind. Amid the sound and fury that often characterizes this body, Walter had a certain calm about him which most of us can only envy.

That calmness in Walter Capps can clearly be attributed to a very rich and deep spiritual life, which he shared with many through his writings and his teachings in Santa Barbara, and also a quite remarkable sense of self-knowledge.

Walter Capps knew who he was. Walter Capps knew what he believed. Walter Capps understood quite clearly what gifts he had been endowed with, and he knew how to use them. He came here to simply get the job done. Above all, Walter was a teacher, and we were just beginning to learn from Walter in so many ways. So in the short time we had to get to know Walter, we have learned a lot.

To Walter, and to Lois, and to the Capps family and to the constituents that sent him here, we thank you for the chance of having had the opportunity to serve with him.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, it does not seem possible that it has just been one year that we had the good fortune to know Walter in the people's House, the House of Representatives. In some ways, I feel like I knew him very well in that one short year, and I thought, well, why is that? Because our districts are kind of neighbors? Well, maybe that is so.

Because we are one of, I think, only two Swedish-Americans in the House of Representatives and we used to tease each other about that? Maybe that is the truth. But as I think about it, I think I feel I know Walter very well because we all do, because he took the time to share himself with each of us and not just with us, with his constituents.

I think about what we have lost and what his constituents have lost, what his family has lost, and I also think what we have gained.

When I think of Walter, I think of several things. I think of his integrity, and I remember sitting here on this floor when we would be casting our votes and for the freshmen Members, trying to make those fine decisions, trying to understand all of the forces at play, and Walter would say something like, "I think the right thing to do is this." Not the political thing, not the popular thing, but "I think the right thing is to do this." And then he would do that thing.

I think of Walter as a sparkley-eyed person, and I think of the jokes that he and Reverend Ford used to tell, sometimes in Swedish so the rest of us would not understand, and the jokes that he would tell. He proved up the truth that you can have values and integrity, but you don't have to be grim and not fun to be around.

I think about Walter as a modest and egalitarian person, who treated the most modest person from his district or on the street as the owner of the country, who did not put the rich or the powerful or the important on any higher pedestal than the least person he ever met. And it is those values that we got from Walter. It is that that he gave to us.

Where does a person get their life, their attitude towards life? Surely from their values. In Walter's case, from his faith. I also think his severe accident really had a very large impact on him. He talked to me, and I think to many perhaps, about how it made him understand in a very real way how precious life is, when he had confronted the fact that he was really not expected to live, but he fought his way back.

After that, he took, without ever telling anyone, no press, never made much of it, but he always made a point to go back and visit the rehabilitation center where he spent those months and to visit with the people who were still there or who had become ill since he had left and to give them some hope, just by being there, that he had made it and they could, too.

Finally, I think of Walter as someone who loved his family in a way that was very special. I think of him and Lois walking these floors at night when the votes were going, because Lois was here as his life partner, but also his values partner. I think of the pride that he had in his children and how he would share that pride and how wonderful that was, and I think of how honored he felt that his neighbors had selected him to come here for a short while to represent them, to trust his values to be translated in their behalf.

He knew that all of us are here passing through at the request of our neighbors to do the people's will. He did not know it would be just for one year. In that one year, he has done more than many do in decades.

For that, Walter, we all thank you, honor you, and thank your family.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield time to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. McCARTHY of New York. Mr. Speaker, as you can hear from all of our colleagues, Walter Capps, Congressman Walter Capps, was a wonderful person. Again, I am a freshman, and I can remember meeting him for the first time during orientation.

I was scared during those days, because it was the first time that I had come here to try and work and do the people's work, and I remember sitting next to Walter, and he kind of saw me shaking and said, "Are you okay?" I said I don't know. I hope I can do this job. And he goes, Carolyn, you got here. You will do it, and you will do it fine.

Well, we are here almost 11 months and Walter had become my teacher, and for that I thank him. I loved walking from the halls to here while we would talk about what was going on in our lives and what was going on back in our district. For those things, I thank him for very deeply.

The one thing about Walter, he was a quiet man, but he was a giant. We have had a lot of extremely important people here, and more important people will come and do great things. Walter would have been one of those people. We will never know.

Yesterday, I was going over my desk and I saw that I had signed on on a bill with Walter, because he was always working to try to make life better for people. I think all of our colleagues will work to make sure his name is on that bill and that bill will pass. That will be our legacy to Walter and to his family. I thank you so much. We will all miss Walter.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield time to the gentleman from New Jersey [Mr. ROTHMAN].

Mr. ROTHMAN. Mr. Speaker, I thank Congresswoman HOOLEY for putting together this tribute to our friend, the late Walter Capps.

First of all, I would like to extend my heartfelt condolences to Lois and Walter's children. We can only imagine how you are feeling. You have our thoughts and our prayers.

Walter Capps lived a very rich and vigorous life, serving his community in many different ways. As a young man in Omaha, Nebraska, he learned the value of a hard day's work with Union Pacific Railroad by delivering newspapers and by painting houses.

As a professor of religious studies at the University of California Santa Barbara, he emerged as a national leader in the study of peace and conflict, veterans affairs, and America's democracy.

While at the University of California Santa Barbara, he also developed one of the first college curriculums on the history, experience and ramifications of the Vietnam War. He was active with his community, service organizations in the Santa Barbara area and in his own Lutheran church.

Walter epitomized the kind of person we all want to be, not only as Members of Congress, but as human beings. In a time when petty partisanship engulfs this body so often, too often, and prevents the Congress, many times, from doing the people's work, it was such a gift to be able to look over and see Walter Capps, a man who exuded humility and compassion and grace.

He refused to subscribe to the lowest common denominator of discourse. He spoke from the heart, always challenging us to see the big picture and to work for a world where harmony, reconciliation and thoughtfulness were to be more common than anger, conflict, and ignorance.

□ 2115

While campaigning to represent the people of the 22d Congressional District of California, Walter Capps often spoke of the broken bond of trust between the people of the United States and their government. He believed that Americans deserved a government as good as the people it served, and that idealism has a place in Washington, DC.

In the memory of Walter Capps, I challenge each and every Member of this great House, and every Member of the United States Senate, to seize this sense of idealism and to begin to work for a Nation that Walter would have been proud of, a place where social divisions melt away into a national community, where we come together to solve our problems in a constructive, thoughtful, and compassionate manner.

I remember first meeting Walter in our freshman orientation sessions. I am 5 feet 8½ inches, and Walter was tall, but he was a giant, as the gentlewoman from New York, Mrs. CAROLYN MALONEY, said, in other ways. When you met him, you knew that here was just a great person, a great man; smart, smarter than all of us, but he was so kind. He was so humble. He really was a beautiful human being. You were almost in awe of him when you spoke with him, because he was so smart, he was so well-read, he was so knowledgeable, but he was tolerant of all of us, short people, smaller people, and I do not just mean in height.

He had great intelligence, humility, gentleness, grace, maturity, and eyes that bespoke a great love of life. It was a tremendous honor to serve this Nation with Walter Capps, and to have gotten to know him and work with him, however briefly. I will miss him. I think I will always miss him, and his loss is a wound that will never heal.

It is my hope and prayer that this House will carry on his legacy, and will always remember and live up to his expectations and grand vision of the potential of the United States of America and the potential of the human race.

Ms. HOOLEY. Mr. Speaker, I yield to the gentleman from Iowa [Mr. BOSWELL].

Mr. BOSWELL. Mr. Speaker, 50-plus some hours ago we were stunned, 2 days and a little bit, when we heard in this Chamber, the people's Chamber, that one of ours had left us, had left this earth. Many of us had many mixed feelings. For me, I still struggle with it somewhat.

We shared a lot, I guess because we are the oldest ones of our class. I told him, though, I was the oldest. He said, well, we have got to check that. So we did, from time to time, as if he would have forgotten. Of course, he did not. But we talked probably about every day about something, sometimes just to share a little joke, or whatever, but we seemed to touch one another on a regular basis.

I know, Lois, if you are watching us through this great medium of television and satellite and so on, and the people in California, it is our opportunity to share with you about how this man touched our lives.

He came to this, the people's House, after many years, and probably never on his want list of things to do. But finally the time came, whatever the circumstance was, and he probably knew within him that life experience had shared with him things that he could come and share with us; that he could come and represent the people of his district and bring a balance, some levity, at times, but bring some sincere, deep feelings about what America is all about.

He was a theologian, a writer, and I think he practiced what he believed. Behind our Speaker is that beautiful flag that Walter loved, and just above our Speaker's head are those words, "In God We trust." As the Speaker and as I look across, we look into a picture of Moses. I think those things were very, very important to Walter Capps.

He tried to live by example. He did not go around boasting that he had written 14 books, as I have learned here. He did not boast that he won a race after going through a horrible accident. He was Walter, a man of the people, a man who loved his country, his community, his State, and the people that occupied the same.

This morning by chance I happened to talk to a Mrs. Kersh from out in his district. She called to be sure that I knew that Walter had passed, and his funeral was going to be Monday. So we talked, and she said, we have had a great loss. We are just not sure how we are going to handle this. He loved us all, in spite of ourselves, at times. And she said many other things.

The thought that comes to me as I think of this, and I shared it a little bit Tuesday morning or Wednesday morning, there are some promises that I know that Walter Capps would believe in. I often reflect at times like this on John: 14, where Jesus was talking to his disciples, knowing that sometime he would be leaving. He said, I go to prepare a place for you, and I will come and receive you to me, and I will not leave you comfortless.

Lois, you will not be left comfortless. I believe that. And I believe, as I understood Walter Capps, that he is at that someplace that is hard to identify, watching down upon us with a twinkle in his eye, a smile, grieving for those of his loved ones that are grieved for him, but he is there, doing his work, assisting in preparing a place for us and for you. Our lives were touched by him, our lives were made better because Walter Capps came our way. I am very appreciative. I thank the gentlewoman for this chance to share.

Ms. HOOLEY. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, it is with great sadness that I join with my colleagues to honor the life of Walter Capps. At this moment, may I take the opportunity to thank the 22nd District of California, the area of Santa Barbara, for sending this wonderful, wonderful man to the House of the people, to the Congress of the United States of America.

In his one year in Congress, Walter Capps added immensely to the lives of every one of us that he served with. Walter Capps was thoughtful. Walter Capps was reflective of something that was so important to all of us. He was willing to engage in dialogue on both sides of the aisle. He was committed to the fact that well-meaning people can reason together, that we can talk, we can debate, that we should come together in the interests of the United States of America and the things that the people of the United States of America want us to do. For that reason, Walter Capps should be an inspiration and model to all of us.

I met Walter Capps in the orientation of the freshman class, the new Members of the 105th Congress. I met him, I saw him, and I knew that this was a man that was delighted to be here. Walter Capps was a brave man. He was absolutely as brave as you get. Some of us who are in politics and understand what it is like to run for public office know, you literally put yourself up and you can be shot at. He ran for public office, he ran for Congress, and he lost. He had the courage to come back and run again and he won, so he came to be among us.

Walter Capps was probably about as honorable as you can get, as honorable a man as there can be to serve in this body. He was also gracious. What I remember when I met him that week of orientation was that he insisted that every single one of us, we that had been in the Congress and were there with the new class, met his wife, his beloved wife, Lois. Because he understood that in those two races that he had run to come to Congress, that she was the partner that helped him get here.

One of the reasons that I appreciated Walter to the extent that I did, because I have been here a while, I understood that Walter understood governance. He understood our democratic system. He understood that he was elected, one of 435, to come here to represent his constituents, and to respect the government of the United States of America. He understood that he had to be positive to make this government work, and as a result of this understanding, he enhanced the system.

For me, the real loss of Walter is that he understood something so deeply, but something that is so much a part of our democratic system of government. He truly understood, because of his background, because of his education, because of all that he was, he understood such a definite piece of our government: he understood the separation of church and State. He understood how strong that wall had to be. He understood that we cannot have a democratic system if we mix religion and politics.

Why I feel so badly about Walter leaving us is that I thought that with his understanding, with his education, a Ph.D. From Yale and divinity studies, that he could teach this body, each and every one, that this democratic system could not survive if we in this body did not understand that we had to have separation of church and State.

So I come here tonight to mourn his loss. I come here tonight to say that he was only with us for one year. I come here tonight to say to his family, I hope that they have comfort to think this is one man who could come here in one year and have such an impact on his colleagues.

But I also come here tonight, and stay here tonight with the members of his freshman class, who will not be freshmen much longer, wonderful Members of the 105th Congress, to say to them, you come here to honor Walter's memory. You come here to say good-bye to him. You come here to say that you love him. But let me give you a challenge.

I am a woman that has been in this body for 15 years. I am a woman who has seen classes come and classes become part of this body. The last two classes I have seen, the last two classes, the 104th Congress and the 105th Congress, are quite special, particularly on the Democratic side. That is one of the reasons that I feel after 15 years that I can leave this body, because I think you can carry on the dialogue, you can carry on the constitutional mandates, you can carry out what this country has to do to be great.

So I give you a challenge tonight. I say to you Members, particularly Democratic Members of the 105th Congress, new Members, you are going to do a good job. I think you are wonderful. I think you are probably the best class I have seen in a long, long time.

But no matter how hard you work, no matter how good you think your work is, I challenge you to go an extra mile, to do more because you knew Walter Capps, and you knew if he could have lived longer, how much he would have done.

So I challenge you Members who loved Walter Capps to say you will work as hard as you can, but you will work even harder to make sure that his being is among you, and that you do better than you think you can do in memory of that beloved man.

□ 2130

Ms. HOOLEY of Oregon. Mr. Speaker, I yield now to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, each us who began service in this Congress with Walter are left with fond memories of our friendship with him. It is a tribute tonight to hear the statements of our colleagues who each in their own unique way saw the true value of Walter's life.

We all knew him as a true gentleman. We all saw him as a deeply spiritual, religious man. We saw him as a kind and thoughtful and principled man. We saw him as a man of quiet determination.

We all remember as he walked in this Chamber and had a quick smile and a kind word for each of us. And many of us watched him as he walked across the Capitol to our office building, hand-in-hand many times, with Lois. He reflected the best of a good father, a loving husband, a man who understands and understood what was really important in this life.

I know as we speak tonight, Lois and the children are perhaps listening with many friends and I must say that Walter and Lois were an example to all of us as husbands and fathers. Lois really in many ways was like a 436th Member of this body. She oftentimes attended committee meetings with Walter and often she ventured off to go to committees that he was not even on. She shared his intellect, his keen interest and in his campaign she was a true partner in being sure that they were victorious in their election.

Walter Capps was a man who really stood apart. He came here as a college professor serving over three decades as a professor at the University of California in Santa Barbara, best known for his course on the Vietnam War. They say that there were over 800 students signing up for that class, filling the hall. In fact, they had to have the largest lecture hall at the university just for those who wanted to be under his tutelage.

Yes, we learned that when Walter spoke, as those students learned, Walter had something to say. And we knew that it was worth listening to. Walter was a man who understood adversity. He lost his first election and had to run again to come here. He nearly lost his life in a head-on collision during his second campaign. He met head-on on a mountain road with a drunken driver. But Walter, as he reflected upon his injuries during rehabilitation, said something worth quoting. He said, "I never want to forget what it's like to go through the world in a wheelchair. I would never wish for a car accident like this, but I've learned from it. Love and care for one another is what is at the core of what links us."

Walter understood the important things of life. We all were enriched by having known him. He taught us by his example to remember why we are here. He gave politics a good name and in the rough and tumble world of politics, as we so often see it in this House Chamber, Walter in many ways would at first glance appear to not fit in, as if he did not really belong here. But on closer reflection, we all realized that, yes, he truly did belong here and he set the standard for us all.

Mr. Speaker, Walter was a man who knew who he was. He knew what he believed in and he knew where he was going in this life and in the life hereafter.

Around here we often note that we are addressed as "The Honorable." Walter Capps truly deserved the title of "Honorable." He was a great American, a great family man, and a friend to each of us. He will be truly missed. May God rest his soul and may God be with Lois and the family in this difficult time.

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman. Mr. Speaker, I now yield to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker and other House Member colleagues, I rise to honor the memory of my friend and colleague, Walter Capps.

We freshmen Members on the Democratic side learned to look to Walter Capps as a leader among us. He led with humility, with fundamental goodness, and boundless wisdom. It is an overwhelming thing to arrive here in Washington, DC, and realize that we now have to stand in the shoes of generations of leaders who have steered this country through the course of its history. It was reassuring to have among us a man who seemed to understand our role as part of a scheme that went beyond the day-to-day operations of the government. As a scholar of religious studies, Walter Capps' presence in this House reminded all of us that our work must reflect our beliefs and our faith.

Mr. Speaker, Walter Capps ran for Congress because he believed he had something to offer to this country. He had already had a successful career and certainly had a beautiful family. He did not need this. But he felt obligated to offer his gift, himself, because he loved his country.

In the short time that he served, Walter Capps made a difference. He touched the lives of each of the Members of the House of Representatives, and he touched the lives of the citizens across America. And tonight our deepest sympathies go with Lois and his beautiful children. Indeed, "God bless you."

Ms. HOOLEY of Oregon. Mr. Speaker, at this time I yield time to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, I thank the gentlewoman for the time. St. Francis de Sales I think has conveyed a profound truth when he said, "There is nothing so strong as gentleness, and there is nothing so gentle as real strength."

Our friend and our colleague, Walter Capps, was gentle and he was strong.

Mr. Speaker, I have been amazed in the last couple of days as we have heard each other talk about Walter Capps. It has caused me at 56 years of age to reflect upon my own life and my own mortality; to ask myself if I were to leave this Earth, would people say about me what they say about Walter? Could they say about me what they say about Walter?

Those of us who serve in this place do so for a variety of reasons, some noble and some perhaps not so noble. Politicians are described in different ways, as smart, skillful, crafty, successful, weak, corrupt. Many words are used to describe politicians.

I think I would like to be described as a loving person, as a loving politician. And if I can just share with you what Walter's death has done for me, it has caused me to reflect upon the people that I know, my constituents, my family, my colleagues. We are talking of Walter's goodness, his gracefulness, his gentleness, his greatness.

It has caused me to wonder if every day in this place people like Walter walk past us in these aisleways and sit beside us in these chairs, people on both sides of the aisle, people who are truly good and decent and caring, and we get so caught up in our day-to-day activities and our efforts that we fail to recognize the goodness and the strength and the gentleness that is all about us.

Mr. Speaker, I am thankful for Walter Capps, for his wife Lois. We lived together in the Methodist Building. I was able to see him occasionally as he would come and go. But I hope that Walter's death teaches us a lesson that is somewhat lasting.

The scripture asks the question, "O grave, where is thy victory? O death, where is thy sting?" And I guess I would like to think that for me and perhaps many of us, we can learn from Walter's death as we learned from Walter's life, that we should pause and reflect and be grateful for Walter, but also be grateful for each other.

Ms. HOOLEY of Oregon. Mr. Speaker, at this time I yield to the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Speaker, I join in offering tonight my condolences and my thoughts tonight about Walter Capps. Here was a man who, like me, had never held elective office before and yet he seemed at ease coming here to the Halls of Congress.

He told me once that he was as thrilled as I was at being here. Walter Capps had, as I had, already a successful career in another job. He was a teacher and professor and, we found out, an author. So this place was new and exciting and yet thrilling to him.

Many of us freshmen Congressmen got to know Walter and Lois Capps because even though he counted among his friends some Members of Congress, it was now him, he was coming to Washington as a freshman Congressman, a 63-year-old freshman, older and wiser than many of us, I thought, yet just as exuberant as a kid or teacher who just got his first job.

Walter and Lois came together to many of the orientation sessions here. It was the teacher, the professor, Walter Capps, in the classroom learning about his new job, representing the people. Most of us listened when he spoke. His questions seemed to me to be, maybe because he was a professor, more thoughtful. His tone was questioning and inquiring. He was for many of us a teacher and a student. The freshmen came here students of government and now practicing government at its peak, representing the people.

We knew Walter was a good one. As I said, he and Lois sat through days of meetings. When it was nice outside, we sat inside learning about government. And I remember a day we were outside not too many months after we arrived here and we were walking over to this House for a vote, and he turned and asked how I liked this job, and I said I loved it and he said, "I do, too. It is a great honor. We are pretty lucky."

But it was all of us who got to know Walter Capps for a short time, not quite a year, it was we, who were lucky, lucky to know a freshman who, like us, was so real, so energetic and compassionate and caring and, as we will hear tonight, just a real nice guy. It is true, like all of us, Walter Capps was a politician and he worked hard to get here and appreciated his opportunity and his chance to play a role in this Nation's future. Walter Capps, whose service to his district, state and country was brief, but his effect on those he met personally will last far beyond any legislative record, and we are all better for having worked with Walter Capps.

Mr. Speaker, I would say his district was pretty lucky to have him, we were lucky to know him, God is lucky now to have him a lot closer. He was not showy and he was not flashy. He was tall and he was just good, what any American would want in their Representative.

Mr. Speaker, I would say, "Thank you, Walter, for running for Congress, for choosing to play your part on the stage of American politics." It was reluctantly brief but remarkable in its impression. And I would say "Thank you, California, for recognizing a wonderful choice to represent you. Thank you, Lois, for sharing your time and your husband, Walter Capps, with us and the Nation. And Walter, we miss you."

□ 2145

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentlewoman from Oregon [Ms. HOOLEY] for putting together this evening of tribute to our dear friend, Walter Capps.

Mr. Speaker, I rise this evening to pay tribute to a friend and a colleague, Representative Walter Holden Capps, who was our friend. It is with deep sympathy and grief that I speak this evening. Words cannot truly express the loss that Members on both sides of the aisle feel with Walter's passing.

As a professor of religious studies, he was known for his strong spiritual background and his deep, deep commitment to education. As you have heard, he was the holder of a doctorate degree from Yale University and the author of 14 books. He came to this people's House after winning one of last year's most hotly contested House races. Representative Capps entered the House after many years of committed service to education, 33 years. For 33 years he had been a professor of religious studies at the University of California, Santa Barbara, where he pioneered the study of conflict resolution, a great beginning to come to the people's House.

Students recognized him for his questioning, spiritual nature and a willingness to engage public issues on a philosophical level. In 1984, Walter invited the then Governor of the State of Nebraska, Senator BOB KERREY, to teach with him his course on the Vietnam War. This nationally recognized course was the first of its kind to be taught in the United States.

A Medal of Honor winner for his service in Vietnam, Senator KERREY urged then Professor Capps to consider political life. Ten years later, Walter made his first run for the United States Congress but, as we have heard this evening, he came up just short.

On May 21, 1996, during a second attempt at gaining public office, as we have heard this evening, Walter was injured in a massive automobile accident as he returned to his Santa Barbara home after having just completed a news conference. After emerging from three months of rehabilitation, Walter returned to the campaign trail where he was victorious in the grandest fashion.

As a fellow member of the House Committee on Science, I would often sit next to Walter. He had a keen interest for the growing role of science in our society and asked many probing questions and wondered why we were not putting more money in science. Although he will be remembered as a Member of the House of Representatives, as we have heard this evening, and his contributions here, I will most remember him for the impact he has made on the young people through his many years of contribution, 33 years in education.

He and I shared a commitment to providing quality education to all the children, no matter what their background may have been. I think if Walter is remembered by his family and his community, it will be for his commitment to the children.

I will end by extending my heartfelt sympathy to Walter's wife, Lois, and to their three children, Lisa, Todd, and Laura. I know that this will be a tough few days ahead, but remember that your friends love you and they will be there for you because you have many, many friends. I join my colleagues in saluting Walter for his wonderful spirit and lifelong commitment to his fellow man. He was a true friend and he will be missed.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentleman from Virginia [Mr. GOODE].

Mr. GOODE. I thank the gentlewoman for arranging the program this evening.

Mr. Speaker, together with my colleagues, I rise tonight to pay tribute to the memory of one of our best, Walter Capps. Walter's death on Tuesday not only shocked and surprised all of us, but also has united us in sadness that we have lost such a gentle and caring friend. My wife, Lucy, and I met Walter and Lois at freshman orientation last November and have had the opportunity to come to know them in the months since then.

From my observations, today's issue of Roll Call was completely correct with its headline that characterized Walter as the nicest Member of Congress. There was something special in his nature, a cheerfulness, an openness, a warmth that made him both liked and respected.

I remember very well Walter's remarks to our Thursday morning prayer breakfast not long ago. He spoke about his personal faith and his experiences as a professor of religion at the University of California, Santa Barbara. From his remarks, one could sense Walter's deep commitment to America's young people, the strength of his faith and a certain inner peace. To Lois and the Capps family, I say that we feel your loss with you for we have lost a friend and someone whom we are richer for having known.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise tonight to speak about a friend, Walter Capps. My husband, Stephan, and I had a very difficult campaign. I came in January at the same time that Walter came with his wife, Lois. During this entire campaign, while we were south of Los Angeles, just north of Los Angeles, Walter Capps and Lois, his wife, were running for Congress. And I kept hearing some amazing things about this super man who would go out and talk to people and was bright and intelligent and had the toughest race going on in Congress.

I kept thinking, would it not be wonderful if in California we would have somebody like Walter Capps representing us? And when I arrived, the first thing my husband said to me was, I would really like to meet Walter Capps. Of all the famous people we have here in Congress, my husband, Stephan, wanted to meet Walter.

Now, my husband, Stephan, had gone to the University of California at Santa Barbara. He had spent five years there, finally graduating with his degree, and in that time he was one of those students who had petitioned to try to squeeze into one of Professor Capps's classes. And in five years there was such a demand for those classes that he was unable to be in his class.

So he said, the one person I really want to meet is Walter Capps. As you know, my husband has stayed back in California, and I go out to California to be with him on the weekends. I kept saying to my husband, do not worry, you will get a chance. There is always the Christmas party in December. And as I heard about the death of Walter this week, the first thing that came to mind was that there never really is enough time. In fact, tomorrow sometimes never comes for some of us.

If there is one thing I have learned from Walter's death, is that we all have to appreciate each other while we are here together. A couple of weeks ago, Walter came and sought me out and took me outside of these halls, and we sat down and we spoke a while.

Walter and I had a lot of things in common. We were both Representatives from California. We both had tough races. He went back every single weekend, most of the time on the same plane that I did. Many times we would talk. And while many people have said, oh, my God, how can Loretta take the pressure of everything that is going on this year, what most people did not realize was that Walter Capps was doing the same thing I was doing, going back every weekend, talking to the people, getting ready for a very difficult reelection, being with the people back home, trying to be with his family, his three children and his wife, and trying also to do the job of a new Congressperson.

He took me outside of this room and sat me down and he said, are you okay, Loretta? Is everything okay? Is there something we can do for you?

Here Walter had been going through the same things, in essence, that I had and yet he had found the time to ask me if everything was okay in my life.

I guess the most special thing about Walter was the fact that he had such a great family. As we all know, family takes time and it takes love and it takes commitment. About the greatest thing I can remember, as you all do, I am sure, is Lois and Walter together holding hands. That always struck me, because Stephan and I have been married for a little over seven years, and many of you have not had a chance to see us together. But when we are together, we hold hands.

When I used to watch Walter and Lois, I used to think to myself, they do it and they have been married almost 37 years. I thought, would it not be great if when Stephan and I reach 37 years we are still holding hands?

Walter, you taught me quite a bit. I am proud to call you my friend and, Lois, our thoughts are with you. He was a great man. He is a great man. He will be with us for many, many years.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. BERRY].

Mr. BERRY. Mr. Speaker, I rise tonight to honor the memory and service of my friend and colleague, the gentleman from California, the Honorable Walter Capps. His warm smile, kind words, great intellect and integrity made this a better place. His wisdom and courage made this country a better place. Even though he served only a short time, we were all honored by his having served as a man of the House. Our prayers go with Lois and Walter's family because they have lost the most.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I am pleased to be here tonight to share with my friends and Walter's friends our memories of him in his service to this House.

The people of California's 22d District chose well when they chose Walter Capps, and we want to express our sympathy today to, Lois, his partner in life and in politics, and to their children, Lisa, Todd, and Laura.

We now know, as freshmen, how we have come to know each other over the past year, and we knew Walter well by now, but if I can take you back to the time when we first came together, we were getting to know each other, telling each other stories about how difficult our own races were. And each of us felt that we had had a particularly difficult race.

Then we talked to Walter and we learned that he had been hospitalized for three months and that he had essentially campaigned from his hospital bed and that while in his hospital bed he had written his 14th book. We realized that this was a very extraordinary, gifted and talented man.

His kindness, his intelligence, his integrity will always be with us, but I think we will remember especially his joy in this job. And we will remember, as several have said, Lois and Walter walking outside, looking up at the Capitol rotunda all lit up at night, absolutely enthralled with both the responsibility and the joy of being here.

Lois, in particular, his partner in life, was thoroughly engaged in the issues that we dealt with and shared his goals and values. I want to just say one other thing. We knew him as a representative here in Congress. But there was a tribute today in the Washington Post written by Lou Cannon which gave some sense of what he was like as a professor.

It mentions his class on the Vietnam war and the 800 people who would sign up. And it has a paragraph that I believe you should hear. Lou Cannon talked to people who were in Walter's class. And he said:

> A Vietnam veteran told me he had left the Capps lecture arm in arm with someone who had dodged the draft. A Vietnamese student wept as she told me that Capps had made her family's sufferings meaningful to her. Nobody quite knew how he did it. I think he was effective because he understood but did not judge. I think he was effective because he understood, but did not judge.

□ 2200

That sums up Walter Capps to me in a great many ways. He made his family, his university, his State, and this House better for his presence. He was our friend, and we will miss him. But he has taught us to listen to the better angels of our nature and try to live up to his example.

TRIBUTE TO THE LATE HON. WALTER H. CAPPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

Mr. FARR of California. Mr. Speaker, I yield to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. FARR], for yielding.

It is a special time for us here as we talk about a dear friend. And for those of us that think that we have to know somebody for a long, long time in order to respect them, in order to love them, we do not.

Walter Capps most of us only truly knew for about 10 months or so. I can only say for my part that I feel a great sense of loss for losing him, but most of all, for not having the opportunity to have known him longer or having met him earlier in my life.

I can remember clearly the first time that I met Walter Capps. We were at one of our freshmen orientations. He came down and sat down next to me, like he would sit down to talk to others, and he looked at me and he said, "You are that Border Patrol guy, aren't you?" Walter Capps was unique. I did not know quite how to respond to him. Except, he spoke to me at length, and later I had the distinct feeling that I had just been through an interview in a very friendly and charming sort of way.

Walter Capps was a humble and gentle man. He was patient. He had a sense of humor. Many times in this hall, I wound up sitting next to him and we would trade witty remarks, and he would look at me and smile with a twinkle in his eye and say, "You know, you are pretty good at this stuff." And he was not so bad himself. He always kept a good sense of humor. He had a great sense of family. You could see that.

To the people of the 22nd District, I wanted to say thank you for giving us the opportunity to serve with a man of integrity, a man of high morals, a man of principles.

In closing, I would like to remember him as he truly was, as a loving husband, a devoted father, a dedicated true public servant and, for me and my wife, a dear friend that we will miss but that we know tonight is looking out for all of us, and most especially for you, Lois, for Lisa, for Laura, and for Todd.

This world is a better place because Walter Capps walked among us. He was a giant. He was a friend. And he will be missed.

Mr. FARR of California. Mr. Speaker, I yield to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, I take just a moment this evening to join with my colleagues. It is an honor to serve in this body with my friends in the freshmen class. And it has been an honor to serve with Walter Capps. So much has been said about him, it is hard to know what to add, except to share a couple of personal experiences about Walter.

He and I met through the television set. We were both featured on one of the stories near the end of the campaign about hot-contested races. I had the opportunity to hear about this wonderful man, this bright, wonderful author and professor in California. We both had similar opponents. When we got here at orientation, we were very quick to look each other up and, not knowing each other, gave each other a hug and said that we were glad that we had both made it.

We went on to sit together on the Committee on Science. Walter sat next to me. He was all the things that everyone has said tonight in terms of his wit, his compassion, his intelligence, his caring. Sitting next to him on the committee, we had an opportunity to share some really important discussions about education, science and math education, the importance of investing in research, in science. It was clear to me that this was a man of incredible depth, as well as a man who was extremely caring and respectful of other people.

He was always teasing me about my legislative director, who he said was wonderful and he wanted to steal her from me. And every time she came up to speak with me on the Science Committee, he would say, "Is she treating you all right? And if she is not, just let me know." My staff loved to talk with Walter.

I think when I heard about what happened on Tuesday, and I was with my legislative director, both of us felt like we had been hit in the stomach, we were so shocked, and had a very difficult time the rest of the evening as we went back to the office and had an opportunity to share with each other about the wonderful discussions and interactions with our friend, Walter Capps.

To Lois and the family, our prayers are with you. You have had a wonderful opportunity to know our friend, Walter Capps, certainly much better than we have. But for me, for my staff, we want to let you know that we care deeply about your family and your loss and our prayers are with you.

Mr. FARR of California. Mr. Speaker, I yield myself as much time as I may consume and then with a close to the gentlewoman from Oregon [Ms. FURSE].

Mr. Speaker, tonight the United States Capitol mourns the loss of our colleague, Congressman Walter Capps. Tonight, it is a beautiful autumn evening outside. The Capitol is basking in spotlights, and the flags are all at half-mast. Forty-eight hours ago in this Chamber, the House of Representatives, we were a buzz as the news, the shocking news, was passed from Member to Member about Walter's sudden heart attack.

Tonight, I rise to pay tribute to this great man. First, because he was what politics in America needs, a scholar, a thinker, an accomplished man, Ph.D. from Yale, an author of 14 books, and, as so many speakers before me have mentioned, an incredible loving husband to Lois, the partnership that I think was the envy of the Capitol.

But he was also an incredibly loving, wonderful father to Lisa, Todd, and Laura. How many times we saw Laura at Capitol events as she worked in the White House. And how many of us as parents envied the ability and the wonderful relationship that he had with his daughter to be able to work in the Nation's Capitol alongside one of your children.

Walter was a mentor to us. What was so wonderful about him is his style, as everybody has mentioned. In an era of cynicism about politics, he made the cynics doubt themselves. He represented the district that is next door to mine, a district that I have long had close relationships with. The politicians in that district have been like the politicians in my own. I went to school with county supervisor Billy Wallace. And Jack O'Connell, the State senator, was my roommate when I was in the State legislature. And Andrea Seastrand, who preceded her husband, Eric Seastrand, who served with me in the State legislature and also died while he was in office. All of these people have been about that wonderful district.

Walter Capps was a futurist about that district. He knew that he could make a difference. And he was making a difference. He was excited about the future. And he knew that he was going to help Santa Barbara County and San Luis Obispo County.

Tonight, those counties have lost a great Congressman. California has lost a great scholar. The Nation has lost a model public servant. So tonight's tribute to Walter, with the flags at half-mast, it is also about patriotism, but not so much about the protection of the land of Walter's forefathers as it is about the preservation of the land of Walter's children.

Walter, look around you right now. I know up there in heaven, next to you is my father, who is former State Senator Fred Farr. He passed away just a few months ago. You two are probably sitting right now chuckling. With the passing of so many good Democrats, you are probably saying, the Lord is just trying to make a more perfect union.

Good night, Walter. Good night, Lois. Good night, kids. We love you.

TRIBUTE TO THE LATE HON. WALTER H. CAPPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. SHERMAN] is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, the day after WALTER died, I had a chance to join a number of our colleagues in recognizing him here. And I jotted down these few words just an hour or two after I learned of his death. And I thought that maybe when I came back to join with my freshmen colleagues, DON or WALTER, I would have something better to say. But, frankly, I do not.

So, with apologies to anyone who has heard me speak of WALTER in the last couple of days, I will say it again. This country lost a leader of depth and integrity. Just a couple days ago, this House lost one of our own. Lois, Laura, Todd, and Lisa lost a husband and a father. And, like several of my colleagues here today, I lost a role model and a friend.

WALTER CAPPS was the professor that we called a freshman. Most of us come here to Congress hoping that, once we are here, we will make some contribution of which we can be proud. WALTER CAPPS came here having already done more than we can hope to do.

As so many have pointed out, he was perhaps the most popular professor in the history of the University of California at Santa Barbara, where he did not just teach well what had been taught before, but invented courses, wrote books. If he never had come to this House, he would have been a major leader in the life of his district.

Now, like many new Members to this House, I often seek advice, a few hints. And when I wanted to know what was the smart political thing to do, I never went to WALTER. But when I sought wisdom and thoughtfulness, a way of looking at things that is different from today's headlines or yesterday's poll results, I sought out WALTER CAPPS. And he was always there.

We who hold elective office are often viewed as cynical manipulators of public opinion or as slaves to public opinion. We are depicted as knowing more or caring more about the politics of an issue than the substance. You can say what you want about most of us, but you cannot say all of us. Because, for a short time, WALTER CAPPS served in this House and he was everything you want us to be. He was the best of us. He will be missed.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. HOOLEY].

□ 2215

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding.

I would like to also enter into the RECORD a tribute from the gentleman from Ohio [Mr. HALL], as follows:

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to the late WALTER H. CAPPS. Not only has this country suffered a great loss, but we, his colleagues, have lost a model of an ethical and decent politician. We can all be thankful for the perspective that WALTER brought to us in his 10 months in the House, and he will be greatly missed by us all.

WALTER provided us with a unique understanding of society through his spiritual and philosophical nature. He was not afraid to see the bigger picture; to engage public policy from a collective point of view. This was demonstrated to me by his sincere and enthusiastic support of my bill for congressional apology for slavery. WALTER's dedication to the people he represented, and his principled campaign practices show the signs of a disciplined man. But most importantly, he will be remembered as a true scholar and a gentleman, with an undying love for humanity.

To me, WALTER CAPPS will be remembered as a teacher; not only for the 33 years that he enlightened our youth with spiritual ideas at the University of California at Santa Barbara, but as a role model of the kind of person we need here in Washington. One who taught the values of democracy and moral character through his actions, and shared his knowledge and devotion to decency through his words. My prayers are with his wife and children.

Ms. HOOLEY of Oregon. Mr. Speaker, I would also again like to thank the gentleman from Wisconsin [Mr. NEUMANN] for so graciously allowing us to do this at the beginning and again yielding time.

As irreplaceable as Walter Capps will be for the Members of the House, his loss will I am sure be deeply felt by his district. We express our heartfelt condolences to them. We also grieve with Walter's family, his wife Lois, his children, Todd, Laura and Lisa and the rest of his loved ones. My colleagues and I are happy that he shared himself with us even for so short a time. I can only imagine that in the fullness of time, those that had known him longer will bless and hold dear each day they had the pleasure of his company. Our prayers are with all of you. Walter, we loved you. You will be missed.

THE DEBT, THE DEFICIT, AND SOCIAL SECURITY

The SPEAKER pro tempore (Mr. MCCOLLUM). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

CONDOLENCES TO FAMILY OF LATE HONORABLE WALTER CAPPS

Mr. NEUMANN. Mr. Speaker, I would like to also begin this night by expressing my condolences to the family of our colleague, Mr. Capps. I cannot count how many times my wife has said to me that she hopes that our 24 years of marriage will allow other folks around us to see that it is all right to find the right person in your life and to spend your entire life together. We also have 3 kids, and I am sure listening this evening, that Mr. Capps certainly provided a role model for many, many, many people not only in California but all across America. Married to the same woman for 37 years is something that many people should look to in this Nation for a role model. Again I cannot count how many times my wife Sue has said, "Let's hope people see that it is all right to be married to the same person," that that is the way things should be. Again, my condolences to their family and to the kids that are involved here.

Mr. Speaker, this evening I had reserved the hour primarily to talk about some budget matters. I guess last week we had a situation develop in our district where we were in dire need of some help from some folks. I gave my parents a call. My mom and dad said, well, we are going to be there instantaneously. They said they were going to drop everything they were doing.

So to start tonight rather than start on the budget stuff, I thought I would talk about a matter that is of the utmost importance not only to my parents but to other seniors like them all across America. It is an issue that has almost been put on the back burner out here in Washington and many different fronts, and that is Social Security. I thought I would start tonight by talking a little bit about what is happening in Social Security and then go to a solution as what we need to do about it, first, what is happening in Social Security.

I know many senior citizens rely on Social Security all across this great Nation of ours. The Social Security system in 1983 was set up so that it started collecting more money than what it pays out to seniors in benefits. The idea with Social Security was they would collect this extra money, put it aside in a savings account and then when the baby boom generation hit retirement, they would go to the savings account, get the money they need and still make good on the payments to our senior citizens. So it is kind of like you do in your own house where when you have got extra money coming in you put it in a savings account. Then when you overdraw your checkbook you go to the savings account, get the money out and make good on it. That is how the Social Security system is set up.

In fact, in 1996 the Social Security system collected $418 billion in taxes. That is, they went into the paychecks of working families all across America and they collected, they brought out here to Washington $418 billion. They only sent out checks to our senior citizens of $353 billion. Again, this is a program that basically is working. They collected $418 billion, they sent out $353 billion in checks to our senior citizens, and that left $65 billion that was supposed to be set aside into the savings account. This program if it was run properly, if this is what would be happening and it would be run right, is working just fine. The problem, and it should serve as no great surprise, that out here in Washington when they got that extra $65 billion, here is what they did. We get the money out here in Washington, we put it in the big government checkbook, in the general fund out here in Washington. They have been overdrawing the general fund, that is the deficit, they have overdrawn the checkbook out here where this money has been put every year since 1969. So what they do is they get this $65 billion, put it in the general fund, then they overdraw the general fund or the checkbook so there is no money left to put into that savings account for Social Security. So what they do instead is simply put an IOU down here in the Social Security trust fund. What has happened out here is they have collected this extra money like the system is supposed to work, they have paid out the benefits to seniors, paid out less than they collected, but instead of putting the money into the Social Security trust fund the way it is supposed to be done, they have put it in the general fund instead, they spend all the money out of the general fund, then at the end of the year they simply make an IOU entry into the Social Security trust fund.

We have developed legislation in our office, and to many of my colleagues this will not seem like it took Einstein to figure this out, it really did not, it is the same thing that every business across America does with any kind of a pension fund that is similar to Social Security. Here is what our legislation does. It simply says that this $65 billion that is collected in Social Security over and above what is paid out to our senior citizens in benefits be put directly into the Social Security trust fund. It is a very, very simple concept and it is what I used to do back when we had a business in the business world before I ran for office.

Again, what our legislation would do, and it is called the Social Security Preservation Act, is simply take the extra money that is coming in for Social Security and actually put it aside in the Social Security trust fund. Let me be a little more specific. What we would do with this extra $65 billion is we would buy negotiable T bills like any senior citizen in America can go to any bank and buy right now today. So instead of having IOUs down here in the trust fund we would then accumulate these negotiable treasury bonds, a T bill, much like anybody in this Nation can go to the bank and buy. The idea in doing this would be to accumulate this kitty of money the way it was set up, the way this system was set up and designed to work. If we were to accumulate that kitty of money, Social Security would be safe all the way to the year 2029. By not accumulating that kitty of money, there is a shortfall in Social Security not later than the year 2012. Let me say that once more. If this money were collected and put down here in the trust fund the way it is supposed to be, instead of put into the big government checkbook, if it went straight to the trust fund, Social Security as we know it today would be solvent all the way to 2029. Under the current system where the money is put into the general fund instead of into the trust fund, and all the money is then spent out of that general fund and IOUs are put in the trust fund, that is the current system, Social Security is in serious trouble not later than the year 2012. We can see the urgency of this sort of activity.

Again, this bill is called the Social Security Preservation Act. It seems very fitting tonight that we would mention that when we have cosponsors from both sides of the aisle supporting the Social Security Preservation Act.

I would like to point out also how this impacts the budget process out here in Washington, because it is very important to understand. We are on the verge of having our first balanced budget since 1969. Every year since 1969, the people that have been out here in Washington have spent more money than what they had in their checkbook. That is, they overdrew the checkbook. When they overdrew the checkbook they went to borrow the money to make good on checks and they have been borrowing money every single year since 1969. Here is how the Social Security system relates to this budgeting process. In Washington, since this extra $65 billion is in their checkbook, they call their checkbook balanced even though they are using the Social Security money as opposed to putting it away where it belongs.

Let me show that in picture form. When Washington talks about a deficit, and they were talking about a fiscal year 1996 deficit of $107 billion, what they do not tell you is that in addition to that, there is $65 billion that has been taken out of the Social Security trust fund, so the real deficit for 1996 was $172 billion, not $107 billion that was reported to the American people.

What does all that mean? Balancing the budget for the first time means getting rid of this blue area by Washington definition. When we say in Washington we are going to balance the budget by 2002, we mean the blue area is going to be gone. But in that year 2002 to get to a balanced budget, they are still taking, in that year it would be $104 billion out of the Social Security trust fund. It is very important for people across America to understand that when Washington says they are going to get to a balanced budget, they will still be using the money out of the Social Security trust fund in their big general fund checkbook to make that checkbook look balanced. So even after we get to a balanced budget, we have a long ways to go to actually restore the Social Security trust fund.

I am happy to say we have legislation currently pending that we have written in my office that will put this money that has been taken out of Social Security back into the Social Security trust fund. We have written the Social Security Preservation Act that will start putting the money away immediately. In addition to that, we have written what is called the National Debt Repayment Act. The National Debt Repayment Act looks ahead, sees that when we are going to have surpluses, takes the surpluses, one-third for tax cuts, two-thirds for debt repayment, and as we are repaying that debt the money that has been taken out of the Social Security trust fund would get put back in the Social Security trust fund and Social Security would once again be solvent for our senior citizens.

I want to turn from there and address the bigger problem and look at just how far we have come in the last 2 years. I think it is very important as we talk about this to understand where we were in 1995 when for the first time in a long, long time, 40 years to be exact, Republicans took control of the House of Representatives and the Senate. What I have got with me here is a chart that shows the growing debt facing this great Nation of ours. It is important to see that from 1960 to 1980, the debt grew very little. But from 1980 forward, this debt has grown right off the chart. As a matter of fact, in 1995 when we got here, it was my first year in office, the debt was all the way up here. It was a very, very serious problem and it was growing fast.

Just to take this out of the partisan realm, I realize that when I point to 1980 as the year this thing started climbing rapidly and it is very clear in this picture that that is the year it started climbing very rapidly, I understand that all the Democrats say, "Well, that's the year Ronald Reagan was elected to office, therefore, it's the Republicans' fault." And I understand all the Republicans say, "Well, it's that Democrat Congress that could not control their spending habits and therefore it's the Democrats' fault." The facts are it does not matter whose fault it is, it is our responsibility as Americans to solve the problem. We are here in this chart and it is time that we as Americans accept our responsibility and do what is right for future generations in this great Nation that we live in and solve the problem. I used to be a math teacher. I guess it is fitting tonight to have another former professor here on the floor. I used to teach some college classes as well as junior high and high school. We used to use these numbers in our class to talk about how large the debt really is. We used to talk about these in our math class and use it for a number of placement discussions. This is the amount that the United States government has borrowed on behalf of the American people. This is our debt today. It is $5.3 trillion. Again, this is what we used to do in our math class. We used to divide the debt by the number of people in the United States of America and in fact we would find that the United States government has borrowed $20,000 on behalf of every man, woman and child in the United States of America. Let me say that once more because it is a pretty staggering number. The United States government on behalf of the American people has borrowed $20,000 on behalf of every man, woman and child in the United States of America. For a family of 5 like mine, that means they have borrowed $100,000. Let me say this a different way. That means they collected $100,000 less in taxes than what they spent out here in Washington basically over the last 20 years. For a family of 5 like mine, they borrowed $100,000. Here is the real kicker in this thing. A lot of people out in America go, "So what? So what if the government has borrowed all this money?" Well, there are a bunch of answers to the so-what, not the least of which this is our responsibility as a Nation to pay back, but the so-what is more immediate than that. A family of 5 like ours is sending an average of $580 a month to Washington to do nothing but pay the interest on the Federal debt. A lot of people out there say, "Well, that's not us. We don't pay $580 a month in taxes." They forget that when they walk into the store and do something as simple as buy a loaf of bread, that the store owner makes a profit on that loaf of bread and part of that profit gets sent out here to Washington, D.C. An average family of 5 in the United States of America today is sending $580 every month to Washington to do absolutely nothing but pay the interest on the Federal debt. That is a very real problem. It is a problem that is taking money out of the pockets and the paychecks of workers all across America, and it is a problem that we as a Nation need to address.

□ 2230

This is where we were in 1995, and this is really the problem that we came into. I think it is important to understand how we got there. To point this out, I think it is important to think back to the late eighties and early nineties, what was going on, what sorts of promises were being made to the

American people. Many folks remember the Gramm-Rudman-Hollings Acts. They did the first one in 1985, the second one in 1987. Lots of folks remember the promises of the Gramm-Rudman-Hollings Acts. So I brought that with me tonight. This blue line shows what the Gramm-Rudman-Hollings Act promised to do with the deficit.

I think it is important to note by 1993, under Gramm-Rudman-Hollings, they promised we would have our first balanced budget since 1969. The red line shows what happened. If I get upset when I talk about this, it is because this is what brought me out of the private sector and caused me to spend 4 days a week away from my family as opposed to home doing the things I normally do, living with my family in Janesville, Wisconsin.

This red line shows what they did. They did not keep their promises. They promised we would balance the budget along this blue line, but the people here decided they could not control spending, and the red line is what they actually did.

So we get out here to 1993, they see that they have broken their promises, and what do they do? They say, well, we can't control spending out here in Washington, so there is only one thing left to do, and that is raise taxes.

In 1993, we got the biggest tax increase in American history. They raised the gasoline tax by 4.3 cents a gallon. The kicker with the gasoline tax increase, they didn't even spend it to build better roads. They spent it on Washington spending programs. So they got to 1993 and looked at this picture and said, well, this debt is really growing. We have to do something about it.

The right answer, I am going into the pockets of the American people. We will collect more money out of their paychecks, get it out here to Washington, and surely, surely, that will lead us to a balanced budget. That was the 1993 solution.

It was not only the gasoline tax. Senior citizens might recall that they increased Social Security taxes on the Social Security money they received. All sorts of tax increases were implemented as part of that 1993 tax increase package.

So this was the picture we were looking at in 1993. Promises of a balanced budget, that had clearly been broken, and the biggest tax increase in American history. The American people rose to the occasion and said enough of this. We are not going to tolerate this anymore. And they sent a new group of people to Washington.

Well, we have been here for 3 years now. Came in with that group that came in 1994 and was sworn in in 1995. We have been here for 3 years. I think it is reasonable that the American people start asking what has that group done? Are they any different or just the same old thing doing the same old thing, breaking their promises like what was going on before 1995?

The facts are, the American people should be evaluating this Congress and they should be asking the question have they done anything different?

Well, I brought the chart with me to show what is going on. When we got here in 1995, we laid out a plan to balance the budget as well. This blue line shows the promises we made to the American people. In fact, the blue line shows we were going to get to a balanced budget in 2020, and I have to tell you, when I went home to my district, and I said we are going to balance the budget by the year 2020, they all went, yea, sure, because they were accustomed to this and the broken promises.

But the facts are we are now in the third year of our plan to balance the Federal budget. We are not only on track, but ahead of schedule. We are so far ahead of schedule, in fact, that we will have our first balanced budget since 1969 probably in fiscal year 1998.

If everything continues the way it has during our first two years in office for one more year, we will in fact have our first balanced budget since 1969. We didn't do this while raising taxes. We, in fact, did this coupled with the first tax cut in 16 years.

I want to spend a little time on the tax cut in just a minute. But, before I do, I wanted to talk about why this picture is possible, because when you look at this picture and you understand what led to the change in 1993 that was broken promises and raising taxes, then you look at this picture, and you see we are on track balancing the budget probably 4 years ahead of schedule, and at the same time reducing taxes, a lot of my constituents go, Mark, the economy is so good, you guys are out there trying to look good in the face of the great economy we are in. That is nice, but not entirely true.

The economy is doing really, really well, but the reason this picture works is not just cause the economy is doing well. We have had good economies between 1969 and today. Every time in the past when the economy got good in the past, Washington saw extra money coming in, and this will not be hard to convince the people of, because it is so obvious. When the economy was good in the past and extra money came into Washington, Washington simply created a new Washington spending program and spent the money.

It is important to understand that being in the third year of a seven-year plan to balance the budget, getting to balance four years ahead of schedule and lowering taxes the at the same time, partly it is the economy.

But there is more to it than that. The growth of Washington spending before we got here was 5.2 percent annually. This is how fast spending was growing before we got here in 1995. This is how fast spending is growing now.

This is a very different picture. In the face of a very strong economy, with more revenue than expected coming into Washington, this Congress said we are going to slow the growth rate of Washington spending. We didn't go out and come up with a whole bunch of new Washington spending programs. Just the opposite. We are squeezing the growth rate of Washington spending at the same time there is extra revenue coming in. In fact, let me give you a couple very little known facts.

In 1996, our first fiscal year, we actually spent $28 billion less than was promised. In our second fiscal year, we spent $25 billion less than was promised. I challenge each one of my colleagues to go and get the budget resolution that we passed back in 1995. Do not take my word for it, go and get it. Then see what was promised and see how we actually spent less.

Again, when I am out with my constituents and I tell them this, I swear half of them get it and check it out, because they can't believe it actually happened. Washington said what they were going to spend and actually spent less money than they said they were going to spend. At the same time we were spending less money than we said we were going to spend, $100 billion plus of extra revenue came in. That is why we have the picture where we are able to both balance the budget ahead of schedule and reduce taxes at the same time.

This picture is absolutely essential in understanding that it is not only the good economy, and the good economy is certainly part of it, it is also Washington slowing the growth rate at the same time that extra revenue is coming in. In fact, in real dollars, we have slowed the growth rate of Washington spending from 1.8 percent to 0.6 percent. The growth rate has been slowed by two-thirds in two short years.

This is a monumental accomplishment, especially in the face of all the extra revenue that came in here that was unexpected.

Now, I am going to go to the next item. With this picture still here, I am going to go to the next thing, that most of our constituents do not understand when I am talking with them out there. It is like you are going to cut taxes, Mark? Is that another political promise? Is that where we are at?

No, that is not where we are at. The taxes have been cut. The bill is signed. For the first time in 16 years, people should start keeping more of their money rather than sending more of their money to Washington, D.C.

Let me be specific. First off, this tax cut package is heavily weighted towards education, as it should be. Education is extremely important for the future of this nation. It is heavily weighted towards families. Let me start with the families.

In January of next year, the families with children under the age of 17, keep

$400 per child more in their own home, rather than sending it out here to Washington. Translation: If you have a child under the age of 17 in your home, you should go to your place of employment and start keeping $33 a month more in your take-home pay instead of sending it to Washington, D.C. $33 a month, well, that is $400, divided up over the 12 months. You can start keeping the extra money in January of next year.

There are 550,000 families in Wisconsin alone eligible for this $400 per child tax cut. But I have a fear. I have a fear that people will not believe the tax cut package is real and they will send all that money out to Washington instead of keeping it in their home.

They will not make the effort in January to go in and actually keep the extra $33 in their own paycheck, instead of sending it out here. I am very much afraid of what is going to happen if Washington gets their hands on the money. So I would strongly encourage all of our constituents to go in and change their withholding, so they keep that extra money in their own home.

Education. We would hope a lot of families, and I know I was talking with a family at church with three kids. I know the first thing they said to me is Mark, when I get that $400, I know exactly what I am doing. I am putting it into a savings account to save for my kids' education.

Good news. We have established something called an education savings account that works much like an IRA. You can put up to $500 per year per child into an education savings account to save up for the kids as they are growing up for when they reach college age.

Now, I a lot of times call this the grandparents account. There are a lot of grandparents that talk to me and say we wish we could do something for our grandkids. Well, the account is set up so that the grandparents could literally put up to $500 per grandchild away to save up for the kids' education when they reach the age of 18. What better gift from a grandparent to a grandson or a granddaughter?

So the education savings accounts I think are very, very important. But we did not stop there. We understand that for many working families out there, when the first or second or third child goes off to college, paying those college tuition bills are very, very difficult and a huge burden on our families.

So the tax cut package also contains a college tuition credit of up to $1,500 per college student. In the vast majority of the cases, if you have a freshman or a sophomore in college, next year you will send $1,500 less to Washington. You will keep it in your own home and use to help pay for the kid's college education.

For a freshman or sophomore, you get the first $1,000, plus half of the second $1,000, or $1,500 total. For juniors and seniors, it is 20 percent of the first $5,000, up to $1,000 total.

It is interesting, with this $1,000 college tuition credit, I was out at a meeting, I believe in Waukesha, Wisconsin, and somebody came up to me and she said well, we are married, we are both working, and I am going back to school. Does the college tuition that I pay, this is now a young couple, does the college tuition that I pay qualify for a 20 percent reduction in my taxes? Do I get my 20 percent back?

The answer to that question is yes. The answer to that question is if you are a young married couple and one or both of the spouses has returned to college or tech school for purposes of bettering themselves and making themselves also qualified so they can get a job promotion and provide a better life for themselves and their family, if that is going on, does that college tuition cost qualify for the 20 percent tax credit?

The answer is definitively, yes it does. I want to make it very clear here, we are not talking about a tax deduction. We are talking about a tax credit. You fill out your taxes, you figure out how much you would have paid in taxes, and you subtract this number off the bottom line.

This is not a deduction, this is a tax credit. Figure out how much tax also you owe, subtract $400 per child.

Let me put this another way. For a family of five, whether they be in Janesville, Wisconsin, or wherever in this great Nation of ours, you have two kids at home and one off at college, that family will be pay $2,300 less in taxes next year.

This is real money. This is not a political promise. This is a bill that has been signed into law. The tax cut package is passed. A family of five, three kids, one is a freshman in college and two still at home, will literally pay $2,300 less in taxes next year.

Translation: Instead of sending $2,300 to Washington out of their paycheck, you keep the $2,300 in your own home. I would like to have anyone stand up and explain to me why it is they think that Washington can spend that $2,300 better than that family of five out there in America, because that is what this is really all about. There are very few people that voted against the tax cut package on either side of the aisle, I might add.

I had a call this morning, or yesterday, actually, and I was reading it this morning, from one of our constituents, that talked about how there is help all the way through government except for those hard-working families struggling to make ends meet.

Well, I would point out that the $400 per child, the college tuition tax credit, the education savings account, those are all aimed specifically at those folks.

Let us try one more thing though for the young couples or for the young singles that are working, because I hear a lot about this, that there is nothing in this for a young couple or a single who is working.

There are actually several things that impact that group very specifically. There is what is called the Roth IRA. You see, we find many of our young couples or singles that are saving for either future education or to buy their first home. In the Roth IRA, it works much like an IRA, you can put up to $2,000 per year per person into the Roth IRA. If you do not take the money out between then and retirement, the money accumulates, the interest and dividends, whatever you have put it into, accumulates tax-free all the way to retirement, and, at retirement, you take the money out absolutely tax free.

However, for those young couples or for those young singles in the work force, if you decide that you would like to buy a home, you can take out up to $10,000 out of this account specifically for the purpose of buying your first home. If you decide you want to go back to college and further your education or tech school and further your education so that you can qualify for a job promotion, a better life for yourself and your family, you can literally go into the Roth IRA, take the money out and use it.

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So you put the money away into a savings account, the money accumulates tax-free, and then you can take it back out for a first-time home purchase, for education, or if you do not take it out at retirement, you can take it out then absolutely tax-free.

This is also a very important feature for many of the empty-nesters, the folks whose kids are grown and gone. Typically they are in a 401(k) at their place of employment already, and they are looking at this tax cut package going, saying, what is there available for me?

The Roth IRA is the real answer. Even if you are in a 401(k), and this is very new as it relates to IRA's, even if you are in a 401(k) already you still qualify for the Roth IRA. You can start saving additional money for your own retirement. Remember, whatever accumulates in this Roth IRA, when you reach retirement, you take it out absolutely tax-free.

A couple of other things in this tax-cut package that I think are worth mentioning, always keeping this picture in mind and understanding that the reason we are able to cut taxes is because we have slowed the growth rate of Washington spending at the same time the economy is very strong. It is this picture that has put us in this position where we can have this great discussion about the fact that the budget is balanced for the first time since 1969 and we are lowering taxes.

For folks that own their own home and have lived in that home for 2 years or more, and this affects many, many senior citizens, you may now sell that home and not owe any Federal taxes, in the vast majority of the cases. Let me say that once more. For your personal residence, if you have lived there 2 years or longer, in the vast majority of cases there will be absolutely no taxes due.

This affects all sorts of folks in our society. If a person is in a place of employment and they have an opportunity to take a better job and provide a better life for themselves and their families, and they take this job transfer that requires them to sell their home, in the past they may have suffered a capital gains debt to the Federal Government when they sold their home. Now if they have lived in that home for 2 years, there are no taxes due.

It also affects senior citizens in many, many, many cases. Many senior citizens took their one-time exclusion when they reached age 55. They then sold the bigger house that probably they raised their kids in and bought a smaller home, and they are still in that home. But since they have used their one-time exclusion, when they sell that home, that home has appreciated in value, and they would have owed taxes to the Federal Government on that appreciation.

Not anymore. There is no more one-time exclusion at age 55. Even if you took the one-time exclusion, our senior citizens can now sell that home that they moved into after the age of 55 at the appreciated value, and pay no money to the Federal Government in taxes. This is a major, major change.

Capital gains. We are finding today that more and more people are starting to save for themselves and their own retirement. The capital gains tax rate in most cases has been reduced from 28 to 20 percent. For the folks in the lower income bracket who have saved for their retirement, to take money out that has been in a capital gains situation, it has been lowered from 15 percent to 10 percent.

So if you are in a $41,000-a-year income bracket and you take money out, that is treated as capital gains. The rate dropped from 15 to 10. If you are over the $41,000, the rate dropped from 28 to 20. The good news is it is going down to 18.

I would be remiss not mentioning the changes for farmers and small business owners passing those businesses to the next generation. I cannot tell Members how many folks have talked to me in my district about the fact that when they want to pass a farm on from one generation to the next, but the tax burden is so great that they cannot possibly do it.

Under the Tax Code, that has been changed, and 90 percent of all farms may be passed from one generation to the next without paying Federal tax on it. This tax break also applies to many of our small businesses.

I have kind of stopped in the middle of this bigger discussion of what was going on back in 1993 and before: broken promises and not getting to a balanced budget, the tax increases of 1993, and how things have changed.

In fact, we have slowed the growth of Washington spending in the face of a very strong economy, and that, in fact, has actually led us to both a balanced budget 4 years ahead of schedule and the opportunity to have these tax cuts that I just talked about. This is a wonderful, wonderful situation to be in in terms of a change that has occurred out here in Washington in 3 short years.

The next thing I get from my constituents back home is, typically, "Well, Mark, it is not your doing. If you had done nothing, this all would have happened, anyhow." So I brought another chart with me to show exactly what would have happened if in fact when we got here in 1995 we played golf and tennis or basketball and did not do our job.

This red deficit line shows in my first year, this is where the deficit was going when I got here. This red line shows what would have happened had we not done our job. The yellow line shows where we were at the end of 1 year. So after a year of struggle we had brought this red line down to the location of the yellow line.

But we had a dream. We had a dream that we could actually balance the budget and lower taxes at the same time, restore Medicare for our senior citizens. That was our dream. This green line shows that dream. That green line shows how we were going to get to our balanced budget by 2002. The blue line shows what is actually happening.

Again, we can see what would have happened had we done nothing. What would have happened had we quit at the end of 12 months, what we hoped to do, that is the green line, and what is actually happening. Again, we are in the third year of this plan to balance the budget in 7 years. We are so far ahead of schedule that it would now appear that in the fiscal year 1998, we will reach our first balanced budget in more than a generation. I was a sophomore in high school the last time the Federal budget was balanced. So this is good news.

I think it is important that we understand that we are winning. We are winning the battle of getting to a balanced budget, but I do not think we should forget the earlier conversation about social security. I began the hour this evening by talking about social security, and how the money that is supposed to be in that social security trust fund, that extra money that has been collected that was supposed to be set aside, has been spent on all sorts of different Washington programs, and how even after we get to a balanced budget, they are still using that social security money.

I would like to now present the long-term solution to getting that money that has been spent back into the social security trust fund, and the bigger picture here is to not only get the money back in the social security trust fund, but to pay off that $5.3 trillion debt that has been run up so that our children can, in fact, leave this Nation absolutely debt-free. That is my dream for the future of the country. My dream for the future of the country and for the next 10, 15, 20 years of our generation's time here serving our Nation, my dream is that we will actually pay down the Federal debt, restore the social security trust fund, and continue to lower taxes on our working families and our workers all across America.

Here is the plan. Here is how it works. It is called the National Debt Repayment Act. Remember, it has three purposes: for workers, lower taxes; for senior citizens, restore the social security money; and most important of all, for our children, give them a Nation that is debt-free. Let our legacy to the next generation be that we have actually paid off the Federal debt, much like you would pay off a home mortgage in the business I used to be in, where we used to build homes.

Here is how it works. After we reach a balanced budget, we cap the growth of Washington spending at a rate at least 1 percent lower than the rate of revenue growth. After we reach balance, that is this point in the chart, we cap the growth of Washington spending, that is the red line, at a rate at least 1 percent slower than the rate of revenue growth. That is the blue line. That in fact creates a surplus. It is pretty easy to see in this chart. If spending is going up at a slower rate than revenue grows, it does in fact create this surplus.

We use the surplus in two ways. One-third of that surplus is dedicated to additional tax cuts for the workers. I might add while we are on this one-third, there is a bill introduced here that I am a strong supporter of and a cosponsor of that would literally sunset the IRS Tax Code as we know it today.

When I went through all of these tax cuts, a lot of my constituents back home will say, Mark, that is very complicated to understand all that. They are right. There are 20 volumes of Tax Code today. There are 20,000 pages of Tax Code. I challenge anyone to fully understand what is in that Tax Code.

So as we talk about these tax cuts, as we talk about using one-third of this surplus and dedicating that to additional tax reductions for workers all across America, as we have that discussion, I think it is important that we throw in the mix that we would like to sunset the IRS Tax Code as we know it today and replace it with a system that is simpler, fairer, and easier for people to understand.

The bill currently would sunset the Tax Code as we know it today in the year 2001. I think that is a great idea. Why 2001 instead of tomorrow? I think we need to have a discussion and come up with a system that is in fact simpler, fairer, and easier to understand.

When I am out in our town hall meetings, a lot of my constituents start nodding their head with the "Yes, sure," thing again. But the reality is if we can actually balance the budget 3 or 4 years ahead of schedule, if we can lower taxes for the first time in 16 years, and make that tax cut very, very real, is it that hard to believe that we can also change the IRS system so it is simpler, fairer, and easier for folks to understand?

Certainly redoing the IRS code is easier than getting to a balanced budget. Certainly redoing the IRS code is easier than getting the people in this community to start spending at a slower growth rate. It has got to be easier to redo the IRS.

It is going to get done. I am very optimistic as we talk about using one-third of these for tax cuts, it will facilitate that move to an easier, simpler tax system, a fairer tax system. The other two-thirds of this surplus, remember, we cap the growth of Washington spending at least 1 percent below the rate of revenue growth, that creates a surplus. One-third is dedicated to tax cuts. Two-thirds is used to repay the Federal debt.

This works much like paying off a home mortgage. I used to be a homebuilder. When folks would buy one of our homes, the last thing we would do is go to a bank, and they would sign a mortgage on their home, and they would then start making payments on their home on a very regular basis. Over a 30-year period of time, they would pay off the mortgage.

That is exactly what we are suggesting that we do with the Federal debt. In fact, under this bill, if we enact it the way it is written, cap the growth of Washington spending at least 1 percent slower than the growth rate of revenue, we would in fact pay off the entire Federal debt by the year 2026.

It is a 29-year period of time. Folks are very familiar with the 30-year home mortgage. So it is like you set up on a repayment plan of the home mortgage, and whatever is left over gets returned the people in the form of tax cuts. That is what our bill does. Again, it is called the National Debt Repayment Act.

I think it is real important for us to understand that as we are repaying that Federal debt, as we are paying off the $5.3 trillion, part of that $5.3 trillion is the social security trust fund. So as we go through this plan and we actually pay off the Federal debt, the money that has been taken out of social security and spent on all kinds of other Washington programs in fact gets repaid to the social security trust fund. In repaying the money to the social security trust fund, social security once again becomes solvent for our senior citizens all the way to the year 2029.

This has another impact, and it is a very, very real impact. Remember the $580 a month that an average family of five is paying to do nothing but pay the interest on the Federal debt? As we go down this road and we start paying down the Federal debt, each time we make a payment on the Federal debt, that means there is less interest due the next year.

So the idea here is that as we go through this and we start paying down the Federal debt, each year we should be able to cut taxes even further, because there will be less interest that needs to be collected from our working families.

Think about this for a dream for the future of our country. Think about a dream where we actually pay off the Federal debt, we leave our children a legacy of a debt-free Nation, we restore social security for our senior citizens, and each and every year as we go forward we take one-third of this surplus and we lower the tax rate on our workers all across America.

People talk about the problem in Medicare. When I came here in 1995 Medicare was scheduled to be bankrupt in the year 2001. No one in America, I cannot believe anyone in this entire country, missed the Mediscare ads that were run during the last 2-year period of time, where all sorts of misinformation was put out about the Medicare system. But the one thing that was true was that if absolutely nothing was done, it would have been bankrupt in the year 2001.

We have restored Medicare for at least a decade, but at least a decade is not good enough for Medicare. I would like to point out that as we go through this program and we pay down the debt, the money that is no longer needed for interest we can use for tax cuts, but certainly we would prevent the Medicare system from going bankrupt after that decade that it has currently been restored for.

So we can now count the Medicare program without going into the pockets of the workers, taking more money and raising taxes again. This dream for the future of this country, it includes a restored social security for our senior citizens, it includes Medicare for our senior citizens, it includes a Nation where our children inherit this country absolutely debt-free. It includes a legacy of a debt-free Nation.

For the workers out there, they are not forgotten. For the workers out there who have borne this huge tax burden, taxes can come down each and every year as we go forward. Do not forget the other part of this, where we reform the IRS Tax Code. We dump the Tax Code we have right now, lock, stock and barrel, and put in a new tax system that is easier, simpler, and something that people can understand, and maybe they can even fill out their own taxes again.

I would like to kind of wrap it up tonight by just summarizing what we talked about. I started the hour tonight talking about social security, and how the social security system is collecting more money than it is paying back out to our senior citizens in benefits each year, but that money is currently being spent on other Washington programs. That is wrong. That needs to be stopped.

We talked about how this thing started happening. We talked about in fact how up through 1993 there had been promise after promise after promise, the Gramm-Rudman-Hollings bills, Gramm-Rudman-Hollings II in 1993, the 1990 tax pledge, our balanced budget pledge, the 1993 balanced budget pledge, promise after promise after promise of a balanced budget that never materialized.

The past contained broken promises of a balanced budget, and the final straw came in 1993 when they raised the gasoline tax, and they did not spend the money in building roads; when they raised social security taxes. That was the final straw. People finally said, enough. We have had it with the broken promises, we have had it with tax increases. We want Washington to get their house in order and control the growth of Washington spending.

We want a smaller Washington, less involved in our lives. That happened in 1994 when they put a new group in charge. We are now 3 years into a 7-year plan to balance the Federal budget. I am happy to report that in the third year, we will probably reach a balanced budget this year, but certainly 3 or 4 years ahead of schedule. We are not only on track to balancing the budget, keeping our promise, but we are 3 or 4 years ahead of schedule. We are going to reach our first balanced budget this year since 1969, and at the same time we are reaching that balanced budget we are providing the first tax cut in 16 years.

□ 2300

A tax cut that is heavily weighed toward families and education. $400 per child under the age of 17; $1,500 college tuition credit, freshmen and sophomores; $1,000 college tuition credit for continuing education beyond the freshman or sophomore year. The Roth IRA to save for education, for a first home, or for retirement that when investors take the money out, it is absolutely tax free. The money accumulates tax free, and when they take it out, it is tax free.

Mr. Speaker, these are very, very real tax cuts; not a political promise. The tax cut bill has been signed into law. It is done. It is the law. Taxes are going down for the first time in 16 years. Think of this contrast. Broken promises of a balanced budget before 1995. Higher taxes, 1993. The biggest tax increase in American history. A balanced budget, first time since 1969. Three years into our 7-year plan we hit balance. Tax cut, first time in 16 years.

Mr. Speaker, it is significant. It is real. It is done. What a changed place Washington actually is as we stand here. But we are not done. This is not the end of the picture. This is not over. We still have dreams for the future of this country and where we are going. Our dream is not only to get to a balanced budget, but to pay off that Federal debt. And in paying off the debt, we restore the Social Security Trust Fund. In paying off the debt, we put ourselves in a position to allow us to pass this great Nation on to our children absolutely debt free, a legacy of a debt free Nation for our children.

Equally important, as we are going through that process we gradually reduce the tax burden on our working families and our workers all across America. That is our dream for the future of this great Nation that we live in.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today after 7:45 p.m. and the balance of the week, on account of official business.

Mr. MANTON (at the request of Mr. GEPHARDT), for today after 5:25 p.m., on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 5:30 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BERRY) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.
Ms. CLAYTON, for 5 minutes, today.
Mr. ALLEN, for 5 minutes, today.
Mr. SANDERS, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. MCNULTY, for 5 minutes, today.
Mr. MALONEY of Connecticut, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.
Mr. ENGLISH of Pennsylvania, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.
Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FARR of California.
Mr. SHERMAN.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BERRY) and to include extraneous matter:)

Mr. NEAL of Massachusetts.
Mr. BONIOR.
Mr. LIPINSKI.
Mr. KUCINICH.
Mr. KLINK.
Mr. KIND.
Mr. LANTOS.
Mr. WAXMAN.
Mr. HAMILTON.
Mr. HILLIARD.
Mr. MCNULTY.
Mr. LEVIN.
Mr. ETHERIDGE.
Mr. MURTHA.
Mrs. TAUSCHER.
Mr. ORTIZ.
Mr. ACKERMAN.
Mrs. MEEK of Florida.
Mr. TOWNS.
Ms. MILLENDER-MCDONALD.
Mr. PALLONE.
Mr. SERRANO.
Mr. HASTINGS of Florida.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. GILMAN.
Mr. FORBES.
Mr. NETHERCUTT.
Mr. SMITH of Michigan.
Mr. DAVIS of Virginia.
Mr. WELLER.
Mr. BURTON of Indiana.

(The following Members (at the request of Mr. NEUMANN) and to include extraneous matter:)

Mr. ROTHMAN.
Mr. LATOURETTE.
Mr. MCINTYRE.
Mr. BLUNT.
Mr. PACKARD.
Mrs. KELLY.
Mr. GREEN.
Mrs. MALONEY of New York.
Mr. DEUTSCH.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 37. Concurrent resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2013. An act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Champagne Post Office Building."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that thqt committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2013. An act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Champagne Post Office Building."

ADJOURNMENT

Mr. NEUMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, October 31, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5685. A letter from the Secretary of the Navy, transmitting notification that the Navy plans to finalize requirements to transfer the aircraft carrier ex-HORNET (CV 12) to a nonprofit group in Alameda, California, pursuant to 10 U.S.C. 7306; to the Committee on National Security.

5686. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities of the Affordable Housing Disposition Program covering the period from January 1, 1997 through June 30, 1997, pursuant to Public

Law 102—233, section 616 (105 Stat. 1787); to the Committee on Banking and Financial Services.

5687. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program: Insurance Coverage and Rates, Criteria for Land Management, Use, Identification, and Mapping of Flood Control Restoration Zones (RIN: 3067–AC17) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5688. A letter from the Director, Federal Emergency Management Agency, transmitting the President's Report to Congress on the Modernization of the Authorities of the Defense Production Act, pursuant to Public Law 104—64, section 4; to the Committee on Banking and Financial Services.

5689. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Acquisition Regulation, Classification, Security and Counterintelligence [48 CFR Parts 952 and 970] received October 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5690. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regulations for the Licensing of Hydroelectric Projects [Docket No. RM95–16–000; Order No. 596] received October 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5691. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Perimeter Intrusion Alarm Systems [Regulatory Guide 5.44] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5692. A letter from the Secretary of Health and Human Services, transmitting a report on the accomplishments in the field of family planning during fiscal years 1994 and 1995, pursuant to the Family Planning Services and Population Research Act of 1975, as amended; to the Committee on Commerce.

5693. A letter from the Chairman, Securities and Exchange Commission, transmitting reports prepared in response to various provisions of the National Securities Markets Improvement Act of 1996; to the Committee on Commerce.

5694. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Russia, Ukraine, and Norway (Transmittal No. DTC–86–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5695. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–89–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5696. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Russia (Transmittal No. DTC–68–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5697. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of ANC 6C Covering the Period October 1, 1993 through December 31, 1996," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

5698. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report summarizing actions taken under Program Fraud Civil Remedies Act for the year ending September 30, 1997, pursuant to 31 U.S.C. 3801—3812; to the Committee on Government Reform and Oversight.

5699. A letter from the Regulatory Policy Official, National Archives and RECORDS Administration, transmitting the Administration's final rule—Transfer of Electronic Records to the National Archives (RIN: 3095–AA70) received October 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5700. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend chapter 87 of title 5, United States Code, to enforce domestic relations court orders concerning payment of insurance proceeds, to make Additional Optional life insurance portable upon separation from service and allow retired employees to continue such coverage with no reduction after age 65, to improve Family Optional life insurance benefits, and to improve program administration; to the Committee on Government Reform and Oversight.

5701. A letter from the Executive Director, United States Arctic Research Commission, transmitting a letter in response to the reporting requirements of the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5702. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Indiana Regulatory Program [SPATS No. IN–134–FOR; State Program Amendment No. 95–12] received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5703. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to consent to a compact between the United States and any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico to facilitate the exchange of criminal-history records for noncriminal justice purposes; to the Committee on the Judiciary.

5704. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule—Indian Highway Safety Program Competitive Grant Selection Criteria (RIN: 1076–AD82) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5705. A letter from the Secretary of Energy, transmitting the Annual Report of the Metals Initiative for FY 1996, pursuant to Public Law 100—680, section 8; to the Committee on Science.

5706. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting notification of transfers of authorizations within the Department of Defense, pursuant to Public Law 104—201, section 1001(d) (110 Stat. 2631); jointly to the Committees on National Security and Appropriations.

5707. A letter from the Director, Office of Government Ethics, transmitting the final strategic plan, pursuant to Public Law 103—62; jointly to the Committees on Government Reform and Oversight and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1965. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes; with an amendment (Rept. 105–358 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 434. A bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico; with an amendment (Rept. 105–359). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker.

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than February 27, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLAGOJEVICH:

H.R. 2773. A bill to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BLAGOJEVICH (for himself and Mr. SCHUMER):

H.R. 2774. A bill to prohibit the transfer of a handgun by a licensed dealer unless the transferee states that the transferee is not the subject of a restraining order with respect to an intimate partner or child of the transferee; to the Committee on the Judiciary.

By Mr. DOYLE:

H.R. 2775. A bill to designate the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, as the "H. John Heinz III Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN:

H.R. 2776. A bill to amend the Act entitled "An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the Warren property; to the Committee on Resources.

By Mr. GEPHARDT (for himself, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, Mr. FROST, Ms. DELAURO, Mr. EDWARDS, Mr. LEWIS of Georgia, Mr. MENENDEZ, Mr. FARR of California, Mr. BAESLER, Mr. GEJDENSON, Mr. PALLONE, Mr. ETHERIDGE, Mr. STRICKLAND, Mr. CLYBURN, Mr. CRAMER, Mr. PASTOR, Mr. BERRY, Mr. BROWN of California, Mr. CONDIT, Mr. DIXON, Mr. DOOLEY of California, Ms. HARMAN, Mr. LANTOS, Ms. LOFGREN, Mr. MARTINEZ, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. STARK, Mr. TORRES, Ms. WATERS, Mr. WAXMAN, Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, Mrs. THURMAN, Mr. WEXLER, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. LIPINSKI, Mr. RUSH, Mr. YATES, Mr. HOYER, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. BARCIA of Michigan, Ms. RIVERS, Ms. STABENOW, Mr. MINGE, Mr. SABO, Mr. VENTO, Mr. PAYNE, Mr. ROTHman, Mr. ACKERMAN, Mr. ENGEL, Mr. HINCHEY, Mr. RANGEL, Ms. SLAUGHTER, Mr. HEFNER, Mr. PRICE of North Carolina, Mr. DEFAZIO, Mr. SPRATT, Mr. GORDON, Mr. TANNER, Mr. BENTSEN, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. MORAN of Virginia, Mr. SISISKY, Mr. DICKS, Mr. WISE, Mr. POMEROY, Mr. BOSWELL, Mr. CUMMINGS, Mr. DINGELL, Mr. TOWNS, Mr. MCHALE, Mr. STENHOLM, Mr. MCDERMOTT, Mr. JOHN, Mr. SERRANO, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. BROWN of Ohio, Ms. SANCHEZ, Mr. JEFFERSON, Mr. SCOTT, Mr. PICKETT, Mr. CARDIN, Mrs. MINK of Hawaii, Mr. SAWYER, Mr. COYNE, Mr. GREEN, Mr. HINOJOSA, Mr. ORTIZ, Mr. REYES, Ms. FURSE, and Mrs. MCCARTHY of New York):

H.R. 2777. A bill to amend the Federal Election Campaign Act of 1971 to limit the amount of non-Federal money that may be contributed to national political parties, to treat certain communications as independent expenditures subject to regulation under the Act, to restrict the solicitation and transfer of funds by candidates and parties to certain nonprofit organizations, and to require certain candidates to make monthly reports under the Act and to post such reports on the Internet; to the Committee on House Oversight.

By Ms. MCKINNEY:

H.R. 2778. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit and provide that the credit will be refundable; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Mr. SCHUMER, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Virginia, Ms. FURSE, Ms. CARSON, Mr. VENTO, Mr. STARK, Mr. FROST. Mr. PAYNE, Mr. HINCHEY, and Mr. SANDERS):

H.R. 2779. A bill to provide grants to establish and operate supervised visitation centers for the purposes of facilitating supervised visitation of children and visitation exchange; to the Committee on the Judiciary.

By Mr. SANFORD:

H.R. 2780. A bill to provide for an annual statement of accrued liability of the Old-Age and Survivors Insurance Program; to the Committee on the Budget.

By Mr. SANFORD:

H.R. 2781. A bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the Social Security trust funds; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 2782. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 2783. A bill to provide that a Member of, or Member-elect to, the House of Representatives shall not receive any annual pay increase except upon an appropriate written election; to the Committee on House Oversight.

By Mr. STARK:

H.R. 2784. A bill to amend title XVIII of the Social Security Act to limit the ability of physicians to demand more money through private contracts during periods in which the patient is in an exposed condition; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. SCHUMER, Mr. DAVIS of Virginia, Mrs. JOHNSON of Connecticut, Ms. FURSE, Ms. CARSON, Mr. VENTO, Mr. LAFALCE, Mr. STARK, Mr. FROST, Mr. PAYNE, Mr. HINCHEY, and Mr. SANDERS):

H. Con. Res. 182. Concurrent resolution expressing the sense of Congress with respect to child custody, child abuse, and victims of domestic and family violence; to the Committee on the Judiciary.

By Mr. BARR of Georgia:

H. Res. 298. A resolution amending the Rules of the House of Representatives to repeal the rule allowing subpoened witnesses to choose not to be photographed at committee hearings; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

217. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolutions memorializing the President and the Congress of the United States to negotiate an international ban on antipersonnel landmines; to the Committee on International Relations.

218. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 4 encouraging the leaders of the United States to work with our allies and other nations toward the creation of an international ban on the manufacture, stockpiling, sale, and the use of anti-personnel landmines, and urging the President and Congress of the United States to make permanent the current moratorium on the export of anti-personnel landmines; to the Committee on International Relations.

219. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 13 memorializing the President and Congress of the United States to continue efforts to ensure that social security and Medicare are not threatened, to protect older Americans from harm and stress, to stop efforts to hurt the income security of older Americans, and to ensure that older Americans continue to receive all that they are entitled to and deserve; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ETHERIDGE introduced A bill (H.R. 2785) for the relief of Clarence P. Stewart; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. SOUDER.

H.R. 135: Mr. STUPAK.

H.R. 145: Ms. HOOLEY of Oregon, Mr. ANDREWS, Mr. LEVIN, and Mr. MCNULTY.

H.R. 176: Mr. COX of California and Mr. HILLEARY.

H.R. 296: Mr. CAMPBELL.

H.R. 350: Mr. SHERMAN.

H.R. 352: Mr. WELDON of Florida.

H.R. 371: Mr. MORAN of Virginia and Mr. CALVERT.

H.R. 611: Ms. WATERS, Mr. SCHUMER, Mr. BLUMENAUER, and Mr. RODRIGUEZ.

H.R. 634: Mr. MCCOLLUM.

H.R. 721: Mr. BLUMENAUER.

H.R. 758: Mrs. FOWLER, Mr. COLLINS, and Mr. BARTON of Texas.

H.R. 805: Mr. LATOURETTE.

H.R. 836: Mr. HILLEARY.

H.R. 959: Mr. SHERMAN.

H.R. 971: Mr. ROTHMAN.

H.R. 979: Mr. MCDADE, Mr. NEY, Mr. BATEMAN, Mr. RIGGS, and Mr. GEKAS.

H.R. 981: Mr. EVANS and Mrs. MALONEY of New York.

H.R. 1010: Mr. JOHN, Mr. HILL, Mr. KASICH, and Mr. BOYD.

H.R. 1031: Mrs. NORTHUP.

H.R. 1130: Mr. GUTIERREZ.

H.R. 1151: Mr. DOYLE and Mr. FAWELL.

H.R. 1202: Mr. WOLF, Ms. WATERS, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Mr. PASCRELL, Mr. KENNEDY of Massachusetts, Mr. DIXON, Mr. MENENDEZ, Ms. DELAURO, Mrs. MALONEY of New York, Mr. DICKS, Mr. PALLONE, and Mr. FRELINGHUYSEN.

H.R. 1356: Mr. BAKER and Ms. KILPATRICK.

H.R. 1375: Mr. POSHARD and Mr. MORAN of Virginia.

H.R. 1415: Mr. JACKSON, Mrs. TAUSCHER, and Mr. FRELINGHUYSEN.

H.R. 1425: Mr. ROTHMAN.

H.R. 1500: Mrs. MCCARTHY of New York.

H.R. 1504: Mr. BARR of Georgia.

H.R. 1595: Mr. ISTOOK, Mr. MICA, and Mr. PAUL.

H.R. 1636: Mr. BORSKI.

H.R. 1679: Mr. MCGOVERN.

H.R. 1711: Mr. BAESLER, Mr. COMBEST, Ms. GRANGER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Mr. PETRI, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, and Mr. SUNUNU.

H.R. 1715: Mr. GREENWOOD, Mr. FOX of Pennsylvania, and Mr. WELDON of Pennsylvania.

H.R. 1802: Mr. POMBO, Mr. CUNNINGHAM, and Mr. BARTLETT of Maryland.

H.R. 1861: Mr. LAMPSON and Ms. ROYBAL-ALLARD.

H.R. 1984: Mr. REYES.

H.R. 2023: Ms. SLAUGHTER, Mr. JACKSON, and Mrs. CLAYTON.

H.R. 2121: Mr. BENTSEN.

H.R. 2139: Mr. BOUCHER.

H.R. 2172: Mr. MCHUGH.

H.R. 2195: Mr. FILNER.

H.R. 2211: Ms. PELOSI, Mr. SANDERS, and Ms. FURSE.

H.R. 2221: Mr. MANZULLO and Mr. ARMEY.

H.R. 2253: Ms. PELOSI, Mr. RUSH, and Mr. SERRANO.

H.R. 2292: Mr. QUINN, Mr. JOHNSON of Wisconsin, and Ms. DELAURO.

H.R. 2349: Mr. RADANOVICH, Mr. CAMPBELL, Mr. BILBRAY, Mr. HUNTER, Mr. POMBO, Mr. KIM, and Mr. MCKEON.

H.R. 2408: Ms. SLAUGHTER and Mr. BONIOR.

H.R. 2431: Mr. DEFAZIO, Mr. GORDON, Mr. LAHOOD, Mr. MCHALE, Mr. MCKEON, Mr. RILEY, Mr. TAYLOR of North Carolina, and Ms. VELÁZQUEZ.

H.R. 2439: Mr. DAVIS of Virginia.

H.R. 2449: Mr. SNOWBARGER.

H.R. 2450: Mrs. EMERSON.

H.R. 2468: Mr. BISHOP.

H.R. 2476: Ms. BROWN of Florida, Mr. KENNEDY of Rhode Island, and Mr. COSTELLO.

H.R. 2485: Ms. DEGETTE.

H.R. 2499: Mr. WELLER, Mr. HULSHOF, and Mr. SOUDER.

H.R. 2503: Ms. DELAURO.

H.R. 2593: Mr. GEJDENSON, Mr. PETRI, Ms. DANNER, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. GEKAS, Mr. DOOLITTLE, Mr. BALLENGER, Mr. EWING, Mr. TRAFICANT, Mrs. CHENOWETH, Mr. POMBO, and Ms. CARSON.

H.R. 2596: Mr. BOEHNER, Mr. MCHUGH, Mr. GEKAS, and Mr. SMITH of Michigan.

H.R. 2602: Mr. SHAYS and Ms. KILPATRICK.

H.R. 2608: Mr. RIGGS.

H.R. 2639: Ms. SLAUGHTER.

H.R. 2650: Mr. MOLLOHAN.

H.R. 2676: Mr. TALENT, Mr. JOHN, Ms. HARMAN, Mr. SAXTON, Ms. RIVERS, Mr. HALL of Texas, Mr. ROYCE, Mr. FROST, Mrs. LINDA SMITH of Washington, Mr. BOSWELL, Mr. THUNE, Ms. HOOLEY of Oregon, Mrs. CHENOWETH, Mr. SPRATT, Mr. EWING, Mr. CLEMENT, Mr. NEY, Ms. ESHOO, and Mr. ROTHMAN.

H.R. 2699: Mrs. MEEK of Florida, Mr. GUTIERREZ, Mr. RUSH, Mr. HINCHEY, Ms. KILPATRICK, Ms. HOOLEY of Oregon, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Mr. FROST, and Ms. SLAUGHTER.

H.R. 2709: Mr. CAMPBELL, Mr. BAESLER, Mr. GREEN, Mr. CUNNINGHAM, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. WEXLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASCRELL, Mr. COYNE, Mr. BARTLETT of Maryland, Mr. SHERMAN, Mr. KIND of Wisconsin, Mr. SNOWBARGER, Mr. FRANKS of New Jersey, Mr. BARR of Georgia, Mrs. MALONEY of New York, Mr. WAMP, Mr. PAPPAS, Mr. NEAL of Massachusetts, Mrs. NORTHUP, Mr. SALMON, Mr. PARKER, Mr. REYES, Mr. MALONEY of Connecticut, Mr. HUTCHINSON, Mr. PICKERING, Mrs. THURMAN, Mr. SHAW, Mr. WEYGAND, Mr. FRELINGHUYSEN, Mr. DIXON, Mr. JONES, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. CANNON, Mr. SESSIONS, Ms. BROWN of Florida, Mr. GORDON, Mr. TAUZIN, Mr. SAM JOHNSON, and Mrs. EMERSON.

H.R. 2723: Mr. SESSIONS and Mr. KINGSTON.

H.R. 2741: Mr. CONDIT.

H. Con. Res. 12: Mr. LIPINSKI.

H. Con. Res. 41: Mr. MASCARA.

H. Con. Res. 80: Mr. COMBEST.

H. Con. Res. 132: Mr. SOUDER and Mr. TALENT.

H. Con. Res. 148: Mr. LOBIONDO.

H. Con. Res. 156: Mr. ACKERMAN.

H. Con. Res. 174: Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. WATTS of Oklahoma, Mr. HINCHEY, Mr. MCNULTY, Mr. ENGEL, Mr. WOLF, Ms. JACKSON-LEE, Mr. SCHUMER, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. YATES, Mr. FROST, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Mr. ROTHMAN, Ms. LOFGREN, Ms. SANCHEZ, Mr. KING of New York, Mr. GUTIERREZ, and Mr. FOLEY.

H. Con. Res. 175: Mr. SKEEN and Mr. YOUNG of Alaska.

H. Res. 37: Mr. BLAGOJEVICH and Mr. LIPINSKI.

H. Res. 224: Mr. FROST, Mr. PAXON, Mr. ALLEN, and Ms. SLAUGHTER.

H. Res. 267: Mr. HAYWORTH and Mr. RYUN.

H. Res. 275: Mr. LUTHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2459: Mr. PAXON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

26. The SPEAKER presented a petition of the City Council of the City of Plantation, Florida, relative to Resolution No. 7234 expressing strong opposition to the introduction and consideration of H.R. 1534, referred to as the "Private Property Rights Implementation Act," and its corresponding Senate Bill, S. 1204; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

KODAK'S DIFFICULTIES REVEAL JAPAN'S TRADE BARRIERS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. ENGLISH of Pennsylvania. Mr. Speaker, as the Japanese Government continues to systematically deny Japanese consumers fair and competitive access to America's Eastman Kodak Company's film and paper products, it is critical to maintain pressure on the administration to resolve this case. This case has far-reaching ramifications for our Nation's export potential. With that in mind, I respectfully submit the following article outlining the importance of a positive resolution of this case for my home State of Pennsylvania.

[From the Harrisburg Patriot News, Oct. 17, 1997]

KODAK'S DIFFICULTIES REVEAL JAPAN'S TRADE BARRIERS

(By Clifford L. Jones)

In the current and continuing congressional debate over foreign trade, the issue foremost in everyone's mind is the assurance that as trade barriers fall, they must fall equally for every trading partner. American workers, American companies are not afraid of competition, but we must insist on fairness in foreign markets.

Unfortunately, one of America's long-time trading partners continues to stick its thumb in the eye of American business. Japan continues to insist on tilting the playing field in their favor. That practice must be brought to an end, if not by Japan then mandated by enforcement actions by the World Trade Organization. And, if the World Trade Organization refuses to act in the face of blatant disregard for fairness in the marketplace, then America must rethink its actions in trade matters. In a few months, the World Trade Organization, the international arbiter of free and fair trading, is expected to settle a dispute that could affect every family in Pennsylvania.

The United States government has charged the Japanese government with systematic denial of fair and competitive access to Japanese consumers by America's Eastman Kodak Company.

Although this case involves photographic film and paper, it could just as easily have been brought on behalf of chemicals, telecommunications, agriculture or medical technology. There is a growing list of American industries thwarted by Japan's regulations which effectively protect Japanese business from foreign competition.

This case is important to all Americans, not just for Kodak employees, because exports are increasingly vital to our nation's economic well-being. By expanding sales of American products overseas, we create new jobs, higher incomes and a better standard of living at home. If the United States wins this case, other companies, including many in Pennsylvania, should find it easier to enter the Japanese market.

The United States has brought a fundamental challenge to the Japanese way of doing business. For 30 years, Japan has sought the benefits of lower tariffs to create new overseas markets for its own goods while firmly establishing restrictions on the entry of American products into its marketplace. For three decades, through three rounds of international negotiations, the Japanese government has promised and, yet, refused to eliminate major trade barriers.

It has replaced formal trade barriers with a complex series of laws and regulations. In fact, after the first round of negotiations in 1967, the Japanese Cabinet stated that it would be a "basic necessity" to protect domestic industry from foreign competition.

Kodak's on-going problems with marketing in Japan are indicators of the difficulties encountered by most U.S. industries as they attempt to compete fairly in Japan. In the last three decades Kodak has invested significant resources in the Japanese market and yet Kodak has managed to secure a market share nowhere near what it is in every other market in the free world.

Something, quite obviously, is wrong.

Kodak's market share is not the result of Japanese preference for domestic brands. Most Japanese consumers simply are unable to find Kodak products in stores. Unlike Japanese makers of photographic paper and film with totally free and fair access to the U.S. market, Kodak is able to reach only a small percentage of the market in Japan.

Unbelievably, Japan has consistently refused to even discuss this situation with the United States, one of its staunchest allies.

Common sense tells us that if trade barriers fall, foreign firms should capture a larger share of the market. In other countries when governments have honored their commitments, to free trade, Kodak's share has risen. This has not happened in Japan.

The Kodak case is also important to our relationship with such East Asian nations as China, Taiwan and South Korea, all of whom are following to some degree the Japanese model of export-led growth in combination with a protected domestic market.

If the United States case is successful, it will send a firm warning to other nations that they, too, must honor their commitments to free trade—or suffer the consequences. Recognizing the historic nature of the case the European Union is supporting the United States before the World Trade Organization.

I believe that the evidence supporting Kodak is overwhelming and there is only one reasonable conclusion. Let's hope for the sake of U.S. industry and for American workers that the World Trade Organization arrives at that conclusion. Such a determination will have the additional benefit of calming many of the congressional fears over proposals for continuing America's and the world's march to free trade.

CONGRATULATIONS TO THE VALPARAISO COMMUNITY SCHOOL SYSTEM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. VISCLOSKY. Mr. Speaker, it is a great privilege to take this opportunity to congratulate the Valparaiso Community School System. Valparaiso placed in the top 10 percent of 15,893 school systems nationwide, and it was named a 1997 "What Parents Want" award winner by SchoolMatch, an Ohio-based school selection consulting firm. I would especially like to recognize Valparaiso Community School System's superintendent, Michael Benway, and its director of secondary education, Glen Gambel, for their significant roles in this distinguished achievement.

The "What Parents Want" award was established 6 years ago by school administrators concerned about negative publicity surrounding public education. In making its decision, SchoolMatch uses information from county and State auditors, State taxing authorities, and State boards of education. To assess a school's qualifications, the firm uses a checklist of what parents look for when deciding which school system is best for their children. The seven-point list includes: competitiveness; academically solid, but not intimidating, testing; accreditation; recognition by a national foundation or by the U.S. Department of Education; competitive teacher salaries; above-average instructional expenditures; above-average library and media expenditures; and small class size.

The award is especially meaningful for the Valparaiso Community School System since SchoolMatch is a prominent organization that performs its own extensive research to determine which schools meet the above criteria.

With families increasingly having to relocate for job related purposes, SchoolMatch provides an invaluable service to parents with school-age children. SchoolMatch is used by a number of large corporations as they help relocating employees match their expectations with a school system in the area of relocation. The program has gained national recognition, as more than 48,000 parents contacted SchoolMatch's headquarters in Columbus, OH, last year.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the Valparaiso Community School System on its receipt of this prestigious award. The dedication of Valparaiso's teachers and administrators to the education of citizens in the Valparaiso community is truly inspirational.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CHINA'S NUCLEAR NONPROLIFERATION POLICY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. STARK. Mr. Speaker, I rise today to commend my colleagues, Mr. MARKEY, Mr. GILMAN, and Mr. COX, for their bipartisan efforts to shed light on China's pending nuclear nonproliferation certification in this morning's Washington Post. These distinguished gentlemen present us with the facts on China's most recent and egregious nonproliferation violations. Now it's up to President Clinton to face the facts and deny certification to China as a responsible member of the international nonproliferation community.

The Central Intelligence Agency released its biannual report to Congress this past summer and listed China as one of the two biggest nations to export nuclear materials to Iran and Pakistan. Now, less than 4 months later, China is pledging to limit its exports to Iran and end nuclear cooperation with the rogue nation. This agreement arrives at the dawn of "new and improved" United States-China relationship. As a nuclear weapons state and party to the Nonproliferation Treaty, China is obligated to promote "the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy." If China can break its pledge made in an international treaty, it certainly has the capability of breaking its pledge made to the Clinton administration. What evidence does the United States have that China will keep its promise to curb sales of nuclear materials to its largest consumers?

None. China's Government has denied accusations of selling nuclear technology and material to rogue nations. It has been barred from receiving United States technology for over 10 years for these transactions and now we're supposed to believe that China will reverse its current policy. I hope the Clinton administration doesn't expect Congress to buy this bogus change of heart. The administration has delinked human rights from trade and now it wants to ignore its own intelligence reports on nuclear proliferation. If the United States agrees to sell nuclear technology to China, it will open up the nuclear arms market to Iran and Pakistan. This is irresponsible, unacceptable, and goes beyond a policy of engagement.

China has not given any substantive signs of changing its current nuclear sales to Iran, yet the administration acquiesces on all requests for cooperation. China's leader, Jiang Zemin, insisted upon a fanfare welcome from the United States and his request was granted. However, compliance of the warm welcome should not set the tone for the upcoming discussions between the two leaders. President Clinton must send a clear, firm message regarding U.S. nuclear nonproliferation policy. The United States must lead by example and show China—and the world—that we are not open to sending nuclear technology to Iran via China.

The following article appeared in today's Washington Post:

CHINA AND NUCLEAR TRAFFICKING

(By Edward J. Markey, Benjamin A. Gilman and Christopher Cox)

During Chinese President Jiang Zemin's visit this week, President Clinton is expected to activate a 1985 Nuclear Cooperation Agreement with China. American companies would then be authorized to start selling nuclear reactors and fuel to a country that has been identified by the CIA as "a key supplier of most destructive arms technology" to rogue regimes such as Iran's. We believe that providing access to American technologies that could end up assisting Iran's nuclear weapons programs would constitute an intolerable risk to U.S. national security.

When the Nuclear Cooperation Agreement was finalized in 1985, Congress placed conditions on the resolution approving it that required the president to certify that China had become a responsible member of the international nonproliferation community before the agreement could go into effect. No U.S. president, not Regan, not Bush and until now not Clinton, has made such a certification. A glance at the record quickly shows why.

Communist China's nuclear, chemical, biological and missile proliferation has made it the Wal-Mart of international nuclear commerce. Consider the following list of only the worst and most recent of China's nonproliferation violations:

In February 1996 the People's Republic of China was discovered to have sold 5,000 ring magnets to Pakistan for use in Pakistan's secret uranium enrichment facility, though it publicly denied doing so.

In May 1997 the State Department cited seven Chinese entities for exporting chemical weapons technology to Iran.

In June 1997 Time magazine reported that China had not only transferred nuclear-capable missiles to Pakistan but was also helping Pakistan build missiles of its own.

In July 1997 the CIA identified China as being "the most significant supplier of Weapons of Mass Destruction (WMD)-related goods and technology to foreign countries."

In August 1997 Israeli intelligence reports confirmed that China is supplying long-range nuclear missile technologies to Iran.

In September 1997 the U.S. Navy reported that China is the most active supplier of Iran's nuclear, chemical and biological weapons programs.

This record speaks for itself. China has continually assure the United States that it would stop providing technologies for weapons of mass destruction to countries such as Iran and Pakistan. China has continually failed to live up to its promises. Before implementing the 1985 agreement, we need to be certain that this time the promises are for real.

The 1985 agreement requires the president to certify that China has made sufficient progress in halting proliferation. President Clinton, however, seems to believe that China's past proliferation record is irrelevant, and that we should blindly trust the vague and untested promises China has made to implement its own export controls and regulations. China has yet to make a tangible demonstration of its commitment to cease its sales of WMD technologies. Implementation of the Nuclear Cooperation Agreement is profoundly ill advised, at least until the following criteria are met:

(1) China must join the Nuclear Suppliers' Group (NSG). The NSG members have agreed not to sell nuclear technologies to any country that does not allow international inspections of all of its nuclear facilities all of the time, a criterion known as "full-scope safeguards." A 1993 statement by then Secretary of State Warren Christopher calls the NSG "a fundamental component of the international nonproliferation regime," and says that "the United States has been a strong proponent of requiring full-scope International Atomic Energy Agency safeguards as a condition for significant new nuclear supply commitments." Christopher's first statement remains true, but the Clinton administration is considering reversing itself on the second. Why should countries such as Canada and Switzerland, both NSG members, be held to a higher nonproliferation standard than Communist China?

(2) China must cease all proliferation of weapons of mass destruction, including missiles and chemical and biological weapons. A promise to cease nuclear proliferation without similar assurances to cease the proliferation of other mass destruction technologies is a lot like an alcoholic's swearing off scotch without bothering to stop drinking beer or wine.

(3) China must follow through with its promise to implement an export controls system, but it must be proved to be effective. This can be accomplished only through the passage of time. With such a long legacy of transgressions and broken promises, we need to see evidence of true reform before moving forward with certification.

President Clinton has an opportunity, as well as an obligation, to require that the People's Republic of China demonstrate its compliance with global nonproliferation norms (as opposed to mere promises) by resisting pressure from the Chinese government (and the American nuclear industry). But if the president certifies China as a nonproliferator, despite the record we have outlined and without a demonstrated change of behavior on the part of Beijing, he will have eviscerated U.S. nonproliferation policy and compromised U.S. national security.

PERSONALIZING SOCIAL SECURITY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SMITH of Michigan. Mr. Speaker, once in a while, a speech is made that really makes sense for America. Recently Jim Martin, president, 60 Plus Association, made one of these speeches. On Social Security's 62d anniversary, Jim talked about the importance of personalizing Social Security.

Jim notes that the likely alternative to personalizing Social Security is a tax increase. Since 1971, there have been 36 Social Security tax increases. A Social Security tax increase does not make economic sense and more importantly it is not fair to working Americans.

Jim Martin, representing seniors all over America, supports the introduction of my Social Security Solvency Act, personalizing Social Security by offering each worker his or her own personal retirement savings account.

Thank you, Jim, for your thoughtful remarks.

PERSONALIZING SOCIAL SECURITY: UNPLUGGING THE THIRD RAIL

(By James L. Martin)

When I came to Washington as a newspaper reporter in 1962, John F. Kennedy was in the

White House, Neal Armstrong had not yet walked on the moon, Strom Thurmond was a Democrat and the problems with Social Security were perceived by few, other than Barry Goldwater.

So, today, August 14, 1997, on the 62d anniversary of Social Security, the 60 Plus Association becomes the first seniors group to publicly go on record to overhaul the system, releasing a paper it commissioned by economist Richard A. Hart, entitled "Personalizing Social Security: Unplugging the Third Rail." Why did a senior citizens group decide to tackle the issue of Social Security reform? Let me answer by citing a question I'm asked often about the program signed into law by President Franklin Delano Roosevelt on August 14, 1935.

The question is always the same, "Jim, why get involved?" After all, the theory goes, even if the current system is going bankrupt, "your seniors are protected, so why bother with the uncertain future of this politically volatile issue?"

Believe me, it would be easy to take a head-in-the-sand approach as so many do, including, I'm sorry to say, other senior citizens groups. Unfortunately, this attitude leads to a false impression that seniors are "greedy old geezers," a 'gimme, gimme, gimme" mentality which I hope to dispel. Seniors who built this country, in Depression and war time, through their blood, sweat and tears, deserve better.

To help dispel that erroneous image, I harken back to some of the advice one particular senior citizen has given me, and still does—my favorite senior—my mom, my sainted mother, if you will, Mary L. Martin, who, in her eighties, still works part-time! Her advice is that seniors' most valued assets are not their social security, their retirement income or their pensions—although these are certainly near the top of their list—but in her opinion, seniors' most valuable assets are their children, their grandchildren and their great grandchildren.

So that's why I decided to involve 60 Plus, seniors group responsibly trying to find a solution to the problem, for the sake of our children and our grandchildren.

To put it bluntly, Heritage Foundation economist Dan Mitchell said, or perhaps it was another often quoted economist, Americans for Tax Reform's Peter Ferrara, who said:

"Security was a Ponzi scheme then. It's a Ponzi scheme now." But even a Ponzi scheme—borrowing from Peter to pay Paul—worked well in the beginning, not only for Carols Ponzi but for others, just as the so-called Social Security Ponzi scheme worked well for seniors. But there looms now a "run on the Ponzi bank" as the Baby Boomers prepare to retire.

As Mr. Hart states in his paper, "the Social Security retirement train is a collision course with demographics. Social Security's pay-as-you-go system, where the taxes of today's workers are transferred to today's retirees, leaves it particularly vulnerable to demographic trends. As Baby Boomers age, life expectancy is rising and birth rates are falling. As the Social Security train heads straight into a demographic wall," Mr. Hart continues, "more and more Americans anticipate the oncoming wreck." Mr. Hart is right. More and more of us recognize the looming crisis.

A recant poll said that a majority of Democrats, for the first time, acknowledged not only that there is a problem with the system, but a majority of Democrats now even favor privatization as a solution. Everybody universally agrees there's a problem. But a solution remains elusive.

For example, President Clinton's Social Security Advisory Council has issued its long awaited report. This 13-member panel of experts readily agreed there is a problem but did they agree on a solution? Well, yes and no. They offered three solutions. It's not an exaggeration to say they split three ways from Sunday, six endorsing one solution, five another and two yet a third. Significantly, all three directly, or indirectly, advocated privatization. In 1983, President Reagan's Social Security Reform Commission came forth with its solution to keep the system solvent for, it said, at least another 75 years, well into the next century.

That begs the question, why another Commission so soon in the 1990's, after the 1983 Commission? The answer is that the system is in more trouble than previously thought. The problem is twofold. One: The good news is that we seniors are living longer, due to medical advances and our own better health habits. Two: The bad news is that you younger generations have to pay.

Of course, that's the way the system has always worked. But before there were more than 20 workers, not three, paying into the system for each beneficiary. One other fact that bears noting is that when first enacted, according to the actuarial tables, seniors died at about age 64, or as Mr. Hart so delicately phrases it, most workers were conveniently dead and buried before they could collect their benefits at age 65. As 60 Plus Honorary Chairman, former Indiana Congressman Roger Zion puts it, at a vigorous and robust 75, he has been "statistically dead" for 11 years. Now that seniors are living longer, that places further financial strains on the system. Clearly, a day of reckoning has come. The old fix of just raising taxes, some 51 times in 62 years, cannot continue. There's a limit.

There have been half-hearted attempts in the past to address the problem, half-hearted because not many politicians want to be accused of touching the so-called third rail. You know the old song—Social Security is the third rail of politics, touch it and you die.

Politicians have gotten away with this third rail scare tactic for too long, scaring seniors for political gain. Some of us recall the 1964 Barry Goldwater-Lyndon Johnson Presidential campaign when there was a TV commercial showing a giant pair of scissors cutting a Social Security card with a voice-over solemnly intoning that this would be the result if you voted for Goldwater. Another 1964 TV commercial also stated that a vote for Goldwater could result in U.S. soldiers being sent to fight and die in southeast Asia. Well, as one political wag put it, he "voted for Barry and sure enough, U.S. soldiers were soon sent to fight and die in Vietnam."

So, I would like to put politicians, regardless of party, on notice that seniors are tired of falsely being told their Social Security is going to be taken away. It's more likely that a meteorite will fall on the Social Security Administration building in Baltimore before a politician, of either party, would propose taking away Social Security.

Let me point out how 60 Plus became engaged on this issue. A few years ago the Third Millennium, Generation X'ers in the 18–34 age group, announced the startling news that most X'ers believed more in UFOs (unidentified flying objects) than that the system would be around when they retired. I responded on a radio talk show that seniors are also aware that the system is headed for bankruptcy. Then I added, somewhat flippantly, perhaps, that seniors believe more in the second coming (has it been 20 years this week?) of Elvis Presley than in the system's future solvency and that seniors might also prefer changes. After a few call-ins and further discussion of UFOs and Elvis, I decided to poll senior citizens. Our poll to approximately 100,000 seniors found that, by a surprising 3-to-1 margin, seniors preferred a privatized system. We then commissioned a survey by pollster Frank Luntz, an excerpt of which is in the study we've released. The Luntz poll confirmed our 3-to-1 ratio.

We were called by Insight Magazine, and we debated, in print, our counterpart at the American Association of Retired Persons, Horace Deets, in dueling 2000-word essays. If I could sum up each essay in one word, it would be: AARP—taxation, 60 Plus—privatization. AARP favors the same old solution, tax increases, while 60 Plus looks for new solutions.

Will privatization work? The privatization role model is the Chilean system. During the 1983 Social Security study, when Chile was mentioned as a solution, the status quo seekers dismissed their system as a new and unproven experiment. But, fast forward 15 years later and Chile now has an amazing track record of success. Now the status quo seekers try to demonize the word "privatize," implying that you have to be a stock market expert or the big boys on Wall Street will fleece you. Nothing could be further from the truth. There are a lot of workers in Chile who can't play the stock market but who proudly walk around with a passport-sized book with their name on it, keeping track of their investments. That is one of the reasons we use the word "personalize" because the system would allow each and every individual to take personal control of his or her own financial destiny.

Since 60 Plus is nonpartisan, we credit legislators from both parties for coming up with innovative ideas. One is Democratic Sen. Bob Kerrey of Nebraska, from whom we borrowed the word "personalize." Another suggestion, by one of the Generation-X'ers, is to "modernize" the system. Many others on Capitol Hill deserve credit, including Republican Congressman Jim Kolbe of Arizona and Democratic Congressman Charlie Stenholm of Texas, co-chairs of a public pension reform caucus which now numbers more than 70 members of Congress, equally represented by both parties. Michigan Congressman Nick Smith has introduced legislation to address the problem, as have Reps. Mark Sanford of South Carolina, David McIntosh of Indiana, Mark Neumann of Wisconsin and John Porter of Illinois. Others safeguarding Social Security include House Ways and Means Committee Chairman Bill Archer of Texas and Subcommittee Chairmen, Reps. Bill Thomas of California, Dennis Hastert of Illinois and Jim Bunning of Kentucky. Surely, the latter, Jim Bunning, the big, burly Hall of Fame baseball pitcher—known as a fierce competitor in his playing days and now the father of nine and grandfather of 31 (at last count)—would be a formidable opponent for those who try to demagogue Social Security as they did in the 1980s when some Members of Congress courageously talked about reform in order to save it.

More than two dozen countries in South America, Europe and Asia, have adopted, or are in the process of adopting, a Chilean-style system. Even socialist Sweden is going that route. And here, workers in three Texas counties, before a loophole in the law was closed, opted for privatization and their rate of return is making for a lot of serious discussion as they prepare for retirement. Moreover, a resolution recently passed both the House and Senate in Oregon asking the state to opt out of the Social Security system and create a separate retirement system for state workers.

So the slight spark across the sky of the Chilean experiment has become a bright constellation. It's a success story that I believe, with all my heart and soul, can be a guide for our own troubled system.

Incidentally, in the old days, the father of the Chilean plan, Dr. Jose Pinera, literally visited Washington in the dead of night because his untested plan was so controversial. But a few years ago, the Cato Institute gave a dinner in his honor and a number of Members of Congress allowed their names to be placed on the host committee. What a change in attitude. Of course, it was not lost on them that this former minister of labor was elected to office himself, with a major plank in his platform, his plan to privatize social security.

Having read an article years ago by Ed Crane, President of the Cato Institute, about the social security problem, we started searching for solutions. We kept being referred back to the Cato Institute itself, which has taken a pioneering road on this issue for more than a dozen years. One name kept coming up, time and again. That name was Michael Tanner, Cato's Director of Health and Welfare Studies, and the author of several books on health and welfare reform. Mr. Tanner has worked on the Social Security issue extensively, to say the least. Spoken on it. Written on it. Debated on it, around the world often with Dr. Pinera at his side. That's why 60 Plus, particularly Roger Zion and I, are so pleased that Mr. Tanner has not only eloquently embraced this new plan Mr. Hart proposes, but has joined us at today's official release of the proposal, along with an equally strong endorsement by today's other featured speaker, Fund for a New Generation's Adam Dubitsky.

Richard A. Hart takes up the challenge to find a solution in an insightful paper showing how Personal Retirement Accounts (PRAs) can assure both dignity and comfort for future generations of senior citizens. This paper, a variation on a theme advanced by others, should continue the dialogue on a system which urgently needs reform.

To those who fear Social Security's ruin, wise seniors know that there is no Social Security Trust Fund. 60 Plus calls it the Social Security Bust Fund as surpluses are used for other government programs. As Democratic Senator Ernest Hollings of South Carolina has said, "There is no trust. There is no fund." We need to alert people to keep at arm's length those politicians who spread fear among seniors, as we stand at a crossroads to which direction Social Security reform should go.

In the 60 Plus Association's opinion, some form of "personalization" remains the best and most feasible option. We must guarantee present retirees their benefits as part of a government promise to them, but we must also safeguard current generations paying into Social Security system so that the benefits will be there when they retire.

On August 14, 1935, President Roosevelt signed into law the Social Security Act. On May 2, 1997, the FDR Memorial was opened here in Washington, D.C. The Social Security system helped seniors escape poverty, but we now know there are major problems facing future generations. What more lasting commemoration to FDR can we embrace than the adoption of a system which will save it for a new age, a new era, and a new population.

CHINA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SOLOMON. Mr. Speaker, for my entire career as a Congressman, I have been extremely concerned about the capabilities and intentions of the People's Republic of China. I see a totalitarian dictatorship with nuclear weapons and the intent to provide weapons of mass destruction to terrorist nations. Of equal concern is the People's Republic of China's actions and desire to wage economic warfare against America by engaging in economic espionage. But even worse is their potential to improperly infiltrate and illegally manipulate capital markets through fraudulent market offerings. We cannot afford to let our guard down and allow them to hold hostage America's future growth and security by jeopardizing American retirement and pension funds.

For that reason, I commend to you the attached article from the Wall Street Journal and announce my intent to introduce legislation that will protect us from this latest form of assault on our national security.

[From the Wall Street Journal, Oct. 29, 1997]

HONG KONG'S MARKET STOPS BELIEVING IN 'MIRACLES'

(By Holman W. Jenkins Jr.)

Apropos of the turmoil that began in Hong Kong last week and spread through the world's stock markets, we have to admit to missing Zhou Beifang just a little.

Though he happens to be serving a life sentence in a Chinese prison these days, back in the early 1990s he was feted by Hong Kong's business elite as the "king of backdoor listings."

His story had an improbably epic quality: Growing up wild on the streets of Beijing during the Cultural Revolution, when his father, an old military comrade of Deng Ziaoping, was in disgrace; landing with a splash in Hong Kong in his early 40s, as head of the offshore arm of China's giant Shougang steel works, now led by his rehabilitated father.

The younger Zhou embodied all the yuppie striving of a generation robbed of education and privilege by Mao's class war. Soon everything he touched turned to gold for the Hong Kong investors who followed him. His trick was to take over moribund companies on the local stock exchange, and make their shares jump as he loaded them with mainland assets on preferential terms. In a very short time his empire was worth $1.4 billion.

"We don't know whether these transactions were approved by some authority in Beijing, or what it would mean if they were," an editorial in The Asian Wall Street Journal ruefully wondered at the time. Six months later Mr. Zhou had been recalled to Beijing and arrested.

It shouldn't be surprising that Asia turned out to be the knock that finally set the global bull market on its ear. Those who mistake chronology for explanation have tried to trace the dominoes back to the Thai baht. But the problem goes deeper.

For the Asian "miracle" had two solid pillars—the high savings and low wages of its workers—and a third illusory one: the supposed omni-competence of its elites.

Let us further note that much of the optimism embedded in the global share prices was, on some level, specifically China optimism. It was always obvious that bringing China aboard the global economy was the game at hand. To hear Boeing, Coca-Cola and Procter & Gamble tell it, China underlay their every hope of earnings as far as the eye can see.

In Hong Kong, where Western finance meets Chinese reality, the experts are belatedly now trying to sort out the fundamentals from the Zhou Beifangism in the China story.

Consider the deal Goldman Sachs and a bevy of lesser banks brought to market into the teeth of last week's mayhem. The offering consisted of government-owned cellular operators in two provinces cobbled into a package that gave a mere minority stake to private investors for $3 billion.

Amid much bickering between the Chinese and their bankers, the price was actually raised half-way through the offering, to a multiple far richer than what other Asian telecom giants are selling for. And then to stir up sagging demand the head of the Chinese telecom ministry hinted at juicy asset injections while talking to the press in Shenzhen. "The listing of China Telecom will be the first course of a big banquet and bigger courses will be served later," he promised.

Those are the kind of Zhouesque expectations that had small investors in Hong Kong lining up around the block this past summer for new offerings by mainland companies with no track record, little disclosure and managements that operate under an uncertain set of incentives.

That's a strange way to sell stock, because underlying it is an invitation to believe that you're in bed with some Chinese mucketymuck, who's going to use his connections for his own quick enrichment, and therefore yours. Yet small investors aren't the only ones who've fallen for this. Britain's Cable & Wireless earlier in the year sold the Chinese ministry a chunk of Hongkong Telecom at a substantial discount, in return for the promise of special access to the mainland phone market, in the form of C&W getting a piece of the China Telecom flotation.

C&W last week didn't get any of China Telecom. Instead, it was the usual suspects among China's cronies in the Hong Kong tycoon class who got discounted allocations of the new issue.

So many dreams end this way. Morgan Stanley, the most China-exuberant of U.S. banks, put up $35 million to capitalize Beijing's first joint-venture investment bank. In due course, it found itself squeezed out of a lead role in the China Telecom flotation by its inexperienced creation, and then last month learned that its offspring was coming to Hong Kong to compete with Morgan Stanley there, rather than opening the door so Morgan Stanley could become a player on the mainland, as it had feverently hoped.

Over lunch a few years ago, the local Chinese head of a Western investment firm explained that the mainland deals he was then busily underwriting were destined for fund managers in the U.S. who felt a indiscriminate need for "China exposure."

Asked if he owned any himself, he made a face that said: "Are you on drugs?"

Yet he quickly warmed to a favorite topic, how to make all this actually work for

China. His idea: Give Chinese managers stock options that vest only after a time, so they might at least be tempted to use their positions to grow real earnings rather than to launder assets offshore.

In the wake of crashing markets all around the globe, the words "accountability" and "transparency" are suddenly getting a workout by Western analysts in Hong Kong—although earlier in the year several had quietly been dismissed for voicing skepticism about Chinese offerings.

As it happened, the Red Chip bonfire of last summer was accompanied by insider wheeling and dealing and ramping of a type not seen since the Hong Kong market cleaned up its act in the late 1980s, with the formation of an anti-corruption task force. Western bankers, letting their standards drop in their eagerness to cultivate a big new client, have been the quiescent instruments of these shenanigans.

Well, "when in Rome" and all that. But still, these institutions are global brandnames now, with retail investors at home looking to them as guarantors of their retirement security. That ought to be reason enough for bankers to begin drawing more sharply the question of whether these deals are really financing China's development or merely financing capital flight.

Anyhow, now comes the moment when we find out whether all the billions China has been absorbing went to build skyscrapers without tenants and factories without customers.

Hong Kong remains Asia's best-disciplined economy, with its most professional class of managers outside of Tokyo. The current mess will work out for the best only if it leaves everyone in the region with a stronger taste for these qualities.

CONGRATULATIONS TO THE FLORIDA MARLINS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SHAW. Mr. Speaker, I rise today to applaud Baseball's 1997 World Series Champions, the Florida Marlins. As a representative of South Florida and a native of Dade County, I am delighted to call the Marlins my "home team".

From the magnificent bald eagle's graceful flight into Pro Player Stadium to open Game One until Edgar Renteria's winning hit in the 11th inning of Game Seven, the World Series highlighted all that is great about the Florida Marlins and their fans. In five short years, this upstart expansion team has done what no other Major League team could do. The Marlins organization combined the talent, dedication, heart and fan support, to win not just the National League pennant, but to achieve the consummate prize in baseball.

This accomplishment was made possible through teamwork. The dream began with owners Wayne and Marti Huizenga and with Carl Barger. Team manager Jim Leyland and the players took on the challenge, and the organization and the fans provided the support and cheered them on. The Marlins are a team of destiny in the greatest sense of the word. Everyone involved since Day One made a crucial contribution to the team, and the result was the World Series Championship.

Mr. Speaker, the Florida Marlins fans are some of the most impressive I have ever seen. Each Series game at Pro Player broke the attendance record for the one before it, and last night's Rally broke all previous attendance records. The Miami Herald said it best: "nearly 70,000 South Florida baseball fans exploded, drunk on the joy that comes with earning baseball's biggest gleaming trophy."

Well done, Florida Marlins. The spirit of Carl Barger lives on, and your fans will never forget the thrill.

MIDDLE EAST PEACE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak about the importance of maintaining peace in Israel. At $8.2 million per day, America's expenditures in Israel mean United States taxpayers have much at stake in the region. Frankly, I was shocked when I first learned how much our Government sends to Israel in the way of foreign aid. We also maintain a U.S. Embassy there of 200 employees, and provide other relief and assistance.

In August, I went to Israel with five other Members of Congress—all conservatives with lots of questions. The mission was sponsored and paid by a nonprofit education foundation. My 7 days there proved to be among the most fascinating as a new Congressman. I met with several experts in the Israeli-Palestinian peace process, United States-Israel defense cooperation, Israeli defense, economics, and history. I also met with clergymen, local elected leaders, and Israeli and Palestinian citizens. I visited Jewish settlements, military outposts, and Palestinian territories.

We arrived in Jerusalem just after the suicide bombings in the Mahane Yehuda market killed 13 and wounded 168. I began to understand almost instantly how complicated the peace process is and how culture, geography, history, and religion make the objective a difficult one to achieve. I also deepened my belief that peace in the region is important to the United States and critical in achieving global stability.

Separate meetings with Israeli Prime Minister Benyamin Netanyahu and Senior Palestinian negotiator Dr. Saeb Erekat revealed genuine frustration over recent actions of the other. Both expressed concern about the degree to which progress achieved between Israelis and Palestinians had been eroded due to the recent terrorism.

They knew our delegation wanted to see more progress, but optimism was nowhere to be found that week. Instead, both men did their best to defend their policies. Netanyahu did so credibly.

I reaffirmed America's desire for peace as firm and strong and I assured both sides that the United States partnership with Israel is a lasting one. Clearly, our financial support will, and should, continue—unfortunately the foreign operations appropriations bill is currently mired with other unrelated problems which must be resolved in the Senate.

Regarding Israel's future, I came away with several observations. What extremists and terrorists fear most is a durable desire for peace, certainly on behalf of the United States, but especially on behalf of those Israeli and Palestinian leaders who refuse to give in to terrorism. there is a political center which must work hard to render the extremes irrelevant.

Though aimed at Israel, the most recent episodes of extremist violence, in fact, threaten both societies. Palestinians are sometimes direct targets, and suffer economic hardship and restricted mobility to Israel retaliation. The hatred levied by Hamas and Islamic Jihad toward Israel, also has a devastating impact on ordinary Palestinians and their hopes for space. Successful resolution entails all sides standing firm against terrorism, returning to the bargaining table, and confirming an unyielding commitment to the negotiation process.

Last month, I met with Secretary of State Madeline Albright who, though she expressed frustration with the scarce results of her recent visit, restated the U.S. commitment to do all it can to promote peace. We will help Israel achieve real security addressing external threats and terrorism, by pursuing treaties establishing normal relations between Israel and her neighbors, namely Syria and Lebanon. Moreover, we will always be willing to facilitate, and when appropriate, mediate peaceful accords.

It is undeniable that the recent bombings have severely set back the peace talks that began in Oslo in 1993. The lax approach to suppressing terrorism on the part of the Palestinian Authority and Chairman Arafat's suspension of security cooperation further suppresses optimism, and his repeated calls for a jihad—holy war—belies his stated embrace of the peace process.

The United States must push the Palestinian Authority to fulfill the terms of past agreements in order to allow progress on interim agreements under Oslo with an eye toward accelerated permanent status talks. Other pressure must be put on Arafat to discontinue his inflammatory rhetoric and specifically amend the Palestinian Covenant regarding the destruction of Israel.

However, America must never confuse its role in the Middle East. We are not a party to the Arab-Israeli conflict. The chief responsibility rests in the hands of those who have the most at stake in achieving political and social harmony.

America cannot, nor should not dictate solutions and we must be confident that Arabs and Israelis are fully capable of forging the most durable agreements. Our role is predicated on the desire of both parties to have us work with them to secure peace.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote No. 540, the vote on H.R. 1479. Had I been present, I would have voted "aye."

UNFUNDED MANDATES REFORM ACT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. PORTMAN. Mr. Speaker, today Mr. ENSIGN raised a point of order established by the Unfunded Mandates Reform Act of 1995 in connection with H.R. 1270, the Nuclear Waste Policy Act. I commend him for doing so. This is another example of how we envisioned this unfunded mandates legislation working. The goal of the Unfunded Mandates Act was not to prohibit Congress from ever considering or enacting legislation that contained unfunded mandates, but to do so after having cost information, a separate debate on whether and how to fund the mandate and a recorded vote on imposing such a mandate. Today, we did that. The House agreed to continue to consider this legislation, notwithstanding the mandates that exist in this bill, after having had full information, separate consideration, and accountability with a recorded vote. I believe the procedure worked well today and continues to be an effective mechanism to ensure that Congress is accountable to the American people for mandates this body may impose on State and local governments as well as the private sector.

MEXICO MUST ADHERE TO THE WTO ANTIDUMPING CODE

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. BAKER. Mr. Speaker, I wish to express my serious concern with Mexico's unfair and illegal imposition of antidumping duties to protect its domestic producers from United States exports. Such protectionism is contrary to the WTO Antidumping Code, and negates the benefits granted U.S. exporters under the North American Free Trade Agreement.

Despite the fact that Mexico is a contracting party to the Antidumping Code, recent cases involving United States exports demonstrate that Mexico is not always following the legal requirements for imposing antidumping duties. For example, although the Antidumping Code has been in force for more than 2 years, Mexico still has not revised its law and regulations to reflect the code's provisions. A basic precept of the Antidumping Code is that duties must be based on an apples-to-apples comparison of prices. To that end, the code requires that certain adjustments be made to ensure that prices are compared under the same conditions of sale and levels of trade. The Mexican authorities have not given our exporters adequate guidance on how to qualify for such adjustment. Under these circumstances, the provisions of the Antidumping Code afford U.S. exporters no real protection from the improper imposition of antidumping duties.

Mexico also is not granting United States exporters all of the procedural rights provided under the Antidumping Code—rights that are routinely provided Mexican exporters subject to similar proceedings in the United States. For example, in the investigation of United States apple exports, Mexico simply ignored the information submitted by the United States exporters and assigned the exporters a preliminary dumping rate of more than 100 percent. Mexico claimed that it was justified in doing so because it had minor questions regarding the accuracy of certain sales data. That is, Mexico presumed that the United States exporters were dumping, rather than requesting clarification of the information, or waiting until visiting the exporters to determine whether the reported information was correct.

We in the U.S. Congress will be watching closely Mexican Government deliberation on the apples case, the most recently initiated investigation of U.S. paper exports, and other investigations. We will be vigilant in monitoring Mexico's abuse of its antidumping law in these investigations, and take swift action to address all abuses. Otherwise, the rights and benefits that U.S. exporters were granted under the WTO agreements and the NAFTA would be worthless.

A TRIBUTE TO LT. COL. CLAUDE V. "JIM" MEADOWS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. YOUNG of Florida. Mr. Speaker, I rise today to pay tribute to Lt. Col. Claude V. "Jim" Meadows, who retires this week after 25 years of faithful and honorable service to our Nation in the U.S. Army.

Lieutenant Colonel Meadows is a truly outstanding soldier whose career accomplishments reflect the type of military leader our Nation has depended upon during peace and war for more than 200 years. For the information of my colleagues, let me share with you some of Lieutenant Colonel Meadows' career milestones.

He enlisted in the U.S. Army in November 1966. After Basic Training at Fort Bragg, NC, Lieutenant Colonel Meadows was assigned to the 75th Engineers in Fort Lewis, WA, and from there reassigned to the 10th Transportation Battalion in the Republic of Vietnam. His arrival coincided with the onset of the Tet Offensive of 1968. Following 12 months of courageous duty in the Central Highlands, the Army recognized his exceptional abilities and reassigned Lieutenant Colonel Meadows to be an instructor at the United States Army Quartermaster School at Fort Lee, VA, where he helped train soldiers until he completed his enlistment and left the Army to attend college.

Lieutenant Colonel Meadows graduated from Old Dominion University's Reserve Officers Training Corps Program on May 11, 1975 and was commissioned as a second lieutenant in the Medical Service Corps. During the next seven years, he served in a mix of troop leading and hospital assignments at Fort Campbell, KY, the home of the 101st Airborne Division, Air Assault, and Fort Lee, VA.

While at Fort Campbell, he served as the field medical officer for the 20th Engineer Battalion. There he received the Division Commander's Award for Excellence for his work in providing medical support. Lieutenant Colonel Meadows pursued and completed his masters degree in systems management and his abilities in this field were quickly recognized by the medical community as he was reassigned to the hospital as the Administrator for the Department of Medicine. In the words of one staff physician, "Jim constantly afforded an air of encouragement. He remained patient with us when we, and I in particular, grew impatient. He demonstrated a self-sacrificing concern when detachment would have been far easier. He remained continually sensitive to needs which, at times, must have been very painful to reckon with. He persisted with remarkable endurance in pursuing objectives which frequently must have tempted him to give up."

Lieutenant Colonel Meadows once again demonstrated his excellence as a professional soldier and medical administrator as an operations officer at the Kenner Army Community Hospital. His commitment to duty and his strong leadership qualities led to his being identified to the Chief, Medical Service Corps as an extremely valuable asset to the Medical Service Corps and the Army. Lieutenant Colonel Meadows was selected for programs at military schools and additional graduate work and completed a masters degree in business administration. With his MBA, Lieutenant Colonel Meadows' career focus moved toward resource management and military comptrollership. As a resource manager, he served at the Tripler Army Medical Center, where he was awarded the Order of Military Medical Merit, an award for his exemplary contribution to the Army's Medical Department.

Lieutenant Colonel Meadows has spent the last 8 years of his Army career in the National Capital Area as the Comptroller of the hospital at Fort Belvoir, as a program and budget officer for the Army's Surgeon General, and for the past 4 years as the Army's liaison with my colleagues and I on the House Appropriations Subcommittee on National Security. As the chairman of the Subcommittee, I can tell you that Lieutenant Colonel Meadows has worked diligently with our members and staff through four complete legislative cycles in the areas of health care, personnel, and aviation programs. Through his work with our subcommittee, he has made a significant difference in the lives of his fellow soldiers and their families.

Lieutenant Colonel Meadows has been widely recognized and honored during his service. These awards include the Legion of Merit, five awards of the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the Vietnam Service Medal, the Republic of Vietnam Campaign Medal, a Meritorious Unit Citation, a Republic of Vietnam Gallantry Cross Unit Citation, the Expert Field Medical Badge, and the Army Staff Badge.

Mr. Speaker, it is a great honor to pay tribute today to the 25 years of service Lt. Col. Jim Meadows has given to our Nation. He is an officer who befits the Army's proudest traditions. He has dedicated himself to the peace and freedom that we as Americans enjoy today. On behalf of my colleagues on the Appropriations Committee and our National Security Subcommittee, as well as all my colleagues in the House, I want to personally express our sincere appreciation to Lt. Col. Jim Meadows and wish him and his family all the best as he embarks on a new career.

IN RECOGNITION OF THE CREW OF THE U.S.S. "DALY"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SOLOMON. Mr. Speaker, there are so many instances of patriotism and displays of courage beyond the call of duty that make up the framework of World War II that it is simply astounding. Even for those of us who lived through that demanding and challenging time period, it is hard to get a grasp on the sheer magnitude and extent of the massive war effort we undertook. Virtually all corners of the globe were impacted by either the effects of battle, the philosophical fight over the human spirit and forms of government, and the subsequent fallout of this war of all wars. And thanks to brave Americans like those who comprised the crew of the World War II destroyer, the U.S.S. *Daly*, democracy and human rights prevailed over tyranny and oppression.

Mr. Speaker, this Sunday, November 2, the members of the crew of that destroyer will gather once again, this time in peaceful celebration of all they have accomplished on behalf of our country. They will be reunited in Saratoga Springs, NY, of my congressional district. I can't begin to tell you how proud I am to have such a distinguished group gathering in my congressional district to reminisce and rekindle old friendships and camaraderie. And that camaraderie, trust, loyalty, patriotism and unity of purpose is what made not only the U.S.S. *Daly* so successful and effective, but it is what made the entire U.S. war effort so special, special enough that it defined the remainder of the century, better than 50 years. I doubt these brave sailors recognized then the full significance their efforts and their victories would have on the course of history and the composition of the world. Ever since, America, and the American way of life, have been a beacon for the oppressed and underprivileged around the globe. This Sunday, Mr. Speaker, I hope the surviving members of the 359 sailors who served on the U.S.S. *Daly* recognize just what they accomplished, and that those who can't be with us are remembered along with their comrades as what they are, American heroes.

Speaking of some of their feats, let me tell you a brief bit of the history behind the U.S.S. *Daly*. She was launched almost 55 years ago to the day, on October 24, 1942. And as a former Marine myself, I'm pleased to tell you that she was named after Sgt. Maj. Daniel Daly of the U.S. Marine Corps, from my home State of New York. He received, get this, not one but two Congressional Medals of Honor through his tours of duty in more than four distinct conflicts, including in China during the Boxer Rebellion in 1900 and in France during World War I.

Mr. Speaker, it was in Sergeant Major Daly's distinguished memory and record of valor and bravery that the crew of his namesake, the U.S.S. *Daly*, served. I can tell you this, they did him proud. There were a party to more than 15 distinct assaults, bombardments and occupations, including such daunting missions as at Iwo Jima and Okinawa, and the final occupation and evacuation of Allied prisoners of war from Nagasaki, Japan, before pointing her bow homeward bound on the 17th of November 1945. She had made two separate tours from the States during the war and had performed admirably. But mostly, Mr. Speaker, the crewmen did her proud and did America proud. In the course of their time at war, the U.S.S. *Daly* was responsible for eliminating 23 enemy bombardiers, 3 enemy ships, and 10 enemy planes.

Mr. Speaker, as those who put their lives on the line far away from home in strange waters aboard the U.S.S. *Daly* prepare to gather together again, I ask that you and all Members of Congress join with me in tribute to their tremendous service and sacrifice. They exemplify the spirit of patriotism, bravery, and volunteerism that helped make this country the greatest on Earth and put us in a position we enjoy today. By that measure, each and every one of them are truly great Americans. May our thoughts, best wishes and most importantly, our thanks, be with them this Sunday as always.

SILVER ANNIVERSARY OF STERLING PUBLIC SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. BARCIA. Mr. Speaker, the most difficult and admirable public service is that which is closest to the people that one serves. While the office may be open only during part of the day, there are those frequent meetings with citizens at church, at school, at shopping centers, or at sporting events. People who serve in these posts are to be admired, and this weekend, the people of the charter township of Monitor will be recognizing 25 years of devoted public service from their treasurer, William Kramer.

Elected in November, 1972, he has served continuously ever since. He has instituted professional recordkeeping in the treasurer's office, making sure that every dollar received or spent can meet a very demanding accounting. One of his most notable accomplishments is his work in the expansion of water and sewer service within the township. This was a most important undertaking, which required foresight and skilled management in order to make sure that this necessary project was implemented as frugally as possible.

Bill has been able to maintain this post based on the simple fact that he is very responsive to the people of the community. He is known for his most helpful nature. He has always had a most positive manner of directing people to those officials who could help in those cases where the matter wasn't his immediate responsibility. As we all should know, when a constituent calls for assistance, it is our job to provide them with information which lead to their problem being solved. Those officials who simply prefer to say "that's not my responsibility" soon find out that their bureaucratic narrow-mindedness cost them their position of responsibility.

Of course, Bill Kramer's careful management of money is no surprise to anyone who knows that for 35 years, up until 1977, he was a life insurance agent, who was a recognized sales achiever for many of his years. He learned early on the attention that people required when one deals with matters of finance, and he successfully carried forward that professional training as treasurer of Monitor Township.

At the same time, he also served his community as an active member of St. Paul's Lutheran church, where he served as chairman of the congregation for several years.

Mr. Speaker, public service done well is a model for all of us, and is an inspiration for those who may follow in years to come. I urge you and all of our colleagues to join me in congratulating Bill Kramer on his 25 years of service, and in wishing him the very best for the years to come.

IN RECOGNITION OF NATHAN L. HILL'S OUTSTANDING SERVICE TO ANNISTON ARMY DEPOT

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. RILEY. Mr. Speaker, I rise today to recognize one of Alabama's finest, Nathan L. Hill. Today, Mr. Hill will receive the Department of Defense Civilian Service Award, which is presented annually by the Secretary of Defense to a small number of civilian employees whose careers reflect exceptional devotion to duty and extremely significant contributions of broad scope in scientific, technical, or administrative fields of endeavor that have led to increased effectiveness in the operation of the Department of Defense. Mr. Hill has been honored with the presentation of this award for his outstanding service to both his country and to Anniston Army Depot [AAD], located in Anniston, AL.

Mr. Hill, the only civilian employee within the Industrial Operations Command of the Army, has devoted over 30 years of his life to ensuring the security of our Nation. Mr. Hill began his service career as an enlistee in the Air Force in 1961. In August 1963, he was honorably discharged from the Air Force, and subsequently enrolled at Jacksonville State University. After receiving his undergraduate degree in accounting, Mr. Hill began working as an accountant for the Army Audit Agency in August 1967. Within 2 years, he was promoted to a GS–11 supervisor, which began his career of dedicated public service. For the next 6 years he held a variety of financial management positions culminating in his appointment as Anniston Deputy Comptroller, GS–13, in August 1975.

Nathan Hill's outstanding service to the depot has been marked by continued advancement through the ranks. His keen insight and understanding have made AAD the National Technical Center of Excellence for track and combat vehicles. Nathan Hill's innovative ideas, including partnership programs with the private sector to provide the military with state-of-the-art military hardware, will enable the depot to be at the forefront of the military as the new millennia approaches. This plan will allow for increased flexibility to pursue public-private partnerships and competitive smart-sourcing of depot maintenance. These partnering arrangements have been so successful at AAD that the U.S. Congress has adopted this model of public/private partnering for the remaining depots in this year's fiscal year 1998 defense authorization bill.

Mr. Hill's commitment to AAD extends beyond his official duties. He has spearheaded efforts to increase education for women and minorities in the area of electronics so that these individuals might qualify for better, higher paying jobs. Nathan Hill sits on the Equal Employment Opportunity Action Committee and he is active with the local lodge of the American Federation of Government Employees.

In addition to the role that Nathan Hill has assumed at Anniston Army Depot, he is also active throughout the community. Mr. Hill sits on the board of governors at Harry M. Ayers State Technical Colleges, he is a member of the Calhoun County Chamber of Commerce, the Salvation Army and the Exchange Club. He is active in his church, holding both the position of lay leader and chairman of the Council of Ministries at First United Methodist Church.

The accomplishments that Nathan Hill has achieved are unparalleled. Col. Jerry J. Warnement's, who recently retired as AAD's commanding officer, wrote, "To say that Mr. Hill is an invaluable asset to the depot, the Army and Department of Defense would be an understatement. His professionalism, devotion to duty, knowledge and expertise are exemplary and rare commodities in today's fast paced and rapidly changing environment. A more deserving individual for this prestigious award would be hard to find!"

I know that everyone who has met Nathan Hill shares this opinion. Few individuals have devoted and given as much to their country and its military as Mr. Hill. The bestowment of the Department of Defense Civilian Service Award is but a small token of the recognition the Nathan Hill deserves. His actions and commitment to his country are without peer, and I am proud to say congratulations.

THE DISMAL STATE OF HUMAN RIGHTS IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SMITH of New Jersey. Mr. Speaker, yesterday several of my colleagues on the Helsinki Commission—Representatives HOYER, MARKEY, CARDIN, and SALMON—joined me in introducing a sense of the Congress resolution with respect to the human rights situation in the Republic of Turkey and that country's desire to host the next Summit Meeting of the Heads of State or Government of the Organization for Security and Cooperation in Europe [OSCE]. Turkey—an OSCE country since 1975—first proposed to host the next summit meeting nearly a year ago. Shortly after this proposal surfaced, I wrote to then-Secretary of State Christopher on November 22, 1996, together with the Helsinki Commission's co-chairman, Senator D'AMATO, to raise concerns over human rights violations in Turkey and to urge rejection of the Turkish proposal unless the human rights situation improved. We wrote to Secretary Albright on July 15, 1997 expressing concern over the lack of human rights progress in Turkey. Unfortunately, Turkey has squandered the opportunity to demonstrate its determination to improve implementation of Ankara's freely undertaken OSCE commitments over the past 11 months.

Without reciting the lengthy list of Turkey's human rights violations, including the use of torture, it is fair to say that Turkey's record of implementation of OSCE human dimension commitments remains poor. The Committee to Protect Journalists has documented the fact that at least 47 Turkish journalists—the largest number of any country in the world—remain imprisoned. Four former parliamentarians from the now banned Kurdish-based Democracy Party [DEP], including Leyla Zana, remain imprisoned. Turkey has pursued an aggressive campaign of harassment of non-governmental organizations over the past year. The Department of State has found that serious human rights problems persist in Turkey and that human rights abuses have not been limited to the southeast, where Turkey has engaged in an armed conflict with the terrorist Kurdistan Workers Party [PKK] for over a decade.

Last week, Mr. Speaker, the Congress honored His All Holiness Bartholomew, the leader of Orthodox believers worldwide. The Ecumenical Patriarchate, located in Istanbul—the city proposed by Turkey as the venue for the next OSCE summit, has experienced many difficulties. The Ecumenical Patriarchate, has repeatedly requested permission to reopen the Orthodox seminary on the island of Halki closed by the Turkish authorities since the 1970's despite Turkey's OSCE commitment to "allow the training of religious personnel in appropriate institutions." The Turkish Embassy here in Washington viewed the visit, according to its press release, "as an excellent opportunity to forge closer ties of understanding, friendship and cooperation among peoples of different faiths and ethnicities." Unfortunately, this spirit has not characterized the Turkish Government's relations with the Patriarchate and Orthodox believers in Turkey.

Mr. Speaker, the United States should encourage the development of genuine democracy in Turkey, based on protection of human rights and fundamental freedoms. Those who would turn a blind eye toward Turkey's ongoing and serious human rights violations hinder the process of democratization in that important country. Poised at the crossroads of Europe, the Caucasus, Central Asia and the Middle East, Turkey is well positioned to play a leading role in shaping developments in Europe and beyond. But to be an effective and positive role model abroad—as some have suggested Turkey might be for the countries of Central Asia—Turkey must get its house in order. Uncorrected, Turkey's human rights problems will only fester and serve a stumbling block along the path of that country's further integration into Europe.

It is also important to keep in mind, Mr. Speaker, that Turkey is not new to the OSCE process. The Turks are not the new kids on the block. Turkey's current President, Suleyman Demirel, was an original signer of the 1975 Helsinki Final Act. The time has come for Turkey to focus on putting into practice the human rights commitments Ankara has freely accepted over the past 22 years.

The privilege and prestige of hosting an OSCE summit should be reserved for participating States that have demonstrated steadfast support for Helsinki principles and standards—particularly respect for human rights—in word and in deed. Such linkage is not new in the OSCE. When, in the mid-1980's Moscow expressed an interest in hosting a human rights conference of Helsinki signatory states, the United States and several other OSCE countries insisted on specific human rights improvements before they would agree to the Kremlin's proposal. This approach contributed to a tremendous improvement in Russia's human rights record. Should we expect any less from our allies in Ankara?

For starters, the United States should insist that Turkey release the imprisoned DEP parliamentarians, including Leyla Zana, as well as journalists and others detained for the nonviolent expression of their views; end the persecution of medical professionals and NGO's who provide treatment to victims of torture and expose human rights abuses; abolish Article 8 of the Anti-Terror Law, Article 312 of the Penal Code, and other statutes which violate the principle of freedom of expression and ensure full respect for the civil, political, and cultural rights of citizens of Turkey, including ethnic Kurds; and begin to aggressively prosecute those responsible for torture, including members of the security forces.

A key ingredient to resolving these and other longstanding human rights concerns is political will. Developments in Turkey over the past few days underscore the sad state of human rights in Turkey. Last week we learned of the imprisonment, reportedly for up to 23 years, of Esber Yagmurdereli, for a speech he made in 1991. The same day, a three-judge panel backed down after police officers accused of torturing 14 young people back in 1995 refused to appear in court. Frankly, such developments have become almost commonplace in Turkey, dulling the appreciation of some for the human tragedy of those involved in such cases.

A decision on the venue of the next OSCE summit will require the consensus of all OSCE participating States, including the United States.

The resolution we introduced, Mr. Speaker, does not call for an outright rejection of Ankara's bid to host an OSCE summit, but urges the United States to refuse to give consensus to such a proposal until such time as the Government of Turkey has demonstrably improved implementation of its freely undertaken OSCE commitments, including their properly addressing those human rights concerns I have touched on today. Our resolution calls for the President to report to the Congress by April 15, 1998 on any improvement in the actual human rights record in Turkey. We should be particularly insistent on improvements in that country's implementation of provisions of the Helsinki Final Act and other OSCE documents.

Simply put, Mr. Speaker, Turkey's desire to host an OSCE summit must be matched by concrete steps to improve its dismal human rights record. Promises of improved human rights alone should not suffice.

Mr. Speaker, I ask that correspondence between the Helsinki Commission and the State Department be included in the RECORD.

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, July 15, 1997.

Hon. MADELEINE KORBEL ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: We write to reiterate and further explain our steadfast opposition to Turkey as the venue for an Organization for Security and Cooperation in Europe (OSCE) summit meeting and ask the Department, which we understand shares our view, to maintain the United States' refusal to give consensus to the Turkish proposal that the next summit should be held in Istanbul. We also observe that a rigid schedule of biennial summit meetings of the OSCE Heads of State or Government appears to be unwarranted at this stage of the OSCE's development and suggest that serious consideration be given to terminating the mandate which currently requires such meetings to be held whether circumstances warrant them or not.

Last November, the Republic of Turkey—an original OSCE participating State—first proposed Istanbul as the site for the next OSCE summit. At that time, we wrote to Secretary Christopher urging that the United States reject this proposal. A decision was postponed until the Copenhagen Ministerial, scheduled for this December, and the Lisbon Document simply noted Turkey's invitation.

The United States should withhold consensus on any proposal to hold an OSCE summit in Turkey until and unless Ankara has released the imprisoned Democracy Party (DEP) parliamentarians, journalists and others detained for the non-violent expression of their views; ended the persecution of medical professionals and NGOs who provide treatment to victims of torture and expose human rights abuses; and begun to aggressively prosecute those responsible for torture, including members of the security forces.

In addition, the United States should urge the Government of Turkey to undertake additional steps aimed at improving its human rights record, including abolishing Article 8 of the Anti-Terror Law, Article 312 of the Penal Code, and other statues which violate the principle of freedom of expression and ensuring full respect for the civil, political, and cultural rights of members of national minorities, including ethnic Kurds.

Regrettably, there has been no improvement in Turkey's implementation of OSCE human rights commitments in the eight months since our original letter to the Department. Despite a number of changes in Turkish law, the fact of the matter is that even these modest proposals have not translated into improved human rights in Turkey. Ankara's flagrant violations of OSCE standards and norms continues and the problems raised by the United States Delegation to the OSCE Review Meeting last November persist.

Expert witnesses at a recent Commission briefing underscored the continued, well-documented, and widespread use of torture by Turkish security forces and the failure of the Government of Turkey to take determined action to correct such gross violations of OSCE provisions and international humanitarian law. Even the much heralded reduction of periods for the detention of those accused of certain crimes has failed to deter the use of torture. The fact is that this change on paper is commonly circumvented by the authorities. As one U.S. official in Turkey observed in discussion with Commission staff, a person will be held in incommunicado detention for days, then the prisoner's name will be postdated for purposes of official police logs giving the appearance that the person has been held within the period provided for under the revised law. Turkish authorities also continue to persecute those who attempt to assist the victims of torture, as in the case of Dr. Tufan Köse.

Despite revisions in the anti-Terror Law, its provision continue to be broadly used against writers, journalists, publishers, politicians, musicians, and students. Increasingly, prosecutors have applied Article 312 of the Criminal Code, which forbids "incitement to racial or ethnic enmity." Government agents continue to harass human rights monitors. According to a recent report issued by the Committee to Protect Journalists, 78 journalists were in jail in Turkey at the beginning of 1997—more than in any other country in the world.

Many human rights abuses have been targeted at Kurds who publicly or politically assert their Kurdish identity. The Kurdish Cultural and Research Foundation offices in Istanbul were closed by police in June to prevent the teaching of Kurdish language classes. In addition, four former parliamentarians from the now banned Kurdish-based Democracy Party (DEP): Leyla Zana, Hatip Dicle, Orhan Doğan, and Selim Sadak, who have completed three years of their 15-year sentences, remain imprisoned at Ankara's Ulucanlar Prison. Among the actions cited in Leyla Zana's indictment was her appearance before the Helsinki Commission. The Lawyers Committee for Human Rights has expressed concern over the case of human rights lawyer Hasan Doğan, a member of the People's Democracy Party (HADEP), who, like many members of the party, has been subject to detention and prosecution.

The Government of Turkey has similarly pursued an aggressive campaign of harassment of non-governmental organizations, including the Human Rights Foundation of Turkey and the Human Rights Association. An Association forum on capital punishment was banned in early May as was a peace conference sponsored by international and Turkish NGOs. Human Rights Association branch offices in Diyarbakir, Malatya, Izmir, Konya, and Urga has been raided and closed.

As the Department's own report on human rights practices in Turkey recently concluded, Ankara "was unable to sustain improvements made in 1995 and, as a result, its record was uneven in 1996 and deteriorated in some respects." While Turkish civilian authorities remain publicly committed to the establishment of a rule of law state and respect for human rights, torture, excessive use of force, and other serious human rights abuses by the security forces continue. It is most unfortunate that Turkey's leaders, including President Demirel—who originally signed the 1975 Helsinki Final Act on behalf of Turkey—have not been able to effectively address long-standing human rights concerns.

Madam Secretary, the privilege and prestige of hosting such an OSCE event should be reserved for participating States that have demonstrated their support for Helsinki principles and standards—particularly respect for human rights—in both word and in deed. Turkey should not be allowed to serve as host of such a meeting given that country's dismal human rights record.

While some may argue that allowing Turkey to host an OSCE summit meeting might provide political impetus for positive change, we are not convinced, particularly in light of the failure of the Turkish Government to improve the human rights situation in the eight months since it proposed to host the next OSCE summit. We note that several high-level conferences have been held in Turkey without any appreciable impact on that country's human rights policies or practices.

Promises of improved human rights alone should not suffice. Turkey's desire to host an OSCE summit must be matched by concrete steps to improve its dismal human rights record.

We appreciate your consideration of our views on this important matter and look forward to receiving your reply.

Sincerely,

CHRISTOPHER H. SMITH,
Co-Chairman.
ALFONSE D'AMATO,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, 20520 August 13, 1997.

Hon. CHRISTOPHER H. SMITH,
Co-Chairman, Commission on Security and Cooperation in Europe, House of Representatives.

DEAR MR. CHAIRMAN: I am responding on behalf of the Secretary of State to your July 15 letter regarding your concerns about the possible selection of Turkey as the venue for the next summit meeting of the Organization for Security and Cooperation in Europe (OSCE).

The Department of State shares your concerns about Turkey's human rights record. All states participating in the OSCE are expected to adhere to the principles of the Helsinki Final Act and other OSCE commitments, including respect for human rights and fundamental freedoms. The U.S. Government has consistently called attention to human rights problems in Turkey and has urged improvements. It does not in any way condone Turkey's, or any other OSCE state's, failure to implement OSCE commitments.

The OSCE, however, is also a means of addressing and correcting human rights shortcomings. As you note in your letter, the issue of Turkey's human rights violations was raised at the November OSCE Review Meeting, and will likely continue to be raised at such meetings until Turkey demonstrates that it has taken concrete measures to improve its record. Holding the summit in Turkey could provide an opportunity to influence Turkey to improve its human rights record.

As you note, the Turkish government has made some effort to address problem areas, through the relaxation of restrictions on freedom of expression and the recent promulgation of legal reforms which, if fully implemented, would begin to address the torture problem. These measures are only a first step in addressing the problems that exist, but we believe they reflect the commitment of the Turkish government to address its human rights problems. We have been particularly encouraged by the positive attitude the new government, which came to power July 12, has demonstrated in dealing with human rights issues.

As you know, the fifty-four nations of the OSCE will discuss the question of a summit venue. As in all OSCE decisions, any decision will have to be arrived at through consensus, which will likely take some time to achieve. In the meantime, the Department of State welcomes our views, and will seriously consider your concerns about the OSCE summit site. I welcome your continuing input on this issue, and thank you for your thoughtful letter.

We appreciate your letter and hope this information is helpful. Please do not hesitate to contact us again if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. KIND. Mr. Speaker, another day has gone by and still no campaign finance reform.

My colleagues who oppose changing the current campaign finance system continue to argue that we must conduct exhaustive hearings on the abuses of the system during the 1996 election before we pass a reform bill. I agree that we must investigate violations of the law, and those who break the rules need to be prosecuted and brought to justice.

That very thing is happening in Virginia right now. The State of Virginia is charging the Republican National Committee for failure to disclose campaign contributions in excess of $600,000 to GOP candidates during this fall election in that State. The contributions are legal, but the failure to disclose those contributions are a clear violation of Virginia campaign law.

In the special congressional election in New York City the Republican Congressional Campaign Committee has announced it will be spending $800,000 in independent expenditures on behalf of the Republican congressional candidate. This "soft money" is being used to influence the outcome of the special election, even though campaign finance rules specifically prohibit direct expenditures on behalf of a candidate.

Mr. Speaker, we must investigate violations of the law by both parties, in the 1996 and 1997 elections. However, we also need to change the current rules that allow millions of dollars to be legally spent to buy elections in this country. It is time to stop the excuses and allow a vote on campaign finance reform. I refuse to take "no" for an answer.

THE CHINESE HUMAN RIGHTS RECORD AND THE VISIT TO THE UNITED STATES OF CHINESE PRESIDENT JIANG ZEMIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. LANTOS. Mr. Speaker, this morning a number of us had a leadership breakfast with the visiting President of China, Jiang Zemin. In that meeting a number of very serious human rights concerns were raised with our Chinese guest by the participating Senators and Members of Congress. Mr. Speaker, it is important that President Jiang Zemin understand the seriousness of the concern, the strength of the interest of the American people in human rights.

Mr. Speaker, earlier this week, on the eve of President Jiang's arrival in Washington, DC, the Subcommittee on International Operations and Human Rights of the House International Relations Committee held a hearing on China's record on human rights under the leadership of Subcommittee Chairman CHRIS SMITH of New Jersey. That was a most appropriate and most important hearing at which a number of excellent witnesses discussed in some detail the appalling abuse of human rights by the Government of China.

I ask, Mr. Speaker, that my opening statement at that hearing be placed in the RECORD. As the President of China visits us here on Capitol Hill, it is important that he understand clearly and unequivocally the point of view of the elected representatives of the American people.

STATEMENT OF CONGRESSMAN TOM LANTOS OF CALIFORNIA—"U.S.-CHINA RELATIONS AND HUMAN RIGHTS," OCTOBER 28, 1997

Thank you very much, Mr. Chairman. First, I want to commend you for holding this hearing. I deeply regret that, apparently, this is the only hearing held on this general subject during the visit of the President of China, because I think it's extremely important that the public relations campaign so carefully constructed and so effectively executed by the paid propagandists of Beijing not be successful and that the true story about China be relayed.

Since I so strongly agree with most of the statements that you just made, Mr. Chairman, allow me to begin with a general observation that puts this visit in its proper perspective. I disagree with this administration's China policy. Having said that, however, let me state for the record that I'm convinced that the commitment to human rights of this administration is far stronger than was the commitment to human rights of the previous administration.

And while we can discuss *ad nauseam* and *ad infinitum* the human rights policies of the Clinton administration vis-a-vis many countries on the face of this planet, and while I share your concern, Mr. Chairman, with respect to the Clinton administration's human rights policy with respect to China, the record must show that the Clinton-Gore Administration has a far greater commitment to human rights than did Bush-Quayle; that Secretary Albright has a far greater commitment to human rights than did former Secretary Jim Baker; and that on balance, this administration is far more sympathetic to human rights concerns across the globe than was the previous administration.

Let me state at the outset that I look forward to listening to our witnesses as one who has unbounded admiration for China as a civilization and a culture. Chinese civilization and culture is obviously one of the great civilizations and cultures on the face of this planet. And nothing would please me more than the opportunity for that culture and that civilization to blossom in freedom and in growing friendship with the United States.

Let me also at the outset, Mr. Chairman, put to rest perhaps the most preposterous notion that many who oppose our position claim with respect to U.S.-China policy. There is an attempt on the part of many—and many in the administration—to juxtapose a policy of engagement with a policy of isolation.

That is a phony juxtaposition. No one is more committed to engagement with China than I am, and I believe you are, Mr. Chairman. What we are calling for is an engagement which is consonant with fundamental America principles and values. No one in his right mind is advocating isolating 1.2 billion human beings. All of us recognize the enormous importance China will play in Asia and in the Pacific. All of us are hoping for a prosperous, peaceful and democratic China. So, I reject categorically the juxtaposition of engagement versus isolation, however, high the authority may be who is pursuing that line.

Our problem with China, of course, is many fold. Today, we are dealing with human rights. But let me, for the record, state that I am—as I am sure you too, Mr. Chairman—profoundly concerned with China's role in the proliferation of weapons of mass destruction. I am profoundly concerned with the profoundly unfair trade relations between the United States and China—a trade imbalance which this year will exceed $40 billion. I am profoundly concerned with the subtle undermining of political democracy in Hong Kong. I am profoundly concerned with the onslaught on the free and democratic Taiwan. And of course, I am profoundly concerned about outrageous performance of this Chinese regime in Tibet.

Cynical photo opportunities by the President of China—seeking out the most sacred places of American democracy in Philadelphia or Williamsburg or elsewhere—will not suffice to cover up the shameful human rights record of the Chinese government. The record is clear. In addition to the litany of items you mentioned, Mr. Chairman, we will be hearing from my friend Harry Wu concerning the sordid traffic in organs of executed prisoners—one of the shabbiest aspects of China's policy anywhere on the face of this planet.

I have no doubt in my mind that the almost pathological opposition of this regime, to his holiness the Dalai Lama stems from the inherent fear of a sick and valueless system when it is confronted with ultimate moral authority. There is no rational explanation as to why this vast and powerful country of 1.2 billion people with a vast military apparatus should be afraid of a simple Buddhist monk in saffron robes—without a military, without economic power, without anything except his moral authority—which he juxtaposes to the powerful regime in Beijing.

Human rights have, in fact, deteriorated in China in recent years. Our decoupling of most-favored-nation treatment (MFN) issues from human rights—as you, Mr. Chairman, and I and our good friend, Congressman Wolf so ably stated at the time—was a mistake when it occurred. And it is my, perhaps naive, hope that at least in the House of Representatives this next time around we will have sufficient votes with a new coalition emerging—covering the broad spectrum from human rights through the American labor movement to the religious groups—that we might in fact eke out a narrow majority for a victory for the moral position on that issue.

Let me just say in conclusion, Mr. Chairman, that long after the Jiang Zemin's of this world have been thrown on the dump heap of history, the heroes in China's prisons will continue to live in the minds of men and women across the globe who believe in human freedom and dignity, in religious freedom, in the right of people to select governments of their own choosing. This transitory regime will not be here for long in its present from because the people of China are as entitled to live in a free and open and democratically elected society, as are the people Taiwan today and as are the people of Hungary or the Czech Republic or Poland.

It was not too many years ago when those of us who expressed hope that the communist regimes will collapse in the Soviet Union and in the Soviet empire were labeled naive. Naivete is on the other side—mostly on the side of the leaders of the multi-national giant corporations who, for the sake of a few contracts, are ready to swallow all of the principles taught to them in schools here in the United States.

And our great democratic allies are no better. In France, in the United Kingdom and elsewhere, the pursuit of contracts with China is no less vigorous and shameless as it is by multi-nationals headquartered in the United States. But naivete is not on our side. It is on the side of those who hope that making deals with the devil is a long-term proposition for national prosperity.

In the not-too-distant future, I look forward to welcoming to Washington some leaders of China who will view the American shrines of democracy not merely as photo opportunities, but as fountains where they can replenish their yearning for freedom.

Thank you Mr. Chairman.

A TRIBUTE TO OUR SAVIOR LUTHERAN CHURCH ON ITS 40TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Our Savior Lutheran Church, of Centereach, Long Island, as its congregants come together this Saturday to celebrate the 40th anniversary of the founding of this blessed house of the Lord.

Since Our Savior Lutheran Church opened its doors in 1956, its congregants have sought to fulfill the mission that it so proudly declares: "Proclaiming Christ to the Heart of Long Island." I truly believe, as many of my colleagues in this hallowed Chamber do, that our churches, temples, and mosques are the cornerstones of our community, the bedrock on which our faith, values, and sense of purpose rest. For my neighbors in Centereach, a close-knit, family-oriented community in the center of Long Island, Our Savior Church and School has been the spiritual cornerstone that has nurtured and supported their faith and good work that makes this community so vital.

Under the leadership of Rev. Ronald Stelzer, Our Savior Church has flourished as a beacon of Christian faith and good work. Assuming the pastorship in 1984, Reverend Stelzer has helped Our Savior Church grow in size and numbers, to serve more of our Long Island neighbors. Since 1984, the number of parishioners has grown more than threefold, and Our Savior now welcomes an average of 500 congregants each Sunday.

Most impressive has been the creation and subsequent growth of Our Savior School. Founded in 1992 with just 9 students, today the School serves 200 students between kindergarten and the 12th grade. With a growth capacity up to 325 students, Our Savior School offers a superior academic curriculum, deeply rooted in Christian principles and teachings.

So Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring Our Savior Lutheran Church, of Centereach, for its 40 years of devoted service to God and man. We are fortunate to count this wonderful church among the crucial cornerstones of our Long Island community. Through the grace of God, may Our Savior Church continue to grow and flourish, so that it may continue to proclaim Christ to the heart of Long Island and beyond.

INTEGRITY AT THE BALLOT-BOX

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. PACKARD. Mr. Speaker, over the last several days, this House has been asked to consider repeated motions to end the investigation into possible voter-fraud in California's 46th Congressional District during the 1996 election. Unfortunately, our Democratic colleagues have repeatedly tried to make this into a political dogfight. Nothing could be further from the truth.

This investigation has absolutely nothing to do with either candidate in the 46th district election. This investigation is about integrity at the ballot-box and ensuring that the electoral process in America remains genuine.

This is not a partisan issue, this is not a personality issue, and this is not a political issue. Most of all, this should never be made into an issue of race. The investigation into this election is a defense of free and fair elections.

It could happen in California, it could happen in Montana. No matter where it occurs, we have a responsibility to pursue the facts vigorously and ensure that future elections are fair. The Constitution demands it and the American people deserve it.

Mr. Speaker, are we that far removed from our history as a nation to forget the importance free and fair elections? there is no excuse for fraud at the ballot box and there is no excuse for those here in Congress who turn their backs to it.

IN HONOR OF GUST SEVASTOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Gust Sevastos. On Saturday, November 8, 1997 the Chios Society-Chapter No. 7 will gather to celebrate the 84th anniversary of Chian liberation from the Ottoman Turks. During this celebration, the Chios Society will honor Gust Sevastos, a recent recipient of the Chian Achievement Award.

Mr. Sevastos immigrated to Cleveland, in 1958 to live out the American dream. He got married, started a family, and initiated his own business. Mr. Sevastos also began a legacy of distinguished service to the Greek community. Mr. Sevastos became very involved in the Annunciation Church, serving as the president of the church, helping found the Annunciation Greek Heritage Festival and advising a local youth program. In 1987, Bishop Maximos honored Mr. Sevastos with a proclamation for his outstanding service to the church.

During the late 1970's, Gust Sevastos joined the Ohio-West Virginia Chapter of the Chios Society. As a member of the Chios Society, Mr. Sevastos held positions of leadership on both a local and national level. He served six terms as president of his local chapter. On a national level, Mr. Sevastos served as supreme vice president and supreme president. As a member of the Chios Society, Mr. Sevastos helped raise more than $250,000 for the eye clinic and Skilitsio hospital in his homeland; he also helped raise money for the underprivileged in Chios.

Over the years, the Greek Orthodox Church, the Secretary General of the Greek Government, Senator Howard Metzenbaum, the Cleveland Plain Dealer, and the Chios Omogenon Society in Greece have all honored Mr. Sevastos for his distinguished service to the Greek community.

I am proud to know Gust Sevastos and to consider him a friend. He is a remarkable individual, and his contributions to his community—and to the Nation—are noteworthy.

My fellow colleagues, please join me in congratulating Gust Sevastos. Through many years of hard work, Mr. Sevastos has made immeasurable contributions to the people of Cleveland and the Greek community as a whole.

HONORING JOHN N. STURDIVANT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of John N. Sturdivant, whose contributions to our Federal Government and its workers are beyond measure. John died on October 28, 1997 after fighting a valiant battle against leukemia. It is hard for me to believe that such a vibrant and dynamic citizen is gone.

John served as the president of the American Federation of Government Employees [AFGE] since 1988. Since that time, he strengthened this union and ensured that our Federal employees had a much stronger voice in government. John fought to make sure that our civil service received the respect it deserved. When he took over the helm of the AFGE, it was a floundering union without a distinct mission or an activist style. John quickly changed that; it was not long before he was lobbying for amending the Hatch Act to give Federal employees a greater level of participation in the political process.

I often worked closely with John throughout the years and particularly during the two Government shutdowns in 1995 and 1996. I will miss the strong spirit and single-minded devotion that John brought to his mission. John recognized that it is easy for politicians to make Federal employees a faceless symbol of a large bureaucracy and he knew that this was simply unacceptable. Instead, he reminded elected officials at every level that civil servants often work for less compensation than the private sector. In fact, John was the leader who won locality pay for Federal workers to bring their salaries more in line with the private sector.

I know that John will be missed by those he served who were lucky to have his tireless energy working for them. My deepest condolences go to John's family. John will be a friend and advocate that I will never forget. A recent article in the Washington Post clearly illustrates Mr. Sturdivant's contributions to our region and the Federal Government.

[From the Washington Post]

John N. Sturdivant, 59, who as president since 1988 of the American Federation of Government Employees helped lobby Congress to ease a 57-year ban on political activities for federal workers and rallied public support to end two government shutdowns, died Oct. 28 at Inova Fairfax Hospital. He had leukemia.

AFGE, one of the largest federal unions, has about 178,000 active members in 1,100 locals and represents about 600,000 workers in 68 federal agencies. Many have jobs in the Defense Department, Veterans Affairs Department and Social Security Administration. They add up to more than one-third of the federal work force.

Mr. Sturdivant was a primary labor spokesman on Capitol Hill and with the Office of Management Budget, pushing for pay raises and improved conditions and retirement benefits. He worked with legislators to create "locality pay," a salary system that attempts to bring federal compensation into line with the private sector.

Downsizing of government and budget pressures constantly dogged Mr. Sturdivant's effort to preserve federal jobs. After Congress failed to agree on a budget in 1995, and many government operations were suspended, Mr. Sturdivant accused House Republicans of trying to destroy government and denigrate federal workers.

The changes he and other federal labor leaders helped bring about in the Hatch Act three years ago came as unions were launching a multimillion-dollar counterattack on the congressional Republicans. Off-duty federal employees had been barred from political activity that included holding office in a party, distributing campaign literature and soliciting votes.

The Hatch reforms permitted employees to contribute money, attend fund-raisers and volunteer for work such as staffing phone banks.

Mr. Sturdivant, of Vienna, had long been active in Democratic politics, serving on the party's national committee and the Virginia and Fairfax County central committees, and he encouraged his members to get involved.

He also directed AFGE to contribute $300,000 last year to organized labor's blitz against the GOP and assigned 22 of his organizers to get-out-the-vote effort.

This month he received the Spirit of Democracy award of the National Coalition on Black Voter Participation.

AFGE is a major affiliate of the AFL-CIO, and Mr. Sturdivant, who was one of the highest ranking African Americans in the labor movement, was vice president of the federation's executive council. He also was a trustee of its George Meany Center for Labor Studies.

ALF-CIO President John Sweeney said this year that Mr. Sturdivant had been at the forefront of helping the federation "focus more on diversity in the labor movement and in leadership development."

Mr. Sturdivant also was a member of the National Partnership Council, a Clinton administration initiative to improve labor-management relations in the executive branch. He came in for criticism after the 1996 election when he asked his staff to compile a list of career officials who could be "identified" as opposing the Clinton administration's labor-management policies. At the time, efforts where underway to reinvigorate the council concept, which had helped reduce the number of union grievances at some agencies.

Mr. Sturdivant fought against privatization of government work, which threatened to reduce the ranks of AFGE-represented employees by one-fourth. But this year he announced that AFGE had negotiated its first contract to represent employees of a private contractor, Hughes Electronic Corp. Hughes took over the work of the closed Naval Air Warfare Center.

While the union continued to oppose contracting federal work, Mr. Sturdivant said that where the battle was over individual agencies, "our policy is to pursue the work."

Labor Secretary Alexis M. Herman said yesterday that Mr. Sturdivant had been "one of the labor movement's brightest lights" and "one of its most articulate advocates for working families."

Mr. Sturdivant was born in Philadelphia and raised in Bridgeport, Conn. He was a graduate of Antioch University, and he studied law at George Washington University. He served in the Air Force.

He went to work for the government in 1961 in Winchester, Va., where he was an electronics technician with the Army Interagency Communications Agency, later part of the Federal Emergency Management Agency. He was president of the AFGE local in Winchester for eight years before being appointed to the national staff of the union in Washington.

He was organizing director and administrative assistant to two AFGE presidents in Washington and then was elected executive vice president in 1982. The union was on the brink of bankruptcy when he defeated Kenneth T. Blaylock, a 14-year incumbent, in 1988. Mr. Sturdivant imposed an austerity program, collected delinquent dues and was soon able to announce that he had balanced the budget.

He was reelected to a fourth term as president in August, along with Secretary-Treasurer Bobby L. Harnage, who will succeed him.

Mr. Sturdivant's marriage to Muriel T. Sturdivant ended in divorce.

Survivors include his companion, Peggy Potter of Vienna; a daughter, Michelle Sturdivant of Alexandria; his mother, Ethel Jessie of Bridgeport; and a brother, a stepbrother, and a sister.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. WALTER H. CAPPS, REPRESENTATIVE FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. HAMILTON. Mr. Speaker, I rise today to pay tribute to Congressman WALTER CAPPS.

It was with shock and great sadness that we learned last evening of WALTER's sudden death.

WALTER enjoyed a remarkable career as a professor, teaching religious studies for 33 years at the University of California in Santa Barbara before coming to Congress in 1996.

WALTER loved being in Congress. He loved his work. He loved serving the people of the 22d District. He felt that he had spent his whole life preparing for this work. He was right.

WALTER had all the markings of a superb legislator. He combined a keen intellect with good judgment and a deep compassion for people. He was an extraordinary member of the freshman class. He was an extraordinary Member of Congress by any standard.

WALTER was fond of quoting a teaching from the Talmud: That we do not see the world as it is, but rather we see the world as we are. WALTER saw the world as a man of deep moral convictions. He brought that perspective to everything he did, whether it was fighting for human rights or just improving civility and bipartisanship in this institution.

In September of this year, WALTER managed the resolution that the House took up following the death of Princess Diana. He spoke with eloquence about her life. "To live in hearts we leave behind is not to die," he said, quoting from the poet Thomas Campbell. Heavy as our hearts may be today, we are ennobled by his presence. We are diminished by his passing.

I would like to extend my deepest sympathies to WALTER's family, his wife, Lois, and his children, Lisa, Todd, and Laura; to his staff; and to his constituents. He was a marvelous man, and I will miss him.

IN RECOGNITION OF TOM FLAHERTY AND CHATHAM HIGH SCHOOL

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. DELAHUNT. Mr. Speaker, I am proud to recognize Tom Flaherty, a constituent of mine from Eastham, MA, who has been actively involved in the government-sponsored civics education program known as "We the People." This program focuses on teaching students the importance of the freedoms guaranteed in our Bill of Rights and Constitution.

Each year, this program brings together high school students from across the Nation. In the spirit of competition, they test their knowledge of the Constitution and Bill of Rights learned through the "We the People" program. The program focuses on ways to challenge students to learn in creative and innovative ways, which make learning fun and help students retain what they have learned. They then have the opportunity to showcase their knowledge at the local, State, and national level.

Tom is a history teacher at Chatham High School on Cape Cod who also serves as the district coordinator of the "We the People" Program for the Tenth Congressional District of Massachusetts. His most recent competition this past spring yet again yielded winning results as his team returned to the national level, winning the category for "Best Team for Expertise on the Extension of the Bill of Rights." I was proud to welcome students and a teacher who are so committed to learning the fundamental fabric of our Nation's government.

Most recently, Tom also participated in the Civitas Program, which is jointly run by the U.S. Department of Education and U.S. Information Agency, along with teachers from the Council of Europe. This project seeks to provide teachers in Bosnia and Herzogovina with the tools to prepare students and their communities to be responsible citizens through participation in elections and by becoming actively involved in the political process. Tom went through an intensive 2-week program to train over 500 teachers throughout Bosnia and Herzogovina with materials and methods developed from "We the People" to educate and teach democratic principles.

Traveling to a war-torn area to help construct the fundamental building blocks for a burgeoning society truly shows Tom's commitment to our democratic principles and his genuine dedication to teaching these principles. Mr. Speaker, I commend Tom and his Chatham High School class for their passion for learning and hope they both realize they may be directly helping to build democracy in Bosnia and Herzegovinia.

A TRIBUTE TO FRANK AND BETTY STARK

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. BLUNT. Mr. Speaker, I rise today to honor Frank and Betty Stark of Stafford, MO, who Roseann and I have known for many years. Frank and Betty are the founders of Raceway Ministries a unique ministry designed to share the Gospel with race car drivers, their families, crew members and fans. Just as someone is called to the mission field in another country, I believe that the Starks were called to minister to those in auto car racing.

Race car driving is one of American most popular and competitive sports. Racing demands much of its participants the drivers, the crew members and members of the driver's family. As with any sport everyone goes out to win and expends a tremendous amount of effort to make it happen. Given the tension created in preparing for a race and the enormous disappointment for those who do not win, it is easy to see why there is a need here to talk about faith based in Christ.

Frank and Betty have helped to organize worship services at 13 of the 19 NASCAR Winston Cup racing events. Full-time ministries have been established at the Talladega Super Speedway, Atlanta Motor Speedway, and at Daytona. Frank's efforts inspired others to establish similar ministries at other race car tracks. In southwest Missouri alone he has helped to place six chaplains at three area race tracks. He served as the chaplain for the Automobile Racing Club of America [ARCA] for a decade and, in 1996, they awarded him the Bondo Mar-Hyde Spirit Award. The Southern Baptist Convention, Home Mission Board recognized him as well with the Ken Prickett Award for creative and innovative ministries.

Roseann and I have been grateful for Frank and Betty and their friendship through the years. They have been a model of selfless service to others in the spirit of Christ. Thanks Frank and Betty for setting a great example.

SCOPE TAKES ACTIVE ROLE IN REDUCING CRIME IN SPOKANE COUNTY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. NETHERCUTT. Mr. Speaker, I rise today to commend the Sheriff's Community Oriented Policing Effort [SCOPE] for its service to Spokane County in Washington State. This innovative and proactive volunteer program, coordinated by the Spokane County Sheriff's Office has energized citizens and empowered them to take an active role in reducing crime in the unincorporated and rural areas of Spokane County.

SCOPE trains and supports civilian volunteers in many aspects of law enforcement. Citizen patrols, fingerprinting, school watch, vacation watch, radar control, graffiti management, critical response, parks patrol, and domestic violence teams are just some of the services provided by SCOPE volunteers.

I would like to specifically recognize several SCOPE volunteers for their work leading to the apprehension of two serial burglars in the Spokane Valley. The following volunteers were directly involved in the SCOPE effort: Heinz Thiemann, Bob Burke, Don Chatterton, Brian Nam, Gerry Erickson, Mary Fry, Tom King, June King, Jan Geiger, and Billie Evers.

Mary Potts, Ruth Ottmar, Anne Lasalle, Jim Hoffman, Terry Carver, Scope Coordinator, Lt. Gary Watterhouse, Deanna Horman, Ed Jackson, Bob Jesse, Karl Lamont, and Clyde Starr.

These men and women who sacrifice their time and labor to make their community a safer place serve as examples for the rest of us and are deserving of our respect.

A TRIBUTE TO JOHN T. MOONEY ON HIS BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a very good friend from Chicago, IL, who is celebrating a special birthday on November 2.

Mr. John T. Mooney has lived a remarkable and fulfilling life. He served admirably as a soldier during World War II in the 2d Armored Cavalry Division and was part of the wave of brave Allied soldiers that participated in the successful invasion of Normandy. For the injuries he sustained during the treacherous and fierce fighting at Normandy, Mr. Mooney was awarded the Purple Heart. He was also awarded three overseas service bars, the American Campaign Medal, the European-African-Middle Eastern Ribbon with one silver star, the Good Conduct Medal, and World War II Medal for his participation in three other campaigns. Recently, Mr. Mooney and thousands of his comrades have been honored by the Regional Council of Normandy with the Jubile de la Liberte Medal, a decoration commemorating the 50th anniversary of the Battle of Normandy.

In addition to his patriotic service during World War II, Mr. Mooney has spent his entire life working to make his community a better place to live. He worked as a glazier in the private sector for 20 years and another 15 years in the same capacity with the Chicago Park District. Mr. Mooney first became involved in local politics as a precinct captain. In my capacity as an alderman and the committeeman of the 23d ward, he has assisted me as a district leader, community leader, and later as deputy committeeman of the 23d Ward Democratic Organization. When I first entered Congress, Mr. Mooney served as my administrative assistant and then my chief of staff. I was fortunate to have him assist me in opening a district office, setting up a Washington office, and assembling a staff. As an original member of my staff, I will be forever thankful for his hard work, dedication, and integrity. Today, Mr. Mooney remains an important part of the success of the 23d ward Democratic Organization by serving as its treasurer.

Most importantly, John Mooney is a dedicated family man and churchgoer. He was married to the late Gladyce for 47 fulfilling years. They have one daughter, Pamela, and a son-in-law, Tim Dryden. Mr. Mooney also extends his time and assistance to the various endeavors of St. Daniel the Prophet Catholic Church. Mr. Mooney and his family have been life-long residents of the southwest side of Chicago.

Mr. Speaker, I salute John Mooney for a truly remarkable life. I congratulate him on achieving this great milestone, and I extend to him my best wishes for many more healthy and happy years to be shared by his family and friends. He has a spirit that will never grow old. May this special day remain with him throughout the coming year.

TRIBUTE TO SGT. WILLIAM S. KEIGHLY ON HIS RETIREMENT FROM LAW ENFORCEMENT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. KLINK. Mr. Speaker, I rise to honor a good friend and retiring member of the Pennsylvania State Police. Sgt. William S. Keighly of New Wilmington, PA, retired on October 3, 1997, after more than 28 years of service to the State of Pennsylvania.

Sergeant Keighly's career spanned four decades and during that time he distinguished himself through performance and meritorious achievements. In addition to serving as a law enforcement officer, he also was an instructor at Indiana University of Pennsylvania.

Sergeant Keighly's career began as a patrol trooper in 1969. During his tenure, he held positions varying from criminal investigator to organized crime task for commander, to the position of station commander at the Mount Jewett State Police barracks where he oversaw the operations of the entire facility.

His accomplishments during his assignments were invaluable and his commitment to specialized training further emphasized his dedication to his profession. Mr. Speaker, Sergeant Keighly has earned the respect and admiration of all involved in law enforcement in the State of Pennsylvania. He is a credit to the people of New Wilmington, the residents of Lawrence County, and to all of my constituents in the Fourth Congressional District.

Sergeant Keighly, I would like to thank you for your service, and wish you the best of luck in your retirement. You've earned it.

IN RECOGNITION HARRY M. ROSENFELD

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. MCNULTY. Mr. Speaker, one of the benefits of serving in this body is the opportunity to pay tribute to citizens who make positive contributions to their communities and their professions.

One such citizen is Harry M. Rosenfeld, the editor-in-large of the Albany Times Union and one of this Nation's most highly respected journalists. Mr. Rosenfeld, who is one of my constituents, has enjoyed a long and illustrious career. He came to this country as an immigrant, was educated at Syracuse University, served his Nation proudly during the Korean War and embarked on a career in newspaper work.

Mr. Rosenfeld served as foreign editor of the New York Herald-Tribune. He then moved to the Washington Post, where he directed the coverage of the Watergate story that earned the Post a much deserved Pulitzer Prize.

In 1979, Mr. Rosenfeld came to the New York's capital district to serve as editor-in-chief of the Albany Times Union and Knickerbocker News. During his tenure as editor, the newspaper won countless awards for general excellence and community service.

Mr. Rosenfeld retires from journalism at the end of this week. For nearly a half-century, he has served as the living embodiment of the loftiest principles of his profession. In his community and in his industry, he enjoys a well-earned reputation for integrity and undying devotion to the highest standards of his craft.

Because of Harry Rosenfeld's commitment to honest, courageous reporting as the foundation of responsible journalism, he leaves his community a better place. I am proud to salute my friend Harry Rosenfeld for his distinguished journalistic service to the cause of democracy.

TRIBUTE TO THE HONORABLE SHARON L. GIRE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. BONIOR. Mr. Speaker, I have had the pleasure to call Sharon Gire my friend and my State representative for many years. She is someone who has dedicated her life to serving the people of Michigan. Sharon was honored by her friends and colleagues in Clinton Township on October 29, 1997.

The State of Michigan has been fortunate to have Sharon Gire serve as a State representative since 1987. She has brought to this role a passion for social justice, consummate political skills and an unselfish commitment of time and energy. Sharon has been a fighter for our children and families. As chair of the education committee, Sharon puts politics aside and children first. Just recently, she organized a bipartisan effort to improve Michigan's high school proficiency test. In 1994, under her able leadership a special committee developed a 14 bill package on domestic violence that was signed into law helping millions of women and children deal with the pain of domestic abuse.

Sharon has not only been active in Lansing, she is deeply involved in Macomb County. Sharon had been an active member in organizations such as the Clinton Township Goodfellows, the Mount Clements Art Center, Macomb County Child Abuse and Neglect Information Council, Vietnam Veterans Chapter 154, and the Democratic women's caucus. Throughout the years, she has worked on issues that concern children, seniors, veterans, substance abuse and environmental causes. Sharon's expertise, developed from her work in counseling and social work, has given her a special talent for helping people.

Throughout the years, I have had the pleasure to work with Sharon on many issues and projects. She is a problem solver and strong leader. Few people have given to their community as Sharon has given to hers. Her vision and dedication has touched the lives of many people. I want to congratulate Sharon on her very distinguished career in the legislature. We will miss her very much in the State legislature but I am confident Sharon's vision will continue to touch our lives. I wish Sharon and her husband Dana all of the best and I look forward to working with them on many valuable projects in the future.

A TRIBUTE TO THE EASTERN CAMPUS OF SUFFOLK COUNTY COMMUNITY COLLEGE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Eastern Campus of Suffolk Community College as its students, professors, administrators, and friends celebrate the college's 20th anniversary of providing higher education to the communities of eastern Long Island.

Opened in 1977 on a 192-acre site in the rural Pine Barrens region of Southampton Town, near the Suffolk County seat in Riverhead, the Eastern Campus is the third and smallest campus of Suffolk County Community College system. But the dreams of those students who attend this 2-year institution of higher education are no smaller than those attending the most prestigious Ivy League school. For the past 20 years, the Eastern Campus of SCCC has provided a glorious opportunity to the diverse mix of students from the rural and suburban communities of Eastern Suffolk County to receive their college degrees and achieve their personal dreams.

The diversity of the Eastern Campus' student body is as deep as it is wide, ranking from those who have just graduated high school to a growing number of returning adults—be they displaced workers or former homemakers—who seek the advanced skills needed in today's marketplace. What they possess in common is a commitment to education and the work ethic as the path to a better life.

The dedication is evident in the 34 percent of students who work full-time while attending the college, and the 27 percent who drive more than 21 miles to attend classes at the Southampton campus. To serve this diverse range of students, the Eastern Campus of SCCC offers a wide array of 2-year associates degrees from accounting to technology, early childhood education to restaurant management.

Mr. Speaker, I ask that my colleagues in the U.S. House of Representative join me in honoring the Eastern Campus of Suffolk Community College on this special 20th anniversary celebration. We on eastern Long Island take special pride in our commitment and support for education, and we are privileged to have the Eastern Campus of Suffolk Community College here in our backyard, providing our family and neighbors with the opportunities they need to better themselves and make our community a better place for all of us to live and work.

FINISHING THE JOB OF REFORM IN LATIN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from October 1997 entitled Finishing the Job of Reform in Latin America.

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

FINISHING THE JOB OF REFORM IN LATIN AMERICA

The President's recent trip to Latin America highlights the striking changes in relations between the United States and its neighbors in the hemisphere. There were no glaring disputes or major anti-American protests. There were many points of agreement between the President and his counterparts in the countries he visited—Venezuela, Brazil and Argentina. Reform has taken hold in Latin America, but much remains to be done to finish the job.

Democracy and free markets. Democracy and free markets—long time U.S. foreign policy goals for the region—have become the norm throughout Latin America during the past decade. These changes have had tangible benefits: U.S. exports to Latin America are growing twice as fast as those to any other region of the world.

In Venezuela, President Caldera has restored confidence in a government previously riddled by scandal. An emerging oil industry is rapidly absorbing U.S. investment and produces more oil for U.S. consumers than any other country. Through fiscal and monetary discipline, Venezuela is beginning to tame corruption and inflation.

In Brazil, military regimes are gone, replaced by and an elected president and an independent Congress. The Brazilian economy is the eighth largest in the world, and by far the largest in Latin America. No longer constrained by Brazilian protectionism, $7 billion in direct investment poured into Brazil from the United States last year alone. Brazil's 160 million consumers bought more U.S. goods last year than did China.

Argentina has also replaced military juntas with a succession of elected presidents and legislatures. Argentina's military—once a law unto itself—is now a model for international cooperation and participation in peacekeeping operations. President Clinton designated Argentina a major non-NATO ally based on its impressive peacekeeping record and responsible international role.

Incomplete reform. Reform in Latin America is not yet complete, and the progress made so far is fragile. Corruption continues to hinder investment and benefit the well-connected. Narcotics remains a dangerous and costly problem. Journalists do not have the freedom to expose official corruption, and justice systems lack credibility. Poverty and vast disparities of income still threaten economic reform and play into the hands of antidemocratic forces. These problems are widespread, and are especially evident in Colombia, where guerrillas threaten democracy, and Peru, where the greatest threat to democracy is the president.

U.S. Policy. The U.S. needs to take a cleareyed view of both the achievements and shortcomings of reform in Latin America. Our policy toward the region should work to consolidate the substantial gains in democracy and civilian control of the military. Yet we need to do more to address narcotics, corruption, human rights abuses, and income disparities. U.S. leadership and sustained interest in the region can strengthen reformers and help move Latin America toward further reform.

First, the United States must lead on free trade and economic integration in the hemisphere. Opening Latin America's economies is the most important step we can take to help create a new middle class in Latin America and consolidate democracy. To make U.S. leadership on trade possible, Congress must grant the President fast-track negotiating authority and approve trade parity for the Caribbean economies.

Closer trade ties and market reforms will also help address the most critical internal problem in the region: low living standards and vast social economic disparity. Trade and liberalization will foster economic discipline and reduce inflation, which hurts the poor the most. They will also free up resources spent previously on inefficient state industries, providing funds to implement additional reforms in education and social programs. President Clinton should urge his fellow leaders to implement such reforms when he meets with them at the Summit of the Americas next year in Chile—having fast-track authority will boost his ability to do so.

Second, the United States must work more closely with its partners in Latin America. U.S. unilateral action—as with the Helms-Burton law on Cuba—undermines cooperation, and stands in stark contrast to the cooperative successes we have had elsewhere in the hemisphere. We need multilateral cooperation to address our common problems, including corruption, arms trafficking, environmental degradation and the flow of narcotics.

Narcotics not only lead to misery in North America, but are a leading source of corruption and a threat to democracy in Latin America. The issue can only be addressed as part of a multi-faceted U.S. policy of regional cooperation. To promote such cooperation, Congress should repeal the certification statute, which requires the President to sanction countries that don't measure up to U.S. counter-narcotics standards. That statute has outlived its usefulness.

Third, the United States should redouble efforts to strengthen the rule in Latin America. These advances depend on the political will of the region's leaders, but U.S. technical assistance programs can provide the support necessary once leaders decide to let independent institutions operate.

Fourth, regional and international organizations should be strengthened and encouraged to support reformers and build a consensus on democratic reform. The Organization of American States can play a central role in promoting press freedom, and the U.S. should encourage the Inter-American Development Bank to support educational reform and small enterprise.

Conclusion. Latin America has come a long way in a short time, much to the benefit of the United States. The President's trip put an important focus on the region, and the challenge now is to sustain the attention of U.S. policymakers. With strong support for reform from the United States, the region can consolidate the gains we have so long sought and help create a more stable, democratic and prosperous Latin America.

TRIBUTE TO RONALD BROOKS WATERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. McINTYRE. Mr. Speaker, I am honored to pay tribute today to Mr. Ronald Brooks Waters of Lexington, SC, who displayed extraordinary courage and self-sacrificing assistance in the capture of two accused murderers in Cumberland County, NC.

On September 23, 1997, Cumberland County Sheriff's Deputy David Walter Hathcock and Highway Patrol Trooper Lloyd Edward Lowry were slain while attempting to apprehend two individuals who were operating a stolen vehicle. Mr. Waters was traveling north on Interstate 95 and witnessed the brutal shootings. He repeatedly put his own life in danger in order to relay valuable information to law enforcement personnel which led to the capture of these two armed and dangerous individuals. On two occasions, the suspects attempted to shoot him at point blank range. Had the weapon not jammed, Mr. Waters would surely have been wounded. Yet, through all of this, Mr. Waters displayed great courage as he continued to provide information that led to the capture of the suspects.

Mr. Waters is to be commended for his heroic actions, and I urge my colleagues to join me in recognizing and honoring this outstanding citizen who went above and beyond the call of duty with his self-sacrificing assistance to the Cumberland County law enforcement personnel.

FAST TRACK AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. WAXMAN. Mr. Speaker, I appreciate this opportunity to share with my colleagues the reasons I am unable to support H.R. 2621, the Reciprocal Trade Agreement Authorities Act of 1997.

I support the principle of granting fast track authority to President Clinton to negotiate new trade agreements. Since our markets are the most open in the world, we have the most to gain by international agreements that pry open markets in countries with protectionist policies. In addition, we are uniquely positioned to forge relationships with our neighbors in this hemisphere that can help raise their standards of living and provide a significantly larger consumer base for our goods and services. Finally, since Mexico and Canada now enjoy special trade status with the United States under the North American Free Trade Agreement [NAFTA], it would seem illogical to deny a similar arrangement to other countries in the region.

Unfortunately, however, the debate on trade policy no longer encompasses simple unfair dumping and tariff barriers. Trade negotiations now have a direct impact on our country's ability to maintain strong health and environmental standards because these standards can be challenged as trade barriers.

The fast track language under H.R. 2621 is more regressive than that held by previous administrations and further restricts the authority of the President to negotiate trade agreements that include domestic and global environmental objectives. In addition, the language on food safety standards could reduce levels of risk to an international lowest common denominator. Third, the language would entitle companies to collect compensation if unjustified nontariff barriers restrict their activities. Since many environmental and health regulations have been interpreted as nontariff barriers to trade, governments could be required to compensate companies when public health and welfare regulations hinder capital flows. And finally, my longstanding concern that the broad rulemaking authority of international trade bodies is not instituted in a transparent, democratic manner has not been adequately addressed.

DIRECTLY RELATED TO TRADE LANGUAGE WOULD THREATEN ENVIRONMENTAL SAFEGUARDS

Since the fast track procedure was established in 1974, Presidents have been granted broad discretion to negotiate and include in fast tracked bills any terms the President has judged necessary or appropriate. Unfortunately, H.R. 2621 severely constrains President Clinton's ability to negotiate environmental, health, and labor provisions in trade agreements and leaves open to challenge many of the environmental and health protections we already have in place.

Under section 102(a)(2) of H.R. 2621, labor and environmental measures are considered overall trade objectives only if they are directly related to trade and decrease market opportunities for U.S. exports or distort U.S. trade. Under this legislation, funding for border clean-up projects, worker safety objectives, infrastructure and right-to-know requirements, enforcement of multilateral environmental agreements, and human rights standards would not be part of a trade agreement.

Further, even if the President wanted to negotiate an environmental provision, section 103(b)(3)(b) would prohibit its inclusion in the fast track implementing legislation unless it were necessary for the operation or implementation of the U.S. rights or obligations under such trade agreements.

In addition, the 1988 fast track language included "reducing or eliminating barriers, taking into account domestic objectives such as legitimate health and safety * * *" as a goal for trade in services and foreign investments. H.R. 2621, however, would "reduce or eliminate barriers to international trade in services including regulatory and other barriers that deny national treatment and unreasonably restrict the establishment and operation of service suppliers." (Section 102.2)

H.R. 2621 simply fails to protect our Nation's ability to maintain strong environmental and health standards. Although section 102(b)(7)(B) seeks "to ensure that foreign governments do not derogate from or waive existing domestic environmental, health, safety or labor measures * * * as an encouragement to gain competitive advantage," it contains no enforcement language and provides no incentives for trading partners to establish minimum levels of environmental, health, or safety protections. It also fails to address the competitive advantage that countries without environmental or labor laws would enjoy. Finally, the section contains an escape clause stating that the designation "is not intended to address changes to a country's laws that are nondiscriminatory and consistent with sound macroeconomic development." Consequently, a country could waive its environmental, health and safety laws to attract investment if such an action is considered sound macroeconomic policy.

POTENTIAL FOR LOWEST COMMON DENOMINATOR HEALTH AND SAFETY STANDARDS

H.R. 2621 could potentially invalidate U.S. safety standards and expose Americans to levels of risk set by an international lowest common denominator. This is especially troubling given our experience with NAFTA even though U.S. Trade Representative Kantor assured Congress in 1993 that "each government may establish those levels of protection for human, animal or plant life or health that the government considers to be appropriate."

In addition, the World Trade Organization's [WTO] ruling that rejected the European Union's [EU] ban on hormone-fed beef clearly contradicts that position. Under its ruling, the WTO determined that the EU had not provided a sufficient assessment of the hormone's risk. The EU was forced to accept international standards of risk as defined by the Codex Alimentarius Commission and denied its right to make its own societal determinations of public safety even though it presented credible scientific studies in support of its position.

This case sets a dangerous precedent for other sanitary and phytosanitary judgments on food safety, biotechnology, and food irradiation decisions. It is particularly threatening to U.S. food safety since some Codex standards permit residues of pesticides that have been banned in the U.S. and allows residues of others at much higher levels than the U.S. allows. Codex standards allow higher levels of residue than the U.S. on pesticides like DDT, heptachlor, aldrin, diazinon, lindane, permethrin, and benomyl.

H.R. 2621's provisions would exacerbate this problem by restricting Congress's ability to impose precautionary bans on unsafe products. U.S. domestic legislation has often relied on such precautionary measures to protect the public health and safety. For example, certain medical devices are not allowed on the market until they can be proven safe. H.R. 2621 would shift the burden of proof to consumers and health officials to first prove that devices are not safe before they could be restricted from the market.

Of additional concern is that NAFTA's implementing legislation rewrote poultry and meat safety regulations to allow countries to make food safety inspections if their inspections were equivalent to ours. This language replaced a standard that required inspections to be at least as rigorous as ours. NAFTA and the WTO provide for an equivalency standard, but no formal rulemaking has begun to define equivalency. Unfortunately, food safety protections have been substantially weakened under NAFTA. USDA food safety checks have been reduced to 1 percent at the Mexican border, while Mexican food exports to the U.S. have increased by 45 percent. Equivalency standards are also applied to nonfood standards, performance standards, and good manufacturing practices, which are similarly difficult to evaluate.

Instead of curing these serious problems, H.R. 2621 would endorse the continued erosion of U.S. sovereignty and make it even more difficult for Congress and the President to establish standards of risk that we believe are appropriate, based on sound science, and protect the American people.

EXPROPRIATION OF ASSETS

Another area of concern is the potential for corporations to sue under a takings mechanism for compensation of unrealized profits due to environmental or health regulations. Under article 1110 of NAFTA, the Ethyl Corporation is currently suing the Government of Canada for $251 million worth of damages in a claim that Canada's ban on the gas additive MMT constitutes an expropriation of company profits. MMT is banned in many U.S. States because of its harmful effects on children and its capacity to destroy catalytic converters.

Another case was recently filed against the Mexican Government by the Metal Clad Corporation. That company is suing on the basis that a governmental declaration of a marsh as a nature preserve is an expropriation of the company's potential assets had they been awarded a contract to built a toxic dump in that location.

Section 102(3)(D) of the foreign direct investment provisions of the fast track proposal endorses this takings approach and requires the U.S. to establish standards for expropriation and compensation for expropriation. Under NAFTA corporations are already granted authority to sue governments directly. The Multilateral Agreement on Investment, one of the multilateral agreements that could be covered under fast track authority, would allow business-dominated international arbitral panels to decide whether an environmental regulation is considered a taking of a property. H.R. 2621 would set a new precedent that could require governments to compensate companies if public health and welfare regulations reduce the value of investments, regardless of the impact on public health and welfare.

NO ADEQUATE DISPUTE RESOLUTION MECHANISMS, PUBLIC OVERSIGHT, OR ENVIRONMENTAL ASSESSMENT

During the NAFTA and GATT debates, I strongly supported a transparent dispute settlement that would allow outside parties an opportunity to present the dispute resolution panel with their views in writing. Unfortunately, this proposal was not adopted and the dispute mechanisms remain secret. Amicus briefs and other public comments are not permitted.

An open process for dispute resolution is particularly important because trade agreements can have such a significant impact on public health and welfare. Two American laws—the Clean Air Act and the Marine Mammal Protection Act—have already been changed as a consequence of international trade challenges. And, unlike any other area of international negotiations, decisions are enforceable by the ruling bodies through trade sanctions. Our fundamental rights—ones we have taken for granted in the U.S.—are severely diminished in this process.

Unfortunately, the calls in H.R. 2621 for increased transparency of the process are inadequate. Transparency should include public notice and comment periods for all international trade rulemaking bodies and a legally-binding procedure for Enviromental Impact Assessments [EIA's] for all future trade and investment agreements. Further EIA's should be prepared early enough in the negotiation process to provide for public comment and full review by the negotiators. Final EIA's should accompany the trade bill sent to Congress for fast track review.

While I am unable to support H.R. 2621 for these reasons, I am interested in working with President Clinton and my colleagues on language that would provide the necessary structures to protect the public interest in trade agreements negotiated under fast track authority.

MOTION TO INSTRUCT CONFEREES ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. KOLBE. Mr. Speaker, a considerable amount of misinformation has dominated the 245(i) program debate. I'd like to set the record straight: 245(i) does not give anyone amnesty, it does not undermine the Immigration Reform and Control Act, and it does not jeopardize national security.

Section 245(i) of the Immigration and Nationality Act allows prospective family- and employment-based immigrants to adjust their status to that of permanent residents while remaining in the United States. That's the sole function of the program. The $1,000 adjustment fee that is collected from prospective immigrants is used by the Immigration and Naturalization Service [INS] to provide detention space for criminal aliens, and it pays for INS adjudication staff and improved customer service. Last year, the 245(i) program raised almost $200 million.

I do not favor a permanent extension of the 245(i) program. I do believe, however, that we must help those that have already petitioned for relief under the program. Fairness and humanitarian concerns call for no less. But we must identify a date certain in which no new petitions will be accepted. There appears to be some legitimacy to the claims that petitioners under the 245(i) program enjoy an advantage that other prospective immigrants do not. If we cease accepting new applications yet process all those currently in the system, then from that point forward all intending immigrants would be competing under the same rules. This is fair and equitable, and continues this great Nation's policy of reunification of families.

Therefore, I am going to vote against the motion to instruct conferees. As Ulysses found out, all is not what it appears to be. Such is the effort to instruct conferees. The motion is a not-so-veiled attempt to kill the 245(i) program. The motion would tie the hands of the conferees and limit our negotiating position in conference. We need to be placed in the situation where we can negotiate a reasonable, workable, and prudent solution. In fact, there are thousands of people expecting us to do so.

BRIAN ANDERSON: THE PRIDE OF THE TRIBE AND THE PRIDE OF GENEVA

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. LATOURETTE. Mr. Speaker, today, I rise to salute our beloved Cleveland Indians on an outstanding season, and a gutsy, nail-biting trip through the playoffs and the World Series. It truly was an exceptional series, right down to the edge-of-your-seat, extra-innings' game seven finale. While we all wish we could have enjoyed a different outcome, we have every reason to be extremely proud of this team and all it accomplished this year. We also have reason to be especially proud of one of our hometown heroes, and one of the stars of the 1997 American League Champion Cleveland Indians—Brian Anderson.

Tribe pitcher Brian Anderson grew up in Geneva and graduated from Geneva High School in 1990. He played ball in college at Wright State University near Dayton, and was selected by the California Angels in the first round of the draft in 1993. In fact, he was the third pick overall, and was named the American League's Rookie Pitcher of the Year in 1994 by the Sporting News.

Much to the delight of Anderson's loyal fans, he was traded to the Indians in February 1996, and has proven himself to be one of the Tribe's most reliable pitchers, and is a part of a formidable bullpen that is admired throughout the league. Every young boy who grows up near Cleveland and spends his days playing catch with his dad dreams of one day playing for his hometown team. Brian Anderson not only achieved that dream, he surpassed it this year when he pitched in front of his hometown in the World Series. Each time he stepped on the mound, he displayed the guts, brawn, and tenacity that are the hallmarks of Indians' baseball, and showed the world that he is a force to be reckoned with.

Brian Anderson didn't bow to the pressure of the playoffs or the World Series. Instead, he showed remarkable composure, and didn't seem the least bit fazed by the magnitude of the task that was before him. Two performances in particular stand out—when he pitched 3.2 innings of game 3 of the World Series and gave up just two hits, and when he and Jaret Wright combined for a 6-hitter in game 4.

Brian Anderson and the Tribe had 49 years of cruel history placed squarely on their shoulders this season, as the Tribe has not won the World Series since 1948. Next year, half a century of history will be the burden the Tribe must carry, and it is the belief of Tribe fans everywhere that the Indians will rise to the challenge and assume their rightful place as World Series champions. As a lifelong Tribe fan, it will be a great comfort for Brian Anderson to be a part of the new generation of Indians who will guide us into the next century.

On behalf of the 19th Congressional District, I congratulate Brian Anderson on his exemplary play this season, and I congratulate his folks, Jim and Janice, for raising such an outstanding young man. We all look forward to many more years of witnessing Brian's greatness on the field as an integral member of the Cleveland Indians.

Brian Anderson has made his family, friends, and fans burst with pride, and he is living proof that with hard work and perserverance, and the loving encouragement of a fine family, no dream is too great and the biggest dreams of all can come true.

TRIBUTE TO WENDELL J. CHAMBLISS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. HILLIARD. Mr. Speaker, I rise today before this august body to bid farewell to a young man who has been one of the most outstanding staff members I have employed, Mr. Wendell J. Chambliss, my legislative director. Wendell has been my L.D. for the past 2 years, and in that time he has written for me many excellent pieces of legislation which will benefit Alabama and the Nation for many years to come.

Wendell has worked on Capitol Hill for over 10 years. During that period, he has worked for a U.S. Senator, as well as two Members of the U.S. Congress. Needless to say, he has excelled in all of these positions.

I am afraid that Wendell's reputation as a fine legislative director and attorney has spread far and wide, for as many Congressmen will tell you, the good ones always get hired away from you. The same is true with Wendell J. Chambliss. A big-time, big-city, law firm from Alabama has hired Mr. Chambliss away from us.

Although we will miss the acumen and expertise Wendell Chambliss has brought to our office, we are happy for his family in Alabama, and especially for his wonderful mother, Hilda Chambliss of Alex City, AL.

In closing, allow me to say that this is just so-long and not, good-bye. I am sure that with his wonderful personality, his intellectual acumen, and his acute political instincts, Washington has not seen the last of Wendell J. Chambliss.

TRIBUTE TO THE MEMORIAL SCHOOL OF MAYWOOD

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the Memorial School of Maywood, NJ, a recipient of the prestigious Blue Ribbon Award.

To the Memorial School, I extend my sincere congratulations for its commitment to education and excellence. The students and faculty should feel a tremendous amount of pride for their diligence, outstanding demeanor and teamwork. While the students exhibit a desire for learning, their quest for knowledge is enhanced by the curriculum and extraordinary instruction at the Memorial School. The award could not have been achieved without strong leadership, especially that of Mr. Lex Greenwood, principal of the Memorial School. I also want to congratulate all of the parents of the Memorial School children. Parental involvement creates an atmosphere of support for both children and faculty. Both parents and teachers plant the seeds in our young people for intellectual fruition while helping children to believe in themselves.

I understand the importance of education for all American children. Before I was elected as the representative of the Ninth Congressional District, I told the people of Bergen and Hudson counties that education would be a priority for me in Congress. Please know that I have maintained that commitment. A quality education for every American child opens the gateway to a lifetime of opportunities. And the Memorial School of Maywood, NJ serves as an exemplary learning institution for Bergen County, the Ninth Congressional District, the State of New Jersey, and the United States.

As a recipient of the Blue Ribbon Award, the Memorial School reflects the aims of President Clinton's GOALS 2000 by exhibiting academic excellence and by providing examples of outstanding programs and practices. The Blue Ribbon Award officially recognizes that the Memorial School has an outstanding teaching and student environment, curriculum, teaching faculty, leadership, parent and community support, in addition to organizational vitality. Recognition at a local, State and national level will enable the Memorial School to serve as a model learning institution. Such increased exposure not only makes the Memorial School a microcosm of learning excellence, but boosts public confidence, along with parental and community involvement.

Once again, I wish to extend my congratulations to the Memorial School and look forward to working with the school in the future.

CONGRATULATIONS TO JUANITA HAUGEN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to extend my heartfelt congratulations to my constituent and friend Juanita Haugen from Pleasanton for serving as the California School Board Association's president for the past year.

We are extremely fortunate to have someone as dedicated as Juanita Haugen serving in the 10th Congressional District. I applaud her for her continuous efforts on behalf of children and their education in Pleasanton and in the State of California as a whole.

Juanita Haugen has served as a school board member in Pleasanton for over 16 years. A member of the California School Board Association's delegate assembly since 1981, Juanita has sat on a number of the association's committees, including the Legislative Network, Federal Relations Network, Finance, Legal Alliance Steering, and Budget and Resolution. She has chaired the Small School Districts Task Force, the Role of the Board Leadership Committee, the Audit Committee and the Legislative Committee on Restructuring and Reform. Juanita is also past president of the California Suburban School Districts Association and has been a representative of the Association's board of directors since 1989.

She has been the recipient of awards from many civil organizations in Pleansanton. Some of the organizations that have recognized her include the Pleasanton Chamber of Commerce, who presented her with the Excellence in Education Award, and the Soroptimist International of Pleasanton, who presented her with the Woman of Distinction Award.

Though Juanita is leaving her post as president of the California School Board Association, I take great comfort in knowing that she will continue to serve on the Pleasanton School Board. She is an incredible resource, and you can certainly expect me to continue to take advantage of her knowledge. Let me again offer my warmest congratulations to Juanita for her efforts on behalf of the students of California's public schools and the constituents of the 10th Congressional District.

JOHNSON'S BOOKSTORE: A LANDMARK IN SPRINGFIELD, MA, SERVES COMMUNITY FOR MORE THAN 100 YEARS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, it is with mixed emotions that I address this House today as Johnson's Bookstore, a landmark in Springfield for more than 100 years, announced that it will close its doors by the end of the year.

Johnson's Bookstore, a family-run book shop located on Main Street in downtown Springfield, has long been a cultural and literary hub for children, students, and avid readers of all ages. Established in 1893 by brothers Henry and Clifton Johnson, this business has been run consistently by the Johnson family. Committed to the value that the written word has in civilized society, the third and fourth generations of Johnsons embodied Henry and Clifton's legacy by continuing to bring a large selection of quality books and stationary to western Massachusetts.

In addition to the many new releases and best sellers featured in the store, Johnson's Bookstore has brought innovative programs and initiatives to Springfield. The second-hand bookstore at Johnson's was a staple to countless students and bookworms in the area. Johnson's continues to provide the forum for Springfield's native literary talent to shine.

Esteemed authors, including Joseph Conrad, Dr. Seuss (Theodore Geisel), and Robert Frost, and other notable celebrities, including entertainer Whoopi Goldberg and the late Boston Pops conductor Arthur Fiedler have all thumbed through the shelves of Johnson's selections. They now know what those of us in Springfield have known for years; the charm, character and quality of a local, community-oriented bookstore like Johnson's is a treasure in today's modern society.

Mr. Speaker, I rise today both as a Member of this House and as a frequent patron to say goodbye and thank you to Johnson's Bookstore. The legacy you have left in Springfield will last for generations, and you will certainly be missed.

TENTH ANNIVERSARY OF THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. ETHERIDGE. Mr. Speaker, this month we celebrate the National Board for Professional Teaching Standard [NBPTS] 10th anniversary. Since its foundation, the National Board for Professional Teaching Standards has made tremendous strides in recognizing our nation's outstanding teachers and elevating the performance level of our public educators. I am extremely proud that North Carolina's Governor, the Hon. Jim Hunt, who has been committed throughout his esteemed public service career to ensuring that our children obtain a quality public education, was the driving force in the creation of this important organization and has served as the NBPTS chair since the board's creation in 1987.

Prior to the foundation of the National Board for Professional Teaching Standards no national consensus existed as to the criteria for accomplished teachers. The NBPTS recognized that strengthening the quality of our teachers is the most direct action our Nation can take to improve our students' performance. The board created a rewarding professional development program and a stringent certification process for teachers. Thirty two states have incorporated the national board certification process into their school systems. Board certification effectively challenges and encourages talented teachers to stay in the classroom as well as providing an incentive for high caliber new teachers to enter the profession. Governor Hunt exemplifies the mission of the NBPTS, "Ultimately, all learning comes down to what goes on between teachers and students. By raising standards and encouraging teachers to improve, the National board is channeling education improvement into the classroom to benefit students."

After 10 years at the helm of the National Board for Professional Teaching Standards, Governor Hunt is passing the torch to Barbara Kelly, an experienced educator from Maine. I would like to take this opportunity to express my gratitude for Governor Hunt's distinguished leadership of this important organization. Governor Hunt has worked tirelessly in his unprecedented four terms as the Governor of North Carolina to improve the quality of public education in our State and across the Nation. He broke new ground in educational development when he helped ignite the national board, as he has with numerous other education programs in North Carolina and across the Nation. I applaud Governor Hunt's impressive leadership of the National Board for Professional Teaching Standards and his continued dedication to the improving and strengthening educational standards, and thus brightening our Nation's future.

ARMING AND TRAINING BOSNIAN FEDERATION FORCES—MAINTAINING A BALANCE OF POWER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. MURTHA. Mr. Speaker, earlier this month, the article below appeared in the New York Times. It was around this time that I had just returned from Bosnia visiting our troops and U.N. officials. I take exception to the article, which left a strong impression that the United States policy of arming and training the Bosnian Federation Army has reversed the balance of power in Bosnia and created a potent military force that is now capable of crushing the Bosnian Serb forces. An unnamed European NATO commander also is quoted making the irresponsible statement that "the question no longer is if the Muslims will attack the Bosnian Serbs, but when."

I have been involved in military affairs for a good portion of my life having served in the Marine Corps during the Korean and Vietnam wars and on the Defense Appropriations Subcommittee of the House of Representatives since 1979. I have been in Bosnia nine different times over the last 5 years including visits during the war when the UNPROFOR mission was on the verge of collapse. I have discussed our "train and equip" policy in detail with NATO commanders on the ground in Bosnia, with American, British, Bosnian, Croatian, OSCE, and U.N. diplomats, with intelligence analysts in Washington, with the military trainers doing the actual training, and with United States sergeants who patrol the streets of Brcko. I get a far different picture from most of these experts than what was stated in the article.

Most knowledgeable experts agree that the Bosnian Federation army is years away from being an effective fighting force capable of combined arms maneuvers. During the devastating Bosnian conflict, the Muslim army was personnel-rich but equipment-poor. The Bosnian Serb army was the reverse, equipment-rich but manpower-poor. The Bosnian Serb military also enjoyed large advantages in organization, training, leadership, and logistics since the preponderance of the force was from the old Yugoslav National Army. The Muslim army avoided utter defeat only by being able to replace its casualties and fill the gaps faster than the smaller Serb army was able to fully exploit its battlefield successes. But even near the end of the conflict when Muslim forces achieved their greatest success, the weakened Bosnian Serb army was still able to counterattack effectively and retake some key contested areas.

It is too simple to conclude that upgrading Bosnian Federation army equipment and providing a little more than a year's worth of fundamental training will reverse the military balance in Bosnia. The experts I talked to believe the Federation is years away from developing a trained and cohesive army capable of armored maneuvers. They still have not developed a professional NCO corps necessary to any modern army. They have no ability to supply or sustain the equipment they have received. Their officer corps—which is being taught defensive tactics, not offensive tactics—is still in its infancy. They have no intelligence capability and only a fledgling communications system.

While the Bosnian Serb army has been substantially degraded, it is no secret that supplies, modern equipment, and other warfighting assets could quickly become available to them if renewed hostilities broke out, especially if the Bosnian Federation were seen as the aggressor. While morale among the Bosnian Serbs is low at this time and there are deep division, I believe that this would quickly change if they were attacked. Even if the Federation forces were to have initial military success, they know that such early successes could easily evolve into a wider regional conflict in which the Federation would have few international supporters.

This is not to say that we should turn a blind eye towards how the "train and equip" program is progressing. There is wisdom in achieving rough military parity between the adversaries in this region. It would be a serious blunder if, in the name of achieving this parity, we were to actually reverse the balance and create a new military power capable of offensive action that was bent on revenge.

I am satisfied that our experts in the region understand this delicate situation. They are working hard to ensure that the new Bosnian Federation military is a professional, defensive-minded force that understands both its capabilities and limitations.

[From the New York Times, Oct. 3, 1997]

BOSNIAN MUSLIMS SAID TO INTENSIFY EFFORTS TO REARM IN SECRET

(By Chris Hedges)

SARAJEVO, BOSNIA-HERZEGOVINA.—The Muslin-led government in Sarajevo appears to be intensifying a clandestine program to arm and train its military, and senior NATO officials say it is close to—or may already have achieved—the ability to mount a crushing offensive against the Bosnian Serb-held part of Bosnia.

"The question no longer is if the Muslims will attack the Bosnian Serbs, but when," said a senior European NATO commander. "The only way to prevent such an attack, at this point, is for the peacekeeping mission to extend its mandate."

The NATO officials were united in favoring an extension of the NATO peacekeepers' mandate, and none of them suggested that the Sarajevo government would attempt a military offensive with NATO troops still in place. The peacekeepers are scheduled to leave next June, but the Clinton administration, recognizing the slow pace of reconciliation in Bosnia, has recently joined other NATO allies in favoring an extension of the NATO force, which includes American troops.

U.S. congressional opposition, the strength of which has yet to be tested, appears to be the only remaining obstacle to a continued NATO presence that the officials agreed would offer the best chance of averting a resumption of the 1992–1995 Bosnian war. It appeared that the NATO officials willingness to talk about the Muslim buildup was an attempt to influence the debate on Capitol Hill.

NATO aside, all other factors point toward renewed military confrontation. The NATO officials noted that while the Muslims are busy building a formidable military machine, the Bosnian Serb army is imploding under the weight of the current power struggle, a lack of funds, poor morale, a severe shortage of spare parts and high desertion rates.

There have been several indications over the last few weeks that the Bosnian government's secret weapons acquisition program and clandestine training has been stepped up. For example, an Egyptian freighter sailing under a Ukrainian flag sits quarantined under NATO guard in the waters off the Croatian port of Ploce, its hold filled with 10 Soviet-built T–55 tanks, half were to be delivered as part of a secret arms shipment to the Bosnian Muslim army.

All weapons deliveries are supposed to be shared between Muslim and Croatian units in the united force established under the peace accord. The Muslim-Croat force exists largely on paper, however, and NATO officials said the T–55s were to be delivered only to the Muslims.

A spokesman from the State Department's Task Force on Military Stabilization in the Balkans reached in Washington described the impounded weapons as a "procedural" problem that "will be resolved shortly."

But senior NATO officials described the Americans at being angry about the shipment, and said that other shipments have managed to elude NATO monitors and have been delivered. There have been reports in recent weeks of heavy arms shipments arriving in the Croatian port of Rjeka which is not monitored by NATO soldiers as Ploce is, senior officials said.

These officials also said that an Iranian Revolutionary Guard general was posted to the Iranian Embassy in Zagreb, Croatia's capital, and that since his arrival in August he has apparently been working out deals with the Croats to smuggle more weapons to the Muslims. And NATO officials say they have received several intelligence reports of clandestine infantry training for Bosnian Muslim soldiers in Iran and Malaysia.

The clandestine effort to build up the Bosnian army is in violation of the Bosnian peace agreement which sets strict limits on the number of heavy weapons possessed by each side. The rearmament effort comes in parallel to a Washington-backed program, known as "equip and train," that provides instruction and NATO armor and artillery to the Bosnian Croats and Muslims. The $300-million program, which has included the delivery of advanced American tanks two generations ahead of anything in the Bosnian Serb arsenal; has in the eyes of many senior NATO officials including the British, already tipped the military balance in favor of the Muslims.

Senior Russian commanders, who are increasingly nervous about the Muslim buildup against their traditional Serbian allies, recently met with senior Bosnian Serb generals and handed them classified NATO satellite photos of military training camps set up for Bosnian Muslims in an effort to warn the Serbs of the impending debacle, according to Western diplomats.

"The Bosnian Serb generals were stunned," said a senior Western diplomat who was informed of the meeting. "The mood in the room was very black."

The Bosnian Muslims insist that they are only acquiring weapons and training under the strict limits set down by the Bosnian peace agreement and under the guidelines of the "equip and train" program.

"A needle can't get in here without NATO knowing about it," said Mirza Hajric, and adviser to President Alija Izerbegovic of Bosnia, "Anyone who believes this stuff can be smuggled in here is a fool. Apparently the Ministry of Defense did not properly inform the U.S. officials about this ship, but NATO was informed. It is just poor communications. I assume it was a mistake. As far as training goes there is no military training of Bosnians in Iran or other countries. All training is done under equip and train."

NATO strategists, who expect the Muslims to first try to seize the Serb-held lands in eastern Bosnia, say the region could fall "in a matter of days."

"We also expect most all of the Serbs there to be driven into Serbia," said a senior NATO commander, an event that could force Belgrade, even against its will, to intervene. This is a high-risk operation."

The officials also outlined a scenario in which the Bosnian Muslims and Croatia would resume the joint offensive in northwestern Bosnia that they pursued with such success in the final months of the war. The Muslims and Croats recaptured large chunks of territory in August and September 1995 and threatened Banja Luka, the largest town under Bosnian Serb control, before Washington imposed a cease fire. Muslim and Croatian commanders often speak bitterly of Washington's decision to intervene.

Croatia, which has a larger military budget at $1.4 billion than Poland, a much larger country, is as busy rearming as the Muslims, cutting arms deals worth tens of millions of dollars with companies in Turkey and Israel, these NATO officials said.

"The Croats are very interested in getting their hands on western Bosnia," said a NATO official. "The attitude is that they will get whatever they can get now by helping the Muslims drive out the Serbs. They think they can deal with the Muslims later."

Washington's "equip and train" program, despite all the mounting danger signs, plows ahead as if the peace agreement was on the verge of fulfillment. It is touted by Washington as an effort to build a joint 45,000-strong force of ethnic Croats and Muslims. The Bosnia Croats and Muslims are normally part of a federation, but their continued antagonism has so far made a mockery of American efforts to form joint units and commands.

Military Professional Resources, a Virginia-based private contractor that is carrying out the training, has 200 American trainers, all retired U.S. Army officers or noncommissioned officers, currently in Bosnia. Since Aug. 1, 1996, the contractor has trained close to 5,000 soldiers, most of them Muslims under the 70–30 ratio that is supposed to exist between Muslims and Croats in the putative federation army.

The trainers, accompanied by translators, conduct classes on the operation and maintenance of the donated equipment each day at the old Yugolsav tank base in Hadzici, 15 miles south of Sarajevo.

The warehouses on the base, once filled with old Soviet-style tanks, are now occupied with modern weapons, including 45 American M–60A3 tanks, 12 130mm field guns, 12 122mm howitzers, 36 105mm howitzers, 80 M–113A2 armored personnel carriers, 31 French troop transport vehicles, and 31 French armed scout vehicles donated by the United States, Egypt, and the United Arab Emirates.

A factory in Travnik, controlled by the Muslims, is producing about 50 more 122mm howitzers and the United States is scheduled to provide 116 of the biggest guns in its field artillery arsenal, 155mm howitzers.

The federation is permitted, under the quota imposed by the Dayton agreement, to have 273 battle tanks and 1,000 pieces of artillery.

The trainers said the hardware being provided to the federation outclassed anything the Bosnian Serbs could put in the field. The M–60A3 tank's gun has a longer range than that of the T–84, a Ukrainian variant of a Soviet design that is the Bosnian Serbs' best tank.

"This gun can put out four to five rounds a minute with a good crew," said John Reed, 40, from Killeen, Texas. "I would put it up against a T–84 or a T–72 in a minute. It is the best tank in Bosnia."

PERSONAL EXPLANATION

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mrs. KELLY. Mr. Speaker, yesterday, October 29, I was detained for health reasons and missed Rollcall Votes 535 through 544.

Had I been present, I would have voted: "no" on Rollcall No. 535, "yes" on Rollcall No. 536, "yes" on Rollcall No. 537, "yes" on Rollcall No. 538, "yes" on Rollcall No. 539, "yes" on Rollcall No. 540, "no" on Rollcall No. 541, "yes" on Rollcall No. 542, "yes" on Rollcall No. 543, and "yes" on Rollcall No. 544.

In addition, Mr. Speaker, on Rollcall No. 547 today, I was mistakenly recorded as voting "yes". I meant to be recorded as voting "no" on Rollcall No. 547, and I ask that this be reflected in the RECORD.

AMERICA'S OFFSHORE OIL AND GAS INDUSTRY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. ORTIZ. Mr. Speaker, in 1947, on a simple platform more than 10 miles out in the Gulf of Mexico, a thriving industry was born. America's domestic offshore oil and gas industry is a significant and crucial component of the U.S. economy.

The industry came of age as our country was moving from a wartime to a peacetime economy. Companies, trying to meet the enormous public demand for oil and gas during this time, turned their sights from dry land to the frontier just beyond the water's edge and its ensuing problems. Offshore exploration posed new challenges, such as underwater exploration, weather forecasting, tidal and current prediction, drilling location determination, and offshore communications.

Despite the difficulties in such an undertaking, Kerr-McGee Corp. struck oil on a beautiful Sunday morning on October 4, 1947. This monumental event on Ship Shoal Block 32 in the Gulf of Mexico marked the birth of the offshore petroleum and natural gas industry as it is known today. Kerr-McGee was a small yet determined exploration and production company that predicted the eventual outcome of their daring feat and discovered commercial oil in the world's first well drilled in the open water.

Comparisons with yesterday always compel us. Fifty years ago, the cost of the first offshore project exceeded $450,000. Today, the costs can reach around $1.2 billion per project. The first year of production netted 99,371 barrels; today's new deepwater offshore facilities can produce over 100,000 barrels of oil per day. In 1947, the first effort to extract oil from the outer continental shelf occurred 10½ miles from shore in 18 feet of water; today the industry is developing oil and gas reserves over 168 miles from shore in thousands of feet of water.

Today, there are nearly 200 drilling rigs currently producing gas and oil energy for the United States. Since their exploration began, the industry has developed 3-dimensional seismic translation of geophysical data which uses high speed computers to provide scientists a clear picture of energy reserves beneath the seafloor. The industry has also pioneered the development and application of remotely operated vehicles and is at the forefront of the development and use of a satellite positioning system.

So who is driving the advance of domestic offshore industry? It is the men and women of Aker Gulf Marine of Ingleside, TX, who built Shell's record-setting Mars facility. It is the employees of Halter Marine shipyard in Sabine, TX, who specialize in construction, repair and modification of mobile offshore rigs. It is the workers in Chiles Offshore and the AMFELS yard in Brownsville, TX, who are building a jack-up rig capable of drilling in 360 feet of water.

The industry provides nearly 40,000 petroleum-related jobs located offshore and another 46,000 jobs indirectly related to Gulf of Mexico oil and gas operations. As we enter the 21st century, our Nation is facing the challenge of protecting our environment and wisely using our natural resources. I am confident that the offshore industry will continue to provide reliable and affordable energy supplies to meet America's evolving needs. I ask my colleagues to join me in recognizing the 50th anniversary of the offshore industry and the 25th anniversary of the National Ocean Industries Association.

TRIBUTE TO FRIEDA HARDIN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special veteran in my district, Frieda Hardin. On October 18, Yeoman Hardin, a resident of Livermore's veterans center, was one of six featured speakers and one of two female World War I veterans in attendance at the dedication of the new Women in Military Service for America Memorial in Washington, DC.

At 101 years of age, Frieda Hardin may be the nation's oldest living female veteran. She enlisted with the Navy in 1918 at the age of 22, just 2 days after she learned the Navy was accepting women. During the war, she was assigned to Portsmouth, VA, and the Norfolk Navy Yard where she was a Yeoman Third Class working as a clerk checking document receipts in the freight office. At that time there was not yet military housing for women so she lived in a boarding house in town. After the war ended, Yeoman Hardin completed her 2 years of service with the Navy in Bremerton, WA. She went on to raise four children and has since been involved with many veterans' events.

Frieda Hardin is truly a pioneer. At the time she joined the Navy, women were not yet allowed to vote. She did not let that deter her. She wanted, as she puts it, "to do something more, something bigger and better" for herself and her country. She encourages women in the military to "carry on!" and believes they are doing a wonderful job. She is proud to have been able to serve her country and has great admiration for those who do so today. Her speaking role at the dedication of the Women in Military Service for America Memorial is an honor well deserved. She is a role model for women veterans everywhere. I would like to thank Yeoman Hardin for her dignity, courage, and service to our country.

OCTOBER 29, 1997—EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. WALTER H. CAPPS, REPRESENTATIVE FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today to mourn the untimely passing of Congressman WALTER CAPPS.

WALTER possessed great moral integrity and deep rooted religious values which he combined with a devotion to his community and our country. WALTER CAPPS was a community leader, not a career politician. If there were conflicting political differences, WALTER would seek common ground.

On an ideological level, WALTER CAPPS and I were political allies, on a personal level we were good friends and I will sorely miss him. I own a trailer on a hunting ranch in WALTER's district and every time I made it up there, I would try to stop by and visit him. Everybody admired WALTER for his vitality and conviction to issues like quality schools, safe streets, affordable health care, and financial security for the elderly.

WALTER CAPPS brought a fresh perspective to Congress, a desire to improve the lives of his constituents, enrich his community, and restore the bond of trust between our Government and the people. WALTER always believed that our Government should be as good as the people it serves.

My condolences go out to WALTER's wife, Lois, who has lost a great husband, to Lisa, Todd, and Laura who have lost a great father and to the thousands of people who's lives WALTER has touched.

INDIAN POLICE FIRE AT CHRISTIAN RELIGIOUS FESTIVAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. TOWNS. Mr. Speaker, India may dress like a democracy for Halloween, but it is only a costume. That was proven again last week when a Christian religious festival in Ludhiana was shut down by police gunfire.

According to the Tribune of Chandigarh, 19 police and 9 Christians were injured in the incident. Two vehicles were also damaged, the newspaper reported. Those Christians were merely holding a five-day festival on the theme "Jesus Christ is the answer." Is there something wrong with this in a secular democracy? Apparently, the Indian authorities think so.

The festival was met with protests by the Bharatiya Janata Party, Shiv Sena, and the Bajrang Dal. These are militant Hindu political organizations that do not believe in religious tolerance. It was at their instigation that permission to hold the festival was withdrawn. However, when assurances were given that no "magical healing" would occur and no conversions would take place, the festival was allowed to go on.

That's right, Mr. Speaker, the festival was only allowed to take place in the secular democracy of India after the authorities were assured that no conversions would take place. In other words, if people became Christians as a result of what they saw and heard at the festival, then the festival would be closed. Secular democracy in action.

On October 22, activists from the militant Hindu organizations tried to set the festival's location on fire. The electric lights were damaged. These religious terrorists were not punished. No action was taken against them. Is this how India protects its secular tradition?

While this was going on, the Indian regime is attempting to arrest the Jathedar of the Akal Takht, the spiritual leader of the Sikh Nation. Here is another fine example of religious tolerance by the world's largest democracy.

Finally, the Christian festival was closed by the authorities. the attendees then began a dharna, or what we would call a sit-in. For this act of peaceful resistance, the tyrannical forces of Indian theocracy opened fire on them.

Mr. Speaker, such a country is unworthy of the label "democracy." We rightly protest human-rights violations in China, including the mistreatment of Christians, Buddhists, and others. Yet India is 100 times more oppressive than China. We must take strong measures to bring democracy to South Asia by cutting off U.S. aid to this theocratic satrapy, placing an embargo against it, and declaring our support for the self-determination of the Christians of Nagaland, the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, and the other South Asian people and nations struggling for their freedom. We must also include India in any sanctions taken against countries that fail to observe religious freedom. Those measures will stand as our contribution to political, cultural, and religious freedom in South Asia.

I am introducing the story from the Tribune of Chandigarh into the RECORD.

[From the Chandigarh (India) Tribune, July 16, 1997]

DSP HURT IN BRICKBATTING

LUDHIANA, October 26.—The police opened fire in the air and resorted to a lathi charge to disperse an agitated mob of Christians last night as many as 19 policemen, including a DSP and nine Christians were injured in the brickbatting and lathi charge. Two vehicles were also damaged. The Christians had started a five-day programme on "Jesus Christ is the answer" festival from October 22, to October 26 on the Chandigarh Road. They claimed that they were holding their prayers and thousands of Christians were participating in the same. On the other hand BJP activists of the Shiv Sena and the Bajrang Dal objected to the holding of the festival alleging that the Christians were resorting to conversions and indulging in "magical healing." The administration on the first day withdrew permission to hold the festival ,but on the assurance that no magical healing would be done and no conversions would take place, it relented. However, groups opposed to the holding of the festival continued their protest dharna near the venue of the festival. The police had made elaborate security arrangements. According to a spokesperson for the Christians, the district administration yesterday forced them to wind up the festival as tension was brewing up in the town. He said that on October 22 an attempt was made to set the venue on fire and electric lights were damaged. But the administration did not take any action against the rioters. He said as the announcement for the cancellation of the festival was made the youngster started a dharna on the Chandigah Road. The police lathi charged them and chased them to the CMC Chowk were other Christians had collected in protest against the cancellation of the festival. The spokesman said a deputation of the Christians had also met the Chief Minister, Mr. Parkash Singh Badal, at a village in Muktsar district two days ago and apprised him of the situation. The SSP, Mr. Dinkar Gupta, said as many as 19 policemen were injured in the brickbatting. He said the police force was outnumbered at the CMC Chowk and had resort to a lathi charge and open fire in the air to protect themselves.

INDIA SHOWS RELIGIOUS "TOLERANCE" BY FIRING ON CHRISTIAN FESTIVAL AND BEHEADS A CATHOLIC PRIEST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. BURTON of Indiana. Mr. Speaker, once again the mask of Indian "democracy" has slipped off and the grisly reality underneath has been exposed. Just weeks after the state funeral of Mother Teresa earned India fawning media coverage, it has fired on innocent Christians who were merely holding a 5-day festival called "Jesus Christ is the Answer." According to official reports, 9 Christians and 19 police officers were injured.

This unconscionable act of religious tyranny took place after the militant Hindu parties complained of possible conversions of Hindus to Christianity during the festival in Ludhiana, Punjab. India used to have a law against religious conversions of Hindus. Although it claims that this law has been repealed, in practice it is still enforced.

Hindu militant rioters tried to sabotage the festival by setting fire to the soundstage and other equipment. According to newspaper articles, no action was taken against the persons responsible for these acts. Instead, the authorities closed down the festival based on the allegation that conversions were occurring. What kind of "secular democracy" allows its police to shoot at people merely because they may be persuading people to adopt their religious views.

That is not secularism, and Mr. Speaker that is not democracy. It is militant, fundamentalist theocracy of the same kind that operates in Iran.

And finally Mr. Speaker, I sadly report that a Catholic priest was found beheaded in the northern India state of Bihar. This was the third Catholic clergyman killed in the past 2 years in this religion. The colleagues of the Reverend A.T. Thomas said that he was killed for aiding the region's "untouchables." There were further reports that the police in the area were offering a $28 reward for the return of the priest's missing head.

Mr. Speaker, these gruesome facts make it imperative that this Congress continue to support the inclusion of India as a major violator of religious rights in the Wolf-Specter Freedom From Religious Persecution Act of 1997.

I would like to conclude by thanking Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, for bringing these atrocities to my attention. I am introducing the Council of Khalistan's press release and the AP article on this matter into the RECORD.

INDIAN POLICE OPEN FIRE ON CHRISTIAN FESTIVAL JUST WEEKS AFTER MOTHER TERESA'S STATE FUNERAL

WASHINGTON, D.C., October 30—Several police and Christians were injured after police used firearms, tear gas and baton charges to disperse Christians who were holding a five-day festival entitled "Jesus Christ is the Answer" in Ludhiana, Punjab. Indian authorities dispersed the festival by force after allegations that organizers were engaging in conversions of Hindus to Christianity.

Indian authorities allowed the Christian festival only after assurances by organizers that no conversions would take place. However, in the course of the five-day festival, Hindu protests organized by political leaders turned more militant as rioters attempted to set fire to the soundstage and other equipment. It was reported that Indian authorities took no action against the Hindu rioters.

When allegations arose that the Christian festival was actually converting Hindus, Indian authorities closed down the festival. Christians conducted a sit-in protest on the Chandigarh Road. Police responded by using tear gas and batons to beat the protestors, police gunfire was also reported. Official figures place the injuries at 9 Christians and 19 police officers, however, Christian casualties may be much higher.

"This is secular democracy in action," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Unless you are Mother Teresa, this is how most Christians in India are treated." Christians in Nagaland have faced religious and political persecution since Indian independence, over 200,000 Christian Nagas have been murdered since 1947. Punjab State Magistracy and human rights groups have stated that since 1984, over 250,000 Sikhs were killed by Indian security forces. 53,000 Kashmiris have been killed since 1988 and tens of thousands of Dalits, India's dark skinned aboriginals relegated to untouchable status, have also been killed.

"Although the Indian Government has publicly declared that their law against converting Hindus is no longer in force, these Christians were attacked by Indian police because of charges that they were converting Hindus and that should indicate how the Indian Government feels about Christians and about Hindus converting to Christian faith," concluded Dr. Aulakh.

[From the Tribune News Service, Oct. 27, 1997]

DSP HURT IN BRICKBATTING

LUDHIANA, October 26—The police opened fire in the air and resorted to a lathi charge to disperse an agitated mob of Christians last night as many as 19 policemen, including a DSP and nine Christians were injured in the brickbatting and lathi charge. Two vehicles were also damaged. The Christians had started a five-day programme on "Jesus Christ is the answer" festival from October 22 to October 26 on the Chandigarh Road. They claimed that they were holding their prayers and thousands of Christians were participating in the same. On the other hand BJP activists of the Shiv Sena and the Bajrang Dal objected to the holding of the festival alleging that the Christians were resorting to conversions and indulging in "magical healing." The administration on the first day withdrew permission to hold the festival but on the assurance that no magical healing would be done and no conversions would take place, it relented. However, groups opposed to the holding of the festival continued their protest dharna near the venue of the festival. The police had made elaborate security arrangements. According to a spokesperson for the Christians, the district administration yesterday forced them to wind up the festival as tension was brewing up in the town. He said that on October 22 an attempt was made to set the venue on fire and electric lights were damaged. But the administration did not take any action against the rioters. He said as the announcement for the cancellation of the festival was made the youngster started a dharna on the Chandigah Road. The police lathi-charged them and chased them to the CMC Chowk where other Christians had collected in protest against the cancellation of the festival. The spokesman said a deputation of the Christians had also met the Chief Minister, Mr. Parkash Singh Badal, at a village in Muktsar district two days ago and apprised him of the situation. The SSP, Mr. Dinkar Gupta, said as many as 19 policemen were injured in the brickbatting. He said the police force was outnumbered at the CMC Chowk and had resort to a lathi charge and open fire in the air to protect themselves.

[From the Washington Post, Oct. 29, 1997]

PRIEST BEHEADED IN INDIA FOR WORKS

NEW DELHI, INDIA (AP)—A Catholic priest was found beheaded in a forest in northern India, apparently killed for aiding the region's no-caste untouchables, colleagues said today.

A search part from the Australian-run mission that employed the Rev. A.T. Thomas found his decapitated body Monday near Sirka village, three days after Thomas was abducted from the village's meeting place.

He was the third Catholic clergyman killed in the past two years in Bihar, India's least-developed state, where caste-based gang wars have killed hundred of residents in recent years.

Thomas, an Indian working for Province of the Society of Jesus, had established 15 schools and health projects for Harijans, or untouchables, who occupy the lowest rung in the hierarchy of the Hindu caste system.

"He was working for uplifting the Harijans in remote areas. That may have been a threat to the upper castes," the Rev. George Pereira of the Catholic Bishops' Conference of India said in New Delhi.

Police were looking into Thomas' past mediation in land disputes, police Superintendent Bihuthy Pradhan said in Bihar.

The priest earlier had been involved in a successful court fight by the untouchables to cultivate land claimed by upper caste Hindus.

"It looks like an act of revenge," the Rev. Father Phil Crotty said in Melbourne.

Police were offering a $28 reward—a month's wages in that area—for the return of the priest's missing head.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. KIND. Mr. Speaker, today hearings began in the Government Reform and Oversight Committee on campaign finance reform. In the Senate an agreement has been worked out to allow a vote on campaign finance reform before March 6 of next year. On the floor of the House 168 Members, Democrats and Republicans, have signed a discharge petition to bring a vote forward. It looks like campaign finance reform is gaining momentum here in Washington.

I for one am not yet satisfied. There are only a few weeks left before the House adjourns for the year. Next year will be an election year. It will be too late to deal with this issue when we come back next year.

The House leadership needs to commit itself to allowing a vote before we leave this year. Those Members who care about this issue should join me and sign the discharge petition. The recent action on campaign reform is not enough. We must be given a chance to vote on this issue on the floor of the House of Representatives and we must do that in the next few weeks. I refuse to take "no" for an answer.

TRIBUTE TO THE BLACK ARCHIVES, HISTORY AND RESEARCH FOUNDATION OF SOUTH FLORIDA, INC. ON ITS 20TH ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the Black Archives, History and Research Foundation of South Florida, which is celebrating its 20th anniversary on Saturday, November 15, 1997.

This is Indeed a milestone in the history of this organization, given the countless struggles and challenges that ushered its humble beginnings. And as I join my community in recalling the role of Miami's Black Archives Foundation, I also would like to honor Dr. Dorothy Jenkins Fields who serves as the catalyst behind its emergence as a respected institution. Almost singlehandedly, Dr. Fields helped turn around a neglected part of Miami's cultural heritage into a living, breathing lesson about the black experience in south Florida for students, adults, and researchers alike.

In preparation for the celebration of our Nation's 200th birthday, she conceived and developed the concept that hastened the establishment of this cultural institution. Incorporated in November 17, 1977, as a private nonprofit organization, the Black Archives, History and Research of South Florida, Inc. is presently governed by a board of directors and supported by a board of trustees. Funded solely by its members, donations and grants, the foundation is dependent upon its volunteer help.

This institution serves as a manuscript/photographic respository of south Florida's African-American communities. The materials in this repository are collected for educational purposes for users, which include students, teachers, scholars, researchers, the media, and the public-at-large. The memories of the pioneers, family albums, photographs, documents, souvenir programs from churches and organizations are preserved in its burgeoning files. Additionally, it identifies historic sites for nomination to local, state and national designation. As a result of the collected documentation, the historic Overtown Folklife Village and Dade County's Black Heritage Trail came to fruition.

It also works in conjunction with the Dade County public schools by providing content for the infusion of African-American history into existing curriculum utilizing source materials for schoolchildren of all races throughout the school year. It also initiated the restoration of several historic sites including the Dr. William A. Chapman, Sr., residence. Located on the campus of Booker T. Washington High School, the house was restored for reuse as the Ethnic Heritage Children's Educational Center.

One of the more recent joint ventures it worked out with the Dade County public schools is the creation of a districtwide, multicultural and multiethnic research and educational facility for students, teachers, and the community. The objective is to provide opportunities for students at all grade levels to celebrate the rich variety of cultures in Dade County. This program enables students to record the past in relation to the present, as well as ponder the possible events of the coming century.

The documented materials that now form the wealth of the Black Archives Foundation collectively represent a stirring graphic journey into the inner sanctum of some of the most vivid life-experiences of African-Americans in Dade County. The soul-searching representation captivated by its historic documents personify not so much the black destination, as much as the episodic journey of our pioneers to that destination. Together they evoke the truism of a revered African Ashanti proverb that "* * * until the lions get their own historian, the story of the hunt will always glorify the hunter."

Mr. Speaker, I am truly proud of the pioneering efforts and resilient spirit of Dr. Dorothy Fields that nurtured the spirit of the Black Archives Foundation in South Florida. The significance of the role of the foundation is premised on the paradigm in that when you stifle the remembrance of your people's past, you will have silenced the promise of their future. Conversely, however, I am exultant that under the aegis of this revered institution our community has truly become redemptive and knowledgeable of the struggles and sacrifices of our African-American forebears.

As we honor them through the celebration of the 20th anniversary of the Black Archives Foundation, we will have become once again their partners in exploring the journey they have begun. In the convergence of our spirits and memories with theirs, we will be enriched because through our understanding of the many and varied messages they left us through their life journeys, we will be inextricably linked closer to them.

On this occasion I want to congratulate the board of directors and the board of trustees for their steadfast efforts and genuine resilience throughout the Black Archives Foundation's 20-year history. I would like to reiterate our community's utmost gratitude for giving us the privilege of maximizing our knowledge of the vast richness and nobility of our African-American heritage.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall Vote Nos. 546 and 547. Had I been present, I would have voted "aye" on each of these votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SERRANO. Mr. Speaker, I rise in opposition to the motion to instruct conferees and in strong support of immigrants' rights. I believe family reunification should be one of the highest priorities of our immigration policy and that the process of naturalization of legal residents needs to be more efficient. Letting 245(i) sunset would be morally wrong and economically unwise. It would separate thousands of families and disrupt thousands of businesses. Furthermore letting 245(i) sunset is not fiscally sound. The receipts from the penalty fee help pay for important INS activities.

Mr. Speaker, 245(i) is not amnesty. It does not reward those who purposefully broke our laws. Instead, it is for people who are sponsored by close family members or by employers who cannot find eligible U.S. workers, and whose "priority date" is current under existing quotas. It does not change the order in which a person's claim is adjudicated. In short, section 245(i) allows business to keep valued employees and allows families to stay together.

It is just inhumane to force immigrants who have families in this country to leave the U.S. and to apply and wait for their visas in a foreign country. This instills fear and promotes division of immigrant families.

Mr. Speaker, this whole debate is not really about fighting illegal immigration. This is just another attempt by some members on the other side of the aisle to sharply restrict or even eliminate immigration to the United States. Republican members claim they uphold family values. But when it comes to poor families and immigrant families, Republicans have demonstrated time and again that they want to make it more difficult for immigrants who have been living, working, and paying taxes in this country to reunite with their loved ones.

A policy which divides thousands of families of U.S. citizens and legal residents seems preposterous at a time when family unification and family values are a strong concern of the American people.

Immigrants have contributed to the wealth and success of this nation. They are an asset to our nation. I have in the past supported measures aimed at removing barriers to legal immigration and I will continue to do so. I voted for the Family Unity and Employment Opportunity Act of 1990 (P.L. 101–649), the first comprehensive revision of U.S. immigration policy since 1965, which was signed into law by President Bush on November 29, 1990, and which made long-overdue improvements with regard to the admission into the United States of family members of legal residents and highly skilled professionals.

Similarly, last year I voted against H.R. 2202, the Immigration and Nationality Act of

1996, because many of the provisions of the immigration "reform" of 1996 are simply wrong and, furthermore, we have little to fear from people immigrating. Immigrants come to our country to escape the hardships of war and political persecution or to work to improve their lives and those of their families.

We, in turn, benefit from the cultural diversity their inclusion brings to our society and the boost their working, spending, and paying taxes bring to our economy. New York City has been revitalized by newcomers to America.

Mr. Speaker, I ask my colleagues to put politics aside and do justice for these hard working, tax paying, law-abiding people. Vote no on the motion to instruct.

IN SUPPORT OF OXI DAY

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mrs. MALONEY of New York. Mr. Speaker, today I join people of Greek descent in Astoria, NY, the country, and the world in saluting the courageous acts of the Greeks against Mussolini and Hitler. October 28, 1997, marks the 57th anniversary of a very historic day in Greek history.

On October 28, 1940, the Italian Minister in Athens gave an ultimatum to the Prime Minister of Greece, demanding the unconditional surrender of Greece. His answer was "Oxi," which means "no" in Greek.

Military success for the Italians would have sealed off the Balkans from the south and helped Hitler's plan to invade Russia. In fact, the Italian army that was fully equipped, well supplied, and backed by superior air and naval power. They were expected to overrun Greece within a short time.

Fortunately, the Greek Army proved to be well trained and resourceful despite their lack of military equipment. In less than a week after the Italians first attacked, it was clear that their forces had suffered a serious setback in spite of having control of the air and fielding armored vehicles.

On November 14, the Greek Army launched a counteroffensive and quickly drove Italian forces far back into Albania. On December 6, the Greeks captured Porto Edda and continued their advance along the seacoast toward Valona. By February 1, 1941, the Italians had launched strong counterattacks, but the determination of the Greek Army coupled with the severity of the winter weather, nullified the Italians' efforts.

The Italians launched another offensive on March 12, 1941, but after 6 days of fighting, the Italians made only small gains and it became clear that German intervention was necessary if the Italians were going to win.

On March 26, Hitler shouted "I will make a clean sweep of the Balkans." It took him 5 weeks, until the end of April, to subdue Greece. It turned out to be an important 5 weeks, until the end of April, to subdue the Greeks. These 5 weeks delayed Hitler's invasion of Russia and contributed to the Germans failure in Russia.

The victory of the Greek Army against the Italians astonished the world. The heroic stance by the Greeks against insurmountable odds, was the first glimmer of hope for the Allies, and today we can take great pride in those who risked their lives to defend their country.

THANKS TO THE BOYS AND GIRLS CLUB FOR THEIR YEARS OF SERVICE TO HOUSTON

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. GREEN. Mr. Speaker, we celebrate the opening of the Greater Houston Boys and Girls Club on October 14, 1997. When I was younger, I was a member of the Boys and Girls Club. This group gave me the opportunity to find myself and to grow into an adult.

The Houston Boys and Girls Club has been in service since 1952. With this new Shell Branch, we will have a total of five facilities in the Greater Houston area. There is an incredible variety of activities at these centers from basketball to baseball to soccer to arts and crafts. There is something for everyone.

I would personally like to applaud the efforts of the staff and volunteers at the Boys and Girls Club throughout Houston. They bring a strong commitment and dedication that we should all try to emulate.

The Boys and Girls Club strive to instill in our youth a sense of competence, usefulness, belonging and of power and influence.

Their mission takes our community's at-risk-youths off the street and provides them with a safe and positive environment that will lead them toward achieving a brighter future.

The Boys and Girls Clubs build character. It helps our children to realize what is right and what is wrong. It helps them to make better informed decisions. It also helps to build relationships with other people.

Programs such as Smart Moves and Smart Kids—which is an early prevention program has won national acclaim—keeps our young people off the street and away from drug, alcohol and tobacco. Additional Boys and Girls Club Programs provide young people with skills to develop into adults today. While one program—the Power Hour—is an extensive tutoring and education development program, another program—the Keystone Club—is dedicated to providing community and leadership skills to the young. These are just three of many programs offered by the Boys and Girls Club.

With the opening of this fifth facility, we can see the dedication of the staff, volunteers and the community. The Boys and Girls Club is dedicated to developing the youth of this city and making them the best that they can be.

I would ask that we return that same commitment to the Boys and Girls Clubs, and we make the extra effort to help them with whatever they need.

MOURNING THE PASSING OF RESPECTED COLLEAGUE, FORMER MEMBER JOEL PRITCHARD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. GILMAN. Mr. Speaker, today in the House there was a Memorial Service for our former Member, Joel Pritchard, who passed away October 9, 1997. Congressman Pritchard was an outstanding legislator and, more importantly, a wonderful human being. He will be sorely missed by those of us who knew and worked with him.

Joel's legacy will be that of the dedicated work he did on the behalf of his constituents in the first district of the State of Washington. In his six terms on Capitol Hill, Congressman Pritchard was one of America's most valuable spokesman for the environment. His district, which included the region around Puget Sound, is regarded as an environmental gem, even with the rising nearby metropolis of Seattle and its suburbs. Congressman Pritchard's advocacy for our Nation's natural treasures helped instill further an awareness among his fellow Congressmen on this important issue.

I knew Joel Pritchard from the time we spent together on the House Foreign Affairs Committee, where we both served on our Subcommittee for International Operations. His caution and keen eye were a valuable asset in evaluating the policies of the United States in a global setting.

The spirit of Congressman Joel Pritchard will live on in this body, joining the memory of respected leaders of past generations. Mr. Speaker, I invite my colleagues to join with me in extending our condolences to Joel Pritchard's family as we salute this great American who selflessly devoted himself to his country and his community.

MOTION TO INSTRUCT CONFEREES ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my profound disapproval at the proposed agreement reached by Representatives LAMAR SMITH and LINCOLN DIAZ-BALART. This agreement unfairly distinguishes between Central Americans who entered the United States before December 1995 and Guantanamo Haitians who entered the United States during 1991 and 1992.

My disagreement with this proposed legislation is based on the exclusion of the Guantanamo Haitians from the proposed amnesty. It is shocking to find that this proposed law grants relief to Central Americans, without regard to the plight of those 11,000 or more Haitians who were admitted to the United States. After being processed in Guantanamo in 1991.

One of the arguments used to favor the Central Americans is that they are in the United States for political reasons. I believe this is the same argument for the Guantanamo Haitians who fled their country by boat to escape a violent military dictatorship, headed by General Cedras and Michel Francois. Many of them were reportedly killed by this military junta. Those who escaped were intercepted at sea, and were brought to Guantanamo for screening. They were determined to have credible claims for political asylum and were permitted to enter the United States just like the Central Americans.

Besides the Guantanamo Haitians, many other Haitians escaped to the United States in search of peace and freedom. However, they were sent back to Haiti because they were considered economic refugees. Today, even the Haitians who were determined to be political refugees will be deported unless they are given the same consideration proposed for the Central Americans.

Mr. Speaker, the fact is, there is no legitimate reason to discriminate between the Haitians seeking asylum, and the Central Americans who seek asylum. While I commend the Clinton administration's leadership in proposing legislation which provides that the pending asylum applications of Nicaraguans, Guatemalans, and Salvadorans be considered under the standards of the old immigration law, their proposal falls far short of what must be done.

Extending to Haitian refugees the same benefits that we extend to Central American refugees is the only just and moral thing to do. This legislation is flawed and has a double standard penalizing Haitians while favoring Latinos.

As is etched in marble on the U.S. Supreme Court: "Equal justice under the law". This proposed agreement fails this test. I demand equity for all refugees and will settle for nothing less.

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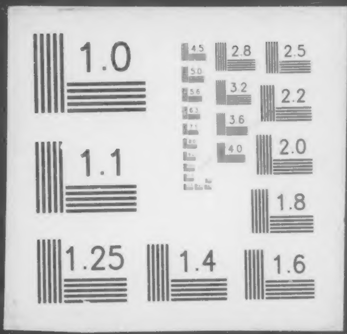
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